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federal register

FRIDAY, OCTOBER 27, 1978

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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
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CSA	CSC		CSA	CSC
	LABOR			LABOR
	HEW/FDA			HEW/FDA

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NOTE: As of August 14, 1978, Community Services Administration (CSA) documents are being assigned to the Monday/Thursday schedule.

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NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

This is a continuing listing of public bills that 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.

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To amend chapter 315 of title 18, United States Code, to authorize payment of transportation expenses for persons released from custody pending their appearance to face criminal charges before that court, any division of that court, or any court of the United States in another Federal judicial district. (Oct. 24, 1978; 92 Stat. 1704) Price: $.60

S. 2493 ..... Pub. L. 95-504
Airline Deregulation Act of 1978. (Oct. 24, 1978; 92 Stat. 1705) Price: $1.80

H.R. 11658 ..... Pub. L. 95-505
To amend title XI of the Merchant Marine Act, 1936, to permit the guarantee of obligations for financing Great Lakes vessels in an amount not exceeding 87½ per centum of the actual or depreciated actual cost of each vessel. (Oct. 24, 1978; 92 Stat. 1755) Price: $.60

H.R. 13767 ..... Pub. L. 95-506
To amend the Federal Property and Administrative Services Act of 1949 to permit the recovery of replacement cost of motor vehicles and other related equipment and supplies. (Oct. 24, 1978; 92 Stat. 1756) Price: $.60

H.R. 11318 ..... Pub. L. 95-507
To amend the Small Business Act and the Small Business Investment Act of 1958. (Oct. 24, 1978; 92 Stat. 1757) Price: $1.00

H.R. 12165 ..... Pub. L. 95-508
To extend until the close of June 30, 1981, the existing suspension of duties on certain metal waste and scrap, unwrought metal, and other articles of metal, and for other purposes. (Oct. 24, 1978; 92 Stat. 1774) Price: $.60

H.R. 11686 ..... Pub. L. 95-509
"Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1979". (Oct. 24, 1978; 92 Stat. 1775) Price: $.70

H.R. 13418 ..... Pub. L. 95-510
To amend the Small Business Act by transferring thereto those provisions of the Domestic Volunteer Service Act of 1973 affecting the operation of volunteer programs to assist small business, to increase the maximum allowable compensation and travel expenses for experts and consultants, and for other purposes. (Oct. 24, 1978; 92 Stat. 1780) Price: $.60

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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-M]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Energy

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The title of the position, Confidential Secretary to the Assistant Secretary for International Affairs, is changed to Confidential Assistant (Secretary) to the Assistant Secretary for International Affairs because the title describes the duties of the postition more appropriately. Appointments may be made to this position without examination by the Civil Service Commission.

EFFECTIVE DATE: May 4, 1978.

FOR FURTHER INFORMATION CONTACT:

James R. Edman, 202-632-4533.

Accordingly, 5 CFR 213.3331(n)(1) is amended as set out below:

§ 213.3331 Department of Energy.

* * * * *

(n) *Office of the Assistant Secretary for International Affairs.*

(1) One confidential assistant (secretary) to the Assistant Secretary.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp., p. 218.)

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

[FR Doc. 78-30183 Filed 10-26-78; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Department of Energy, National Foundation on the Arts and the Humanities

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C certain positions at the Department of Energy and the National Foundation on the Arts and the Humanities because they are confidential in nature. Appointments may be made to these positions without examination by the Civil Service Commission

EFFECTIVE DATE: September 16, 1978

FOR FURTHER INFORMATION CONTACT:

James R. Edman, 202-632-4533.

Accordingly, 5 CFR 213.3331(i)(2) is added and 213.3382(p) is amended as set out below:

§ 213.3331 Department of Energy.

* * * * *

(i) *Office of the Assistant Secretary for Environment.* * * *

(2) One Staff Assistant to the Assistant Secretary.

* * * * *

§ 213.3382 National Foundation on the Arts and the Humanities.

* * * * *

(p) One policy and planning officer and one arts policy specialist to the Deputy Chairman, National Endowment for the Arts.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp., p. 218.)

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

[FR Doc.78-30184 Filed 10-26-78; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Department of the Treasury

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C the position of Executive Assistant to the Secretary because it is confidential in nature. Appointments may be made to this position without examination by the Civil Service Commission. This amendment also revokes the Schedule C exception for the position of Staff Assistant to the Secretary.

EFFECTIVE DATE: September 7, 1978.

FOR FURTHER INFORMATION CONTACT:

James R. Edman, 202-632-4533.

Accordingly, 5 CFR 213.3305(a)(47) is amended and (a)(81) is added as set out below:

§ 213.3305 Department of the Treasury.

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

(47) Two staff assistants to the Secretary.

* * * * *

(81) One executive assistant to the Secretary.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp., p. 218.)

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

[FR Doc. 78-30187 Filed 10-26-78; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

National Endowment for the Humanities

AGENCY: Civil Service Commission.

ACTION: Correction to final rule.

SUMMARY: This amends the description of the Schedule B, § 213.3282 (b)(19) exception which was incorrectly given in the document published in 43 FR 35645 of August 11, 1978.

EFFECTIVE DATE: August 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Tracy E. Spencer, 202-632-4533.

Accordingly, 5 CFR 213.3282(b)(19) should read as follows:

§213.3282 National Foundation on the Arts and the Humanities.

* * * * *

(b) *National Endowment for the Humanities.* * * *

(19) Until September 30, 1980, one Special Assistant for Comparative Cultures, Office of the Chairman. Appointments under this authority may not exceed 4 years.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp., p. 218.)

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

[FR Doc. 78-30185 Filed 10-26-78; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C certain positions at the National Foundation on the Arts and the Humanities because they are confidential in nature. Appointments may be made to these positions without examination by the Civil Service Commission. This amendment also revokes two positions of Special Assistant to the Chairman of the National Endowment for the Humanities.

EFFECTIVE DATE: August 28, 1978.

FOR FURTHER INFORMATION CONTACT:

James R. Edman, 202-632-4533.

Accordingly, 5 CFR 213.3382 (w) and (x) are added and (e) is amended as set out below:

§ 213.3382 National Foundation on the Arts and the Humanities.

* * * * *

(e) One Special Assistant to the Chairman of the National Endowment for the Humanities.

* * * * *

(w) One Assistant Chairman for Institutional Relations, National Endowment for the Humanities.

(x) One Congressional Liaison Officer, one Interagency Liaison Officer, and one Constituency Liaison Officer to the Assistant Chairman for Institutional Relations, National Endowment for the Humanities.

(5 U.S.C. 3301, 3302; E.O. 15077, 3 CFR 1954-58 Comp., p. 218.)

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

[FR Doc. 78-30186 Filed 10-26-78; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment revokes the Schedule A authority for the Indian Claims Commission because the organization no longer exists.

EFFECTIVE DATE: October 4, 1978.

FOR FURTHER INFORMATION CONTACT:

James R. Edman, 202-632-4533.

Accordingly, 5 CFR 213.3199(h) is revoked, as follows:

§ 213.3199 Temporary boards and commissions.

* * * * *

(h) [Revoked].

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp., p. 218.)

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

[FR Doc. 78-30406 Filed 10-26-78; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Department of Agriculture

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the title of the schedule C position of Director, Office of Congressional and Public Affairs to Director, Office of Governmental and Public Affairs and changes the location of the position so that it now reports to the Office of the Secretary.

EFFECTIVE DATE: October 27, 1978.

FOR FURTHER INFORMATION:

On position authority contact: Hugh A. Strehle, Civil Service Commission, 202-632-4625. On position content contact: Sylvester B. Pranger, Department of Agriculture, 202-447-3585.

Accordingly, 5 CFR 213.3313(a)(4) is added and (c)(9) is revoked as set out below:

§ 213.3313 Department of Agriculture.

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

(4) Director, Office of Governmental and Public Affairs.

* * * * *

(c) *Office of the Deputy Secretary.* * * *

(9) [Revoked]

(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. 78-30407 Filed 10-26-78; 8:45 am]

[3410-02-M]

Title 7—Agriculture

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

[Lemon Regulation 170]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period October 29-November 4, 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: October 29, 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 October 24, 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 good on 115's and larger and easier on 140's and smaller.

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 effecuate 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.

§ 910.470 Lemon Regulation 170.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period October 29, 1978, through November 4, 1978, is established at 200,000 cartons.

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

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

Dated October 26, 1978.

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

[FR Doc. 78-30687 Filed 10-26-78; 1:03 pm]

[3410-02-M]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of $23,000 and a rate of assessment of 1½ cents ($0.015) per carton of lettuce for the functioning of the South Texas Lettuce Committee. This enables the committee to collect assessments from first handlers of lettuce grown in the Lower Rio Grande Valley in south Texas and to use the resulting funds for its expenses.

EFFECTIVE DATE: August 1, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: *Findings.* The expenses and rate of assessment specified herein are found to tend to effectuate marketing agreement No. 144 and order No. 971 regulating the handling of lettuce grown in Cameron, Hidalgo, Starr, and Willacy Counties in Texas, and the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), under which the program operates.

These expenses and rate of assessment were recommended by the South Texas Lettuce Committee, established under the order and responsible for its local administration, in an open meeting on October 12, 1978, in McAllen, Tex. All interested persons were given an opportunity to submit information and views on the expenses and assessment rate at this meeting. No objections were offered.

It is further found that it is infeasible and contrary to the public interest to give preliminary notice and engage in public rulemaking, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553). This is because the order requires that the rate of assessment for a particular fiscal period shall apply to all lettuce from the beginning of such period.

The regulation is as follows:

§ 971.218 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1979, by the South Texas Lettuce Committee for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate amount to $23,000.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be 1½ cents ($0.015) per carton of assessable lettuce handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 971.43(a)(2).

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

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

Dated: October 23, 1978.

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

[FR Doc. 78-30414 Filed 10-26-78; 8:45 am]

[3410-34-M]

Title 9—Animals and Animal Products

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

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

PART 78—BRUCELLOSIS

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

BRUCELLOSIS AREAS

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

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

EFFECTIVE DATE: October 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. A. D. Robb, U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, Hyattsville, Md. Room 805, 301-436-8713.

SUPPLEMENTARY INFORMATION: The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they now come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Escambia, Jackson, Washington Counties in Florida.

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21

and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they now come within the definition of a Certified Brucellosis-Free Area in § 78.1(1): Jefferson County in Illinois; Osborne, Seward, Woodson Counties in Kansas.

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

§ 78.20 Certified brucellosis-free areas.

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

(a) *Entire States.*

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

(b) *Specific counties within States.*

Alabama. Dale, Geneva.

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

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

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

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

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

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

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

Kansas. Anderson, Barber, Bourbon, Brown, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Coffey, Comanche, Decatur, Doniphan, Douglas, Edwards, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Jewell, Johnson, Kearny, Kingman, Kiowa, Labette, Lane, Logan, Marion, Marshall, Meade, Mitchell, Ness, Norton, Osborne, Pawnee, Phillips, Pottawatomie, Pratt, Rawlins, Republic, Riley, Rooks, Rush, Saline, Scott, Seward, Shawnee, Sheridan, Sherman, Smith, Stanton, Stevens, Thomas, Trego, Wallace, Washington, Wichita, Woodson, Wyandotte.

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

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

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

Nebraska. Banner, Box Butte, Cheyenne, Dakota, Deuel, Dodge, Douglas, Perkins, Thurston.

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

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

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

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

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

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

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

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

§ 78.21 Modified certified brucellosis Areas.

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

(a) *Entire States.*

Alaska, Louisiana, Oklahoma.

(b) *Specific counties within States.*

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

Talladege, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

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

Colorado. Mesa.

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

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

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

Illinois. Jo Daviess, Knox, Massac.

Iowa. Adams, Appanoose, Guthrie, Page, Ringgold, Taylor, Wayne.

Kansas. Allen, Atchison, Barton, Butler, Cloud, Cowley, Crawford, Dickinson, Elk, Ellis, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Jefferson, Leavenworth, Lincoln, Linn, Lyon, McPherson, Miami, Montgomery, Morris, Morton, Nemaha, Neosho, Osage, Ottawa, Reno, Rice, Russell, Sedgwick, Stafford, Sumner, Wabaunsee, Wilson.

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

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

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

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

New Mexico. Bernalillo, Chaves, Curry, Eddy, Lea, Mora, Quay, Roosevelt, San Miguel, Valencia.

South Dakota. Jones, Stanley.

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

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

Utah. Box Elder, Garfield.

Vermont. Addison, Chittenden, Franklin, Orleans.

Wyoming. Lincoln.

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

§ 78.22 Noncertified areas.

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

(a) *Entire States.*

Yellowstone National Park.

(b) *Specific counties within States.*

Florida. Okeechobee.

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

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to

be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 19th day of October 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. 78-30090 Filed 10-26-78; 8:45 am]

[1505-01-M]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS, ORGANISMS, AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

Correction

In FR Doc. 78-25857 appearing at page 41185 in the issue for Friday, September 15, 1978, make the following changes:

1. On page 41186, second column, second line of § 113.123(b)(5), "the" should be changed to "a".

2. On page 41187, second column, sixth line of § 113.140(c)(4)(v), "now" should be changed to "show".

[7590-01-M]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Standards for Combustible Gas Control Systems

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to clarify the Commission's position on its general design criterion regarding the Containment Design Basis and to provide a new section specifying the standards for combustible gas control systems.

EFFECTIVE DATE: November 27, 1978.

FOR FURTHER INFORMATION CONTACT:

James A. Norberg, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-443-5921.

SUPPLEMENTARY INFORMATION: On October 21, 1976, the Nuclear Regulatory Commission (NRC), published the notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 46167). Interested persons were invited to comment on the proposed rule by December 23, 1976. The notice concerned proposed amendments to 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," to require the applicant or licensee to show that during the time period immediately following a postulated loss-of-coolant accident (LOCA) but prior to effective operation of the combustible gas control system, either: (1) An uncontrolled hydrogen-oxygen recombination would not take place in the containment; or (2) the plant could withstand the consequences of uncontrolled hydrogen-oxygen recombination without loss of safety function. If neither of these conditions can be shown, the containment shall be provided with an inerted atmosphere in order to provide protection against hydrogen burning and explosions during this time period. Standards for combustible gas control systems also were included in the proposed amendments.

It should be noted that under either the proposed rule or the final rule (1) inerting of containment will not likely be required for plants with small containment volume (Mark I and II Boiling Water Reactors) if the licensee or applicant can show that the calculated metal-water reaction will be well within the acceptance criteria for emergency core cooling systems and (2) inerting of containment will not likely be needed for plants with large containment volume (Pressurized Water Reactors and Mark III Boiling Water Reactors) as long as ECCS acceptance criteria are met. The NRC staff has estimated that for all except two of the plants currently operating or under construction inerting containment would not be needed under this rule.

Fifteen interested persons submitted comments regarding the proposed amendments. The letters generally included numerous specific comments, but the most frequent comments could be roughly divided into three categories:

1. This inerting rule poses risks to plant personnel safety, reduces the number of unscheduled visual inspections, and increases plant operating cost.

2. The rule is too conservative in defining the amount of metal-water reaction.

3. The containment air dilution system requirement of the rule should be clarified and the manner in which the NRC will implement the rule should be clarified.

Copies of the comments may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555. A summary of the NRC's response to these comments is presented below.

1. The risks to plant personnel and reduced inspection capability accociated with inerting the containment were carefully considered and discussed in the notice of proposed rulemaking. The NRC concluded that the risk to plant personnel of an inerted plant would be small provided that special procedures and personnel safety precautions are taken. The NRC also concluded that, on the inspection issue, inerting does not necessarily cause a reduction in the number of unscheduled visual inspections. Even assuming that a reduction in the number of unscheduled visual inspections does occur, such reduction does not adversely affect the protection of public health and safety since an adequate program of scheduled inspections can be maintained to insure safe operation of the plant. The NRC position on additional cost associated with requiring inerting is that the cost associated with inerting and de-inerting activities would be insignificant.

2. The NRC agrees that the proposed rule contains conservatisms, but disagrees that the rule is too conservative in defining the amount of metal-water reaction that must be assumed. It should be noted that in the proposed rule the amount of metal-water reaction assumed to occur after a

LOCA is 5 times the amount calculated in accordance with § 50.46 or is the amount that would result from cladding surfaces surrounding the fuel to a depth of 0.00023 inch (0.0058 mm), whichever amount is greater. Therefore, the amount of metal-water reaction assumed in the proposed rule is less conservative for certain plants when compared with the 5 percent previously assumed by NRC. The detailed technical discussion for making this revision was presented in the notice of proposed rulemaking (41 FR 46167). In short, the factor of 5 or 0.00023-inch (0.0058 mm) depth number is based on an engineering judgment that this method provides a sufficient margin for the purpose of containment design. It is assumed for conservatism that the emergency core cooling does not fail completely but that its performance is degraded to such an extent that a small fraction of the core becomes overheated. This could be caused by conservatively assuming the existence of a hot-spot effect of assumed coolant flow starvation resulting from (1) delivery of less-than-planned cooling to a localized area and (2) local flow blockage that might be associated with excessive fuel deformation, partial core support failure, etc. While such conditions are not assumed to lead to core meltdown, they are assumed to result in additional hydrogen production above that calculated by Appendix K, "ECCS Evaluational Models."

Currently NRC conducts several Loss-of-Coolant Accident/Emergency Core Cooling System (LOCA/ECCS) experimental verification and code development programs that have the potential for establishing the amount of conservatism in metal-water reaction. Pending further progress on the present LOCA/ECCS programs, the NRC has concluded at this time that no further consideration need be given to this matter.

3. Comments regarding clarification of the rule have been incorporated in the final rule but have not significantly changed the position expressed by the NRC in the proposed rule.

One commenter opposed adoption of the rule. This commenter believed that the change was unnecessary, because General Design Criteria 41, 42, 43, and 50 of Appendix A to 10 CFR Part 50 impose the requirements for combustible gas control, and revised Regulatory Guide 1.7,[1] "Control of Combustible Gas Concentrations in Containment Following a Loss-of-Coolant Accident," will provide adequate criteria and guidelines for combustible gas control systems. However, the NRC believes that the change is necessary because (1) General Design Criterion 41 states that containment atmosphere cleanup systems must be provided as necessary, but it is not specific in defining the types of cleanup systems (e.g., a combustible gas control system), (2) the method and basis for the calculation of hydrogen after a LOCA should be established, (3) the degraded ECCS operation is subject to many different interpretations if not specifically defined, (4) publishing a final rule would resolve a complex technical issue that was raised on inerting by the Atomic Safety and Licensing Appeal Board during the Vermont Yankee licensing proceeding, and (5) the rule has set forth limits of domain within which potential hydrogen explosion is possible as a result of degradation, but not total failure, of emergency core cooling functioning. The rule would thus provide guidance to future designers, who could design their plants to avoid the range of hydrogen concentrations that could have potential for explosion.

Assumptions acceptable to the NRC staff for evaluating and designing a combustible gas control system are presented in Revision 2 of Regulatory Guide 1.7. Regulatory Guide 1.7 (originally Safety Guide 7) was published in March 1971. Revision 1 to this guide was published in September 1976. After consideration of the comments received on the guide, Revision 2 to this guide is now being published.

Revision 2 to Regulatory Guide 1.7 is essentially the same as in Revision 1 with minor clarifying changes. Some concerns were raised in the guide about the meaning of partial burning of hydrogen in the containment. For hydrogen concentrations in the range of 4 to 6 volume percent, partial burning of the hydrogen above 4 volume percent may occur. However, in this range of 4 to 6 volume percent, the rate of flame propagation is less than the rate of rise of the flammable mixture. Therefore, the flame can propagate upward, but not horizontally or downward. In this case, only a fraction of hydrogen will burn in the containment, and complete combustion will not occur until the hydrogen concentration is increased above 6 volume percent.

Interested persons were invited to submit written comments by December 20, 1976, for consideration in connection with the proposed amendments. After consideration of the comments received and other factors involved, the Commission has adopted the amendments as set forth below.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to title 10, chapter I, Code of Federal Regulations, part 50, are published as a document subject to codification.

Appendix A [Amended]

1. In 10 CFR Part 50, Appendix A—Criterion 50 is amended to read as follows:

CRITERION 50—CONTAINMENT DESIGN BASIS

The reactor containment structure, including access openings, penetrations, and the containment heat removal system, shall be designed so that the containment structure and its internal compartments can accommodate, without exceeding the design leakage rate and with sufficient margin, the calculated pressure and temperature conditions resulting from any loss-of-coolant accident. This margin shall reflect consideration of (1) the effects of potential energy sources that have not been included in the determination of the peak conditions, such as energy in steam generators and, as required by § 50.44, energy from metal-water and other chemical reactions that may result from degradation, but not total failure, of emergency core cooling functioning; (2) the limited experience and experimental data available for defining accident phenomena and containment responses; and (3) the conservatism of the calculational model and input parameters.

2. A new § 50.44 is added to 10 CFR Part 50 to read as follows:

§ 50.44 Standards for combustible gas control system in light water cooled power reactors.

(a) Each boiling or pressurized light-water nuclear power reactor fueled with oxide pellets within cylindrical zircaloy cladding, shall, as provided in paragraphs (b) through (d) of this section, include means for control of hydrogen gas that may be generated, following a postulated loss-of-coolant accident (LOCA), by (1) metal-water reaction involving the fuel cladding and the reactor coolant, (2) radiolytic decomposition of the reactor coolant, and (3) corrosion of metals.

(b) Each boiling or pressurized light-water nuclear power reactor fueled with oxide pellets within cylindrical zircaloy cladding shall be provided with the capability for (1) measuring the hydrogen concentration in the containment, (2) insuring a mixed atmosphere in the containment, and (3) controlling combustible gas concentrations in the containment following a postulated LOCA.

(c) For each boiling or pressurized light-water nuclear power reactor fueled with oxide pellets within cylindrical zircaloy cladding, it shall be shown that during the time period following a postulated LOCA but prior to effective operation of the combustible gas control system, either: (1) An uncontrolled hydrogen-oxygen recombination would not take place in the con-

[1] Copies of the Revision 2 to Regulatory Guide 1.7 may be obtained by written request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control.

tainment; or (2) the plant could withstand the consequences of uncontrolled hydrogen-oxygen recombination without loss of safety function. If neither of these conditions can be shown, the containment shall be provided with an inerted atmosphere or an oxygen deficient condition in order to provide protection against hydrogen burning and explosions during this time period.

(d)(1) For facilities that are in compliance with § 50.46(b), the amount of hydrogen contributed by core metal-water reaction (percentage of fuel cladding that reacts with water), as a result of degradation, but not total failure, of emergency core cooling functioning shall be assumed either to be five times the total amount of hydrogen calculated in demonstrating compliance with § 50.46(b)(3), or to be the amount that would result from reaction of all the metal in the outside surfaces of the cladding cylinders surrounding the fuel (excluding the cladding surrounding the plenum volume) to a depth of 0.00023 inch (0.0058 mm), whichever amount is greater. A time period of 2 minutes shall be used as the interval after the postulated LOCA over which the metal-water reaction occurs. (2) For facilities as to which no evaluation of compliance in accordance with § 50.46(b) has been submitted and evaluated, the amounts of hydrogen so contributed shall be assumed to be that amount resulting from the reaction of 5 percent of the mass of metal in the cladding cylinders surrounding the fuel, excluding the cladding surrounding the plenum volume.

(e) For facilities whose notice of hearing on the application for a construction permit was published on or after November 5, 1970, purging and/or repressurization shall not be the primary means for controlling combustible gases following a LOCA. However, the capability for controlled purging shall be provided. For these facilities, the primary means for controlling combustible gases following a LOCA shall consist of a combustible gas control system, such as recombiners, that does not result in a singificant release from containment.

(f) For facilities with respect to which the notice of hearing on the application for a construction permit was published between December 22, 1968, and November 5, 1970, if the incremental radiation dose from purging (and repressurization if a repressurization system is provided) occurring at all points beyond the exclusion area boundary after a postulated LOCA calculated in accordance with § 100.11(a)(2) of this chapter is less than 2.5 rem to the whole body and less than 30 rem to the thyroid, and if the combined radiation dose at the low population zone outer boundary from purging and the postulated LOCA calculated in accordance with § 100.11(a)(2) of this chapter is less than 25 rem to the whole body and less than 300 rem to the thyroid, only a purging system is necessary, provided that the purging system and any filtration system associated with it are designed to conform with the general requirements of Criteria 41, 42, and 43 of Appendix A to this part. Otherwise the facility shall be provided with another type of combustible gas control system (a repressurization system is acceptable) designed to conform with the general requirements of Criteria 41, 42, and 43 of Appendix A to this part. If a purge system is used as part of the repressurization system, the purge system shall be designed to conform with the general requirements of Criteria 41, 42, and 43 of Appendix A to this part. The containment shall not be repressurized beyond 50 percent of the containment design pressure.

(g) For facilities with respect to which the notice of hearing on the application for a construction permit was published on or before December 22, 1968, if the combined radiation dose at the low population zone outer boundary from purging (and repressurization if a repressurization system is provided) and the postulated LOCA calculated in accordance with § 100.11(a)(2) of this chapter is less than 25 rem to the whole body and less than 300 rem to the thyroid, only a purging system is necessary, provided that the purging system and any filtration system associated with it are designed to conform with the general requirements of Criteria 41, 42, and 43 of Appendix A to this part. Otherwise, the facility shall be provided with another type of combustible gas control system (a repressurization system is acceptable) designed to conform with the general requirements of Criteria 41, 42, and 43 of Appendix A to this part. If a purge system is used as part of the repressurization system, it shall be designed to conform with the general requirements of Criteria 41, 42, and 43 of Appendix A to this part. The containment shall not be repressurized beyond 50 percent of the containment design pressure.

(h) As used in this section:

(1) Degradation, but not total failure, of emergency core cooling functioning means that the performance of the emergency core cooling system is postulated, for purposes of design of the combustible gas control system, not to meet the acceptance criteria in § 50.46 and that there could be localized clad melting and metal-water reaction to the extent postulated in paragraph (d) of this section. The degree of performance degradation is not postulated to be sufficient to cause core meltdown.

(2) A combustible gas control system is a system that operates after a LOCA to maintain the concentrations of combustible gases within the containment, such as hydrogen, below flammability limits. Combustible gas control systems are of two types: (i) Systems that allow controlled release from containment, through filters if necessary, such as purging systems and repressurization systems, and (ii) systems that do not result in a significant release from containment such as recombiners.

(3) A purging system is a system for the controlled release of the containment atmosphere to the environment through filters if needed.

(4) A repressurization system is a system used to dilute the concentration of combustible gas within containment by adding inert gas or air to the containment. Dilution of the combustible gas results in a delay in time until a flammable concentration is reached and permits fission product decay. Operation is limited to a containment repressurization to 50 percent of the containment design pressure. A purging system is normally part of the repressurization system.

(Sec. 161, as amended, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841).)

Dated at Washington, D.C. this 23d day of October 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-30373 Filed 10-26-78; 8:45 am]

[6320-01-M]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-1078, Amdt. 11]

PART 250—OVERSALES

Advertising Disclosure of Noncompliance With Oversale Rules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., October 20, 1978.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The Board is adopting a rule requiring U.S. carriers, operating internationally, and foreign route air carriers that have not filed tariffs implementing the Board's new rules for

compensating bumped passengers to include in any advertisement the fact that they have not conformed to U.S. Government rules for consumer protection on oversold flights.

DATES: Effective: November 11, 1978. Adopted: October 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Jacob Goldberg, Trial Attorney, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5019.

SUPPLEMENTARY INFORMATION: By ER-1050 (43 FR 2477, June 5, 1978), the Board revised part 250 of its rules for the protection of passengers on oversold flights (14 CFR Part 250). The principal requirements of the new rules are: Air carriers must (1) minimize the number of passengers involuntarily denied boarding, by, among other things, requesting volunteers for denied boarding before bumping any passengers against their will; (2) pay increased levels of compensation to involuntarily bumped passengers; and (3) give greater public notice of the boarding procedures used by carriers in the event of overbooked flights. Carriers were required to file tariffs implementing the rules by July 20, 1978, and the rules became effective on September 3, 1978.[1]

By Notice of proposed rulemaking, EDR-363 (43 FR 39806, Sept. 7, 1978), docket 33348, the Board stated that a number of carriers engaged in foreign air transportation, particularly foreign air carriers, had not filed the tariff rules required by the revised part 250. Accordingly, the Board proposed to add a new § 250.12 to its overbooking rules, requiring every carrier engaged in foreign air transportation that does not have on file the requisite tariff rules to include prominently and clearly in any advertisement placed in any printed publication, or on radio or television circulated, heard or carried in the United States, its territories, and possessions, a statement that the carrier does not conform to U.S. Government rules for consumer protection on oversold flights. Additionally, each such carrier would be required to include the same notice with each ticket sold by it or its agents in the United States, its territories and possessions; and would have the responsibility to insure that travel agents authorized to sell air transportation for it give the same notice.

Comments on EDR-363 have been filed by seven foreign air carriers,[2] Aviation Consumer Action Project (ACAP), and the Department of State. After considering these comments, we have decided to make the proposed rule final.

ACAP generally supports the proposed rule. The comment from the State Department includes a diplomatic note from the British Government objecting to EDR-363 on the ground that Bermuda II[3] prohibits the Board from requiring British air carriers to file any particular form of tariff.[4] The State Department agrees with this interpretation of Bermuda II, but expressly refrains from acknowledging that the requirement of EDR-363 constitutes a tariff under that agreement. The State Department does agree that a rule along the lines proposed would be in the public interest. The foreign carriers generally contend that they have complied with part 250 by filing tariffs effective as of September 3, 1978, covering flights departing from the United States for foreign countries; but they state that flights departing foreign countries for the United States are subject to the denied boarding tariffs or rules of the foreign country only. They add that their governments object to the extraterritorial effect of part 250, and that some of the governments have delivered diplomatic notes to the Department of State requesting consultations.

The Board rejected similar contentions when part 250 was first given extraterritorial effect by ER-880, August 13, 1974 (39 FR 38087); and again by ER-1050. The Board made it plain in ER-880 that part 250 would also extend to confirmed reserved space, verified in the United States, for a passenger inbound on a foreign air carrier to the United States from a foreign country:

> The reasons why persons whose inbound trips to the United States have been confirmed in the United States should be protected, even though utilizing a foreign air carrier, far outweigh the cost and inconvenience alleged by some of the foreign air carriers. For the most part, we are balancing the interests of United States nationals utilizing confirmed round trip bookings as against foreign air carriers which have complete control of their own reservation practices, and we believe the scales incline in favor of the former.

In adopting ER-1050, the Board reaffirmed that its overbooking rules "should be given the same extraterritorial application as our existing oversale regulations:"

> * * * the arguments now raised in opposition to applying our oversale regulations to international operations are essentially the same as those raised and rejected when part 250 was first given extraterritorial effect, in order to extend an umbrella of protection to U.S. travelers abroad. (Footnote omitted.)

These same foreign air carriers have been complying with part 250 since 1975,[5] thus indicating that compliance does not present the kinds of difficulties that they are now alleging.

We do not reach the question of whether Bermuda II or other bilaterals allow the Board unilaterally to require the filing of any particular tariff. Like all sovereign states,[6] the United States has the power to regulate its marketplace to eliminate practices unfair to consumers making purchases in it, to provide consumers with information adequate to support intelligent choices, and to require foreign sellers who wish to do business in the market to conform to domestic laws. The relevant sections of our act give this responsibility in air transportation markets to the Board. Our laws make no distinction in this respect between inbound and outbound international transportation, nor is one required. Part 250 is designed to protect consumers from unfair reservations practices.

Beyond these considerations, the disclosure rule we are adopting here regulates conduct in the U.S. marketplace only and is designed to afford consumers there adequate notice with respect to sales and service practices of considerable importance to them. We do not read Bermuda II or other bilateral agreements as preventing the Board from applying consumer protection rules in foreign air transportation as defined in our statutes, and we do not consider part 250 to be a tariff matter within the context of Bermuda II or other bilaterals. And we cannot accept the contention that regulating advertising and sales practices within the United States to insure adequate disclosure to consumers (an activity undertaken by domestic authorities in most if not all of the home States of the complaining airlines)[7] is any more precluded by bilateral tariff agree-

[1] By order 78-9-6, Sept. 1, 1978, the Board waived the requirements, until further order of the Board, of § 250.3(b) of part 250 dealing with the tariff filing of boarding priority rules and criteria. The same order waived for a period of 30 days the requirements of part 250 insofar as they apply on flights from a foreign point to a point in the United States, provided that any carrier availing itself of this waiver continue to apply the provisions of part 250 in effect on Sept. 2, 1978.

[2] Air Canada (joined by CPAir), Air France, Alitalia, British Airways, British Caledonian, Lufthansa, and Swissair.

[3] United States-United Kingdom Air Services Agreement of July 23, 1977.

[4] The State Department also has delivered a note from the Embassy of Switzerland objecting to the proposed rule on the principal ground that the Board has no authority to impose tariff regulations unilaterally.

[5] See ER-890, Dec. 17, 1974 (39 FR 44197), which extended the effective date of ER-880 to Mar. 1, 1975.

[6] See, for example, *British Airways Board v. Taylor*, 1 All England Law Reports 65 (1976).

[7] See, for example Trade Descriptions Act 1968, sec. 14 (United Kingdom); Combines Investigation Act, sec. 36 (Canada).

ments than are laws respecting commercial credit transactions, consumer fraud, or racial discrimination in sales.[8]

Several carriers raise section 1102[9] of the act as a barrier. A similar contention was rejected by the Board in ER-880:

> Similarly, the argument that the extension of part 250 to foreign air carriers would unilaterally alter various bilateral agreements in contravention of section 1102 cannot be accepted.
>
> * * * * *
>
> While the agreements do not contemplate unilateral alterations in the air transport rights bargained for and agreed upon, they do contemplate that such rights be exercised in accordance with nondiscriminatory laws and rules applicable to all air carriers, whether foreign or domestic. Neither the bilaterals nor section 1102 have been breached.

The issue here, however, is how to fashion a remedy to be applied to those carriers which have failed to conform to ER-1050. Turning to the specific rule proposed by EDR-363, several of the carriers contend that section 411 of the Act entitles them to a hearing, and that the Board must issue a cease and desist order before imposing such remedial action. The reliance on section 411 is misplaced. This rulemaking is not a proceeding to determine if a carrier is engaged in unfair or deceptive practices or unfair methods of competition. It was only when we discovered that many carriers engaged in foreign air transportation had failed to conform to ER-1050 that we decided to issue the proposed rule.[10] The problem here requires use of rulemaking procedures, which have general applicability, and not independent enforcement procedures for action against one carrier.

Finally, turning to the specific remedy, several of the foreign air carriers complain that requiring notice of noncompliance is disproportionate to the problem sought to be alleviated. These carriers do, however, advertise in the United States, urging the public to make reservations for confirmed space. At the same time, they engage in overbooking, which results in the "bumping" of passengers who have been led to believe that they have a confirmed seat on the flight of their choice, and have made arrangements on that assumption. Although ER-1050 did not prohibit overbooking altogether, it did attempt to ameliorate the often severe effect of that practice on some travelers. Inasmuch as these foreign air carriers use the newpapers, radio, and television in the Untied States to advertise their services, it is only fair that the same media be used to add the further fact that if a confirmed passenger is bumped, the protection and remedies afforded by part 250 may not be available because of the carrier's failure to conform to part 250. They also argue that the notice required by EDR-363 goes beyond "corrective advertising."[11] The argument that "corrective advertising" can be required only to correct previous false and misleading statements stretches form over substance. At the very least, the Board can require "corrective advertising" to be carried alongside the very advertisement that, without the corrections, would be false and misleading.

Since as part 250 is now effective, and given the widespread publicity and public information about the denied boarding compensation rules, passengers can be expected to rely on carrier observance of Board regulations established for their protection. To avoid surprise and confusion on their part, and to avoid their being misled, we consider it necessary to require nonconforming carriers to so notify consumers in the advertisements by which they solicit the patronage of the public.

As we stated in EDR-363, since the revised part 250 is now effective, it is important to alert the traveling public as to the actual reservations and boarding practices prevailing in the industry. We therefore gave notice in EDR-363 of our intent to make the final rule effective upon adoption. We continue to believe that an early effective date is in the public interest, but we have decided to allow 15 days so that affected carriers will have time to change their advertising in accordance with this rule. Therefore, we find good cause that the rule may become effective 15 days after publication in the FEDERAL REGISTER.

Accordingly, part 250 of the Board's Economic Regulations (14 CFR 250) is amended as follows:

1. We amend the table of contents by adding a new § 250.12 identified to read:

Sec.

* * * * *

250.12 Public disclosure of noncompliance with rules for consumer protection on oversold flights.

2. We add a new § 250.12 to read:

§ 250.12 Public disclosure of noncompliance with rules for consumer protection on oversold flights.

(a) Every carrier engaged in foreign air transportation the does not have on file with the Board tariffs conforming with §§ 250.3 and 250.4 shall include prominently and clearly in any advertisement placed in any printed publication, or on radio or television circulated, heard, or carried in the United States, its territories and possessions, the following statement:

> We do not conform to U.S. Government rules for consumer protection on oversold flights.

(b) Each such carrier shall include with each ticket sold by it or its agents in the United States, its territories, and possessions that notice set forth in paragraph (a) of this section. This statement shall be printed on a separate piece of paper and inserted with the ticket in the ticket envelope.

(c) It shall be the responsibility of each such carrier to insure that travel agents authorized to sell air transportation for that carrier comply with the provisions of paragraph (b) of this section.

(Secs. 204, 403, 404, 411, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 760, and 769 (49 U.S.C. 1324, 1373, 1374, and 1381).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-30482 Filed 10-26-78; 8:45 am]

[6351-01-M]

Title 17—Commodities and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

Vacancy in Position of Chairman

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission is adding a new section to subpart B, part 140, title 17 of the Code of Federal Regulations.

Currently, the Commission has no policy concerning who shall exercise the Chairman's administrative authority in the event that a vacancy exists

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[8] In fact, the Board's earlier rulemaking in ER-987 (42 FR 12420), amending pt. 221 to require disclosure to consumers of overbooking practices for persons buying tickets in the United States, received support from many foreign air carriers operating in U.S. air transportation, including more than one of the carriers objecting here.

[9] Sec. 1102 in pertinent part provides that in exercising its powers, the Board shall do so consistently with any obligation assumed by the United States in any treaty, convention, or agreement with any foreign country.

[10] It should be noted that EDR-363 applies to both U.S. flag carriers and foreign air carriers engaged in foreign air transportation.

[11] Citing *Warner Lambert Co. v. F.T.C.*, 562F. 2d 749 (CADC 1977).

in that position. The new § 140.13 will authorize the election by the Commission of one of its members, at any time that a vacancy exists, to exercise the executive and administrative functions of the Commission that would otherwise be exercised by a Chairman in accordance with section 2(a)(6) of the Commodity Exchange Act, as amended.

EFFECTIVE DATE: October 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Nancy A. Petranto, Office of General Counsel, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, telephone 202-254-7588.

SUPPLEMENTARY INFORMATION: On July 7, 1976, the Commission adopted subpart B, 17 CFR part 140, consisting of § 140.10, setting forth the general statutory composition of the Commission, and § 140.11, providing, in the absence of a quorum of the Commission, that the senior member of the Commission present in Washington, D.C., at the time an emergency situation arises may act on behalf of the Commission. 41 FR 28473 et seq. (July 12, 1976). Neither of these provisions, however, address the question who shall perform the day-to-day administrative and executive functions of the Commission when a vacancy exists in the chairmanship of the Commission.

The new § 140.13, which will be effective immediately upon publication, provides that at any time that a vacancy exists in the position of Chairman, the members of the Commission shall elect a member to serve as acting Chairman to exercise the administrative and executive functions of the Commission that would otherwise be exercised by a Chairman in accordance with section 2(a)(6) of the Commodity Exchange Act, as amended. If the President should appoint a new Chairman from among the existing members of the Commission, however, the rule will further provide that that Commissioner shall serve as acting Chairman until such time as his appointment as Chairman has been confirmed or rejected by the Senate.

The Commission finds that the foregoing action relates solely to agency practice and procedure and that the public procedures and publication prior to the effective date of the rules in accordance with the Administrative Procedure Act, as codified, 5 U.S.C. 553, are not required.

Pursuant to authority contained in section 2a(11) of the Commodity Exchange Act, as amended, 7 U.S.C. 4(a)(j) (1976), the Commodity Futures Trading Commission hereby adopts a new § 140.13 of subpart B of part 140 of chapter I of title 17 of the Code of Federal Regulations as set forth below.

§ 140.13 Vacancy in position of Chairman.

At any time that a vacancy exists in the position of Chairman of the Commission the remaining members of the Commission shall elect a member to serve as acting Chairman who shall exercise the executive and administrative functions of the Commission that would otherwise be exercised by a Chairman in accordance with section 2(a)(6) of the Commodity Exchange Act, as amended, until a new Chairman has been appointed by the President and confirmed by the Senate: *Provided, however,* That if the President shall appoint a new Chairman from among the existing members of the Commission, that Commissioner shall serve as acting Chairman for these purposes until such time as his appointment as Chairman has been confirmed or rejected by the Senate.

Issued in Washington, D.C., on October 24, 1978, by the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc. 78-30370 Filed 10-26-78; 8:45 am]

[6740-02-M]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION

PART 154—RATE SCHEDULES AND TARIFFS

Modification of Purchased Gas Cost Adjustment Clause Regulations

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule (order No. 13 issued in docket No. R-406).

SUMMARY: This order amends the Federal Energy Regulatory Commission's purchased gas cost adjustment (PGA) clause regulations to limit to two a year the number of purchased gas cost adjustment rate filings an interstate pipeline may make and to allow these pipelines to accrue and collect carrying charges on amounts carried in their deferred purchased gas cost accounts. The number and frequency of PGA filings caused by constantly rising costs have reached such magnitude that they impose an undue financial and administrative burden on all affected parties. The rule is intended to relieve that burden.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles E. Bullock, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, 202-275-4232.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 154.38(d) of title 18 of the Code of Federal Regulations (CFR), permits natural gas pipeline companies to include a purchased gas adjustment provision (PGA clause) in their FERC gas tariffs under certain specified conditions. The Federal Power Commission (FPC) initially decided to permit PGA clauses in order to avoid frequent consideration of rate increase filings caused by constantly rising costs of purchased gas. It now appears that the number and frequency of PGA filings have reached such magnitude that they impose an undue financial and administrative burden upon the pipeline companies, their customers, the staff of the Federal Energy Regulatory Commission (Commission), the State commissions, and the ultimate consumers.

On May 10, 1976, the FPC [1] issued a notice of proposed rulemaking, docket No. R-406, which proposed to limit the number of filings of future PGA clause rate changes to two per year, and prescribe semiannual filing dates for each pipeline company. The proposal was intended to relieve all affected parties of the tremendous burden created by the current system of PGA filings. Recognizing that the semiannual limitation would force pipeline companies to carry larger balances of deferred purchased gas costs, the Commission also indicated that it would consider rate base treatment or carrying charges for the deferred amounts.

In response to requests for reconsideration of the assigned dates, a conference was held on January 11, 1977. A revised schedule of semiannual effective dates was established.[2] On April 26, 1977, a notice for further comments was issued. Comments were due by May 11, 1977. Nine parties filed comments at that time.

SUMMARY OF COMMENTS

A total of 47 parties filed comments to the notice of proposed rulemaking and the notice for further comments. All but a few supported the limitation

[1] This proceeding was commenced before the FPC. By the joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC. The term "Commission" when used in the context of action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[2] See new § 154.38(d)(4)(iv)(*a*).

to two filings per year. More than half of the commentators that expressed support for the proposal indicated, however, that they could not support it unless carrying charges for the deferred balances were allowed. Most of the commentators further indicated that:

(1) Carrying charges rather than rate base treatment should be adoped for any deferred balance; and

(2) Exceptions from the semiannual filing limitation should be allowed so that purchasing pipelines can simultaneously track general section 4(e) filings of their pipeline suppliers and changes in the cost of Canadian gas.

The Interstate Natural Gas Association of America (INGAA) supports carrying charges over rate base treatment for the following reasons:

(1) A carrying charge is fair because it is computed on the actual deferred balance;

(2) The pipeline is protected because it receives reimbursement for the substantial carrying costs it incurs;

(3) The pipeline customers are protected because the carrying charge is computed on the actual amount carried and the customers receive credit for interest if overcollections result;

(4) This method is easier to administer.

INGAA opposes rate base treatment because of the difficulty in accurately projecting the balance in the deferred account and the regulatory lag involved.

Many commentators suggested specific methods of allowing carrying charge rates. The suggestions included allowing carrying charges equal to:

(1) The rate of return included in the effective rate of the pipeline;

(2) The short-term borrowing rate available to the pipeline in the then current borrowing market; or

(3) The interest rate on amounts to be refunded that is prescribed by the Commission.

The American Public Gas Association (APGA) favored the two filings per year proposal but opposed any form of relief on the deferred balances. APGA argues that PGA clauses deviate from the general ratemaking principle that a utility not be permitted to reflect an increase in one item of cost without reviewing that utility's other costs and its total revenues. Thus, APGA states the "two a year" proprosal should be adopted because it limits the alleged deviation of the PGA clause from the aforementioned ratemaking principle. However, for the same reason (i.e., the deviation), APGA argues that carrying charges should not be adopted because they further aggravate the problems purportedly caused by PGA clauses.

The notice of proposed rulemaking included a suggestion that supplier pipelines should make extra efforts to provide information on proposed rate levels to their purchasers who must make concurrent PGA filings. One commentator expressed the opinion that this suggestion should be incorporated as a requirement.

The proposal was opposed by one commentator. That commentator stated that implementation of the proposal would concentrate purchased gas costs during certain periods and cause an intensified impact on the consumer. The commentator also states the proposal would result in an inequitable distribution of costs among customers since the proposal would allow the gas to be used in one season and paid for in the next. Finally, the commentator states that the proposal would create a financial burden on intermediate pipelines.

Several commentators originally expressed concern with the suggested schedule of effective dates. The January 11, 1977, conference was held in response to this concern and a revised schedule was subsequently adopted to incorporate the suggestions made in the meeting.

Findings of the Commission

The Commission finds that due to the higher number of PGA filings it is receiving and processing, pipeline companies should be limited to two PGA filings annually, pursuant to the attached schedule in appendix A, and that carrying charges should be allowed. The Commission is not persuaded that implementation of this rule will result in inequitable distribution of purchased gas costs among a pipeline's customers. To the contrary, by reducing the number of PGA filings the rule should tend to result in a more equitable distribution of costs.

The parties' argument that carrying charges are preferable to rate base treatment of the deferred account are persuasive. While the Commission has allowed a number of pipeline companies carrying charges, these were allowed only in individual rate cases where a strong showing was made in support thereof. The support included a showing of large and recurring deferred balances. The Commission's experience gained during the 6 years PGA clauses have been permitted in pipeline company tariffs indicates that carrying charges should be provided for deferred purchased gas balances for all interstate pipelines. For example, deferred purchased gas costs recorded by major class A and B companies at the end of calendar year 1972 through 1976 are as follows: (1) 1972—$29,470,000; (2) 1973—$137,244,000; (3) 1974—$226,434,000; (4) 1975—$116,956,000; and (5) 1976—$570,050,000.[3]

Additionally, the 1977 form 2's of the 18 largest companies indicate recorded deferred purchased gas cost balances at December 31, 1977, of $558 million. The rapid buildup in these balances over the 6-year period, especially balances in excess of one-half billion dollars the last 2 years, indicates a substantial economic burden on the industry. Fairness dictates that some form of compensation be permitted on the deferred balances. The carrying charges shall be limited to the charge prescribed for interest on refunds under § 154.67(c).

In response to the APGA comments discussed previously, neither the PGA clause itself nor the carrying charge proposal violates the principle that rate adjustments must be premised upon a showing that all costs rather than just one item of cost justify the rate adjustment.[4] For example, § 154.38(d)(4)(vi) requires a cost of service review of the pipeline's overall rates at least every 3 years. In addition, given the large increases in purchased gas costs which have flowed through the various PGA clauses since 1972, it is very probable that, absent the PGA clause, this Commission's dockets would have been clogged with numerous general section 4 pipeline rate filings made pursuant to § 154.63 as pipelines attempted to protect themselves against possible undercollections due to increasing purchased gas costs. Thus, contrary to the implication contained in APGA's comments, PGA clauses have been of benefit to pipelines and consumers. However, in spite of the PGA clause's avowed purpose to insure dollar for dollar collection of PGA costs, pipelines have experienced large amounts of undercollections being accrued in the deferred account which are recoverable, after a delay, by way of subsequent surcharges. Given the benefits of the PGA to all concerned, and given the financial problems that could result to pipelines as their balances increase due to changes in purchase pattern, as well as the impact of the "two a year" proposal adopted in this order, we find again that the carrying charges proposed in this order are sound regulatory practice and should be adopted.

The Commission recognizes that the deferral of purchased gas cost creates a timing difference between the period during which the gas cost enters into the determination of taxable income and the period during which the cost enters into the determination of pretax book income. This timing difference has the effect of reducing a company's net outlays for unrecovered gas costs when the Account 191 balances are positive and conversely in-

[3] Statistics of Interstate Natural Gas Pipeline Cos. 1976, p. 28.

[4] See order No. 452 (issued April 14, 1972, in docket No. R-406).

creasing its outlay for income taxes when the Account 191 balances are negative. Accordingly, in compliance with the provisions of FPC Orders 530 (40 FR 26987) and 530B, we shall therefore require that in order for a company to be eligible for carrying charges, the company adopt the principles of interperiod income tax allocation in connection with balances recorded in the unrecovered purchased gas cost account with the resulting tax effects to be recorded in Account 283, Accumulated deferred income taxes—Other, or Account 190, Accumulated deferred income taxes, as appropriate, in accordance with the provisions of those accounts (18 CFR Parts 201 and 204). The carrying charges shall be computed monthly on the net balances in Account 191 and the related amounts in Account 283 or 190 as appropriate as of the end of the immediately preceding month.

The Commission also finds that there should be no exceptions to the two PGA filings per year limitation. Allowing exceptions would increase the frequency of PGA filings and would reduce the effectiveness of this rulemaking. While some cash-flow problems may occur to those companies carrying large deferred balances, the implementation of carrying charges should effectively compensate pipelines for the time value of the amounts carried in the deferred account and thus protect the financial integrity of the pipeline. It is appropriate, at this point, to refer to a proposed rulemaking, in docket No. RM79-1 (published elsewhere in today's issue) which, if adopted, would require pipelines to elect to reflect changes in purchased gas costs either through a PGA clause, or through general rate filings made pursuant to § 154.63. The purpose of the proposal is to limit the ways that purchased gas costs can be recovered. If a pipeline elects to adopt or maintain a PGA clause, it will be precluded from reflecting changes in purchased gas costs in a general rate adjustment filing pursuant to § 154.63. The election will be for 3 years unless the pipeline can demonstrate good cause, as described more fully in the notice, to justify the grant of a waiver of the PGA clause election by the Commission.

There are five pipeline companies which file annual PGA rate adjustments.[5] Currently they are permitted to file annually and to reflect those supplier rate changes for the forthcoming year that are already known. This procedure was permitted in order to facilitate the recovery of purchased gas costs by the distribution customers. The companies will not be required to file semiannual PGA rate changes but will be allowed to continue annual adjustments, as provided in their present tariffs, provided that they make no more than two PGA filings a year. These companies will be allowed carrying charges consistent with the regulation.

For the smooth and effective execution of this order, it is necessary that supplier pipelines provide information concerning their proposed adjustments to their purchasers who must make concurrent PGA filings. Such information should be provided at least 15 days prior to the filing date of the purchasing pipeline. The Commission intends to monitor the practices of pipelines in this regard, and, if it finds the information is not provided in a timely manner, the Commission will initiate a rulemaking procedure prescribing the necessary procedures for providing the information.

To avoid possible complications for the affected pipelines, this rulemaking will become effective on January 1, 1979. Therefore, pipelines must file tariff sheets conforming their existing PGA clauses to these regulations on or before December 1, 1978, to become effective no earlier than and no later than January 1, 1979. After January 1, 1979, pipelines will not be permitted to reflect changes in purchased gas costs through PGA clauses unless they have PGA clauses in effect which conform to the provisions of the amendments promulgated in this order. Finally, pipelines shall also revise the effective dates for other approved rate adjustment provisions to comply with the PGA effective dates prescribed by this order.

Miscellaneous Comment

A few comments expressed concern about coordination between the Commission adjustment procedures and various states' adjustment procedures. The State of Kansas and the Public Service Co. of Colorado requested that the Commission refrain from granting retroactive approvals. In Kansas, it is alleged, a retroactive approval can cause distribution companies employing cycle billing to absorb the wholesale rate changes, sometimes only temporarily, since the State Corporation Commission requires FERC approval before a wholesale rate increase may be passed on to consumers. The Public Utility Co. of Colorado does not allow rate changes to become effective retroactively. Thus, it is stated, where a retroactive rate increase is approved by the FERC, the distribution company is forced to absorb it. Indiana Gas Co., Inc. (Indiana Gas) requested the Commission to adopt the policy of suspending PGA filings whenever action cannot be taken within 30 days. When more than 30 days lapses, Indiana Gas states that it is forced by State requirements to absorb the costs that arise between the effective date of the filing and the date of FERC approval.

This Commmission shares the concern of these parties that adequate notice be given to distributors who must pass on FERC—approved purchased gas costs. In view of this, the Commission shall grant waiver of the 30 day notice requirement for all section 4 rate filings, including PGA filings, only where the pipeline has carried the burden of demonstrating good cause for such waiver.

The following suggestions were also made by various commentators:

(1) Offset the amounts in the carrying charges with the amounts which are subject to refund.

(2) Suspend the semiannual PGA filings due date when an adjustment falls within a test period contained in a pipeline's general rate increase.

(3) Exclude additional companies from the effect of the rulemaking.

In regard to No. 1 above, the suggestion assumes on its face that pipeline companies are not entitled to any funds collected subject to refund. This is an incorrect assumption and the Commission declines to adopt this suggestion. In regard to No. 2 above, the cost of purchased gas constitutes the largest single component of a pipeline company's cost of service and any deferral of a justified filing would unduly penalize the company and create administrative burdens upon its customers. For this reason, the Commission declines to adopt this suggestion. In regard to No. 3 above, the notice of proposed rulemaking recognized that certain pipeline companies already had effective PGA clauses that were consistent with the purpose of the proposal and suggested that such clauses should not be affected by this rulemaking. Finally, the Commission shall not adopt the suggestion to exclude more companies from the effect of this rulemaking.

Summary of the Amendments

Section 154.38(d)(4)(iv)(*a*) requires purchased gas adjustments to be filed semiannually and on the dates specified in this order.

Section 154.38(d)(4)(iv)(*b*) allows carrying charges on all balances in Account 191, provided the company adopts the principles of interperiod income tax allocation in connection with the balances recorded in the unrecovered purchased gas cost account. Carrying charges shall be equal to the current rate of interest on pipeline refunds established by the Commission.

Section 154.38(d)(4)(viii) requires the pipelines to file tariff sheets to conform their existing PGA clauses on or before December 1, 1978. These

[5] Colorado Interstate, Kansas-Nebraska, Northern Natural Gas, Inter City, and Northern Natural (Peoples Division).

tariff sheets will become effective no earlier than nor no later than January 1, 1979. After January 1, 1979, changes in purchased gas costs cannot be tracked under PGA clauses unless the effective PGA clause conforms with these amendments.

(Natural Gas Act (15 U.S.C. 717c, g, i and o), Administrative Procedure Act (5 U.S.C. 553), Department of Energy Organization Act, (42 U.S.C. 7101, et seq.), and E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, part 154, chapter I of Title 18, the Code of Federal Regulations is amended as set forth below, to become effective January 1, 1979.

By the Commission.

KENNETH F. PLUMB,
Secretary.

1. Section 154 is amended in subparagraph (4) paragraph (d) by revising subdivision (iv) and by adding a new clause (viii) to read as follows:

§ 154.38 Composition of rate schedule.

* * * * *

(d) *Statement of rate.* * * *
(4) * * *
(iv) * * *

(*a*) Rate changes which reflect both the current cost of purchased gas and a revised surcharge to clear the amounts accrued in the deferred account for both producer and pipeline suppliers shall be computed and filed not more frequently than semiannually. The PGA clause shall specify dates of adjustment as follows:

JANUARY 1, AND JULY 1

Alabama-Tennessee Natural Gas Co.
East Tennessee Natural Gas Co.
Chattanooga Gas Co., a Division of Jupiter Industries, Inc.
Granite State Gas Transmission, Inc.
Midwestern Gas Transmission Co.
Sea Robin Pipeline Co.
Southern Natural Gas Co.
South Georgia Natural Gas Co.
Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.
Tennessee Natural Gas Lines, Inc.
United Gas Pipe Line Co.
Distrigas of Massachusetts Corp.
Gas Gathering Corp.

FEBRUARY 1, AND AUGUST 1

Lawrenceburg Gas Transmission Corp.
Mid Louisiana Gas Co.
National Fuel Gas Supply Corp.
Texas Eastern Transmission Corp.
Texas Gas Transmission Corp.
Utah Gas Service Co.
Western Gas Interstate Co.

MARCH 1, AND SEPTEMBER 1

Algonquin Gas Transmission Co.
Columbia Gas Transmission Corp.
Consolidated Gas Supply Corp.
Eastern Shore Natural Gas Co.
Mississippi River Transmission Corp.
Natural Gas Pipeline Co. of America.
North Penn Gas Co.
Panhandle Eastern Pipe Line Co.
Transcontinental Gas Pipe Line Corp.
Trunkline Gas Co.

APRIL 1, AND OCTOBER 1

Arkansas Louisiana Gas Co.
El Paso Natural Gas Co.
Florida Gas Transmission Co.
Mountain Fuel Supply Co.
Northwest Pipeline Corp.
Oklahoma Natural Gas Gathering Corp.
Pacific Interstate Transmission Co.
Raton Natural Gas Co.
Southwest Gas Corp.
Transwestern Pipeline Co.

APRIL 23, AND OCTOBER 23

Cities Service Gas Co.
Commercial Pipeline Co., Inc.

MAY 1, AND NOVEMBER 1

Kentucky-West Virginia Gas Co.
McCulloch Interstate Gas Co.
Michigan Wisconsin Pipe Line Co.
Montana-Dakota Utilities Co.
Valley Gas Transmission, Inc.
Great Lakes Gas Transmission Co.

OCTOBER 1

Colorado Interstate Gas Co.
Northern Natural Gas Co. (Peoples Division)

NOVEMBER 1

Inter-City Minnesota Pipelines Ltd., Inc.

JUNE 1, AND DECEMBER 1

Louisiana-Nevada Transit Co.
Mountain Fuel Resources, Inc.
South Texas Natural Gas Gathering Co.
Western Transmission Corp.
Texas Gas Pipe Line Corp.

DECEMBER 1

Kansas-Nebraska Natural Gas Co.

DECEMBER 27

Northern Natural Gas Co.

(*b*) To assure recovery of all purchased gas costs, the Commission has prescribed a deferred purchased gas cost account, "Account 191, Unrecovered Purchased Gas Costs," 18 CFR Part 201, Balance Sheet Accounts, 191 and "Account 731.1, Purchased Gas Cost Adjustments," 18 CFR Part 201, Balance Sheet Accounts, 731.1. Pipelines using deferred accounting procedures shall be subject to the provisions of these accounts. In order to qualify for carrying charges, the company is required to adopt the principles of interperiod income tax allocation in connection with the balances recorded in the unrecovered purchased gas cost account.

(*c*) Carrying charges shall be computed based on the ending balances in Account 191, exclusive of accumulated interest each month. Interest will not be compounded. The rate for computation of carrying charges shall be the current rate of interest on pipeline refunds established by the Commission. Carrying charges shall be debited to Account 191 if the ending balance in Account 191 for the month is positive and shall be credited to Account 191 if the ending balance is negative. The carrying charges shall be computed monthly on the net balances in Account No. 191 and the related amounts in Account Nos. 283 or 190, as appropriate, as of the end of the immediately preceding month.

* * * * *

(viii) Pipelines must file tariff sheets pursuant to this part to conform their existing PGA clauss on or before December 1, 1978, which shall become effective as of January 1, 1979. After January 1, 1979, a pipeline shall not be permitted to track changes in purchased gas costs under a PGA clause unless the PGA clause in effect at that time conforms to the rule promulgated in Order No. 13.

[FR Doc. 78-30431 Filed 10-26-78; 8:45 am]

[4810-22-M]

Title 19—Customs Duties

CHAPTER I—U.S. CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 78-408]

PART 159—LIQUIDATION OF DUTIES

Carbon Steelplate and High Strength Steelplate From Mexico—Revocation of Countervailing Duty Determination

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

ACTION: Revocation of countervailing duty determination.

SUMMARY: This notice is to advise the public that the countervailing duty determination on carbon steelplate and high strength steelplate from Mexico is being revoked because the subsidies paid to exporters of this merchandise have been eliminated and there is no likelihood of resumption.

EFFECTIVE DATE: October 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles F. Goldsmith, Economist, Office of Tariff Affairs, U.S. Department of the Treasury, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220, telephone 202-566-2323.

SUPPLEMENTARY INFORMATION: A notice entitled "Countervailing Duties—Carbon Steelplate and High Strength Steelplate from Mexico," T.D. 76-7, was published in the FEDERAL REGISTER of January 7, 1976 (41 FR 1273). The notice stated that it had

been determined that exports of carbon steelplate and high strength steelplate from Mexico were subject to bounties or grants, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), by virtue of the freight rate rebate provided to Mexican steel manufacturers who shipped to geographical zones along border areas. Virtually all such shipments were destined for export; therefore, the rebate was determined to constitute a bounty or grant. Accordingly, imports of carbon steelplate and high strength steelplate from Mexico were subject to countervailing duties.

Concurrent with the above determination, a notice entitled "Waiver of Countervailing Duties," T.D. 76-8, concerning the subject merchandise was published in the FEDERAL REGISTER (41 FR 1273).

Treasury has been informed that the reduced freight rates for the subject merchandise have been ended. Accordingly, it is determined that a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), is no longer being paid or bestowed upon the manufacture, production, or exportation of carbon steelplate and high strength steelplate from Mexico, and that there is no likelihood of resumption of the payment or bestowal of a bounty or grant on such merchandise.

T.D. 76-7 is hereby revoked with respect to all entries of dutiable carbon steelplate and high strength steelplate from Mexico which have not been liquidated, or the liquidation of which has not become final, on or after October 27, 1978. Customs officers will be instructed to proceed with liquidation of all such entries without regard to countervailing duties.

The table in § 159.47(f) of the Customs regulations (19 CFR 159.47(f)), is amended by deleting from the column headed "Country," the name "Mexico"; from the column headed "Commodity," the words "Carbon steel and high strength steelplate"; from the column headed "Treasury Decision," the numbers "76-7" and "76-8"; and from the column headed "Action," the words "Bounty declared-rate" and "Imposition of countervailing duties waived." (R.S. 251, sections 303, as amended, 624, 46 Stat. 687, 759, 88 Stat. 2049, 19 U.S.C. 66, 1303, as amended, 1624.)

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190, Revision 15, March 16, 1978, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47 of the Customs regulations (19 CFR 159.47), insofar as they pertain to the issuance of a revocation order by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

OCTOBER 23, 1978.

[FR Doc. 78-30467 Filed 10-26-78; 8:45 am]

[4510-27-M]

Title 20—Employees' Benefits

CHAPTER VI—EMPLOYMENT STANDARDS ADMINISTRATION, DEPARTMENT OF LABOR

SUBCHAPTER A—LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES

PART 702—ADMINISTRATION AND PROCEDURES

Office of Workers' Compensation Programs; Longshoremen's and Harbor Workers' Compensation

AGENCY: Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: One new compensation district is added and the boundaries of another are altered for the purpose of better serving the public and for improved administration of the Longshoremen's and Harbor Workers' Compensation Act.

DATE: This admendment shall be effective October 27, 1978.

FOR FURTHER INFORMATION CONTACT:

John D. Stocker, Associate Director for Longshore and Harbor Workers' Compensation, U.S. Department of Labor, Washington, D.C. 202-523-8721

SUPPLEMENTARY INFORMATION: This document changes compensation districts under § 702.101 of part 702, title 20 of the Code of Federal Regulations, establishing compensation districts pursuant to section 39(b) of the Longshoremen's and Harbor Workers' Compensation Act and its extensions.

The boundaries of the existing district 13 are revised as follows: That part of the State of California north of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino, and the States of Arizona and Nevada. The headquarters city remains San Francisco. District 18 is established and is comprised of that part of the State of California south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino. The headquarters city is Long Beach.

The regulations at 20 CFR § 704.101, § 704.201, § 704.301, and § 704.401 are unchanged by this amendment. The authority for issuance of this part is revised to reflect a new delegation of authority.

Accordingly part 702 is amended as follows:

1. The authority for the issuance of this part is revised to read as follows:

AUTHORITY: 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 33 U.S.C. 939; 42 U.S.C. 1651 et seq; 36 D.C. Code 501 et seq.; 43 U.S.C. 1331; 5 U.S.C. 8171 et seq.; Secretary of Labor's Order 16-75, 40 FR 55913, Employment Standards Order 78-1, September 28, 1978.

2. Section 702.101 is amended as follows:

§ 702.101 Establishment of compensation districts

* * * * *

District No. 13. Comprises the States of Arizona, Nevada, and that part of the State of California north of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernadino; with headquarters at San Francisco, Calif.

District No. 14.* * *

District No. 15.* * *

District No. 16. [Reserved.]

District No. 17. [Reserved.]

District No. 18. Comprises that part of the State of California south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernadino; with headquarters in Long Beach, Calif.

Signed at Washington, D.C., this 20th day of October 1978.

DONALD ELISBURG,
Assistant Secretary for Employment Standards.

[FR Doc. 78-30470 Filed 10-26-78; 8:45 am]

[4510-27-M]

SUBCHAPTER B—FEDERAL MINE SAFETY AND HEALTH ACT OF 1977, AS AMENDED

PART 725—CLAIMS FOR BENEFITS UNDER PART C OF TITLE IV OF THE FEDERAL MINE SAFETY AND HEALTH ACT, AS AMENDED

Black Lung Benefits Program

AGENCY: Employment Standards Administration, Department of Labor.

ACTION: Amendment to regulations.

SUMMARY: On August 18, 1978, in FR Document 78-23004, standards for processing, adjudication, and payment of claims for benefits under the Black Lung Benefits program were published in the FEDERAL REGISTER. The Department of Labor has been advised that part B miner-beneficiaries (the miner is receiving compensation benefits from the Social Security Administration) have failed to file claims for part

C medical benefits with the Labor Department. Part B miner-beneficiaries were advised by the Department of Health, Education, and Welfare on May 3 and 4, 1978, that they had the right to file for part C benefits. As there seems to be a misunderstanding among the claimant population regarding their rights to claim benefits, the Department is amending § 725.308(b) and § 725.701A(a). There was a 6-month limitation on filing claims under part C for medical benefits. This rule extends the time period until June 30, 1979.

EFFECTIVE DATE: This amendment is effective on October 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert B. Dorsey, Chief, Branch of Claims Determination, Division of Coal Mine Workers' Compensation, U.S. Department of Labor, Room C-3526, 200 Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-6727.

SUPPLEMENTARY INFORMATION: The Department of Health, Education, and Welfare notified all part B miner-beneficiaries of their right to file claims for part C medical benefits on May 3 and 4, 1978. The Department of Labor has been advised that many part B miner-beneficiaries have failed to file claims under section 11 of the Black Lung Benefits Reform Act of 1977 because they believe that an adverse decision on their claim for medical benefits may result in a termination of the right to continuing compensation benefits under part B of title IV of the Act. Although a part B miner-beneficiary's continued entitlement to such benefits cannot and will not be affected in any way by a decision on the claim for part C medical benefits, experience to date, as well as the review of materials circulated prior to the August 18, 1978, publication of the final regulations governing the processing of such claims, indicates that a misunderstanding does exist among the claimant population.

To insure that no otherwise eligible miner is deprived of the right to seek medical benefits, I find that it is in the public interest to amend the provisions of §§ 725.308(b) and 725.701A(a) to provide that claims for medical benefits under section 11 of the Reform Act may be filed up to and including June 30, 1979. I further find that since the current 6-month period will expire on or about November 3, 1978, that notice and public procedure on this amendment to the rules are contrary to the public interest.

Accordingly, 20 CFR Part 725 is amended as follows:

1. Paragraph (b) of § 725.308 is revised to read as follows:

§ 725.308 Time limits for filing claims.

* * * * *

(b) A miner who is receiving benefits under part B of title IV of the Act and who is notified by HEW of the right to seek medical benefits, may file a claim for medical benefits under part C of title IV of the Act and this part. The Secretary of Health, Education, and Welfare is required to notify each miner receiving benefits under part B of this right. Notwithstanding the provisions of paragraph (a) of this section, a miner notified of his or her rights under this paragraph may file a claim under this part on or before June 30, 1979. Any claim filed after that date shall be untimely unless the time for filing has been enlarged for good cause shown.

* * * * *

2. Paragraph (a) of § 725.701A is revised to read as follows:

§ 725.701A Claims for medical benefits only under section 11 of the Reform Act.

(a) Section 11 of the Reform Act directs the Secretary of Health, Education, and Welfare to notify each miner receiving benefits under part B of title IV of the Act that he or she may file a claim for medical treatment benefits described in this subpart. Section 725.308(b) of this subpart provides that a claim for medical treatment benefits shall be filed on or before June 30, 1979, unless the period is enlarged for good cause shown. This section sets forth the rules governing the processing, adjudication, and payment of claims filed under section 11.

* * * * *

Signed this 24th day of October 1978, at Washington, D.C.

RAY MARSHALL,
Secretary of Labor.

[FR Doc. 78-30632 Filed 10-26-78; 9:22 am]

[4210-01-M]

Title 24—Housing and Urban Development

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

[Docket No. R-78-535]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Refinancing of Loans

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: These rules would extend the maximum permissible repayment terms for property improvement loans that are refinanced. They would permit certain refinanced obligations (primarily loans made for the improvement or rehabilitation of single family homes) to have a term of up to 15 years and 32 days provided that the new obligation would not mature later than 25 years from the date of the original obligation. The maximum term for other types of loans refinanced would be 12 years and 32 days provided that the new obligation would not mature later than 22 years from the date of the original obligation. The purpose of the rule is to implement Title III of the Housing and Community Development Act of 1977, section 306(a)(2).

EFFECTIVE DATE: November 27, 1978.

FOR FURTHER INFORMATION CONTACT:

William B. Stansbery, Director, Title I Loan Insurance Division, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-8686.

SUPPLEMENTARY INFORMATION: On May 23, 1978 at 43 FR 22059, the Department published proposed amendments to 24 CFR 201.9 to assist homeowners who due to changed circumstances are unable to make loan payments they originally contracted for. Refinancing enables such homeowners to lower their payments by lengthening the term of the loans. One comment was received, which was favorable.

A Finding of Inapplicability with respect to the Environmental Impact has been prepared in accordance with HUD Handbook 1390.1. Copies of the Finding are available for inspection during business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, the Department amends 24 CFR 201.9 as follows:

§ 201.9 Refinancing.

(a) * * *

(b) *Maximum maturity.* (1) A Class 1(a) loan may be refinanced for an additional period not in excess of 15 years and 32 days from the date of the refinancing, except that the term of the new note shall not extend beyond 25 years from the date of the original note.

(2) A Class 1(b) or 2 loan may be refinanced for an additional period not in excess of 12 years and 32 days from the date of the refinancing, except that the term of the new note shall not extend beyond 22 years from the date of the original obligation.

(3) A Class 2(b) loan secured by a first mortgage, first deed of trust, or other security instrument constituting a first lien upon the improved property may be refinanced for an additional period not in excess of 15 years and 32 days from the date of the refinancing, except that the term of the new note shall not extend beyond 25 years from the date of the original obligation.

(4) A new note combining any of the above classes of loans shall not have a term in excess of the loan having the shortest permissible maturity.

(c) * * *

* * * * *

(Sec. 7(d), 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246, (12 U.S.C. 1703 as amended).)

Issued at Washington, D.C., October 16, 1978.

MORTON BARUCH,
Acting Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 78-30371 Filed 10-26-78; 8:45 am]

[4410-01-M]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 805-78]

FEDERAL BUREAU OF INVESTIGATION

Identification Records; Miscellaneous Amendments

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This document makes technical changes to the Department of Justice regulations. The amendments concern procedures for the exchange of identification records with the banking community (Pub. L. 92-544, 86 Stat. 1115); authorize the Federal Bureau of Investigation (FBI) to exchange records with the securities industry (Pub. L. 94-29, 89 Stat. 140); and permits the subject of an identification record to challenge the accuracy or completeness of his record by writing directly to the FBI (*Tarlton* v. *Saxbe*, 407 F. Supp. 1083 (D.D.C. 1976)).

EFFECTIVE DATE: October 17, 1978.

FOR FURTHER INFORMATION CONTACT:

John A. Mintz, Assistant Director, Legal Counsel Division, Federal Bureau of Investigation, Washington, D.C. 20535, 202-324-5018.

By virtue of the authority vested in me by 28 U.S.C. 509, 5 U.S.C. 301 and 552, parts 0, 16, 20 and 50 of Chapter I, Title 28, Code of Federal Regulations are amended as follows:

1. Subpart P of part 0 is amended by revising paragraphs (b) and (j) of § 0.85 to read as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

§ 0.85 General functions.

* * * * *

(b) Conduct the acquisition, collection, exchange, classification, and preservation of identification records, including personal fingerprints voluntarily submitted, on a mutually beneficial basis, from law enforcement and other governmental agencies; provide expert testimony in Federal or local courts as to fingerprint examinations; and provide identification assistance in disasters and in missing-persons type cases, including those from insurance companies.

* * * * *

(j) Exercise the power and authority vested in the Attorney General by section 201 of the Department of Justice Appropriation Act, 1973, Pub. L. 92-544, 86 Stat. 1115, to approve and conduct exchanges of identification records with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions and, if authorized by State statute and approved by the Attorney General, to officials of State and local governments for purposes of employment and licensing; and exercise the power and authority vested in the Attorney General by section 14(f)(2), Pub. L. 94-29, 89 Stat. 140, to approve and conduct exchanges of identification records with certain segments of the securities industry.

PART 16—PRODUCTION OF DISCLOSURE OF MATERIAL OR INFORMATION

2. Subpart C of part 16 is amended by revising §§ 16.32 and 16.34 to read as follows:

§ 16.32 Procedure to obtain an identification record.

The subject of an identification record may obtain a copy thereof by submitting a written request via the U.S. mails directly to the FBI, Identification Division, Washington, D.C. 20537, or may present his written request in person during regular business hours to the FBI Identification Division, Room 11262, J. Edgar Hoover Building, Tenth Street and Pennsylvania Avenue NW., Washington, D.C. Such request must be accompanied by satisfactory proof of identity, which shall consist of name, date and place of birth and a set of rolled-inked fingerprint impressions placed upon fingerprint cards or forms commonly utilized for applicant or law enforcement purposes by law enforcement agencies.

§ 16.34 Procedure to obtain change, correction or updating of identification records.

If, after reviewing his identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his challenge as to the accuracy or completeness of any entry on his record to the Assistant Director of the FBI Identification Division, Washington, D.C. 20537. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI Identification Division will make any changes necessary in accordance with the information supplied by that agency.

PART 20—CRIMINAL JUSTICE INFORMATION SYSTEMS

3. Subpart C of part 20 is amended by revising paragraph (b) of § 20.34 to read as follows:

§ 20.34 Individual's right to access criminal history record information.

* * * * *

(b) If, after reviewing his identification record, the subject thereof believes that it is incorrect or incomplete

in any respect and wishes changes, corrections or updating of the alleged deficiency, he should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his challenge as to the accuracy or completeness of any entry on his record to the Assistant Director of the FBI Identification Division, Washington, D.C. 20537. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. If the contributing agency corrects the record, it shall promptly notify the FBI and, upon receipt of such a notification, the FBI will make any changes necessary in accordance with the correction supplied by the contributor of the original information.

PART 50—STATEMENTS OF POLICY

4. Part 50 is amended by revising paragraph (b) of § 50.12 to read as follows:

§ 50.12 Exchange of FBI identification records.

* * * * *

(b) The Director of the FBI is authorized by 28 CFR 0.85(j) to approve procedures relating to the exchange of identification records to federally chartered or insured banking institutions, officials of State and local governments for purposes of employment and licensing, and to certain segments of the securities industry. Under this authority, effective July 1, 1974, the FBI Identification Division will not include arrest data more than 1-year old not accompanied by dispositions in identification records exchanged with banking institutions, certain segments of the securities industry, and State and local agencies for employment and licensing purposes. The 1-year provision will provide the time necessary for the adjudication of most offenses. This procedural change in policy is being placed in effect to reduce possible denials of employment opportunities or licensing privileges to individuals as a result of the dissemination of identification records not containing final dispositional data concerning criminal charges brought against such individuals.

Dated: October 17, 1978.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 78-30421 Filed 10-26-78; 8:45 am]

[4510-29-M]

Title 29—Labor

CHAPTER XXV—PENSION AND WELFARE BENEFIT PROGRAMS, DEPARTMENT OF LABOR

SUBCHAPTER G—ADMINISTRATION AND ENFORCEMENT UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

PART 2560—RULES AND REGULATIONS FOR ADMINISTRATION AND ENFORCEMENT

Regulation Governing Requests by Participants, Beneficiaries, or Fiduciaries for the Secretary of Labor to Exercise Certain Enforcement Authority

AGENCY: Department of Labor.

ACTION: Final rule.

SUMMARY: This document announces the adoption of a final regulation which sets forth the procedure for participants, beneficiaries, or fiduciaries of certain employee benefit plans to request the Secretary of Labor to exercise his authority to enforce certain provisions of the Employee Retirement Income Security Act of 1974 (the Act). The regulation will affect participants, beneficiaries, and fiduciaries of employee benefit plans subject to Title I of the Act and qualified under certain provisions of the Internal Revenue Code of 1954.

DATES: Effective from January 1, 1975.

FOR FURTHER INFORMATION CONTACT:

Robert R. Bitticks, Office of the Solicitor, Plan Benefits Security Division, Room C-4508, 200 Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-8620 (not a toll free number).

SUPPLEMENTARY INFORMATION: Under the Act, the Secretary of Labor (the Secretary) has primary responsibility for civil enforcement of Title I. However, section 502(b) of the Act provides that with regard to a violation of, or the enforcement of, parts 2 and 3 of Title I (concerning minimum standards for participation, vesting, benefit accrual, and funding), the Secretary may exercise his civil enforcement authority under section 502(a)(5) of the Act with respect to certain employee benefit plans qualified under the Internal Revenue Code of 1954 (or with respect to which an application to so qualify has been filed and has not been finally determined) only if requested by the Secretary of the Treasury or if one or more participants, beneficiaries, or fiduciaries of the plan so request in writing in a manner prescribed by the Secretary. Under section 502(b), the Secretary may exercise civil enforcement authority under section 502(a)(5) pursuant to such requests with respect to the types of plans described only if he determines that such violation affects, or such enforcement is necessary to protect, claims of participants or beneficiaries under the plan.

On April 25, 1978, the Department of Labor (Department) published in the FEDERAL REGISTER [1] an interim regulation § 2560.502-1, effective retroactively from January 1, 1975. The interim regulation was also proposed for permanent adoption and public comments were solicited.

The interim regulation prescribes the manner in which requests for enforcement pursuant to section 502(b)(2) of the Act are to be made and considered. It provides that such requests shall be in writing, and shall contain information from which the participant, beneficiary, or fiduciary and the plan can be identified. It also provides that such requests will be considered filed if they are directed to and received by any office or official of the Department, or if they are referred to and received by any such office or official by any party to whom the request is directed.

One letter of comment on the interim regulation was received by the Department, and no public hearing was requested or held. The commentator argues that the content of a request for enforcement which is required by the interim regulation does not provide sufficient information for the Secretary to determine whether enforcement proceedings should be commenced, and suggests that more specific information should be required. The commentator suggests that, if more detailed information is not required, unfounded requests might be filed.

After consideration of the comment received, the Department has decided to adopt the interim regulation as a final regulation without change. The Department recognizes that there will undoubtedly be requests filed under the regulation which do not contain enough information to permit a determination as to whether enforcement action should be commenced, and that in such cases further inquiry by the Department will be necessary. However, the Department believes that any burden which such inquiries might involve is justified by the benefit of minimizing impediments to communication with the Department regarding allegations of violations of the Act.

STATUTORY AUTHORITY: The final regulation contained in this document is adopted

[1] 43 FR 17470.

pursuant to authority provided in sections 502(b)(2) and 505 of the Act (29 U.S.C. 1132(b)(2) and 1135).

In consideration of the matters discussed above, Chapter XXV of Title 29 of the Code of Federal Regulations is hereby amended, effective January 1, 1975, by adding a new § 2560.502-1 to read as follows:

§ 2560.502-1 Requests for enforcement pursuant to section 502(b)(2).

(a) *Form, content and filing.*—All requests by participants, beneficiaries, and fiduciaries for the Secretary of Labor to exercise his enforcement authority pursuant to section 502(a)(5), 29 U.S.C. 1132(a)(5), with respect to a violation of, or the enforcement of, parts 2 and 3 of Title I of the Employee Retirement Income Security Act of 1974 (the Act) shall be in writing and shall contain information sufficient to form a basis for identifying the participant, beneficiary, or fiduciary and the plan involved. All such requests shall be considered filed if they are directed to and received by any office or official of the Department of Labor or referred to and received by any such office or official by any party to whom such writing is directed.

(b) *Consideration.*—The Secretary of Labor retains discretion to determine whether any enforcement proceeding should be commenced in the case of any request received pursuant to paragraph (a) of this section, and he may, but shall not be required to, exercise his authority pursuant to section 502(a)(5) of the Act only if he determines that such violation affects, or such enforcement is necessary to protect claims of participants or beneficiaries to benefits under the plan.

(Secs. 502(b)(2), 505, Pub. L. 93-406, 88 Stat. 829, 891, 894 (29 U.S.C. 1132(b)(2) and 1135).)

Signed at Washington, D.C., this 20th day of October 1978.

IAN D. LANOFF,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 78-30078 Filed 10-20-78; 2:04 pm]

[4810-25-M]

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 128—TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, AND EXPORT OF COIN AND CURRENCY

Form Revisions

AGENCY: Department of the Treasury.

ACTION: Form revisions.

SUMMARY: The Department of the Treasury herewith promulates amendments to the Treasury international capital reporting requirements. Treasury International Capital (TIC) forms C-1/2 and C-3 are being replaced by new forms which will greatly improve the value of the reports for analysis of international financial developments and the data will relate more usefully to information reported by banks in the United States on other TIC forms.

EFFECTIVE DATE: October 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Gary A. Lee, Manager, Treasury International Capital Reporting System, Office of Statistical Reports, Department of the Treasury, Room 905, Global Building, Washington, D.C. 20220, 202-376-0692.

SUPPLEMENTARY INFORMATION: The principal features of the new Treasury nonbanking forms are:

(1) Separation of the financial liabilities and claims of reporting firms from their commercial liabilities and claims.

(2) Adoption of time remaining to maturity as the basis of the maturity analysis of claims and liabilities, instead of the present original maturity basis.

(3) Simplification of the monthly form to require only a single figure.

(4) Reduction of the reporting burden by:

(a) raising the level of the reporting exemption on the monthly form from $2 million to $10 million and allowing the application of the current $2 million exemption level on the quarterly form to financial and commercial items separately;

(b) elimination of geographical detail on the monthly form;

(c) substantial reduction in maturity analysis detail by requiring a maturity breakdown of grand totals only rather than country by country as presently required.

The Department finds that notice and public procedures under the provisions of 5 U.S.C. 553 are not necessary in this case, since the amendments pertain only to rules of agency procedure and serve generally to reduce the reporting burden upon the public. Moreover, drafts of the new forms were sent to present C Series reporters for their comments. In addition, there is good cause to make the amendments effective immediately on October 27, 1978. The amendments shall apply to all reports filed as of December 31, 1978 and for any period ending after December 31, 1978. For reports filed as of December 31, 1978 only, reporters shall file both the old and new monthly forms.

Primary author: Mr. John G. Murphy, Jr., Attorney/Advisor, Office of the General Counsel, Department of the Treasury, Room 2014, Main Treasury Building, Pennsylvania Avenue at 15th Street NW., Washington, D.C. 20220, 202-566-8184.

The text of the amendments is as follows:

1. Section 128.15 is amended to read as follows:

§ 128.15 International Capital Form CM: Dollar deposit and certificate of deposit claims on banks abroad.

On this form exporters, importers, industrial and commercial concerns and other nonbanking persons in the United States are required to report monthly, as of the last business day of the month, to the Federal Reserve Bank of New York their U.S. dollar deposit and certificate of deposit claims on banks located abroad held in their name or held for their account in banks abroad by U.S. or foreign custodians.

2. Section 128.16 is amended to read as follows:

§ 128.16 International Capital Form CQ-1: Financial liabilities to, and claims on, unaffiliated "foreigners."

On this form exporters, importers, industrial and commercial concerns and other nonbanking persons in the United States are required to report quarterly as of the last business day of each March, June, September and December, to the Federal Reserve Bank of New York their financial liabilities to, and claims on, unaffiliated "foreigners" acquired or held, either in the United States or abroad, by reporters for their own account or for the account of others.

3. Section 128.16a is added to read as follows:

§ 128.16a International Capital Form CQ-2: Commercial liabilities to, and claims on, unaffiliated "foreigners."

On this form exporters, importers, industrial and commercial concerns and other nonbanking persons in the United States are required to report quarterly as of the last business day of

each March, June, September and December, to the Federal Reserve Bank of New York their commercial liabilities to, and claims on, unaffiliated "foreigners" acquired or held either in the United States or abroad, by reporters for their own account or for the account of others.

4. Section 128.16b is added to read as follows:

§ 128.16b International Capital Form CQ-1(A): Financial liabilities to, and claims on, unaffiliated "foreigners." (Short form.)

This form may be filed in lieu of Form CQ-1 by reporters who have reportable items for only a few countries or geographical areas.

5. Section 128.16c is added to read as follows:

§ 128.16c International Capital Form CQ-2(A): Commercial liabilities to, and claims on, unaffiliated "foreigners." (Short form.)

This form may be filed in lieu of Form CQ-2 by reporters who have reportable items for only a few countries or geograghical areas.

(Sec. 5, Pub. L. 6591, 40 Stat. 415, 12 U.S.C. 95a, 50 U.S.C. App. 5 as amended; Sec. 8, Pub. L. 79171, 59 Stat. 515, 22 U.S.C. 286f; Sec. 4, Pub. L. 94472, 90 Stat. 2059, 22 U.S.C. 8103; E.O. 6560, Jan. 15, 1934; E.O. 10033, 14 FR 561, 3 CFR, 1949—1953 Comp.; E.O. 11961, January 9, 1977, 42 FR 4321, as amended.)

Dated: October 20, 1978.

DANIEL H. BRILL,
Assistant Secretary for Economic Policy.

[FR Doc. 78-30512 Filed 10-26-78; 8:45 am]

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 995-3; PP 6E1670/R162]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,6-Dimethyl-4-Tridecylmorpholine

AGENCY: Office of Pesticide programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the fungicide 2,6-dimethyl-4-tridecylmorpholine on bananas. The amendment to the regulations was requested by BASF Wyandotte Corp. This rule establishes a maximum permissible level for residues of 2,6-dimethyl-4-tridecylmorpholine on bananas.

EFFECTIVE DATE: Effective on October 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Mountforth, Acting Product Manager (PM) 21, Registration Division (TS-767), Office of Pesticide Programs, EPA, 202-426-2454.

SUPPLEMENTARY INFORMATION: On May 26, 1978, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (43 FR 22751), in response to a pesticide petition (PP 6E1670), submitted to the Agency by BASF Wyandotte Corp., 100 Cherry Hill Road, P.O. Box 181, Parsippany, N.J. 07054.

This petition proposed that 40 CFR 180.372 be amended by the establishment of a tolerance for residues of the fungicide 2,6-dimethyl-4-tridecylmorpholine in or on the raw agricultural commodity bananas at 0.1 part per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking. The compound has been removed from the list of Rebuttable Presumption Against Registration (RPAR) candidates after a review by the Special Pesticide Review Division.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.372 should be adopted without change, and it has been concluded that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before November 27, 1978, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested the objections must state the issue for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on October 27, 1978, Part 180 is amended by adding a new section as set forth below.

Dated: October 20, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 408(e) Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Part 180, Subpart C, is amended by adding the new § 180.372 containing a tolerance for residues of 2,6-dimethyl-4-tridecylmorpholine on bananas to read as follows:

§ 180.372 2,6-dimethyl-4-tridecylmorpholine; tolerances for residues.

A tolerance is established for residues of the fungicide 2,6-dimethyl-4-tridecylmorpholine in or on the following raw agricultural commodity:

Commodity:	*Parts per million*
Bananas	0.1

[FR Doc. 78-30337 Filed 10-26-78; 8:45 am]

[6820-25-M]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER F—ADP AND TELECOMMUNICATIONS

[FPMR Amendment F-34]

PART 101-36—ADP MANAGEMENT

Reutilization of Automatic Data Processing Equipment (ADPE) and Supplies

AGENCY: Automated Data and Telecommunications Service, General Services Administration.

ACTION: Final rule.

SUMMARY: GSA is changing its ADPE regulations by incorporating provisions that were transmitted by two temporary regulations and by implementing Pub. L. 94-519. These changes are intended to insure that Government agencies use their ADPE to obtain maximum benefits from the equipment.

EFFECTIVE DATE: October 27, 1978.

FOR FURTHER INFORMATION CONTACT:

I. S. Bayol, Excess Equipment Section, Equipment Control Branch, Agency Services Division, Office of Agency Services and Procurement, General Services Administration, Washington, D.C. 20405, 202-566-1284.

SUPPLEMENTAL INFORMATION: This regulation codifies FPMR Temporary Regulation E-49, "Acquisition of exchange/sale automatic data processing equipment (ADPE) through the ADP Fund," and FPMR Temporary Regulation E-50, "Care and management of excess automatic data processing equipment (ADPE)." The information contained in this regulation

is essentially the same as that contained in FPMR temporary regulations E-49 and E-50. Only six letters were received commenting on the temporary regulations, and these comments were reconciled. In addition, this regulation makes some editorial changes and adds to the FPMR the requirements of Pub. L. 94-519 with regard to excess ADPE.

The table of contents for part 101-36 is amended by adding the following entries:

Sec.
101-36.301-18 Project grants.
101-36.301-19 Grants.
101-36.309-5 Use of the ADP Fund for acquisition of exchange/sale ADPE.
101-36.310-1 Use of excess ADPE on cost-reimbursement type contracts.
101-36.310-2 Use of excess ADPE on grants: Eligibility.
101-36.310-3 Use of excess ADPE on project grants: Federal and project grantee responsibility.
101-36.4702-4 Annual reporting requirements.

Subpart 101-36.3—Reutilization of Automatic Data Processing Equipment and Supplies

1. Section 101-36.301-1(d) is revised to read as follows:

§ 101-36.301-1 Automatic data processing equipment.

* * * * *

(d) ADP supplies such as but not limited to electronic data processing tapes, canisters, reels, control panels and wires, cabinets, tape storage, and safes and racks peculiar to ADP operations.

2. Sections 101-36.301-18 and 101-36.301-19 are added to read as follows:

§ 101-36.301-18 Project grants.

The term "project grants" means grants made to specific institutions and organizations for a specific purpose with established costs and termination dates.

§ 101-36.301-19 Grants.

The term "grants" means grants-in-aid. Grants-in-aid are grants or subsidies from public resources in aid of public undertakings.

3. Section 101-36.302 is amended by revising paragraph (b) and adding paragraphs (d) and (e) to read as follows:

§ 101-36.302 Reassignment of ADPE within Federal agencies.

* * * * *

(b) The reassignment of Government-leased ADPE that has not been declared excess and that is no longer required for the purpose and use for which it was originally acquired is a sole source procurement action and, therefore, must be accomplished as specified in regulations governing sole source procurements.

* * * * *

(d) Reassignment of ADPE to Federal agency grantees shall not be made until Federal requirements are determined in accordance with this subpart 101-36.3 and § 101-36.4702.

(e) The use of ADPE for maintenance by redundancy (backup) or cannibalization for a parts source of supply shall not be made until Federal requirements are determined in accordance with this subpart 101-36.3 and § 101-36.4702.

4. Section 101-36.303 is revised to read as follows:

§ 101-36.303 Reutilization of excess ADPE.

The primary source of supply for meeting ADPE requirements is excess. To obtain maximum reutilization and to minimize the procurements of new ADPE, excess and exchange/sale ADPE shall be made available for transfer to other Federal agencies in accordance with the provisions of this subpart 101-36.3. Any need for excess ADPE expressed by a Federal agency, including the Senate, the House of Representatives, the Architect of the Capitol and any activities under the Architect's direction, the District of Columbia, and mixed ownership Government corporations, shall take precedence over disposal, provided such need is made known to GSA prior to shipment or delivery in case of donation or prior to removal of the property for Government control in case of sale.

5. Section 101-36.303-1 is revised to read as follows:

§ 101-36.303-1 Designation of agency ADPE point of contract.

(a) Each agency head shall designate an agency ADPE point of contract to promote the maximum reutilization of excess ADPE, to provide proper coordination on an interagency basis, and to insure the excess ADPE is acquired in accordance with agency plans and program efforts. The name, address, and phone number of this individual shall be submitted promptly after designation to General Services Administration (CDSDE), Washington, D.C. 20405.

(b) To provide guidance to GSA concerning excess property management by agencies, each agency ADPE point of contact shall provide to GSA a copy of each agency implementing regulations for excess ADPE and each current change. Copies of regulations shall be submitted to General Services Administration (CDSDE), Washington, D.C. 20405.

6. Section 101-36.304(b) is revised to read as follows:

§ 101-36.304 Availability list.

* * * * *

(b) Requests for additions, changes, and deletions to the mailing list for the availability list shall be made to the General Services Administration (CDSDE), Washington, D.C. 20405. Agencies sponsoring contractors or grantees, when forwarding requests for distribution of the availability list to such contractors or grantees, shall include the appropriate grant or contract number in their request.

* * * * *

7. Section 101-36.306 is amended by revising the introductory paragraph and paragraphs (a), (b), (c), and (d) to read as follows:

§ 101-36.306 Requests for transfer of excess ADPE or exchange/sale ADPE

Requests for transfer of excess ADPE or reimbursable transfer of exchange/sale ADPE between Federal agencies shall be accomplished by completing an SF 122, Transfer Order Excess Personal Property. The SF 122 shall contain the name and telephone number (commercial and FTS) of the agency official to be contracted regarding transportation details.

(a) The SF 122 (illustrated at § 101-36.4901-122) shall be signed by an authorized official of the requesting agency when the ADPE is to be used by the agency or by a Federal contractor or grantee of the agency. All standard forms 122 furnished by a Federal agency for excess or exchange/sale ADPE to be used by the agency or by Federal contractors shall provide the contract number under which the excess or exchange/sale ADPE is to be acquired and the expiration date of the contract. All standard forms 122 furnishing excess ADPE to project grantees shall affirm that the transfer is requested for use by a project grantee in accordance with this subpart 101-36.3 and shall include the name of the project grantee, the grant number, the scheduled date of grant termination, and the purpose of the transfer. If a transfer is being requested pursuant to § 101-36.310-2(e), the transfer order shall certify that, upon transfer of the ADPE, the granting agency will deposit to miscellaneous receipts in the U.S. Treasury an amount equal to 25 percent of the original acquisition cost (as documented by GSA) less the cost of care and handling.

(b) When excess owned ADPE is to be used for maintenance by redundancy or cannibalization for a parts source

of supply, a statement to indicate such use shall be included on the SF 122. When title to excess owned ADPE is to be vested in a Federal grantee or title is to otherwise pass from the Federal Government, a statement to indicate this fact shall be included on the SF 122. Title will not be transferred unless such a statement is included. Preference will be given to Federal agency requests and to requests which will retain title in the Federal Government.

(c) An SF 122 used for requesting excess leased or exchange/sale ADPE shall contain a statement to indicate either that the requested equipment represents the least overall cost or that a sole source determination has been made and documented. In either case, if the equipment cost exceeds the dollar threshold established in subpart 1-4.11, then a delegation of procurement authority is required. Federal agency requests for the provision of excess to satisfy contractor requirements will be considered secondary to Federal agency requirements.

(d) The original and four copies of the SF 122 shall be submitted for approval to the General Services Administration (CDSDE), Washington, D.C. 20405.

* * * * *

8. Section 101-36.307(a) is revised to read as follows:

§ 101-36.307 Care and handling of excess or exchange/sale ADPE.

(a) The reporting or holding agency shall be responsible for and bear the costs of care and handling of excess or exchange/sale ADPE pending disposition. In cases where reported Government-owned excess ADPE has potential for replacement of leased ADPE, GSA will require the holding activity to obtain a certificate of maintenance acceptability or an estimate to refurbish. If the holding agency has allowed the maintenance contract on ADPE to lapse and/or allowed the warehousing of ADPE and if subsequent refurbishment for purposes of reutilization is required, the holding agency shall be responsible for those refurbishment charges. Only direct costs incurred incident to a transfer (such as packing, loading, and transporting) shall be borne by the requesting agency when billed by the holding agency. Overhead or administrative costs, equipment disconnect charges, and other costs not directly related to and resulting solely from requests for transfer shall not be included. The requesting agency shall be responsible for any movement or temporary storage required after the date the transfer is approved; transportation of ADPE to the requesting agency; and rental costs, if any, for excess leased ADPE over the allowable free rental period in the applicable contract. Any question or controversy regarding responsibility for costs shall be referred for resolution to the General Services Administration (CDSDE), Washington, D.C. 20405. The holding agency is not required to retain excess leased ADPE in a lease status when the reporting requirements of § 101-36.4702 have been satisfied.

* * * * *

9. Section 101-36.309(b) is revised to read as follows:

§ 101-36.309 Use of the ADP Fund.

* * * * *

(b) When excess leased ADPE with purchase option credits or exchange/sale ADPE can satisfy agency data processing requirements, GSA will consider using the ADP Fund to purchase the equipment for the requesting agency.

10. Section 101-36.309-3 is revised to read as follows:

§ 101-36.309-3 Transfer of ADP Fund equipment.

In followup to a telephone reservation of ADP Fund equipment, the requesting agency shall submit a letter of commitment to the General Services Administration (CDSDE), Washington, D.C. 20405. This letter shall include the lease term and the dollar amount of the lease agreement (as discussed), the agency point of contact (with address and telephone number), the shipping address and instructions, and the applicable agency appropriation symbol. GSA then will prepare the SF 122, Transfer Order Excess Personal Property, to initiate equipment shipment and will submit the lease agreement and the approved SF 122 to the requesting agency's designated official.

11. Section 101-36.309-4(a) is revised to read as follows:

§ 101-36.309-4 Guarantee of ADP Fund equipment.

(a) Agencies participating in the leaseback program shall pay charges for transportation of the equipment to the designated site(s); obtain an estimate of refurbishment to bring the ADP Fund equipment up to maintenance standards; and, within 6 months of the date that GSA sends the ADP Fund lease, forward the estimate of refurbishment to the General Services Administration (CDSDE), Washington, D.C. 20405.

* * * * *

12. Section 101-36.309-5 is added to read as follows:

§ 101-36.309-5 Use of the ADP Fund for acquistion of exchange/sale ADPE.

(a) A Federal agency may seek use of the ADP Fund if it determines that the acquisition is economically advisable and the following requirements are met and can be certified:

(1) Subpart 101-35.2 (formerly FMC 74-5), § 101-36.403, FPMR Temporary Regulation E-42, and subpart 1-4.11 have been complied with.

(2) The agency does not have funds programed, nor can it reprogram funds for this purpose.

(3) The agency cannot divert funds planned for other ADPE procurements with lesser rates of return, if any, for this purpose.

(4) The proposed acquisition of a new system is consistent with the agency's presently authorized programs, and the need for the ADPE has been approved by OMB. (For purposes of this paragraph, a "new system" is defined as any acquisition other than purchase of presently installed ADPE with like equipment.)

(5) When the procurement action involves purchase of like equipment to replace installed systems, a study shall be made to determine that there is a continued economic justification for in-house ADPE as opposed to alternate sources such as the use of other agency equipment or commercial service bureaus. Agency studies should be consistent with the guidelines of OMB Circular A-76. As required, GSA will forward the agency certification to OMB.

(b) In followup to a telephone reservation (see § 101-36.305) on exchange/sale ADPE proposed to be acquired through the ADP Fund, the requesting agency shall submit a letter of intent to the General Services Administration (CDSDE), Washington, D.C. 20405. This letter shall include the projected period of equipment use; the requested terms of reimbursement, e.g., quarterly reimbursement for 3 years; the agency point of contact (with address and telephone number); and the shipping address, instructions, and fund citations for transportation and ADP Fund reimbursement. In addition, there shall be certifications which specify the Federal agency's compliance with the conditions listed in paragraph (a) of this section.

(c) The use of the ADP Fund for the acquisition of exchange/sale ADPE must be approved by GSA.

13. Section 101-36.310 is revised and §§ 101-36.310-1, 101-36.310-2, and 101-36.310-3 are added to read as follows:

§ 101-36.310 Use of excess ADPE on cost-reimbursement type contracts and project grants.

This section provides policies and procedures for use of excess ADPE on

cost-reimbursement type contracts, grants, and project grants.

§ 101-36.310-1 Use of excess ADPE on cost-reimbursment type contracts.

(a) Federal contractor requirements will be considered secondary to Federal agency requirements.

(b) Excess ADPE can be used to reduce the Government's contract costs and shall be considered by Federal agencies in their cost-reimbursement type contracts. For the purpose of this section, the term "cost-reimbursement type contract" means a type of contract providing for payment to the contractor of allowable costs incurred in the performance of the contract. The use of excess ADPE instead of payment offsets allowable costs and thereby reduces the total cost of the contract.

(c) If a contract provides for the use of excess ADPE, it shall also include adequate safeguards to insure the authorized use, maintenance, and return to Government custody of Government-furnished property. Accountability for such property shall be in accordance with contractual and agency procedures. Records shall be subject to audit by the contracting Federal agency and by the General Accounting Office.

(d) If a determination is made by the contracting Federal agency that the use of excess ADPE will result in a reduction of the contract cost to the Government or in an enhancement of the product or benefit of the contract, excess ADPE may be furnished to a contractor in accordance with § 101-36.306. The transfer order must certify the cost reduction or product enhancement and shall be executed by an authorized official of the contacting agency and forwarded to the General Services Administration (CDSDE), Washington, D.C. 20405.

(e) Generally, title to Government-furnished excess property remains vested in the Government; however, certain Federal agencies have specific statutory authority to vest title in contractors. When competing Federal requests are made on an item of excess ADPE, GSA will give the lowest priority to a request which vests title in the contractor.

(f) Upon expiration of a contract, Government-furnished ADPE may be reassigned to other Federal activities within the agency or to its cost-reimbursement type contractors.

§ 101-36.310-2 Use of excess ADPE on grants: Eligibility.

Federal agencies are prohibited from obtaining excess ADPE to furnish to their grantees, except as follows:

(a) Excess ADPE which GSA determines is not needed for donation under subparts 101-44.2 and 101-44.4, may be transferred under section 608 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2358).

(b) Excess ADPE may be furnished through the U.S. Forest Service under section 203 of the Department of Agriculture Organic Act of 1944 (16 U.S.C. 580a) for use in connection with cooperative State forest-fire-control programs, provided that title to the ADPE is retained in the Government.

(c) Excess ADPE may be furnished in connection with grants to Indian tribes (as defined in section 3(c) of the Indian Financing Act (25 U.S.C. 1452(c))). Title may be vested in the grantee pursuant to specific statutory authority only.

(d) Excess scientific equipment (which includes ADPE as defined by § 101-36.301-1) may be transferred pursuant to section 11(e) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1870(e)).

(e) Excess ADPE may be otherwise transferred with title by Federal agencies to their project grantees only when all the following conditions apply:

(1) The non-Federal recipient is an institution or organization which is either a public agency as defined in § 101-44.001-10 or is nonprofit and exempt from taxation under section 501 of the Internal Revenue Code of 1954, and

(2) The property will be furnished to the non-Federal recipient for use in connection with a federally sponsored project pursuant to a grant made for a specific purpose with a specific termination date, and

(3) Authorization for the project grantee to use excess property is contained in the grant document, and

(4) A determination has been made by the sponsoring Federal agency that the acquisition will result in a reduction of cost to the Government or in enhancement of the product or benefit from the grant, and

(5) The property will not be stockpiled by the project grantee but will be placed into use within a reasonable period of time (as determined by the granting agency) following acquisition, and

(6) The transfer of ADPE will be accomplished in accordance with § 101-36.306 and approved by an authorized Federal official of the granting agency, and

(7) The sponsoring Federal agency deposits in miscellaneous receipts of the U.S. Treasury an amount equal to 25 percent of the original acquisition cost (as documented by GSA) less the costs of care and handling.

§ 101-36.310-3 Use of excess ADPE on project grants: Federal and project grantee responsibility.

The use of excess ADPE furnished to project grantees as provided in § 101-36.310-2 (d) and (e) is also subject to the following provisions:

(a) Grantee accountability for and disposal of such ADPE shall be governed by procedures established by the granting agency.

(b) Federal granting agencies shall limit the amount (in terms of original acquisition cost) of excess personal property transferred to a project grantee to the dollar value of the grant. Transfers in excess of this amount shall be fully justified. Federal approval or disapproval shall be made at a level above the project officer administering the grant.

(c) Federal granting agencies shall insure that provisions for use, maintenance, and return to Government custody or other disposal procedures for excess ADPE are included in the grant document.

(d) Federal grantor agencies shall develop and maintain procedures for the prevention or detection of situations involving the nonuse, improper use, or unauthorized disposal or destruction of excess ADPE loaned to or vested in grantees. This responsibility shall include compliance reviews, field inspections, and other enforcement procedures to monitor such property.

(e) Federal grantor agencies shall include the following information in their grant recordkeeping systems:

(1) The number of grantees using excess property;

(2) Total dollar value of property loaned to or vested in all grantees;

(3) Dollar value of property loaned to or vested in each grantee;

(4) Acquisition cost of loaned or vested items;

(5) Dollar value of each grant;

(6) Percentage of acquisition cost of loaned or vested excess property to the dollar value of each grant; and

(7) Date(s) of grant termination.

NOTE.—Records are subject to audit by the Federal granting agency and by the General Accounting Office.

(f) Except when specifically authorized by statute to vest title in the grantee, Federal agencies, upon termination of a project grant in whole or in part, shall reassign Government-furnished ADPE to other Federal activities within the agency or to its cost-reimbursement type contractors. If no reassignment is made, the ADPE shall be reported as excess by the agency to GSA in accordance with § 101-36.4702 and held by the grantee in accordance with §§ 101-36.307 and 101-36.308.

(g) Property obtained by a Federal agency from excess sources for other

purposes shall not subsequently be furnished to a project grantee. (See § 101-36.302(d).)

Subpart 101-36.47—Reports

14. Section 101-36.4702 is amended by revising the introductory paragraph to read as follows:

§ 101-36.4702 Reporting excess or exchange/sale ADPE.

Excess ADPE or exchange/sale ADPE shall be reported on an original and four copies of SF 120, Report of Excess Personal Property (illustrated at § 101-36.4901-120), and when necessary, SF 120A, Continuation Sheet (Report of Excess Personal Property). The SF 120 shall be submitted to the General Services Administration (CDSDE), Washington, D.C. 20405, by the holding agency at least 90 calendar days before the anticipated release date as determined by the holding agency. This report is exempt from reports control in accordance with subpart 101-11.11. ADPE in the hands of Government contractors may be reported on an appropriate contractor inventory appended to an SF 120 provided the reporting format includes an adequate commercial description and other appropriate data required by paragraph (a) of this section.

* * * * *

15. Section 101-36.4702-2(a) is revised to read as follows:

§ 101-36.4702-2 Withdrawal of reports of excess or exchange/sale ADPE.

(a) A written request (letter or amended SF 120) for the withdrawal of ADPE previously reported on an SF 120 will normally be approved by GSA only if received within 15 workdays from the date the SF 120 was received by GSA. This request shall reference the assigned GSA case number and provide a statement which indicates the specific use to be made of the withdrawn equipment. Examples of specific use are contained in § 101-36.303-2(a)(2). Disposition of property shall not be made until after approval of withdrawal is received from GSA. GSA will not approve the withdrawal of equipment for cannibalization or maintenance by redundancy until it is first determined that there is not a more ecomonical use within the Government.

* * * * *

16. Section 101-36.4702-4 is added to read as follows:

§ 101-36.4702-4 Annual reporting requirements.

Subpart 101-43.47 provides guidance on the annual reporting requirements on the utilization and disposal of all personal property.

Subpart 101-36.49—Illustrations of Forms

Section 101-36.4901-120 (a) and (b) are revised to change the GSA correspondence symbol from CDP to CDSDE and to change the FSC group number from 74 to 70.

§ 101-36.4901-120 Standard form 120, Report of Excess Personal Property.

NOTE.—The form illustrated in § 101-36.4901-120 (a) and (b) is filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486 (c).)

Dated: October 11, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-30494 Filed 10-26-78; 8:45 am]

[6820-24-M]

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Amendment G-47]

PART 101-38—MOTOR EQUIPMENT MANAGEMENT

Acquisition of Fuel-Efficient Passenger Automobiles

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation establishes policy and procedures governing the acquisition of fuel-efficient passenger automobiles by executive agencies. This regulation supersedes and cancels FPMR Temporary Regulation G-32 and incorporates its provisions into the permanent regulations.

EFFECTIVE DATE: October 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Management Control Division, Office of the Executive Director, Federal Supply Service, General Services Administration, Washington, D.C. 20406, 703-557-1914.

SUPPLEMENTARY INFORMATION:

a. Title III of the Energy Policy and Conservation Act added title V, Improving Automotive Efficiency, to the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.). Executive Order 11912, dated April 13, 1976, designated and empowered the Administrator of General Services to perform the functions vested in the President by section 510 of the Motor Vehicle Information and Cost Savings Act, as amended (89 Stat. 915, 15 U.S.C. 2010). The implementation of the authorities vested in the Administrator by Executive Order 11912 was accomplished by the issuance of FPMR Temporary Regulation G-28, dated October 1, 1976, for fiscal year 1977.

b. Subsequent to the issuance of FPMR Temporary Regulation G-28, Executive Order 12003, dated July 20, 1977, was issued, which provided additional requirements to those already established by the documents cited above. This necessitated the issuance of FPMR Temporary Regulation G-32, dated October 20, 1977, which superseded FPMR Temporary Regulation G-28 and established policy and procedures governing the acquisition of passenger automobiles by executive agencies for fiscal year 1978.

c. FPMR Temporary Regulation G-32 (42 FR 56982, October 31, 1977) is canceled and deleted from the appendix at the end of subchapter G in 41 CFR chapter 101.

The table of contents for part 101-38 is amended to add §§ 101-38.1306, 101-38.1306-1, 101-38.1306-2, and 101-38.1306-3 as follows:

101-38.1306 Acquisition of fuel-efficient passenger automobiles.
101-38.1306-1 Definitions.
101-38.1306-2 Agency forecasts of planned acquisitions.
101-38.1306-3 GSA assistance.

Subpart 101-38.13—Energy Conservation in Motor Vehicle Management

Sections 101-38.1306, 101-38.1306-1, 101-38.1306-2, and 101-38.1306-3 are added to read as follows:

§ 101-38.1306 Acquisition of fuel-efficient passenger automobiles.

This section sets forth policy and procedures governing the acquisition of fuel-efficient passenger automobiles by executive agencies and provides for the administration of a consolidated Federal fleet plan for use in monitoring those acquisitions. The authority for this § 101-38.1306 derives from Executive Order 11912, dated April 13, 1976, and Executive Order 12003, dated July 20, 1977, which designate and empower the Administrator of General Services to perform without approval, ratification, or other action by the President the functions vested in the President by section 510 of the Motor Vehicle Information and Cost Savings Act, as amended (89 Stat. 915, 15 U.S.C. 2010).

(a) In compliance with Executive Orders 11912 and 12003, GSA administers a consolidated Federal fleet plan for passenger automobiles acquired by executive agencies. The plan is based on forecasts of total passenger automobile acquisition requirements by ve-

hicle class submitted by executive agencies to GSA on or before December 1 of each fiscal year. This forecast will serve as substantiation that each agency's acquisition plan is in conformance with the act; i.e., the agency plan will result in the achievement of the fleet average fuel economy prescribed for the applicable fiscal year. GSA will administer the plan by maintaining a master record of the miles per gallon rating for passenger automobiles actually acquired by each agency during the fiscal year. Periodically, each agency will be furnished a listing of automobiles acquired with the cumulative fleet average fuel economy attained to compare with its forecast. This will enable an agency to adjust future vehicle acquisitions, when necessary, to comply with the act by the end of the fiscal year.

The Federal fleet plan will enable GSA to predict the total fleet average fuel economy to be achieved by all executive agencies prior to the end of the fiscal year and to provide management assistance to agencies, when necessary, to insure compliance with the act. Forecasts of planned acquisitions shall be forwarded to the General Services Administration (FZ), Washington, D.C. 20406, not later than December 1st of each fiscal year, in accordance with the requirements set forth in § 101-38.1306-2. Interagency report control number 0162-GSA-AN has been assigned to this requested forecast.

(b) All passenger automobiles acquired by executive agencies must achieve the fleet average fuel economy set forth below for the appropriate fiscal year, and, except as provided in subparagraph (c) of this section, each vehicle acquired must meet or exceed the average fuel economy standard also set forth below. The applicable fleet average fuel economy objectives and average fuel economy standards by fiscal year are as follows:

	Miles per gallon	
Fiscal year	Average fuel economy standard [1]	Fleet average fuel economy [2]
1978	18.0	20.0
1979	19.0	22.0
1980	20.0	24.0
1981	22.0	26.0
1982	24.0	28.0
1983	26.0	30.0
1984	27.0	31.0
1985	27.5	31.5

[1] Established by section 502 of the Motor Vehicle Information and Cost Savings Act (89 Stat. 902, 15 U.S.C. 2002) and the Secretary of Transportation.
[2] Established by Executive Order 12003.

(c) An agency may request exemptions from the provisions of this § 101-38.1306 for individual passenger automobiles used for special purposes. These requests shall be submitted in writing to the General Services Administration (A), Washington, D.C. 20405, and shall state the reasons supporting the proposed acquisition of a passenger automobile which does not meet the fuel economy standard. The Administrator of General Services will review the request and, with the concurrence of the Secretary of Energy, determine if the request is appropriate. The requesting agency will be informed of the determination. Automobiles exempted under the provisions of this § 101-38.1306(c) shall be included in the calculation of an agency's fleet average fuel economy.

(d) The provisions of this subpart are not applicable to passenger automobiles designed to perform combat-related missions for the U.S. Armed Forces or designed to be used in law enforcement or emergency rescue work.

§ 101-38.1306-1 Definitions.

As used in §§ 101-38.1306, 101-38.1306-1, 101-38.1306-2, and 101-38.1306-3, the following terms shall have the stated meanings:

(a) "Executive agency" means an executive department, a Government corporation, or an independent establishment.

(b) "Fleet average fuel economy" means the total number of passenger automobiles acquired during a fiscal year by executive agencies (excluding passenger automobiles designed to perform combat-related missions for the U.S. Armed Forces or designed to be used in law enforcement work or emergency rescue work) divided by a sum of terms, each term of which is a fraction created by dividing the number of passenger automobiles so acquired of a given model type by the fuel economy of that model type.

(c) "Passenger automobile designed to be used in law enforcement work" means an automobile which is specifically approved in an agency's appropriation act or certified by the head of an agency for use in law enforcement work. For automobiles so certified, the following heaviest duty components available shall be ordered for the model automobile being acquired:

(1) Chassis frame, body mounts, and chassis components (i.e., radiator, fan blades, battery, alternator, starter, transmission, coolers, etc.);

(2) Suspension (springs, shock absorbers, wheels, and stabilizer bar(s));

(3) Power disc/drum brakes and linings;

(4) Inside hood latch release (if applicable for model acquired);

(5) Transmission low gear lockout (if available for model acquired);

(6) At least the next higher cubic inch displacement (CID) engine than is standard for the automobile concerned;

(7) Rubber or vinyl floor covering, front and rear;

(8) Seat assemblies;

(9) Vinyl interior upholstery and trim;

(10) 120 mph speedometer (head calibrated to 2 percent accuracy); and

(11) Police-pursuit-type tires.

When a law enforcement agency does not need automobiles equipped with the above components because of its mission requirements, then items (1) through (6) constitute the minimum requirements for an automobile designed to be used in law enforcement work. Additionally, the agency shall certify that this automobile is being used for law enforcement work and items (7) through (11) were not ordered for reasons related to the intended use of the automobile; e.g., surveillance work.

§ 101-38.1306-2 Agency forecasts of planned acquisitions.

(a) Executive agencies shall furnish to the General Services Administration (FZ), Washington, D.C. 20406, automobile acquisition requirements for each fiscal year based on the combined city/highway mileage ratings for passenger automobiles (for 49 States and California vehicles) developed by the Environmental Protection Agency (EPA). The forecast shall be submitted to GSA by December 1 of each fiscal year. GSA will publish information concerning the EPA mileage ratings, a sample agency forecast, and the miles per gallon ratings to be used for the forecast in a bulletin (FPMR) each year in sufficient time to enable agencies to plan the acquisitions and to prepare the forecasts. Agencies not planning any of these acquisitions (purchases or commercial leases) or those that satisfy the total motor vehicle requirements through the GSA Interagency Motor Pool System shall furnish a negative forecast.

(b) The forecast of the total agency passenger automobile acquisition requirements shall include automobiles to be procured or leased in the coterminous United States, Alaska, Hawaii, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the Canal Zone. The forecast shall not include passenger automobiles (1) procured or leased and to be used outside the foregoing area, (2) designed to perform combat-related missions for the Armed Forces, or (3) designed to be used in law enforcement work or emergency rescue work.

(c) Requisitions for passenger automobiles sent to GSA for procurement action but for which a contract is not effected during the same fiscal year the requisitions are submitted shall be included in the acquisition forecast for the following fiscal year.

(d) When a passenger automobile lease contains an option to renew and the option is exercised, that renewal action shall be included in the forecast as a new acquisition.

(e) In order to maintain a master record of all leased passenger automobiles, agencies shall forward to the General Services Administration (FZ), Washington, D.C. 20406, copies of all agreements for the leasing of passenger automobiles for a period of 60 continuous days or more, including agreements to renew existing leases. When the lease agreement does not provide the following information, it shall be submitted as an attachment to the lease.

(1) Year.

(2) Make.

(3) Model.

(4) Transmission type (if manual, number of forward speeds).

(5) Cubic inch displacement.

(6) Fuel system (fuel injection or carburetor (number of barrels)).

(7) If leased in California.

(f) Submission of requisitions for procurement or requests for authority to lease passenger automobiles which, in the opinion of GSA, will result in noncompliance with the fleet average fuel economy by the end of the fiscal year may result in requisitions being held in abeyance pending adjustment to the agency's acquisition plan.

(g) Requisitions submitted to GSA for passenger automobiles shall be in conformance with the requirements of § 101-26.501 and this subpart 101-38.13.

§ 101-38.1306-3 GSA assistance.

(a) GSA will furnish each agency a list showing the status of passenger automobiles acquired with the fleet average fuel economy achieved, to enable the agency to determine the extent to which it is in conformance with the forecast originally submitted to GSA. This listing will enable an agency to make any necessary adjustments to its acquisition plan to ensure that its fleet average fuel economy is achieved for the applicable fiscal year.

(b) Agencies may request GSA assistance when preparing the forecasts of passenger automobile acquisition requirements by contacting the General Services Administration (FZM), Washington, D.C. 20406.

(Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Dated: October 11, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc 78 30483 Filed 10-26-78; 8:45 am]

[4110-85-M]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER J—HEALTH CARE DELIVERY SYSTEMS

PART 110—HEALTH MAINTENANCE ORGANIZATIONS

AGENCY: Public Health Service, HEW.

ACTION: Final regulations.

SUMMARY: Interim regulations regarding Federal financial assistance for health maintenance organizations (HMO's) were published on February 10, 1978. Those regulations expanded and clarified the requirements of the existing regulations with respect to entities requesting Federal financial assistance for feasibility surveys, planning and initial development, and initial operating costs of health maintenance organizations. Federal financial assistance for grant and loan support for the development and initial operating costs of health maintenance organizations is authorized under title XIII of the Public Health Service Act, "Health Maintenance Organizations" (42 U.S.C. 300e et seq.) as amended by the Health Maintenance Organization Amendments of 1976 (Pub. L. 94-460). This document announces the adoption of final regulations.

EFFECTIVE DATE: These regulations are effective on October 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Howard R. Veit, Director, Office of Health Maintenance Organizations, 12420 Parklawn Drive, Park Building, Room 3-30, Rockville, Md. 20857, 301-443-4106.

SUPPLEMENTARY INFORMATION: On February 10, 1978, there were published in the FEDERAL REGISTER (43 FR 6020-27) interim regulations governing the provision of Federal financial assistance to HMO's under title XIII of the Public Health Service Act, as amended. These regulations included the following subparts of part 110 of title 42, Code of Federal Regulations:

Subpart C—Grants for Feasibility Surveys;
Subpart D—Grants and Loan Guarantees for Planning and Initial Development Costs; and
Subpart E—Loans and Loan Guarantees for Initial Operating Costs.

Interested persons were invited to submit written comments, suggestions, or objections to these regulations by April 11, 1978, and the public was advised that the regulations would be revised if warranted by the comments received.

One comment was received on these regulations. The commenter proposed that § 110.404(c), setting forth project elements for initial development projects, be revised to require that an applicant provide evidence that "Free Standing, Outpatient Ambulatory Surgical Centers" intend to provide basic health services to the proposed HMO, as well as the providers already listed in that section. The Secretary has rejected this suggestion because he believes that the present requirement is adequate with respect to grant or loan guarantee applications for initial development projects. The present requirement set forth at § 110.404(c) is that the applicant provide—

> Evidence from physicians and from one or more hospitals indicating that they intend to become providers of basic health services for the proposed health maintenance organization:
>
> (1) In the case of an individual practice association-type health maintenance organization, there must be such evidence from a number of physicians adequate to serve the proposed enrollment; and
>
> (2) In the case of a nonindividual practice association-type health maintenance organization, there must be such evidence from at least three physicians, indicating that they are willing to be employed by or to contract with the proposed health maintenance organization.

In publishing the interim regulations on February 10, 1978, the Department inadvertently failed to revise one provision regarding eligibility of for-profit entities for loan guarantees for planning and initial development projects. Sections 1304 and 1305 of the Public Health Service Act provide that for-profit entities are eligible for loan guarantee assistance if they will serve medically underserved populations, but these sections do not specify the proportion of the HMO's enrollment that this underserved population must be. While the eligibility provision for loan guarantees for initial operating costs under section 1305 was revised to reduce from 30 percent to 10 percent the projected members of the HMO who must be from medically underserved populations (see § 110.503(b)(2)), the comparable eligibility provision for loan guarantees for planning and initial development projects under section 1304 (§ 110.402(b)(2)(ii)) was inadvertently left at 30 percent. In order to have uniform eligibility provisions, and because no public comments objecting to the 10-percent level in § 110.503(b)(2) were received, the Secretary has decided to amend this provision regarding planning and initial development projects to conform to the 10-percent requirement of the initial operating costs provision. This section has also been revised for greater clarity. Ac-

cordingly, the interim final regulations, published at 43 FR 6020, February 10, 1978, are adopted as final regulations with the following revision:

Section 110.402(b)(2)(ii) is revised to read as follows:

§ 110.402 Eligibility.

* * * * *

(b) * * *

(2) * * *

(ii) In the case of private entities (other than nonprofit private entities), guarantees may be made pursuant to section 1304 of the Act and the regulations of subpart B of this part and this subpart to eligible applicants. The guarantees shall be for the payment of the principal of and the interest on loans for planning or initial development projects for (A) the establishment of health maintenance organizations, or (B) the significant expansion of health maintenance organizations. For any of these projects, at least 10 percent of the projected members of the health maintenance organization must be from medically underserved populations.

Dated: September 18, 1978.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: October 18, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-30412 Filed 10-26-78; 8:45 am]

[4110-12-M]

Title 45—Public Welfare

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 13—ALLOCATION AND UTILIZATION OF SURPLUS PERSONAL PROPERTY FOR EDUCATIONAL, PUBLIC HEALTH, AND CIVIL DEFENSE PURPOSES

PART 14—MINIMUM STANDARDS OF OPERATION FOR STATE AGENCIES FOR SURPLUS PROPERTY

Rescission of Parts

AGENCY: HEW.

ACTION: Repeal of regulations.

SUMMARY: This action repeals 45 CFR Parts 13 and 14, "Allocation and Utilization of Surplus Personal Property for Educational, Public Health, and Civil Defense Purposes," and "Minimum Standards of Operation for State Agencies for Surplus Property."

The statutory authority of the Secretary to donate surplus personal property was terminated on October 17, 1977, by Pub. L. 94-519.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT:

C. A. Patterson, Director, Office of Real Property, Office of Facilities Engineering, Department of Health, Education, and Welfare, Room 4624, 330 Independence Avenue SW., Washington, D.C. 20201, 202-245-1900.

SUPPLEMENTAL INFORMATION: 45 CFR Parts 13 and 14 prescribed basic procedures, terms and conditions, and operating standards for the donation of Federal surplus personal property for educational, public health, and civil defense purposes as authorized by section 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484). Pub. L. 94-519, effective October 17, 1977, amended the Federal Property and Administrative Services Act of 1949 to provide that the General Services Administration, rather than the Department of Health, Education, and Welfare, would administer the donation of personal property, and to expand eligibility to include any public agency for use in carrying out or promoting a broad array of public purposes. The Administrator of General Services has issued regulations at 41 CFR 10-44 concerning its donation procedures.

The repeal of parts 13 and 14 reflects the change made by Pub. L. 94-519, therefore, no notice of proposed rulemaking was provided.

Parts 13 and 14 of title 45 of the Code of Federal Regulations are deleted.

Dated: September 14, 1978.

LEONARD D. SCHAEFFER,
Assistant Secretary for Management and Budget.

Approved: October 18, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-30411 Filed 10-26-78; 8:45 am]

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1343]

PART 1033—CAR SERVICE

Chicago, Milwaukee, St. Paul & Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago & North Western Transportation Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (service order No. 1343).

SUMMARY: The line of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (MILW) between Clinton, Iowa, and Tama, Iowa, is deteriorated and is in need of rehabilitation because of track conditions. Service order No. 1343 authorizes the MILW to operate over tracks of the Chicago & North Western Transportation Co. (CNW) between Clinton, Iowa, and Tama, Iowa; between Otis, Iowa, and Cedar Rapids, Iowa; and between Beverly, Iowa, and Cedar Rapids, Iowa. This order will permit continued through service between Clinton, Iowa, and Tama, Iowa, and continued service to Cedar Rapids.

DATES: Effective 12:01 a.m., October 25, 1978; expires 11:59 p.m., December 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles 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.

Decided October 23, 1978.

The line of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (MILW) between Clinton, Iowa, and Tama, Iowa, has deteriorated, and the line is in need of rehabilitation. Traffic moving over this line is subject to delays on account of the poor condition of the track. These delays are causing the loss of utilization of badly needed freight cars. An alternate route is available over tracks of the Chicago & North Western Transportation Co. (CNW).

The MILW has requested and the CNW has agreed to use by MILW of CNW parallel track between Clinton, Iowa, and Tama, Iowa, in order to continue service to shippers in western Iowa. MILW plans to file an application for abandonment of its line between Green Island, Iowa, and Tama,

Iowa, when operations commence between Clinton and Tama over the CNW. MILW has requested and CNW has agreed to use by MILW of 3.8 miles of CNW track from Otis, Iowa, to Cedar Rapids, Iowa, in order to have acess to MILW's trainyard, and of 1.8 miles of CNW track from Beverly, Iowa, to Cedar Rapids, Iowa, to have access to MILW's trainyard and to serve various industries. MILW plans to file an application for permanent authority to operate over these tracks.

It is the opinion of the Commission that an emergency exists requiring operation of MILW trains over these tracks of the CNW in the interest of the public; 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 30 days' notice.

It is ordered,

Section 1033.1343 Service order No. 1343. Chicago, Milwaukee, St. Paul & Pacific Railroad Co. authorized to operate over tracks of Chicago & North Western Transportation Co. (a) The Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (MILW) is authorized to operate over tracks of the Chicago & North Western Transportation Co. (CNW) between milepost 0.1 at Clinton, Iowa, and milepost 133.2 at Tama, Iowa, a distance of approximately 133.1 miles; between milepost 77.8 at Otis, Iowa, and milepost 81.6 at Cedar Rapids, Iowa, a distance of approximately 3.8 miles; and between milepost 86.1 at Beverly, Iowa, and milepost 84.3 at Cedar Rapids, Iowa, a distance of approximately 1.8 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the MILW over tracks of the CNW is deemed to be due to carrier's disability, the rates applicable to traffic moved by the MILW over the tracks of the CNW shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) Nothing in this order shall be deemed to prejudge the decisions of the Commission in the applications of the MILW seeking permanent authority to operate over these tracks of the CNW.

(e) *Effective date.* This order shall become effective at 12:01 a.m., October 25, 1978.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 15, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

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

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. 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 a copy with the Director, Office of the Federal Register.

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

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

[FR Doc. 78-30481, Filed 10-26-78; 8:45 am]

[4310-55-M]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Opening of DeSoto National Wildlife Refuge, Nebr., to Muzzleloader Deer Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to muzzleloader deer hunting of the DeSoto National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: December 16, 1978 through December 20, 1978, both dates inclusive.

FOR FURTHER INFORMATION CONTACT:

George Gage, Refuge Manager, DeSoto National Wildlife Refuge, R-1, Box 114, Missouri Valley, Iowa 51555, telephone AC 712-642-4121.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Muzzleloader hunting of deer on the DeSoto National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as being open to hunting. This area contains approximately 3,350 acres.

All hunting shall be in accordance with applicable State regulations subject to the following conditions:

1. A total of 100 special permits will be issued for the hunt by the Nebraska Game and Parks Commission. Only those persons possessing a valid permit will be allowed to enter the open area;

2. Muzzleloader rifles are the only weapons allowed and deer are the only legal wildlife species that may be taken during the hunt;

3. Discharging firearms from or across all roads open to vehicle traffic, including adjacent rights-of-way, is prohibited;

4. Parking is restricted to designated parking areas and road shoulders of unpaved roads. Parking on shoulders of paved roads is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

(Sec. 2, 33 Stat. 614, as amended; sec. 5, 43 Stat. 651; sec. 5, 45 Stat. 449; sec. 10, 45 Stat. 1224; sec. 4, 48 Stat. 402, as amended; sec. 4, 48 Stat. 451, as amended; sec. 2, 48 Stat. 1270; sec. 4, 80 Stat. 927; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a; 16 U.S.C. 460k, 668dd; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.)

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

Dated: October 20, 1978.

GEORGE E. GAGE,
Refuge Manager.

[FR Doc. 78-30374 Filed 10-26-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-30-M]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 230]

NONFOOD ASSISTANCE PROGRAM

Change of Title of Program to Food Service Equipment Assistance Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the Nonfood Assistance Program regulations to change the title of the Program to "Food Service Equipment Assistance Program" and to bring the regulations into conformance with Pub. L. 95-166 which contains several provisions designed to encourage the onsite preparation of hot meals. To accomplish this objective the regulations are being amended to: (a) Change the types of schools eligible to recieve reserved funds to include schools without facilities to prepare and cook hot meals; (b) extend the reserve provision for 3 years; (c) give priority in the use of unreserved funds to schools without a food service, schools without the facilities to prepare and cool hot meals or receive hot meals, and schools having equipment that is so antiquated or impaired as to endanger the continuation of an adequate food service program or the ability to prepare and cook hot meals and; (d) provide food service equipment purchased with food service equipment assistance funds to public or private nonprofit institutions for use in providing food service to children attending schools eligible for food service equipment assistance funds. Additional technical changes are being made for clarification.

DATES: Comments just be postmarked on or before December 22, 1978 to be assured of consideration.

ADDRESS: Send comments to Margaret O'K. Glavin, Acting Director, School Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Margaret O'K. Glavin, Acting Director, School Programs Division, Food and Nutrition Service, USDA, Washington, D.C. 20250, 202-447-8130. All written submissions received pursuant to this notice will be made available for public inspection in room 4300B, Auditors Building School Programs Division, Food and Nutrition Service, during regular business hours (8:30 am to 5 pm) (7 CFR 1.27(b)).

SUPPLEMENTARY INFORMATION:

Change of Program Title

Section 3 of Pub. L. 95-166 amended the National School Lunch Act and the Child Nutrition Act of 1966 to change the title of the Nonfood Assistance Program to Food Service Equipment Assistance Program. Such change in the regulations would make the title more descriptive of the type of services offered to schools through this Program.

Use of Reserved Funds

Section 4 of Pub. L. 95-166 amended section 5 of the Child Nutrition Act of 1966 to encourage and give strong preference to the onsite preparation of hot meals. Prior to the enactment of Pub. L. 95-166, one-third of the funds appropriated for the Nonfood Assistance Program was reserved to assist schools without a food service program and schools without the facilities to prepare or receive hot meals meeting requirements of the National School Lunch Program or the School Breakfast Program. ("reserved funds"). Pub. L. 95-166 extends this reserve provision for 3 years and changes the types of schools eligible to receive reserved food service equipment assistance funds to include "schools without facilities to prepare and cook hot meals". The proposed regulations would define schools without facilities to prepare and cook hot meals as schools whose food service equipment is limited to the service of cold meals only and schools that can only heat frozen or chilled individual preportioned meals. The proposed regulations would address the intent of the legislation that schools without facilities to prepare and cook hot meals or receive hot meals be eligible for reserved funds. Such schools may use the reserved funds only to convert to a food service operation that has facilities to prepare and cook hot meals or receive hot meals. Reserved funds cannot be used to purchase or rent equipment for the continuation or expansion of an ongoing food service operation which lacks facilities to prepare and cook hot meals or receive hot meals.

Use of Unreserved funds

Unreserved funds may be used in any school eligible for food service equipment assistance funds. Generally, such funds are used to purchase food service equipment needed to maintain or expand existing school food service operations. These proposed regulations would implement the provision of Pub. L. 95-166 that unreserved funds be distributed to schools on a priority basis. Funds would be made available in the following order: (1) Schools without a food service, (2) schools without the facilities to prepare and cook hot meals or receive hot meals and, (3) schools having equipment that is so antiquated or impaired as to endanger the continuation of an adequate food service program or the ability to prepare and cook hot meals.

Schools without the facilities to prepare and cook hot meals or receive hot meals may receive unreserved funds on a priority basis only to convert to a food service operation that has facilities to prepare and cook hot meals or receive hot meals. If funds remain for distribution after satisfying the needs of the schools in the three (3) priority categories, such funds may be used for the purchase or rental of equipment to maintain or expand existing food service operations.

Expanded Use of Food Service Equipment Assistance Funds

Also, as a result of the new legislation, the proposed regulations would expand the use of food service equipment assistance funds to certain public or private nonprofit institutions which do not themselves participate in the school nutrition programs. In circumstances where schools are unable to establish a food service program that has the facilities to prepare and cook hot meals or receive hot meals, the school may contract with such an institution to provide meals to children attending such schools. Equipment acquired with food service equipment assistance funds may be used to equip the food service operations of the institution. For example, if a school is without a food service program and eligible for food service

equipment assistance funds, but lacks space to install a kitchen, the school may contract with a community center to provide meals to its children. The school may equip the community center's kitchen with equipment purchased with food service equipment assistance funds. However, there are several restrictions to this provision namely; (1) The school must retain legal title to the equipment and (2) if reserved funds are used, the institution would otherwise have been without food service equipment.

OTHER LEGISLATIVE CHANGES

The legislation also requires other changes in the operation of the Program. These include the Secretary's approval of the State's criteria for determining especially needy schools under the Food Service Equipment Assistant Program and deleting the section pertaining to the disposition of equipment in private schools.

In order to effect the former change, the proposed rule would require State agencies and FNSROs, as applicable, to include their criteria for especially needy schools in the State Plan of Child Nutrition Operations.

Under the current legislation, reserved funds are reapportioned as reserved funds as many times per fiscal year as the Secretary determines a reapportionment is necessary. The proposed rule would change this provision to allow only one reapportionment of reserved funds as reserved funds per fiscal year. Any funds remaining in that fiscal year would be reapportioned as unreserved funds.

Currently, the property management requirements in the regulations require different procedures for the disposition of personal property in public and private schools. These proposed regulations would require private school property to be disposed of in the same manner as public school property. This is in accordance with OMB Circular No. A-102 and Pub. L. 95-166.

Accordingly, part 230 would be amended as follows:

1. The title "Nonfood Assistance Program" is deleted each time such title appears in this part and the title "Food Service Equipment Assistance Program" is inserted in lieu thereof.

2. The phrase "nonfood assistance" is deleted each time such phrase appears in this part and the phrase "food service equipment assistance" is inserted in lieu thereof.

3. The phrase "prepare or receive hot meals" is deleted each time such phrase appears in this part and the phrase "prepare and cook hot meals or receive hot meals" is inserted in lieu thereof.

4. In § 230.2, a new paragraph (n-1) is added and paragraph (ee) is revised to read as follows:

§ 230.2 Definitions.

* * * * *

(n-1) "Frozen or chilled individual preportioned meal" means a preportioned combination of foods meeting the National School Lunch Program or School Breakfast Program requirements that are received chilled or frozen at the school to be served as an individual meal. Such meal may be packaged in one or more containers and may require heating at the school prior to serving.

* * * * *

(ee) "School without facilities to prepare and cook hot meals or receive hot meals" means a school that lacks adequate facilities to prepare, cook, and serve hot meals onsite which meet the requirements of the National School Lunch and School Breakfast Programs and also lacks facilities to receive meals hot and serve them hot when such meals are available from a kitchen operated by the School Food Authority. A school that lacks the facilities to prepare, cook, and serve hot meals onsite or to receive meals hot and serve them hot, and that receives chilled or frozen meals that are not cooked onsite but are delivered to the school and heated at the school, shall be considered a "school without facilities to prepare and cook hot meals or receive hot meals."

* * * * *

5. In § 230.4, paragraph (b) is deleted and paragraphs (c), (d) and (e) are revised and redesignated as (b), (c), and (d).

§ 230.4 Apportionment of funds to States.

* * * * *

(b) For the fiscal years ending September 30, 1979, and September 30, 1980, 33⅓ percent of the funds appropriated for food service equipment assistance under the Act shall be apportioned among the States on the basis of the ratio of the number of children in each State enrolled in schools without a food service and in schools without the facilities to prepare and cook hot meals or receive hot meals to the number of children in all States enrolled in schools without a food service and in schools without the facilities to prepare and cook hot meals or receive hot meals.

(c) If any State agency, or FNSRO, where applicable, cannot use all the funds apportioned to it under paragraph (a) or (b) of this section, it shall release such funds to the Department for further apportionment among the remaining States in the manner and for the purpose of the respective initial apportionment: Provided, however, That no further apportionment shall be made if the Department determines that the amount of such funds is too small to make a further apportionment. If funds apportioned under paragraph (b) of this section remain unused after one reapportionment of these funds as reserved funds the Secretary shall immediately apportion such funds among the States as unreserved funds in accordance with the provisions of paragraph (a) of this section.

(d) A share of the Program funds apportioned to any State in accordance with paragraph (a) or (b) of this section shall be withheld by FNS for schools of that State if the State agency is prohibited by law from administering the Program with respect to such schools. The amount withheld from the funds apportioned under paragraph (a) of this section shall bear the same ratio to such apportioned funds as the number of lunches, meeting the requirements of § 210.10 of Part 210 of this chapter and served in such schools in such State in the latest preceding fiscal year for which the Secretary determines data are available at the time such funds are withheld, bears to the total number of such lunches served in all schools within such State in such preceding fiscal year. The amount withheld under paragraph (b) of this section shall bear the same ratio to such funds as the number of children, enrolled in such State in such schools without a food service and without the facilities to prepare and cook hot meals or receive hot meals, bears to the total number of children enrolled in such State in such fiscal year, in all schools without a food service and without the facilities to prepare and cook hot meals or receive hot meals.

6. In § 230.7, paragraph (a) is revised to read as follows:

§ 230.7 Matching of funds.

(a) During any fiscal year, payments made by FNS to each State agency and payments made by FNSRO to School Food Authorities shall be upon the condition that at least one-fourth of the cost of the equipment financed under this subsection shall be borne by funds from sources within the State: Provided, however, That payments used to assist schools that are especially needy, as determined by criteria established by the State agency, or FNSRO where applicable, and approved by the Secretary, shall not be so matched. Payments made by FNS to a State agency may be matched, where matching is required, either by the respective recipient School Food

Authorities or from other State or local sources and payments made by FNSRO to a School Food Authority may be matched either by the recipient School Food Authority or from other funds available to such School Food Authorities within the State in which the Program is administered by FNS.

* * * * *

7. In § 230.8, the paragraph is designated as paragraph (a) and the last sentence is deleted and new paragraphs (b), (c), (d), and (e) are added to read as follows:

§ 230.8 Use of funds.

* * * * *

(b) Funds apportioned under paragraph (a) of § 230.4 may be used to reimburse School Food Authorities of any eligible school. However, States shall use their share of unreserved funds as described under paragraph (a) of § 230.4 by giving priority to three (3) types of schools in the following order: (1) Schools without a food service, (2) schools without the facilities to prepare and cook hot meals or receive hot meals, and (3) schools having equipment that is so antiquated or impaired as to endanger the continuation of an adequate food service program or the ability to prepare and cook hot meals. After making funds available to such schools, the State shall make the remaining funds available to schools with a food service and with the facilities to prepare and cook hot meals or receive hot meals for the purpose of purchasing or renting needed replacement equipment.

(c) States shall use their share of reserved funds as described under paragraph (b) of § 230.4 to reimburse School Food Authorities of schools without a food service and School Food Authorities of schools without the facilities to prepare and cook hot meals or receive hot meals. In schools without the facilities to prepare and cook hot meals or receive hot meals reserved funds may be used only to convert to a food service operation that has facilities to prepare and cook hot meals or receive hot meals. In such schools, reserved funds cannot be used to purchase or rent equipment for the continuance or expansion of an ongoing food service operation which lacks the facilities to prepare and cook hot meals or receive hot meals. This restriction does not apply to schools without a food service, although the provisions of paragraph (d) of this section are applicable to schools without a food service.

(d) Food service equipment assistance funds shall be used only for facilities that enable schools or local public or private nonprofit institutions under the conditions prescribed in paragraph (e) of this section to prepare and cook hot meals or receive hot meals at the school or institution unless the School Food Authority can demonstrate to the satisfaction of the State agency or FNSRO where applicable, that an alternate method of meal preparation is necessary for the introduction or continued existence of the school lunch or breakfast programs in the schools or to improve the consumption of food or the participation of eligible children in the programs.

(e) If a School Food Authority authorized to receive funds under this section cannot establish a food service program of hot meals prepared and cooked by the school, or received by the school, and the School Food Authority enters into an agreement with a public or private nonprofit institution to provide lunches or breakfasts meeting program nutritional requirements for children attending the school, the funds provided under this section may be used for food service equipment to be located at such institution, if the school retains legal title to such food service equipment and if, in the case of funds made available under § 230.4(b), the institution would otherwise be without food service equipment.

8. In § 230.12, a new paragraph (i) is added to read as follows:

§ 230.12 Special responsibilities.

* * * * *

(i) In accordance with the State Plan of Child Nutrition Operations submitted under § 210.4 (a) the State agency, or FNSRO where applicable, shall include the criteria for especially needy schools under the Food Service Equipment Assistance Program. Such criteria shall include as a minimum, the percentage of enrolled children eligible for free and reduced price meals. The percentage shall not be established at a level to exclude all or nearly all schools in the State.

9. In § 230.16 the title of the paragraph (b)(3) is amended to read "Disposition"; paragraph (b)(4) is deleted; paragraph (b)(5) is redesignated as paragraph (b) (4); and paragraphs (a) and (c) are amended to read as follows:

§ 230.16 Property management requirements.

(a) *General purpose and scope.* This section prescribes policies and procedures governing title, use, and disposition of personal property obtained by a State agency or School Food Authority for eligible schools, whose cost was borne in whole or in part with Food Service Equipment Assistance Program funds. State agencies and School Food Authorities may follow their own property management policies and procedures provided they observe the requirements of this section.

* * * * *

(c) *Expendable personal property.* The State agency or School Food Authority may at its option either retain or sell items of expendable personal property on hand when no longer needed for any federally sponsored activity (including activities sponsored by other Federal agencies). Compensation to the Department or State agency, as applicable, is required if the aggregate fair market value of all expendable personal property on hand acquired under the grant or contract exceeds $1,000 when no longer needed for any federally sponsored activity. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original property to the current fair market value of items retained and to the sale proceeds of items sold.

* * * * *

(Catalog of Federal Domestic Assistance No. 10.554, National Archives Reference Services.)

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

Dated: October 20, 1978.

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

[FR Doc. 78-30413 Filed 10-26-78; 8:45 am]

[1505-01-M]

Agricultural Marketing Service

[7 CFR Part 1135]

[Docket No. AO-380]

MILK IN THE SOUTHWESTERN IDAHO-EASTERN OREGON MARKETING AREA

Hearing on Proposed Marketing Agreement and Order

Correction

In FR Doc. 78-29966, appearing at page 49704 in the issue for Tuesday, October 24, 1978, make the following changes:

1. In the preamble under the heading "DATE:", delete the words "Comments due on:".

2. In the preamble under the heading "ADDRESS:", delete the words "Send comments to:".

[3410-15-M]

Rural Electrification Administration

[7 CFR Part 1701]

DATA PROCESSING SYSTEMS

Proposed Revision of REA Bulletin

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: REA proposes to revise REA Bulletin 107-1:407-1 to increase the amount borrowers may spend for data processing equipment without prior REA approval from $25,000 to $50,000; to incorporate earlier recommendations dated March 5, 1973, regarding the need for backup in the event of disaster; and to change REA's recommendations regarding lease versus purchase of computer equipment.

REA is changing its recommendations regarding lease versus purchase because in recent years the computer industry has changed its marketing strategy to encourage purchase. Lease expense often exceeds purchase costs in 3 years. REA wants to give borrowers more freedom to manage; therefore, the amount borrowers can spend for data processing equipment was increased. The increase in the amount borrowers can spend will also result in fewer requests to REA for approval to use general funds to purchase data processing equipment.

DATE: Public comments must be received by REA no later than December 26, 1978.

ADDRESS: Persons interested in the revised bulletin may submit written data, views, or comments to the Director, Electric Borrowers' Management Division, Rural Electrification Administration, Room 3342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Electric Borrowers' Management Division, during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Frederick M. Lewis, Systems Analyst, Electric Borrowers' Management Division, Rural Electrification Administration, Room 3849, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-5986.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue REA Bulletin 107-1:407-1. A copy of the proposed revision of REA Bulletin 107-1:407-1 may be secured in person or by written request from the Director, Electric Borrowers' Management Division.

Dated: October 20, 1978.

ROBERT W. FERAGEN,
Acting Administrator.

[FR Doc. 78-30415 Filed 10-26-78; 8:45 am]

[3410-37-M]

Food Safety and Quality Service

[9 CFR Parts 317 and 381]

MEAT OR POULTRY PRODUCTS

Availability of Net Weight Study and Reopening of Comment Period

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule: Notice of availability of study and reopening of comment period.

SUMMARY: On December 2, 1977, the Department published in the FEDERAL REGISTER (42 FR 61279) a proposal containing uniform requirements and compliance procedures for label statements of net quantity of contents for meat and poultry products. The comment period was to end March 2, 1978, but later was extended to June 2, 1978 (43 FR 8807). In order to make an informed decision on the proposed rule, the Department contracted for a study to determine the economic impact of the prosposal on consumers. The study is available to the public and comments on this study are solicited. Therefore, the comment period on the proposed rules is reopened until December 26, 1978, for the limited purpose of obtaining public comment on the study.

DATES: Comments must be received on or before December 26, 1978.

ADDRESSES: Copies of the study may be obtained by contacting: Executive Secretariat, Attn: Ann Langlois, Room 3167, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-2142. Send written comments to Ann Langlois, Executive Secretariat, Room 3167, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Michael Rose, Acting Chief Staff Officer, Processed Products Inspection Staff, Technical Services, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3840.

Done at Washington, D.C., on October 25, 1978.

JOSEPH A. POWERS,
Acting Administrator,
Food Safety and Quality Service.

[FR Doc. 78-30526 Filed 10-26-78; 8:45 am]

[3410-37-M]

[9 CFR Part 381]

CHARGES FOR INSPECTION FOR PURPOSES OF EXPORT CERTIFICATION

Clarification

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: As the result of a 1975 amendment to § 381.37(c) of the poultry products inspection regulations (9 CFR 381.37(c)), exporters of poultry products shall be provided inspection service, without charge, for up to 8 consecutive hours per shift during the basic workweek. However, § 381.105(a) of the regulations (9 CFR 381.105(a)), which applies to inspection for purposes of export certification, requires such inspection service to be performed only at official establishments. When taken together, these regulations appear to permit free inspection service, for purposes of export certification, only if the poultry products to be exported are presented for inspection at official establishments. This is contrary to the intent of § 381.37(c), as amended. This document proposes the deletion of the portion of the export certification regulation that, in effect, restricts the provision of free inspection service for such purposes to those inspections performed at official establishments.

DATES: Comments must be received on or before December 26, 1978.

ADDRESS: Written comments to: Executive Secretariat, Attention: Ann Langlois, U.S. Department of Agriculture, Room 3167, South Agriculture Building, Washington, D.C. 20250. Oral comments to: Dr. A. V. Giesemann 202-447-3219. (For additional information on comments, see supplementary information.)

FOR FURTHER INFORMATION CONTACT:

Dr. A. V. Giesemann, Acting Chief Staff Officer, Inspection Standards and Regulations Staff, Technical Services, Food Safety and Quality Service, U.S. Department of Agriculture, Room 4444, South Building, Washington, D.C. 20250, 202-447-3219.

SUPPLEMENTARY INFORMATION:

COMMENTS

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the office of the Executive Secretariat. Comments should bear a reference to the date and page number of this issue of the FEDERAL REGISTER. Any person desiring opportunity for oral presentation of views concerning the proposed amendments to the poultry products inspection regulations must make such request to Dr. Giesemann so that arrangements may be made for such views to be presented. A transcript shall be made of all views orally presented. All comments submitted pursuant to this notice will be made available for public inspection in the office of the Executive Secretariat during regular hours of business.

BACKGROUND

This document, in effect, proposes a clarification. As a result of a 1975 amendment to § 381.37(c) of the poultry products inspection regulations (9 CFR 381.37(c)), poultry exporters are now furnished free inspection service for up to 8 consecutive hours per shift during the basic workweek, (see 40 FR 45798). Prior to the amendment, exporters had been required to pay for all inspection services provided. The change in policy was intentional, and fully, though briefly discussed in the rulemaking. However, § 381.105(a) of the regulations (9 CFR 381.105(a)), currently limits inspection, for purposes of export certification, to the products presented for inspection at official establishments. When the two regulations are taken together, they could be constituted as limiting the provision of free inspection service, for purposes of export certification, to the products that are presented for inspection at official establishments. Since this is not the intention of § 381.37(c), as amended, this document proposes the deletion of the portion of the export certification regulation (9 CFR 381.105) which, in effect, limits the provision of free inspection service for such purposes to those inspections performed at official establishments.

§ 381.105 [Amended]

Accordingly, the Federal poultry products inspection regulations (9 CFR 381.1 et seq.) would be amended to delete the proviso in the first sentence of § 381.105(a).

NOTE.—The Department of Agriculture has determined that this regulation does not have major economic consequences requiring preparation of a regulatory analysis in accordance with section 3 of Executive Order 12044 (March 24, 1978).

Done at Washington, D.C., on October 19, 1978.

SYDNEY J. BUTLER,
Acting Administrator,
Food Safety and Quality Service.

[FR Doc. 78-30089 Filed 10-26-78; 8:45 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 761 0003]

NEW JERSEY PEST CONTROL ASSOCIATION, INC.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a West Orange, N.J., trade association, representing a number of dealers and suppliers of past control goods and services, to cease denying membership to bona fide dealers and suppliers; establishing or maintaining prices or conditions of sale for goods and services; interfering with advertising media; or attempting by any other means to fix prices and eliminate competition in relevant markets. The association would be further required to eliminate timely from its charter and bylaws any provision which is contrary to the terms from its charter and bylaws any provision which is contrary to the terms of the order, and to maintain specified records for a 3-year period.

DATE: Comments must be received on or before December 26, 1978.

ADDRESS: Comments should be directed to Office of the Secretary, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Leroy Richie, Director, New York Regional Office, Federal Trade Commission, 2243-EB Federal Building 26 Federal Plaza, New York, N.Y. 10007, 212-264-1207.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record, together with material submitted to the Commission that is not exempt from public disclosure under the Freedom of Information Act, for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION

In the matter of New Jersey Pest Control Association, Inc., a corporation, file No. 7610003, agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of New Jersey Pest Control Association, Inc., a corporation, hereinafter sometimes referred to as proposed respondent, and it now appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed, by and between New Jersey Pest Control Association, Inc., by its duly authorized officer, and its attorneys, and ocunsel for the Federal Trade Commission that:

1. Proposed respondent New Jersey Pest Control Association, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of the State of New Jersey, with its office and principal place of business located at 475 Prospect Avenue, West Orange, N.J.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose

facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed to order to respondent's address as stated in this agreement shall constitute service. Respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or to contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and it understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

It is ordered, That respondent New Jersey Pest Control Association, Inc., a nonprofit corporation, and its officers, directors, agents, representatives, employees, successors, and assigns, directly or indirectly, through any corporation, subsidiary, division, committee, or other device, in connection with respondent association's business, or with the offering for sale, sale, distribution, or promotion of pest control goods or services, in or affecting commerce, as commerce is defined in the Federal Trade Commission Act, as amended, shall forthwith cease and desist from entering into, cooperating in, or carrying out any agreement, understanding, or combination, express or implied, or unilaterally to do, adopt or perform any of the following acts, policies, or practices:

1. Failing to grant equal, uniform, and nondiscriminatory membership upon written application therefor, to any dealer in pest control goods or services actually doing business within the territorial limits served by respondent association; except that this order paragraph shall not prohibit the respondent from denying membership to an applicant who has not complied with State or Federal laws pertaining to qualification for the practice of pest control within the territorial limits served by respondent association.

2. Fixing, maintaining, establishing, setting, or attempting to fix, maintain, establish, or set, prices, terms, or conditions of sale or price floors or minimum charges to consumers for pest control goods or services.

3. Eliminating or attempting to eliminate the granting or offering of discounts, or the advertisement of prices or discounts.

4. Requesting, suggesting, encouraging, requiring, or demanding the reporting to respondent of dealers believed to be engaged in price cutting, or believed to be engaged in the granting, offering, or advertisement of price cuts or discounts.

5. Requesting, suggesting, requiring, demanding, or prevailing upon any advertising medium to refuse, condition, qualify, or change advertising placed or sought to be placed by any dealer in pest control goods or services, because such dealer is not a member of respondent, or because such advertising contains representations relating to prices, terms, or conditions of sale not approved by respondent or any member of the respondent; except that this paragraph shall not be construed in such a way as to prohibit the respondent from informing advertising media that a firm is representing itself to be a member of respondent or is using respondent's logo when, in fact, such firm is not a member of respondent.

6. Restricting or preventing, or attempting to restrict or prevent, dealers in pest control goods or services from carrying on lawful courses of action, and engaging in trade and commerce by lawful methods of their own choosing.

7. Eliminating or attempting to eliminate competition between or among dealers in pest control goods and services.

8. Requiring or requesting members of, or applicants for, membership in respondent to submit or disclose prior, current, or planned advertising, or prior, current, or planned prices.

It is further ordered, That respondent shall within thirty (30) days of the effective date of this order:

(1) Advise in writing and by mail all dealers in pest control services discovered through the best efforts of respondent to be doing business within the territorial limits served by respondent, that all dealers so engaged, and complying with State and Federal laws pertaining to qualification for engaging in pest control services within such territorial limits, are eligible to join respondent association on equal, uniform, and nondiscriminatory terms.

(2) Mail a copy of this order to each dealer in pest control services discovered through the best efforts of respondent to be doing business within the territorial limits served by respondent.

It is further ordered, That immediately upon completion of the above mailings, respondent obtain from the person actually performing the required mailing of each notice and order, an affidavit verifying the mailing of each such document, and specifying the particular business entity and address to which each such document had been mailed.

It is further ordered, That respondent shall within thirty (30) days after the date of service of this order, amend its charter, bylaws, rules, and regulations by eliminating therefrom any provision which is contrary to or inconsistent with any provision of this order, and that respondent shall thereafter require as a condition of membership that all present and future members of respondent act in accordance with the provisions of this order.

It is further ordered, That respondent shall keep full and complete records relating to the following and shall retain the same for 3 years:

(a) Standards for admission to and retention of membership in the respondent;

(b) All denials of membership in the respondent;

(c) All expulsions or withdrawals from, or nonrenewals of membership in the respondent;

(d) All correspondence and minutes, formal or informal, kept by or on behalf of the respondent and its committees.

It is further ordered, That respondent trade association notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent herein shall within sixty (60)

days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it complied with this order including copies of all affidavits required by this order to be obtained by the respondent.

NEW JERSEY PEST CONTROL ASSOCIATION, INC. DOCKET NO. ——

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from New Jersey Pest Control Association, Inc.

The proposed consent order and material submitted by New Jersey Pest Control Association, Inc. to the Commission that is reasonably related to the merits of the order and is not exempt from disclosure under the Freedom of Information Act have been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The New Jersey Pest Control Association, Inc., a New Jersey coporation, is a trade association representing a number of pest control dealers serving the New Jersey residential and commercial markets for pest control goods and services designed to eliminate insects and rodents, and several suppliers to the trade.

The complaint, in brief, alleges that the above association, along with others, including certain of its members, has violated section 5 of the Federal Trade Commission Act by:

1. Denying and restricting membership in such association by means of arbitrary rules and standards, thereby refusing the substantial competitive advantages of such membership to bona fide dealers in pest control goods and services;

2. Conspiring and combining to maintain price floors and higher prices for pest control goods and services; and to prevent price cutting and discounting by such means as encouraging the reporting of offers of discounts and through intimidation;

3. Denying full access to advertising media by prevailing upon such media to refuse, condition, qualify, or change advertising sought to be placed for such reasons as that such advertising contains prices, terms, or conditions of sale not approved by such association or its members.

The consent order is designed to protect consumers and competitors by preventing respondent from initiating, maintaining, or aiding their members to act together to initiate or maintain:

1. Practices resulting in the unfair exclusion of qualified and bona fide pest control dealers from the advantages of full and unrestricted membership in respondent association;

2. Practices having the purpose or effect of fixing or raising prices for pest control goods or services, such as attempts to eliminate the advertisement of discounts or to encourage the reporting of dealers believed to be making or advertising discounts; or

3. Practices designed to influence advertising media to refuse, condition, qualify, or change advertising sought to be placed by a pest control dealer because such dealer is not a member of respondent, or because such advertising contains prices, terms, or conditions of sale not approved by respondent or a member of the respondent.

The purpose of this analysis is to facilitate public comment on the proposed order and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-30479 Filed 10-26-78; 8:45 am]

[1505-01-M]

[16 CFR Part 419]

GAMES OF CHANCE IN THE FOOD RETAILING AND GASOLINE INDUSTRIES

Proposed Amendment of Trade Regulation Rule To Modify Hiatus Provision

Correction

In FR Doc. 78-29487 appearing at page 48654 in the issue for Thursday, October 19, 1978, on page 48654, in the third column, the telephone number under "FOR FURTHER INFORMATION CONTACT" should read "216-522-4207."

On page 48656, in the second column, in the third line under section F, "witnessed" should read "witnesses"; and in the tenth line, "of" should read "or".

[6740-02-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Part 154]

RATE SCHEDULES AND TARIFFS

Proposed Rulemaking Which Would Require Interstate Natural Gas Pipelines To Elect To Use Either a Purchased Gas Cost Adjustment Clause, or General Rate Cases, To Reflect in Its Rates Changes in Purchased Gas Costs

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking in docket No. RM79-1.

SUMMARY: The notice of proposed rulemaking, if adopted by the Federal Energy Regulatory Commission, would require interstate natural gas pipelines subject to the Commission's rate jurisdiction to elect every 3 years whether to recover changes in purchased gas costs through purchased gas cost adjustment clauses or general rate case filings.

It is the Commission's goal to reduce the time and effort spent reviewing filings to recover purchased gas costs either through general section 4 rate cases filed pursuant to § 154.63 or through PGA clause rate filings. It is also the goal of the Commission to reduce the burden upon pipeline companies by reducing the number of filings which they must prepare and prosecute, as well as to provide more rate stability for distributors and ultimate consumers of natural gas.

DATES: Comments are due on or before November 20, 1978.

ADDRESS: Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Charles E. Bullock, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, 202-275-4232.

The Federal Energy Regulatory Commission (the Commission) hereby gives notices that it proposes to adopt a regulation requiring jurisdictional pipeline companies to elect, on a 3-year basis beginning in 1979, whether to reflect changes in the purchased gas costs as defined by § 154.38(d)(4) of the regulations through purchase gas adjustment (PGA) clauses or through general rate filings made pursuant to 18 CFR § 154.63. Data, views, comments, and suggestions on the matter are invited in order to assist the Commission in its review of the proposal. The Commission requests discussion of the merits of the proposal and al-

ternative means, if any, of realizing its purpose.

BACKGROUND

It is the Commission's goal to reduce the time and effort spent reviewing filings to recover purchased gas costs either through general section 4 rate cases filed pursuant to § 154.63 or through PGA clause rate filings. It is also the goal of the Commission to reduce the burden upon pipeline companies by reducing the number of filings which they must prepare and prosecute, as well as to provide more rate stability for distributors and ultimate consumers of natural gas.

This goal was in part implemented by Commission order No. 13, issued October 18, 1978, in docket No. R-406, published also in today's issue which limits to two the number of PGA filings that a pipeline may make in a year and specifies the dates on which the filings are made. However, even though the purpose of order No. 13 is to reduce the number of PGA filings, that goal may not be realized if the pipelines respond to that order by including changes in purchased gas costs in general section 4 rate filings made pursuant to § 154.63 and by increasing the frequency of such filings. The purpose of this proposal is to avoid substitution of general section 4 rate filings for PGA filings.

A pipeline can recover changes in purchased gas costs in a timely manner either through adoption of PGA procedures or section 4 procedures. Reliance on both are necessary only in cases where a pipeline company seeks to recover purchased gas costs that may not be included in PGA clauses, such as liquefied natural gas (LNG) or synthetic natural gas (SNG), and where a pipeline company can demonstrate to the Commission that it is (1) unable to arrange for financing of the balances being carried in the deferred account, or (2) is unable to earn its allowed rate of return because there is such a significant difference between the costs of financing the deferred amounts and the carrying charges allowed by the Commission.

Pursuant to this proposal, pipeline companies would be precluded for 3 years from including in section 4(e) rate filings pursuant to § 154.63 changes in purchased gas costs, except in certain specified circumstances, if they have elected to adopt or maintain a PGA clause.

SUMMARY OF THE PROPOSAL

Under the proposal, pipeline companies electing to adopt or maintain PGA clauses would be precluded from including changes in purchased gas costs in general section 4 rate cases, filed pursuant to § 154.63, for a period of 3 years from the date of electing a PGA clause. At the end of the 3 years, if the pipeline had not made a filing to the contrary with the Commission, it would be deemed to have elected to renew its election for an additional 3 years, subject to the provisions of § 154.38(d)(4)(vi). However, when a company could demonstrate to the Commission that it (1) is unable to arrange for the financing of the balances being carried in the deferred account, or (2) is unable to earn its allowed rate of return because there is a significant difference between the costs of financing the deferred amounts and the carrying charges allowed by the Commission, it could request a waiver of the PGA clause election to include in a general section 4(e) rate filing made pursuant to § 154.63, changes in purchased gas costs, as well as changes in other items of cost.

Under the proposal, as under the Commission's present regulations, PGA treatment (§ 154.38) would be applicable only to purchased gas costs as defined by § 154.38(d)(4). The costs of other purchased gas, such as LNG and SNG, cannot, under the present or the proposed regulations, be recovered through a PGA clause except where a company has obtained a waiver of the PGA regulations to allow recovery of these costs through the PGA clause. Thus where a waiver has not been obtained, the company would continue to use section 4 procedures pursuant to § 154.63 to collect those costs in its rates. When a company that had elected PGA procedures made a general section 4 rate filing to recover changes in other costs of operations, including the costs of LNG or SNG, the company would use the unit purchased gas cost reflected in its then effective PGA adjustment. In the section 4 proceeding, the company or any other party would be permitted to place in issue the appropriate volume of purchased gas.

Conforming amendments to § 154.63 have also been proposed.

PUBLIC COMMENT PROCEDURES

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before November 20, 1978. Each person submitting a comment should include his name and address, identify the notice (docket No. RM79-1), and give reasons for any recommendations. An original and 14 conformed copies should be filed with the Secretary of the Commission. Comments should indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. Written comments shall be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426, during regular business hours.

(Natural Gas Act, as amended, 15 U.S.C. § 717 et seq., Department of Energy Organization Act, Pub. L. 95-91, E. O. 12009, 42 FR 46267.)

In consideration of the foregoing, it is proposed to amend part 154, chapter I of title 18 of the Code of Federal Regulations, as set forth below.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

1. Section 154.38 is amended in paragraph (d) by revising the introductory language in subparagraph (4) to read as follows:

§ 154.38 Composition of rate schedule.

* * * * *

(d) *Statement of rate.* * * *

(4) A natural gas pipeline company may elect to submit a purchased gas cost adjustment clause (PGA clause) to flow through changes in its cost of purchased gas.[1] Natural gas pipeline companies shall elect on a 3-year basis as of January 1, 1979, whether to recover all changes in purchased gas costs through general rate change filings or to recover changes in purchased gas costs through the PGA provisions. If a company elects to adopt or maintain a PGA clause § 154.38(4) shall be applicable. If a company elects to recover all changes in purchased gas costs through general rate changes filings made pursuant to § 154.63 of this part, such election shall be effective for 3 years, during which time the company may not adopt a PGA clause. At the end of the 3 years if the pipeline has not made a filing with the Commission to the contrary, the pipeline shall be deemed to have elected to renew its PGA clause

[1] For the purposes of this paragraph, purchased gas cost represents the cost of wellhead purchases, field line purchases, plant outlet purchases, transmission line purchases, and pipeline production from leases acquired on and after Oct. 7, 1969. Nonconcurrent exchange transactions may be reflected as a cost of purchased gas. If a company has underground storage, the cost of purchased gas included in accounts 800, 801, 802, 803, and where applicable, account 806, shall be debited or credited to reflect the net injections or withdrawals from underground storage. This adjustment shall be prorated between pipeline and producer supply. New pipeline supplies (contractual daily delivery obligations) and liquefied natural gas, synthetic natural gas, and gas from coal gasification shall not be reflected in a PGA clause without prior Commission approval.

election for an additional 3 years, subject to § 154.38(d)(4)(vi). If a company elects to adopt a PGA clause it may not include changes in purchased gas costs covered by the PGA clause in a general section 4 rate case filed pursuant to § 154.63 unless the commission has granted a waiver of the pipeline's election. To receive a waiver, the pipeline must demonstrate that it is unable to arrange for financing of the balances being carried in the deferred account, or is unable to earn its allowed rate of return because there is a significant difference between the costs of financing the deferred amounts and the carrying charges allowed by the Commission. No PGA clause shall become effective until approved by the Commission. No request for approval of a PGA clause will be considered by the Commission unless the proposed PGA clause indicates the following terms and conditions:

* * * * *

2. Section 154.63 is amended by revising subparagraphs (3) and (4) of paragraph (b) and by revising schedule H(1)-3 of paragraph (f) to read as follows:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.

* * * * *

(b) *Material to be submitted.* * * *

(3) *Major rate increase.* Class A companies (as defined in Subchapter F, Uniform System of Accounts for Natural Gas Companies, of this chapter) shall submit, in addition to the material required by subparagraph (1) of this paragraph, statements A to M inclusive and O and P described in paragraph (f) of this section. Class B, C, and D companies, defined as above, shall file only statements L, M, N, O, and P. Statement P, which is required to be submitted by all classes of companies, may be furnished not later than 15 days after the date of the filing. A natural gas company filing another major increase in rates or charges within a period of 12 months after the date of filing of statements A through M and O and P or after the end of the test period used therein including the period of adjustments shown on statements A through M may submit for such other increase statements L, M, and N in lieu of statements A through M if the proposed new rate increase is filed to compensate only for an increase in the cost of purchased gas and there has been no material change in the company's facilities, sales volumes, and cost of service other than cost of purchased gas since such prior rate increase was filed. However, pipelines with Commission approved PGA clauses conforming to section 154.38(d)(4) of the regulations shall not be permitted to include changes in purchased gas costs in filings made pursuant to this subparagraph unless they have received a waiver of their PGA election pursuant to § 154.38(d)(4). Pipelines with Commission-approved PGA clauses making filings pursuant to this subparagraph shall reflect the unit cost of purchased gas costs as of the pipeline's latest Commission-approved PGA rate adjustment, unless the pipeline has received a waiver of its PGA election pursuant to § 154.38(d)(4).

(4) *Minor rate increase or rate decrease.* Only statements L through N need be filed in addition to the material required by subparagraph (1) of this paragraph. (Statements L through N are not required to make effective rate changes or tariff provisions ordered by the Commission.) A pipeline with an effective Commission-approved PGA clause conforming to § 154.38(d)(4) shall not be permitted to include changes in purchased gas costs in rate filings made pursuant to this subparagraph unless the pipeline has received a waiver of its PGA election pursuant to § 154.38(d)(4). A pipeline with an effective Commission-approved PGA clause shall reflect in any filing made pursuant to this subparagraph the unit cost of purchased gas cost as of the pipeline's latest Commission-approved PGA rate adjustment, unless the pipeline has received a waiver of its PGA election pursuant to § 154.38(d)(4).

* * * * *

(g) *Description of statements.* * * *

Schedule H(1)-3, a schedule showing either: (a) In the case of a pipeline which has a Commission-approved PGA clause in its tariff, its unit cost of purchased gas as set forth in the pipeline's latest Commission-approved PGA rate adjustment. However, the pipeline may adjust its purchased gas volumes as provided in (b) hereof; or (b) in the case of a pipeline which does not have a Commission-approved PGA clause in its tariff or in the case of a pipeline which has a Commission-approved PGA clause but obtains a waiver of its PGA clause election pursuant to § 154.38(d)(4), the total annual cost of gas purchased for the 12 months of actual experience, the adjustments thereto, and the total adjusted cost for test period, with the data grouped by States and producing areas and detailed by contract or rate schedule designation, field, volumes in Mcf at a common pressure base and price in total for the contracts or rate schedules under which actual or adjusted volumes exceed 1,000,000 Mcf annually. Field purchases under rate schedules where the actual or adjusted volumes are less than 1,000,000 Mcf annually may be grouped by field or producing area. Purchases from pipelines in any volume shall be shown in full detail by rate schedule including splits between demand and commodity charges.

In the event adjustments are made to the volumes of gas taken from any source during the 12 months of actual experience, a detailed explanation and data in support of the adjusted volumes shall be furnished. No adjustments are to be made to reflect the attachment of new gas supplies unless both the filing company and the supplier have each obtained the required permanent or temporary certificates of public convenience and necessity and the necessary facilities by both are or will have been in operation during the test period.

In the event the adjustments to volume aggregate more than 10 percent of the total volume of gas purchased during the 12 months of actual experience, and are due to change in gas purchase pattern or additional gas supply, the minimum take-or-pay-for quantities for each source of supply, applicable at the end of the test year period, and the reasons for making such adjustments shall be submitted.

If the company purchases and sell gas under exchange agreements, the method of recording on books, total gross volumes exchanged, net dollar amounts involved and details of each major exchange shall be submitted.

[FR Doc. 78-30432 Filed 10-26-78; 8:45 am]

[4110-03-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 182 and 184]

[Docket No. 78N-0213]

TOCOPHEROLS AND DERIVATIVES

Proposed Affirmation of Gras Status for Certain Tocopherols and Removal of Certain Others From Gras Status as Direct Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to affirm the generally recognized as safe (GRAS) status of *dl*-α-tocopherol, mixed tocopherol concentrate, *d*-α-tocopheryl acid succinate, *d*-α-tocopheryl acetate, and *dl*-α-tocopheryl acetate as direct human food ingredients and to remove *d*-α-tocopherol and *d*-α-tocopheryl acetate concentrate from GRAS status as direct human food ingredients. The safety of these ingredients has been evaluated under a comprehensive safety review being conducted by the agency. The proposal would list *dl*-α-tocopherol, mixed tocopherol concentrate, *d*-α-tocopheryl acid succinate, *d*-α-tocopheryl acetate, and *dl*-α-tocopheryl acetate as direct food substances affirmed as GRAS.

DATES: Comments by December 26, 1978.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and

Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: A comprehensive safety review of human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction is being conducted by the Food and Drug Administration (FDA). The Commissioner of Food and Drugs has issued several notices and proposals (see the FEDERAL REGISTER of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of *d*-α-tocopherol, *dl*-α-tocopherol, mixed tocopherol concentrate, *d*-α-tocopheryl acid succinate, *d*-α-tocopheryl acetate, *dl*-α-tocopheryl acetate, and *d*-α-tocopheryl acetate concentrate has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the Commissioner proposes to affirm the GRAS status of *dl*-α-tocopherol, mixed tocopherol concentrate, *d*-α-tocopheryl acid succinate, *d*-α-tocopheryl acetate, and *dl*-α-tocopheryl acetate as direct human food ingredients and to remove *d*-α-tocopherol and *d*-α-tocopheryl acetate concentrate from GRAS status as direct human food ingredients.

The tocopherols are a group of chemically related, lipid-soluble substances that possess vitamin E activity. Eight *d*-form tocopherols occur naturally in many plant and animal tissues. The tocopherols are present in vegetable oils, cereals, nuts, and leafy vegetables. Vegetable oils are the most important sources. Wheat germ and cotton seed oils contain *d*-α-tocopherol as the major tocopherol. This form is the most widely distributed, the most effective antioxidant of the naturally occuring forms, and the most potent vitamin E compound.

Commercially, *d*-α-tocopherol and mixed tocopherol concentrate (consisting mostly of *d*-α-tocopherol and small amounts of beta, gamma, and delta tocopherols) are isolated from edible vegetable oils. *d*-α-tocopheryl acetate concentrate (also called *d*-α-tocopheryl acetate preparation), *d*-α-tocopheryl acetate, and *d*-α-tocopheryl acid succinate are synthesized from *d*-α-tocopherol, while *dl*-α-tocopherol, and *dl*-α-tocopheryl, acetate are synthesized from other starting materials. Varying degrees of purity of these products can be obtained by distillation.

Tocopherols are listed as GRAS in § 182.3890 (21 CFR 182.3890) for use as chemical preservatives, under a regulation published in the FEDERAL REGISTER of November 20, 1959 (24 FR 9368) and subsequently recodified, and in § 182.5890 (21 CFR 182.5890) for use as nutrients and/or dietary supplements, under a regulation published in the FEDERAL REGISTER of January 31, 1961 (26 FR 938) and subsequently recodified. Alpha-tocopherol acetate is listed in § 182.5892 (21 CFR 182.5892) as GRAS for use as a nutrient and/or dietary supplement, under a regulation published in the FEDERAL REGISTER of November 20, 1959 (24 FR 9368). Tocopherols also are prior-sanctioned for use in food as antioxidants at 0.03 percent.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which tocopherols and certain derivatives were used and the levels of usage. Information from surveys of consumer consumption was obtained and combined with the manufacturing information to obtain an estimate of consumer exposure to these ingredients. The total amount of tocopherols and their derivatives used in food in 1970 was reported to be 157 pounds of *dl*-α-tocopherol, 617 pounds of mixed tocopherol concentrate, 55 pounds of *d*-α-tocopheryl acid succinate, 18,000 pounds of *d*-α-tocopheryl acetate, and 79,000 pounds of *dl*-α-tocopheryl acetate. No food use data were reported for *d*-α-tocopherol or *d*-α-tocopheryl acetate concentrate (*d*-α-tocopheryl acetate preparation).

Tocopherols and derivatives have been the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 2,691 abstracts on tocopherols and derivatives was reviewed and 86 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

Not all ingested tocopherols in raw foods are available for absorption. Numerous studies have shown that the Vitamin E activity of tocopherols in foods may be destroyed by cooking. Commercial processing and storage result in relatively larger losses of tocopherols than those resulting from ordinary cooking. Thus, both naturally occurring and added tocopherols in ingested foods may not necessarily be absorbed by the intestine.

According to Horwitt, there is no significant difference in the rate at which the several tocopherols are absorbed from the intestine. The tocopheryl acetate derivatives are partially hydrolysed by intestinal esterases and absorbed; they are also partialy absorbed as intact esters. Pearson and Barnes observed that α- and δ-tocopherols are absorbed more rapidly than the β- or γ-forms. They injected 600 to 800 μg of each tocopherol in 0.2 ml glycerol trioleate into isolated intestinal loops of female hooded rats. After 6 hours, absorption of the α-, β-, γ-, and δ-tocopherols was 32, 18, 1.8, and 30 percent, respectively.

The importance of bile in the absorption of tocopherols from the intestinal tract has not been clearly established. Although it was reported that bile promotes absorption of *dl*-α-tocopheryl acetate in the rat, Greaves and Schmidt, and Sternberg and Pascoe-Dawson presented data that did not support this view. Weber *et al.* observed that the oral administration of *d*-α-tocopherol and *l*-α-tocopherol in a 1:1 ratio resulted in a 55 percent greater absorption of each than when fed singly. In addition, they found that *l*-α-tocopherol is absorbed and excreted more rapidly than *d*-α-tocopherol. In the rat, α-tocopherol absorption is mainly via lymphatic pathways and by the portal vein. Based on studies with dogs fed several tocopherols, Kaludin suggested that β-, γ-, and δ-tocopherols are converted to α-tocopherol in the body. However, Dju *et al.* found no evidence for conversion of either γ- or δ-tocopherols to α-tocopherol in laying hens fed either isomer.

In man, physiologically active amounts of tocopherols are readily absorbed in the gastrointestinal tract and distributed throughout the body tissues. Depending upon the amount ingested, a significant amount may be excreted unchanged in the feces. For example, Schmandke *et al.* reported the following data on absorption of *dl*-α-tocopherol in thirty 18 to 34 year old men:

Oral dose (mg)	Percent absorbed (24 hours)
10	96.9±13.0
30	87.3±13.5
50	72.6±11.6
100	81.5±6.1
500	67.6±19.4
1500	70.3±27.9
2000	55.2±28.8

Following the oral administration of 0.5, 1.0, 1.5, and 2.0 g of *dl*-α-tocopherol to healthy male test subjects, Schmandke recovered from the urine 3.11, 12.32, 8.18, and 9.31 mg, respectively, of the compound in the form of tocopheronolactone. Simon et al. have reported that the oral administration of 3 to 5 g of *dl*-α-tocopherol to human subjects resulted in two metabolites, mainly conjugated 2(3-OH-4-CH_3-5-carboxy-pentyl)-3,5,6-trimethylbenzoquinone and its gamma lactone.

After oral administration of 1 g *dl*-α-tocopherol to healthy men, Schmandke and Schmidt found that about 40 percent is absorbed and that 6 percent of the absorbed tocopherol is reduced to tocopheronolactone; of 1 g of orally administered *dl*-α-tocoquinone, about 75 percent is absorbed and 1.8 percent of that absorbed is reduced to tocopheronolactone. On the basis of the low

rate of change of *dl*-α-tocoquinone to tocopheronolactone in comparison with *dl*-α-tocopherol, the authors suggested that the mechanism of α-tocopherol catabolism is by way of α-tocoquinone to tocopheronolactone in man.

In subjects receiving oral doses of 2.0 g α-tocopherol or α-tocopheryl acetate, Gounelle et al. found that α-tocopherol is more readily absorbed than the acetate form and that peak blood levels for both forms occurred at 6 hours after ingestion and absorption.

In man, bile appears to be involved in the absorption of tocopherols; normally, at least 50 percent of the oral dose is absorbed, and the remainder is excreted unchanged in the feces. In addition, limited breakdown results in production of urinary metabolites. MacMahon and Neal administered oral doses of tritium-labeled-α-tocopherol to seven fasted normal subjects and found that 55 to 79 percent of the dose was absorbed and 3 to 16 percent of the total radioactivity was recovered from the urine in 3 days. Peak plasma levels were reached in 5 to 9 hours; and they calculated that the metabolic half-life was 53 hours. Radioactivity in the blood plasma was almost all associated with free α-tocopherol. These investigators also observed relatively poorer absorption of tocopherol in patients with malabsorption problems, biliary obstruction, steatorrhea, and gastrectomies than that in normal subjects. In another study, Kelleher et al. found essentially similar patterns of absorption in 50 fasting subjects given tritium-labeled-*dl*-α-tocopherol orally. Six to twelve hours after administration, absorption was 72 percent; after 6 to 12 days, less than 6 percent of the activity was recovered in the urine and 80 percent was found in the plasma as unchanged α-tocopherol. Subjects with steatorrhea absorbed less (59 percent) than those without steatorrhea (72 percent).

Blomstrand and Foresgren fed two patients with cannulated thoracic ducts a formula meal with doses of several tritium-labeled derivatives of tocopherol and then analyzed lymphatic lipids serially for up to 24 hours. Absorption of the tocopherols was 21 to 91 percent of the administered dose within 24 hours. Peak absorption occurred 2 to 3 hours after dosing; the major portion of the recovered radioactivity was located in the chylomicrons. These investigators concluded that tocopherol and tocopheramine are absorbed via the lymphatic pathway in man, and enter the thoracic duct intact; but that the acetate derivative is split after absorption and is recovered as tocopherol. They concluded that ingestion of a diet high in polyunsaturated fatty acids increases the requirement for vitamin E and could result in a deficiency state.

In some premature infants, fat-soluble forms of α-tocopherol acetate are poorly absorbed. Hemolytic anemia has been described in premature infants receiving commercially prepared formulas containing iron and high concentrations of polyunsaturated fatty acids. The anemia responds to treatment with water-soluble forms of tocopherols.

The distribution of α-tocopherol in the rat was determined with both carbon-14 labeled and unlabeled *dl*-α-tocopherol administered orally. A rapid uptake by the liver was noted (maximum after 4 hours); however, redistribution in the body occurred rapidly. The highest concentration of radioactivity was found in the adrenal glands and high radioactivity was present in the pituitary, heart, liver, kidney, fat, testes, and skin. Radioactivity was present 88 days after dosing with the highest activity in the brain. The percentage intracellular distribution of radioactivity 24 hours after the oral administration of α-[5-methyl-^{14} C] tocopherol in the spleen has been reported to be: Mitochondria, 59 percent; microsomes, 19 percent; supernatant, 12 percent. In the liver, distribution was as follows: Mitochondria, 12 percent; microsomes, 44 percent; supernatant, 31 percent; and nuclei, 14 percent. Krishnamurthy and Bieri administered carbon-14-labeled α-tocopherol orally to rats (and chickens) and reported that α-tocopherol in rat liver and intestinal mucosal cells was distributed 50 to 60 percent in mitochondria and 15 to 20 percent in the microsomal and supernatant fractions. They observed that in the plasma, tocopherols appeared in neutral fat and were bound to globulins. Presumably, the distribution of tocopherols in body tissues of other mammals would be similar to that found in the rat.

The metabolic roles and activities of tocopherols have been studied extensively. It is recognized that vitamin E is associated closely with lipids throughout the body, stabilizing highly unsaturated fatty acids within the cell and cell membrane against oxidation. Noguchi et al. have suggested that the tocopherols appear to prevent exudative diathesis by neutralizing free radicals within lipid membranes, thereby preventing a chain-reactive autooxidation of capillary membrane lipids. Chow et al. concluded that dietary tocopherols may protect erythrocytes against oxidative stress (lipid peroxidation) by regulating the level of reduced glutathione via an effect on the enzyme, glutathione peroxidase.

When administered in relatively small doses the following metabolic effects have been reported:

- Ingestion of 0.12 ml of a 10-mg-per-g solution of tocopherol (type unspecified) by young chicks resulted in increased agglutinin and complement titers as well as enhanced phagocytic activity of the leucocytes; and
- Injection of 10 mg per day of α-tocopherol for 7 days into female golden hamsters (route unspecified) after ovariectomy produced estro-progesterone effects;
- A dose of 0.15 mg per rat per day for 10 days depressed the "anticoagulative system activity."

With relatively larger amounts, the following observations have been reported from several animal studies:

- Inclusion of 100 mg per day of α-tocopheryl acetate in the diet of male albino rats resulted in increased concentrations of adenosine di- and triphosphate and coenzyme A in the liver;
- Administration (route not specified) of 150 to 600 mg per day α-tocopherol resulted in decreased urinary excretion of thiamine by rats;
- Supplementation of daily rations of vitamin E deficient male albino rats with 25, 50, or 100 mg per day of vitamin E (not otherwise identified) for 22 days produced increased concentrations of copper and calcium in the liver, muscle and bone. At the lowest dose, there was a decrease in concentration of iron in liver and muscle; with the intermediate dose, the decrease in concentration of iron in the liver was accompanied by an increase in muscle and bone content. With the largest dose there was an increase in concentration of iron in the liver and muscle but a decrease in bone;
- Feeding male albino rats a ration with 100 mg α-tocopheryl acetate per rat per day for 8 days increased the phospholipids as well as total and esterified cholesterol found in liver homogenates of the experimental but not the control animals;
- Dietary supplementation with 150 mg per rat per week of vitamin E concentrate (34 percent mixed tocopherols) administered orally by syringe in ethyl laurate solution for 20 to 27 weeks, resulted in localized sclerosis and deposition of cholesterol in the aorta which were prevented by high dietary cholesterol and bile salt.

The number of controlled investigations of the metabolic effects of large doses of tocopherol to human subjects is limited. Baroni and Casa reported that a single intramuscular injection of 300-mg α-tocopherol in 10 subjects decreased the basal metabolic rate; prolonged administration of 300-mg α-tocopherol by intramuscular injection on alternate days for 4 weeks to 7 patients with elevated basal metabolic rates produced decreases in basal metabolic rates. Oral administration of 100 mg α-tocopherol acetate to 12 subjects each day for 10 days resulted in greater plasma levels of phospholipids, total cholesterol, and α_2-globulins, but a decrease in plasma amino acid levels. Prosperi, and Feruglio and Petrin have reported shorter blood coagulation times following single oral doses of 100 mg α-tocopherol.

The scientific literature on the effects of vitamin E administered orally or ingested in diets at various dosages is extensive. In general, these reports document alterations in several parameters of growth, development, and metabolism. The majority of the effects are elicited at dosage levels that exceed by severalfold, the normal daily intake levels. The deviations from the expected norm are eliminated by cessation of dosing with vitamin E.

The LD_{50} values for acute oral toxicity of the tocopherols are relatively high (table below). In addition to these data, Demole determined that frogs, rabbits, cats, dogs, and monkeys can tolerate without apparent toxic signs, oral doses of 200 mg per kg *dl*-α-tocopherol or tocopheryl acetate.

ACUTE TOCICITY OF TOCOPHEROLS

Substance	Species	Route	LD_{50} mg/kg
Vitamin E, injectable	Mouse	i.m	> 250
	rat (adult)	i.m	> 250
		i.p	>2000
	rabbit	i.m	> 50
dl-α-Tocopherol	mouse	i.p	>2000
		s.c	>2000
		oral	>4000
	rat (neonate)	oral	>4000
	rat (adult)	i.p	1480
		oral	>4000

ACUTE TOCICITY OF TOCOPHEROLS

Substance	Species	Route	LD_{50} mg/kg
	rabbit	oral	>2000
dl-α-Tocopheryl acetate	mouse	i.p	>2000
		s.c	>2000
		oral	>4000
	rat (neonate)	oral	>4000
	rat (adult)	i.p	840
		oral	>4000
	rabbit	oral	>2000

Demole also observed that mice exhibited no adverse effects from oral doses of 50 g per kg of either *dl*-α-tocopherol or its acetate ester. Male rats tolerated daily doses of 1.0 g per kg *dl*-α-tocopherol or *dl*-α- acetate for 10 days while female rats tolerate 0.5 g per kg of either form without toxic effects. Male and female rats received a total does of 4.0 g per kg of either *dl*-α-tocopherol or its acetate by stomach tube over a period of 2 months without any adverse health effects. Den Tonkelaar et al. observed that male and female Wistar rats exhibited no adverse effects from a 15-percent lard diet containing 20 to 40 mg per kg (0.002 percent and 0.004 percent in the diet) α-tocopherol over 13 weeks.

On the other hand, Ichihara has reported that daily intramuscular administration of 10 mg *dl*-α-tocopherol acetate for 20 days in mice resulted in enlargement of the testicular interstitial cells and marked enlargement of smooth endoplasmic reticulum. Huter reported that the oral administration of 5.5 to 12.5 mg tocopherol acetate per kg body weight per day for 1 to 3 months resulted in highly active but normal thyroid glands in female rabbits, and abnormal changes in weight and volume as well as enhanced epithelial cell proliferation in the thyroid glands of male rabbits.

Costa et al. gave guinea pigs α-tocopherol at approximately 13 mg per kg per day by mouth for 10 days. All treated animals developed hyperemia of the thyroid and greater iodine uptake but no other adverse effects were reported. In a series of studies with guinea pigs weighing 250 to 300 g, Prosperi and Borselli found that intramuscular injection of vitamin E (presumably *dl*-α-tocopheryl acetate) in adult guinea pigs produced the following effects:

- 364 mg per kg per day for 10 days: Increase in body weight and no demonstrable pathology;
- 727 mg per kg per day for 10 days: Lesser increase in body weight but histologically evident degenerative changes in hepatic and myocardial cells;
- 1,091 or 1,454 mg per kg (single injection): Elicited similar evidence of myocardial, hepatic, and neural pathology; and,
- 4,363 mg per kg (single injection): Resulted in roughened fur, hyperemia of spleen, and hyperplasia of interfascicular endothelia and Kupfer cells of the liver.

In another series of experiments, Prosperi and Borselli observed morphological and histological degeneration of cells in tissues of several endocrine glands of guinea pigs following intramuscular injection of *dl*-α-tocopheryl acetate at 1,091 mg per kg for 3 days followed by 727 mg per kg for 2 days. Stimulation of mitotic activity in testicular and ovarian cells was also noted.

Excessive intake of tocopherols leads to hypervitaminosis E in several animal species. Conditions described as hypervitaminosis E have been reported in guinea pigs, hamsters, rats, and chicks. Some of the effects reported include changes in estrus cycle (length of phases, periodicity in rats), degenerative lesions of liver and myocardium (following intramuscular administration in guinea pigs). In these instances, the doses used to elicit the effects described are in the range of 1 g per kg body weight.

The oral administration of 296 g *dl*-α-tocopheryl acetate to one human subject over a period of 93 days resulted in gastrointestinal distress and muscle weakness which disappeared when the treatment was stopped. Greenblatt fed six male subjects 667 mg per kg *d*-α-tocopheryl acetate daily for 1 month. No adverse effects were noted but serum cholesterol was lowered. The oral administration of 0.67 ot 0.84 mg per kg of α-tocopheryl acetate each day for 9 to 10 days to 26 patients resulted in higher blood tocopherol levels and an increase in thyroid uptake of iodine.

Adult humans have tolerated oral doses of 1 g per day of vitamin E for months, or larger doses for shorter periods with no undesirable effects. Welch treated 67 patients with lupus erythematosus with preparations of pantothenic acid and *dl*-α-tocopheryl acetate for periods up to 3 years. Patients received doses of the tocopherol as high as 33 mg per kg per day over this period with no adverse effects beyond transient nausea and gastric distress. Similar massive dosages (up to 33 mg per kg per day) of the vitamin E preparation were also administered to 154 patients with diseases other than lupus and no complications were reported.

There is no convincing evidence that high intake of tocopherols leads to hypervitaminosis E in humans; similarly, physiological benefits from the addition of large amounts of vitamin E to the diet have not been demonstrated. Horwitt and Mason have stated, "No state or syndrome of hypervitaminosis E has been described, nor is there evidence that tocopherols per se exert any deleterious effect in animals or man." Recently, Alfin-Slater reported that a hypervitaminosis E is only a possibility in those patients who are ingesting very large amounts of vitamin E (over 400 mg per day) for long periods of time. Cohen reported that ingestion of 564 mg of α-tocopherol daily for 7 days resulted in fatigue, malaise, and loss of energy. The clinical symptoms disappeared when the treatment was withdrawn. He suggested that patients with "fatigue" who were consuming large doses of vitamin E might exhibit similar symptoms because of the vitamin intake. In view of the estimated average daily adult intake of all tocopherols added to foods (0.6 mg), the probability of reaching intake levels in excess of 400 mg per day is extremely remote.

No reports of controlled long-term studies on the possible toxicity of tocopherols to man have come to the attention of the Select Committee.

Telford et al. administered total doses of 1.0 g per kg *dl*-α-tocopheryl acetate, in the diet to pregnant Walter Reed-Carsworth Farms rats for 20 days during gestation. Similar experiments were run using 350 mg and 1.0 g per kg *d*-γ-tocopherol. Based on fetal resorption data, they concluded that both maternally administered compounds reduced the frequency of resorption below that in the control animals except for 14.0 percent reabsorptions with the *dl*-α-tocopheryl acetate administered at 500 mg per kg. In studies with other animals, the daily subcutaneous administration of 75 mg *dl*-α-tocopherol acetate to male adult hamsters for 8 to 30 days resulted in significantly lower testicular weights than those of control animals, a transitional disruption in spermatogenesis, but no alteration in testicular endocrine function. The addition of *dl*-α-tocopherol to the feed (20 mg per lb) of Broad-Breasted Bronze turkey hens resulted in a slight increase in hatchability. The parenteral administration of a total dose of 3,000 mg of *dl*-α-tocopherol over a 10-week period to male and female chicks resulted in inhibited growth, including delay of sexual maturity in males, but not in females.

Using normal adolescent schoolgirls as subjects, Winkler observed that the oral administration of 30 mg of α-tocopherol daily for one or two menstrual cycles, resulted in an increase in urinary hormone excretion. He suggested that these latter effects may involve the anterior pituitary.

The Select Committee has not found any specific tests of mutagenic activity of the several tocopherols that are generally recognized as safe. However, tests with plant material suggest that vitamin E may protect meristematic cells from radiation damage.

The administration of oral doses up to 1,600 mg per kg body weight of *dl*-α-tocopherol acetate immediately after conception to mice and rats for 10 days, to hamsters for 5 days, and to rabbits for 13 days had no discernible effects on nidation or on maternal or fetal survival. However in the tests with pregnant rabbits at 0, 16.0, 74.3, 345.0, and 1,600.0 mg per kg, 1 of the 16 animals in the control group died; 2 of 16 died at the 16 mg per kg level; 3 of 20 at the 74.3 mg per kg level died; 2 of 18 receiving 345.0 mg per kg died; and 6 of 19 died at the highest dosage level. Soliman has reported that simultaneous injection of 0.1 g α-tocopherol diminishes the teratogenic effects of vitamin A palmitate (250,000 I.U.) in rats. Reid has reported that *dl*-α-tocopheryl acetate failed to demonstrate a significant increase in the occurrence of abnormalities in the avian embryo teratology test series at doses from 16.0 to 120.0 mg per kg.

Telford measured the growth of lung tumors in mice at three levels of *d*-α-tocopherol in the diet. The tumors were induced in susceptible mice (Bar Harbour hereditary lung tumor strain) with 1.0 mg of the carcinogen, 1, 2, 5, 6-dibenzanthrene. At 7 months, mice on a stock diet and on a diet to which 2.0 mg of *d*-α-tocopherol was added every other day, had 91 percent and 100 percent tumors, respectively. Mice on a diet deficient in *d*-α-tocopherol had 71 percent tumors. Telford indicated that the incidence of lung tumors was greatest in the hypervitaminosis groups and that vitamin E defi-

ciency appeared to decreased incidence in this susceptible mouse strain.

Several investigators have fed or injected mice or rats with various doses of α-tocopherol, *dl*-α-tocopherol, of *dl*-α-tocopheryl acetate and have reported no tumor formation or increased incidence of tumors. Furthermore, the addition of α-tocopherol to the laboratory chow diet of mice at 0.67 g per kg of diet appreciably inhibited the carcinogenic effect of methylcholanthrene. The addition of vitamin E (5 percent w/w) to the diet of mice did not affect their response to 3,4,9,10-dibenzpyrene. There was neither significant decrease in body weight nor in average tumor incidence; there was no significant increase in average time to tumor-induced death.

In studies of dermal carcinogenicity, the painting of 10 percent *dl*-α-tocopherol solution in sesame oil on the depilated skin of adult male mice, three times per week for 8 weeks did not elicit any observable effects whereas no growth of hair, thickening and callosity of the skin, as well as papilloma were reported in positive controls treated with benzpyrene in benzene. In a companion study, some of the mice that were exposed to benzpyrene were treated with a daily dose of 10 mg *dl*-α-tocopherol per os for one month. There were no differences observed between animals that received α-tocopherol and those that did not. α-Tocopherol (60 mg per week for 39 to 41 days, per os) did not affect the rate of growth of sarcomas following subcutaneous administration of 1 percent benzpyrene. However, the intraperitoneal administration of α-tocopherol or its acetate (seven doses, 400 mg per kg each) retarded growth of transplanted tumors and prolonged survival of rats. The addition of tocopherols to croton oil decreased the tumor promoting effects of croton oil with respect to tumor initiation by 7,12-dimethylbenzanthracene.

Tuberculin-type sensitization has been demonstrated in guinea pigs with *d*-α-tocopherol and *dl*-α-tocopherol.

Qualified scientists of the Select Committee have evaluated all available safety information on tocopherols and derivatives. It is the opinion of the Select Committee that:

Tocopherols are a natural constituent of many foods. The average daily dietary intake of tocopherols in the United States is approximately 5 to 20 mg. The quantity of tocopherols added to foods as antioxidants is estimated to be equivalent to an average adult daily intake of 0.6 mg.

The several tocopherols used in foods as antioxidants are readily absorbed and metabolized. They are relatively nontoxic. LD_{50} values for acute oral toxicity of several animal species are in excess of 2,000 mg per kg. Hypervitaminosis E has been reported in humans only at oral dosage levels in excess of 400 mg per day. Investigations on mutagenic, carcinogenic, and teratogenic effects of tocopherols have not revealed any deleterious or pathologic alterations, although some reproductive system effects have been observed in young animals fed or administered dosage levels that exceed by manyfold, the quantities added to food or present in the daily diet.

The Select Committee concludes that no evidence in the available information on tocopherols and α-tocopheryl acetate demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when those substances are used at current levels or at levels that might reasonably be expected in the future. Based upon his own evaluation of all available information on tocopherols and certain derivatives, the Commissioner agrees with this conclusion. The Commissioner therefore believes that no change in the current GRAS status of *dl*-α-tocopherol, mixed tocopherol concentrate, *d*-α-tocopheryl acid succinate, *d*-α-tocopheryl acetate, and *dl*-α-tocopheryl acetate is justified.

However, the Commissioner also proposes that *d*-α-tocopherol and *d*-α-tocopheryl acetate concentrate (*d*-α-tocopheryl acetate preparation) be removed from GRAS status as direct human food ingredients because no evidence indicates they are used in food. In previous GRAS affirmation proposals, it was emphasized that use information (food to which the ingredient is added, the intended technical effect, and the level of addition) is very important in assessing the safety of food ingredients. Because this information is not available, affirming these ingredients as GRAS for direct use in food would not appear to be appropriate. Furthermore, on April 13, 1973 (38 FR 9310), the Commissioner proposed that a number of compounds, including *d*-α-tocopheryl acetate concentrate, be removed from the GRAS list because evidence of use was not reported during the National Academy of Sciences/National Research Council (NAS/NRC) survey of food manufacturers. In response to this proposal, several manufacturers reported that *d*-α-tocopheryl acetate concentrate is used in vitamin and mineral supplements, including tablet, capsule, liquid, and other forms not simulating or represented as conventional food. The present use of *d*-α-tocopheryl acetate concentrate in these vitamin and mineral supplements will not be affected by this proposal. Vitamins and minerals used to formulate dietary supplements will be addressed in a separate agency action. Although *d*-α-tocopherol and *d*-α-tocopheryl acetate concentrate are being proposed for removal from GRAS status as substances added to food, future consideration will be granted provided use information cited above is submitted as comments on this proposal during the comment period, or a petition is submitted in accordance with § 170.35 or 171.1 (21 CFR 170.35 or 171.1).

Copies of the scientific literature review on tocopherols, the teratogenic evaluation of *dl*-α-tocopheryl acetate, and the report of the Select Committee are available for review at the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22161, as follows:

Title	Order No.	Price code	Price [1]
Tocopherols (scientific literature review)	PB-221-237	A11	$9.50
dl-α-tocopheryl acetate (teratogenic evaluation)	PB-223-809/AS	A03	4.50
Tocopherols and α-tocopheryl acetate (select committee report).	PB-262-653/AS	A03	4.50

[1] Price subject to change.

This proposed action does not affect the present use of *d*-α-tocopherol, *dl*-α-tocopherol, mixed tocopherol concentrate, *d*-α-tocopheryl acid succinate, *d*-α-tocopheryl acetate, *dl*-α-tocpheryl acetate, and *d*-α-tocpheryl acetate concentrate (*d*-α-tocopheryl acetate preparation) for pet food or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788, as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that parts 182 and 184 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.3890 [Deleted]

1. By deleting § 182.3890 Tocopherols.

§ 182.5890 [Deleted]

2. By deleting § 182.5890 Tocopherols.

§ 182.5892 [Deleted]

3. By deleting § 182.5892 α-Tocopherol acetate.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

4. By adding new §§ 184.1891, 184.1894, 184.1896, 184.1897, and 184.1899 to read as follows:

§ 184.1891 *dl*-α-Tocopherol.

(a) *dl*-α-Tocopherol ($C_{29}H_{50}O_2$, CAS Reg. No. 364-50 1) is a form of vitamin E. It occurs as a yellow to amber, nearly odorless, viscous oil. It is synthesized from trimethylhydroquinone and isophytol.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d ed. (1972).[1]

(c) The ingredient is used as a nutrient supplement as defined in § 170.3(o)(20) of this chapter.

(d) The ingredient is used in food, in accordance with § 184.1(b)(1), at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum level, as served, of 0.00001 percent or less for milk products as defined in § 179.3(n)(31) of this chapter.

§ 184.1894 Mixed tocopherol concentrate.

(a) Mixed tocopherol concentrate contains *d*-α-tocopherol and varying amounts of beta, gamma, and delta tocopherols. It is isolated from edible vegetable oils and concentrated by molecular distillation.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d ed. (1972)[1] as amended by the first supplement (1974).[1]

(c) The ingredient is used as an antioxidant as defined in § 170.3(o)(3) of this chapter, and as a nutrient supplement as defined in § 170.3(o)(20) of this chapter.

(d) The ingredient is used in food and infant food, in accordance with § 184.1(b)(1), at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum level, as served, of 0.00004 percent for nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter, 0.06 percent for herbs, seeds, spices, seasonings, blends, extracts, and flavorings as defined in § 170.3(n)(26) of this chapter, and 0.00002 percent for milk products as defined in § 170.3(n)(31) of this chapter, and 0.002 percent for infant formulas.

§ 184.1896 *d*-α-Tocopheryl acetate.

(a) *d*-α-Tocopheryl acetate ($C_{31}H_{52}O_3$, CAS Reg. No. 58-95-7) is prepared from *d*-α-tocopherol and acetic anhydride, and separated by distillation.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d ed. (1972).[1]

(c) The ingredient is used as a nutrient supplement as defined in § 170.3(o)(20) of this chapter.

(d) The ingredient is used in food and infant food, in accordance with § 184.1(b)(1), at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum level, as served, of 0.001 percent for gelatins, puddings, and fillings as defined in § 170.3(n)(22) of this chapter, 0.006 percent for milk products as defined in § 170.3(n)(31) of this chapter, 0.005 percent for poultry products as defined in § 170.3(n)(34) of this chapter, 0.002 percent for soup and soup mixes as defined in § 170.3(n)(40) of this chapter, and 0.13 percent for infant formulas.

§ 184.1897189*dl*-α-Tocopheryl acetate.

(a) *dl*-α-Tocopheryl acetate ($C_{31}H_{52}O_3$, CAS Reg. No. 54-22-8) is prepared from *dl*-α-tocopherol and acetic anhydride, and separated by distillation.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d ed. (1972).[1]

(c) The ingredient is used as an antioxidant as defined in § 170.3(o)(3) of this chapter, as as a nutrient supplement as defined in § 170.3(o)(20) of this chapter.

(d) The ingredient is used in food, in accordance with § 184.1(b)(1), at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum level, as served, of 0.013 percent for breakfast cereals as defined in § 170.3(n)(4) of this chapter and for dairy product analogs as defined in § 170.3(n)(10) of this chapter, 0.06 percent for herbs, seeds, spices, seasonings, blends, extracts, and flavorings as defined in § 170.3(n)(26) of this chapter, and 0.0014 percent for milk products as defined in § 170.3(n)(31) of this chapter.

§ 184.1899 d-α-Tocopheryl acid succinate.

(a) *d*-α-Tocopheryl acid succinate ($C_{33}H_{54}O_5$, CAS Reg. No. 4345-03-3) is prepared by treating *d*-α-tocopherol with succinic anhydride dissolved in pyridine.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d ed. (1972).[1]

(c) The ingredient is used as a nutrient supplement as defined in § 170.3(o)(20) of this chapter.

(d) The ingredient is used in food, in accordance with § 184.1(b)(1), at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum level, as served, of 0.04 percent for baked goods as defined in § 170.3(n)(1) of this chapter.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of these ingredients in foods under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under part 181 (21 CFR Part 181), incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before December 26, 1978, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order.

NOTE.—Incorporations by reference were approved by the Director of the Office of the Federal Register on July 10, 1973, and June 27, 1977, and are on file in the Federal Register Library.

Dated: October 5, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 78-30225 Filed 10-26-78; 8:45 am]

[1] Copies may be obtained from National Academy of Sciences, 2101 Constitution Avenue NW., Washington, D.C. 20037.

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-4699]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Flint, Genesee County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the township of Flint, Genesee County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Hall, 1490 South Dye Road, Flint, Mich. Send comments to: Mr. Ray Flavin, Township Supervisor, Township of Flint, 1490 South Dye Road, Flint, Mich. 48504.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the township of Flint, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Flint River	At downstream corporate limit.	690
	950 feet downstream of Hartshorn drain confluence.	696
	Just downstream of Ballenger Hwy.	702
Swartz Creek	Just upstream of Ballenger Hwy at downstream corporate limit.	737
	Just upstream of Interstate 75.	741
	Just upstream of Claude Rd.	743
	4,300 feet upstream of Claude Rd.	746
	730 feet downstream of Interstate 69.	751
	Just downstream of Bristol Rd.	752
	4,100 feet downstream of Maple Ave.	758
	Just downstream of Maple Ave.	761
West Branch Swartz Creek.	At confluence with Swartz Creek.	751
	Just upstream of Bristol Rd.	752
	Just upstream of Dye Rd.	756
	Just upstream of Golf Course dam.	758
	1,550 feet downstream of Interstate 69.	761
	Just downstream of Elms Rd.	764
Hartshorn drain	At confluence with Flint River.	696
	980 feet downstream of Linden Rd.	696
	160 feet downstream of Pasadena Ave.	707
	Just downstream of Pasadena Ave.	707
Carman Creek	Just upstream of Hemphill Rd.	755
	1,350 feet upstream of Hemphill Rd.	756
	Just downstream of Fenton Rd.	759
Massmore Cronk drain.	Just upstream of Elms Rd.	740
	Just upstream of Calkins Rd.	750
	Just upstream of Yorkshire Rd.	753
	Just upstream of West Court St.	759
	150 feet upstream of Corunna Rd.	761
	2,560 feet upstream of Corunna Rd.	763

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 10, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-30003 Filed 10-26-78; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4700]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Pontiac, Oakland County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Pontiac, Oakland County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Community Development Department, 91 North Saginaw Street, Pontiac, Mich. Send comments to: The Honorable Wallace F. Holland, Mayor, City of Pontiac, 450 Wide Track Drive East, Pontiac, Mich. 48058.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Pontiac, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more

stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clinton River drain No. 2.	East corporate limit	870
	At State Hwy 59	871
	At transition structure	874
	Just upstream of East Blvd.	888
	Just downstream Paddock St.	889
	Just upstream Paddock St.	894
	Culvert for Clinton River drain No. 1.	895
Clinton River Drain No. 3.	Inlet to Clinton River drain No. 1.	911
	Just downstream Grand Trunk Western Ry.	914
	Just upstream Grand Trunk Western Ry.	915
	Just downstream Gillespie Ave.	917
	Just upstream Crystal Lake Dam.	919
Clinton River	Just downstream Grand Trunk Western.	922
	Just upstream Thomas Rd.	925
	Just downstream Orchard Lake Rd.	926
	Just upstream Dawson's Mill Pond Dam.	931
	Just downstream Telegraph Rd (Northbound).	931
	Just upstream Telegraph Rd (Southbound).	931
Galloway Creek	East corporate limits at Galloway Lake.	910
	Just downstream Perry St.	914
	Just upstream Perry St.	916
	Just downstream Walton Blvd.	921
	Just upstream Walton Blvd.	923
	At Footbridge, 1,100 feet upstream Stirling Ave.	926
	Private Drive 1,100 feet downstream Collier Rd.	927
	Just downstream Collier Rd.	935
	Just upstream Collier Rd.	938
	West Pontiac City/Township corporate limit.	940
	Just downstream road to Woodchipper.	941
	Just upstream road to Woodchipper.	944
	West corporate limits	944
Galloway Ditch	Confluence with Galloway Creek.	923
	1,000 feet upstream confluence with Galloway Creek.	924
	1,550 feet upstream confluence with Galloway Creek.	927
	Just downstream Giddings Rd.	929
	Just upstream Giddings Rd.	932
	Private Drive 1,500 feet upstream Giddings Rd.	933
	Northeast corporate limit.	933

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 10, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-30004 Filed 10-26-78; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-4701]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Shelby, Macomb County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Shelby, Macomb County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Hall, 52700 Van Dyke, Utica, Mich. Send comments to: Mr. Harvey Hansen, Township Supervisor, Township of Shelby, 52700 Van Dyke, Utica, Mich. 48087.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Shelby, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clinton River	Southeast corporate limit.	632
	1 mile upstream of southeast corporate limit.	633
	1.5 miles upstream of southeast corporate limit.	635
	1.35 miles downstream of Ryan Road.	640
	0.83 mile downstream of Ryan Road.	643
	0.31 mile downstream of Ryan Road.	648
	Just downstream of Ryan Road.	652
	0.05 mile upstream of Ryan Road.	655
	1.1 miles upstream of Ryan Road.	661
	0.75 mile downstream of southwest corporate limit.	663
	0.26 mile downstream of southwest corporate limit.	672
	At southwest corporate limit.	676

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clinton River Middle Branch.	Just upstream of Hayes Road.	627
	2,600 feet upstream of Hayes Road.	631
	2,100 feet downstream of Schoenherr Road.	634
	150 feet upstream of Schoenherr Road.	639
	2,900 feet upstream of Schoenherr Road.	642
	At Jewell Road	648
	1,300 feet downstream of Michigan 53.	651
	At Michigan 53	654
	Just downstream of Bellman Road.	656
	Just upstream of Bellman Road.	658
	500 feet upstream of 25 Mile Road.	659
	500 feet downstream of Van Dyke Road.	661
	Just upstream of Van Dyke Road.	663
	1,500 feet downstream of Ruann Drive.	666
	Just upstream of Ruann Drive.	671
	At 24 Mile Road	675
	1,100 feet upstream of 24 Mile Road.	676
	Just upstream of Mound Road.	683
	1,400 feet upstream of Mound Road.	684
	1,300 feet downstream of Shelby Road.	691
	Just upstream of Shelby Road.	700
	1,900 feet upstream of Shelby Road.	703
	At Blue Ridge Drive	714
Newland drain	At the confluence with Chestnut Lake.	725
	At 24 Mile Road	726
	100 feet upstream of Grand Trunk Western Railroad.	733
	1,100 feet downstream of northern corporate limit.	738
	At northern corporate limit.	741

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 10, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-30005 Filed 10-26-78; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4702]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Southfield, Oakland County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Southfield, Oakland County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 26000 Evergreen Road, Southfield, Mich. Send comments to: Honorable Donald Fracassi, Mayor, City of Southfield, City Hall, 26000 Evergreen Road, Southfield, Mich. 48076.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Southfield, Mich., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Main River Rouge	Eight Mile Rd. (westbound)—50 ft*.	628
	Beech Road Bridge (First Crossing)—50 ft*.	630
	Nine Mile Bridge—20 ft*	632
	Beech Road Bridge (Second Crossing)—50 ft*.	638
	Ten Mile Road Bridge—50 ft*.	642
	Telegraph Road Bridge—20 ft*.	643
	Franlin Rd.—50 ft*	646
	Southeast Bound Northwestern Highway Bridge—40 ft*.	649
	Northwest Bound Northwestern Hwy—40 ft*.	653
	Twelve Mile Road Bridge—30 ft*.	659
Evan Ditch	Dam Plum Hollow Golf Club—90 ft*.	632
	Nine Mile Road Bridge—50 ft*.	633
	Lasher Road Bridge—20 ft*.	645
	Ten Mile Road Bridge—60 ft*.	658
Tamarack Drain	Tamarack Trail—90 ft*	648
	Michigan Division State Highways—retention pond outlet—70 ft*.	662
Carpenter Branch.	Nine Mile Road Bridge—80 ft*.	632
	Lake Ravness St.—40 ft*	645
	Carpenter Lake Dam—40 ft*.	651
Farmington Branch.	Nine Mile Road Bridge—50 ft*.	632
Pebble Creek	Ten Mile Road Bridge—50 ft*.	643
	Eleven Mile Road—80 ft*.	667
	South Bound Interstate 696—30 ft*.	687
Franklin Branch	Twelve Mile Road Bridge—50 ft*.	661

*Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 16, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-30006 Filed 10-26-78; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4703]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Adams, Mower County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Adams, Mower County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Adams, Minn. Send comments to: The Honorable Paul Winkels, Mayor, City of Adams, Adams City Hall, P.O. Box G, Adams, Minn. 55909.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Adams, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Cedar River.	At western corporate limit.	1,271
	Just downstream of County Hwy. 7.	1,276
	Just upstream of County Hwy. 7.	1,278
	Just downstream of Chicago, Milwaukee, St. Paul, & Pacific RR.	1,281
	At eastern corporate limit.	1,283
Little Cedar River Middle Branch.	At confluence with Little Cedar River.	1,273
	Just downstream of Chicago, Milwaukee, St. Paul, & Pacific RR.	1,274
	Just upstream of Chicago, Milwaukee, St. Paul & Pacific RR.	1,275
	1575 ft upstream of Chicago, Milwaukee, St. Paul & Pacific RR.	1,278
	At northern corporate limit.	1,282

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 16, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-30007 Filed 10-26-78; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4704]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Windom, Cottonwood County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Windom, Cottonwood County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 444 Ninth Street, Windom, Minn. Send comments to: Honorable Wes Lee, Mayor, City of Windom, P.O. Box 38, Windom, Minn. 56101.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Windom, Minn., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Fork Des Moines River.	Chicago & Northwestern RR.	1,350
	State Hwy. 60 and U.S. Hwy. 71.	1,352
	Dam at Island Park	1,353
	Sixth St. Bridge	1,353
	Confluence with Perkins Creek.	1,355
	Upstream corporate limits.	1,357
Perkins Creek	River Rd.	1,355
	Sixth Ave. Bridge	*1,355
	Fourth Ave. Bridge	1,356
	U.S. Hwy. 71	1,359
	Upstream corporate limits.	1,365

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 16, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-30008 Filed 10-26-78; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4705]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Greenwood, Leflore County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Greenwood, Leflore County, Miss. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Church and Main Streets, Greenwood, Miss. Send comments to: Honorable Louis Fancher, Mayor, City of Greenwood, Box 907, Greenwood, Miss. 38930.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Greenwood, Miss., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yazoo and Tallahatchie Rivers.	Fort Pemberton Cutoff (downstream crossing).	130
	Grand Blvd. Bridge	131
Walker Lake Canal.	Airport	124
	Sycamore St	125
	Illinois Central Gulf RR Spur—50 ft upstream of centerline.	127
Craig Canal	U.S. Hwy. 82	126

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 12, 1978.

GLORIA M. JIMINEZ,
Federal Insurance Administrator.

[FR Doc. 78-30009 Filed 10-26-78; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4706]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of McComb, Pike County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of McComb, Pike County, Miss. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Building Inspector, City Hall, P.O. Drawer H, McComb, Miss. 39648. Send comments to: Mayor John S. Thompson, City Hall, P.O. Drawer H, McComb, Miss. 39648.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of McComb, Pike County, Miss., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more

stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Tangipahoa River.	Just upstream of Delaware Ave.	390
	Approximately 70 ft downstream of Smithdale Rd.	400
Town Creek	Approximately 80 ft upstream U.S. Hwy 98.	376
	Ave. A extended	384
	Just downstream of Pearl River Ave.	394
Stream A	Just upstream Wilson Ave.	382
	Just downstream of Locust Ave.	387

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-30010 Filed 10-26-78; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4707]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Belton, Cass County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Belton, Cass County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Belton, Mo. Send comments to: Hon. Billy G. Holder, Mayor, city of Belton, 506 Main Street, Belton, Mo. 64012.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Belton, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Oil Creek	Northern corporate limit.	975
	1750 ft downstream of 162d St.	995
	Upstream side of 162d St.	1,006
	Upstream side of 163d St.	1,009
	Upstream side of East Outer Rd.	1,011
	2,200 ft upstream of East Outer Rd.	1,024
West Fork East Creek.	Southern corporate limit.	974
	Upstream side of Cambridge Rd.	987
	Downstream side of Cleveland Avenue at southwestern corporate limit.	999

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 16, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-30011 Filed 10-26-78; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4708]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Grain Valley, Jackson County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Grain Valley, Jackson County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Grain Valley, Mo. Send comments to: The Honorable John G. Young, Mayor, City of Grain Valley, 111 West Front Street, Grain Valley, Mo. 64029.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Grain Valley, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Blue Branch	Just upstream of Main St.	778
	Just upstream of State Route AA.	792
	Upstream corporate limits.	794
Yennie Avenue drain.	Downstream corporate limits.	774
	Approximately 1,900 feet upstream of Illinois Central Gulf RR.	780
	Just upstream of Main St.	782
	Just upstream Gregg St.	785
	Just upstream of Capelle St.	788
	Just upstream of Yennie Ave.	792
Sni-a-Bar Creek	Downstream corporate limits.	772
	Just upstream of Illinois Central Gulf RR.	775
	Upstream corporate limits.	776

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 16, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-30012 Filed 10-26-78; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4709]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Missouri City, Clay County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Missouri City, Clay County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the mayor's home, Missouri City, Mo. Send comments to: The Honorable John E. Turner, Mayor, City of Missouri City, City Hall, Missouri City, Mo. 64072.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Missouri City, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River	Downstream corporate limit extended.	725
	Intersection of Broadway and Water Street extended.	726
	0.5 mile upstream from River Mile Marker 345.0.	727
	At River Mile Marker 346.0.	728

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 16, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-30013 Filed 10-26-78; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4710]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Oak Grove, Jackson County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Oak Grove, Jackson County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures

that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Oak Grove, Mo. Send comments to: The Honorable Beryl S. Webb, Mayor, city of Oak Grove, 1208 Broadway, Oak Grove, Mo. 64075.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Oak Grove, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Horseshoe Creek tributary.	At county boundary.....	784
	870 feet upstream of county boundary.	784
	At corporate limits, 0.39 mile upstream of county boundary.	793
	At corporate limits, 0.70 mile upstream of county boundary.	805
	1.0 mile upstream of county boundary.	816

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 16, 1978.

GLORIA M. JIMINEZ,
Federal Insurance Administrator.

[FR Doc. 78-30014 Filed 10-26-78; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4711]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Salem, Dent County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Salem, Dent County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 3rd and Washington, Salem, Mo. Send comments to: The Honorable Lewis E. Roberts, Mayor, City of Salem, City Hall, 3rd and Washington, Salem, Mo. 65560.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Salem, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Drainage ditch No. 1.	Downstream corporate limit.	1,129
	Just upstream of Rolla St.	1,146
	Just upstream of Center St.	1,158
Spring Creek.....	Downstream corporate limit.	1,126
	Upstream side of State Hwy 19.	1,127
	Just upstream of Dents Ford Rd.	1,128
	Upstream corporate limit.	1,130
Town Branch.....	Downstream corporate limit.	1,125
	250 ft downstream of Missouri Hwy.	1,125
	Just downstream of Missouri Hwy 19.	1,130
	550 ft upstream of Missouri Hwy 19.	1,132
	Downstream side of Rolla St.	1,139
	100 ft upstream of Rolla St.	1,144
	50 ft downstream of Second St.	1,148
	100 ft upstream of Second St.	1,150
	50 ft upstream of Center St.	1,152

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	580 ft upstream of Center St.	1,153
	Just downstream of Franklin St.	1,160

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 10, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-30015 Filed 10-26-78; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4712]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Willow Springs, Howell County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Willow Springs, Howell County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 123 East 2d Street, Willow Springs, Mo. Send comments to: The Honorable A. J. Bray, Mayor, City of Willow Springs, 123 East 2d Street, City Hall, Willow Springs, Mo. 65793.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Willow Springs, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Eleven Point River.	Southeast corporate limit.	1,222
	100 feet downstream of St. Louis-San Francisco Railroad bridge.	1,227
	100 feet upstream of St. Louis-San Francisco Railroad bridge.	1,235
	Just upstream of Cherry Street.	1,236
	Just upstream of Harris Street.	1,241
	Just downstream of Pine Grove Road.	1,251
	Just upstream of St. Louis-San Francisco Railroad bridge north of Pine Grove Road.	1,258
	200 feet upstream of St. Louis-San Francisco Railroad bridge.	1,263
	Just downstream of Old Springfield Road bridge.	1,265
	1,100 feet upstream of Old Springfield Road bridge.	1,269
	North corporate limits ...	1,286
Drainage ditch No. 1.	Mouth at Eleven Point River.	1,238
	Just downstream of Fisk Street.	1,243
	West corporate limit.....	1,255
Drainage ditch No. 2.	100 feet upstream of mouth at drainage ditch No. 1.	1,238
	50 feet upstream of Hill Avenue bridge.	1,242
	Just downstream of State Highway 137.	1,242
Drainage ditch No. 3.	Southeast corporate limit.	1,230
	Southeast corporate limit.	1,252

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 10, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-30016 Filed 10-26-78; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4713]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Bellevue, Sarpy County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city or Bellevue, Sarpy County, Nebra. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Planning Department, Bellevue, Nebr. Send comments to: The Honorable Robert M. Haworth, Mayor, City of Bellevue, 210 West Mission Street, Bellevue, Nebr. 68005

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Bellevue, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River	Downstream extraterritorial limit.	968
	Just upstream State Hwy 370.	971
	Upstream county boundary.	978
Papillion Creek	Downstream extraterritorial limit.	973
	Just upstream Missouri Pacific RR.	976
	Just upstream Capehart Rd.	985
	Just downstream of confluence of west branch Papillion Creek.	991
Big Papillion Creek.	1.5 mi upstream of confluence of west branch Papillion Creek.	998
West Branch Papillion Creek.	0.5 mi upstream of 36th St.	995
Mud Creek	200 ft upstream of Union Pacific RR. (north crossing).	1,004
	150 ft upstream of Cornhusker Dr.	1,019
	Just upstream of Kasper St.	1,031
	Just downstream of Childs Rd.	1,039
	Just upstream of Brewster Rd.	1,045
	Just upstream of Chandler Rd.	1,054
	County boundary	1,060
Betz Road Ditch	Just upstream of Fort Cook Rd.	999
	Just upstream of State Hwy 370.	1,017
	Just downstream of Englewood Dr.	1,017
	Just upstream of Lloyd St.	1,040
	Just upstream of Galvin Rd.	1,053
	600 ft upstream of Harvel Rd.	1,060
	Just upstream of Lincoln Rd.	1,073
	Just upstream of Harvel Rd.	1,075
Squaw Creek	Mouth at Big Papillion Creek.	997
	Just upstream of Cornhusker Dr.	1,018
	Upstream limit of study (3,300 ft south of Chandler Rd.).	1,037

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 10, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-30017 Filed 10-26-78; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4714]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of DeSoto, Johnson County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of DeSoto, Johnson County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 108 West Second Street, DeSoto, Kans. Send comments to: The Honorable Albert J. Jenks, Mayor, City of DeSoto, 108 West Second Street, P.O. Box C, City Hall, DeSoto, Kans. 66018.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of DeSoto, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kansas River	At the confluence of Kill Creek.	790
	1,980 ft upstream of Wyandotte St.	791
	4,750 ft upstream of Wyandotte St.	793
Kill Creek	Mouth at Kansas River	790
	2 mi upstream of the mouth at Kansas River.	791
	Upstream corporate limit.	792

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's dele-

gation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 10, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-30018 Filed 10-26-78; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4715]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Central City, Merrick County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Central City, Merrick County, Nebr. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 1608 16th Street, Central City, Nebr. Send comments to: The Honorable Robert J. Lambe, Mayor, City of Central City, City Hall, 1608 16th Street, Central City, Nebr. 68826.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Central City, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Warm Slough	4,000 ft downstream of U.S. Hwy 30.	1,685
	Upstream side of U.S. Hwy 30.	1,690
	Upstream side of Union Pacific RR.	1,692
	Upstream side of Burlington Northern RR.	1,694
	Upstream side of 19th Ave.	1,697
	1,500 ft upstream of 13th St.	1,700
	Upstream side of Fairground Rd.	1,702
	3,500 ft upstream of Fairground Rd.	1,705
	5,800 ft upstream of Fairground Rd.	1,707
Trouble Creek	Upstream side of Union Pacific RR.	1,690
	Upstream side of Burlington Northern RR.	1,694
	Upstream side of A Ave.	1,697
	Upstream side of F Ave.	1,700
	800 ft downstream of Fairground Rd.	1,702
	2,000 ft upstream of Fairground Rd.	1,706
	Upstream side of County Rd.	1,709
	2,500 ft upstream of County Rd.	1,709
Platte River	2,500 ft upstream of Union Pacific RR.	1,691
	4,000 ft downstream of Burlington Northern RR.	1,695
	1,500 ft downstream of Burlington Northern RR.	1,698

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 10, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-30019 Filed 10-26-78; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4716]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Elkhorn, Douglas County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Elkhorn, Douglas County, Nebr. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 401 Glenn Street, Elkhorn, Nebr. Send comments to: The Honorable William Kohlhaase, Mayor, City of Elkhorn, City Hall, 401 Glenn Street, Elkhorn, Nebr. 68022.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Elkhorn, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures re-

quired by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Papillion Creek	About 100 ft downstream of 192d St	1,135
	Just upstream of Park Rd and Union Pacific RR	1,140
	Just downstream of Union Pacific RR (about 800 ft downstream of State St.)	1,152
	Just upstream of State St	1,161
	Just upstream of Main St	1,165
	About 740 ft upstream of Main St	1,166
	Just upstream of Union Pacific RR	1,170
	At western corporate limits	1,172
	Just upstream of Maple St	1,183
	About 1,200 ft upstream of County Rd 80	1,196
Elkhorn River	About 4,500 ft downstream of Union Pacific RR.	1,121
	Just downstream of Union Pacific RR.	1,122
	Just upstream of Union Pacific RR.	1,124
	1,800 ft downstream of State Hwy 64.	1,124

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 10, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-30020 Filed 10-26-78; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4717]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of South Sioux City, Dakota County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of South Sioux City, Dakota County, Nebr. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, South Sioux City, Nebr. Send comments to: The Honorable Keith Ferris, Mayor, City of South Sioux City, 1615 Dakota Avenue, South Sioux City, Nebr. 68776.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of South Sioux City, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River	Southern extraterritorial limits.	1,083
	2,700 ft upstream of southern extraterritorial limits.	1,084
	Eastern corporate limit	1,088
	1,500 ft upstream of Dakota Ave	1,090
	Northwestern extraterritorial limits.	1,092

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: October 16, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-30021 Filed 10-26-78; 8:45 am]

[4310-02-M]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 131]

LEASING AND PERMITTING

OCTOBER 6, 1978.

AGENCY: Bureau of Indian Affairs.

ACTION: Proposed revision.

SUMMARY: The Bureau of Indian Affairs is proposing to revise part 131 of title 25 of the Code of Federal Regulations dealing with leasing and permitting of Indian lands. It is proposed to reorganize part 131 into three new subheadings: (1) How To Acquire Leases, (2) Special Provisions and Requirements of Leases, and (3) Special Provisions for Specific Reservations. These revisions will facilitate the use of the regulations for easier reference.

DATE: Comments and suggestions on the proposed regulations should be submitted on or before December 26, 1978.

ADDRESS: Comments and suggestions should be sent to the Area Realty Officer, Bureau of Indian Affairs, Minneapolis Area Office, 831 Second Avenue South, Minneapolis, Minn. 55402.

FOR FURTHER INFORMATION CONTACT:

Robert H. Schoewe, Area Realty Officer, Bureau of Indian Affairs, Minneapolis Area Office, 831 Second Avenue South, Minneapolis, Minn. 55402, telephone 612-725-2914.

SUPPLEMENTARY INFORMATION: The primary author of this document is: Robert H. Schoewe, Area Realty Officer, Bureau of Indian Affairs, Minneapolis Area Office, 831 Second Avenue South, Minneapolis, Minn. 55402, telephone 612-725-2914. The proposed changes are the result of designation as one of the Bureau of Indian Affairs 10 major management improvement projects. A subtask force for revision of part 131 appointed by the Commissioner of Indian Affairs met in Portland, Oreg., on July 13-15, 1976.

Section 131.5 Special Requirements and Provisions covered many unrelated subjects. These have been made into separate subject sections to facilitate reference and use.

Sections 129.3 and 129.4 were previously in a part of CFR on Inclusion of Liens in Patents and Instruments Executed. These should properly appear in leasing regulations and were incorporated in the new regulations on irrigated land leases in § 131.21.

Sections 131.16 and 131.18 pertaining to the Fort Belknap Reservation and Colorado River Reservation have been deemed as "sunset regulations." They are eliminated as obsolete and are eliminated from the proposed draft of regulations.

A cross-reference paragraph was also added to make it easier to locate regulations on grazing, permits, traders' licenses, and archaeological activity regulations. Specific changes in current regulations are as follows:

§ 131.1 Definitions.

(a) No change.

(b) Has been revised for clarification only.

(c) This definition has been revised by deleting the language which limits the definition of tribal land reserved for Indian Bureau administrative purposes to that which is not immediately needed for such purposes. Certain land in administrative reserve may be needed for that purpose and yet should be leased for purposes not inconsistent with the purpose of the reserve. That portion of this subsection dealing with the granting of leases on assigned tribal land has been revised and moved to § 131.5. The other changes in this subsection are editorial in nature. For purposes of leasing, land acquired in U.S. Title for a specifically defined group of Indians is also included as tribal land. This should clarify leasing done for residential and other purposes for groups such as the Mdwakanton Sioux in Minnesota and similar situations.

(d) This definition has been revised to provide that Government land includes all land under the jurisdiction of the Bureau of Indian Affairs except tribal and individually owned land.

(e) "Permit" has been redefined from a privilege revocable at will to a privilege revocable after written notice. It is believed a period of 10- or 30-day notice requirement can be inserted in each permit as its purpose requires. A revocation at will could be inequitable to a permittee.

§ 131.2 Purpose and Scope of Regulations

This is a new section which briefly describes the purpose of this part and the scope of activities which these regulations cover. Section 131.19—Grazing units excepted was moved to this section for cross-reference purposes.

§ 131.3 Approval

The requirement that all leases made pursuant to this part are subject to written approval of the Secretary has been placed at the forefront to emphasize the need and importance of the Secretary's action to approve. The wording of § 131.5(a) is changed to delete the words, "in the form approved by the Secretary" to "in an acceptable form," because his action in approving the lease does in effect approve the form of a lease and clarifies the idea that the form may vary in content. The new section also removes a conflict between former § 131.15 by addition of the words, "except as otherwise provided in §§ 131.30 and 131.33." Competent Crow Indians may lease the trust lands of their minor children for farming and grazing purposes without secretarial approval. Certain leases made by the Tulalip Tribe may also be made without secretarial approval.

"Cross-reference" has been inserted between § 131.3 and § 131.4.

§ 131.4 Grants of Leases by Secretary

This section was formerly numbered § 131.2 and has been revised to give the Secretary authority to grant leases on individually owned lands on behalf of minors and on behalf of persons under legal disability without regard to whether such persons may have legally appointed representatives. This provision gives the Secretary the authority to act on behalf of persons under legal disability if he chooses not to grant approval to a legal representative to act on behalf of such persons as required under § 131.5(b) of these proposed regulations.

Consideration was given to revision of part 131.4(a)(4) to require a fractional interest owner who is using trust land to pay the fair market value to other coowners that are unwilling to waive or take less than fair market value. This is a serious problem in many locations. Due to the present wording of the law, Act of July 8, 1940 (25 U.S.C. 380), authority is given to the Secretary to lease only in the absence of use by an heir. Change is needed either through new legislation or alternative methods of dealing with the problem. The possibility of partitionment under the Act of May 18, 1916 (25 U.S.C. 378), should be explored in cases where the user owner would benefit by sole ownership of his fractional interest.

§ 131.5 Grants of Leases by Owners or Their Representatives

Former § 131.3 has been revised to require prior written approval of the Secretary for legally appointed representatives of Indians, under legal disability, to represent such Indians in matters pertaining to leasing and permitting under this part. The reference to assignments of tribal land found in former § 131.1(c) is incorporated in this section under subsection (a). The wording has been changed slightly for clarification.

§ 131.6 Use of Land of Minors

This section was formerly numbered § 131.4 and has been rewritten to add the word "parent" in lieu of legal guardian. The phrase now includes all persons who may have custody of or be caring for a minor child, as the legal guardian would be in effect acting in loco parentis. The inclusion of legal guardian would be a repetition and would serve no useful purpose in the regulations.

§ 131.7 Negotiation of Leases

Only minor changes have been made in § 131.6 of existing regulations. References to other sections have been changed to correspond with the appropriate sections in the proposed regulations. Under § 131.7(a), the word "execute" has been changed to bring this section in accord with § 131.5(a) of the proposed regulations. Section 131.7(b) has been revised to clarify the intent to cover unitized leases, as well as leases of a single individually owned tract or tribal tract.

§ 131.8 Advertisement

Section 131.7 has been changed to drop the reference to permit, since by definition § 131.1(e) the term "lease"

includes permit. Reference to advertisement on grants of lease by the Secretary has been deleted as confusing to § 131.7(c). Advertisement is thereby required where fair market value is not reached and optional in cases where fair market value can be obtained.

Sections 131.9, 131.10, and 131.11 are reserved for future use if and when needed.

§ 131.12 RENTAL REQUIREMENTS

This is a new section which brings together all rental requirements under one section. It includes §§ 131.5(b)(1), 131.5(b)(2), 131.5(b)(3) and a portion of § 131.5(e). Section 131.12(a) is a rewrite of § 131.5(b)(1) with the added provision that an adult Indian owner can lease to a coowner of a particular parcel of land or to someone with whom a special relationship exists with or without rental consideration. A coowner could participate under such a lease in various housing programs. Further, a lease which may be granted at less than fair market rent could provide an incentive for a coowner who is using the land at the expense of the other coowners to enter into a lease for the purpose of formalizing his right to exclusive use of the land. The leasehold interest thus created could also enable the lessee to participate in any beneficial programs open to other landowners and lessees. A coowner with formalized right to use the land would be encouraged to protect and improve the land. The final requirement of § 131.5(e) is also included in § 131.12(d).

§ 131.13 BONDS AND INSURANCE

This is a new section which combines §§ 131.5(c) and 131.5(d) of the present regulations with two changes. Consideration was given to require a corporate surety bond unless otherwise provided. The bonds may take the form of cash deposits, building loan agreements or escrow for construction funding or an overall corporate surety bond. The manual should cover the advise necessary on the form of bonds stressing advantages of corporate sureties. The other change is made in § 131.5(c)(1) to eliminate the qualification that rental bond not be required if the lease contract provides for the annual rental to be paid in advance. We believe that under many circumstances rental bonds should be required even though the annual rental is paid in advance.

§ 131.14 MANDATORY PROVISIONS

This is proposed as a new section to replace § 131.5(g) for the purpose of focusing attention on the provisions which must be incorporated into each lease. Added to the existing § 131.5(g)(2) is language to be incorporated into each lease which provides clearly that the powers, duties, and responsibilities of the Secretary end with the termination of Federal trust and his responsibilities for enforcing compliance with the covenants of the lease shall be assumed by the lessor.

§ 131.15 SPECIAL LIMITATIONS

This new section contains all of § 131.5(e) of the existing regulations except the last two sentences.

§ 131.16 DURATION OF LEASES

This section is essentially a rewrite of § 131.8 of the existing regulations. The purpose of these changes and additions is as follows:

(1) The first paragraph of § 131.8 provides for periodic review of rental payable under the lease, with certain exceptions, at not less than 5-year intervals. It is proposed to amend this section to add leases of less than 10 years, including any renewal term, and those residential leases designated by the Secretary to the class of leases for which rental adjustment will not be mandatory. The ambiguous term, "at not less than 5-year intervals," is to be deleted. The proposal also includes language which would delineate alternative purposes which rental adjustments may be intended to achieve. One purpose would be to preserve the purchasing power of the contract rent.

The alternative purpose would be to make it possible for the landowner to benefit from increases in the fair annual rental value of the leased premises, exclusive of lessee constructed improvements and changes in highest and best use of the property. However, if the parties to the lease so agree in the lease, improvements or changes in highest and best use could be considered in rental adjustments. Language has also been added contemplating rental adjustment provisions which do not require negotiations or subsequent agreement, such as by the use of a formula or index.

The provision under this new § 131.16(2) which exempts those residential leases designated by the Secretary, from periodic rental adjustments, is designed to overcome certain objections of other Government agencies which may make, insure, or guarantee loans to individual members of tribes or to tribal housing authorities.

(2) Further amendments to section 1 of the Act of August 9, 1955 (69 Stat. 539), as amend (25 U.S.C. 415), were incorporated in 131.16(a) by insertion of the added reservations to those for which authority has been granted to make leases for terms up to 99 years. The names of States in which reservations are located have been deleted except where legally necessary.

(3) Subsection 131.8(b) is rewritten as § 131.16(b). This covers leases made for a term not to exceed 25 years where the lessee is required to make a substantial investment in improvements to the land or for the production of specialized crops. Under certain circumstances a substantial investment in improvements to the land is required in order to produce other than specialized crops. Under other circumstances a substantial investment is required to bring the crop into production. Where a substantial investment is not required, leases for dryfarming are limited to 5 years and leases for irrigated farming are limited to 10 years.

(4) Subsection 131.8(2)(e) which limits leases granted by the Secretary on behalf of the undetermined heirs of a decedent's estate to a term of 2 years has been eliminated. Under certain circumstances this limitation makes it very difficult to keep such land under lease. Failure to keep the land under lease could result in damage to the land.

§ 131.17 SUBLEASE, ASSIGNMENTS, AMENDMENTS, AND ENCUMBRANCES

This new section is a rewrite of § 131.12 of the existing regulations. The purpose of those proposed amendments and additions is as follows:

(1) It is proposed to delete the language which limits the purpose for which a leasehold estate may be encumbered to that of borrowing capital for the development and improvement of the leased premises. The existing language of this section is so restrictive that it prevents many transactions which are common in the commercial real estate market. Construction financing cannot be converted to permanent financing. When a developer constructs improvements with his own cash, he cannot subsequently borrow money on the security of the improved leasehold to recover this cash. A purchaser of a leasehold cannot finance the purchase by encumbering the leasehold. These restrictions seriously affect the value of trust land and make it much more difficult to lease such land.

(2) The revised regulations would provide that, with the consent of the lessor and the Secretary, a lease could contain a provision which would allow the lessee to encumber the leasehold in accordance with the provisions written into the lease. This could make it possible to encumber the leasehold without approval of the Secretary of the Interior. The requirement that encumbrances of the leasehold be approved by the Secretary is appropriate in most situations such as commercial, industrial, hotel, apartment, and many recreational uses. However, in residential type leases the approval requirement can be unduly burdensome. This is particularly true in large residential

complexes potentially involving hundreds of homes. Whether the Secretary should approve encumbrances should be included as a lease stipulation rather than a part of the regulation.

(3) This new section also provides that leases of tribal land to tribal members or to tribal housing authorities for the purpose of providing housing for Indians and where a lending institution or an agency of the United States makes, insures, or guarantees a loan, may be assigned by the lessee without approval and such leases may not be canceled or terminated during the period that a loan, loan insurance, or loan guarantee is in effect without the approval of the lender or the agency which has made, insured, or guaranteed the loan. The provision is designed to satisfy certain objections of other Government agencies which may make, insure, or guarantee such loans.

§ 131.18 Unitization of Land for Leasing and Owner's Representatives

Subsection (a) was § 131.10 in the existing regulations. Subsection (b) is another proposed provision that will make it possible, with the consent of the Secretary and lessors, to provide in a lease for the landowners to designate from among themselves a group to represent the whole. We have found that the administration of long-term unitized leases that require lessors determinations, consents, or approvals becomes very difficult and this difficulty will increase as ownership becomes more fractionated through heirship.

§ 131.19 Environmental Consideration

Provisions of the National Environmental Policy Act were added to the former language of § 131.11 to include environmental consideration requirements to soil and land conservation plans for farming and grazing leases.

§ 131.20 Ownership of Improvements

This section replaces § 131.9 of the existing regulations. The only change is the requirement that the lease provide that the lessee shall restore the premises if he is alloweed to remove any improvements. This requirement has been lacking in some leases and has worked to the detriment of the landowner.

§ 131.21 Irrigation Project Leases

Section (a) was added to part 131 from existing regulations where it appeared as § 129.3. It covers the need for project engineers to review irrigable land in a proposed lease to determine feasibility of the delivery of water. Section (b) was in existing regulations in § 131.13(a) and duplicates § 129.4 as to payment of irrigation charges. By including the applicable parts of irrigation regulations in part 131, an effort is being made to eliminate part 129.

§ 131.22 Payment of Fees

One of the proposed changes in the existing regulations as appears in § 131.13(b) is to increase the fee schedule in § 131.22(a) to a maximum fee of $500 by doubling the rental categories for each percentage rate charged. This is supported by the increasing values of rentals charged and costs of employees doing the same work as when the present regulation fee schedule was established. It is also proposed that instead of a minimum fee charge of $2 that any fee less than $5 be waived as it is more costly to the Government to process the collection than a fee of less than $5 will return. These charges should increase revenue and decrease costs of collection.

In § 131.22(b) the previous wording "the fee shall be calculated on the basis of the guaranteed annual rental" is changed to read, "the fee shall be calculated on the basis of one year's maximum guaranteed annual rental." Some of the larger development leases, where lessees are allowed longer development periods, are written with a step rental schedule which does not begin at the full annual rental. This will clarify the fact that the lease fees shall be based on the highest guaranteed rent due under the lease.

Section 131.22(c) was added to clarify the authority to waive fees where changes were made for the lessor's benefit, where the action required did not justify a fee to be paid or where circumstances in a given area were unique and justification was acceptable for a reduction or waiver of the fee charged.

131.23 Violation of Leases

This was in existing regulations in § 131.14 and was rewritten with minor revisions. Where leases make specific provisions covering procedures for default, the lease terms govern. The provision to exempt certain leases from cancellation which is found in the last sentence of existing regulations at § 131.14 is provided for in § 131.17(d) of these proposed regulations.

Special Provisions for Specific Reservations

Section 131.15 has been renumbered § 131.30 with only minor changes for clarification.

Section 131.16 of existing regulations is eliminated as no longer needed.

Section 131.17 is renumbered § 131.31.

Section 131.18 of existing regulations is eliminated as no longer needed.

Section 131.20 is renumbered § 131.32.

Section 131.33 of the proposed regulations is added to include the Tulalip Reservation in accordance with the provisions of the Act of August 9, 1955 as amended by the Act of June 2, 1970 (84 Stat. 302).

PART 131—LEASING AND PERMITTING

Sec.
131.1 Definitions.
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131.12 Rental requirements.
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131.23 Violations of leases.
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Special Provisions for Specific Reservations

131.30 Crow Reservation.
131.31 Cabazon, Augustine, and Torres-Martinez Reservations, California.
131.32 San Xavier and Salt River Pima-Maricopa Reservations.
131.33 Tulalip Reservation.

Authority: 5 U.S.C. 301, R.S. 463 and 465; 25 U.S.C. 2 and 9. Interpret or apply Section 3, 26 Stat. 795; Section 1, 28 Stat. 305, Sections 1, 2, 31 Stat. 229, 246, Sections 7, 12, 34 Stat. 545, 34 Stat. 1015, 1034, 35 Stat. 70, 95, 97, Section 4, 36 Stat. 856, Section 1, 39 Stat. 128, 41 Stat. 415, as amended, 751, 1232, Section 17, 43 Stat. 636, 641, 44 Stat. 658, as amended, 894, 1365, as amended, 47 Stat. 1417, Section 17, 988, 48 Stat. 984, 49 Stat. 115, 1135, Section 55, 49 Stat. 781, Section 3, 49 Stat. 1967, 54 Stat. 745, 1057, 60 Stat. 308, Sections 1, 2, 60 Stat. 962, Section 5, 64 Stat. 46, Sections 1, 2, 4, 5, 6, 64 Stat. 470, 69 Stat. 539, 540, 72 Stat. 968, 25 U.S.C. 380, 393, 393a, 394, 395, 397, 402, 402a, 403-403a, 403b, 403c, 413, 415-415a, 415b, 415c, 415d, 477, 635.

§ 131.1 Definitions.

As used in this part:

(a) "Secretary" means the Secretary of the Interior or his authorized representative acting under delegated authority.

(b) "Individually owned land" means land, or any interest in land, the title to which is vested in the United States in trust for an individual Indian or Indians, and land, or any interest in land, the title to which is vested in an individual Indian or Indians subject to restrictions on alienation or encumbrance without the consent or approval of the Secretary.

(c) "Tribal land" means land, or any interest in land, the title to which is vested in the United States in trust for a tribe, band, community, group or pueblo of Indians and land, or any interest in land, the title to which is vested with a tribe, band, community, group or pueblo of Indians subject to restrictions on alienation or encumbrance without the consent or approval of the United States. "Tribal land" includes such lands that have been assigned to individual members of the tribe, land reserved for Indian Bureau administrative purposes, and land, or any interest therein, the title to which is vested in the United States in trust for an Indian corporation chartered under section 17 of the Act of June 18, 1934 (48 Stat. 988; 25 U.S.C. 477). For the purposes of this part, lands acquired by the United States for the use and benefit of specified groups of Indians are included as tribal lands.

(d) "Government land" means all land and interests therein under the jurisdiction of the Bureau of Indian Affairs except individually owned and tribal land.

(e) "Permit" means a privilege, revocable by written notice at the discretion of the Secretary, to enter on and use a specified tract of land for a specified purpose. The terms "lease", "lessor", and "lessee" when used in this part include, when applicable, "permit", "permitter", and "permittee", respectively.

§ 131.2 Purpose and scope of regulations.

(a) Except as otherwise provided in § 1.2 of this chapter, the regulations in this part 131 prescribe the procedures, terms, and conditions under which leases and permits of tribal land, individually owned land and Government land may be granted.

(b) The regulations contained in this part 131 do not cover the granting of leases and permits for the extraction of minerals from tribal land or individually owned land. For regulations pertaining to mineral leases and permits see subchapter P-Q-*Lands; Subsurface Estates and Resources* of this title 25.

(c) *Grazing units excepted.* Grazing permits on tribal or individually owned lands or Government lands within range units established pursuant to part 151 of this chapter, *General Grazing Regulations*, shall not be granted under this part 131.

§ 131.3 Approval.

All leases made pursuant to the regulations in this part, except as otherwise provided in §§ 131.30 and 131.33, shall be in an acceptable form and subject to the written approval of the Secretary.

HOW TO ACQUIRE LEASES

CROSS REFERENCE: For regulations pertaining to concession permits and leases on lands withdrawn or acquired in connection with Indian irrigation projects, see 25 CFR 203; for licenses to trade with Indians and prohibitions and limitations relating to employees of the U.S. Government, including those of Indian blood, in matters of trade with Indians and leasing restricted Indian land, see 25 CFR 251 and 25 CFR 252; for regulations pertaining to grazing permits, see 25 CFR 151, 25 CFR 152, and 25 CFR 153; for regulations pertaining to permits for the excavation of ruins and archaeological sites and the gathering of objects of antiquity, see 25 CFR 132.

§ 131.4 Grants of leases by Secretary.

(a) The Secretary may grant leases on individually owned land on behalf of: (1) Adults under legal disability, without regard to whether such persons may have legally appointed representatives; (2) orphaned minors who have no persons standing in loco parentis, without regard to whether such minors may have legally appointed representatives; (3) the undetermined heirs of a decedent's estate; (4) the heirs or devisees to individually owned land who have not been able during a 3-month period to agree upon a lease by reason of the number of heirs, their absence from the reservation, or for other cause; provided, that the land is not in use by any of the heirs or devisees; (5) Indians who have given the Secretary written authority to execute leases on their behalf.

(b) The Secretary may grant leases on the individually owned land of Indians whose whereabouts are unknown, on such terms as are necessary to protect and preserve such property.

(c) The Secretary may grant permits on Government land.

§ 131.5 Grants of leases by owners or their representatives.

(a) The following may grant leases subject to the approval of the leases by the Secretary: (1) Adults, other than those under legal disability, on behalf of themselves and/or their minor children and on behalf of minor children to whom they stand in loco parentis without regard to whether any such minor children may have legally appointed representatives, except in those cases where the Secretary has granted authority to a legal representative pursuant to paragraph (b) of this section; (2) subject to the provisions of paragraph (b) of this section, guardians, conservators or other fiduciaries appointed by a State court or by a tribal court operating under an approved constitution or law and order code; and (3) tribes, tribal corporations, or Indian cooperatives acting through their appropriate officials; provided, however, that leases on tribal lands assigned to members of the tribe may be granted by the assignee and the tribe acting jointly, unless the terms of the assignment specifically allow the assignee to grant a lease on the assigned land without tribal consent, approval or other participation, in which case leases may be granted by the assignee alone.

(b) No legally appointed representative of an Indian under legal disability shall have any authority to negotiate or otherwise participate in transactions under this part without the prior written approval of the Secretary. In granting any such approval, the Secretary may impose any limitations, conditions, or restrictions as he may deem appropriate. Written approval of the Secretary must be secured prior to payment of any fees or other compensation claimed by legal representatives for services performed under this part.

§ 131.6 Use of land of minors.

The natural parent, or other person standing in loco parentis of minor children who has the care and custody of such children, may use the individually owned land of such children during the period of minority without charge for the use of the land if such use will enable such person to engage in a business or other enterprise which will be beneficial to such minor children.

§ 131.7 Negotiation of leases.

(a) Leases of individually owned land or tribal land may be negotiated by those owners or their representatives who may grant leases pursuant to § 131.5.

(b) Where the owners of a majority land interest or their representatives who may grant leases under § 131.5 have negotiated a lease which includes one or more parcels of tribal or individually owned land and is satisfactory to the Secretary, he may join in the execution of the lease and thereby commit the interests of those persons in whose behalf he is authorized to grant lease under § 131.4(a) (1), (2), (3), and (5).

(c) Where the Secretary may grant leases under § 131.4, he may negotiate leases when in his judgment the fair annual rental can thus be obtained.

§ 131.8 Advertisement.

Except as otherwise provided in this part the Secretary shall advertise land for lease. All advertisements of individually owned lands for lease will call for sealed bids and will not offer preference rights.

§§ 131.9—131.11 [Reserved].

SPECIAL PROVISIONS AND REQUIREMENTS

§ 131.12 Rental requirements.

Except as otherwise provided in this part, no lease shall be approved or granted at less than the present fair annual rental.

(a) An adult Indian owner of trust or restricted land may lease his land for religious, educational, recreational, or other public purposes to religious organizations or to agencies of the Federal, State, or local governments at a nominal rental. Such adult Indian may lease land with or without rental consideration, to his spouse, brother, sister, lineal ancestor, lineal descendent, co-owner or, where such a special relationship exists, between the lessee and the lessor that in the opinion of the Secretary approval is warranted.

(b) In the discretion of the Secretary, tribal land may be leased at a nominal rental for religious, educational, recreational, or other public purposes to religious organizations or to agencies of Federal, State, or local governments; for purposes of subsidization for the benefit of the tribe; and for homesite purposes to tribal members provided the land is not commercial or industrial in character.

(c) Leases may be granted or approved by the Secretary at less than the fair annual rental when in his judgment such action would be in the best interest of the landowners.

(d) Except with the approval of the Secretary, or as so provided in the lease, no rent or other consideration for the use of the land leased shall be paid or collected more than 60 days in advance of the due date. The lease contract shall contain provisions specifying the dates rents shall become due and payable.

§ 131.13 Bonds and insurance.

(a) Unless otherwise provided by the Secretary, a satisfactory surety bond will be required in an amount that will reasonably assure performance of the contractual obligations under the lease. Such bond may be for the purpose of guaranteeing:

(1) Not less than 1 year's rental.

(2) The estimated construction cost of any improvement to be placed on the land by the lessee.

(3) An amount estimated to be adequate to insure compliance with any additional contractual obligations.

(b) The lessee shall be required to provide insurance in an amount adequate to protect all insurable improvements on the leased premises; the lessee shall also be required to furnish appropriate liability insurance, and such other insurance necessary to protect the lessor's interests.

§ 131.14 Mandatory provisions.

(a) All leases issued under this part shall contain the following provisions.

(1) While the leased premises are in trust or restricted status, all of the lessee's obligations under this lease, and the obligations of his sureties, are to the United States as well as to the owner of the land.

(2) Nothing contained in this lease shall operate to delay or prevent a termination of Federal trust responsibilities with respect to the land by the issuance of a fee patent or otherwise during the term of the lease; however, such termination shall not serve to abrogate the lease. In the event of such termination, all powers, duties, or other functions of the Secretary of the Interior or his authorized representative shall terminate, and the responsibilities for enforcing compliance with the covenants of this lease including those of the Secretary shall be assumed by the lessor, or successors in interest. The owners of the land and the lessee and his sureties shall be notified of any such change in the status of the land.

(3) The lessee agrees that he will not use or cause to be used any part of the leased premises for any unlawful conduct or purpose.

(b) Leases granted or approved under this part shall contain provisions as to whether payment of rentals is to be made direct to the owner of the land or his representative or to the official of the Bureau of Indian Affairs having jurisdiction over the leased premises.

(c) Leases granted or approved under this part on individually owned lands which provide for payment of rental direct to the owner or his representative shall contain the following provisions:

(1) In the event of the death of the owner during the term of this lease and while the leased premises are in trust or restricted status, all rentals remaining due or payable to the decedent of his representative under the provisions of this lease shall be paid to the official of the Bureau of Indian Affairs having jurisdiction over the leased premises.

(2) While the leased premises are in trust or restricted status, the Secretary may in his discretion suspend the direct rental payment provisions of this lease in which event the rentals shall be paid to the official of the Bureau of Indian Affairs having jurisdiction over the leased premises.

§ 131.15 Special limitations.

(a) No lease shall provide the lessee a preference right to future leases nor shall any lease contain provisions for renewal, except as otherwise provided in this part.

(b) No lease shall be entered into more than 12 months prior to the commencement of the term of the lease.

§ 131.16 Duration of leases.

Leases granted or approved under this part shall be limited to the minimum duration, commensurate with the purpose of the lease, that will allow the highest economic return to the owner consistent with prudent management and conservation practices, and except as otherwise provided in this part shall not exceed the number of years provided in this section. All leases for terms in excess of 10 years including any renewal term shall provide for periodic adjustment of the rental consideration except for (1) those leases authorized by § 131.12 (a) and (b); (2) those residential leases designated by the Secretary; and (3) leases, the consideration for which is based primarily on percentages of income produced from the land. Such adjustment may be for the purpose of maintaining the relative purchasing power of the rent contracted for in the lease, and/or for the purpose of allowing the landowner to benefit from increases in the value of the leased premises. Unless otherwise provided in the lease, any adjustment made for the latter purpose shall be subject to acceptance and approval by the Secretary and shall exclude improvements or developments accomplished by the lessee or the contributive value of such improvements and shall not be based on a highest and best use different from that to which the premises are committed by the lease.

(a) Leases for public, religious, educational, recreational, residential or business purposes shall not exceed 25 years but may include provisions authorizing a renewal or an extension for one additional term of not to exceed 25 years, except such leases of land located outside the boundaries of Indian reservations in the State of New Mexico, and leases of land on the Agua Caliente (Palm Springs) Reservation, the Hollywood (Dania) Reservation, the Swinomish Indian Reservation, the Southern Ute Reservation, the Fort Mojave Reservation, the Burns Paiute Reservation, the Coeur d'Alene Indian Reservation, the Kalispel Indian Reservation, the Pueblo of Cochiti, the Pueblo of Pojoaque, the Pueblo of Tesuque, the Pueblo of Zuni, the Hualapai Reservation, the Spokane Reservation, the San Carlos Apache Reservation, Yavapai Prescott Community Reservation, the Pyramid Lake Reservation, the Gila River Reservation, the Soboba Indian Reservation, the Tulalip Indian Reservation, the Navajo Reservation, the Colorado River Reservation, and lands on the Salt River and the San Xavier Reser-

vations, as stated in § 131.32, which leases may be made for terms of not to exceed 99 years, including any renewal option.

(b) Leases for farming purposes which require a substantial investment in the improvement of the land/or substantial investment for the production of specialized crops may be made for a term not to exceed 25 years. To determine whether a long-term farming lease is justified, it is necessary to give consideration to the nature of the crop to be grown, including the feasibility of growing the proposed crop. The amount or substantiality of the investment, and the necessity of such investment in order to grow the proposed crop, are also elements to consider in evaluating the term of the proposed lease.

(c) Grazing leases which require substantial development of improvement of the land shall not exceed 10 years.

(d) Except for those leases granted pursuant to § 131.16 (b) and (c), farming or grazing leases shall not exceed 5 years for grazing or dry farm land or 10 years for irrigated land.

§ 131.17 Subleases, assignments, amendments, and encumbrances.

(a) Except as otherwise provided in this section, a sublease, assignment, amendment, or encumbrance of any lease issued under this part may be made only with the approval of the Secretary and the written consent of all parties to such lease.

(b) With the consent of the lessor and the Secretary, the lease may contain provisions authorizing the lessee to sublease the premises, in whole or in part, assign subleases and encumber subleases, without further approval. Such subleases, assignments, or encumbrances shall not serve to relieve the sublessor from any liability nor diminish any supervisory authority of the Secretary provided for under the approved lease.

(c) With the consent of the lessor and the Secretary, the lease may contain provisions authorizing the lessee to encumber his leasehold interest in the premises in accordance with said provisions. The encumbrance instrument must be approved by the Secretary. If a sale of foreclosure under an encumbrance occurs and the encumbrancer is the purchaser, he may assign the leasehold without the approval of the Secretary or the consent of the other parties to the lease, provided, however, that the assignee accepts and agrees in writing to be bound by all terms and conditions of the lease. If the purchaser is a party other than the encumbrancer, approval by the Secretary of any assignment will be required, and such purchaser will be bound by the terms of the lease and will assume in writing all the obligations thereunder.

(d) With the consent of the Secretary, leases to individual members of the tribe or to tribal housing authorities for Indian homesite purposes, may contain provisions permitting the assignment of the lease without further consent or approval where a lending institution or an agency of the United States makes, insures, or guarantees a loan to an individual member of the tribe or to a tribal housing authority for the purpose of providing funds for the construction of housing for Indians on the leased premises; provided, the leasehold has been pledged as security for the loan and the lender has obtained the leasehold by foreclosure or otherwise. Such leases may also contain provisions permitting the lessee to assign the lease without further consent or approval, and to prohibit the cancellation or termination of the lease during the period that a loan, loan insurance, or loan guarantee is in effect without the approval of the lender or the agency of the United States which has made, insured, or guaranteed the loan for the construction of housing on the leased premises.

(e) The written consent of the surety or surities, unless waived by the bond, shall be secured in cases of any sublease, assignment, amendment or encumbrance of any lease issued under this part.

§ 131.18 Unitization of land for leasing and owners representatives.

(a) Where it appears advantageous to the owners and advantageous to the operation of the land, a single lease contract may include more than one parcel of land in separate ownerships, tribal or individual, provided the statutory authorities and other applicable requirements of this part are observed.

(b) With the consent of the lessor and the Secretary a provision may be included in the lease authorizing the landowners to designate from among themselves a group, the size and composition of which shall be determined by the lessors, to represent all of the owners. This group may be empowered to exercise any rights or discretions or make any determinations, consents, or approvals on behalf of the lessors, including consents to modifications or amendments of the lease, except that any such modification or amendment may not provide for reductions in guaranteed minimum rentals, percentage rentals, or participation of the parties in rentals, or changes in the term or surrender of the lease.

§ 131.19 Environmental considerations.

(a) Prior to approval of any lease or extension of an existing lease pursuant to this part, the Secretary shall first satisfy himself that adequate consideration has been given to the relationship between the use of the leased lands and the use of neighboring lands; the height, quality, and safety of any structures or other facilities to be constructed on such lands; the availability of police and fire protection and other services; the availability of judicial forms for all criminal and civil causes arising on the leased lands; and the effect on the environment of the uses to which the leased lands will be subject.

(b) Farming and grazing operations conducted under leases granted or approved under this part shall be conducted in accordance with recognized principles of good practices and prudent management. Land use stipulations or conservation plans necessary to define such use shall be made a part of the lease.

§ 131.20 Ownership of improvement.

Improvements placed on the leased land shall become the property of the lessor unless specifically excepted therefrom under the terms of the lease. The lease shall specify the maximum time allowed for removal of any improvements so excepted and require restoration of the premises by the lessee.

§ 131.21 Irrigation project leases.

(a) Prior to leasing irrigable lands within an irrigation project, the Superintendent shall present to the project engineer lists containing descriptions of the lands involved for confirmation as to the irrigable acreage and as to whether the lands are, in fact, irrigable under existing works. Strict compliance with this section is necessary to avoid errors.

(b) Except as provided in part 221 of this chapter, any lease covering lands within an irrigation project or drainage district shall require the lessee to pay annually on or before the due date, during the term of the lease and in the amounts determined, all charges assessed against such lands. Such charges shall be in addition to the rental payments prescribed in the lease. All payments of such charges and penalties shall be made to the official designated in the lease to receive such payments.

§ 131.22 Payment of fees.

Unless otherwise provided in this part, or by the Secretary, fees shall be based upon 1 year's rental payable under the lease and shall be collected from the lessee for each lease, sublease, assignment, transfer, renewal, extension, modification, or other instrument requested by lessee and issued in connection with the leasing of restricted lands under the regulations in this part.

(a) Except where all or any part of the expenses of the work are paid from tribal funds, in which event an additional or alternate schedule of fees to be credited to the tribe may be established subject to the approval of the Secretary, the fee to be paid shall be as follows:

Rental:	*Percent*
On the first $1,000	3.0
On the next $9,000	2.0
On the next $10,000	1.0
On all rental above $20,000	0.5

In no event shall the fee exceed $500. Any fee calculated at less than $5 shall be waived.

(b) In the case of percentage rental leases, the fee shall be calculated on the basis of 1 year's maximum guaranteed annual rental. Where rental consists of stated annual cash rental in addition to percentage rental, the estimated revenue anticipated from the percentage rental shall be mutually agreed upon solely for the purpose of fixing the fee. The fee to be collected in case of crop-share or other special consideration leases or permits shall be based on an estimate of the cash rental value of the acreage, or the estimated value of the lessor's share of the crops. No fees so collected shall be refunded.

(c) Lease fees charged may be reduced to a nominal amount, or waived, if the Secretary determines circumstances justify such action.

§ 131.23 Violation of leases.

If the Secretary determines that a leasee has defaulted in the payment of money or has breached any other covenant or condition of the lease, he shall, by certified mail, send a written notice to the lessee setting forth in detail the nature of the alleged default or breach. The surety or sureties shall be sent a copy of each such notice. The notice shall be mailed to the lessee at the address specified in the lease or to such other address that lessee may have furnished to the Secretary in writing.

The lessee shall have a period of 10 days subsequent to the date notice was received within which to cure the default or breach or to convince the Secretary that a default or breach does not in fact exist. If the breach is of a nature that cannot be cured in 10 days, the Secretary may, in his discretion, allow an additional period of time for the necessary curative action. The lessee must commence the action necessary to cure the default or breach and diligently proceed to its completion within the time allowed. If the default or breach is not corrected within the time allowed, the Secretary shall have the right to forthwith notify the lessee and surety or sureties in writing that the lease is terminated, after which the lease shall be of no further force and effect, and demand all money due on the lease. The notice of cancellation shall inform the lessee of his right to appeal pursuant to part 2 of this chapter. If the lease provides different remedies for default by a lessee, the provisions of the lease shall govern.

§§ 131.24—131.27 [Reserved]

SPECIAL PROVISIONS FOR SPECIFIC RESERVATIONS

§ 131.30 Crow Reservation.

(a) Notwithstanding the regulations in other sections of this part 131, Crow Indians classified as competent under the Act of June 4, 1920 (41 Stat. 751), as amended, may lease their trust lands and the trust lands of their minor children for farming or grazing purposes without the approval of the Secretary pursuant to the Act of May 26, 1926 (44 Stat. 658), as amended by the Act of March 15, 1948 (62 Stat. 80). However, at their election Crow Indians classified as competent may authorize the Secretary to lease, or assist in the leasing of such lands, and an appropriate notice of such action shall be made a matter of record. When this election is exercised, the general regulations contained in this part 131 shall be applicable. Approval of the Secretary is required on leases signed by Crow Indians not classified as competent or made on inherited or devised trust lands owned by more than five competent devisees or heirs.

(b) The Act of May 26, 1926 (44 Stat. 658), as amended by the Act of March 15, 1948 (62 Stat. 80), provides that no lease for farming or grazing purposes shall be made for a period longer than 5 years, except irrigable lands under the Big Horn Canal project which may be leased for periods of 10 years. No such lease shall provide the lessee a preference right to future leases which, if exercised, would extend the total period of encumbrance beyond the 5 or 10 years authorized by law.

(c) All leases entered into by Crow Indians classified as competent, under the above-cited special statutes, must be recorded at the Crow Agency. Such recording shall constitute notice to all persons. Under these special statutes, Crow Indians classified as competent are free to lease their property within certain limitations. The 5-year (10-year in the case of lands under the Big Horn Canal project) limitation is intended to afford a protection to the Indians. The essence of this protection is the right to deal with the property free, clear, and unencumbered at intervals at least as frequent as those provided by law. If leasses are able to obtain new leases long before the termination of existing leases, they are in a position to set their own terms. In these circumstances lesses could perpetuate their leaseholds and the protection of the statutory limitations as to terms would be destroyed. Therefore, in implementation of the foregoing interpretation, any lease which, on its face, in violation of statutory limitations or requirements, and any grazing lease executed more than 12 months, and any farming lease executed more than 18 months, prior to the commencement of the term thereof or any lease which purports to cancel an existing lease with the same lessee as of a future date and take effect upon such cancellation will not be recorded. Under a Crow tribal program, approved by the Department of the Interior, competent Crow Indians may, under certain circumstances, enter into agreements which require that, for a specified term, their leases be approved by the Secretary. Information concerning whether a competent Crow Indian has executed such an instrument is available at the office of the Superintendent of the Crow Agency, Bureau of Indian Affairs, Crow Agency, Montana. Any lease entered into with a competent Crow Indian during the time such instrument is in effect and which is not in accordance with such instrument will be returned without recordation.

(d) Where any of the following conditions are found to exist, leases will be recorded but the lessee and lessor will be notified upon discovery of the conditions: (1) The lease in single or counterpart form has not been executed by all owners of the land described in the lease; (2) there is, of record, a lease on the land for all or a part of the same term; (3) the lease does not contain stipulations requiring sound land utilization plans and conservation practices; or (4) there are other deficiencies such as, but not limited to, erroneous land descriptions, and alterations which are not clearly endorsed by the lessor.

(e) Any adult Crow Indian classified as competent shall have the full responsibility for obtaining compliance with the terms of any lease made by him pursuant to this section without secretarial approval. This shall not preclude action by the Secretary to assure conservation and protection of these trust lands.

(f) Leases made by competent Crow Indians shall be subject to the right to issue permits and leases to prospect for, develop, and mine oil, gas, and other minerals, and to grant rights-of-way and easements, in accordance with applicable law and regulations. In the issuance or granting of such permits, leases, rights-of-way, or easements, due consideration will be given to the interests of lessees and to the adjustment of any damages to such interests. In the event of a dispute as to the amount of such damage, the

matter will be referred to the Secretary whose determination will be final as to the amount of said damage.

§ 131.31 Cabazon, Augustine, and Torres-Martinez Reservation, Calif.

(a) Upon a determination by the Secretary that the owner or owners are not making beneficial use thereof, individually owned lands on the Cabazon, Augustine, and Torres-Martinez Indian Reservations which are or may be irrigated from distribution facilities administered by the Coachella Valley County Water District in Riverside County, Calif., may be leased by the Secretary in accordance with the regulations in this part for the benefit of the owner or owners.

(b) All leases granted or approved on tribal or individually owned lands of the Cabazon, Augustine, and Torres-Martinez Indian Reservations shall be filed for record in the office of the county recorder of the county in which the land is located, the cost thereof to be paid by the lessee. A copy of each such lease shall be filed by the lessee with the Coachella Valley County Water District or such other irrigation or water district within which the leased lands are located. All such leases shall include a provision that the lessee, in addition to the rentals provided for in the lease, shall pay all irrigation charges properly assessed against the land which become payable during the term of the lease. Act of August 23, 1950 (64 Stat. 470); Act of August 28, 1958 (72 Stat. 968).

§ 131.32 San Xavier and Salt River Pima-Maricopa Reservations.

(a) *Purpose and scope.* The Act of November 2, 1966 (80 Stat. 1112; 25 U.S.C. 416-416j), provides statutory authority for long-term leasing on San Xavier and Salt River Pima-Maricopa Reservations, Ariz., in addition to that contained in the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415). When leases are made under the 1955 Act, the regulations in § 131.1 through § 131.8 and § 131.12 through § 131.23 apply. The purpose of this § 131.32 is to provide regulations for implementation of the 1966 Act. The 1966 Act does not apply to leases made for purposes that are subject to the laws governing mining leases on Indian lands.

(b) *Duration of leases.* Leases made under the 1966 Act for public, religious, educational, recreational, residential, or business purposes may be made for terms of not to exceed 99 years. The term of a grazing lease shall not exceed 10 years; the term of a farming lease that does not require the making of a substantial investment in the improvement of the land shall not exceed 10 years; and the term of a farming lease that requires the making of a substantial investment in the improvement of the land shall not exceed 25 years. No lease shall contain an option to renew which extends the total term beyond the maximum term permitted by this section.

(c) *Required covenant and enforcement thereof.* Every lease under the 1966 Act shall contain a covenant on the part of the lessee that he will not commit or permit on the leased premises any act that causes waste or a nuisance or which creates a hazard to health of persons or to property wherever such persons or property may be.

(d) *Notification regarding leasing proposals.* If the secretary determines that a proposed lease to be made under the 1966 Act for public, religious, educational, recreational, residential, or business purposes will substantially affect the governmental interest of a municipality contiguous to the San Xavier Reservation or the Salt River Pima-Maricopa Reservation as the case may be, he shall notify the appropriate authority of such municipality of the pendency of the proposed lease. The Secretary may, in his discretion, furnish such municipality with an outline of the major provisions of the lease which affects its governmental interests and shall consider any comments on the terms of the lease affecting the municipality, or on the absence of such terms from the lease, that the authorities may offer. The notice to the authorities of the municipality shall set forth a reasonable period, not to exceed 30 days, within which any such comments shall be submitted.

(e) *Applicability of other regulations.* The regulations of § 131.1 through § 131.8 and § 131.12 through § 131.23 shall apply to leases made under the 1966 Act except where such regulations are inconsistent with this § 131.32.

(f) *Mission San Xavier del Bac.* Nothing in the 1966 Act authorizes development that would detract from the scenic, historic, and religious values of the Mission San Xavier del Bac owned by the Franciscan Order of Friars Minor and located on the San Xavier Reservation.

§ 131.33 Tulalip Reservation.

Any lease by the Tulalip Tribes under the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), except a lease for the exploitation of any natural resource, shall not require the approval of the secretary of the Interior: (1) If the term of the lease does not exceed 15 years, with no option to renew, or (2) if the term of the lease does not exceed 30 years, with no option to renew, and the lease is executed pursuant to tribal regulations previously approved by the Secretary of the Interior (84 Stat. 302).

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 11821 and OMB Circular A-107.

RICK LAVIS,
Deputy Assistant Secretary—Indian Affairs.

[FR Doc 78-30472 Filed 10-26-78; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 52]

[FRL 995-7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revisions: Agricultural Burning Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to disapprove parts of the agricultural and open burning regulations of 37 air pollution control districts (APCD) in California which were submitted to EPA by the California Air Resources Board as revisions to the California State Implementation Plan (SIP). Some regulations have been previously approved as a part of the applicable SIP and this notice proposes to rescind the previous approvals. Others were recently submitted or previously not acted upon. In addition, parts of the State law, previously approved as part of the applicable SIP dealing with agricultural burning, are proposed to be rescinded from the SIP. The intended effect of this proposal is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATE: Comments may be submitted up to December 26, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105.

Copies of the proposed revisions are available for public inspection during normal business hours at the EPA region IX office at the above address and at the following locations:

Amador County Air Pollution Control District, 810 Court St., Jackson, Calif. 95642.

Butte County Air Pollution Control District, 316 Nelson Ave., Oroville, Calif. 95965.
Calaveras County Air Pollution Control District, Government Center, San Andreas, Calif. 95249.
Colusa County Air Pollution Control District, 751 Fremont St., Colusa, Calif. 95932.
El Dorado County Air Pollution Control District, 2850 Cold Springs Rd., Placerville, Calif. 95667.
Great Basin Unified Air Pollution Control District, 873 North Main St., Suite 213, Bishop, Calif. 93514.
Humboldt County Air Pollution Control District, 5600 South Broadway, Eureka, Calif. 95501.
Imperial County Air Pollution Control District, 940 West Main St., El Centro, Calif. 92243.
Kern County Air Pollution Control District, P.O. Box 997, 1700 Flower St., Bakersfield, Calif. 93302.
Kings County Air Pollution Control District, 1197 Berry Lane, Hanford, Calif. 93230.
Lake County Air Pollution Control District, 255 North Forbes St., Lakeport, Calif. 95453.
Lassen County Air Pollution Control District, 175 Russell Ave., Susanville, Calif. 96130.
Los Angeles County-South Coast Air Quality Management District, 9420 Telstar Ave., El Monte, Calif. 91731.
Mariposa County Health Department, P.O. Box 5, Mariposa, Calif. 95338.
Merced County Department of Public Health, 210 East 13th St., Merced, Calif. 95340.
Modoc County Air Pollution Control District, 202 West Fourth St., Alturas, Calif. 96101.
Monterey Bay Unified Air Pollution Control District, 1270 Natividad Rd., Salinas, Calif. 93901.
Nevada County Air Pollution Control District, 201 Church St., Nevada City, Calif. 95959.
Northern Sonoma County Air Pollution Control District, 421 March Ave., Healdsburg, Calif. 95448.
Orange County-South Coast Air Quality Management District, 9420 Telstar Ave., El Monte, Calif. 91731.
Placer County Air Pollution Control District, 11491 B Ave., Auburn, Calif. 95603.
Plumas County Air Pollution Control District, P.O. Box 480, Quincy, Calif. 95971.
Riverside County-South Coast Air Quality Management District, 9420 Telstar Ave., El Monte, Calif. 91731.
Sacramento County Air Pollution Control District, 3701 Branch Center Rd., Sacramento, Calif. 95827.
San Diego County Air Pollution Control District, 9150 Chesapeake Dr., San Diego, Calif. 92123.
San Luis Obispo County Air Pollution Control District, County Airport, Edna Rd., San Luis Obispo, Calif. 93401.
Santa Barbara County Air Pollution Control District, 4440 Calle Real, Santa Barbara, Calif. 93110.
Shasta County Air Pollution Control District, 1855 Placer St., Redding, Calif. 96001.
Sierra County Air Pollution Control Board, County Courthouse, Downieville, Calif. 95936.
Siskiyou County Air Pollution Control District, 525 South Foothill Dr., Yreka, Calif. 96097.
Stanislaus County Air Pollution Control District, 1213 14th St., Suite 3, Modesto, Calif. 95354.
Sutter County Air Pollution Control District, 142 Garden Highway, Yuba City Calif. 95991.
Tehama County Air Pollution Control District, 1760 Walnut St., Red Bluff, Calif. 96080.
Tuolumne County Air Pollution Control District, 9 North Washington St., Sonora, Calif. 95370.
Ventura County Air Pollution Control District, 625 East Santa Clara St., Ventura, Calif. 93001.
Yolo-Solano County Air Pollution Control District, 323 1st St., Box 1006, Woodland, Calif. 95695.
Yuba County Air Pollution Control District, 1426 I St., Marysville, Calif. 95901.
California Air Resources Board, 1102 Q St., P.O. 2815, Sacramento, Calif. 95814.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Wallace Woo, Chief, California SIP Section, EPA, Region IX, 415-556-7288.

SUPPLEMENTARY INFORMATION: This notice proposes to disapprove portions of the agricultural and open burning regulations of various APCD's in the State of California.

BACKGROUND

Open burning is prohibited in California with certain exceptions, including agricultural burning. The State regulates agricultural burning by designating burn and no-burn days. Burning is not permitted on designated no-burn days except when a special permit for such is issued by the APCD.

Agricultural burning includes open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, open outdoor fires used in forest management, range improvement, the improvement of land for wildlife and game habitat, and disease or pest prevention.

Other allowable open burning includes the burning of nonindustrial wood wastes, prevention of a fire hazard, instruction of public employees in the methods of fighting fire, and the setting of backfires necessary to save lives or valuable property.

Permits for agricultural and open burning are issued by the APCD and in some cases, by the fire protection agency having jurisdiction in the area, or by the agency designated by the State to issue such permits. Fees may be collected for these permits. Reports of permits issued on no-burn days are submitted to the State.

The APCD allows certain exemptions to the "no-burn" day requirements of the agricultural and open burning regulations. These exemptions are based on economic loss, pest disease and damage, seasonal range improvement, elevation above mean sea level, and in some cases, by the discretion of the APCD. These exemptions are regulated by the use of a special permit obtained from the APCD.

Exemptions to the visible emission rule are also allowed for open burning. These include open outdoor fires used for recreational purposes or for cooking food, agricultural operations, the use of other equipment in agricultural operations, and smoke or fires that result from acts of God.

Some of the above exemptions have the potential to cause or contribute to the exceedance of the national ambient air quality standards (NAAQS). Section 110(a)(2)(B) of the Clean Air Act specifies that the SIP must provide for the attainment and maintenance of the NAAQS. Therefore, no exemption can be approved without a control strategy demonstration or the use of safeguards to show that the exemption will not interfere with the attainment and maintenance of the NAAQS.

The rules listed below do not include adequate assurances that they will not interfere with the attainment and maintenance of the NAAQS.

PROPOSED ACTION

EPA is proposing to disapprove rules concerning economic exceptions to the agricultural and open burning regulations because they allow the APCD to use unlimited discretion in granting special permits and they do not include adequate assurances that they would not cause or contribute to the exceedance of the NAAQS. The exceptions are inconsistent with Section 110(a)(2)(B) and have the potential to make the burning prohibitions unenforceable.

However, if an economic exception rule includes adequate assurances that the exception would not cause or contribute to the exceedance of the NAAQS, the rule would be approvable under section 110(a)(2)(B) and (a)(3). These assurances might include a control strategy demonstration, tonnage/acreage limitations, certification of need by the county agricultural specialist, and minimum ventilation factors (mixing heights and wind speeds). The burden is on the proponent of a revision to a SIP to demonstrate that it will not interfere with the attainment and maintenance of the NAAQS.

EPA is also proposing to disapprove rules concerning the exemption of "other equipment in agricultural operations" from the visible emission prohibitions. These rules allow exemptions from the visible emission rules. The term "other equipment" is not defined in the rules and regulations and

the exemption could be interpreted to exempt stationary sources to which the visible emission rule applies. Since the exemption could render the visible emission rule unenforceable, it should be disapproved.

In addition, the corresponding State laws are being disapproved for the reasons mentioned above.

It is the purpose of this notice to propose disapproval of the following APCD rules:

1. Amador County APCD Regulation V, Rule 4(G), Exceptions, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

2. Butte County APCD Rule 3-15, Special Permit, submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842).

3. Calaveras County APCD Rule 203(G), Exceptions; and Rule 307(A)(1), Exceptions to Rule 306, both submitted on July 22, 1975, and previously approved under 40 CFR 52.223 (42 FR 42219). Rule 416.1(III)(A), Exceptions, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

4. Colusa County APCD Rule 4.4(f), Exceptions, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

5. El Dorado County APCD Rule 51(e), Exceptions to Rule 50; and Rule 60(c), Exceptions to Rule 59; submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842). Rule 203(g), Exceptions; and Rule 217-51(E), Exceptions to Rule 217-50; submitted on November 4, 1977.

6. Great Basin Valley Unified APCD Rule 405(E), Exceptions; and Rule 408(A), Burning of Agricultural Wastes, submitted on April 21, 1976, and previously approved under 40 CFR 52.223 (42 FR 28883).

7. Humboldt County APCD Rule 55(e), Exceptions, submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842).

8. Imperial County APCD Rule 148(F), Miscellaneous Exceptions, submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842). Rule 402(E), Exceptions, submitted on November 4, 1977.

9. Kern County APCD Rule 402(e), Exceptions; and Rule 417(h)(III)(A), Exceptions; both submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

10. Kings County APCD Rule 402(e), Exceptions; and Rule 417(III)(A), Exceptions; both submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812). Rule 402(e), Exceptions, submitted on November 4, 1977.

11. Lake County APCD Part V(1)(D)(6), Prohibitions and Standards—Exclusions, submitted on October 23, 1974, and previously approved under 40 CFR 52.223 (42 FR 42219). Rule 402(F), Exclusions, submitted on February 10, 1977.

12. Lassen County APCD Rule 4:5(d), Exceptions, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812). Appendix A—Implementation Plan for Agricultural Burning—Exceptions (D), submitted on July 25, 1973, and previously approved under 40 CFR 52.223 (42 FR 42219).

13. Los Angeles County APCD Rule 55(e), Exceptions, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

14. Mariposa County APCD Rule 4.3(f), Exceptions, submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842). Rule 203(g), Exceptions; and Rule 307(A)(1), Exceptions to Rule 306; both submitted on January 10, 1975.

15. Merced County APCD Rule 416.1(c)(1), Agricultural Burning; and Rule 402(e), Exceptions, both submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

16. Modoc County APCD Rule 3:5(d), Exceptions, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812). Rule 5:2, Burning Permits—Exceptions (D), submitted on July 25, 1973, and previously approved under 40 CFR 52.223 (42 FR 42219).

17. Monterey Bay Unified APCD Rule 405(e), Exceptions, submitted on October 23, 1974, and previously approved under 40 CFR 52.223 (42 FR 56605).

18. Nevada County APCD Rule 55(d), Exceptions, submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842). Rule 203(g), Exceptions, submitted on April 10, 1975.

19. Northern Sonoma County APCD Rule 51(e), Exceptions, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

20. Orange County APCD Rule 55(f), Exceptions, submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842).

21. Placer County APCD Rule 55(d), Exceptions, submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842). Rule 203(g), Exceptions, submitted on October 13, 1977.

22. Plumas County APCD Rule 55(e), Exceptions, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812). Rule 203(G), Exceptions, submitted on June 6, 1977.

23. Riverside County APCD Rule 55(e), Exceptions, submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842).

24. Sacramento County APCD Rule 96 (a), Emergency Permits, submitted on February 10, 1976, and previously approved under 40 CFR 52.223 (42 FR 42219).

25. San Diego County APCD Rule 102(c), Open Fires, Western Section; Rule 103(c), Open Fires, Eastern Section; and Rule 109(a) Temporary Suspension Permits; submitted on July 25, 1973, and previously approved under 40 CFR 52.223 (42 FR 23805).

26. San Luis Obispo County APCD Rule 502(J)(1-2), Agricultural Burning, submitted on November 10, 1976.

27. Santa Barbara County APCD Rule 22(e), Exceptions; Rule 40(4)(a), Agricultural Burning; and Rule 42, Burning Permit for Non-Burn Days; submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842).

28. Shasta County APCD Rule 2:6(i)(b)(iii)(c); (1)(c)(vii); and (5)(a); Agricultural Burning, submitted on October 13, 1977. The October 13, 1977, submittal supersedes the July 19, 1974 submittal.

29. Sierra County APCD Rule 203(g), Exceptions; and Rule 307(A)(1), Exceptions to Rule 306; submitted on January 10, 1975, and previously approved under 40 CFR 52.223 (42 FR 42219). Rule 203(G), Exceptions; and Rule 307(A)(1), Exemption to Rule 306, submitted on June 6, 1977.

30. Siskiyou County APCD Rule 4.1-1(B)(3), Exceptions to Visible Emissions Section 24242, submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842). Implementation Plan for Agricultural Burning—Exceptions (D) submitted on July 22, 1973, and previously approved under 40 CFR 52.223 (42 FR 42219).

31. Stanislaus County APCD Rule 402(e), Exceptions, submitted on July 19, 1974, and previously approved under 40 CFR 52.223 (42 FR 42219). Rule 416.1(c)(1), Agricultural Burning, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

32. Sutter County APCD Rule 4.5, Standards for Granting Applications, submitted on July 25, 1973, and previously approved under 40 CFR 52.223 (42 FR 8377).

33. Tehama County APCD Rule 4.1, Visible Emissions—Exceptions (f), submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842). Rule 3.10, Burning on No-Burn Days, submitted on July 22, 1973, and previously approved under 40 CFR 52.223 (42 FR 42219).

34. Tuolumne County APCD Rule 402-A(f), Exceptions; and Rule 417(h)(III)(A), Exceptions; submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812). Rule 203(g), Exceptions; and Rule 307(A)(1), Exceptions to Rule 306; submitted on July 22, 1975.

35. Ventura County APCD Rule 24(A)(5), Exemptions from Emission Standards, submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

36. Yolo-Solano APCD Rule 4.5, Standards for Granting Applications, submitted on February 21, 1972, and previously approved under 40 CFR 52.2223 (37 FR 10842). Rule 6.5(a), Standards for Granting Applications, submitted on June 22, 1978.

37. Yuba County APCD Rule 2.1(e), Exceptions to Rule 2; Agricultural Burning Regulations, Section 2(D)—Permits; and Section 4(A)—Exceptions; submitted on July 22, 1973, and previously approved under 40 cFR 52.223 (42 FR 42219).

38. California Air Resources Board Part 2, Health and Safety Code 39442(c); 24251(c); Part 1, Health and Safety Code 39299.2; submitted on February 21, 1972, and previously approved under 40 CFR 52.223 (37 FR 10842).

The proposed actions would further restrict agricultural and open burning; however, they would not prohibit such burning in California. Burning would continue to be allowed on designated burn days and such burning is not subject to visible emission limitations.

This rulemaking action would restrict burning on days when the predicted air quality is approaching or exceeding the NAAQS and it would assure that stationary sources continue to be subject to the visible emission rule.

The proposed disapprovals are necessary to make the SIP consistent with section 110 of the Clean Air Act and to insure the attainment and maintenance of the NAAQS.

The Regional Administrator hereby issues this notice setting forth these rules and regulations, as proposed rulemaking and advised the public that interested persons may participate by submitting written comments to the region IX office. Comments received on or before December 26, 1978, will be considered. Comments received will be available for public inspection at the EPA region IX office and the EPA Public Information Reference Unit.

(Secs. 110, 301(a), Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)).)

Dated: October 23, 1978.

SHEILA M. PRINDIVILLE,
Acting Regional Administrator.

[FR Doc. 78-30341 Filed 10-26-78; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 994-5]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of an Administrative Order Issued by the State of Maryland to Glidden Pigments Group of SCM Corp.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an administrative order issued by the State of Maryland to the Glidden Pigments Group of SCM Corp. The order requires the company to bring air emissions from its batch attack vessels and chloride processing plant at 3901 Glidden Road, Baltimore into compliance with certain regulations contained in the federally-approved Maryland State Implementation Plan (SIP) by July 1, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on the proposed approval of the order as a delayed compliance Order.

DATE: Written comments must be received on or before November 27, 1978.

ADDRESS: Comments should be submitted to Director, Enforcement Division, EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Thomas W. Shiland, 3EN12 (same address as above) 215-597-7915.

SUPPLEMENTARY INFORMATION: The Glidden-Pigments Group of SCM Corp. operates two titanium dioxide producing plants at 3901 Glidden Road, Baltimore. The order under consideration addresses emissions from the batch attach vessels and chloride processing plant at the facility, which are subject to Maryland Regulations 10.03.38.02A (visible emissions), 10.03.38.03E (particulate emissions). The regulations limit the emission of particulate matter, and are part of the federally approved Maryland State Implementation Plan. The order requires final compliance with the regulation by July 1, 1979 through addition of control equipment on the batch attach vessels and the upgrading of equipment on the chloride plant. The company has met all interim compliance dates thus far.

Because this order has been issued to a major source of particulate emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection.

If the order is approved by EPA, source compliance with its terms would preclude Federal enforcement action under section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the act (section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Maryland SIP.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601.)

Dated: October 13, 1978.

JACK J. SCHRAMM,
Regional Administrator, Region III.

[FR Doc. 78-30194 Filed 10-26-78; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 995-8; Docket No. 9-78-6]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order for Southern Pacific Pipe Lines, Inc., Chico, Calif.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue an administrative order to Southern Pacific Pipe Lines, Inc. The order requires the company to bring air emissions from its gasoline storage tanks in Chico, Calif., into compliance with certain federally promulgated regulations in the California State Implementation Plan (SIP). Because the company is unable to comply with these regulations at this time, the proposed order would establish an expeditious schedule requiring final compliance by June 1, 1979. Source compliance with the order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act for violation of the SIP regulations covered by the order. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of the order.

DATES: Written comments must be received on or before November 27, 1978, and requests for a public hearing must be received on or before November 13, 1978. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after 30 days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESS: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, EPA, Region IX, 215 Fremont Street, San Francisco, Calif. 94105. Material supporting the order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

William M. Thurston, Chief, Case Development Section, Air and Hazardous Materials Branch, Enforcement Division, EPA, Region IX, 215 Fremont Street, San Francisco, Calif. 94105, telephone 415-556-6150.

SUPPLEMENTARY INFORMATION: Southern Pacific Pipe Lines, Inc., operates a bulk gasoline dispensing terminal at Chico, Calif. The proposed order addresses emissions from gasoline storage tanks at this facility, which are subject to 40 CFR 52.255, Gasoline transfer vapor control. This regulation limits the emissions of hydrocarbons, and is a federally promulgated regulation in the California State Implementation Plan. The order requires final compliance with the regulation by June 1, 1979, and the source has consented to its terms. Southern Pacific Pipe Lines, Inc., has already submitted the progress report required in section I, increment A of the proposed order.

The proposed order satisfied the applicable requirements of section 113(d) of the Clean Air Act (the Act). If the order is issued, source compliance with its terms would preclude further EPA enforcement action under section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provisions of the Act (sec. 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether EPA should issue the order. Testimony given at any public hearing concerning the order will also be considered. After the public comment period and any public hearing, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601)

Dated: October 18, 1978.

FRANK M. COVINGTON,
Acting Regional Administrator, Environmental Protection Agency, Region IX.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending the table in § 65.90, Federal delayed compliance orders issued under section 113(d) (1), (3), and (4) of the Act, to reflect approval of the following order:

[Order No. 9-78-6]

In the matter of Southern Pacific Pipe Lines, Inc., Chico, Calif., proceeding under section 113(d), Clean Air Act, as amended.

The following order is issued pursuant to section 113(d)(1) of the Clean Air Act, as amended, 42 U.S.C. 7401 et seq. (hereinafter referred to as the "Act"). This order contains a schedule for compliance and reporting requirements. Public notice, opportunity for a public hearing, and 30 days notice to the State of California has been provided pursuant to section 113(d)(1) of the Act.

FINDINGS

On March 17, 1978, the U.S. Environmental Protection Agency (EPA) issued a notice of violation, pursuant to section 113(a)(1) of the Act, to Southern Pacific Pipe Lines, Inc., upon a finding that gasoline storage tanks No. CH 5 and No. CH 16 at the Chico Calif., facility are in violation of 40 CFR 52.255, a part of the applicable California Implementation Plan as defined in section 110(d) of the Act. This finding was based upon an inspection conducted by EPA personnel on November 17 and 18, 1977.

Said violation has extended beyond the 30th day after issuance of the March 17, 1978, notice of violation. The continuing violation was documented at a May 5, 1978, conference during which representatives of Southern Pacific Pipe Lines, Inc. stated that the excessive roof gaps on gasoline storage tanks No. CH 5 and No. CH 16 had not been eliminated. Southern Pacific Pipe Lines, Inc. is presently unable to comply with the requirements of 40 CFR 52.255.

ORDER

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this order is expeditious as practicable, and that the terms of this order comply with section 113(d) of the Act. *Therefore, it is hereby ordered:*

I. That Southern Pacific Pipe Lines, Inc. will comply with the California Implementation Plan regulations in accordance with the following schedule on or before the dates specified therein for gasoline storage tanks No. CH 5 and No. CH 16 at the Chico facility.

A. October 1, 1978—Provide to EPA a progress report on the study being conducted to demonstrate the equivalency of the Company's tank seals with the requirements of the California Air Resources Board.

B. January 1, 1979—Submit a final control plan to achieve compliance with 40 CFR 52.255.

C. April 1, 1979—Initiate onsite construction or installation of emission control equipment.

D. June 1, 1979—Complete construction and achieve final compliance with 40 CFR 52.255.

II. That no interim requirements, as described in section 113(d)(7) of the Act, are reasonable and practicable.

III. That Southern Pacific Pipe Lines, Inc is not relieved by this order from compliance with any requirements imposed by the applicable State implementation plan, EPA, and/or the courts pursuant to section 303 during any period of imminent and substantial endangerment to the health of persons.

IV. That Southern Pacific Pipe Lines, Inc. shall comply with the following reporting requirements on or before the dates specified below:

A. No later than 5 days after the date for achievement of an incremental step or final compliance specified in this order, Southern Pacific Pipe Lines, Inc. shall notify EPA in writing of its compliance, or noncompliance and reasons therefor, with the requirement. If delay is anticipated in meeting any requirement of this order, Southern Pacific Pipe Lines, Inc. shall immediately notify EPA in writing of the anticipated delay and

reasons therefor. Notification to EPA of any anticipated delay does not excuse the delay.

B. All submittals and notifications to EPA pursuant to this order shall be made to the Director, Enforcement Division, EPA, Region IX, 215 Fremont Street, San Francisco, Calif. 94105.

V. Nothing herein shall affect the responsibility of Southern Pacific Pipe Lines, Inc. to comply with State, local, or other Federal regulations.

VI. Southern Pacific Pipe Lines, Inc. is hereby notified that your failure to achieve final compliance by July 1, 1979, may result in a requirement to pay a noncompliance penalty under section 120. In the event of such failure, Southern Pacific Pipe Lines, Inc. will be formally notified, pursuant to section 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

VII. This order shall be terminated in accordance with section 113(d)(8) of the Act if the Administrator determines on the record, after notice and hearing, that an inability to comply with 40 CFR 52.255 no longer exists.

VIII. Violation of any requirement of this order shall result in one or more of the following actions:

A. Enforcement of such requirement pursuant to sections 113 (a), (b), or (c) of the Act, including possible judicial action for an injunction and/or penalties and in appropriate cases, criminal prosecution.

B. Revocation of this order, after notice and opportunity for a public hearing, and subsequent enforcement of 40 CFR 52.255 in accordance with the preceding paragraph.

C. If such violation occurs on or after July 1, 1979, notice of noncompliance and subsequent action pursuant to section 120 of the Act.

IX. This order is effective October 27, 1978.

CONSENT PROVISION

Southern Pacific Pipe Lines, Inc. acknowledges that its Chico, Calif., facility is in violation of 40 CFR 52.255. Furthermore, Southern Pacific Pipe Lines, Inc. has reviewed this order, believes it to be a reasonable means to attain compliance with 40 CFR 52.255, and consents to the terms of the order.

Dated: Los Angeles, August 22, 1978.

B. K. SMITH,
President, Southern Pacific Pipe Lines, Inc.

[FR Doc. 78-30342 Filed 10-26-78; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 996-1; Docket No. VII-78-DCO-13]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order for Phillips Petroleum Co. Fluid Catalytic Cracking Unit, Kansas City, Kans.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue an administrative order to the Phillips Petroleum Co. (Phillips). The order requires the company to bring air emissions from its fluid catalytic cracking unit in Kansas City, Kans., into compliance with certain regulations contained in the federally approved Kansas State implementation plan (SIP). Because the company is unable to comply with these regulations at this time, the proposed order would establish an expeditious schedule requiring final compliance by July 1, 1979. Source compliance with the order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act for violation of the SIP regulations covered by the order. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of the order.

DATES: Written comments must be received on or before November 27, 1978, and requests for a public hearing must be received on or before November 13, 1978. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after 21 days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, EPA, Region VII, 1735 Baltimore, Kansas City, Mo. 64108. Material supporting the order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Henry F. Rompage, EPA, Region VII, 1735 Baltimore, Kansas City, Mo. 64108, telephone 816-374-2576.

SUPPLEMENTARY INFORMATION: Phillips operates a refinery at Kansas City, Kans. The proposed order addresses emissions from the fluid catalytic cracking unit at this facility, which are subject to Kansas air pollution emission control regulation 28-19-20, particulate emissions limitations, and 28-19-50, opacity requirements. These regulations limit the emissions of particulates, and are part of the federally approved Kansas State implementation plan. The order requires final compliance with the regulation by July 1, 1979, and the source has consented to its terms. The source has agreed to meet the order's increments during the period of this informal rulemaking. The source has satisfied the first increment contained in the order.

The proposed order satisfies the applicable requirements of section 113(d) of the Clean Air Act (the Act). If the order is issued, source compliance with its terms would preclude further EPA enforcement action under section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provisions of the Act (section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether EPA should issue the order. Testimony given at any public hearing concerning the order will also be considered. After the public comment period and any public hearing, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601.)

Dated: October 19, 1978.

DAVID R. ALEXANDER
Acting Regional Administrator, Region VII.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter 1, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending the table in § 65.210 to reflect approval of the following delayed compliance order:

[Docket No. VII-78-DCO-13]

In the matter of Phillips Petroleum Co., Kansas City, Kans., docket No. VII-78-DCO-13.

This order is issued this date pursuant to section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 et seq. (the Act). This order contains a schedule for compliance, interim requirements, and monitoring and reporting requirements. Public notice, opportunity for a public hearing, and 30 days notice to the State of Kansas have been provided pursuant to section 113(d)(1) of the Act.

FINDINGS

On March 9, 1978, the U.S. Enivronmental Protection Agency (EPA) inspected the Phillips Petroleum Co. (Phillips) Kansas City, Kans. refinery. The inspection revealed the fluid catalytic cracking unit (FCCU) was possibly operating in violation of Kansas air pollution emission control regulations 28-19-20 and 28-19-50, a part of the Kansas State implementation plan. On April 13, 1978, EPA issued a section 114 order to Phillips to conduct performance tests on the FCCU to determine compliance with regulation 28-19-20. Phillips attempted performance tests but did not successfully complete the tests. Phillips acknowledged on July 13, 1978, the tests as run indicated the FCCU was operating in violation of regulation 28-19-20. At EPA's request, Phillips submitted plans to install controls to bring

the FCCU into compliance. The schedule has been determined to be expeditious.

ORDER

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this order is expeditious as practicable, and that the terms of this order comply with section 113(d) of the Act. *Therefore, it is hereby ordered:*

I. That Phillips Petroleum Co., Kansas refinery will comply with the Kansas implementation plan regulations in accordance with the following schedule on or before the dates specified therein.

A. Fluid catalytic cracking unit (FCCU)

1. October 1, 1978—Issue purchase order for new cyclones for the FCCU regenerator.

2. November 15, 1978—Issue all purchase orders for all necessary materials and equipment.

3. May 1, 1979—Initiate installation and construction of pollution control equipment.

4. July 1, 1979—Complete installation and construction of pollution control equipment.

5. July 1, 1979—Achieve and demonstrate final compliance with regulations 28-19-20 and 28-19-50.

II. That Phillips shall comply with the following interim requirements which are determined to be the best reasonable and practicable interim system of emission (taking into account the requirement for which compliance is ordered in section I, above), and are necessary to avoid an imminent and substantial endangerment to the health of persons and to assure compliance with regulations 28-19-20 and 28-19-50, insofar as Phillips is able to comply during the period this order is in effect:

1. The particulate emissions from the FCCU shall not exceed 350 pounds per hour.

2. The opacity of emissions from the FCCU shall not exceed 50 percent. Exception: Once every 4 hours, for 30 minutes during the soot blowing sequence, opacity of emissions shall not exceed 60 percent.

III. That Phillips is not relieved by this order from compliance with any requirements imposed by the applicable State implementation plan, EPA, and/or the courts pursuant to section 303 during any period of imminent and substantial endangerment to the health of persons.

IV. That Phillips shall comply with the following reporting requirements on or before the dates specified below:

REPORTING REQUIREMENTS

1. No later than 5 days after any date for achievement of an incremental step or final compliance, specified in this order, Phillips shall notify EPA in writing of its compliance, or noncompliance and reasons therefor, with the requirement. If delay it anticipated in meeting any requirement of this order, Phillips shall immediately notify EPA in writing of the anticipated delay and reasons therefor. Notification to EPA of any anticipated delay does not excuse the delay.

2. All submittals and notifications to EPA pursuant to this order shall be made to Director, Enforcement Division, EPA, Region VII, 1735 Baltimore, Kansas City, Mo. 64108.

V. Nothing herein affect the responsibility of Phillips to comply with State or local regulations.

VI. Phillips is hereby notified that your failure to achieve final compliance by July 1, 1979, (or other applicable date specified in accordance with section 120(a)(2)(B) of the Act) will result in a requirement to pay a noncompliance penalty under section 120. In the event of such failure, Phillips will be formerly notified, pursuant to section 120(b)(3) and any regulative promulgated thereunder, of its noncompliance.

VII. This order shall be terminated in accordance with section 113(d)(8) of the Act if the Administrator (or his delegatee, as appropriate) determines on the record, after notice and hearing, that an inability to comply with regulations 28-19-20 and 28-19-50 no longer exists.

VIII. Violation of any requirement of this order shall result in one or more of the following actions:

A. Enforcement of such requirement pursuant to sections 113 (a), (b), or (c) of the Act, including possible judicial action for an injunction and/or penalties and in appropriate cases, criminal prosecution.

B. Revocation of this order, after notice and opportunity for a public hearing, and subsequent enforcement of regulations 28-19-20 and 28-19-50 in accordance with the preceding paragraph.

C. If such violation occurs on or after July 1, 1979, notice of noncompliance and subsequent action pursuant to section 120 of the Act.

IX. This order is effective immediately.

Date ———— ————————

Administrator or Delegatee, U.S. Environmental Protection Agency.

WAIVER

Phillips Petroleum Co., by the duly authorized undersigned, stipulates that the fluid catalytic cracking unit is in violation of Kansas regulations 28-19-20 and 28-19-50, consents to the terms of the order, and hereby waives any and all rights under any provision of law to challenge this order.

Date: ———— ————————

Phillips Petroleum Co.

[FR Doc. 78-30343 Filed 10-26-78; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 996-3]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order for Knauf Fiber Glass GmbH, Shelbyville, Ind.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue an administrative order to Knauf Fiber Glass GmbH. The order requires the company to bring air emissions from its fiber glass manufacturing plant in Shelbyville, Ind., into compliance with certain regulations contained in the federally-approved Indiana State Implementation Plan (SIP). Because the company is unable to comply with these regulations at this time, the proposed order would establish an expeditious schedule requiring final compliance by July 1, 1979. Source compliance with the order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act (the Act) for violation of the SIP regulations covered by the order. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of the order.

DATES: Written comments must be received on or before November 27, 1978, and requests for a public hearing must be received on or before November 13, 1978. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after 21 days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSEES: Comments and requests for a public hearing should be submitted to James O. McDonald, Director, Enforcement Division, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Ill. 60604. Material supporting the order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Louise Gross, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Ill. 60604, or telephone at 312-353-2082.

SUPPLEMENTARY INFORMATION: Knauf Fiber Glass operates a fiber glass manufacturing plant at Shelbyville, Ind. The proposed order addresses emissions from its 201 and 202 Superfine Furnace and Forming operations, its 601 Rotary Furnace and Forming Machine and its two Manual Pipe Insulation Curing Ovens at this facility, which are subject to Indiana Air Pollution Control Regulations APC-3 and APC-5. APC-3 sets opacity standards while APC-5 limits the emissions of particulate matter. Both regulations are part of the federally-approved State Implementation Plan. The order requires final compliance with the regulations by July 1, 1979, and the source has consented to its terms. The source has agreed to meet the order's increments during the period of this informal rulemaking. Emission monitoring and reporting are also required.

The proposed order satisfies the applicable requirements of section 113(d) of the Clean Air Act. If the order is

issued, source compliance with its terms would preclude further EPA enforcement action under section 113 of the Act against the source for violations of the regulations covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provisions of the Act (section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether EPA should issue the order. Testimony given at any public hearing concerning the order will also be considered. After the public comment period and any public hearing, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedure for EPA's issuance, approval, and disapproval of an order under section 113(d) of the Act. In addition, part 65 will contain sections summarizing orders issued, approved, and disapproved by EPA. A prior notice proposing regulations for part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.)

(42 U.S.C. 7413, 7601.)

Dated: October 10, 1978.

JOHN MCGUIRE,
Regional Administrator,
Region V.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending the table in § 65.190, *Federal delayed compliance orders issued under section 113(d) (1), (3), and (4) of the Act,* to reflect approval of the following order:

[Order No. EPA-5-78-A-]

KNAUF FIBER GLASS GMBH SHELBYVILLE, IND.

PROCEEDING UNDER SECTION 113(d) OF THE CLEAN AIR ACT, AS AMENDED—ORDER

The following ORDER is issued this date pursuant to section 113(d) of the Clean Air Act, as amended, 42 U.S.C. section 7401 et seq. (the "Act"). Public notice, opportunity for public hearing and 30 days notice to the State of Indiana have been provided pursuant to section 113(d)(1) of the Act. This order contains a schedule for compliance, emission monitoring requirements and reporting requirements. Final compliance is required as expeditiously as practicable, but not later than July 1, 1979.

On September 29, 1977, Dale S. Bryson, Acting Director, Enforcement Division, Region V, U.S. Environmental Protection Agency ("U.S. EPA"), pursuant to authority duly delegated to him by the Administrator of the U.S. EPA, issued a notice of violation, pursuant to section 113(a)(1) of the Act, to the CertainTeed Corp., a Maryland corporation with corporate headquarters at Valley Forge, Pa., upon a finding that the Corporation's fiber glass manufacturing plant in Shelbyville, Ind., was in violation of the applicable Indiana Implementation Plan, as defined in section 110(d) of the Act. The notice cited CertainTeed for violation of Indiana regulation APC-3 ("APC-3") at the 601 Forming Machine and Manual Pipe Insulation Curing Oven and violation of Indiana regulation APC-5 ("APC-5") at the six furnaces and six forming operations, as demonstrated by visible emissions observations and information submitted to U.S. EPA by CertainTeed, pursuant to section 114 of the Act.

On October 28, 1977, a meeting was held at CertainTeed's request to discuss the notice of violation. At that time, CertainTeed indicated that it was involved in an antitrust proceeding, as a result of which CertainTeed had been ordered to divest itself of the Shelbyville plant as a going concern.

On December 19, 1977, and January 5, 1978, Mr. Thies Knauf, now the President of Knauf Fiber Glass, met with U.S. EPA enforcement personnel, as a prospective purchaser, for the purpose of discussing the violations cited in the September 29, 1977, notice of violation and the general requirements of the Act.

On January 16, 1978, Knauf Fiber Glass GmbH ("Knauf") acquired ownership of the Shelbyville facility pursuant to the order of the U.S. District Court for the Eastern District of Pennsylvania in the antitrust proceeding referred to above and captioned *United States of America v. CertainTeed Products Corporation and PPG Industries, Inc.*, Civil Action No. 74-47 (E.D. Pa.). Knauf was not affiliated with CertainTeed at that time nor is it presently so affiliated.

On March 16, 1978, U.S. EPA Inspected the Shelbyville plant and discussed compliance with Knauf's management. On April 6, 1978, Knauf representatives again met with U.S. EPA to discuss a compliance program. Because Knauf determined that it could not bring all of the sources cited in the September 29, 1977, notice of violation into compliance with the applicable regulations by July 1, 1979, both U.S. EPA and Knauf agreed to pursue the issuance of an order under section 113(d) of the Act as to those sources which Knauf could bring into compliance by July 1, 1979.

After a thorough Investigation of all relevant facts, it is determined that Knauf is presently unable to comply with the Indiana Implementation Plan, that the schedule for compliance set forth in the order is as expeditious as practicable and that, the terms of this order comply with section 113(d) of the Act. *Therefore, it is hereby ordered,* That:

1. Knauf shall achieve compliance with APC-5 at its fiberglass manufacturing plant 201 and 202 Superfine Furnaces and Forming operations in accordance with the following schedule:

A. Submit preliminary plans and specifications for construction of 603 Superfine electric melt furnace, 603 Superfine Forming Machine and necessary pollution control equipment—July 1, 1978.

B. Award final contracts—August 15, 1978.

C. Commence construction—November 1, 1978.

D. Complete construction—February 1, 1979.

E. Remove 201 and 202 Superfine Furnace and Forming operations and demonstrate compliance with APC-5—July 1, 1979.

11. Knauf shall achieve compliance with APC-3 and APC-5 at its fiberglass manufacturing plant 601 Rotary Furnace and Forming Machine in accordance with the following schedule:

A. Submit preliminary plans and specifications for conversion of 601 Rotary Furnace and 601 Rotary Forming to utilize electric melt and for necessary pollution control equipment—July 31, 1978.

B. Award final contracts—September 15, 1978.

C. Commence construction—March 1, 1979.

D. Complete construction—June 1, 1979.

E. Demonstrate compliance with APC-3 and APC-5-July 1, 1979.

III. Knauf shall achieve compliance with APC-3 at its two fiber glass manufacturing plant Manual Pipe Insulation Curing Ovens in accordance with the following schedule:

A. Submit preliminary plans and specifications for emission control devices—July 31, 1978.

B. Award final contracts—September 15, 1978.

C. Commence construction—January 1, 1979.

D. Complete construction—April 1, 1979.

E. Demonstrate compliance with APC-3—July 1, 1979.

IV. Knauf shall achieve and demonstrate final compliance with APC-5 at its fiber glass manufacturing plant 201 and 202 Superfine Furnaces and Forming Machines (to be redesignated 603) by July 1, 1979. Knauf shall achieve and demonstrate final compliance with APC-3 at its two fiber glass manufacturing plant Manual Pipe Insulation Curing Ovens by July 1, 1979. Knauf shall achieve and demonstrate final compliance with APC-3 and APC-5 at its 601 Rotary Furnace and Forming Machine by July 1, 1979.

V. Pursuant to sections 113(d)(1)(C) and 114(a) of the Act, Knauf shall install continuous monitoring systems for the measurement of opacity for Rotary Forming Machine, 603, Rotary Forming Machine 601 and the Manual Pipe Curing Ovens. These continous monitoring systems shall be installed, calibrated, maintained and operated in accordance with the procedures set forth in appendix B of 40 CFR Part 60 and shall be properly calibrated and operational upon the achievement of final compliance. Thereafter, Knauf shall submit a written report of excess emissions for each calendar quarter, including the nature and cause of excess emissions, if known, and corrective action taken. This summary shall consist of the magnitude in actual percent opacity of all 6-minute averages of opacity greater than 40 percent for each hour of operation of the facility. Average values may be obtained by integration over 6-minutes or by arithmetically averaging a minimum of four equally space, instantaneous, opacity measurements per minute. All records produced by the continuous monitoring systems shall be retained by Knauf for a period of not less than 2 years and made available for inspection by U.S. EPA or its agent upon request. Malfunctions or periods in which the continuous monitoring system is not in operation shall be reported immediately, along with proposed corrective action.

In the alternative, Knauf may demonstrate to the U.S. EPA that the emission monitoring system provided in 40 CFR Part 60 is not feasible in light of the control equipment ultimately chosen. In such case, Knauf shall provide and alternatie method of continuous monitoring, approved by U.S. EPA, to assure proper operation of the control equipment at all time.

VI Pursuant to section 113(d)(7) of the Act, it has been determined that during the period in which this order is in effect, no interim requirements, are reasonable and practicable.

VII. Knauf shall submit reports to the U.S. EPA detailing progress made with respect to each requirement of this order. Such reports shall be submitted within ten (10) days of the completion of such requirement. In addition, no later than July 1, 1979, the Company shall certify to the U.S. EPA that each of the sources required to comply with APC-3 and/or APC-5 is in final compliance with the appropriate regulation(s).

VIII. All submissions and notifications to the U.S. EPA pursuant to this order shall be made to the Chief, Air Compliance Section, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Ill. 60604.

IX. Nothing in this order shall be construed as a waiver by the Administrator of any rights or remedies under the Clean Air Act, including, but not limited to, section 303 of the Act, 42 U.S.C. Section 7603.

X. Knauf is hereby notified that its failure to achieve compliance by July 1, 1979, will result in a requirement to pay a noncompliance penalty under section 120. In the event of such failure, Knauf will be formally notified, pursuant to section 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

XI. This order is effective upon FEDERAL REGISTER promulgation.

Date——— ———

Administrator or Delegate
U.S. Environmental Protection Agency.

Knauf has reviewed this order and believes it to be a reasonable means by which the sources at its fiber glass insulation manufacturing facility mentioned therein can achieve final compliance with Indiana regulations APC-3 and/or APC-5 according to the terms of the order. Knauf stipulates as to the correctness of all facts stated above except insofar as paragraph IX of the order is deemed a statement of fact, and consents to the requirements and terms of this order, but reserves the right to dispute in any forum the applicability of the noncompliance penalty provisions of section 120 to its Shelbyville sources. Knauf waives its right to notice of violation under section 113(a)(1) of the Clean Air Act as to the violations to be corrected by the terms of this order.

Date——— ———

Knauf Fiber Glass GmbH

[FR Doc 78-30344 Filed 10-26-78; 8:45 am]

[6560-01-M]

[40 CFR Parts 405, 406, 407, 408, 409, 411, 412, 418, 422, 424, 426, 427, 432]

[FRL 995-5]

BEST CONVENTIONAL POLLUTANT CONTROL TECHNOLOGY

Reasonableness of Existing Effluent Limitations Guidelines; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rules. The Agency has received numerous requests for an extension of the comment period on the above proposed rules published in the August 23, 1978, FEDERAL REGISTER (43 FR 37570-37607). The Agency is extending the comment period 45 days to December 7, 1978. All comments must be received on or before this date.

DATE: Comments must be received on or before December 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Allen W. Leduc, Water Economics Branch (WH-586), U.S. EPA, 401 M Street SW., Washington, D.C. 20460, phone: 202-426-2617.

OCTOBER 23, 1978.

THOMAS C. JORLING,
Assistant Administrator for Water and Waste Management.

[FR Doc. 78-30339 Filed 10-26-78; 8:45 am]

[6560-01-M]

[40 CFR Parts 405, 406, 407, 408, 409, 411, 412, 418, 422, 424, 426, 427, 432]

[FRL 995-6]

BEST CONVENTIONAL POLLUTANT CONTROL TECHNOLOGY

Reasonableness of Existing Effluent Limitations Guidelines; Public Comment Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of comment meeting on proposed rules.

SUMMARY: The Environmental Protection Agency will hold a public meeting on November 27, 1978 in Washington, D.C., to hear public comment on its August 23, 1978, proposed rules implementing section 304(b)(4)(B) of the Clean Water Act ("Best Conventional Pollutant Control Technology").

DATES: Hearing date: November 27, 1978.

ADDRESS: The time and location of the hearing is: November 27, 1978, EPA Headquarters, Rooms 3906 and 3908, 401 M Street SW., Washington, D.C. 20460. Registration for the meeting will begin at 9 a.m. and the meeting will begin at 9:30 a.m.

FOR FURTHER INFORMATION CONTACT:

Allen W. Leduc, Water Economic Branch (WH-586), U.S. EPA, 401 M Street SW., Washington, D.C. 20460, phone: 202-426-2617.

SUPPLEMENTARY INFORMATION: Section 304(b)(4)(B) of the Clean Water Act was adopted by Congress in 1977. This section establishes a new level of technology based effluent limitations, Best Conventional Pollutant Control Technology (BCT). The BCT limitations are in lieu of the 1983 Best Available Technology Economically Achievable (BAT) requirement and therefore will represent the control of all conventional pollutants beyond the 1977 levels of control established under Best Practicable Control Technology Currently Available (BPT) technology limitations. Unlike the former BAT limitations, the BCT limits must also pass a test of reasonableness, defined in the preamble of the proposed rules published in the August 23, 1978, FEDERAL REGISTER (43 FR 37570-37607). Comments have been solicited on the methodology the Agency has chosen to determine reasonableness and the resulting proposed determinations.

The purpose of the meeting announced today is to clarify comments received during the comment period. In order to insure a meaningful dialogue at this meeting, the Agency requests that:

1. The participants submit written comments prior to the meeting date (November 27, 1978) so that they may be reviewed by EPA staff and the meeting panel.

2. Participants bring with them any technical or other staff who assisted them in preparing their comments to respond to any questions which may be posed by the panel.

3. Criticism of the proposed methodology and rules be accompanied by constructive suggestions on how the methodology could be changed within legal, technical practical, and other constraints.

Comments received at the meeting will be considered in the development of the final methodology and rules.

THOMAS C. JORLING,
Assistant Administrator for Water and Waste Management.

OCTOBER 23, 1978.

[FR Doc. 78-30340 Filed 10-26-78; 8:45 am]

[6560-01-M]

[40 CFR Parts 405, 406, 407, 408, 409, 411, 412, 418, 422, 424, 426, 427, 432]

[FRL 995-4]

BEST CONVENTIONAL POLLUTANT CONTROL TECHNOLOGY

Reasonableness of Existing Effluent Limitations Guidelines; Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rules.

SUMMARY: EPA issues a corrections document for proposed rules published in the FEDERAL REGISTER on August 23, 1978, at 43 FR 37570 because of a number of typographic and editorial errors which affect the substantive content of the regulations proposed.

FOR FURTHER INFORMATION CONTACT:

Mr. Allen W. Leduc, Water Economics Branch (WH-586), EPA, 401 M Street SW., Washington, D.C. 20460, phone 202-426-2617.

SUPPLEMENTARY INFORMATION: FR Doc. 78-23254, published August 23, 1978, contained a number of typographic errors which do not affect the determinations of reasonableness but affect the substantive content of the proposed rules. Those errors should be corrected as follows:

I

Page	Column	Line(s)	Error	Change to read
37571	2	53	"30 parts per million"	"25 parts per million"
37572	2	45	"(20,000 gallons per day)"	"(10,000 gallons per day)"
37593	1	10	"=1.86 million pounds"	"=1.186 million pounds"
37597	1	22-23	"Under a BPT and BAT limitation of zero discharge".	"under equal BPT and BAT limitations"
37597	1	24-27	"BCT limitation be zero discharge; The BAT zero discharge control is also being retained because it controls toxic and nonconventional pollutants.".	"BCT limitation in these subcategories be equal to their BPT and BAT limitation."

II

The Best Available Technology Economically Achievable (BAT) limitations for the Steamed and Canned Oyster Procession subcategory of the Canned and Preserved Seafood Processing point source category (§ 408.273) were redesignated as § 408.277 (page 37580, column 1). The first paragraph of this new section should be changed to read as follows:

§ 408.277 [Amended]

Except for those steamed and canned oyster processing facilities which utilize air flotation treatment systems to meet the shrimp processing effluent limitations guidelines under § 408.117, 408.127, or § 408.137 and for which effluent limitations should be derived on a case-by-case basis, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

* * * * *

The BAT conventional pollutant limitation in the Renderer subcategory (§ 432.103) of the Meat Products Point Source Category were found to be reasonable. However, the limitations appearing in the FEDERAL REGISTER under this subcategory are not correct. These limitations were in effect up to October 6, 1977, but were revised at that time. The following corrections should be made in the revisions of the BAT regulations of the Renderer subcategory found on pages 37589 and 37590 in §§ 432.103 and 432.107(a):

12. Section 432.103 of the Renderers Subcategory is proposed to be amended as follows:

§ 432.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

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

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
Ammonia	0.14	0.07
	English units (pounds per 1,000 lb of raw material	
Ammonia	0.14	0.07

* * * * *

13. A new § 432.107 for the Renderer Subcategory is added as follows:

§ 432.107 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

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

Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.18	0.09
TSS	0.22	0.11
Oil and grease	0.10	0.05
pH	Within the range 6.0 to 9.0	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	
	English units (pounds per 1,000 lb. of raw material)	
BOD5	0.18	0.09
TSS	0.22	0.11
Oil and grease	0.10	0.05
pH	Within the range 6.0 to 9.0	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	

* * * * *

THOMAS C. JORLING,
Assistant Administrator for Water and Waste Management.

OCTOBER 23, 1978.

[FR Doc. 78-30338 Filed 10-26-78; 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.

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Order 78-10-94; Docket 33172]

ALLEGHENY AIRLINES, INC.

Certificate for Route 97 So as To Redesignate Liberty-Monticello as Catskills/Sullivan County; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of October 1978.

On August 8, 1978, Allegheny Airlines filed a motion requesting the issuance of an order to show cause why its certificate for Route 97 should not be amended to redesignate the intermediate point Liberty-Monticello as Catskills/Sullivan County.

No answers to the motion have been filed.

We tentatively conclude that Allegheny's request should be granted, on the basis of the tentative findings below.

The Sullivan County International Airport serves the resort area popularly known as the "Catskills" (Catskill Mountains), and designation of the point as Liberty-Monticello may cause confusion for those seeking to travel by air to the Catskills region. Redesignation would better describe the area served, and thus reduce the potential for confusion, without affecting Allegheny's authority and certificate obligations.[1] Further, Allegheny seeks the change at the request of local civic parties.

We will give interested persons 14 days from the service date of this order to show cause why we should not make final our tentative findings and conclusion. 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 evidentiary hearing is requested, the objector should state in detail why it is necessary, and what it could establish that cannot be established by written pleadings. We will not entertain general, vague, or unsupported objections. Answers shall be filed within 7 days of the due date for objections.

Accordingly,

1. We direct all interested persons to show cause why we should not issue an order amending the certificate of public convenience and necessity of Allegheny Airlines, for Route 97, to redesignate the intermediate point Liberty-Monticello as Catskills/Sullivan County (to be served through Sullivan County International Airport);

2. We direct any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth here, to file no later than November 7, 1978, and serve upon all persons listed in paragraph 5, a statement of objections together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections. Answers shall be due no later than November 14, 1978;

3. If timely and properly supported objections are filed, we will give full consideration to the matters and issues raised by the objections before taking further action;

4. In the event no objections are filed, we will deem all further procedural steps to have been waived and proceed to enter an order in accordance with the tentative findings and conclusions set forth here;

5. We will serve this order upon Allegheny Airlines, Inc.; Ransome Air, Inc.; the U.S. Postal Service; attorney for the county of Sullivan, N.Y.; the Sullivan County Airport Commission; New York State Department of Transportation; Sullivan County Government Center; the mayors of Liberty and Monticello, N.Y.; the Governor of the State of New York; and the Director of Airport Services, Federal Aviation Administration.

We will publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

PHYLLIS T. KAYLOR,
Secretary

[FR Doc. 78-30474 Filed 10-26-78; 8:45 am]

[1] By order 78-2-7 Ransome Air, Inc., has been operating replacement service for Allegheny since Mar. 17, 1978. It has referred to the point as "Catskills/Sullivan County" in its published timetables and the Official Airline Guide has also used this designation in referring to the point.

[2] All members concurred.

[6320-01-M]

[Order 78-10-97; Dockets 33094 and 32484]

TEXAS INTERNATIONAL AIRLINES, INC., SYSTEM MAIL RATES

Investigation of the Local Service Class Subsidy Rate; Class Rate IX Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of October 1978.

The Board, by show cause order 78-7-135, July 25, 1978, tentatively established a final subidy-free mail rate for Texas International Airlines, Inc. (TXI), effective on and after July 1, 1978. On August 28, 1978, TXI filed a document entitled "Comments of Texas International Airlines, Inc. on Show Cause Order 78-7-135." In this document, TXI objects to the proposed subsidy-free rate because it is required to provide service to points that are eligible for subsidy and which TXI alleges continue to generate losses. TXI also states that if the Board authorizes its suspension at Carlsbad, Clovis, and Hobbs, N. Mex., in docket 32901 and authorizes it permissive authority to suspend at Texarkana and Laredo, Tex., plus Hot Springs, Ark., in docket 33302,[1] it will willingly accept the proposed subsidy-free mail rate.

In support of its position, TXI states that the Board no longer awards new routes with the aim of reducing subsidy. Referring to its request for permissive authority, it asserts:

> If subsidy is not available to support service on the subsidy eligible system, support must come from other profitable operations or from TXIA's shareholders. If the shareholders have no say through management as to whether such service should be continued, it is unfair and probably illegal to require them to bear the burden.

It also maintains that the trend toward multiple, permissive route awards to increase competition will—if the concept works—eliminate the availability of excess profits to offset against losses elsewhere on a carrier's system.

TXI stresses that suspension of the three points in New Mexico and a grant of permissive authority to suspend services at the three Texas and Arkansas points will minimize the

[1] TXI filed for the permissive authority to suspend at Texarkana, Laredo, and Hot Springs on Aug. 28, 1978, the same date it filed comments on order 78-7-135.

problem. It states that if it gets what it requests, "TXIA will willingly accept a subsidy-free rate." If the suspension authority is not granted, TXI indicates it will persist in objecting to a subsidy-free rate.

To support its objection, TXI alleges that the Board did not examine its earnings over a representative period before finding that it had no need for subsidy. In addition, it maintains that its investment base is depleted because of losses experienced in earlier periods under what it characterizes as "inadequate" class subsidy rates. Finally, TXI disputes the way the financial results for the year ended March 31, 1978, were adjusted to account for economic savings resulting from suspension or deletion of points.

Upon review we find that TXI's objection raises no issues of material fact. Instead it merely states disagreements with subsidy policies of the Board and with the Board's interpretation of section 406 of the Federal Aviation Act (the Act). We, therefore, affirm the conclusions and findings stated in order 78-7-135. To dispell any doubts about our position, however, we will respond to TXI's comments.

First, we find that the additional permissive and suspension authority it requests is outside the scope of this case, as the memorandum filed by three New Mexico communities correctly points out.[2] Furthermore, the Board reached its decision on the basis only of the suspensions of points that actually occurred up to March 31, 1978.

In carrying out its responsibilities under the Act—to determine when a carrier is self-sufficient, or when it has shown enough potential for self-sufficient operation that it no longer requires subsidy support—the Board must evaluate its need in terms of the results of its overall operations. Therefore, in reaching our decision to remove TXI from subsidy, we need not determine that each individual market it may operate has achieved profitability.[3]

As the carrier notes, the Board has not emphasized subsidy reduction in recent decisions to award new routes. Nevertheless, the taxpayers are entitled to realize the mature fruits of the Board's past route policies.

The major purpose of the route-strengthening program (in effect to varying degrees for more than a decade, beginning in the mid 1960's) was to give the local service carriers relatively dense, long-haul routes and to use any excess profits from their operation to reduce subsidy. The carriers were well aware of that objective and willingly accepted the new authority on those terms. TXI has now seen its profitability enhanced to the point of self-sufficiency, partly because of these route awards, yet it wants to retain all of the benefits. Because the Board has a duty to protect the interests of taxpayers, as well as those of consumers and air carriers, we have determined that TXI should be able to operate on its own—even though there may be some losing operations remaining in its system. Our treatment of TXI is fully consistent with similar actions involving other carriers.

TXI asserts that the Board did not consider its operations over a representative period before concluding that it should no longer receive subsidy. The main thrust of its argument is that it experienced a high rate of return only in the latest yearend period;[4] for the first 8 of the last 10 years it experienced losses before subsidy.

We concluded in order 78-7-135 that only the most recent periods are pertinent to judging TXI's current and future subsidy needs. The dramatic and fundamental changes made by the carrier's new management in the last few years have made TXI into a completely different carrier. Furthermore, the sheer magnitude of TXI's earnings growth distinguishes this case from the norm.

In TXI we observed over roughly a 3-year period—the emergence of a carrier from a near-bankrupt state to one with excellent recorded earnings and rates of return on investment. As we noted in order 78-7-135, there is every reason to believe that TXI can continue to sustain itself. Its operations have been rationalized; its management has demonstrated initiative and skill; and it operates in an area that has experienced (and continues to experience) greater-than-average economic growth. In addition, it has received new route authority which adds to the size of its system and to its operating flexibility. While the authority may not be exclusive (in keeping with our goal of greater reliance on market competition), we are confident that an aggressive carrier like TXI will fully exploit all of its potentially profitable opportunities.

The continued improvement in the company's financial situation in the second quarter of calendar 1978 provides additional confirmation of our conclusion that it is self-sufficient. TXI's operating profit (before subsidy and with no ratemaking adjustments) was $3,352,000 for the quarter ended June 30, 1978, up from $167,000 in the same quarter of 1977. For the 12 months ended June 30, 1978, TXI's unadjusted operating profit (before subsidy) was $9,650,000, compared with an operating loss of $906,000 for the same period a year earlier. TXI's rate of return on investment (also before subsidy and with no ratemaking adjustments) was approximately 18 percent for the 12 months ended June 1978.

The claim that TXI's investment base is depleted because of the inadequacy of past class rates is at odds with the philosophy underlying section 406 subsidy and the class-rate system. Class subsidy rates are based on the average performance of members of the class. The total amount of subsidy is designed to be adequate for the class as a whole, but the class rate system does not guarantee that the indicated need of each of the individual members will be met. Class subsidy rates are designed to provide incentives for individual carriers to do better than the class average. When during the life of a rate a member performs better than average, it is rewarded by receiving more than its indicated need. Conversely, when a carrier performs worse than average, it will not have its need fully covered. Any subsidy shortfall experienced by TXI in recent years occurred mainly because it did not operate as well as the average carrier, not because the class rates were inadequate for the overall class. (TXI has made no showing that the subsidy rates were inadequate for the entire class.)

The function of subsidy is to provide financial nurture until a carrier reaches the threshold of maturity. This principle was eloquently stated by the Court of Appeals for the District of Columbia in *Trans World Airlines, Inc.* v. *C.A.B.*,[5] a relatively recent case, where the court said:

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[2] On Sept. 6, 1978, the New Mexico cities of Carlsbad, Clovis, and Hobbs filed a memorandum regarding TXI's attempt to gain additional suspension authority. The New Mexico communities' response, being, in effect, an answer to an answer, is clearly prohibited by rule 6(b) of the Board's rules of practice and is not provided for under rules 302 or 305(c). However, the memorandum was accompanied by a "contingent motion" for leave to file an otherwise unauthorized document. This motion will be granted and the memorandum is accepted as such.

[3] The Supreme Court has stated, "The Act * * * poses as the initial question for the Board whether the financial condition of the carrier is such that it needs a subsidy or has no need for one * * * an air carrier's subsidy need is an amount which * * * will enable it to meet and maintain the objectives of the Act." It also stated: "The 'need' of the carrier is measured by the entirety of its operations, not by the losses of one division or department." *Delta Air Lines, Inc.* v. *Summerfield*, 347 U.S. 74 (1954).

[4] We have consistently held that achieved rates of return, while important, are but one of the elements to be taken into account in determining when a carrier has reached such a level of maturity that is is capable of survival without subsidy. For more complete background on the tests a carrier must meet for subsidy purposes, see recent orders denying subsidy to: Pan American (order 76-4-90), TWA (orders 76-3-101 and 76-3-102), Eastern (order 76-6-17), and Allegheny (orders 75-3-15, 76-9-109, and 77-12-120).

[5] 385 F. 2d 648 (1967).

* * * The Board considered that the "need" of the carrier is a need to survive through the development period, and not a "need" to attain self-sufficiency with the same kind of accrual reserves that a conservative management might have tucked away in capital accounts during prosperous years * * *.

We note that during the 12 months ended June 30, 1978, TXI's stockholder equity increased from approximately $8 million to $32 million, mainly as a result of a stock issue. This demonstrates that TXI is able to attract capital in the open market. It has made no showing that any alleged capital depletion has impaired its ability to fulfill its certificate obligations.

The economic savings adjustment was used by the Board in order 78-7-135 to remove from TXI's year ended March 31, 1978, financial results certain costs associated with operations which were suspended or deleted during the period from April 1, 1976, through March 31, 1978.[6] TXI claims that it is not correct to use such an adjustment in determining the individual need of a carrier for any past period or for the purpose of determining the eligibility of any carrier for inclusion in a new class rate. We do not agree. We are not in this case trying to determine a past-period need for TXI. TXI was on a closed rate and was paid its full subsidy rate during the year ended March 31, 1978. The costs of services which the carrier has discontinued and will not be offering in the future do not help us answer the question, "Will TXI need subsidy in the future?"

This is a technical subsidy rate adjustment. If we had made the adjustment using a different methodology—or if we had made no adjustment at all—our decision would have been the same: TXI's overall system no longer has a subsidy need.

Accordingly, under the Federal Aviation Act of 1958, as amended, particularly sections 204(a), 406, 407(a), and 1002(b):

1. Effective today, we make final our tentative findings and conclusions set forth in order 78-7-135;

2. We grant leave to Carlsbad, Clovis, and Hobbs, N. Mex., to file an otherwise unauthorized document; and

3. We will serve a copy of this order on Texas International Airlines, Inc., and the Postmaster General.

[6]The method, which was employed in class rate VIII, assumes that upon suspending service, certain cost savings are not realized until 1 year later. Thus, some savings associated with suspensions which occurred during the year ended Mar. 31, 1977, were not realized until sometime during the year ended Mar. 31, 1978. (This approach is based on adoption of proposals by Airwest and Southern made during the conception of class rate VII.)

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-30477 Filed 10-26-78; 8:45 am]

[6320-01-M]

[Order 78-10-86; Docket 32689]

TRADEWINDS AIRWAYS, LTD.

Application for Issuance of a Foreign Air Carrier Permit; Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of October 1978.

By application filed May 17, 1978, Tradewinds Airways Ltd. (Tradewinds) requests a foreign air carrier permit to engage in charter foreign air transportation of property between (1) any point or points in the United Kingdom and any point or points in the United States, and (2) between any point or points in any territory under the sovereignty, suzerainty, protection, jurisdiction, or trusteeship of the United Kingdom and any point or points in the United States.[1] On June 20, 1978, Tradewinds filed a motion for an order to show cause why its application should not be granted without an oral hearing. No objections have been filed to the application or motion.

The applicant has been named by the United Kingdom as a charter-designated airline pursuant to the amendments to the Air Service Agreement concluded by an exchange of diplomatic notes on April 25, 1978, between the United States and the United Kingdom. As we noted in Order 78-7-15, these amendmends liberalize the applicable charter rules between the United States and the United Kingdom for both passenger and cargo services and provide for the continuation of negotiations to further liberalize the cargo charter rules.

In support of its application, Tradewinds alleges that it is a corporation organized under the laws of the United Kingdom with all its shares held by subsidiaries of Lonrho Ltd., a publicly held United Kingdom corporation;[2] that it has engaged in airfreight transportation to the Far East, Middle East, and Africa since 1969; that it maintains its aircraft pursuant to standards prescribed by the British Civil Aviation Authority;[3] that its operating authority has never been suspended, revoked, or otherwise terminated since it inaugurated services;[4] that it has always been able to meet its financial and transportation obligations; that it currently operates six freighter aircraft;[5] and that it maintains worldwide liability insurance coverage on each aircraft in addition to third-party liability insurance.

The applicant estimates that it will perform 400 annual charters using B-707 aircraft and 100 charters using CL-44 equipment for the first year of operation to the United States. It predicts that it will move approximately 18,500 tons of cargo which should generate approximately $22,500,000 of revenue for its first-year operations.

Upon consideration of the pleadings and all relevant facts, we have tentatively decided to grant the requested authority and also additional charter authority provided for in the agreement. We will also grant limited Fifth Freedom authority qualified by operational limitations, as specified.

The amended charter provisions of the agreement permit United Kingdom charter-designated airlines to serve intermediate and beyond points when operating between U.S. and U.K. points, restricted only by a 2-day stopover requirement in the United Kingdom for all traffic originating in the United States and stopping over at any point outside the United States and the United Kingdom.[6] Although the applicant has not requested this intermediate/beyond authority, we have tentatively decided to grant it because of our desire to implement the United States-United Kingdom charter provisions to the fullest extent possible. We believe that an award of maximum charter authority will afford the applicant increased operational flexibility and permit a more efficient allocation of carrier resources.

We have further tentatively decided to grant the applicant operating rights between United Kingdom territories and the United States and non-United Kingdom points and the United States (Fifth Freedom) even though not encompassed within the scope of the agreement. This is similar to our award in order 78-7-164 to IAS Cargo Airlines.[7] The applicant may conduct

[7]All members concurred except Members Schaffer and Cohen who did not participate.

[1]The applicant requested a waiver from pt. 312 of the Board's procedural regulations. We will deny the motion.

[2]Sunbreaks, Ltd. and African Investments Trust Co., Ltd., wholly owned subsidiaries of Lonrho, Ltd., hold 100 percent of the shares of the applicant.

[3]The United Kingdom is a signatory to the Convention on International Civil Aviation.

[4]The applicant's safety record is marred by only one accident in 1974 where no injuries were reported and no safety regulations apparently violated.

[5]All craft are either leased or subject to purchase-installment contracts.

[6]Art. 14(3) of the United States-United Kingdom Air Services Agreement as amended by the Apr. 25, 1978, exchange of diplomatic notes.

[7]In order 78-7-164, Aug. 1, 1978, the Board granted to International Aviation

Footnotes continued on next page

10 one-way annual flights without prior Board approval; however, we specifically retain the option to approve additional flights or to disapprove those now authorized if found to be inconsistent with the public interest. Since we anticipate that the majority of Tradewinds' operations will be conducted between the United States and the United Kingdom, we believe the limitation is broad enough to cover most Fifth Freedom and territorial flights that the carrier is likely to operate. Our decision here is motivated by a dual desire to minimize the Board's administrative burden in processing individual charter carrier requests, which has traditionally required either permit amendments or Board waivers, and to encourage further relaxation of charter restrictions on the part of the United Kingdom. Even though the United Kingdom does not afford U.S. carriers reciprocal authority for Fifth Freedom flights without prior approval, we tentatively find our grant of authority to be in the public interest.

Similar to our recent award to IAS we shall authorize split-cargo charter operations only for those operations covered by the agreement.[8] In refusing to award this authority for operations not covered by the agreement, we note that no U.S. carrier or foreign carrier operating charters originating or destined for the United States holds authority to engaged in split cargo operations. We would be inclined to award this authority when U.S. carriers are permitted to also participate. Until that time, we conclude that it would not be in the public interest to grant this economic benefit.

While we wish to accord the widest latitude to the United Kingdom carriers for all of the reasons explicated above, we are mindful of the necessity to balance exchanges or reciprocal rights upon which an international aeronautical system is predicated. We have therefore tentatively decided to refuse "Quantas privileges" to the applicant.[9] These stopover rights, generally inherent in all foreign air carrier permits, were discussed by the two Governments during the charter negotiations, but the United Kingdom declined to grant stopover rights to U.S. carriers operating within the United Kingdom. We find it contrary to the public interest to award this valuable but discretionary privilege when it is not reciprocally granted to our own carriers.

Finally, we note that the name of the applicant is similar to another foreign air carrier, Tradewinds Aviation, Ltd., operating between the United States and Canada.[10] Although it is conceivable public confusion could occur due to name similarity, we believe that the disparity in geographic market operations and size of operations mitigates against this possibility. We shall, however, reserve the right to impose any additional description upon the applicant's name should we discover that confusion has in fact occurred.

In view of the foregoing and all the facts of record, we tentatively find and conclude that:

1. Tradewinds Airways, Ltd., is fit, willing, and able to perform properly the foreign air transportation described in its specimen permit and to adhere to the provisions of the Act and the rules, regulations, and requirements of the Board;

2. Tradewinds Airways, Ltd., is substantially owned and effectively controlled by citizens of the United Kingdom;

3. It is in the public interest to issue a foreign air carrier permit in the form of the attached specimen permit to Tradewinds Airways, Ltd., authorizing the carrier to engage in charter foreign air transportation of property;

4. The public interest requires that the exercise of the privileges granted by this permit should be subject to the terms, conditions, and limitations prescribed there, and such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board;

5. The holder shall conduct split-cargo charters only to the extent authorized in the United States-United Kingdom Air Service Agreement which currently limits such carriers to "specialist cargo flights" originating in either the United States or United Kingdom and "other cargo flights" originating in the United Kingdom: *Provided*, That the Board may grant split-cargo authority for operations not encompassed within the agreement if it is found to be in the public interest and Board regulations authorize split-cargo charters for U.S. carriers;

6. The public interest does not require an oral hearing;

7. The grant of a permit to the applicant is not a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(2) of the National Environmental Policy Act of 1969, and will not constitute a "major regulatory action" under the Energy Policy and Conservation Act of 1975 (EPACA), as defined in subsection 313.4(a)(1) of the Board's economic regulations;[11]

8. A waiver of part 312 of the Board's procedural regulations should not be granted; and

9. Except to the extent granted, the application of Tradewinds Airways Ltd. in docket 32689 should be denied.

Therefore:

1. We direct all interested persons to show cause why the Board should not make final the tentative findings and conclusions stated here, and why a foreign air carrier permit in the form of the attached specimen permit should not, subject to the approval of the President, pursuant to section 801 of the Act, be issued to Tradewinds Airways Ltd.;

2. We shall require any interested person having objections to the issuance of an order making final the tentative findings and conclusions or to the issuance of the proposed foreign air carrier permit, to file with the Board and serve on the persons named in parargraph 5 below on or before November 8, 1978, a statement of objections, specifying the part or parts of the tentative findings and conclusions objected to, together with a summary of testimony, statistical data, and any evidence expected to be relied upon in support of the statement of objections. If an oral 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 that could not also be established in written pleadings;

3. If timely and properly supported objections are filed, we shall accord full consideration to the matters or issues raised before further action is taken by the Board; *Provided, however*, That the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth in the order if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;[12]

4. In the event no objections are filed, we shall consider all further pro-

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Footnotes continued from last page

Services, Ltd. (U.K.) d.b.a. IAS Cargo Airlines Fifth Freedom and United Kingdom territorial authority to and from the United States for up to 10 annual flights without prior Board approval.

[8] See annex 4(2)(b) (ii) and (iii) of the Air Services Agreement as amended by the Apr. 25, 1978, exchange of diplomatic notes, authorizing split cargo flights for United Kingdom charter-designated airlines operating "specialist cargo flights" originating in either the United States or United Kingdom and "other cargo flights" originating in the United Kingdom.

[9] The Quantas doctrine permits foreign air carriers to transport between U.S. points, traffic from online stopovers when such traffic is incident to foreign air transportation, 29 CAB 33, Apr. 6, 1959.

[10] Tradewinds Aviation, Ltd., conducts charter operations using small aircraft between the United States and Canada.

[11] Tradewinds has submitted sufficient environmental information to satisfy the requirements of pt. 312 and pt. 313 of the Board's procedural regulations.

[12] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

cedural steps to have been waived, and we shall direct the Secretary to enter an order which (1) shall make final the tentative findings and conclusions here, and subject to the approval of the President, (2) shall issue a foreign air carrier permit to the applicant in the specimen form attached; and

5. We direct this order to be served upon Tradewinds Airways Ltd., Tradewinds Aviation, Ltd., the Ambassador of Great Britain and Northern Ireland in Washington, D.C., and the Departments of State and Transportation.

We shall publish this order in the FEDERAL REGISTER and transmit it to the President.

By the Civil Aeronautics Board. [13]

PHYLLIS T. KAYLOR,
Secretary.

[Specimen Permit]

CIVIL AERONAUTICS BOARD

PERMIT TO FOREIGN AIR CARRIER

Tradewinds Airways Ltd. is authorized, subject to the provisions set forth below, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations of the Board, to engage in charter foreign air transportation of property as follows:

1. Between any point or points in the United Kingdon [1] and any point of points in the United States, either directly or via intermediate points or to beyond points in other countries, with or without stopovers.

2. Between any point or points in the United States and any point or points not in the United Kingdom or the United States.

This permit shall be subject to the following terms, conditions, and limitations:

(1) The exercise of authority granted by paragraph 1 above shall be limited to charter transportation beginning in the United States or the United Kingdom. When the charter transportation thereunder originates in the United States and the traffic stops over at any point or points outside the United Kingdom, it shall also stopover in the United Kingdon for at least 2 consecutive nights unless the Board has granted a specific authorization in advance to shorten or eliminate the United Kingdon stopover.

(2) The exercise of authority granted by paragraph 2 above shall be limited to 10 one-way flights within any calendar year: *Provided*, That the Board may, without hearing, authorize additional flights if it finds such authorization to be in the public interest and may disapprove any authorized flights if it finds such flights to be contrary to the public interest.

(3) The initial tariff filed by the holder shall not set forth rates, fares, and charges lower than those in effect for any U.S. air carrier in the same foreign air transportation; however, this limitation shall not apply to a tariff filed after the initial tariff regardless of whether this subsequent tariff is effective before or after the introduction of the authorized service.

(4) The Board may, by order or regulation and without hearing, require advance approval of individual charter trips conducted by the holder under the authority granted by this permit, if it finds such action to be required by the public interest.

(5) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of the United Kingdom for British international air service, and shall not provide foreign air transportation under this permit unless it holds a currently effective authorization from the Government of the United Kingdon for such operations.

(6) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against it in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of its operations under this permit.

(7) The holder shall not provide foreign air transportation under this permit unless (1) there is in effect third-party liability insurance in the amount of $1 million or more to meet potential liability claims which may arise in connection with its operations under this permit; (2) there is in effect minimum liability insurance coverage for bodily injury or death in the amount of $75,000 for each person required to accompany cargo; and (3) unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(8) The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relative to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments for such agreement which may be approved by the Board and to which the holder becomes a party.

(9) The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Board.

(10) The holder shall not allow traffic originating at, destined for, or stopping at one U.S. point to also stop over or terminate at another U.S. point: *Provided*, That the Board may, without hearing authorize this prohibited transportation if it finds such transportation to be in the public interest.

(11) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective to which the United States and the United Kingdon shall be parties.

(12) This permit shall be effective on ———. Unless otherwise terminated at any earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment, which shall have the effect of eliminating any of the service authorized by this permit from the service which may be operated by airlines designated for charter service by the Government of the United Kingdom (or in the event of elimination of any part of the authorized service, the authority granted shall terminate to the extent of such elimination); or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of the United Kingdon in lieu of the holder; or (3) upon the termination or expiration of the Air Services Agreement, or any part thereof, between the Governments of the United States and the United Kingdom (Bermuda II), as amended; however, clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of cargo charter service becomes the subject of any treaty, convention, or agreement to which the United States and the United Kingdon are or shall have become parties.

The Civil Aeronautics Board, through its Secretary, has executed this permit and affixed its seal on ———.

———,
Secretary.

Issuance of this permit to the holder approved by the President of the United States on ——— in ———.

[FR Doc. 78-30476 Filed 10-26-78; 8:45 am]

[13] All members concurred.

[1] For the purposes of this permit, "United Kingdom" shall mean the United Kingdom of Great Britain and Northern Ireland, but not any territory outside the British Isles under the sovereignty, protection, jurisdiction, or trusteeship of the Government of the United Kingdom.

[6320-01-M]

[Order 78-10-96; Docket 31593]

WIEN AIR ALASKA, INC.

Certificates of Public Convenience and Necessity (Anchorage/Fairbanks-Chicago (Midway Airport; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of October, 1978.

On July 20, 1978, Wien Air Alaska filed a motion for show cause or other expedited procedures on its application to amend its certificate to authorize it to provide "low-fare, high-density, no-frills" air transportation of persons, property and mail between the coterminal points of Anchorage and Fairbanks, Alaska, and the terminal point in Chicago, Ill. (to be served through the Midway Airport).

Wien plans to provide one daily roundtrip with B-737 equipment with a fuel stop at Calgary or Edmonton. It recites the public benefits resulting from implementation of its proposal, including new single-plane service between Midway and Anchorage/Fairbanks,[1] single carrier service to other points on its system, furtherance of our objective of expanding service to Midway, improved connecting possibilities from Alaska to the new certificated services at Midway, fare benefits to passengers, and improved operating

[1] Wien has not proposed any Fairbanks-Chicago service. See appendix A to Wien's motion.

conditions resulting from the increases in its average passenger haul and aircraft hop. Wien also claims that it will carry 48,851 passengers and achieve a $1.5 million operating profit, with diversion insufficient to impair Northwest's certificate obligations.

An answer in opposition was filed by Northwest Airlines. It argues that we should first resolve some of the pending States-Alaska route and rate investigations; the market is small and more than adequately served for its size (93,180 O. & D. plus connecting passengers for calendar year 1977); Wien's proposed service is inferior to the existing service; Wien's forecast is overly optimistic; and Wien's fare proposal is not a significant improvement over existing discount fares.

We have tentatively concluded, on the basis of the tentative findings below, that the public convenience and necessity require the amendment of Wien's certificate to add Anchorage/Fairbanks-Chicago (Midway) authority, as a separate segment on a permissive, category II subsidy-ineligible basis. We also tentatively find that Wien is fit, willing, and able to perform the air transportation it proposes and to conform to the provisions of the Act and to our rules, regulations, and requirements. Finally, we find that our proposed action does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, or a major Federal action under the Energy Policy and Conservation Act.

Wien's application falls within the class of cases that can be handled by show-cause procedures, because of the absence of any material, determative issue of fact requiring resolution in a formal evidentiary proceeding.[2]

Grant of authority requested by Wien will make possible competitive service in the Anchorage-Chicago market and greater utilization of underutilized Midway Airport.[3] The carrier estimates that the net operating profit of its proposed service will be $1.5 million in the first year of service.[4] We need not find, however, that its precise proposal here, or any other specific service pattern, can in fact be profitably operated. If the proposal or a variation can be operated on a profitable basis, service is likely to be provided, and we are persuaded that this has been plausibly shown here.[5] However, even if the service is or becomes unprofitable, the carrier is free, under permissive authority, to cease serving markets. We are satisifed that nothing developed in an oral evidentiary hearing would reverse this conclusion. Furthermore, we find that the grant of this authority will not threaten the ability of any carrier to perform its certificate obligations or necessarily result in the termination of essential services that cannot be replaced by another carrier.

We will give interested persons 30 days from the date of service of this order to show cause why these tentative findings and conclusions should not be made final; replies will be due within 10 days thereafter. We expect that objections will be supported by detailed economic or legal arguments. If an oral evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary, and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. We will not entertain general, vague or unsupported objections.

Accordingly, 1. We direct all interested persons to show cause why we should not issue an order making final the tentative findings and conclusions stated here and amending Wien's certificate to add a new segment authorizing scheduled air transportation of persons, property and mail between the coterminal points Anchorage and Fairbanks, Alaska, and the terminal point Chicago, Ill. (Midway Airport);

2. We require any interested persons having objections to the issuance of an order making final the proposed findings, conclusions and the certificate amendments no later than November 24, 1978, to file with us and serve upon all persons listed in paragraph 5 a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support its objections; answers to objections shall be filed no later than December 4, 1978;

3. If timely and properly supported objections are filed, we will accord full consideration to the matters or issues before further action is taken;[6]

4. If no one files objections to any part of this order, we will consider all further procedural steps relating to such part or parts waived, and the case submitted to us for further action; and

5. We will serve a copy of this order upon all persons named in the service list of docket 31593.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-30475 Filed 10-26-78; 8:45 am]

[2] See order 78-4-69, April 14, 1978, made final by order 78-8-97, Aug. 17, 1978.

[3] Wien's proposal would add a daily Anchorage-Midway one-stop B-737 roundtrip to Northwest's existing 3 daily one-stop DC-10 roundtrips and a B-747 nonstop roundtrip operated two days a week, all of which serve O'Hare Airport.

[4] Wien's appendix B.

[5] As noted in order 78-4-69, our conclusion that Wien has made a plausible showing that service can be profitably provided is not an element of our tentative findings of public convenience and necessity, but rather or our determination to process the application now.

[6] Since provision is made for filing objections, we will not entertain petitions for reconsideration.

[7] All members concurred.

[3510-25-M]

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 138]

CITY OF BATTLE CREEK, MICH.

Resolution and Order Approving Application for a Foreign-Trade Zone in Battle Creek, Mich.

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

RESOLUTION AND ORDER

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 19, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter hereby orders:

After consideration of the application of the city of Battle Creek, Mich., filed with the Foreign-Trade Zones Board (the Board) on May 10, 1978, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in Battle Creek, within the Battle Creek Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

GRANT TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE IN BATTLE CREEK, MICH.

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the city of Battle Creek (the Grantee) had made application (filed May 10, 1978) in due and proper form to the Board requesting the establishment, operation, and maintenance of a foreign-trade zone in Battle Creek, Mich., within the Battle Creek Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's Regulations (15 CFR Part 400) are satisifed;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 43, at the location mentioned above and more particularly described on the maps and drawings accompanying the application in exhibits IX and X, said grant being subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C. this 19th day of October 1978, pursuant to Order of the Board.

FOREIGN-TRADE ZONES BOARD,
SIDNEY HARMAN,
Acting Chairman and Executive Officer.

Attest:

JOHN J. DAPONTE,
Executive Secretary.

[FR Doc. 78-30417 Filed 10-26-78; 8:45 am]

[3510-25]

[Order No. 139]

DEPARTMENT OF LABOR AND INDUSTRY OF STATE OF NEW JERSEY

Resolution and Order Approving Application for a Foreign-Trade Zone in the Township of Mt. Olive, Morris County, N.J., and a Temporary Subzone Site in the Township of Woodbridge, Middlesex County, N.J.

Proceedings of the foreign-trade zones board, washington, d.c.

RESOLUTION AND ORDER

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 19, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter hereby orders:

After consideration of the application of the Department of Labor and Industry of the State of New Jersey, filed with the Foreign-Trade Zones Board (the Board) by its Office of International Trade on May 26, 1978, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in the Township of Mt. Olive, Morris County, N.J., and a 2-year temporary subzone in the Township of Woodbridge, Middlesex County, N.J., both sites being adjacent to the Newark Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves an industrial park type general-purpose zone that envisages the possible construction of buildings by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to § 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary for approval prior to the commencement of any manufacturing operations within the zone sites. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

GRANT

TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE IN THE TOWNSHIP OF MT. OLIVE, MORRIS COUNTY, N.J., AND A TEMPORARY SUBZONE SITE IN THE TOWNSHIP OF WOODBRIDGE, MIDDLESEX COUNTY, N.J.

Whereas, by an act of Congress approved June 19, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Department of Labor and Industry of the State of New Jersey (the Grantee) has made application through its Office of International Trade (filed May 26, 1978) in due and proper form to the Board requesting the establishment, operation, and maintenance of a general-purpose foreign-trade zone in the Township of Mt. Olive, Morris County, N.J., and a temporary subzone site in the Township of Woodbridge, Middlesex County, N.J., both sites being adjacent to the Newark Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the grantee the privilege of establishing, operating, and maintaining a general-purpose foreign-trade zone, designated on the records of the Board as Zone No. 44, and a special-purpose temporary subzone, designated as Temporary Subzone No. 44A, for a period of two years, at the locations mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, said grant being subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Operations of the zone and temporary subzone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone and the special-purpose subzone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone or subzone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone sites, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In Witness Whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C., this 19th day of October pursuant to Order of the Board.

FOREIGN-TRADE ZONES BOARD,
SIDNEY HARMAN,
Acting Chairman and Executive Officer.

Attest:

JOHN J. DAPONTE,
Executive Secretary.

[FR Doc. 78-30418 Filed 10-26-78; 8:45 am]

[3510-04]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for $4 ($8 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE ARMY, OFFICE OF THE JUDGE ADVOCATE GENERAL, PATENT DIVISION/RM 2C-455, PENTAGON, WASHINGTON, D.C. 20314

Patent 4,050,009: Spectrometer for External Detection of Magnetic and Related Double Resonance, filed January 9, 1976, patented September 20, 1977. Not available NTIS.

Patent 4,050,494: Anti-Rotation Lock for Fastener Bolt, filed June 18, 1976, patented September 27, 1977. Not available NTIS.

Patent 4,051,405: Method for Controlling Low-Energy High Current Density Electron Beams, filed September 10, 1975, patented September 27, 1977. Not available NTIS.

Patent 4,051,449: Time Frequency Diversity System, filed October 12, 1976, patented September 27, 1977. Not available NTIS.

Patent 4,051,465: Ferroelectric Ceramic Devices, filed December 16, 1974, patented September 27, 1977. Not available NTIS.

Patent 4,051,475: Radio Receiver Isolation System, filed July 21, 1976, patented September 27, 1977. Not available NTIS.

Patent 4,051,480: Conformal Edge-Slot Radiators, filed October 27, 1976, patented September 27, 1977. Not available NTIS.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, 1900 HALF STREET SW., WASHINGTON, D.C. 20324

Patent Application 816,223: Procedure for Removing Aluminum from an Al-Al3Ni Two-Phase Matrix, filed July 15, 1977.

Patent Application 882,525: Single Axis Resonator for Laser, filed March 1, 1978.

Patent Application 882,527: Grease Compositions, filed March 1, 1978.

Patent Application 884,881: A Method for the Deagglomeration of Aluminum Powder, filed March 9, 1978.

Patent Application 884,882: High Power Hybrid Switch, filed March 9, 1978.

Patent Application 886,307: Method of Evaluating Magnetic Fields in Parts during Magnetic Particle Inspection, filed March 13, 1978.

Patent Application 888,810: Tunable Bandpass Ring Filter, filed March 21, 1978.

Patent Application 888,812: A Correction System for Photomultiplier Tube Nonlinearity, filed March 21, 1978.

Patent Application 888,813: Fluorine Generator for Chemical Lasers, filed March 21, 1978.

Patent Application 889,468: Cylinder Support Assembly, filed March 23, 1978.

Patent Application 889,469: Amplifier-Oscillator Frequency Multiplier Apparatus, filed March 23, 1978.

Patent Application 889,795: Single Blade Proximity Probe, filed March 23, 1978.

Patent Application 891,798: Interface Shear Transducer, filed March 30, 1978.

Patent Application 891,878: Dual Connector for Coupling Coaxial Circuits to Overlay Stripline Circuits, filed March 30, 1978.

Patent Application 896,831: Digital Level Detector Apparatus, filed April 17, 1978.

Patent Application 898,047: Automatic Bias Adjustment Circuit for a Successive Ranged Analog/Digital Converter, filed April 20, 1978.

Patent Application 898,049: Multiple Shock Aerodynamic Window, filed April 20, 1978.

Patent Application 898,069: Ejector Ramjet with Turbojet Fuel Rich Gas Generator, filed April 20, 1978.

U.S. DEPARTMENT OF AGRICULTURE, RESEARCH AGREEMENTS AND PATENT BRANCH, GENERAL SERVICES DIVISION/FEDERAL BUILDING, AGRICULTURAL RESEARCH SERVICE, HYATTSVILLE, MD. 20782

Patent Application 798,723: Solar Heated and Cooled Dwelling, filed May 19, 1977.

Patent Application 880,832: Cross-Protective Fowl Cholera Bacterins, filed February 24, 1978.

Patent Application 882,003: Catching Surface Seal and Rotating Trunk Seal for a Continuous Tree Crop Harvester, filed February 28, 1978.

Patent Application 891,955: Method of Increasing the Yield of Hydrocarbons from Plants, filed March 31, 1978.

Patent Application 908,601: Production of High-Pyruvate Xanthan Gum on Synthetic Medium, filed May 23, 1978.

Patent 4,082,814: Growth Inhibitors for Mosquito Larvae, filed April 27, 1976, patented April 4, 1978. Not available NTIS.

Patent 4,083,816: Acetoxymethyl Derivatives of Polyunsaturated Fatty Triglycerides as Primary Plasticizers for Polyvinylchloride, filed June 25, 1976, patented April 11, 1978. Not available NTIS.

U.S. DEPARTMENT OF ENERGY, ASSISTANT GENERAL COUNSEL FOR PATENTS, WASHINGTON, D.C. 20545

Patent 4,007,729: Means of Increasing Efficiency of CPC Solar Energy Collector, filed June 27, 1975, patented February 15, 1977. Not available NTIS.

Patent 4,030,834: Dynamic Multistation Photometer, filed April 8, 1976, patented June 21, 1977. Not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, NATIONAL INSTITUTES OF HEALTH, CHIEF, PATENT BRANCH, WESTWOOD BUILDING, BETHESDA, MD. 20014

Patent Application 775,800: Nucleic Acid Crosslinking Agent and Affinity Inactivation of Nucleic Acids Therewith, filed March 9, 1977.

Patent Application 880,425: Flask and Apparatus for Producing High-Purity Water, filed March 29, 1976.

U.S. DEPARTMENT OF THE NAVY, ASSISTANT CHIEF FOR PATENTS, OFFICE OF NAVAL RESEARCH, CODE 302, ARLINGTON, VA. 22217

AD D004, 948 6 Solid State LED Display Device, filed September 8, 1977. Not available NTIS.

Patent Application 818,787: An Ultrafast Scanning Spectrophotometer, filed July 25, 1977.

Patent Application 843,002: New Polymeric Membrane Composites Useful as Battery Separators, filed October 17, 1977.

Patent Application 846,231: Material Scanning Apparatus, filed October 27, 1977.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, ASSISTANT GENERAL COUNSEL FOR PATENT MATTERS, NASA CODE GP-2, WASHINGTON, D.C. 20546

Patent 4,084,132: Swept Group Delay Measurement, filed November 24, 1976, patented April 11, 1978. Not available NTIS.

[FR Doc. 78-30428 Filed 10-26-78; 8:45 am]

[3510-13-M]

National Bureau of Standards

VOLUNTARY PRODUCT STANDARD

Intent To Withdraw

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10), notice is hereby given of the intent to withdraw voluntary product standard PS 35-70, "Poly(Vinylidene Fluoride) (PVF2) Plastic Lined Steel Pipe and Fittings."

This withdrawal action is being proposed for the reason that PS 35-70 is adequately covered by the American Society for Testing and Materials' standard ANSI/ASTM F 491-77, "Standard Specification for Poly(Vinylidene Fluoride) (PVDF) Plastic-Lined Ferrous Metal Pipe and Fittings," and duplication is inappropriate and not in the public interest.

Any comments or objections concerning this intended withdrawal of this standard should be made in writing to Standards Development Services, National Bureau of Standards, Washington, D.C. 20234, on or before November 27, 1978. The effective date of withdrawal will not be less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal.

Dated: October 23, 1978.

THOMAS A. DILLON,
Acting Director.

[FR Doc. 78-30356 Filed 10-26-78; 8:45 am]

[3510-22-M]

National Oceanic and Atmospheric Administration

PACIFIC FISHERY MANAGEMENT COUNCIL'S BILLFISH ADVISORY SUBPANEL AND PLAN DEVELOPMENT TEAM

Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Amended meeting notice.

SUMMARY: The Billfish Advisory Subpanel and Plan Development Team of the Pacific Fishery Management Council established by section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has changed its meeting date (43 FR 47602 dated October 16, 1978.)

DATES: The meeting will convene at 10 a.m. on Friday, December 1, 1978, and adjourn at 5 p.m.

ADDRESS: The meeting will take place at the California Fish and Game Office located 350 South Golden Shores, Long Beach, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Lorry Nakatsu, Executive Director, Pacific Fishery Management Council, 526 Southwest Mill Street, Second Floor, Portland, Oreg. 97201, telephone 503-221-6352.

Dated: October 23, 1978.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc. 30354 Filed 10-26-78; 8:45 am]

[6820-33-M]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1978

Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1978 a commodity to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: October 27, 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 July 28, 1978 the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (43 FR 32851) 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. 46-48c, 85 Stat. 77.

Accordingly, the following commodity is hereby added to Procurement List 1978:

Class 8415

Apron, Food Handler's (IB), 8415-01-045-0587.

C. W. FLETCHER,
Executive Director.

[FR Dec. 78-30419 Filed 10-26-78; 8:45 am]

[3810-70-M]

DEPARTMENT OF DEFENSE

Office of the Secretary

ORGANIZATION OF THE JOINT CHIEFS OF STAFF; DEFENSE INTELLIGENCE SCHOOL PANEL OF THE NATIONAL DEFENSE UNIVERSITY AND THE DEFENSE INTELLIGENCE SCHOOL

Meeting

Pursuant to the provisions of subsection (d) section 10 of Pub. L. 42-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that a partially closed meeting of the Defense Intelligence School panel of the Board of Visitors of the National Defense University and the Defense Intelligence School will be held onsite at the school in Washington, D.C., on November 29, 30 and December 1, 1978.

Morning sessions on November 29, 30 and December 1, 1978, will be devoted to the discussion of classified information as defined in section 552b(c)(1), title 5 of the United States Code and will therefore be closed to the public. Subject matter will be concerned with specialized instructional requirements and related curricula content. To reserve space for open sessions, interested persons should phone 433-3802, Dr. DeGross, Defense Intelligence School, Washington, D.C. 20374.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

OCTOBER 23, 1978.

[FR Doc. 78-30367 Filed 10-26-78; 8:45 am]

[3128-01-M]

DEPARTMENT OF ENERGY

NATIONAL PETROLEUM COUNCIL, COORDINATING SUBCOMMITTEE AND TASK GROUPS OF THE SUBCOMMITTEE ON PETROLEUM INVENTORIES AND STORAGE AND TRANSPORTATION CAPACITIES

Meetings

Notice is hereby given that the Coordinating Subcommittee on Petroleum Inventories and Storage and Transportation Capacities of the National Petroleum Council will meet on November 14, 1978. In addition, the Petroleum Pipeline Task Group will meet on November 1, 1978, the Gas Petroleum Pipeline Task Group will meet on November 1, 1978, the Gas Pipeline Task Group will meet on November 8, 1978, and the Inventory and Storage Task Group will meet on November 14, 1978.

The National Petroleum Council was established to provide advice, informatin, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. The Subcommittee on Petroleum Inventories and Storage and Transportation Capacities will make an analysis of the Petroleum inventories, and storage and transportation capacities of the United States, and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by task groups whose efforts will be coordinated by the Coordinating Subcommittee.

The second meeting of the Coordinating Subcommittee of the Subcommittee on Petroleum Inventories and Storage and Transportation Capacities will meet on Tuesday, November 14, 1978 at 1:30 p.m. in Dining Room Number Five, Third Floor, Conrad Hilton Hotel, 720 South Michigan Avenue, Chicago, Ill. Its tentative agenda is as follows:

(1) Introductory remarks by R. Scott VanDyke, Chairman.

(2) Remarks by Mario Cardullo, Government Co-Chairman.

(3) Discussion of scope of the assignment of the Coordinating Subcommittee.

(4) Discussion of study methodology of the Coordinating Subcommittee.

(5) Discussion of any other matters pertinent to the overall assignment of the Coordinating Subcommittee.

The task groups will meet at the following times and locations.

PETROLEUM PIPELINE TASK GROUP

Wednesday, November 1, 1978, starting at 8:30 a.m. in the 14th Floor Conference Room, Sun Building, 907 Detroit Avenue, Tulsa, Okla.

GAS PIPELINE TASK GROUP

Wednesday, November 8, 1978, starting at 12:30 p.m. in the Illinois Room, Marriott Hotel, Kansas City International Airport, Kansas City, Mo.

INVENTORY AND STORAGE TASK GROUP

Tuesday, November 14, 1978, at 11:00 a.m. in Dining Room Number Five, Third Floor, Conrad Hilton Hotel, 720 South Michigan Avenue, Chicago, Ill.

The agenda for each of these task groups will be as follows:

1. Introductory remarks.
2. Discussion of scope of the assignment of the task group.
3. Discussion of the study methodology of the task group.
4. Discussion of any other matters pertinent to the overall assignment of the task group.

The meetings are open to the public. The chairmen of the Coordinating Subcommittee and task groups are empowered to conduct the meetings in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee or task groups will be permitted to do so, either before or after the meeting but not later than December 15, 1978. Members of the public who wish to make oral statements should inform Dr. Erik A. Svenson, Office of Policy and Evaluation, 202-376-1846, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Transcripts of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, DOE, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcripts from the reporter.

Issued at Washington, D.C. on October 24, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-30357 Filed 10-26-78; 8:45 am]

[6740-02-M]

Federal Energy Regulatory Commission

[Docket Nos. CP75-83-2, CP75-140]

WESTERN LNG TERMINAL ASSOCIATES, ET AL., AND PACIFIC ALASKA LNG ASSOCIATES, ET AL.

Availability of Final Environmental Impact Statement

OCTOBER 24, 1978.

Notice is hereby given in the above dockets that on or about October 27, 1978, as required by section 2.82(b) of the Commission's Rules of Practice and Procedures (18 CFR 2.82(b)), a final environmental impact statement (FEIS) prepared by the staff of the Federal Energy Regulatory Commission was made available. The FEIS deals with the applications filed by Pacific Alaska LNG Associates (Pacific Alaska) in Docket No. CP75-140 et al., for a certificate of public convenience and necessity authorizing, pursuant to section 7(c) of the Natural Gas Act, the construction and operation of facilities to collect and liquefy natural gas; the transportation of liquefied natural gas (LNG) in interstate commerce; and the sale of natural gas to Southern California Gas Co. and Pacific Gas & Electric Co. Natural gas would be purchased from gas fields in the Cook Inlet region of Alaska and transported through a proposed 6- through 24-inch diameter 291.6-mile pipeline network to a proposed LNG plant in the Nikiski industrial complex, 9 miles north of Kenai, Alaska. The proposed LNG plant would consist of two gas liquefaction trains, two 550,000-barrel LNG storage tanks, a marine terminal, a construction dock and haul road, and other appurtenant facilities. Two 130,000-cubic meter LNG vessels would be constructed to carry LNG by sea from Nikiski to Western LNG Terminal Associates' (Western) proposed receiving terminal at Point Conception, Calif. The receiving terminal is proposed in Docket No. CP75-83-2, et al. The applicants seek a certificate of public convenience and necessity authorizing, pursuant to section 7(c) of the Natural Gas Act, the construction and operation of an LNG terminal facility, which would unload, store, revaporize, and send out LNG delivered by oceangoing tankers to Point Conception from Pacific Alaska's proposed liquefaction and storage facility near Kenai, Alaska, as well as tankers from the Republic of Indonesia for Pacific Indonesia LNG Co. Western proposes to construct and operate two 550,000-barrel LNG storage tanks, nine seawater vaporizers, three gas-fired peaking vaporizers, a marine terminal capable of berthing and unloading LNG tankers with a capacity up to 130,000 cubic meters, and other appurtenant facilities. The proposed Point Conception facility would reva-

porize LNG at an average plant output rate of 900 million cfd with additional peaking capacity of 300 million cfd. Revaporized gas would be transported through a proposed 112.4-mile long, 34-inch diameter pipeline to Gosford, near Bakersfield, where the pipeline would join with existing gas transmission facilities owned and operated by Pacific Gas & Electric Co.

All comments received on the draft environment impact statement (DEIS) are included in volume III of the FEIS. The DEIS was circulated on April 21, 1978.

This FEIS has been circulated to Federal, State, and local agencies, local libraries, and all parties to the proceeding. The FEIS has been placed in the public files of the Commission and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426, and at its regional office located at 555 Battery Street, San Francisco, Calif. 94111. Copies of the FEIS are available in limited quantities from the Commission's Office of Public Information.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78 30527 Filed 10-26-78; 8:45 am]

[3128-01-M]

Office of Hearings and Appeals

ISSUANCE OF DECISIONS AND ORDERS

Week of August 28 Through September 1, 1978

Notice is hereby given that during the week of August 28 through September 1, 1978, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

APPEAL

Rickelson Oil & Gas Co., Tulsa, Okla., DRA-0187, crude oil

Rickelson Oil & Gas Co. (Rickelson) appealed from a supplemental remedial order issued to it by DOE region V on May 4, 1978. The supplemental remedial order related to a previous remedial order in which the Regional Office concluded that Rickelson had sold crude oil produced from 10 properties at unlawful prices. After considering Rickelson's appeal of the previous remedial order the DOE rejected the firm's argument that in determining the number of wells on its properties it should be permitted to include injection wells and to count as two wells its single wells which produce from separate formations. However, the DOE remanded the order to the Regional Office for further findings as to the actual physical well count on two of the leases involved. *Rickelson Oil & Gas Co.*, 1 DOE Par. 80,191 (January 30, 1978). The supplemental remedial order was issued pursuant to the January 30, 1978, decision and order and contained further findings as directed by that determination. In considering the appeal of the supplemental order, the DOE noted that Rickelson did not challenge the new findings made in that order but merely questioned whether the conclusions reached in the January 30, 1978, determination regarding injection wells and separate formations applied to the two leases which were the subject of remand. The DOE determined that these conclusions did apply to the two leases. Consequently, Rickelson's appeal was denied.

REQUESTS FOR EXCEPTION

Kenard D. Brown, Casper, Wyo., DEE-0658, crude oil

Kenard D. Brown filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would have permitted producers of crude oil which purchased the economizer pump, a new type of downhole device invented by Mr. Brown, to sell all of the crude oil they produced at prices in excess of the lower tier ceiling price. In considering Brown's application for exception, the DOE determined that Brown had not submitted data which would enable the DOE to determine whether increased prices were necessary or appropriate to reimburse Brown for the actual costs he would incur in manufacturing and installing the economizer pump. The DOE further determined that Brown had failed to demonstrate that he was experiencing a hardship, inequity or unfair distribution of burdens as a result of the application to him of any provision of the DOE regulations, or that national energy policies favoring the use of more efficient and effective energy production techniques would be frustrated in the absence of the exception relief he requested. The DOE also found that Congress itself had authorized the DOE to provide exception relief to parties only as might be necessary to prevent special hardship, inequity or unfair distribution, and that despite Brown's argument to the contrary, these criteria had to be used to evaluate the merits of Brown's application. Brown's request for exception relief was therefore denied.

William V. Conover, Dallas, Tex., DEE-1340, natural gas

William V. Conover filed an application for exception from the provisions of 10 CFR 212.165 which, if granted, would permit Conover to increase the selling prices of natural gas liquid products at its Lapeyrouse plant in order to reflect the firm's nonproduct cost increases. On July 24, 1978, the DOE issued a proposed decision and order to Conover which determined that the firm's application for exception be granted. On August 2, 1978, Conover filed a notice of objection to the proposed decision and order in which it corrected information which had formed the basis for the proposed decision and order. In its original submission, Conover indicated that the natural gas liquids processed at the Lapeyrouse plant were not fractionated into natural gas liquid products. However, in its notice of objection, Conover indicated that the natural gas liquids processed at the Lapeyrouse plant were in fact fractionated for sale as natural gas liquid products. On the basis of this corrected information, the DOE determined that the level of exception relief granted in the proposed decision should be reduced from $0.02058 per gallon to $0.01933 per gallon, in accordance with the provisions of 10 CFR, Part 212, Subpart K.

Keener Oil Co., Tulsa, Okla., FEE-4110, crude oil

The Keener Oil Co. filed and application for exception for 10 CFR 212.72 which, if granted, would have permitted the firm to recertify the base production control levels (BPCL's) of 17 crude oil producing properties which it operates. Under the relevant provisions of section 212.72, a producer must certify to each purchaser the number of barrels of lower tier and upper tier crude oil within the 2-month period immediately following the month in which that crude oil is produced and sold. On March 25, 1977, the Deputy Regional Administrator of FEA region VI issued a notice of probable violation (NOPV) to Keener which alleged that the firm had sold crude oil from three properties at prices which exceeded the maximum levels permitted under the applicable regulations. On April 29, 1977, the region issued a remedial order requiring Keener to refund these overcharges. The NOPV and remedial order alleged that the firm misinterpreted the term "produced and sold" as used in the regulations and consequently miscalculated its BPCL for that property. In its application for exception, Keener stated that it made the same error in its calculations of the BPCL's of 16 other properties but that these miscalculations resulted in undercharges instead of overcharges. Keener therefore sought retroactive exception relief from the 2-month certification limitation in section 212.72 which would enable it to recompute the BPCL on these other properties and sell additional quantities of crude oil at upper tier price levels. The firm contended that it would be grossly inequitable not to permit it to recover the undercharges which it made as a result of the same type of error which caused it to make overcharges. However, the DOE noted that Keener had not claimed that its inability to recertify certain crude oil sales transactions which took place nearly 4 years ago is causing it to experience a serious financial hardship. In addition, Keener did not demonstrate that compelling reasons exist which would justify granting retroactive relief from the provisions of section 212.72. As a result, the DOE concluded that Keener has failed to satisfy the criteria for granting retroactive exception relief. Furthermore, the DOE had already considered an appeal filed by Keener from the April 29, 1977 remedial order, and concluded that the remedial order should be remanded to the region for a determination as to whether the firm should be permitted to offset its undercharges against the overcharges. *Keener Oil Co.*, 2 DOE Par. —— (July 26, 1978). Since such an offset would eliminate any inequity which is present under the factual circumstances of this case, the DOE concluded that retroactive exception relief would be inappropriate. Accordingly, Keener's application for exception was denied.

Phillips Petroleum Co., Bartlesville, Okla., DEE-1012, DEE-1013, crude oil

The Phillips Petroleum Co. filed an application for exception from the provisions of

10 CFR, Part 212, Subpart D. The exception, if granted, would permit the firm to sell a portion of the crude oil produced from the Yount "B" and Holder "B" Leases, located in Oklahoma County, Okla., at upper tier ceiling prices. In considering the exception application, the DOE found that Phillips' operating costs had increased to a point where the firm no longer had an economic incentive to continue the production of crude oil from the Holder "B" and Yount "B" Leases. The DOE also determined that if Phillips abandoned its operations at the Holder "B" and Yount "B" leases, a substantial quantity of domestic crude oil would not be recovered. On the basis of criteria applied in previous decisions, the DOE determined that Phillips should be permitted to sell at upper tier ceiling prices 100 percent of the crude oil produced from the Holder "B" lease for the benefit of the working interest owners at upper tier ceiling prices and 54.95 percent of the crude oil produced from the Yount "B" lease for the benefit of the working interest owners at upper tier ceiling prices.

W. B. Osborn, Jr., San Antonio, Tex., DEE-0049, crude oil

W. B. Osborn, Jr., filed an application for exception from the provisions of 10 CFR Part 212, Subpart D, which if granted, would permit the firm to sell the crude oil which it produces from the Reed E&F lease at prices which exceed the lower tier ceiling price levels specified in 10 CFR 212.73. In support of its exception application, Osborn asserted that the Reed E&F lease should qualify as a stripper well because the property's average daily production rate per well is less than 10 barrels when calculated on the basis of the injection wells and the producing wells on the lease. In considering Osborn's application, the DOE determined that under the provisions of ruling 1974-29, injection wells will not be included for the purpose of calculating a property's average daily production rate per well. In addition, the DOE determined that Osborn had not provided substantial and convincing evidence that the application of DOE price regulations resulted in a serious hardship or gross inequity for the firm. Accordingly, the firm's exception request was denied.

REQUESTS FOR STAY

Cooper & Brain, Inc., and Robert E. Brain, Wilmington, Calif., DES-1405, crude oil

Cooper & Brain, Inc. and Robert E. Brain filed an application for stay of a compliance proceeding which was initiated by DOE region IX pending a final determination of an application for exception which they filed on July 5, 1978. DOE region IX has issued a notice of probable violation to Cooper & Brain on February 14, 1978, which alleged that they had improperly certified their Brea Canyon fee lease as a stripper well property for 1974. Cooper & Brain claimed that they would incur an irreparable injury if a stay of the compliance proceeding were denied and they were forced to pursue both proceedings simultaneously. In considering the request, the DOE found that Cooper & Brain failed to submit any evidence which demonstrated that the expenses of defending themselves at this stage of the compliance proceeding would be so great as to result in an irreparable injury. The application for stay was therefore denied.

Piedmont Natural Gas Co., Greenville, S.C., DES-0098, DST-0098, propane

The Piedmont Natural Gas Co. filed an application for stay and application for temporary stay. These stay requests, if granted, would permit Piedmont to acquire and use surplus supplies of domestic propane for the purpose of enriching the BTU value of the natural gas which it distributes in Greenville and Spartanburg, S.C. These stays were sought pending final consideration by the DOE Economic Regulatory Administration of a submission by Piedmont entitled "Petition for Waiver of Acquisition and Use Limitations, Application for Exception, Application for Adjustment of Base Period Volumes." In considering the requests, the DOE observed that it had rejected a prior stay application in which Piedmont had sought identical interim relief. However, the DOE also noted that in the present stay proceeding Piedmont and the ERA had furnished additional information which established a sufficient evidentiary basis for the approval of stay relief. In particular, the DOE found that the DOE Office of Environment had to assess the environmental consequences of the relief sought in the Piedmont petition before the ERA would be able to issue a decision. In addition, it appeared from the Piedmont submission that the firm did not delay in filing its petition with the ERA. The DOE also concluded that the use of propane to stabilize the Btu value of Piedmont's gas supplies represents the only interim solution to the problem of excessive Btu oscillation. Finally, the DOE determined that certain customers of Piedmont would sustain an irreparable injury in the absence of immediate stay relief. Accordingly, the DOE determined that Piedmont should be accorded some measure of stay relief. However since several important issues raised by the petition were not fully considered in the stay proceeding, the DOE determined that the stay relief to be granted to Piedmont should not remain in effect for a substantial period of time. On the basis of these considerations, the DOE determined that Piedmont should be permitted to purchase and use 6,769,900 gallons of surplus domestic propane for the purpose of stabilizing the Btu value of its gas supplies until October 1, 1978.

MOTIONS FOR EVIDENTIARY HEARING

Quincy Oil, Inc., Taunton Municipal Lighting Plant, Quincy, Mass., Taunton, Mass., DRH-0447, DRH-0007, fuel oil

Quincy Oil, Inc., and Taunton Municipal Lighting Plant filed motions for evidentiary hearing in connection with the DOE's consideration of their Statements of Objections to a Proposed decision and order that the DOE issued to Quincy. In the proposed decision and order, the DOE tentatively concluded that Quincy's application for exception from the provisions of 10 CFR 212.93, as interpreted by FEA ruling 1977-5, should be granted in part. In the present decision and order, the DOE considered Quincy's request for an opportunity to present evidence in support of its assertions that the DOE erred in its calculations of Quincy's nonproduct costs incurred in connection with its sale of No. 6 fuel oil to Taunton, and in adjusting Quincy's profits by disallowing certain payments made by the firm to its parent corporation. The DOE also considered Taunton's request for an opportunity to present evidence in support of its assertion that Quincy did not make a good faith effort to comply with the price regulations during the period for which Quincy seeks exception relief. The DOE dismissed Taunton's requests for an evidentiary hearing with respect to several issues that essentially constituted requests for information, noting that Taunton will receive the information it sought pursuant to a protective order and joint agreement for discovery entered into by the parties and approved by the DOE. With respect to the three issues that the DOE considered on the merits, the DOE noted that in determining whether a motion for evidentiary hearing should be granted, it would consider the probative value of the evidence that a firm intends to present at an evidentiary hearing, the time and expense involved in holding an evidentiary hearing, and the likelihood that the evidence can be presented satisfactorily through a process other than an evidentiary hearing.

The DOE determined that in view of the fact that Taunton will have access to financial data regarding the issue of Quincy's nonproduct costs and will be able therefore to cross-examine Quincy's witnesses who testify in this respect, the presentation of this testimonial evidence was appropriate. The DOE noted that Quincy previously had submitted documentary evidence concerning this issue and that the testimony of Quincy's officials may enhance the probative value of that evidence, for similar reasons, the DOE concluded that Quincy should be permitted to present testimonial evidence with respect to how its profits should be calculated. The DOE emphasized that the resolution of these two issues may hinge on the credibility of the testimony of Quincy's officials and that an evidentiary hearing was the appropriate vehicle for making such a determination.

Finally, the DOE noted that the issue Quincy's alleged lack of good faith in complying with DOE price regulations is relevant to the determination of the appropriate standards to be applied in determining whether Quincy's applications for exception should be granted. The DOE previously determined that Quincy's request for a retroactive exception should be evaluated on the basis of the less rigorous standards applicable to requests for prospective exceptions because regulated firms, including Quincy, may have experienced difficulties in construing the applicable price regulations. The DOE determined that a finding that Quincy acted in bad faith may lead it to reexamine the appropriate standards applicable to that exception request. The DOE determined further that the issue of good faith raises questions of state of mind, which are not suitable to disposition on the basis of documentary proof. The DOE therefore concluded that Taunton's request to present testimonial evidence on the good faith issue should be granted.

DISMISSAL

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the DOE procedural regulations:

Whaleco Fuel Corp., Inc., Brooklyn, N.Y., DPI-0013

Copies of the full text of these decisions and orders are available in the

Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.d.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

OCTOBER 19, 1978.

[FR Doc. 70-30358 Filed 10-26-78; 8:45 am]

[3128-01-M]

ISSUANCE OF DECISIONS AND ORDERS

Week of September 5 Through September 8, 1978

Notice is hereby given that during the week of September 5 through September 8, 1978, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

APPEAL

Viersen & Cochran, Tulsa, Okla., DFA-0202, Freedom of Information

Viersen & Cochran (Viersen) appealed from a denial by the Information Access Officer of a request for information which the firm submitted under the Freedom of Information Act (FOIA). In its appeal, Viersen requested that the DOE order the release of two documents which were withheld from the firm on the grounds that they are intraagency memoranda which are exempt from mandatory public disclosure under the provisions of 5 U.S.C. 552(b)(5). In considering the appeal, the DOE found that the documents generally analyze and make recommendations concerning the application of the stripper well property exemption to condensate production and that the material was predecisional in nature. The DOE therefore determined that the material which was withheld is precisely the type of information which exemption 5 of the FOIA was designed to protect from disclosure and that the release of the material would not be in the public interest. The DOE determined, however, that portions of both documents could be released to Viersen since they contain purely factual material which could be easily segregated from the policy analysis and recommendatory portions of the documents. The Viersen appeal was therefore granted in part and denied in part.

REQUESTS FOR EXCEPTION

Bright & Co., Dallas, Tex., DXE-0237, crude oil

Bright & Co. filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell additional quantities of crude oil from the O. S. Petty No. 1 well at upper tier ceiling prices to supplement the exception relief granted in *Bright & Schiff*, 5 FEA par. 83,172 (June 8, 1977). In its exception application, Bright stated that the relief granted in the June 8 decision is insufficient to alleviate the gross inequity which was found to exist. In considering the request, the DOE determined that the actual capital investment necessary to repair the Petty well was substantially greater than the amount which was originally projected by the firm. As a result of this forecasting error, the DOE concluded that if Bright were to continue to produce crude oil from the Petty well, the revenues which it would realize from the sale of the crude oil would not afford the firm a 15 percent return on its investment. Exception relief was therefore approved which permits the firm to sell an additional portion of the crude oil produced for the benefit of the working interest owners of the Petty well at upper tier and market prices.

Gas Engine & Compressor Service Inc., Longview, Tex., FEE-4046, Natural Gas Liquids

On January 27, 1978 the DOE issued a proposed decision and order to Gas Engine and Compressor Service, Inc. (Gas Engine). In that determination the DOE proposed to deny the firm's request that 42 gas wells which it owns and operates be classified as stripper well properties. The DOE noted that it had previously determined that condensate produced from gas wells would not be regarded as "crude oil" for purposes of determining a property's eligibility for stripper well status. The DOE also proposed to deny the firm's request to retroactively charge prices for natural gas liquids that exceed the maximum levels specified in 10 CFR, Part 212, Subpart K. The DOE determined that Gas Engine had not demonstrated that it would experience a serious financial hardship in the absence of exception relief of this type. On April 7, 1978 the firm filed a statement of objections in which it contended that the DOE erred in determining whether the firm was experiencing a serious financial hardship by considering its entire petroleum related operations. Gas Engine argued that the DOE should have considered only the firm's natural gas liquids operations. The DOE rejected this contention, stating that it has been the consistent policy of the DOE to consider claims of serious hardship by examining the entire petroleum related operations of the firm requesting exception relief. The DOE noted that since a firm may maintain an unprofitable segment of its operations in order to obtain other collateral benefits, an analysis only of the unprofitable segment could be misleading. Accordingly, Gas Engine's application for exception was denied.

Great Southern Oil & Gas Co., Inc., Lafayette, La., DXE-1466, crude oil

Great Southern Oil & Gas Co., Inc. (Great Southern) filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of the exception relief previously granted to Great Southern and would permit the firm to sell a portion of the crude oil produced from the Castille RA Sua Breaux No. 1 well at upper tier ceiling prices. In considering the Great Southern exception request, the DOE found that Great Southern continued to incur increased operating expenses at the Castille well and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil from the property. In view of this determination and on the basis of the operating data which Great Southern submitted for the most recently completed fiscal period, the DOE concluded that further exception relief should be granted to the extent that Great Southern be permitted to sell 95.30 percent of the crude oil produced from the Castille well for the benefit of the working interest owners at upper tier ceiling prices.

Keener Oil Co., Tulsa, Okla., DEE-1407, crude oil

The Keener Oil Co. filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D which, if granted, would result in an extension of exception relief previously granted and permit Keener to continue to sell a portion of the crude oil produced from the No. 1 well on the Lizzie-Orwig lease in Seminole County, Okla., at upper tier ceiling prices. In considering the exception request, the DOE found that Keener had continued to incur increased operating costs in connection with the No. 1 well and that, in the absence of continued exception relief, Keener would lack an economic incentive to produce crude oil from the property. On the basis of the financial data which Keener had provided for the most recent 6 month period, the DOE granted exception relief which permitted Keener to sell at upper tier prices 39.06 percent of the crude oil produced from the No. 1 well for the benefit of the working interest owners.

Koch Exploration Co., Wichita, Kans., DXE-1427, DXE-1428, crude oil

The Koch Exploration Co. filed two applications for exception from the provisions of 10 CFR, Part 212, Subpart D. The requests, if granted, would result in the extension of exception relief previously granted to the firm and would permit it to sell at upper tier selling prices certain quantities of the crude oil produced from the Sink Draw No. 1 lease and the Cedar Rim No. 3 lease, located in Duchesne County, Utah. In considering the Koch exception requests, the DOE found that the firm had continued to experience operating losses at the two leases. The DOE also found that Koch would have no economic incentive to continue its operations at the two leases unless the type of exception relief previously granted were extended for an additional 6-month period. On the basis of these findings and Koch's operating data, Koch was permitted to sell at upper tier prices 81.18 percent of the crude oil produced from the Sink Draw No. 1 lease and 100 percent of the crude oil produced from the Cedar Rim No. 3 lease for the benefit of the working interest owners through February 28, 1979.

Marathon Oil Co., Findlay, Ohio, DEE-0996, crude oil.

The Marathon Oil Co. filed an application for exception from the provisions of 10

CFR, Part 212, Subpart D, which, if granted, would have permitted the firm to sell the crude oil produced from two properties situated on the Canal Field located in Kern County, Calif., at upper tier ceiling prices. In considering the exception request, the DOE determined that Marathon is currently incurring an operating loss on each barrel of crude oil that it produces from the middle Stevens and the upper Stevens properties. On the basis of precedents involving similar factual situations, the DOE concluded that the application of the ceiling price rule with respect to the middle Stevens and the upper Stevens properties constitutes a gross inequity to Marathon. Accordingly, on the basis of the operating data which the firm submitted for its most recently completed 6-month fiscal period, Marathon was granted exception relief which permits the firm to sell at upper tier ceiling prices 80.66 percent of the crude oil produced for the benefit of the working interest owners from the middle Stevens property and 78.4 percent of the crude oil produced for the benefit of the working interest owners from the upper Stevens property during the next 6 months.

Union Oil Co. of California, Los Angeles, Calif., FEE-4411, residual fuel oil

The Union Oil Co. of California filed an application for exception from the provisions of 10 CFR 211.67 (the entitlements program). If the request were granted, Union would be relieved of that portion of its entitlement purchase obligation which is attributable to section 211.67(a)(3), the regulatory provision granting 30 percent of the crude oil entitlement value to imports of residual fuel oil into the east coast market ("product entitlements"). In addition, Union requested that it be excepted from the provisions of section 211.67(d)(4) under which a domestic refiner selling residual fuel oil in the east coast market loses 50 percent of the applicable crude oil entitlement value for each barrel of residual fuel oil sold in excess of the first 5,000 barrels per day ("reverse entitlements"). Union also requested an exception from the provisions of special rule No. 8, which granted product entitlements to imports of middle distillate heating oils into the east coast market during the months of February and March 1977. In its application, Union contended that each of these aspects of the entitlements program violated the provisions of article I, section 9, clause 6 of the U.S. Constitution which states that "no preference shall be given by any Regulation of Commerce or Revenue to the Ports of any state over those of another. . . ." In considering the firm's request, the DOE noted that the same argument which Union advanced had been previously considered and ultimately rejected by the U.S. District Court for the District of Columbia in *Consumers Power Co.* v. *FEA*, —— F. Supp. —— (D.D.C. 1977). The DOE therefore concluded that the court's decision in that case was dispositive of the Union exception application as well. The application for exception was accordingly denied.

REMEDIAL ORDER

Pennco Oil, Inc., Baton Rouge, La., DRO-0021, crude oil

Pennco Oil, Inc. filed a statement of objections to a proposed remedial order which the DOE region VI issued to the firm on February 27, 1978. In the proposed remedial order, the Regional Office found that during the month of December 1973 and the period from February through December 1975, Pennco sold crude oil at unlawful price levels. On the basis of this finding, the Regional Office determined that Pennco should be required to refund $20,623.89 in overcharges plus interest. Subsequent to the filing of its statement of objections, Pennco indicated that it was willing to comply with the refund provisions set forth in the proposed remedial order. Under these circumstances, the DOE determined the proposed remedial order should be issued as a final remedial order.

REQUESTS FOR STAY

Mid-America Refining Co., Inc., Chanute, Kans., DES-0099, crude oil

Mid-America Refining Co., Inc. (Mid-America) requested that its obligations under 10 CFR 211.67 (the entitlements program) be stayed during August 1978 and subsequent months pending a determination on the merits of an application for exception which the firm had filed. In considering the Mid-America request, the DOE noted that in two previous proceedings the agency had denied similar requests by Mid-America for a stay of its obligation to purchase entitlements during July 1978. *Mid-America Refining Co., Inc.*, 2 DOE Par. —— (1978); *Mid-America Refining Co., Inc.*, 2 DOE Par. —— (1978). In addition , the DOE noted that the arguments which Mid-America presented in its current application were virtually indistinguishable from those which had been fully considered and rejected by the DOE in the two prior stay proceedings. Since Mid-America had presented no material which would show that the prior determinations were erroneous in any aspect, the Mid-America request for stay was denied.

Northland Oil & Refining Co., Tulsa, Okla., DES-0096, crude oil

The Northland Oil & Refining Co. requested that its obligations under the provisions of 10 CFR 211.67 (the entitlements program) be stayed for the month of August 1978 pending a final determination of an application for exception which the firm had filed. In considering the request, the DOE observed that in view of the agency's ability to adjust Northland's entitlements position in subsequent months, the firm could be compensated for any entitlements purchase which it makes in excess of the level which the DOE ultimately determines is appropriate. In addition, the DOE found that Northland had not submitted any financial material which demonstrated that it could not meet its entitlement purchase obligation. The DOE therefore concluded that Northland had not made a showing that it would be irreparably injured in the absence of the requested stay. Similarly, the DOE concluded that Northland had failed to make a showing that it would be desirable for public policy reasons to grant a stay of the firm's August 1978 entitlement purchase obligation. Northland's stay request was therefore denied.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 and 5 p.m., e.d.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

OCTOBER 19, 1978.

[FR Doc 78-30359 Filed 10-26-78; 8:45 am]

[3128-01-M]

CASES FILED WITH THE OFFICE OF HEARINGS AND APPEALS

Week of September 29 Through October 6, 1978

Notice is hereby given that during the week of September 29 through October 6, 1078, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in this case may file with the DOE written comments on the application within 10 days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

OCTOBER 19, 1978.

List of Cases Received by the Office of Hearings and Appeals

[Week of Sept. 29 through Oct. 6, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Sept. 29, 1978	Southland Oil Co./VSG Corp., Jackson, Miss.	DEE-1903	Exception from the entitlements program. If granted: Southland Oil Co./VGS Corp. would be granted an exception from the provisions of 10 CFR 211.67 with respect to its entitlements purchase obligations after Dec. 1, 1978.
Oct. 2, 1978	Archie M. Damon Enco Service Station, Houston, Tex.	DEE-1906	Exception to the reporting requirements. If granted: Archie M. Damon Enco Service Station would not be required to file form EIA-79. (Monthly Motor Gasoline Service Station Survey.)
Do	Beacon Oil Co., Hanford, Calif	DXE-1909	Extension of relief granted in *Beacon Oil Company*, 2 DOE Par. —— (Aug. 3, 1978). If granted: Beacon Oil Co. would be granted continued exception relief from the provisions of 10 CFR 211.67 with respect to its entitlement purchase obligations.
Do	Cory's Gasoline Stations, Inc., Mesa, Ariz	DEE-1908	Exception to the reporting requirements. If granted: Cory's Gasoline Stations, Inc., would not be required to file form EIA-79. (Monthly Motor Gasoline Service Station Survey.)
Do	DiCarlo Service Station, Schenectady, N.Y.	DEE-1940	Exception to the reporting requirements. If granted: DiCarlo Service Station would not be required to file form EIA-79. (Monthly Motor Gasoline Service Station Survey.)
Do	Equipment, Inc., Lafayette, La	DRH-0121	Request for evidentiary hearing. If granted: An evidentiary hearing would be convened with respect to the statement of objections to a proposed remedial order issued on Sept. 20, 1978.
Do	Estate of William Herbert, Hunt, Dallas, Tex.	DRD-0112	Motion for discovery. If granted: Discovery would be granted with respect to objections to a proposed remedial order issued to the William Herber Hunt Trust Estate on Aug. 31, 1978.
Do	Kern County Refinery, Inc., Bakersfield, Calif.	DXE-1904	Exception from the entitlements program. If granted: Kern County Refinery, Inc., would receive an exception from the provisions of 10 CFR 211.67 with respect to its entitlements purchase obligations for the period Dec. 1, 1978, through May 31, 1979.
Do	Mohawk Petroleum Corp., Inc., Los Angeles, Calif.	DXE-1905	Extension of relief granted in *Mohawk Petroleum Corporation, Inc.*, 2 DOE Par. —— (Aug. 8, 1978). If granted: Mohawk Petroleum Corp., Inc., would receive an exception from the provisions of 10 CFR 211.67 with respect to its entitlements purchase obligations.
Do	Navajo Refining Co., Washington, D.C	DXE-1937	Extension of relief granted in *Navajo Refining Company*, 2 DOE Par. —— (July 28, 1978). If granted: Navajo Refining Co. would receive an exception from the provisions of 10 CFR 211.67 with respect to its entitlement purchase obligations.
Do	Petrochemical Energy Group, Washington, D.C.	DEA-0227	Appeal of an allocation order. If granted: The Aug. 24, 1978, allocation order would be remanded to the Economic Regulatory Administration with instructions to deny any present allocation of naphtha to Baltimore Gas & Electric Co.
Do	Phillips Petroleum Co., Bartlesville, Okla	DEE-1907	Price exception (sec. 212.73). If granted: Phillips Petroleum Co. would be permitted to sell the crude oil produced from the Arnston lease, located in Divide County, N. Dak., at upper tier ceiling prices.
Do	Standard Oil Co. of California, San Francisco, Calif.	DEE-1911 through DEE-1918.	Price exception (sec. 212.165). If granted: Standard Oil Co. of California would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the 1-C, Arco-Calidon, Carpinteria, Colonial Booster, Hagood, Hunt Beach, Lost Hills, and Union plants.
Do	Standard Oil Co. of California, San Francisco, Calif.	DXE-1919 through DXE-1935.	Extension of relief granted in *Standard Oil Co. of California*, case No. FXE-3974 (decided Apr. 29, 1977) (unreported decision); case No. FXE-3990 (decided Apr. 4, 1978) (unreported decision); Case Nos. DXE-0459 through DXE-0461, DXE-0464 through DXE-0466, DXE-0468 through DXE-0470, DXE-0472, DXE-0473, DXE-0475, DXE-0478 (decided Apr. 25, 1978) (unreported decisions); case Nos. DXE-0474, DXE-0476 (decided May 3, 1978) (unreported decisions). If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Gaviota, Getty-Cymric, Greeley, Inglewood, Kermit, KNDGP, Lapeyrouse, Marathon, McKittrick, Murphy Coyote, No. Tejon, Red Wash, S.E. Marietta, Swanson River, Torrance, Yates, and 32-Z plants.
Do	Standard Oil Co. (Indiana), Chicago, Ill	DEA-0226	Appeal of adjustment dismissal. If granted: The July 20, 1978, order issued to Amoco by the ERA Office of Fuels Regulations would be rescinded and Amoco would be permitted to base its interaffiliate transfer prices for Trinidad crude oil on a reference crude oil other than that established by the DOE under the provisions of 10 CFR 212.84.
Oct. 3, 1978	Chevron, U.S.A., San Francisco, Calif	DEE-1939	Price exception (sec. 212.73). If granted: Chevron, U.S.A., would be permitted to sell the crude oil produced from the State lease PRC 3150, undesignated pool Carpinteria field, located in Santa Barbara County, Calif., at upper tier ceiling prices.
Do	Farmers Union Central Exchange, Inc., Washington, D.C.	DEE-1938	Price exception (sec. 212.83). If granted: Farmers Union Central Exchange, Inc., would be permitted to compute its crude oil cost increases on a rolling average basis.
Do	Lunday-Thagard Oil Co., South Gate, Calif.	DXE-1936	Exception from the entitlements program. If granted: Lunday-Thagard Oil Co. would be granted continued exception relief from the provisions of 10 CFR 211.67 with respect to its entitlement purchase obligations.
Do	TOSCO Corp., Washington, D.C	DXE-1910	Extension of relief granted in *TOSCO Corporation*, 1 DOE Par. 80, 193 (Feb. 1, 1978). If granted: The TOSCO Corp. would be granted an extension of the exception relief approved in the Feb. 1, 1978, decision and would be permitted to adjust its May 15, 1973, prices for sales of gasoline to its reseller and wholesale rack classes of purchaser.
Oct. 4, 1978	Amber Fuel Oil, Inc., Miami Beach, Fla	DEE-1942	Exception to the reporting requirements. If granted: Amber Fuel Oil, Inc., would no longer be required to submit reports concerning No. 2 fuel oil to the Department of Energy.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Sept. 29 through Oct. 6, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Do	Cologne Production Co., San Antonio, Tex.	DXE-1946	Extension of relief granted in *Cologne Production Company*, 1 DOE Par. 81,114 (Apr. 21, 1978). If granted: Cologne Production Co. would be permitted to sell the crude oil produced from the Algoa Oil Unit 4-2 and Algoa Unit 6 located in Galvestion County, Tex., at upper tier ceiling prices.
Do	Commonwealth Oil Refining Co., Washington, D.C.	DEX-0114	Supplemental Order in *Commonwealth Oil Refining Co.*, 1 DOE Par. 82,551 (Mar. 20, 1978). If granted: The DOE's decision and order issued Mar. 20, 1978, would be altered so that the restrictions placed on Commonwealth Oil Refining Co.'s sales of additional entitlements would be modified.
Do	Corpus Christi Management Co., Corpus Christi, Tex.	DRH-0123, DRD-0123.	Motion for evidentiary hearing. Motion for Discovery. If granted: Corpus Christi Management Co. would receive documents relating to DOE litigation in the Federal court and would be granted an evidentiary hearing for the purpose of presenting oral testimony to support its objections to a proposed remedial order issued to the firm on Aug. 30, 1978.
Do	Getty Oil Co., Los Angeles, Calif	DSG-0034	Petition for special redress. If granted: Getty Oil Co. would be permitted to increase its current maximum permissible selling prices for motor gasoline to recoup revenues lost as a result of compliance with a remedial order which was later rescinded.
Do	Husky Oil Co. of Delaware, Denver, Colo	DEX-0112	Supplemental Order to *Husky Oil Co.*, 5 FEA Par. 80,649 (June 2, 1977). If granted: The decision and order (Case No. FXA-1162) issued to Husky Oil Co. of Delaware on June 2, 1978, would be rescinded and the firm would receive an exception from the provisions of 10 CFR 211.67 with respect to its entitlement purchase obligations.
Do	Kirkwood Oil & Gas, Casper, Wyo	DRX-0111	Supplemental Order in *Kirkwood Oil & Gas*, 2 DOE Par. —— (Aug. 14, 1978). If granted: The DOE's decision and order of Aug. 14, 1978, would be modified and the period in which the regional office must issue a revised remedial order would be lengthened.
Do	Perrault Production Co., Tulsa, Okla	DXE-1943	Extension of relief granted in *Perrault Production Company*, 2 DOE Par. —— (July 12, 1978). If granted: Perrault Production Co. would be permitted to sell the crude oil produced from Varnum lease, located in Seminole County, Okla., at upper tier ceiling prices.
Do	Bob A. Smith, Ventura, Calif	DEE-1944	Price exception (sec. 212.93). If granted: Bob A. Smith would be permitted to resell contaminated crude oil after processing at prices in excess of applicable ceiling prices.
Do	Sun Company, Inc., Dallas, Tex	DXE-1945	Extension of relief granted in *Sun Company, Inc.*, case No. DXE-0917 (decided Apr. 28, 1978) (unreported decision). If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Newhall plant.
Do	Taunton Municipal Lighting Plant, Washington, D.C.	DED-0006	Request for discovery. If granted: Taunton Municipal Lighting Plant would be granted discovery with respect to certain documents of Quincy Oil, Inc., regarding its statement of objections to the proposed decision and order.
Do	Texas City Refining, Inc., Washington, D.C.	DES-0105	Request for stay. If granted: Texas City Refining, Inc., would receive a stay of the provisions of 10 CFR 211.67 with respect to its entitlement purchase obligations for the period of September through November 1978.
Oct. 5, 1978	Andrews, Kurth, Campbell, & Jones, Washington, D.C.	DFA-0228	Appeal of an information request denial. If granted: The DOE's Aug. 14, 1978, information request denial would be rescinded and Andrews, Kurth, Campbell, & Jones would be granted access to certain DOE documents relating to ruling 1977-5 (the transaction ruling).
Do	Gulf Oil Corp., Houston, Tex	DEE-1941	Price exception (sec. 212.73). If granted: Gulf Oil Corp. would be permitted to sell the crude oil produced from the Mattie White, et al. "C" lease at upper tier ceiling prices.
Oct. 6, 1978	Lunday-Thagard Oil Co., South Gate, Calif.	DEX-0113	Supplemental order. If granted: The DOE would review the entitlements exception relief granted to Lunday-Thagard Oil Co. during its 1977 and 1978 fiscal years in order to determine whether the level of relief accorded the firm was appropriate.

Remedial Orders, Notices of Objection Received

Date	Name and location of applicant	Case No.
Oct. 2, 1978	Equipment, Inc., Lafayette, La	DRO-0121
Oct. 4, 1978	Research Enterprises, New Orleans, La	DRO-0122
Do	Corpus Christi Management Co., Corpus Christi, Tex	DRO-0123
Do	Karchmer Pipe & Supply Co., Washington, D.C	DRO-0106

Notices of Objection Received

Oct. 3, 1978	Little America Refining Co., Washington, D.C	DXE-1465
Oct. 4, 1978	DeMenno Resources, Inc., Los Angeles, Calif	DEE-0965
Oct. 5, 1978	Charter Oil Co., Washington, D.C	DXE-1398

[FR Doc. 78-30360 Filed 10-26-78; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 995-2]

PLANT CLOSINGS ATTRIBUTABLE TO ENVIRONMENTAL REGULATIONS

Request for Information

The U.S. Environmental Protection Agency (EPA) is attempting to identify all industrial closings that have resulted from Federal, State, or local pollution control regulations. The EPA promptly transmits this information to the U.S. Department of Labor so that adverse employment effects can be minimized. This interagency reporting system is known as the Economic Dislocation Early Warning System (EDEWS). The information generated by the EDEWS is also essential in evaluating the effects of pollution control regulations on specific industries.

EPA is aware that plant closings generally result from a combination of factors, one of which may be the requirement to comply with environmental regulations. Because of the complexity of the subject and the unique circumstance of each decision to close a plant, EPA is not attempting to set forth guidelines as to what, in its view, may constitute a plant closing attributable to regulations for environmental protection. EPA would like to hear from any firm which has closed or plans to close a facility where inability to meet pollution control regulations is a substantial factor. The EPA would also appreciate any information regarding such situations from sources other than the firms themselves.

Please mail or phone the firm's name and address to the EPA contact in the appropriate region listed below.

Dated: October 23, 1978.

WILLIAM DRAYTON, Jr.,
Assistant Administrator for Planning and Management.

ECONOMIC DISLOCATION EARLY WARNING SYSTEM

EPA REGIONAL REPRESENTATIVES

Ms. Mary Vance, Enforcement Division, U.S. Environmental Protection Agency, Region I, Room 2103, John F. Kennedy Building, Boston, Mass. 02203, 617-223-3479.

Ms. Cathy Callahan, Chief, Planning and Evaluation, Management Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Room 1013, New York, N.Y. 10007, 212-264-3052.

Mr. Fred Knapp, Management Division, U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pa. 19106, 215-597-9217.

Mr. Alan W. McCluney, Jr., Program Planning, Development, and Evaluation, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308, 404-881-3776.

Ms. MaryLu Lageman, Program Development Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Ill. 60604, 312-353-2043.

Mr. Henry Holman, Chief, Planning, Budgeting and Evaluation Branch, U.S. Environmental Protection Agency, Region VI, First International Building, 1201 Elm Street, Dallas, Tex. 75270, 214-729-2702.

Mr. Ray Hurley, Management Division, U.S. Environmental Protection Agency, Region VII, 1735 Baltimore Street, Kansas City, Mo. 64108, 816-758-5825.

Mr. Duane Traylor, Management Division, U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Suite 900, Denver, Colo. 80203, 303-837-2351.

Mr. Clyde Eller, Enforcement Division, U.S. Environmental Protection Agency, Region IX, 100 California Street, San Francisco, Calif. 94111, 415-556-0102.

Mr. Jim Sweeney, Permits Branch, Enforcement Division, U.S. Environmental Protection Agency, Region X, 1200 6th Avenue, Seattle, Wash. 98101, 202-442-1270.

[FR Doc. 78-30335 Filed 10-26-78; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1473]

BALTIMORE INTERNATIONAL TRANSPORT, INC.

Order of Revocation

The bond issued in favor of Baltimore International Transport, Inc., 503 East Patapsco Avenue, Baltimore, Md. 21225, FMC No. 1473, was cancelled effective September 13, 1978.

By letter dated August 17, 1978, Baltimore International Transport, Inc., was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1473 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

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.

Baltimore International Transport, Inc., 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. 1473 be and is hereby revoked effective September 13, 1978.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1473, issued to Baltimore International Transport, 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 Baltimore International Transport, Inc.

ROBERT G. DREW,
Director, Bureau of Certification and Licensing.

[FR Doc. 78-30424 Filed 10-26-78; 8:45 am]

[6730-01-M]

[Independent Ocean Freight Forwarder License No. 983]

M. A. GRASER-ROTHE, EILEEN GUENTHER, D.B.A.

Order of Revocation

The bond issued in favor of M.A. Graser-Rothe, Eileen Guenther, d.b.a. 553 Old State Road No. 3, Alexander, Ky. 41001 (FMC No. 983) was cancelled effective October 8, 1978.

By letter dated September 25, 1978, M.A. Graser-Rothe, Eileen Guenther d.b.a. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 983 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

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.

M.A. Graser-Rothe, Eileen Guenter d.b.a. 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), § 5.01(d) dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 983 be and is hereby revoked effective October 8, 1978.

It is further ordered, That Independent Ocean Freight Forwarder License No. 983 issued to M.A. Graser-Rothe, Eileen Guenther, d.b.a., 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 M.A. Graser-Rothe, Eileen Guenther, d.b.a.

ROBERT G. DREW,
Director Bureau of Certification and Licensing.

[FR Doc. 78-30423 Filed 10-26-78; 8:45 am]

[6730-01-M]

[Independent Ocean Freight Forwarder License No. 1815]

SCHLEY SHIPPING CO., INC.

Order of Revocation

The bond issued in favor of Schley Shipping Co., Inc., 172-76 Baisley Boulevard, Jamaica, N.Y. 11434, FMC No. 1815, was canceled effective September 6, 1978.

By letter dated August 14, 1978, Schley Shipping Co., Inc., was advised by the Federal Maritime Commission that Independent Oceean Freight Forwarder License No. 1815 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

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.

Schley Shipping Co., Inc., 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. 1815 be and is hereby revoked effective September 6, 1978.

It is further ordered, That Independent Ocean Freight Forwarder License No 1815 issued to Schley Shipping Co., Inc., be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order by published in the FEDERAL REGISTER and served upon Schley Shipping Co., Inc.

ROBERT G. DREW,
Director, Bureau of Certification and Licensing.

[FR Doc. 78-30425 Filed 10-26-78; 8:45 am]

[1610-01-M]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

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 October 18, 1978 (FMC), and October 19, 1978 (FMC and NRC). 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 each 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 FMC and NRC requests 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 requests, comments (in triplicate) must be received on or before November 14, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, U.S. General Accounting Office, Room 5106, 441 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.

FEDERAL MARITIME COMMISSION

The FMC requests an extension without change clearance of General Order 20, 46 CFR 540, Security for the Protection of the Public and Form 131, Application for Certificate of Financial Responsibility. The rules in general order 20 provide procedures whereby persons in the United States who arrange, offer, advertise, or provide passage on a vessel having berth or stateroom accommodations for 50 or more passengers and embarking passengers at U.S. ports shall establish their financial responsibility or, in lieu thereof, file a bond or other security to meet liabilities for nonperformance of voyage, or for injury or death to passengers or other persons on voyages to or from U.S. ports. These persons must present to the U.S. Customs officials for clearance from a U.S. port, a certificate of financial responsibility (casualty) and/or a certificate of financial responsibility (performance), each of which certifies that the necessary level of financial responsibility has been established.

An application form, FMC 131, along with acceptable evidence of financial responsibility must be submitted to FMC to obtain a certificate of casualty and/or performance. Material changes to the application or supporting data must be filed with FMC within 5 days after the occurrence of the changes.

General order 20 requires certificants to report terminations, cancellations, or renewals of insurance in writing; furnish written designations of legal agents; file evidence of charter arrangements with FMC, provide notification of arrangements for which the certificant does not assume financial responsibility, and submit semiannual statements of changes in applications or supporting documents within 30 days after the close of the 6-month period being reported; negative reports must be submitted also. Self-insurers must file quarterly balance sheets, statements of income and surplus, statements of book value or current market value of assets located in the United States credit rating reports and lists of contractual requirements relating to maintenance of working capital and net worth.

FMC estimates respondents number approximately 75 and that reporting burden averages 6 hours for a new or amended application, 30 minutes to 3 hours for semiannual statements or negative reports, 2 hours for material changes in applications filed 5 days after change, 10 hours for terminations, cancellations, or renewals of insurance in writing, 7 hours for self-insurer reports, 1 hour for designations of legal agents, 2 hours for evidence of charter arrangements, and 2 hours for notification of arrangements for which certificants do not assume financial responsibility.

The FMC requests clearance for revision of self-policing reports as required by 46 CFR 528 (general order 7). Carriers subject to this part must submit a self-policing report each January 31 and July 31. The reports will cover all policing activities, including investigations and adjudications conducted during the preceding 6 months, the action taken in all investigations, and the nature of any violations found and sanctions imposed. A negative report is to be filed if there are no allegations of breach, investigations, or final actions to report. There are approximately 100 carriers subject to this part. Conferences must establish

self-policing systems which include the retention of independent self-policing authorities and impartial arbitrators, and must describe the system so established in their agreements. Conference agreements must include provisions that authorize self-policing authorities to investigate all allegations of breach, audit carrier records, and compile and retain records of their activities for 5 years. Conferences desiring an exemption from the requirement that they retain an independent self-policing authority may petition FMC for an exemption. FMC estimates the one-time burden for each conference to amend its existing agreements to comply with this part will average 1 hour. FMC estimates that approximately 10 carriers will petition for an exemption with a one-time burden of 1 hour per request. The annual respondent burden for filing the semiannual self-policing reports is estimated to average 4 hours per respondent.

NUCLEAR REGULATORY COMMISSION

The NRC requests clearance of an extension without change of Form 482, Registration Certificate—Medical Use of Byproduct Material Under General License. 10 CFR 35.31 establishes a general license authorizing physicians to use certain quantities of byproduct material for specified diagnostic tests. Prior to using byproduct material under the general license the physician must file form 482 and receive from NRC a validated copy of form 482 with a registration number assigned. NRC estimates that respondents number approximately 200 annually and that respondent burden averages 5 minutes per application.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 78-30369 Filed 10-26-78; 8:45 am]

[6820-24-M]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-473]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense in conjunction with the Administrator of General Services to represent the interests of the executive agencies of the Federal Government in a proceeding before the Florida Public Service Commission involving the Florida Power & Light Co.'s surcharge for franchise fees.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Florida Public Service Commission involving the Florida Power & Light Co.'s surcharge for franchise fees.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of General Services.

DATED: OCTOBER 10, 1978.

[FR Doc. 78-30361 Filed 10-26-78; 8:45 am]

[6820-38-M]

[Federal Property Management Regs.; Temporary Reg. F-474]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense in conjunction with the Administrator of General Services to represent the interests of the executive agencies of the Federal Government in a rate-making proceeding before the Idaho Public Utilities Commission involving the Mountain States Telephone & Telegraph Co. (Idaho).

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense in conjunction with General Services Administration to represent the consumer interests of the executive agencies of the Federal Government before the Idaho Public Utilities Commission involving the application of Mountain States Telephone & Telegraph Co. (Idaho) for increased rates and charges.

b. The Secretary of Defense may redelegatge this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of General Services.

OCTOBER 10, 1978.

[FR Doc. 78-30363 Filed 10-26-78; 8:45 am]

[6820-38-M]

[Federal Property Management Regs.; Temporary Reg. F-475]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense in conjuection with the Administrator of General Services, to represent the interests of the executive agencies of the Federal Government in a rate-making proceeding before the South Carolina Public Service Commission involving the Southern Bell Telephone Co.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense in conjunction with the General Services Administration to represent the consumer interests of the executive agencies of the Federal Government before the South Carolina Public Service Commission involving the application of Southern Bell Telephone Co. for a general rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of General Services.

OCTOBER 10, 1978.

[FR Doc. 78-30362 Filed 10-26-78; 8:45 am]

[6820-28-M]

National Archives and Records Service

ARCHIVES ADVISORY COUNCIL

Meeting

Notice is hereby given that the National Archives Advisory Council will meet at the time and place indicated below. Anyone interested in attending, or who wishes additional information, should contact the person shown below.

NATIONAL ARCHIVES ADVISORY COUNCIL

Meeting Dates: November 30-December 2, 1978; November 30: 7 p.m. to 10 p.m.; December 1: 9 a.m. to 5 p.m.; December 2: 9 a.m. to adjournment.

Place: Room 410, National Archives and Records Service, 8th and Pennsylvania Avenue NW., Washington, D.C. 20408.

Agenda: Implementation of Preservation Report, Accessioning and Processing Priorities, and the National Historical Publications and Records Commission.

For further information contact: Robert Brookhart, General Services Administration (NS), Washington, D.C. 20408, 202-523-3013.

Issued in Washington, D.C., on October 17, 1978.

JAMES E. O'NEILL,
Deputy Archivist of the United States.

[FR Doc. 78-30364 Filed 10-26-78; 8:45 am]

[4110-86-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

TUBERCULOSIS THERAPY AND GONOCOCCAL INFECTIONS

Open Meetings

The following meetings will be convened by the Center for Disease Control and will be open to the public for observation and participation, limited only by the space available:

Meeting on Tuberculosis Therapy

Dates: November 7-8, 1978.

Time: 9 a.m.

Place: Room 165, Building 6, Center for Disease Control, 1600 Clifton Road NE., Atlanta, Ga. 30333.

Purpose: To review tuberculosis short-course therapy study data and discuss the need for and nature of additional data to be gathered.

Additional information may be obtained from: Dr. Dixie E. Snider, Jr., Chief, Research and Development Branch, Tuberculosis Control Division, Bureau of State Services, Center for Disease Control, Room 222, Building 6, 1600 Clifton Road NE., Atlanta, Ga. 30333, telephones: FTS: 236-3956; commercial: 404-329-3956.

Meeting on Gonococcal Infections

Dates: November 9-10, 1978.

Time: 8:10 a.m.

Place: Room 207, Building 1, Center for Disease Control, 1600 Clifton Road NE., Atlanta, Ga. 30333.

Purpose: To discuss Public Health Service-recommended treatment regimens for gonococcal infections.

Additional information may be obtained from: Dr. Ronald K. St. John, Deputy Director, Venereal Disease Control Division, Bureau of State Services, Center for Disease Control, Room 3043, Building 1, 1600 Clifton Road NE., Atlanta, Ga. 30333, telephones: FTS: 236-3935; commercial: 404-329-3935.

Dated: October 20, 1978.

WILLIAM C. WATSON, Jr.,
Acting Director, Center for Disease Control.

[FR Doc. 78-30430 Filed 10-26-78; 8:45 am]

[4110-03-M]

Food and Drug Administration

[Docket No. 77N-0091]

BACTERIAL VACCINES AND BACTERIAL ANTIGENS WITH NO U.S. STANDARD OF POTENCY

Revocation of Licenses and Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs is announcing revocations of licenses and a reclassification concerning bacterial vaccines and bacterial antigens with "No U.S. Standard of Potency" manufactured by six licensees. These actions result from manufacturers' response or failure to respond to an earlier notice of opportunity for a hearing.

EFFECTIVE DATE: October 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Joe Holloway, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, Md. 20014, 301-443-1306.

SUPPLEMENTARY INFORMATION: In a proposal published in the FEDERAL REGISTER of November 8, 1977 (42 FR 58266), the Commissioner announced his intention to revoke the license(s) for certain bacterial vaccines and bacterial antigens with "No U.S. Standard of Potency" classified as categories II and IIIB, under §§ 601.5(b) and 601.25(f) (21 CFR 601.5(b) and 601.25(f)), based on the recommendations of the panel on review of bacterial vaccines and bacterial antigens with "No U.S. Standard of Potency." The Commissioner agreed with the panel's recommendations and adopted them as the grounds for revocation.

THE PRODUCTS

After publication of the panel's report, a notice of opportunity for a hearing was published in the FEDERAL REGISTER of December 9, 1977 (42 FR 62162) on a proposal by the Commissioner to revoke categories II and IIIB product licenses as follows:

(1) Category II. Biological products determined to be unsafe or ineffective or to be misbranded and which should not continue in interstate commerce. Bacterial Vaccine Diagnostics and Bacterial Vaccine T-50 made from *Streptococcus pyogenes* type L-8 or by prescription (Hollister-Stier, Division of Cutter Laboratories, License No. 8).

(2) Category IIIB. Biological products for which available data are insufficient to classify their safety and effectiveness and which should not continue in interstate commerce. Mixed Respiratory Bacteria (Center Laboratories, Inc., License No. 193); Staphage Lysate (SPL), type I, and types I and III combined, for Staphylococcal Disease (Delmont Laboratories, Inc., License No. 299); Pooled Stock B.A.C. No. 1, Pooled Stock B.A.C. No. 2, Gram-Negative B.A.C. and Pooled Skin B.A.C. (Hoffmann Laboratories, Inc., License No. 283); Bacterial Vaccines for Treatment (Special Mixtures) (Hollister-Stier, Division of Cutter Laboratories, License No. 8); PIROMEN (Pseudomonas polysaccharide) (Travenol Laboratories, Inc., License No. 140); V-677 Streptococcus Vaccines (Intravenous) (Eli Lilly and Co., License No. 56).

ACTION

The manufacturers' responses to the notice of opportunity for a hearing concerning the above products and the Commissioner's action concerning their responses are as follows:

The following firms did not request a hearing concerning their products:

(1) Hollister-Stier, Division of Cutter Laboratories, Inc., for Bacterial Vaccine Diagnostics, Bacterial Vaccine T-50, and Bacterial Vaccines for Treatment (Special Mixtures);

(2) Center Laboratories, Inc., for Mixed Respiratory Bacteria;

(3) Travenol Laboratories, Inc., for PIROMEN (Pseudomonas polysaccharide); and

(4) Eli Lilly and Co., for V-677 Streptococcus Vaccines (Intravenous).

The Commissioner has received numerous letters from patients and doctors expressing concern over the recommendation to revoke the license for the manufacture of V-677, Streptococcus Vaccines (Intravenous). Most let-

ters provided testimonials in support of the effectiveness of the V-677 product for the treatment of arthritis. Some letters requested a formal hearing.

The Commissioner recognizes the concern and the sense of frustration some patients must feel regarding the proposed revocation. However, the law provides that the safety and effectiveness of biological drugs must be established by scientifically sound evidence. The expert panel evaluated all the bacterial vaccines, using the same criteria to establish safety and effectiveness. These standards are set forth in the regulation that established the biological review (see 21 CFR 601.25(d)). The data submitted by Eli Lilly and Co. did not satisfy the criteria, and the panel and the Commissioner concluded that V-677 should be removed from the market pending the results of scientific studies to establish its safety and effectiveness. In addition, the testimonials submitted by individuals do not satisfy the statutory standard and do not support approval of a biological drug (see *Weinberger* v. *Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609 (1973)).

Several persons who commented expressed a willingness to volunteer for testing of V-677. Persons who wish to participate in investigational new drug (IND) clinical trials of V-677 or who are otherwise interested in the availability of this product should contact manufacturers or other organizations concerning the possible submission of an IND for V-677 or similar products.

The Commissioner advises that a hearing may be requested only by a manufacturer whose license is the subject of the proposed revocation. If a hearing is requested by the manufacturer and granted, any person desiring to participate in the hearing may do so (see § 12.45 (21 CFR 12.45)). However, if a licensee is given the opportunity to request a hearing but fails to demonstrate an interest in continuing to market the product by not requesting a hearing or submitting data, there is no hearing in which to participate. The December notice provides that the failure of a licensee to request a hearing constitutes an election not to avail itself of the opportunity. Under the biologics law, section 351 of the Public Health Service Act (42 U.S.C. 262), no product can be lawfully marketed except by a person holding an unrevoked license. Although anyone can apply for licensure, patients and/or doctors cannot compel a licensee to continue to produce or to take any particular action to protect its license. For this reason, the Commissioner is obliged to deny requests for a hearing from patients.

Further response to comments concerning V-677 and other products reviewed by the panel on Review of Bacterial Vaccines and Bacterial Antigens with "No U.S. Standard of Potency" will be included in the final order soon to be published, respecting the November 8, 1977 proposal.

The following firms requested hearings:

(1) Hoffmann Laboratories requested a hearing and presented data concerning its Bacterial Antigen Complexes, License No. 283. However, Hoffmann Laboratories subsequently requested that its establishment license and product licenses to manufacture the six Bacterial Antigen Complexes reviewed by the panel and four other products not reviewed by the panel be revoked. The request for license revocation constitutes a withdrawal of the request for a hearing, and consideration of the data is unnecessary.

(2) Delmont Laboratories, Inc., requested a hearing and submitted data and information in support of its Staphage Lysate (SPL) type I, and types I and III combined, License No. 299. The Commissioner concludes that these data would not only justify a hearing but are adequate to justify reclassification at this time. The Commissioner finds that the potential benefits outweigh the potential risk in use of the product. Therefore, Staphage Lysate (SPL) type I, and types I and III combined, for Staphylococcal Disease (bacterial antigen made from staphylococcus) are reclassified from category IIIB to category IIIA (biological products for which available data are insuffient to classify their safety and effectiveness but which may remain in interstate commerce pending completion of testing). Because no hearing is necessary for a category IIIA product, the December notice is withdrawn for the product.

Accordingly, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)); §§ 314.200, 601.5(b), and 601.25(f) and (g) (21 CFR 314.200, 601.5(b), and 601.25(f) and (g)); the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040-1042 as amended, 1050-1053 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), the following product licenses are revoked:

(a) Hollister-Stier, Division of Cutter Laboratories, for the manufacture of Bacterial Vaccine Diagnostics (bacterial vaccines for diagnostic use containing (1) *Aerobacter aerogenes*, (2) *Corynebacterium pseudodiphthe-riticum*, (3) *Diplococcus pneumoniae*, mixed, (4) *Escherichia coli*, (5) *Gaffkya tetragena*, (6) *Hemophilus influenzae*, (7) *Hemophilus pertussis*, (8) *Klebsiella pneumoniae*, (9) *Neisseria catarrhalis*, (10) *Proteus vulgaris*, (11) *Pseudomonas aeruginosa*, (12) *Salmonella enteritidis*, (13) *Salmonella paratyphi*, (14) *Salmonella schottmulleri*, (15) *Salmonella typhosa*, (16) *Shigella dysenteriae*, (17) *Shigella flexneri*, (18) *Streptococcus fecalis, pyogenese, viridans*, and *nonhemolyticus*, (19) *Staphylococcus albus*, and (20) *Staphylococcus aureus*), License No. 8; Bacterial Vaccines for Treatment (Special Mixtures containing one or more of the following organisms: (1) *Aerobacter aerogenes*, (2) *Corynebacterium pseudodiphthe-riticum*, (3) *Corynebacterium (propionibacterium) acnes*, (4) *Corynebacterium xerosis*, (5) *Escherichia coli*, (6) *Gaffkya tetragena*, (7) *Hemophilus pertussis*, (8) *Proteus vulgaris*, (9) *Pseudomonas aeruginosa*, (10) *Salmonella enteritidis* (this organism was inadvertently omitted when the notice of opportunity for a hearing was published), (11) *Shigella paradysenteriae* (Type Y), (12) *Salmonella paratyphi*, (13) *Salmonella schottmiilleri*, (14) *Salmonella typhosa*, (15) *Shigella dysenteriae*, (16) *Shigella flexneri*, and (17) *Streptococcus fecalis* (*Staphylococcus albus* and *aureus* were incorrectly listed for this product when the proposal and the notice of opportunity for a hearing were published)), License No. 8; Bacterial Vaccine T-50 (made from *Streptococcus pyogenes* type L-8 or by prescription), License No. 8;

(b) Center Laboratories, Inc., for the manufacture of Mixed Respiratory Bacteria (made from (1) *Staphylococcus aureus* and *albus*, (2) *Streptococcus mitis* and *salivarius*, (3) *Streptococcus pyogenes*, Group A, (4) *Diplococcus pneumoniae*, I, II, and III, (5) *Klebsiella pneumoniae*, two strains, (6) *Neisseria catarrhalis*) License No. 193;

(c) Eli Lilly and Co., for the manufacture of V-677 Streptococcus Vaccines (Intravenous), License No. 56;

(d) Travenol Laboratories, Inc., for the manufacturte of PIROMEN (Pseudomonas polysaccharide), License No. 140; and

(e) Hoffmann Laboratories, Inc., for the manufacture of Pooled Stock B.A.C. No. 1 (bacterial antigens made from (1) *Diplococcus pneumoniae*, (2) Streptococcus species, (3) Staphylococcus species, (4) *Neisseria catarrhalis*, (5) *Escherichia coli*, (6) *Hemophilus influenzae*), Pooled Stock B.A.C. No. 2 (bacterial antigens made from (1) *Diplococcus pneumoniae*, (2) *Klebsiella pneumoniae*, (3) Streptococcus species, (4) *Pseudomonas aeruginosa*, (5) *Escherichia coli*, and (6) *Aerobacter aerogenes*) and Gram-negative B.A.C. (bacterial antigens made from (1) *Pseudomonas aeruginosa*, (2) *Escherichia coli*, (3) *Aerobacter aerogenes*), Pooled Skin B.A.C. (bacterial antigens made from (1) Staphylococcus species and (2) *Proteus vulgaris*), License No. 283.

Shipment in interstate commerce by the manufacturer of a product after the effective date of revocation constitutes a violation of the Public Health Service Act. The Commissioner advises that those products for which licenses are herein revoked do not constitute a danger to public health and those lots that have already been sold and delivered may be resold through their expiration dates.

All data and information not prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, that have been used by the Commissioner in reaching this decision, may be seen in the office of the Hearing Clerk between 9 a.m. and 4. p.m., Monday through Friday.

Effective date. These actions are effective October 27, 1978.

Dated: October 19, 1978.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc. 78-30350 Filed 10-26-78; 8:45 am]

[4110-03-M]

[Docket No. 78N-0378]

GRAS SAFETY REVIEW OF MANGANESE SALTS

Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: In response to several requests, the Food and Drug Administration (FDA) announces a public hearing concerning the safety of manganese salts. The hearing will enable those parties who have so requested to present data, information, and views as part of the agency's review to determine whether the salts are generally recognized as safe (GRAS) or subject to a prior sanction.

DATE: The hearing will be held November 6, 1978.

ADDRESS: The hearing will be held in the Lee Building, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, Md. 20014.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-4750; or

George W. Irving, Jr., Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, Md. 20014, 301-530-7033.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of April 21, 1978 (43 FR 17055), the Commissioner of Food and Drugs issued a notice advising the public that an opportunity would be provided for the oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereafter referred to as the Select Committee), concerning the safety of manganese salts and silicates and the Select Committee's tentative determination of whether or not they are GRAS or subject to a prior sanction.

A written statement on silicates was submitted by the PQ Corp., P.O. Box 258, Lafayette Hill, Pa. 19444, in lieu of an oral presentation at a public hearing. No requests for a public hearing were received. Accordingly, no hearing will be held on silicates.

The Select Committee received requests for a public hearing on manganese salts from the American Feed Manufacturers Association, Inc., 1701 North Fort Myer Drive, Arlington, Va. 22209; Southeastern Minerals, Inc., Bainbridge, Ga. 31717; and Chemetals Corp., 711 Pittman Road, Baltimore, Md. 21226 (formerly a division of Diamond Shamrock Corp., 1110 Superior Avenue, Cleveland, Ohio 44114). No other requests were received for a hearing on manganese salts.

Under the procedures set forth in the April 21, 1978, notice, announcement is hereby made that a hearing on manganese salts will be held at 9 a.m., on November 6, 1978, in the Lee Building, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, Md. 20014. Those who have requested to make oral presentations will be expected to complete their presentations within the period indicated and in accordance with the following schedule:

1. American Feed Manufacturers Association, Inc., and Southeastern Minerals, Inc.: Mr. L. H. Boyd and/or A. Poitevint will make a joint presentation for both corporations—30 minutes.

2. Chemetals Corp.: Dr. Dennis DeCraene—15 minutes.

The hearing will be chaired by a member of the Select Committee and will be transcribed by a reporting service. A transcript of the hearing will be placed on public display in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

Dated: October 23, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 78-30353 Filed 10-26-78; 8:45 am]

[4110-03-M]

[Docket No. 78M-0260]

LOMBART LENSES LTD.

Premarket Approval of Amsof Soft Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Amsof (deltafilicon A) Soft Contact Lens sponsored by Lombart Lenses Ltd. After reviewing the Ophthalmology Device Classification Panel's recommendation, FDA notifed the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by November 27, 1978.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be addressed to the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Keith Lusted, Bureau of Medical Devices (HFK-402), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: The sponsor, Lombart Lenses Ltd., Norfolk, Va. 23501, submitted an application for premarket approval of the Amsof (deltafilicon A) Soft Contact Lens to FDA on April 6, 1977. The application was reviewed by the Ophthalmology Device Classification Panel, an FDA advisory committee, which recommended approval of the application. On June 30, 1978, FDA approved the application by a letter to the sponsor from the Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments), soft contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)), soft contact lenses are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the FEDERAL REGISTER of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to assure continuation of premarket

approval requirements for class III devices formerly regarded as new drugs.

A detailed summary of the information on which the agency's approval is based is available upon request from the Hearing Clerk (address above). Requests should be identified with the name of the device and the Hearing Clerk docket number found in brackets in the heading of this document.

OPPORTUNITY FOR ADMINISTRATIVE REVIEW

Section 515(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(g)) authorizes any interested person to petition for administrative review of the FDA decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR Part 12) of the FDA administrative practices and procedures regulations or a review of the application and the agency's action by an independent advisory committee of experts. A petition shall be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petition shall designate the form of review that the petitioner requests (hearing or independent advisory committee) and shall be accompanied by supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing any petition, FDA will decide whether to grant or deny the petition by a notice published in the FEDERAL REGISTER. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may at any time on or before November 27, 1978, file with the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, four copies of each petition and supporting data and information, identified with the name of the device and the Hearing Clerk docket number found in brackets in the heading of this document. Received petitions may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 17, 1978.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc. 78-29980 Filed 10-26-78; 8:45 am]

[4110-03-M]

[Docket Nos. 77N-0295 through 77N-0299]

SKIN TEST ANTIGENS

Revocations of Licenses, Reclassifications, and Withdrawal of Notice of Opportunity for Hearings

AGENCY: Food and Drug Administration.

ACTION: Notice

SUMMARY: The Commissioner of Food and Drugs announces revocations of licenses, reclassification decisions, and a withdrawal of a notice of opportunity for hearing concerning skin test antigen products manufactured by three licensees. These actions result from manufacturers' responses to an earlier notice of opportunity for hearing.

EFFECTIVE DATE: October 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael L. Hooton, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, Md. 20014, 301-443-1306.

SUPPLEMENTARY INFORMATION: In a proposal published in the FEDERAL REGISTER of September 30, 1977 (42 FR 52674), the Commissioner announced his intention to revoke under §§ 601.5(b) and 601.25(f) (21 CFR 601.5(b) and 601.25(f)) the license(s) for skin test antigens classified as categories II and IIIB, based upon the recommendation of the Panel on Review of Skin Test Antigens (the Panel). The Commissioner agreed with the Panel's recommendation and adopted it as the ground for revocation. Two skin test antigens were placed in catetory II (products found unsafe, ineffective, or misbranded that should not continue to be distributed in interstate commerce), and 10 skin test antigens were placed in category IIIB (products for which available data are insufficient to classify their safety and effectiveness and which should not continue to be distributed in interstate commerce during the development of such data, if any).

The Commissioner found no need to implement license revocation proceedings for the 2 products listed in category II and for 2 of the 10 products listed in category IIIB because, at the request of the licensees, the product licenses in question were revoked before publication of a notice of opportunity for hearing.

THE PRODUCTS

After publication of the Panel's report, a notice of opportunity for hearing was published in the FEDERAL REGISTER of October 28, 1977 (42 FR 56800) on a proposal by the Commissioner to revoke the following remaining eight category IIIB licenses:

Diphtheria Toxin for Schick Test and Tuberculin, Old (Parke, Davis & Co. (docket No. 77N-0295)) and Lymphogranuloma Venereum Antigen (E. R. Squibb & Sons, Inc. (docket No. 77N-0296)), on the grounds that available data are insufficient to classify their safety and effectiveness (§ 601.25(f)(3)) and that the manufacture of these products has been discontinued to the extent that a meaningful inspection cannot be made (§§ 601.25(f)(3) and 601.5(b)(2)); and Mumps Skin Test Antigen (Eli Lilly & Co. (docket No. 77N-0297)), Schick Test Control and Diphtheria Toxin for Schick Test (Texas Department of Health Resources (docket No. 77N-0298)), Tuberculin, Old (Eli Lilly & Co. (docket No. 77N-0297)), and Tuberculin, Old (Massachusetts Public Health Biologics Laboratories (docket No. 77N-0299)), on the ground that available data are insufficient to classify their safety and effectiveness (§ 601.25(f)(3)).

After publication of the notice of opportunity for hearing, product licenses for Diphtheria Toxin for Schick Test and Tuberculin, Old (Parke, Davis & Co.), and Tuberculin, Old (Massachusetts Public Health Biologics Laboratories), were revoked at the request of the manufacturers.

ACTIONS

The manufacturers' responses to the notice of opportunity for hearing concerning the remaining five products and the Commissioner's actions concerning their responses are as follows:

Eli Lilly & Co., Greenfield Laboratories, Box 708, Greenfield, Ind. 46140, did not request a hearing for Tuberculin, Old. This licensee did request a hearing for Mumps Skin Test Antigen and submitted data in support of its request.

E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903, did not request a hearing for Lymphogranuloma Venereum Antigen.

Under the notice of opportunity for hearing, a licensee's failure to request a hearing constitutes a waiver of the opportunity for hearing and of any contentions concerning the legal status of the product at issue. The notice also stipulated that a request could not rest on allegations but must set forth "specific facts showing that there is a genuine and substantial issue of fact" requiring a hearing. If no such facts are presented, "the Commissioner will enter summary judgment against the licensee."

Accordingly, under section 351 of the Public Health Service Act (42 U.S.C. 262), §§ 314.200 (21 CFR

314.200), 601.5(b), and 601.25 (f) and (g), and the authority delegated to him (21 CFR 5.1), the Commissioner revokes the product license issued to: (1) Eli Lilly & Co., for the manufacture of Tuberculin, Old, and (2) E. R. Squibb & Sons, Inc., for the manufacture of Lymphogranuloma Venereum Antigen. The Commissioner advises that Tuberculin, Old does not constitute a danger to public health and those lots that have already been sold and delivered by Eli Lilly & Co. may be resold through their expiration dates. E. R. Squibb & Sons, Inc. has discontinued manufacture of Lymphogranuloma Venereum Antigen. The last lot of manufactured Lymphogranuloma Venereum Antigen has passed its expiration date and that product is no longer available.

The Commissioner finds that Mumps Skin Test Antigen manufactured by Eli Lilly & Co. is misbranded for its current labeled use in detecting immunity to mumps. However, the Panel noted the widespread use and apparent value of the product for the purpose of ascertaining immunocompetence and recommended that additional data be submitted to demonstrate the product's safety and effectiveness for this use. Eli Lilly & Co. has submitted data in support of use for testing immunocompetence. The Commissioner has reviewed the data and finds that they justify permitting the product to remain on the market pending the development of additional data, assuming that, within 30 days from the date of this notice, Eli Lilly & Co. submits a license amendment incorporating the recent data and proposing labeling changes consistent with the new indication for use, and submits a commitment to undertake additional studies as required by § 601.25(h)(1) (21 CFR 601.25(h)(1)). Therefore, the Commissioner will hold in abeyance a ruling on Eli Lilly & Co.'s request for a hearing. If an amendment is submitted and approved, no hearing will be necessary.

In its response to the notice, Texas Department of Health Resources, 1100 West 49th Street, Austin, Tex. 75201, stated that it had modified the manufacturing procedures for Schick Test Control and Diphtheria Toxin for Schick Test, submitted new data to justify reclassification, and requested a hearing. The Commissioner finds that the data and manufacturing information justify reclassification of both products into category IIIA. Therefore, no hearing is necessary and the Commissioner withdraws the notice of opportunity for hearing Concerning Texas Department of Health Resources. Schick Test Control and Diphtheria Toxin for Schick Test, manufactured by Texas Department of Health Resources, are reclassified from category IIIB into category IIIA.

All data and information used by the Commissioner in reaching the decisions concerning Eli Lilly & Co. and Texas Department of Health Resources and not prohibited from public disclosure under section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)) or 18 U.S.C. 1905 may be seen in the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date: These actions are effective October 27, 1978.

Dated: October 19, 1978.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc. 30349 Filed 10-26-78; 8:45 am]

[4110-03-M]

[Docket No. 78M-0259]

WARNER-LAMBERT CO.

Premarket Appoval of Softcon Corrective Hydrophilic Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Softcon (vifilicon A) Corrective Hydrophilic Contact Lens sponsored by Warner-Lambert Co. After reviewing the Ophthalmology Device Classification Panel's recommendation, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by November 27, 1978.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be addressed to the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Keith Lusted, Bureau of Medical Devices (HFK-402), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: The sponsor, Warner-Lambert Co., Morris Plains, N.J. 07950, submitted a new drug application (NDA 17-554) for the Softcon (vifilicon A) Corrective Hydrophilic Contact Lens to FDA on December 18, 1973. The application called for a lens disinfection regimen that FDA considered unacceptable. On October 26, 1977, the sponsor resubmitted the application, which included a provision for use of a chemical disinfection system approved by FDA and marketed for use with other lenses. The resubmitted application was reviewed by the Ophthalmology Device Classification Panel, an FDA advisory committee, which recommended approval of the application. On June 30, 1978, FDA approved the application by a letter to the sponsor from the Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments), soft contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)), soft contact lenses are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the FEDERAL REGISTER of December 16, 1977 (42 FR 63472), the amendment provide transitional provisions to assure continuation of premarket approval requirements for class III devices formerly regarded as new drugs.

A detailed summary of the information on which FDA's approval is based is available upon request from the hearing clerk (address above). Requests should be identified with the name of the device and the hearing clerk docket number found in brackets in the heading of this document.

OPPORTUNITY FOR ADMINISTRATIVE REVIEW

Section 515(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(g)) authorizes any interested person to petition for administrative review of the FDA decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR Part 12) of the FDA administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition shall be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petition shall designate the form of review that the petitioner requests (hearing or independent advisory committee) and shall be accompanied by supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing any petition, FDA will decide whether to grant or

deny the petition by a notice published in the FEDERAL REGISTER. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may at any time on or before November 27, 1978, file with the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, four copies of each petition and supporting data and information, identified with the name of the device and the hearing clerk docket number found in brackets in the heading of this document. Received petitions may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 17, 1978.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc. 78-29981 Filed 10-26-78; 8:45 am]

[4410-24-M]

Office of Education

TITLE I, ELEMENTARY AND SECONDARY EDUCATION ACT

Interpretation

AGENCY: Office of Education, HEW.

ACTION: Interpretation of Title I, ESEA requirements for the establishment of parent advisory councils and the selection of their members.

SUMMARY: The Commissioner of Education is issuing this interpretation to clarify the requirements for "parent advisory councils" under Title I of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 241e(a)(14)). This interpretation clarifies the responsibilities of the participating local educational agencies to establish advisory councils and the rights of parents to select the advisory council members. While the Education Amendments of 1978 include some new provisions concerning parent advisory councils, those provisions do not conflict with the basic principle (as stated in this interpretation) that local educational agencies may not impose any restrictions on the authority of eligible parents to select advisory council members other than those restrictions contained in the Title I statute and regulation.

EFFECTIVE DATE: This interpretation is expected to take effect 45 days after it is transmitted to Congress. Interpretations are transmitted to Congress several days before they are published in the FEDERAL REGISTER. However, the effective date is changed by statute if Congress disapproves the interpretation or takes certain types of adjournments. If you want to know the exact effective date of this interpretation, call or write Dr. John F. Staehle at the address provided below.

In conducting the next parent advisory selections, local educational agencies must ensure that all persons serving as parent advisory council members are selected in a manner that is fully consistent with this intepretation. In the interim, if any present member of a parent advisory council was selected through a process that was inconsistent with this interpretation, the local educational agency must (within a reasonable period of time) hold a special selection to correct the inconsistency. Such a special selection must give all persons who were improperly excluded from consideration for selection as council members an opportunity to be considered for selection. In any event, all persons who are serving as parent advisory council members during fiscal year 1980 must have been selected in a manner that is fully consistent with this interpretation.

FOR FURTHER INFORMATION CONTACT:

Dr. John F. Staehle, Division of Education for the Disadvantaged, U.S. Office of Education, 400 Maryland Avenue SW. (Room 3642C, ROB-3), Washington, D.C. 20202, telephone 202-245-2720.

BACKGROUND

In general, local educational agencies receive grants under Title I to support programs that contribute particularly to meeting the special educational needs of educationally deprived children in school attendance areas with high concentrations of children from low-income families. The Commissioner makes payments to State educational agencies according to a formula based upon the number of low-income children living in the school districts of each State. Local educational agencies then apply to the State for Title I grants. A participating State educational agency must provide an assurance to the Commissioner that it will approve only those Title I projects that meet the Title I requirements and that Title I obligations will be enforced. One of those requirements is that the local educational agency must establish a districtwide Title I advisory council and, in most cases, advisory councils in each of the schools that serve an attendance area that has been designated as a Title I project area.

Under Section 141(a)(14) of the Title I statute (20 U.S.C. 241e(a)(14)) each of these advisory councils:

(A) has as a majority of its members parents of the children to be served, (B) is composed of members selected by the parents in each school attendance area, (C) has been given the responsibility by such agency for advising it in the planning for, and the implementation and evaluation of, such programs and projects, and (D) is provided by such agency in accordance with regulations of the Commissioner, with access to appropriate information concerning such program and projects.

Under § 116a.25(d) of the Title I regulation (45 CFR 116a.25(d)), the local educational agency is responsible for establishing appropriate procedures for the nomination and selection of parents and other persons for service on advisory councils. It states:

(d) Procedure for selection. The local educational agency, after consultation with the district advisory council, shall establish appropriate procedures for the nomination and selection of parents eligible under paragraph (c) and other persons for service on district, intermediate and school advisory councils. Such procedures shall include provision for affording timely and adequate notice to the parents and the general public in the agency's school district (or in the appropriate school attendance area in the case of a school council) of the time, place, and method whereby such selection would be made. The local educational agency shall take appropriate measures, such as the publication of the notice in a language other than English, to insure that adequate notice is provided for parents in an area where the dominant language is other than English. Upon the selection of members of the council, the names of all members of such council shall be made available to the public through appropriate notices and continue to be available upon request. Members of an advisory council shall be residents of the school district, and members of a school council shall reside in the attendance area of that school.

In some cases, local educational agencies have gone beyond their procedural responsibilities and have imposed unauthorized qualifications for advisory council membership. The only authorized limitations on eligibility for advisory council membership are that: (1) a majority of each council's members be parents of the children to be served (20 U.S.C. 241e (a)(14)(A)); and (2) the members of each district advisory council must be residents of the school district and the members of each school advisory council must reside in the attendance area of the school (45 CFR 116a.25(d)). The absence of any other restrictions on council membership is in keeping with the basic statutory requirement, in 20 U.S.C. 241e(a)(14)(B), that the members of councils be "* * * selected by the parents in each school attendance area * * *." This requirement clearly prohibits selection by any other methods, such as appointment by a local educational agency.

The Commissioner is providing the following interpretation in response to

numerous inquiries about the responsibilities of local educational agencies to establish advisory councils and the rights of parents to select the advisory council members. The need for guidance on these matters also became apparent during the course of litigation in *Alexander* v. *Califano*, No. C-76-1982-WWS (N.D. Calif.).

INTERPRETATION

The Commissioner issues the following interpretation:

The statutory and regulatory responsibility to establish advisory councils does not give local educational agencies the right to limit the freedom of eligible parents to select the advisory councils members, except by requiring that the majority of members of each council be parents of the children to be served and that the members of each district advisory council must be residents of the school district and the members of each school advisory council must reside in the attendance area of the school. The Title I statute and regulation do not authorize any other restrictions on the rights of eligible parents in Title I project areas to select the members of their advisory councils. For example, local educational agencies are not authorized to restrict the number of terms individual parents may serve, to prevent a husband and wife from serving on the same council, or to prevent school employees who are otherwise qualified from being selected as members of councils. In keeping with the unrestricted choice of parents to choose their council members, those same council members must not be restricted in their choice of officers.

(20 U.S.C. 241e(a)(14).)

(Catalog of Federal Domestic Assistance No. 13.428 Educationally Deprived Children-Local Educational Agencies.)

Dated: October 23, 1978.

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

[FR Doc. 78-30466 Filed 10-26-78; 8:45 am]

[4110-83-M]

Health Resources Administration

COOPERATIVE HEALTH STATISTICS ADVISORY COMMITTEE

Filing of Annual Reports of Federal Advisory Committees

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the annual report for the following Health Resource Administration Federal Advisory Committee has been filed with the Library of Congress: Cooperative Health Statistics Advisory Committee.

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue SW., Washington, D.C. 20201, telephone 202-245-6791. Copies may be obtained from Mr. James A. Smith, National Center for Health Statistics, Room 2-12, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-7122.

Dated: October 20, 1978.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc. 78-30429 Filed 10-26-78; 8:45 am]

[4110-07-M]

Social Security Administration

ADVISORY COUNCIL ON SOCIAL SECURITY

Public Meetings

AGENCY: Advisory Council on Social Security, HEW.

ACTION: Notice is hereby given, pursuant to Pub. L. 92-463, that the Advisory Council on Social Security, established pursuant to section 706 of the Social Security Act, as amended, will meet on Monday, November 20, 1978, from 9 a.m. to 5 p.m. in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C.

There will be a meeting of the Advisory Council's panel of actuaries and economists on Tuesday, November 21, 1978, from 9 a.m. to 12 p.m. in Room 507A, Hubert H. Humphrey Building. The panel will continue its review of the economic and actuarial assumptions used in social security cost projections.

These meetings are open to the public.

Individuals and groups who wish to have their interest in the social security program taken into account by the Council may submit written comments, views, or suggestions to Mr. Lawrence H. Thompson.

FOR FURTHER INFORMATION CONTACT:

Mr. Lawrence H. Thompson, Executive Director of the Advisory Council, P.O. Box 17054, Baltimore, Md. 21235. Telephone inquiries should be directed to Mr. Edward F. Moore, telephone 301-594-3171.

(Catalog of Federal Domestic Assistance Program Nos. 13.800-13.807, Social Security Program.)

LAWRENCE H. THOMPSON,
Executive Director, Advisory Council on Social Security.

[FR Dec. 78-30465 Filed 10-26-78; 8:45 am]

[4110-08-M]

National Institutes of Health

BIOASSAY OF ALLYL CHLORIDE FOR POSSIBLE CARCINOGENICITY

Availability of Report

Allyl chloride (CAS 107-05-1) has been tested for cancer-causing activity with rats and mice in the Bioassay 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 allyl chloride (3-chloropropene) was conducted using Osborne-Mendel rats and B6C3F1 mice. Applications of the chemical include use as an intermediate in the synthesis of other chemicals. Allyl chloride in corn oil was administered by gavage to two groups of each species for 5 days a week for 78 weeks, followed by observation periods of 30 to 33 weeks for the rats and 14 weeks for the mice.

Under the conditions of this bioassay no convincing evidence was presented for the carcinogenicity of allyl chloride in Osborne-Mendel rats of either sex. The results are suggestive that allyl chloride is carcinogenic in male and female B6C3F1 mice since the compound, when administered by gavage, caused a low incidence of neoplastic and nonneoplastic lesions of the forestomach.

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: October 17, 1978.

DONALD S. FREDRICKSON,
Director, National Institutes of Health.

[FR Doc. 78-30056 Filed 10-26-78; 8:45 am]

[4110-08-M]

BIOASSAY OF CUPFERRON FOR POSSIBLE CARCINOGENICITY

Availability of Report

Cupferron (CAS 135-20-6) has been tested for cancer-causing activity with rats and mice in the Bioassay Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of cupferron for possible carcinogenicity was conducted using Fischer 344 rats and B6C3F1 mice. Applications of the chemical include use as an analytical reagent. Cupferron was administered in the feed, at either of two concentrations, to groups of 49 or 50 male and 50 female animals of each species.

Under the conditions of this bioassay cupferron was carcinogenic in Fischer 344 rats, causing hemangiosarcomas, hepatocellular carcinomas, and squamous-cell carcinomas of the forestomach in males and females as well as carcinomas of the auditory sebaceous gland in females. The chemical was also carcinogenic in B6C3F1 mice, causing hemangiosarcomas in males and hepatocellular carcinomas, carcinomas of the auditory sebaceous gland, a combination of hemangiosarcomas and hemangiomas, and adenomas of the Harderian gland in females.

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: October 17, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc. 78-30055 Filed 10-26-78; 8:45 am]

[4110-08-M]

BIOASSAY OF FORMULATED FENAMINOSULF FOR POSSIBLE CARCINOGENICITY

Availability of Report

Formulated fenaminosulf (CAS140-56-7) has been tested for cancer-causing activity with rats and mice in the Bioassay Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of formulated fenaminosulf for possible carcinogenicity was conducted using Fischer 344 rats and B6C3F1 mice. Applications of the chemical include use as a fungicide. Fenaminosulf was administered in the feed, at either of two concentrations, to groups of 50 male and 50 female animals of each species.

Under the conditions of this bioassay, dietary administration of formulated fenaminosulf was not carcinogenic in either Fischer 344 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.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

Dated: October 17, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc.78-30057 Filed 10-26-78; 8:45 am]

[4110-08-M]

BIOASSAY OF 1-PHENYL-2-THIOUREA FOR POSSIBLE CARCINOGENICITY

Availability of Report

1-Phenyl-2-thiourea (CAS 103-85-5) has been tested for cancer-causing activity with rats and mice in the Bioassay Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of 1-phenyl-2-thiourea for possible carcinogenicity was conducted using Fischer 344 rats and B6C3F1 mice. Applications of the chemical include limited use as a rat killer and use in research for testing the sense of taste. 1-Phenyl-2-thiourea was administered in the feed, at either of two concentrations, to groups of 50 male and 50 female animals of each species.

Under the conditions of this bioassay, 1-phenyl-2-thiourea was not carcinogenic to Fischer 344 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.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

Dated: October 17, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

FR Doc. 78-30054 Filed 10-26-78; 8:45 am]

[4310-70-M]

DEPARTMENT OF THE INTERIOR

National Park Service

MOUNT RUSHMORE NATIONAL MEMORIAL, S. DAK.

Environmental Review for the Draft General Management Plan, Negative Declaration

In compliance with the National Environmental Policy Act of 1969, the National Park Service has prepared an environmental review based on an assessment of the alternatives for the General Management Plan for Mount Rushmore National Memorial, S. Dak. On the basis of the environmental review, the National Park Service has concluded that an environmental impact statement is not needed.

The environmental assessment and review are on file and available for inspection upon request at the Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colo. 80225, and at the Superintendent's Office, Mount Rushmore National Memorial, Keystone, S. Dak. 57751, for 30 days from the date of this notice. The assessment considers the nature of the resources, available alternatives, their impacts, mitigating values, adverse effects, a brief description of the alternative selected as the proposed action, and additional considerations that provide a basis for the conclusion that an environmental statement is not needed.

Anyone desiring to comment on the proposed action, the environmental assessment, or the environmental review should put the comments in writing and send them to the Regional Director at the above address during the 30-day review period.

The National Park Service intends to proceed with the draft general management plan at the end of the 30-day review period.

Dated: September 25, 1978.

JAMES B. THOMPSON,
Acting Regional Director,
Rocky Mountain Region.

[FR Doc. 78-30346 Filed 10-26-78; 8:45 am]

[4310-70-M]

CAPE HATTERAS NATIONAL SEASHORE

Special Use Permit Applications

PUBLIC HEARINGS TO BE HELD BY CAPE HATTERAS ELECTRIC MEMBERSHIP CORPORATION REGARDING APPLICATION FOR SPECIAL USE PERMIT FOR POWER TRANSMISSION LINE UPGRADING.

An environmental assessment examining the impacts of a proposal to upgrade the power transmission capability of the Cape Hatteras Electric Membership Corp. is available for inspec-

tion at the corporation's business office located ½ mile off N.C. 12 in Buxton, N.C. Interested persons also may receive a mailed synopsis of the proposal by writing or phoning Mr. Zane L. Gray, Manager, Cape Hatteras Electric Membership Corp., Buxton, N.C. 27920, telephone 919-995-2331. In addition, public hearings have been scheduled by the Cape Hatteras Electric Membership Corp. for the Federal Courtroom, Post Office Building, Second and Market Streets, Washington, N.C. on Wednesday, November 8 at 10 a.m. and for the Marine Resources Center, Roanoke Island, Manteo, N.C. on Thursday, November 9 at 10 a.m.

The corporation's description of the proposal is as follows:

The Cape Hatteras Electric Membership Corp. proposes to upgrade 15.9 miles of 34.5 kilovolt transmission line to 115 kilovolt transmission line. The proposed facilities include the construction of 2.5 miles of single concrete pole and foundation transmission line towers extending from the existing meter point with Virginia Electric and Power Co. on the north side of Oregon Inlet, across Oregon Inlet and along a path parallel to, and 500 feet west of, the Herbert C. Bonner Bridge.

The proposed facilities also include the upgrading of 13.4 miles of existing transmission line extending from the south side of Oregon Inlet to the Village of Rodanthe by adding new poles adjacent to existing poles and converting the pole top assemblies to enable the transmission of higher voltage.

The Cape Hatteras Electric Membership Corp. also proposes, by 1985, to upgrade the existing 23 miles of 34.5 kilovolt transmission line from Rodanthe to Buxton to 115 kilovolt capacity and, by 1987, to convert the existing take-off and metering structure on Bodie Island (north of Oregon Inlet) and the substations at Rodanthe, Avon and Buxton to 115 kilovolt capacity.

The corporation has asked the National Park Service for a Special Use Permit because some of the proposed upgrading would occur within the boundaries of Cape Hatteras National Seashore. The National Park Service has advised Cape Hatteras Electric Membership Corp. that the Service will not consider the application for a permit until the public has a chance to comment and until the National Park Service has thoroughly reviewed those comments.

Written and oral comment will be solicited at the hearings and, in addition, written comments will be received at the Cape Hatterras Electric Membership Corp. business office for 30 days following the last hearing. Persons wishing to testify at the hearings do not have to contact the hearing officer in advance. Duplicate written comments may be sent to the National Park Service, if this is desired. The address is: Superintendent, Cape Hatteras National Seashore, Manteo, N.C. 27954, telephone 919-473-2111.

Dated: October 17, 1978.

NEAL G. GUSE, Jr.,
Acting Regional Director,
Southeast Region

[FR Doc. 78-30347 Filed 10-26-78; 8:45 am]

[4510-29-M]
[4830-01-M]

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Proposed Exemption for Certain Transactions Involving Pension Trust Fund for Operating Engineers (Local 3) (Application No. D-729)

AGENCIES: Department of Labor, Department of the Treasury/Internal Revenue Service.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor and the Internal Revenue Service (the Agencies) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the purchase of lots pursuant to purchase-money financing, and long-term mortgage financing of improved real estate in the Rancho Murieta planned unit development, which transactions between the Pension Trust Fund for Operating Engineers (the Plan) or Rancho Murieta Properties Inc. (RMPI) and other persons otherwise would be prohibited because of provisions of the Act and the Code. The proposed exemption, if granted, would affect participants and beneficiaries of the Plan, RMPI, and any other person participating in the transactions.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before November 27, 1978.

ADDRESS: All written comments and requests for a hearing (at least six copies) should be sent to Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D-729. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216, and at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Stephen Elkins of the Department of Labor, 202-523-8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Agencies of a proposed exemption from the restrictions of section 406(a)(1) and section 406(b)(2) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(A), 4975(c)(1)(B), 4975(c)(1)(C), and 4975(c)(1)(D) of the Code. The proposed exemption was requested in an application filed by the trustees of the Plan, pursuant to section 404(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722.

SUMMARY OF FACTS AND REPRESENTATIONS

The Plan is a multiemployer pension benefit plan for members of Local Union No. 3 of the International Union of Operating Engineers (Local 3). The Plan is governed by a board of trustees and Bank of America N.T. & S.A. (B.A.) is corporate cotrustee for the Plan. Among the assets of the Plan is a planned-unit residential housing development known as Rancho Murieta, consisting of 3,500 acres, which is located near Sacramento, Calif. The Rancho Murieta Development comprises 10 percent of the Plan's assets.

RMPI was formed by the Plan for the purpose of developing and marketing the homesites within Rancho Murieta. Accordingly, the Plan transferred $100,000 cash to RMPI and title to approximately 2,200 acres of land in return for 100 percent of RMPI's stock. Sales of lots within Rancho Murieta result in title passing from RMPI to each purchaser. The Plan has retained title to the remaining 1,300 acres in Rancho Murieta, and uses the land for purposes directly related to the planned unit development. The corporate directors of RMPI are the same individuals who serve as trustees for the Plan. Ray D. Henderson & Associates was retained

by RMPI to manage the properties within Rancho Murieta. Henderson has created an affiliate, Murieta Sales Corp., which acts as exclusive broker for sales of lots in Rancho Murieta.

The Plan is involved in two types of loan transactions with respect to homesites sold and marketed within Rancho Murieta. The first type involves purchase money mortgages on unimproved lots; the second type involves mortgage loans to finance the construction of dwelling units on already purchased lots or the purchase of completed dwellings on builder-purchased lots.

Sales of unimproved lots in Rancho Murieta ordinarily are pursuant to purchase money mortgages, executed by the purchaser in favor of RMPI. Subject to a credit review by B.A., the mortgage loans are subsequently purchased by B.A. on behalf of the Plan from RMPI pursuant to a formal agreement to do so. The Bank of California services such purchase money mortgages.

Pursuant to a formal agreement with the Wells Fargo Bank, the Plan is also obligated to purchase certain mortgage loans, secured by improved property within Rancho Murieta. Such loans ordinarily arise as a consequence of the purchaser of an unimproved lot desiring to have a dwelling unit constructed upon his property within Rancho Murieta. Wells Fargo Bank provides construction financing for such dwelling unit, after appraisal of the property as it will be improved and an examination of the credit of the titleholder. The determinations of Wells Fargo Bank are reviewed by El Dorado Savings & Loan Association (El Dorado), an unrelated party, and by C. W. Sweeny & Co. (Sweeny), which is the fund manager for the Plan. Subject to a favorable determination by all parties, B.A. as trustee on behalf of the Plan agrees with Wells Fargo Bank to purchase the mortgage loan which Wells Fargo Bank then originates with respect to the titleholder, disbursing the funds as construction proceeds. The purchase money mortgage securing the unimproved property is retired before the permanent mortgage financing is closed. Wells Fargo Bank services the mortgage loans which are sold to the Plan. First American Title Co. provides escrow and recordation services pursuant to all the transactions.

The Plan also may provide permanent financing pursuant to mortgage loans on improved property within Rancho Murieta purchased from a builder who already has constructed a dwelling unit on a lot. The same appraisals and credit checks are required in such transactions as is the case where the titleholder seeks his own construction financing. Subject to a favorable determination by all the parties of the creditworthiness of the purchaser, B.A. as trustee on behalf of the Plan agrees to purchase the mortgage loan which Wells Fargo Bank originates.

Under the lending criteria established by B. A., RMPI, and Wells Fargo, loans ordinarily are not made for amounts greater than 80 percent of the purchase price with respect to purchase money mortgages on sales of unimproved lots, nor generally for amounts greater than 80 percent of either projected construction costs or appraised fair market value or selling price with respect to mortgage loans secured by improved property. In certain cases, such loans may be made for up to 90 percent of the appraisal value if the borrower obtains and pays the initial premium of a Mortgage Guaranty Insurance policy issued by Mortgage Guaranty Insurance Co., or other similar insurer approved by B. A., on 90 percent of the appraisal value, and if the interest rate payable is at least 8¾ percent annum on such 90 percent loan.

The unimproved lots are put on the market in batches or units. Prior to offering a unit of lots for sale, the floor price of each lot is determined by the RMPI and the Plan trustees on the basis of market considerations. Lots may be sold for more than the floor prices depending on subsequent market demand.

The proposed exemption, if granted, would allow persons who are parties in interest and disqualified persons with respect to the Plan to purchase lots within Rancho Murieta, and to execute purchase money mortgages securing such lots in favor of RMPI, in the same manner as such transactions are carried out with persons who are unrelated to the Plan. Also, the exemption would allow permanent mortgage financing to be carried out with respect to parties in interest and disqualified persons in the same manner as it is done with respect to persons who are unrelated to the Plan. Any such sales and financing would be upon the same terms, for the same price, pursuant to the same conditions, subject to the same determinations, and in all respects, would be no different from the manner in which such transactions are carried out with persons who are unrelated to the Plan.

Applicants asserted that many parties-in-interest and disqualified persons, including contributing employers and union members who for the most part have little or no direct contact with marketing of lots or unit housing construction within rancho Murieta, have expressed interest in purchasing homesites there. Applicants assert that the proposed exemption would be in the interests of the Plan and its participants and beneficiaries because it enlarges the potential group of homesite buyers, thus enabling the Plan sooner to achieve full return on its investments. Applicants assert that the exemption would be protective of participants' and beneficiaries' interests and rights because of the safeguards structured into the loan process arising from specific credit criteria and the several stages of loan application review that are employed. Finally, the exemption would be administratively feasible because the sales and loan mechanisms are already in operation and are structured in such a way as to preclude different treatment of parties in interest to the Plan compared to unrelated purchasers and borrowers.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all participating employers and employer associations by mailing such notice to such persons' places of business. Notice to participants and beneficiaries of the Plan will be accomplished by publication in the Engineering News, the official publication of Local 3. Also, the notice of the proposed exemption will be posted on a bulletin board in the Job Placements Center of Local 3 for a period of 30 days following publication in the Federal Register.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other 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; not does it affect the requirements of section 401(a) of the Code that the Plan must operate for the exclusive benefit of employees of the employers maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(a)(2), section 406 (b)(1) or (b)(3) of the Act, and section 4975(c)(1) (E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Agencies must find that the exemption is administratively feasible, in the interests of the Plan and of its

participants and beneficiaries, and protective of the rights of participants and beneficiaries of the Plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

WRITTEN COMMENTS AND HEARING REQUESTS

All interested persons are invited to submit written comments or requests for a hearing on the proposed exemption to the address and within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the proposed exemption. Comments received will be available for public inspection with the application for exemption at the addresses set forth above.

PROPOSED EXEMPTION

Based on the facts and representations set forth in the application, the Agencies are considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 and Rev. Proc. 75-26. If the exemption is granted, the restrictions of section 406(a)(1) and section 406(b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of sections 4975(c)(1)(A), 4975(c)(1)(B), 4975(c)(1)(C), and 4975(c)(1)(D) of the code, shall not apply to sales of lots within Rancho Murieta, to purchase-money financing of such lot sales, and to permanent mortgage financing of improved real property within Rancho Murieta, when any such transaction is between the Plan and any person who is a party in interest or disqualified person with respect to the Plan, provided that any such transaction is upon the same terms, for the same price, pursuant to the same conditions, and subject to the same determinations as such transaction would be if it were with a person who was unrelated to the Plan.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 23d day of October, 1978.

IAN D. LANOFF,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

FRED J. OCHS,
Director, Employee Plans, Internal Revenue Service.

[FR Doc. 30351 Filed 10-26-78; 8:45 am]

[4510-28]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-3822]

ACME HAMILTON MANUFACTURING CORP., TRENTON, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3822: 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 12, 1978, in response to a worker petition received on June 5, 1978, which was filed by the United Rubber Workers on behalf of workers and former workers producing conveyor belts, hose and rubber sheeting at Acme Hamilton Manufacturing Corp., Trenton, N.J.

The notice of investigation was published in the FEDERAL REGISTER on June 27, 1978 (43 FR 27925). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Acme Hamilton Manufacturing Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the 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 such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

U.S. imports of rubber and plastic hose and belting increased in value from $61 million in 1975 to $67 million in 1976 to $85 million in 1977. U.S. imports increased from $46.6 million in the first 6 months of 1977 to $57.9 million in the first 6 months of 1978. The ratio of U.S. imports of domestic production decreased from 5 percent in 1975 to 4.9 percent in 1976, then increased to 5.8 percent in 1977. The ratio of U.S. imports to domestic production increased from 6.3 percent in the first 6 months of 1977 to 7.1 percent in the first 6 months of 1978.

Customers surveyed who account for a significant proportion of Acme-Hamilton's sales of rubber products including hose and belts indicated that most do not import rubber products. Customers who decreased purchases from Acme Hamilton and increased import purchases in 1977 accounted for a very small percentage of Acme Hamilton's total sales decrease in 1977.

CONCLUSION

After careful review, I determine that all employees of the Acme Hamilton Manufacturing Corp., Trenton, N.J., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of October 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-30433 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3611]

ALPO COAT, INC., HOBOKEN, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3611: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on May 8, 1978, in response to a worker petition received on April 28, 1978, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' overcoats and some raincoats at Alpo Coat, Inc., Hoboken, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on May 26, 1978 (43 FR 22793). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Alpo Coat, Inc., its customers (manufacturers), customers of the manufacturers, the

U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the act must be met. 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 total or partial separation, or threat thereof, and to the absolute decline in sales or production.

The Department conducted a survey of the manufacturers for which Alpo Coat, Inc., worked in 1976 and 1977. None of the manufacturers surveyed purchased imported ladies' coats or raincoats or used foreign contractors. One manufacturer who reduced purchases form Alpo Coat experienced a decline in sales of ladies' coats and raincoats. This manufacturer, however, represented a negligible portion of Alpo Coat's sales in 1977 and in 1978.

CONCLUSION

After careful review, I determine that all workers of Alpo Coat, Inc., Hoboken, N.J., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23d day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-30434 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3581]

ALPS COAT, INC., PATERSON, 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-3581: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on May 8, 1978, in response to a worker petition received on April 28, 1978, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' coats at Alps Coat, Inc., Paterson, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on May 26, 1978 (43 FR 22793). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Alps Coat, Inc., its customers (manufacturers), customers of the manufacturers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses', and children's coats and jackets increased from 2,252 thousand dozen in 1976 to 2,723 thousand dozen in 1977. Imports declined from 590 thousand dozen in the first quarter of 1977 to 572 thousand dozen in the first quarter of 1978. The ratio of imports to domestic production increased from 48.3 percent in 1976 to 54.9 percent in 1977.

Alps Coat, Inc., produced ladies' coats for only one manufacturer. This manufacturer did not purchase imported ladies' coats during the period under consideration. Purchases from Alps Coat were reduced as the manufacturer's sales of ladies' coats declined. Customers of the manufacturer were surveyed regarding their purchases of ladies' coats. Customers representing a significant portion of the manufacturer's sales in 1976 and 1977 decreased purchases from the manufacturer and increased purchases of imported ladies' coats in 1977 compared to 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 ladies' coats produced at Alps Coat, Inc., Paterson, N.J., contributed importantly to the decline in sales and to the separation of workers at that plant. In accordance with the provisions of the act, I make the following certification:

All workers of Alps Coat, Inc., Paterson, N.J., who become totally or partially separated from employment on or after April 25, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-30435 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-4002]

AMF INC., HOFRAN DIVISION, TAMPA, FLA.

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-4002: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on July 31, 1978 in response to a worker petition received on July 27, 1978 which was filed by the Retail, Wholesale, and Department Store Union on behalf of workers and former workers producing leather covered and rubber covered baseballs and softballs at the Hofran Division of AMF Inc., Tampa, Fla. The investigation revealed that the Hofran Division was also engaged in the production of synthetic covered baseballs and softballs.

The notice of investigation was published in the FEDERAL REGISTER on August 8, 1978 (43 FR 35130-35131). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Hofran Division of AMF Inc., its customers, other 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. It is concluded that all of the requirements have been met.

United States imports of baseballs and softballs increased from 22,071 thousand units in 1975, to 27,714 thousand units in 1976, and to 30,336 thousand units in 1977

Imports relative to production increased from 439.1 percent in 1975, to 468.2 percent in 1976, and 703.0 percent in 1977.

Layoffs of workers from the Hofran Division were due in part to lost sales resulting from increased import competition, and in part from an increase in the value of work performed by Hofran's offshore contractors relative to Hofran's sales increased in the first three quarters of 1978 compared to the same period in 1977. Furthermore,

in August 1978 the firm began importing finished balls from Haiti.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with leather covered, rubber covered, and synthetic covered baseballs and softballs produced at the Hofran Division of AMF Inc., Tampa, Fla., contributed importantly to the decline in sales of production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Hofran Division of AMF Inc., Tampa, Fla., who became totally or partially separated from employment on or after July 20, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-30436 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3812]

ARTHUR WINER, INC., GARY, IND., AND PETERSBURG, VA.

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-3812: 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 5, 1978 in response to a worker petition received on May 25, 1978 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's dress slacks at Arthur Winer, Inc., Gary, Ind. The investigation was expanded to include the Petersburg, Va. plant of Arthur Winer, Inc.

The Notice of investigation was published in the FEDERAL REGISTER on June 20, 1978 (43 FR 26498-26499). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Arthur Winer, 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 the requirements have been met.

U.S. imports of men's and boys' dress and sport trousers and shorts increased absolutely in 1976 from 1975, in 1977 from 1976, and increased in the first quarter of 1978 compared to the first quarter of 1977. The ratio of imports to domestic production was 40.9 percent in 1976 and 38.0 percent in 1977.

A survey of the customers of Arthur Winer indicated that customers of Arthur Winer, Inc. increased purchases of imports and decreased purchases from the subject firm in 1977 compared to 1976.

On March 26, 1976 the Department issued a certification of eligibility to apply for adjustment assistance applicable to all workers of Arthur Winer, Inc., Gary, Ind. (TA-W-735). That certification remained in effect until March 26, 1978—2 years from its date of issuance.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's dress slacks produced at Arthur Winer, Inc., Gary, Ind. and Petersburg, Va. contributed importantly to the decline in sales or production and to the total or partial separations of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Arthur Winer, Inc., Gary, Ind. who became totally or partially separated from employment on or after March 26, 1978, and all workers of Arthur Winer, Inc., Petersburg, Va., who became totally or partially separated from employment on or after May 18, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of October 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-30437 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3743]

BIG YANK CORP., TYRONE, PA.

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-3743: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on May 23, 1978 in response to a worker petition received on May 15, 1978 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's work pants and shirts at the Tyrone, Pa. plant of Big Yank Corp.

The notice of investigation was published in the FEDERAL REGISTER on June 6, 1978 (43 FR 24633-4). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Big Yank Corp., its customers, the National Cotton Council of America, the American Textile Manufacturers' Institute, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. With respect to workers producing work shirts, 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.

A survey of some customers of Big Yank Corp. was conducted by the Department. The survey indicated that customers who had reduced purchases of work shirts from Big Yank did not increase purchases of imported work shirts in the period 1976 through March 1978.

With respect to workers producing work pants, all of the group eligibility requirements of section 222 of the Act have been met.

U.S. imports of men's and boys' woven cotton and man-made fiber work trousers and one-piece suits increased from 9.2 million units in 1976 to 50.6 million units in 1977, and increased from 23.4 million units in the first quarter of 1977 to 28.9 million units in the first quarter of 1978. The ratio of imports to domestic production inceased from 2.9 percent in 1976 to 15.4 percent in 1977.

The Department's survey of Big Yank Corp.'s coustomers indicated that some customers had reduced purchases of imported work pants from Big Yank and increased purchases of imported work pants in 1977 compared to 1976.

CONCLUSIONS

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with work pants produced at the Tyrone, Pa. plant of Big Yank Corp. contributed importantly to the decline in sales or production and to the total or partial separations of workers at that plant. In accordance with the provisons of the act, I make the following certification:

All workers engaged in employment related to the production of work pants at the Tyrone, Pa. plant of Big Yank Corp. who became totally or partially separated from employment on or after May 11, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further determine that all workers engaged in employment related to the production of work shirts at the Tyrone, Pa. plant of Big Yank 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 19th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-30438 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3662]

C & M COAT CO., INC., UNION CITY, 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-3662: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on May 8, 1978 in response to a worker petition received on April 28, 1978 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' coats at C & M Coat Co., Inc., Union City, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on May 26, 1978 (43 FR 22793). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of C & M Coat Co., Inc., its customers (manufacturers), the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses', and children's coats and jackets increased from 2252 thousand dozen in 1976 to 2723 thousand dozen in 1977. Imports declined from 590 thousand dozen in the first quarter of 1977 to 572 thousand dozen in the first quarter of 1978. The ratio of imports to domestic production increased from 48.3 percent in 1976 to 54.9 percent in 1977.

The Department conducted a survey of the principal manufacturers for which C & M Coat Co., Inc., worked in 1976 and 1977. Manufacturers that accounted for a majority of sales in 1976 reduced purchases of ladies' coats from C & M Coat Co., Inc., and increased purchases of imported ladies' coats in 1977 compared to 1976. Manufacturers that accounted for a majority of sales in the first quarter of 1977 reduced purchases of ladies' coats from C & M Coat Co., Inc. and increased purchases of imported ladies' coats in the first quarter of 1978 compared to the first quarter of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the ladies' coats produced at C & M Coat Co., Inc., Union City, N.J. contributed importantly to the decline in sales and to the separation of workers at that plant. In accordance with the provisions of the act, I make the following certification:

All workers of C & M Coat Co., Union City, N.J. who became totally or partially separated from employment on or after April 25, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 20th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-30439 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3292]

CAMBRIDGE TAILORING CO., BALTIMORE, MD.

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-3292: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on March 2, 1978 in response to a worker petition received on February 21, 1978 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's tailored clothing at the Cambridge Tailoring Co., Baltimore, Md.

The Notice of Investigation was published in the FEDERAL REGISTER on March 17, 1978 (43 FR 11276). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Cambridge Tailoring Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. 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 subivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Cambridge Tailoring Co. is a manufacturer of men's custom-tailored suits. The suits are produced by Cambridge Tailoring for its customers which are retail custom tailor shops. A survey of these tailor shops revealed that virtually all sold only custom-made suits and did not fit customers for imported suits during the period 1975 through 1977.

CONCLUSION

After careful review I determine that all workers at the Cambridge Tailoring Co., Baltimore, Md. are denied eligibility to apply for trade adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of October 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-30440 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-4004]

CLEANERS HANGER CO., PUEBLO, COLO.

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-4004: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on July 31, 1978 in response to a worker petition received on July 27, 1978 which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel wire and rod products at Cleaner & Hanger Co., Brenham, Tex. The investigation revealed that the correct name of the firm is Cleaners Hanger Co., and that the petition in fact applied to former workers producing wire coat hangers at the Pueblo, Colo. plant of Cleaners Hanger Co.

The Notice of Investigation was published in the FEDERAL REGISTER on August 8, 1978 (43 FR 35130-35131). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Cleaners Hanger Co., 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 closure of the Pueblo, Colo. plant of Cleaners Hanger Co. resulted from a decision by firm officials to transfer production to a newly-established company plant in Brenham, Tex., which is closer to the firm's market as well as its suppliers. Total sales by Cleaners Hanger Co., including sales of hangers produced at all seven of the firm's plants, increased in quantity and value in 1977 compared to 1976 and in the first 8 months of 1978 compared to the same period in 1977. Company sales continued to increase following the closure of the Pueblo plant in May 1978.

CONCLUSION

After careful review, I determine that all workers of the Pueblo, Colo. plant of Cleaners Hanger 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 19th day of October 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-30441 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3294]

COOPER-WISS (FORMERLY J. WISS & SONS CO.), MAPLEWOOD DIVISION, MAPLEWOOD, 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-3294: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on March 2, 1978 in response to a worker petition received on February 24, 1978 which was filed by Local 262 of the AFL-CIO on behalf of workers and former workers producing scissors, knives, metal masters, snips, shears, pinking shears, and garden tools at the Newark Division and Maplewood Division of Cooper-Wiss (formerly J. Wiss & Sons Co). This investigation was concerned with the Maplewood Division, Maplewood, N.J. A separate investigation was instituted to cover the Newark Division (see TA-W-3293).

The Notice of Investigation was published in the FEDERAL REGISTER on March 17, 1978 (43 FR 11276). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Copper-Wiss, 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.

United States imports of pocket knives increased from 8.5 million units in 1976 to 9.7 million units in 1977, and increased from 3.5 million units during the first 3 months of 1978 compared with 2.0 million units for the same period in 1977. The imports to domestic production ratio for pocket knives increased from 46.2 percent in 1976 to 50.1 percent in 1977.

Imports of pocket knives by Cooper-Wiss increased from 1976 to 1977, and again increased during the first 6 months of 1978 compared to the same period in 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with pocket knives produced at the Maplewood Division of Cooper-Wiss (formerly J. Wiss & Sons), Maplewood, N.J., contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant. In accordance with the provisions of the act, I make the following certification:

> All workers of the Maplewood Division of Cooper-Wiss (formerly J. Wiss & Sons Co.), Maplewood, N.J. who became totally or partially separated from employment on or after December 10, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 20th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-30443 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3293]

COOPER-WISS (FORMERLY J. WISS & SONS CO.), NEWARK DIVISION, NEWARK, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3293: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on March 2, 1978 in response to a worker petition received on February 24, 1978 which was filed by Local 262 of the AFL-CIO on behalf of workers and former workers producing scissors, knives, metal masters, snips, shears, pinking shears and garden tools at the Newark Division and Maplewood Division of Cooper-Wiss (formerly J. Wiss & Sons Co.), N.J. This investigation was concerned with the Newark Division, Newark, N.J. A separate investigation was instituted to cover the Maplewood Division (see TA-W-3294).

The Notice of Investigation was published in the FEDERAL REGISTER on March 17, 1978 (43 FR 11276). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of Cooper-Wiss, 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 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.

Employment of production workers increased in 1977 compared to 1976 and remained constant in 1978 compared to 1977. Average quarterly employment increased in every quarter compared to the same quarter of the previous year beginning with all of 1977 through the first quarter of 1978. Average weekly hours followed a trend similar to employment. There have been no significant partial separations of workers in 1977 and 1978.

Cooper-Wiss announced that during the second quarter of 1978, shutdown and relocation procedures would begin at the Newark Division of Cooper-Wiss, Newark, N.J. to a company plant in Georgia.

CONCLUSIONS

After careful review I determine that all workers of the Newark Division of Cooper-Wiss (formerly J. Wiss & Sons Co.), Newark, N. J. are denied eligibility to apply for trade adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed in Washington, D.C. this 20th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-30442 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3352, 3355, and 3356]

COORDINATED TROUSERS, INC. (TA-W-3352), PATGAT CLOTHES, INC. (TA-W-3355), STANLEY BLACKER, INC. (TA-W-3356), PHILADELPHIA, PA.

Negative 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-3352, 3355, and 3356: Investigations regarding certification of eligibility to apply for worker adjustment assistance as presecribed in section 222 of the act.

The investigations were intitiated on March 15, 1978 in response to a worker petition received on February 21, 1978, which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing tailored clothing at Stanley Blacker, Inc. (TA-W-3356); Patgat Clothes, Inc. (TA-W-3355); and Coordinated Trousers, Inc. (TA-W-3352). All three firms are or were located at the same address in Philadelphia.

Workers at these firms were certified eligible to apply for trade adjustment assistance on January 27, 1976 as a result of an earlier petition and subsequent investigation (TA-W-248). That certification expired on January 27, 1978.

The Notice of Investigations was published in the FEDERAL REGISTER on April 7, 1978 (43 FR 14774 and 14775). No public hearing was requested and none was held.

The information upon which the determinations were made was obtained principally from officials of Stanley Blacker, Inc., its customers, Patgat Clothes, Inc. and Coordinated Trousers, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make and 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 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.

Stanley Blacker, Inc. is a manufacturer producing various men's and women's fine clothing. Patgat Clothes, Inc. and Coordinated Trousers, Inc. were exclusive contractors for Stanley Blacker, Inc. and all have the same ownership.

Evidence developed during the course of the investigation revealed that imports of men's and boys' tailored suits decreased to 1,913,000 units in the first 6 months of 1978 compared to 2,400,000 in the first 6 months of 1977. Imports of men's and boys' tailored dress coats and sportcoats decreased to 3,237,000 units in the first 6 months of 1978 compared to 3,537,000 units in the first 6 months of 1977. These items make up the majority of production at the subject firms.

In addition, the Department conducted a survey of some customers of Stanley Blacker, Inc. The results of this survey indicated only relatively minor influence of imports of men's and boys' tailored clothing. Only two customers had increased purchases of imports during the same period they were decreasing purchases from Stanley Blacker. These two customers accounted for a small percentage of Stanley Blacker's sales. The majority of firms indicated that imported products had not affected their purchases from domestic producers.

CONCLUSION

After careful review I determine that all workers of the Philadelphia, Pa. plants of Stanley Blacker, Inc.; Patgat Clothes, Inc.; and Coordinated Trousers, Inc. are denied eligibility to apply for trade adjustment assistance under title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-30444 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3172]

DIRZIS PRODUCTS CO., INC., RICHMOND HILLS, 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-3172: 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 21, 1978 in response to a worker petition received on February 6, 1978 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's and boys' tailored clothing at Dirzis Products Co., Inc., Richmond Hill, N.Y. During the course of the investigation, it was established that the company also produces ladies' vests and blazers.

The Notice of Investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8864). No public hearing was requested and none was held.

The information upon which the determination was made was obtained upon information obtained principally from officials of Dirzis Products Co., Inc. 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 a significant number or proportion of the workers in the workers' firm, or appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

On April 19, 1976, the employees of Dirzis Products Company, Inc. were certified as eligible to apply for trade adjustment assistance (TA-W-621). This certification expired on April 19, 1978. Employment of workers at Dirzis Products Co., Inc. increased since the expiration of the original certification. The average number of workers and average weekly hours worked in the second and third quarters of 1978 increased when compared with the same quarters of 1977. There is no immediate threat of total or partial separation to the workers of Dirzis Products.

CONCLUSION

After careful review, I determine that all workers at Dirzis Products Co., Inc., Richmond Hill, N.Y. 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 19th day of October 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-30445 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3229]

DOVER CONVEYOR & EQUIPMENT CO., INC., MIDVALE, OHIO, GNADENHUTTEN, 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—3229: 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 23, 1978 in response to a worker petition received on February 7, 1978 which was filed on behalf of workers and former workers producing mine conveyors and other types of equipment at the Midvale, Ohio plant of Dover Conveyor & Equipment Co., Inc. The investigation revealed that the plant primarily produces mine conveyors, mine hoists and parts for them and that it also owns and operates a plant at Gnadenhutten, Ohio.

The Notice of Investigation was published in the FEDERAL REGISTER on March 14, 1978 (43 FR 10650). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Dover Conveyor & Equipment 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 requirments 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 of production.

Industry sources indicate that U.S. imports of mine conveyors and mine hoists are negligible.

The Department surveyed some of the customers of Dover Conveyor & Equipment Co. the survey indicated that none of the customers purchased imported mine conveyors, mine hoists or bucket elevators. Customers also indicated that they were unaware of any import influence in this market.

CONCLUSION

After careful review, I determine that all workers at the Midvale and Gnadenhutten, Ohio plants of Dover Conveyor & Equipment Co., Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-30446 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-4026]

FARMLAND INDUSTRIES, INC., FORT DODGE, IOWA

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-4026: 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, 1978 in response to a worker petition received on July 28, 1978 which was filed by the Oil Chemical and Atomic Workers Union on behalf of workers and former workers producing anhydrous ammonia at the Fort Dodge, Iowa plant of Farmland Industries, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on August 11, 1978 (43 FR 35759). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Farmland Industries, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. 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.

U.S. imports of anhydrous ammonia increased from 730,000 tons in 1976 to 1,078,000 tons in 1977. Imports decreased to 590,000 tons in the first 6 months of 1978 compared to 614,000 tons for the same 1977 period. The ratio of imports to domestic production increased from 4.3 percent in 1976 to 6.2 percent in 1977 and decreased to 6.9 percent in the first six months of 1978 compared to 7.2 percent for the same 1977 period.

The Department conducted a survey of some of the customers purchasing anhydrous ammonia from the Fort Dodge, Iowa plant of Farmland Industries, Inc. accounting for a substantial portion of sales in 1977. Most respondents indicated that they did not purchase imported anhydrous ammonia in 1977 or in the first half of 1978.

CONCLUSION

After careful review, I determine that all workers of the Fort Dodge, Iowa plant of Farmland Industries, Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of October 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-30447 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-2933]

INTERLAKE, INC., RIVERDALE, ILL.

Negative Determination Regading 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-2933: 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 17, 1978 in response to a worker petition received on December 19, 1977 which was filed by the United Steelworkers of American on Behalf of workers and former workers producing flat rolled products, packaging materials and all other steel products at the Riverdale, Ill. plant of Interlake, Inc. The investigation revealed that the plant produces hot and cold rolled steel sheet and strip, and packaging material which consists primarily of metallic strapping.

The Notice of Investigation was published in the FEDERAL REGISTER on February 3, 1978 (43 FR 4696). No public hearing was requested and none was held.

On October 21, 1977, the Department denied the workers of the Riverdale, Ill. plant of Interlake, Inc. eligibility to apply for adjustment assistance (TA-W-1475).

The determination was based upon information obtained principally from officials of Interlake, 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 of 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 a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The Department's investigation revealed that the average number of production workers employed at the Riverdale, Ill. plant of Interlake, Inc. increased in 1977 compared to 1976, and increased in the first 8 months of 1978 compared to the same period of 1978. Average weekly hours worked per employee did not change significantly during this period. There is no immediate threat of separation to workers at the Riverdale plant.

CONCLUSION

After careful review, I determine that all workers of the Riverdale, Ill, plant of Interlake, Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of October 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-30448 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3640]

MARIE COATS AND SUITS, INC., PASSAIC, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3640: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 8, 1978 in response to a worker petition received on April 28, 1978 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former worker producing ladies' coats and suits at Marie Coats and Suits, Inc., Passaic, N.J. During the course of the investigation it was revealed that workers at Marie Coats produce women's coats and blazers.

The Notice of Investigation was published in the FEDERAL REGISTER on May 26, 1978 (43 FR 22793). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Marie Coats and Suits, Inc., its customers (manufacturers), the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. The Department's investigation revealed that all of the requirements have 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 total or partial separation, or threat thereof, and to the absolute decline in sales or production.

The Department surveyed the manufacturers for which Marie Coats worked in 1976, 1977 and the first 5 months of 1978. None of these manufacturers reduced purchases from the subject firm and increased purchases of imported women's coats and blazers during the period under investigation. These manufacturers increased sales during this period.

CONCLUSION

After careful review, I determine that all workers of the Passaic, N.J. plant of Marie Coats and Suits, Inc. 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 19th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-30449 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-2927]

NELLY DON, INC., NEVADA, 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-2927: 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 12, 1978 in response to a worker petition received on December 29, 1977, which was filed on behalf of workers and former workers producing ladies' dresses and sportswear at Nelly Don, Inc., Nevada, Mo.

The Notice of Investigation was published in the FEDERAL REGISTER on February 3, 1978 (43 FR 4695). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Nelly Don, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the

separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of women's, misses' and children's skirts decreased from 791 thousand dozen in 1976 to 654 thousand dozen in 1977. During the first quarter of 1978 imports increased to 296 thousand dozen from 103 thousand dozen in the same quarter of 1977. The ratio of imports to domestic production decreased from 14.2 percent in 1976 to 10.5 percent in 1977.

U.S. imports of women's, misses' and children's coats and jackets increased from 2,252 thousand dozen in 1976 to 2,723 thousand dozen in 1977. During the first quarter of 1978 imports decreased 3.0 percent compared to the same quarter of 1977. The ratio of imports to domestic production increased from 48.3 percent in 1976 to 54.9 percent in 1977.

U.S. imports of women's, misses' and children's slacks and shorts increased from 11,040 thousand dozen in 1976 to 11,622 thousand dozen in 1977. During the first quarter of 1978 imports increased to 4,545 thousand dozen compared to 3,374 thousand dozen for the same quarter of 1977. The ratio of imports to domestic production increased from 36.8 percent in 1976 to 38.0 percent in 1977.

U.S. imports of women's, misses' and children's blouses and shirts increased from 30,273 thousand dozen in 1976 to 30,849 thousand dozen in 1977. During the first quarter of 1978 imports increased to 10,186 thousand dozen from 8,280 thousand dozen the same quarter of 1977. The ratio of imports to domestic production decreased from 70.3 percent in 1976 to 69.7 percent in 1977.

U.S. imports of women's, misses' and children's dresses decreased from 1,614 thousand dozen in 1976 to 1,420 thousand dozen in 1977. During the first quarter of 1978 imports increased to 403 thousand dozen from 371 thousand dozen the same quarter of 1977. The ratio of imports to domestic production decreased from 8.0 percent in 1976 and to 6.7 percent in 1977.

A survey of Nelly Don's customers in 1976 and 1977 revealed that most customers did not purchase imported women's skirts, jackets, slacks, blouses or dresses.

CONCLUSION

After careful review, I determine that all workers of Nelly Don, Inc., Nevada, Mo., 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 20th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-30450 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3625]

RAIN ROSE, INC., HOBOKEN, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3625: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on May 8, 1978 in response to a worker petition received on April 28, 1978 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' raincoats at Rain Rose, Inc., Hoboken, N.J. The investigation revealed that Rain Rose also produced ladies' winter coats.

The Notice of Investigation was published in the FEDERAL REGISTER on May 26, 1978 (43 FR 22793). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rain Rose, Incorporated, its customers (manufacturers), industry analysts, Department files, the U.S. International Trade Commission, and the U.S. Department of Commerce.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the total or partial separation, or threat thereof, and to the absolute decline in sales or production.

The Department conducted a survey of the one manufacturer for whom Rain Rose, Inc. worked in 1976 and 1977. That manufacturer did not purchase imports of ladies' coats or rainwear or use foreign contractors during this period. Sales of the manufacturer increased from 1976 to 1977.

CONCLUSION

After careful review, I determine that all workers of Rain Rose, Inc., Hoboken, N.J. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-30456 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3570]

RAYMOND INTERNATIONAL, INC., METAL PRODUCTS FACILITY, BALTIMORE, MD.

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-3570: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on May 3, 1978 in response to a worker petition received on April 19, 1978 which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel construction pilings at the Metal Products Facility, Raymond International, Inc., Baltimore, Md.

The Notice of Investigation was published in the FEDERAL REGISTER on May 16, 1978 (43 FR 21068-21069). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Raymond International, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That 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.

A survey of major bids lost by Raymond International on steel piling projects revealed no projects in which imported pilings were used in favor of pilings produced by the Metal Products Facility of Raymond International.

CONCLUSION

After careful review, I determine that workers of Metal Products Facility, Raymond International, Inc., Baltimore, Md. 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 19th day of October 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc 78-30457 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3795]

SHUTZER INDUSTRIES INC., LAWRENCE, MASS.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3795: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on May 31, 1978 in response to a worker petition received on May 15, 1978 which was filed on behalf of workers and former workers engaged in employment related to the production of leather coats at the Lawrence, Mass. plant of Shutzer Industries, Inc. During the course of the investigation, it was established that the petition was filed on behalf of those workers at the Lawrence, Mass plant of Shutzer Industries, Inc. who are engaged in employment related solely to the production of leather coats by Shutzer Manufacturing Co., Inc.

The notice of investigation was published in the FEDERAL REGISTER on June 20, 1978 (43 FR 26497). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Shutzer Industries, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. With respect to workers engaged in employment related to the production of outerwear and sportswear (excluding leather coats), without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Evidence developed during the course of the investigation revealed that employment at Shutzer Industries Inc. increased 6 percent in 1977 compared to 1976 and increased 9.6 percent during the first half of 1978 compared to the first half of 1977. Weekly hours worked remained relatively stable. There is no immediate threat of separations to workers of Shutzer Industries.

With respect to workers engaged in employment related to the production of leather coats, all of the group eligibility requirements of section 222 of the act have been met.

U.S. Imports of leather coats and jackets increased from $177.8 million in 1976 to $186.4 million in 1977. Imports for the first quarter of 1978 were $37.2 million but a change in the recording method prevents a meaningful year-to-prior-year comparison. The ratio of imports to domestic production decreased from 96.3 percent in 1976 to 85.3 percent in 1977.

The petition was filed on behalf of workers who were salaried supervisors of Shutzer Manufacturing Co., Inc. but who were paid by Shutzer Industries Inc. Shutzer Manufacturing Co., Inc. produces leather coats and is an independent affiliate of Shutzer Industries Inc. In a determination (TA-W-2278) issued on February 21, 1978, workers producing leather coats at Shutzer Manufacturing Co., Inc. of Lawrence, Mass. were certified eligible to apply for adjustment assistance benefits. Salaried workers of Shutzer Industries Inc. who were engaged in employment related to the production of leather coats at Shutzer Manufacturing Co., Inc. were laid off but did not receive benefits under the certification in TA-W-2278.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with leather coats produced at the Shutzer Manufacturing Co., Lawrence, Mass. affiliate plant of Shutzer Industries Inc. contributed importantly to the decline in production and to the total or partial separations of workers of that plant. In accordance with the provisions of the act, I make the following certification:

All workers engaged in employment related to the production of leather coats at the Shutzer Manufacturing Lawrence, Mass affiliate plant of Shutzer Industries Inc. who became totally or partially separated from employment on or after May 12, 1977 are eligible to apply for adjustment assistance under title II, Chapter 2 of the Trade Act of 1974.

I further determine that workers at Shutzer Industries Inc. engaged in employment not related to the production of leather outerwear and sportwear are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 19th day of October, 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-30458 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3868]

SPN SPORTSWEAR CO., INC., MOUNT PLEASANT, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3868: 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 19, 1978 in response to a worker petition received on June 15, 1978 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's sportswear and dresses at SPN Sportswear Co., Inc., Mount Pleasant, Pa. The investigation revealed that the plant primarily produces women's sportswear and dresses.

The Notice of Investigation was published in the FEDERAL REGISTER on June 30, 1978 (43 FR 28581). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of SPN Sportswear Co., Inc., its 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 other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The Department's investigation revealed that the average number of production workers increased from 1976 to 1977 and increased in the first half of 1978 compared to the same period of 1977. Employment increased every quarter from the second quarter of 1977 to the second quarter of 1978 compared to the same quarter of the previous year. There were no significant partial separations in 1977. Average hours per worker increased in the first half of 1978 compared to the same period of 1977. There is no immediate threat of separation to workers of SPN Sportswear Co.

CONCLUSION

After careful review, I determine that all workers of SPN Sportswear Co., Inc., Mount Pleasant, Pa., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed in Washington, D.C. this 19th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-30459 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3877]

STAR SPORTSWEAR MANUFACTURING CORP., LYNN, 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-3877: 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 20, 1978, in response to a worker petition received on June 19, 1978, which was filed on behalf of workers and former workers producing men's leather outerwear at Star Sportswear Manufacturing Corp., Lynn, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on June 30, 1978 (43 FR 28580). No public hearing was requested and none was held.

On July 21, 1976, the Department certified the workers of Star Sportswear Manufacturing Corp., Lynn, Mass., eligible to apply for adjustment assistance (TA-W-694). The certification expired on July 21, 1978.

The information upon which the determination was made was obtained principally from officials of Star Sportswear Manufacturing Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of such firm or subdivision have decreased absolutely.

The Department's investigation revealed that both sales and production of leather coats increased in terms of quantity and value in the first 8 months of 1978 compared to the same period of 1977.

CONCLUSION

After careful review, I determine that all workers of Star Sportswear Manufacturing Corp., Lynn, 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 19th day of October, 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-30460 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3645]

VAL JON CORP., PASSAIC, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3645: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 8, 1978, in response to a worker petition received on April 28, 1978, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' winter coats at the Val Jon Corp., Passaic, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on May 26, 1978 (43 FR 22793). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Val Jon Corp., its customers (manufacturers), the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. 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 total or partial separation, or threat thereof, and to the absolute decline in sales or production.

The Department conducted a survey of the manufacturers for which Val Jon worked in 1976, 1977, and the first 5 months of 1978. The manufacturers who reduced purchases from Val Jon experienced increased sales of ladies' coats during the period under consideration. None of these manufacturers imported women's coats in 1977 or in the first quarter of 1978.

CONCLUSION

After careful review, I determine that all workers of Val Jon Corp., Passaic, N.J., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of October, 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-30461 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-3770]

VICTORIA FASHION, INC., SPRINGFIELD, 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-3770: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 24, 1978, in response to a worker petition received on May 16, 1978, which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's apparel at Victoria Fashion, Inc., Springfield, Mass. The Notice of Investigation was published in the FEDERAL REGISTER on June 6, 1978 (43 FR 24634-35). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of Victoria Fashion, 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 requirments 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 of production.

Imports of women's and misses' dresses decreased 11 percent from 1976 to 1977. The ratio of imports to domestic production declined from 4.6 percent in 1976 to 4.0 percent in 1977.

Imports of women's, misses', and children's skirts declined 17 percent from 1976 to 1977. The ratio of imports to domestic production declined from 14.2 percent in 1976 to 10.5 percent in 1977.

Imports of women's, misses', and children's suits declined 6 percent from 1976 to 1977. The ratio of imports to domestic production declined from 11.4 percent in 1976 to 10.5 percent in 1977.

Imports of women's, misses', and children's coats and jackets increased 21 percent from 1976 to 1977. The ratio of imports to domestic production increased from 48.3 percent in 1976 to 54.9 percent in 1977.

Imports of women's, misses', and children's blouses and shirts increased 2 percent from 1976 to 1977. The ratio of imports to domestic production declined from 70.3 percent in 1976 to 69.7 percent in 1977.

Victoria Fashion was primarily engaged in the production of ladies' suits and dresses during 1976 and in the first quarter of 1977. All of these garments were produced under contract to one manufacturer during this time. The manufacturer which employed Victoria during 1976 discontinued the contract because that manufacturer began production at its own plant in 1977. That same manufacturer did not use foreign contractors, nor did it import directly, at any time during the survey period, from 1976 through March, 1978.

Victoria subsequently has worked for different manufacturers since that time. These manufacturers did not purchase imported clothing during the survey period.

CONCLUSION

After careful review, I determine that all workers at the Victoria Fashion, Inc., Springfield, 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 23rd day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-30462 Filed 10-26-78; 8:45 am]

[4510-28-M]

[TA-W-2917]

WAY MANUFACTURING CO., ROCKLAND, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2917: 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 19, 1977, which was filed on behalf of workers and former workers producing women's sportswear at Way Manufacturing Co., Rockland, Mass. The investigation revealed that women's slacks, skirts, and blazers are produced.

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 Way Manufacturing Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses', and children's slacks increased from 11,040 thousand dozen in 1976 to 11,622 thousand dozen in 1977 and from 3,374 thousand dozen in the first quarter of 1977 to 4,545 thousand dozen in the first quarter of 1978. The ratio of imports to domestic production increased from 36.8 percent in 1976 to 38.0 percent in 1977. U.S. imports of women's, misses', and children's skirts decreased from 791 thousand dozen in 1976 to 654 thousand dozen in 1977 and increased from 103 thousand dozen in the first quarter of 1977 to 296 thousand dozen in the first quarter of 1978. U.S. imports of women's, misses', and children's coats and jackets, which includes blazers, increased from 2,252 thousand dozen in 1976 to 2,723 thousand dozen in 1977. The ratio of imports to domestic production increased from 48.3 percent in 1976 to 54.9 percent in 1977. Imports decreased from 590 thousand in the first 3 months of 1977 to 572 thousand in the same period in 1978.

The Department conducted a survey of customers of Way Manufacturing Co. who had decreased purchases from 1976 to 1977. Respondents indicated that they had increased purchases of imported women's slacks, skirts, and blazers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's slacks, skirts, and blazers produced at Way Manufacturing Co. contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certifications:

All workers of Way Manufacturing Company, Rockland, Massachusetts, who became totally or partially separated from employment on or after April 8, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23d day of October, 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-30464 Filed 10-26-78; 8:45 am]

[4510-28]

[TA-W-3067]

YOUNGSTOWN SHEET & TUBE CO., INDIANA HARBOR WORKS, EAST CHICAGO, IND.

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-3067: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation ws initiated on February 6, 1978 in response to a worker petition received on January 17, 1978 which was filed by the United Steelworkers of America on behalf of workers and former workers producing tin mill products, hot and cold rolled carbon steel sheet and strip, galvanized sheet and steel bar and bar products at the Indiana Harbor Works of

Youngstown Sheet and Tube Co. located in East Chicago, Ind.

On November 8, 1977 the Department issued a Certification of Eligibility to Apply for Adjustment Assistance (TA-W-1463) for all workers engaged in employment related to the production of steel plate and pipe and tubing at the East Chicago, Indiana plant of Youngstown Sheet and Tube Co. who became totally or partially separated from employment on or after November 1, 1975.

The Notice of Investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7064). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Youngstown Sheet and Tube Co., its customers, the American Iron and Steel Institute, 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 requirments of section 222 of the Act must be met. With respect to workers producing galvanized steel sheet, steel bar and bar products, and hot and cold rolled carbon steel sheet and strip, without regard to whether any of the other criteria have been met the following criterion has not been met:

That sales or production, or both, of the firm or appropriate subdivision have decreased absolutely.

The investigation revealed that company sales and production of galvanized carbon steel sheets increased in terms of both quantity and value in each successive quarter of 1977 compared to he same quarter of 1976 and in the first quarter of 1978 compared to the first quarter of 1977.

Company sales and production of hot rolled carbon steel sheet and strip increased in terms of both quantity and value in 1977 compared to 1976 and in the first quarter of 1978 compared to the first quarter of 1977.

The petitioner's plant has not produced bar or bar products since January 1976. Section 223(b)(1) of the Trade Act of 1974 states that a certification shall not apply to workers separated more than 1 year before the date of the petition. The effective date of the petition was January 16, 1978.

With respect to workers producing tin mill products and metallurgical coke, all of the group eligibility requirements of section 222 of the Act have been met.

U.S. imports of tin plate were 407.1 thousand tons in 1975 and 309.3 thousand tons in 1976. In 1977 imports increased to 444.1 thousand tons. The ratio of imports to domestic shipments of tin plate increased to 9.3 percent in 1977 compared to 6.4 for 1976.

U.S. imports fo metallurgical coke were 1,819 thousand short tons in 1975 and 1,311 thousand short tons in 1976. Imports increased to 1,829 thousand short tons in 1977, and in the first quarter of 1978 imports increased to 457 thousand short tons compared to 113 thousand short tons in the first quarter of 1977. The ratio of imports to domestic shipments increased to 3.42 percent in 1977 compared to 2.25 percent in 1976 and increased to 5.03 percent in the first quarter of 1978 compared to 0.84 percent in the first quarter of 1977.

Customers surveyed by the Department increased imports of tin products while decreasing purchases of the same from Youngstown Sheet and Tube Co. in 1977 compared to 1976 and in the first quarter of 1978 compared to the same quarter of 1977. Several customers indicated that imports of tin products have affected U.S. markets in terms of price, supply, production, and profitability.

Company imports of metallurgical coke increased in 1977 compared to 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with tin mill products and metallurgical coke produced at the Indiana Harbor Works of Youngstown Sheet and Tube Co. contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Indiana Harbor Works of Youngstown Sheet and Tube Co. located in East Chicago, Ind. engaged in employment related to the production of tin mill products and metallurgical coke who became totally or partially separated from employment on or after January 16, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that workers engaged in employment related to the production of galvanized carbon steel sheet and hot and cold rolled carbon steel sheet and strip are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 23rd day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-30463 Filed 10-26-78; 8:45 am]

[4510-28-M]

Office of the Secretary

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 of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 6, 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 November 6, 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 16th day of October 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
Aberdeen Sportswear) ACTWU	Trenton, N.J	Oct. 11, 1978	Oct. 5, 1978	TA-W-4, 258	Leather jackets for men and a few ladies.
B-W Footwear Co., Inc. (workers)	Haverhill, Mass	Oct. 11, 1978	Sept. 29, 1978	TA-W-4, 259	Stitching of men's shoes.
Imperial Reading Corp. (company)	Piney Flats, Tenn	Oct. 12, 1978	Oct. 2, 1978	TA-W-4, 260	Boys's jeans.
Jersey Fashion, Inc. (workers)	Jersey City, N.J	Oct. 4, 1978	do	TA-W-4, 261	Cutting materials for childrens's and ladies' coats.
Pittsburgh Hat & Cap Co. (workers)	Pittsburgh, Pa	Oct. 12, 1978	Sept. 19, 1978	TA-W-4, 262	Baseball caps.
Tennessee Handbags, Inc. (workers)	Dandridge, Tenn	Oct. 11, 1978	Oct. 6, 1978	TA-W-4, 263	Ladies' handbags.
Texaco, Inc., Pittsburgh Division office (workers).	Coraopolis, Pa	do	Oct. 5, 1978	TA-W-, 264	Sales Office.

[FR Doc. 78-29957 Filed 10-26-78; 8:45 am]

[4510-28-M]

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 of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 6, 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 November 6, 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 19th day of September 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
American Pillow Co., Inc. (company)	Lowell, Mass	Sept. 18, 1978	Sept. 11, 1978	TA-W-4,163	Down-filled outerwear (jackets, vests, parkas, etc.) for men and women.
Bendix Corp., Abrasives Division (UAW).	Jackson, Mich	Sept. 15, 1978	do	TA-W-4,164	Grinding wheels.
Brentwood Fabrics Corp. (company)	New York, N.Y	Sept. 14, 1978	Sept. 8, 1978	TA-W-4,165	Dyeing, finishing, and printing, etc. of gray goods (textile converters).
Genesco, Inc., General Shoe Division (company).	Carthage, Tenn	Sept. 13, 1978	Sept. 11, 1978	TA-W-4,166	Footwear for men, women, and children.
Do	Smithville, Tenn	do	do	TA-W-4,167	Do.
Do	McMinnville, Tenn	do	do	TA-W-4,168	Do.
Do	Tullahoma Tenn	do	do	TA-W-4,169	Do.
Do	Cowan, Tenn	do	do	TA-W-4,170	Do.
Do	Gallatin, Tenn	do	do	TA-W-4,171	Do.
Do	Lewisburg, Tenn	do	do	TA-W-4,172	Do.
Do	Pulaski, Tenn	do	do	TA-W-4,173	Do.
Do	Chapel Hill, Tenn	do	do	TA-W-4,174	Shipping the finished product (shoes) to the customers.
Do	Fayetteville, Tenn	do	do	TA-W-4,175	Do.
Do	Waynesboro, Tenn	do	do	TA-W-4,176	Footwear for men, women, and children.
Do	Hohenwald, Tenn	do	do	TA-W-4,177	Do.
Do	Centerville, Tenn	do	do	TA-W-4,178	Do.
Do	Camden, Tenn	do	do	TA-W-4,179	Do.
Do	(Genesco Park) Nashville, Tenn.	do	do	TA-W-4,180	Houses the administrative staff.
Genesco, Inc., General Shoe Division, J. & M. Shoe Plant (company).	Nashville, Tenn	do	do	TA-W-4,181	Footwear for men, women, and children.
Intercontinental Petroleum Corp., Inc. (company).	Houston, Tex	do	do	TA-W-4,182	Crude oil.
Rite Coat, Inc. (workers)	Copiague, N.Y	Sept. 15, 1978	Sept. 4, 1978	TA-W-4,183	Contractor of ladies' rainwear and winter coats.

[FR Doc. 78-29958 Filed 10-26-78; 8:45 am]

[4510-28-M]

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 of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 6, 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 November 6, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 17th day of October 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
Cool-Ray, Inc., (workers)	Chelsea, Mass	Oct. 13, 1978	Oct. 10, 1978	TA-W-4,265	Purchase frames, shape lenses and assembles sunglasses.
Defiance Bleachery Corp	Barrowsville, Mass	Oct. 16, 1978	Oct. 12, 1978	TA-W-4,266	Textile dyeing and finishing.
Mildrum Manufacturing Co. (workers).	East Berlin, Conn	Oct. 12, 1978	Oct. 3, 1978	TA-W-4,267	Fishing rod tops and guides and some brazing.
Rockwell International Corp.—Admiral Group, Detroit Sales & Service Office (workers).	Detroit, Mich	Oct. 13, 1978	Oct. 9, 1978	TA-W-4,268	Selling and servicing televisions, refrigerators and freezers to distributors and large department stores.
The Bunker Hill Co., Electrolytic Zinc Plant (workers).	Kellogg, Idaho	Oct. 3, 1978	Sept. 11, 1978	TA-W-4,269	Refine zinc metal and zinc alloys.
Trio Casuals Ltd. (ILGWU)	New York, N.Y	Oct. 11, 1978	Oct. 9, 1978	TA-W-4,270	Ladies' skirts, pants, playsuits, jumpers, etc.
United States Stove Co. (Foundry) (International Molders & Allied Workers Union).	South Pittsburg, Tenn	Oct. 17, 1978	Oct. 5, 1978	TA-W-4,271	Castings for coal and wood stoves.

[FR Doc. 78-29959 Filed 10-26-78; 8:45 am]

[4510-30-M]

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942 (b).

The act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services

or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or 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 2 week of publication of this notice to:

Deputy Assistant Secretary for Employment and Training, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 23d day of October 1978

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

APPLICATIONS RECEIVED DURING THE WEEK ENDING OCTOBER 20, 1978

Name of applicant and location of enterprise	Principal product or activity
Three Handles Auto/Truck Plaza, Inc., Lancaster County, Pa.	Full service auto/truck plaza
R/S Truck Body Co., Inc., Campbellsville, and Allen, Ky.	Manufacture of truck bodies
Brad Ragan, Inc., Spruce Pine, N.C.	Replacing, retreading, and repairing tires for off-the-road vehicles, trucks and buses
Midtown Inc., Somerset, Ky.	Health services
Mid-Florida Mining Co., Inc., Lowell, Fla.	Production of dried fuller's earth and green clay
Warren Seibert, Yellville, Ark.	Manufacture of multiple drilling and tapping spindles and components
H.F.E., Inc., Fort Collins, Colo.	Manufacture of farm equipment

[Fr Doc 78-30315 Filed 10-26-78; 8:45am]

[4510-30-M]

SUMMER PROGRAM FOR ECONOMICALLY DISADVANTAGED YOUTH (SPEDY) REALLOCATION

Reallocation of the Virginia Balance-of-State Supplemental Allocation

In accordance with 29 CFR 97.11(b) and 29 CFR 98.11(d), on August 11, 1978, the Employment and Training Administration, with the concurrence of the Governor of Virginia, reallocated $596,872 of the Virginia balance-of-State supplemental allocation under the summer program for economically disadvantaged youth (SPEDY), title III of the Comprehensive Employment and Training Act (CETA) of 1973, as amended.

The reallocation was made to the following CETA prime sponsors:

Richmond Area Manpower Planning System (RAMPS) Consortium, Va.	$125,000
Arlington County, Va	15,000
Fairfax County, Va	80,000
Southeastern Tidewater Area Manpower Authority (STAMA) Consortium, Va.	50,000
Henrico-Chesterfield-Hanover CETA Consortium, Va.	50,000
Peninsula Office of Manpower Programs (POMPS) Consortium, Va.	40,000
State of West Virginia	236,872

This reallocation was made in order to better utilize these funds within the summer period for employment of economically disadvantaged youth.

Any questions or comments regarding this reallocation should be addressed to Mr. Robert Taggart, Department of Labor, Office of Youth Programs, 601 D Street NW., Room 6000, Washington, D.C. 20213.

Signed this 13th day of October 1978.

ROBERT TAGGART,
Administrator, Office of Youth Programs.

[FR Doc. 78-30451 Filed 10-26-78; 8:45 am]

[4510-43-M]

Mine Safety and Health Administration

[Docket No. M-78-46-M]

FORT DODGE CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that Fort Dodge Corp., 522 South 22d Street, Box "W," Fort Dodge, Iowa 50501, has filed a petition to modify the application of 30 CFR 57.4-52 (gasoline), to its Fort Dodge Limestone Mine, located in Webster County, Iowa, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of Petitioner's statement is as follows:

(1) Petitioner requests permission for gasoline powered service vehicles owned by equipment service companies, electricians, and explosive dealers to enter the above mine on an occasional basis when their services are needed.

(2) The mine has only a single inclined roadway large enough to accommodate vehicular traffic. Other openings are for ventilation and escape only.

(3) Petitioner anticipates that no more than one or two gasoline powered service truck trips per week will be necessary.

(4) No gasoline is carried into or stored in the mine by Petitioner.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before November 27, 1978. Comments must be filed with the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: October 19, 1978.

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

[FR Doc. 78-30454 Filed 10-26-78; 8:45 am]

[4510-43-M]

[Docket No. M-78-108-C]

VALLEY CAMP COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that Valley Camp Coal Co., No. 3 mine, P.O. Box 218, Triadelphia, W. Va. 26059, has filed a petition to modify the application of 30 CFR 75.1403-8 (track haulage roads), to its No. 3 mine located in Triadelphia, Ohio County, W. Va., in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of Petitioner's statement is as follows:

(1) Two sections of track haulage road are concerned. One has a roof support system of posts and timber, most of which have been in place in excess of 40 years. The other has the entire roof, ribs, and coal seam completely sealed with bolted wire covered with cement (gunite). The seal prevents decay from air and moisture and thus provides protection from roof and rib falls.

(2) There are presently 25 locations where the clearance on the "clearance side" is less than 24 inches and 4 locations on the "tight side" where the clearance is less than 6 inches.

(3) To widen the ribs in the gunite section, the seal provided by the gunite would have to be broken. Air and moisture could then seep into the roof, ribs, and coal seam initiating decay. The risk of roof and rib falls would be increased unnecessarily and unreasonably.

(4) Poor roof conditions exist in the post and timbered section. The actual support function served by each individual post is unknown and unpredictable. Construction to widen the haulage road in those areas could be hazardous and weaken the roof support system.

(5) The time involved in correcting the specified areas would result in more exposure of miners to hazards than would ever be involved for the remainder of the life of the mine under present conditions.

(6) Petitioner requests modification of the standard to allow for clearances of less than 24 inches on the "clearance side" and 6 inches on the "tight side" from the farthest projections of normal traffic in certain areas of No. 3 mine. These areas are more particularly described as starting from "B Face Pump House up to and including all the areas to the outby end of No. 3 Passway Switch" and are more specifically set forth in a map provided by Petitioner. The modification would be contingent upon Petitioner establishing the following safeguards to guarantee no less than the same measure of protection as that afforded miners by the standard:

(a) The required clearance space of 24 inches from the farthest projection of moving equipment shall be kept free of all obstructions, and where the required 24 inches of clearance space is not available, the clearance space available shall be kept free of all obstructions.

(b) Luminous signs designating "Danger—Close Clearance" shall be posted at the outby and inby ends of the affected area.

(c) When workers are assigned to travel or perform work along this haulage road, the person in charge of transportation shall assure that all persons operating haulage equipment shall be made aware of the location of such workers.

(d) When workers are required to perform any work along this haulage road, luminous signs indicating "Men Working Ahead" shall be posted at the outby and inby ends and all equipment shall be operated at slow speed through the area.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before November 27, 1978. Comments must be filed with the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: October 18, 1978.

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

[FR Doc. 78-30452 Filed 10-26-78; 8:45 am]

[4510-43-M]

[Docket No. M-78-99—C]

VALLEY CAMP COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that Valley Camp Coal Co., No. 3 mine, P.O. Box 218, Triadelphia, W. Va. 26059, has filed a petition to modify the application of 30 CFR 75.1403-9 (shelter holes) to its No. 3 mine located in Ohio County, W. Va., in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of Petitioner's statement is as follows:

(1) Two sections of track haulage road are concerned. One has a roof support system of posts and timber, most of which have been in place in excess of 40 years. The other has the entire roof, ribs, and coal seam completely sealed with bolted wire covered with cement (gunite). The seal prevents decay from air and moisture and thus provides protection from roof and rib falls.

(2) Construction of shelter holes in the gunite section would break the seal provided by the gunite. Air and moisture would cause a decay process extending beyond the immediate site of the shelter. The risk of roof and rib falls would be unnecessarily and unreasonably increased.

(3) Poor roof conditions exist in the post and timbered section. The actual support function served by each individual post is unknown and unpredictable. Construction of shelter holes could be hazardous and weaken the roof support system. Rehabilitation of crosscuts to the depth required of a shelter hole would be similarly hazardous.

(4) In the gunite section, crosscut rehabilitation would require moving ventilation stoppages and adversely disrupt and alter the ventilation system for the entire mine.

(5) The time involved in constructing the shelter holes at the required intervals would result in more exposure of miners to hazards than would ever be involved for the remainder of the life of the mine under the present conditions.

(6) In the alternative, Petitioner requests modification of the standard to permit shelter holes at intervals of more than 105 feet in certain areas of No. 3 mine. These areas are more particularly described as starting from "300 feet inby M, north up to and including all the areas to the outby end of the supply track near the rotary dump" and are more specifically set forth in a map provided by Petitioner. The modification would be contingent upon Petitioner establishing the following safeguards to guarantee no less than same measure of protection than afforded miners by the standard:

(a) Luminous signs, stating that persons are not to enter this area on foot unless permission is granted by the dispatcher, shall be posted at the inby and outby ends of the affected area. Telephones shall be located at the track entrances to the affected area.

(b) All designated shelter holes in the affected area shall be located at the track entrances to the affected area.

(c) All designated shelter holes in the affected area shall be marked with luminous signs, electric lights, or reflectors.

(d) All designated shelter holes shall be kept free of refuse and other obstruction.

(e) Workers required to do any work along this track shall be provided with radio or telephone communications so that they may be notified of approaching haulage equipment. Upon arrival at the worksite, the workers shall locate a shelter hole where they may take refuge when haulage equipment is entering the area.

(f) The dispatcher shall notify all haulage equipment operators of the location of work crews along the affected area.

(g) Blinker lights, red or yellow, and a sign, "caution men working" shall be posted at the inby and outby ends of the work area. Haulage equipment passing through the area should travel at a slow rate of speed.

(h) The above provisions shall be posted at the inby and outby approaches to the area.

REQUEST FOR COMMENT

Persons interested in this petition may furnish written comments on or before November 27, 1978. Comments must be filed with the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: October 18, 1978.

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

[FR Doc. 78-30453 Filed 10-26-78; 8:45 am]

[7537-01-M]

NATIONAL ENDOWMENT ON THE ARTS AND THE HUMANITIES

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the National Endowment for the Arts will be held on November 13, 1978, from 1 p.m. to 4 p.m., in Room 1125, of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C.

This meeting will be open to the public on a space available basis. Accommodations are limited. Interested

persons may submit written statements to the panel.

The agenda for this meeting will include evaluation of graphics materials of the Department of Labor.

Further information with reference to this meeting can be obtained from Mr. Jerome Perlmutter, Coordinator of Federal Graphics, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-4286.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 78-30308 Filed 10-26-78; 8:45 am]

[7537-01-M]

MEDIA ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Media Arts Advisory Panel to the National Council on the Arts will be held November 16, 1978, from 9 a.m. to 5:45 p.m., in room 1426 of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C.

This meeting will be open to the public on a space available basis. The topic for discussion will be policy and guidelines.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

OCTOBER 23, 1978.

[FR Doc. 78-30366 Filed 10-26-78; 8:45 am]

[7537-01-M]

MUSIC ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Choral Section) to the National Council in the Arts will be held on November 10, 1978, from 9 a.m. to 5 p.m.; November 11, 1978, from 9 a.m. to 5 p.m., in the Choral Rehearsal Room, Orchestra Hall, 720 Michigan Avenue, Chicago, Ill.

A portion of this meeting will be open to the public on November 10, 1978, from 9 a.m. to 5 p.m., and on November 11, 1978, from 9 a.m. to 2 p.m. The topics of discussion will be policy and guidelines.

The remaining sessions of this meeting on November 11, 1978, from 2 p.m. to 5 p.m., are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6), and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 78-30309 Filed 10-26-78; 8:45 am]

[7537-01-M]

VISUAL ARTS (CRAFTSMEN'S FELLOWSHIPS) ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts (Craftsmen's Fellowships) Advisory Panel to the National Council on the Arts will be held on November 15, 1978, from 9 a.m. to 5:30 p.m., in Room 1426 of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 78-30365 Filed 10-26-78; 8:45 am]

[7537-01-M]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ADVISORY COMMITTEES

Public Disclosure of Information and Activities

The National Endowment for the Arts utilizes advice and recommendations of advisory committees, including the National Council on the Arts, in carrying out many of its functions and activities.

The Federal Advisory Committee Act, as amended (Pub. L. 92-463) governs the formation, use, conduct, management, and accessibility to the public of committees formed to advise and assist the Federal Government. Section 10 of the act specifies that department and agency heads shall make adequate provisions for participation by the public in the activities of advisory committees, except to the extent a determination is made in writing by the department or agency head that a portion of an advisory committee meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code.

It is the policy of the National Endowment for the Arts to make the fullest possible disclosure of records to the public, limited only by obligations of confidentiality and administrative necessity. Consistent with this policy, all endowment advisory committee meetings except for limited portions dealing with the review, discussion, evaluation, and/or ranking of grant applications and contract proposals will be open to the public. The reasons for this determination are as follows:

Information and data are furnished to the Endowment by grant applicants with assurance that such information will be treated on a confidential basis and not disclosed to the public. This information may include such matters as details relating to the type of design or work to be performed, adequacy of the applicant's facilities, competence of the applicant's or contractor's staff, proposed budget, and other material which would not otherwise be disclosed. If the process were not to continue on a confidential basis, grant applicants and potential contractors would not supply sufficiently detailed information so essential for complete and effective review of their proposals.

Further, public disclosure of proposals not approved for funding could subject unsuccessful grant applicants to embarrassment and might adversely influence or prejudice the decisions of other funding sources in connection with their review of similar proposals.

Endowment consultant-experts are chosen from among persons recognized for their expertise in the arts. These experts review and evaluate applications for financial assistance submitted to the Endowment by their peers and colleagues in the respective cultural fields. As a result, public participation in panel meetings involving application review undoubtedly would effect a consultant-expert's willingness to express his or her full and frank opinion regarding the merits of the proposed project or activity. Also, such participation could result in consultant-experts being subjected to attempts by potential grantees to influence final funding decisions. Accordingly, the Endowment's capacity effectively to carry out its statutory mandate and maintain the highest possible standards of quality with respect to funding decisions would be seriously impaired by its inability to conduct the grant review process in a confidential atmosphere conducive to the candid and honest exchange of ideas. Thus, such public participation would be likely to significantly frustrate implementation of proposed agency actions, i.e., proposed funding decisions.

Finally, disclosure of preliminary funding recommendations could result in premature reliance on such information to the applicant's financial detriment, since such recommendations are not binding on the Chairman of the Endowment.

Consequently, in the interest of meeting our obligations of confidentiality in reference to matters submitted as part of grant applications and contract proposals, and in order to encourage and insure, for the benefit of the Government's review and evaluation process, candid and uninhibited expression of views concerning the merits of grant applications and contract proposals:

It is hereby determined in accordance with the provisions of section 10(d) of the act that the disclosure of information regarding the review, discussion, and evaluation of grant applications and contract proposals, as outlined herein is likely to disclose:

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action.

Therefore, in light of the above, I have determined that meetings or portions thereof, of all Endowment advisory committees, including the National Council on the Arts, devoted to review, discussion, evaluation, and/or ranking of grant applications, and contract proposals may be closed to the public in accordance with subsection (c) (4), (6), and 9(B) of section 552b of title 5, United States Code.

The Executive Secretary of each such committee shall prepare a summary of any meeting or portion thereof not open to the public within three (3) business days following the conclusion of the meeting of the National Council on the Arts. Such summaries shall be consistent with the considerations which justified the closing of the meeting.

All other advisory committee meetings shall be open to the public unless the Chairman of the National Endowment for the Arts or his designee determines otherwise in accordance with section 10(d) of the act.

The Director, Council and Panel Operations, shall be responsible for publication in the FEDERAL REGISTER or, as appropriate, in local media, of a notice of all advisory committee meetings. Such notice shall be published in advance of the meetings and contain:

(1) Name of the committee and its purpose;

(2) Date and time of the meeting, and, if the meeting is open to the public, its location and agenda; and

(3) A statement that the meeting is open to the public, or, if the meeting or any portion thereof is not to be open to the public, a statement to that effect.

The Director, Council and Panel Operations, is designated as the person from whom rosters or lists of committee members may be obtained and from whom minutes of open meetings or open portions thereof may be requested.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory committees which are open to the public.

Members of the public attending a meeting will be permitted to participate in the committee's discussion at the discretion of the chairman of the committee, if the chairman is a full-time Federal employee; if the chairman is not a full-time Federal employee then public participation, will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting in compliance with the order.

LIVINGSTON L. BIDDLE, Jr.,
Chairman,
National Endowment for the Arts.

[FR Doc. 78-30426 Filed 10-26-78; 8:45 am]

[7710-12-M]

POSTAL SERVICE

RESTRICTIONS ON PRIVATE CARRIAGE OF LETTERS

Test of Alternate Procedures for the Payment of Postage on Certain Letters Carried Privately

The Private Express Statutes and regulations, 39 CFR parts 310 and 320, permit letters to be carried privately if postage is paid and other technical requirements are met, including that the cover must be addressed, sealed, and dated, and the stamps must be placed on it and canceled in ink. 39 CFR § 310.2(b). These requirements provide an objective means of verifying that the private carriage of letters does not cause the Postal Service to lose revenue to which it is entitled.

Over the years, the Postal Service has occasionally been asked whether it would consider collecting postage through a system that involves varying one or more of the requirements in 39 CFR § 310.2(b) so as to be more convenient for businesses. In the past, the Postal Service has considered that the advantages of holding to the requirements of the law and current regulations outweighed the advantages of pursuing change. The Postal Service now believes, however, that it would be useful to test some alternative systems to gain experience as to their feasibility.

We think the most useful approach to the test would be to develop alternate systems through discussions with shippers, reflected in written agreements of some kind, tailored to the perceived need. We hesitate at this time to prescribe a standard format for such an agreement, though the format for such an agreement could well be an outgrowth of the experience gained under this test. Any agreement would, however, be drafted to accomplish these goals: (1) To provide for adequate audit and inspection to assure that full postage is paid; (2) to be as convenient as possible for the businesses involved; and (3) to keep administrative expenses to a minimum.

In approximately 1 year from October 26, 1978, the Postal Service will publish a report on the results of the test. The report may recommend that the test be extended for an additional period of time, or it may recommend some final action. During the test period, firms wishing to approach the Postal Service about varying the procedures in 39 CFR 310.2(b) are invited to do so, recognizing, however, that resources available to manage and evaluate the test are sufficient to accommodate only a limited number of variations progressing during the test period. If more requests come in than can be handled, some requests will

have to be denied pending completion of the experiment. Requests should be directed to the Assistant General Counsel, Opinions Division, U.S. Postal Service, Washington, D.C. 20260.

(39 U.S.C. 401, 404, 601-606; 18 U.S.C. 1693-1699, 1724.)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 78-30495 Filed 10-26-78; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-0203]

GREAT AMERICAN CAPITAL INVESTORS, INC.

Issuance of a License To Operate as a Small Business Investment Company

On June 8, 1978, a notice was published in the FEDERAL REGISTER (43 FR 24927) stating that an application had been filed by Great American Capital Investors, Inc., 1006 Holliday Street, Wichita Falls, Tex. 76301, with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1978)), for a license to operate as a small business investment company (SBIC).

Interested parties were given until the close of business June 23, 1978, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued license No. 06/06-0203 on October 11, 1978, to Great American Capital Investors, Inc. to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: October 19, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-30486 Filed 10-26-78; 8:45 am]

[8025-01-M]

[Declaration of Disaster Loan Area No. 1519, Amdt. No. 1]

NORTHERN MARIANA ISLANDS OF THE PACIFIC

Declaration of Disaster Loan Area

The above numbered Declaration (see 43 FR 39880) is amended in accordance with the President's declaration of August 18, 1978, to include another tropical storm (Typhoon Faye) which occurred on August 29, 1978 through September 1, 1978, for the Islands of Agrihan, Alamagan, and Pagan, Commonwealth of the Northern Mariana Islands of the Pacific, and extending the filing date for physical damage until the close of business on November 9, 1978, and for economic injury until the close of business on June 8, 1979.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 25, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-30485 Filed 10-26-78; 8:45 am]

[8025-01-M]

SYRACUSE-BASED CARRIER CORP. AND UNITED TECHNOLOGIES CORP.

Hearing

Pursuant to statutory authority set forth in section 634d of Title 15, United States Code, the Chief Counsel for Advocacy of the Small Business Administration, Milton D. Stewart, Esq., with the approval of the Administrator of the Small Business Administration, A. Vernon Weaver, will conduct public hearings in Syracuse, N.Y., on November 2 and December 1, 1978, and on January 11, 1979, on the proposed takeover of the Syracuse-based Carrier Corp. by the United Technologies Corp. of Hartford, Conn. The hearings will convene on each date at 10 a.m. (e.s.t.) at Room C215, U.S. Court House, 100 South Clinton Street, Syracuse, N.Y.

Purpose of hearing: The Office of the Chief Counsel for Advocacy will (1) evaluate the impact of the proposed takeover on the small business community of Central New York State, and (2) examine the adequacy of current Federal policy covering mergers and takeovers by and between large U.S. corporations.

Witnesses: On November 2, 1978, witnesses will be drawn primarily from concerned members of the Greater Syracuse business and civic community. On December 1, 1978, Federal, State, regional, and local government officials along with economic experts from the private sector will appear as witnesses. On January 11, 1979, representatives of the United Technologies Corp. and the Carrier Corp. will be given an opportunity to discuss the proposed takeover and its effects on the local community and other matters raised during the course of the hearings.

The hearing is open to the public. Any member of the public may file a written statement with the Office of the Chief Counsel for Advocacy before, during, or after the hearings. All communications or inquiries regarding these hearings should be addressed to:

Jere Glover, Esq., Deputy Chief Counsel, Office of the Chief Counsel for Advocacy, U.S. Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, 202-653-6808.

For the Chief Counsel for Advocacy.

JERE GLOVER,
Deputy Chief Counsel.

OCTOBER 24, 1978.

[FR Doc. 78-30484 Filed 10-26-78; 8:45 am]

[8410-01-M]

WATER RESOURCES COUNCIL

PRINCIPLES AND STANDARDS FOR PLANNING WATER AND RELATED LAND RESOURCES

Change in Discount Rate

Notice is hereby given that the interest rate to be used by Federal agencies in the formulation and evaluation of plans for water and related land resources is 7⅞ percent for the period October 1, 1978 through and including September 30, 1979.

The rate has been computed in accordance with Chapter IV, D., "The Discount Rate" in the "Standards for Planning Water and Related Land Resources" of the Water Resources Council, as amended (39 FR 29242), and is to be used by all Federal agencies in plan formulation and evaluation of water and related land resources projects for the purpose of discounting future benefits and computing costs, or otherwise converting benefits and costs to a common time basis.

The Department of the Treasury on October 19, 1978 informed the Water Resources Council pursuant to chapter IV, D., (b) that the interest rate would be 7⅝ percent based upon the formula set forth in chapter IV, D., (a): "* * * the average yield during the preceding Fiscal Year on interest-bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity * * *." However, chapter IV, D., (a) further provides "* * * that in no event shall the rate be raised or lowered more than one-quarter of 1 percent for any year." Since the rate in fiscal year 1978 was 6⅝ percent (42 FR 58232), the rate for fiscal year 1979 is 6⅞ percent.

Dated: October 24, 1978.

LEO M. EISEL,
Director.

[FR Doc. 78-30408 Filed 10-26-78; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Notice No. 733]

ASSIGNMENT OF HEARINGS

OCTOBER 24, 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 107839 (Sub-176F), Denver-Albuquerque Motor Transport, Inc., now assigned for hearing on November 13, 1978, at Tampa, Fla., will be held at the Post Office, Annex Building, 415 Zack Street.

MC 25798 (Sub-317F), Clay Hyder Trucking Lines, Inc., now assigned for hearing on November 15, 1978, at Tampa, Fla., will be held at the Post Office, Annex Building, 415 Zack Street.

MC 107107 (Sub-465), Alterman Transport Lines, Inc., now assigned for hearing on November 20, 1978, at Howard Johnson's Plaza, 200 Southeast Second Avenue, Miami, Fla.

MC 41406 (Sub-68F), Artim Transportation System, Inc., now being assigned for hearing on January 10, 1979 (3 days), at Detroit, Mich., in a hearing room to be later designated.

MC 112304 (Sub-131F), Ace Doran Hauling & Rigging Co., MC 120257 (Sub-42), K. L. Breeden & Sons, Inc., MC 136828 (Sub-19), Cook Transports, Inc., MC 136828 (Sub-20), Cook Transports, Inc., now being assigned for hearing on January 9, 1979 (1 day), at Birmingham, Ala., in a hearing room to be later designated.

MC 43963 (Sub-16F), Chief Truck Lines, Inc., now being assigned for hearing on January 10, 1979 (1 day), at Birmingham, Ala., in a hearing room to be later designated.

MC 138882 (Sub-30), Wiley Sanders, Inc., now being assigned for hearing on January 11, 1979 (1 day), at Birmingham, Ala., in a hearing room to be later designated.

MC 10150, Victory Freight Lines, Inc.—investigation and revocation of certificates, now being assigned for hearing on January 12, 1979 (1 day), at Birmingham, Ala., in a hearing room to be later designated.

MC 119777 (Sub-350F), Ligon Specialized Hauler, Inc., now being assigned for hearing on January 15, 1979 (2 days), at Brimingham, Ala., in a hearing room to be later designated.

MC 126305 (Sub-92F), Boyd Bros. Transportation Co., Inc., now being assigned for hearing on January 17, 1979 (3 days), at Birmingham, Ala., in a hearing room to be later designated.

MC 109173 (Sub-4F), Delta Bus Co., now being assigned for hearing on January 15, 1979 (5 days), at Lansing, Mich., in a hearing room to be later designated.

MC 25869 (Sub-139F), Notle Bros. Truck Line, Inc., now being assigned for hearing on January 9, 1979 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC 144209 (Sub-3F), Erwin Trucking, Inc., now being assigned for hearing on January 11, 1979 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC 125951 (Sub-28F) Silvey Refrigerated Carriers, Inc., now being assigned for hearing on January 15, 1979 (1 day), at Omaha, Nebr., in a hearing room to be later designated.

MC 125951 (Sub-27F) Silvey Refrigerated Carriers, Inc., now being assigned for hearing on January 16, 1979 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC 114632 (Sub-160F), Apple Lines, Inc., now being assigned for hearing on January 18, 1979 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC 139482 (Sub-57F), New Ulm Freight Lines, Inc., now being assigned for hearing on November 27, 1978 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 144464F, United States Student Travel Service, Inc., d.b.a., Travelon Tours, now being assigned for hearing on November 28, 1978 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 114457 (Sub-400F), Dart Transit Co., now being assigned for hearing on November 30, 1978 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 114273 (Sub-362F), CRST, Inc., now being assigned for hearing on January 9, 1979 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 114273 (Sub-325F), CRST, Inc., now being assigned for hearing on January 11, 1979 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 115331 (Sub-457F), Truck Transport Inc., now being assigned for hearing on January 15, 1979 (5 days), at Chicago, Ill., in a hearing room to be later designated.

MC 139584 (Sub-15F), John Busch, now being assigned for hearing January 25, 1979, at New York, N.Y. (2 days), in a hearing room to be later designated.

MC 138328 (Sub-60F), Clarence L. Werner, d.b.a. Werner Enterprises, now assigned for hearing January 23, 1979 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 140024 (Sub-99F), J. B. Montgomery, Inc., now being assigned January 22, 1979 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 123681 (Sub-34F), Widing Transportation, Inc., now assigned January 15, 1979, at Portland, Oreg. (5 days), in a hearing room to be later designated.

MC 106497 (Sub-155F), Parkhill Truck Co., now assigned January 15, 1979 (5 days), in Boise, Idaho, in a hearing room to be later designated.

MC 111302 (Sub-122F), Highway Transport, Inc., now assigned January 10, 1979, at Washington, D.C., at the offices of the Interstate Commerce Commission.

MC 101134 (Sub-8F), Aro Coaches, Inc., now being assigned January 10, 1979 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC 140186 (Sub-26F), Tiger Transportation, Inc., now assigned January 9, 1979 (4 days), at Portland, Oreg., in a hearing room to be later designated.

MC 128527 (Sub-112F), May Trucking Co., now assigned January 9, 1979 (2 days), at Boise, Idaho, in a hearing room to be later designated.

MC 144640F, Agricultural Services Association, Inc., now assigned January 9, 1979 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 144473 (Sub-1F), Dorval Corp., now assigned January 8, 1979 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 140024 (Sub-98F), J. B. Montgomery, Inc., now assigned January 8, 1979 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 1745 (Sub-8F), Interstate Van Lines, Inc., now assigned December 18, 1978, at Washington, D.C., at the offices of the Interstate Commerce Commission.

MC 103066 (Sub-66F), Stone Trucking Co., now assigned December 4, 1978, for prehearing conference at Washington, D.C., at the offices of the Interstate Commerce Commission.

MC 124083 (Sub-58F), Skinner Motor Express, Inc., now assigned December 4, 1978, at Washington, D.C., for prehearing conference at the offices of the Interstate Commerce Commission.

MC 129704 (Sub-2F), Clarence B. Blankenship, d.b.a. Troy Cab Co., now assigned November 28, 1978, at Washington, D.C., for prehearing conference at the offices of the Interstate Commerce Commission.

MC-F-13298, D.C. joint venture—noncarrier—control—Skyline Transport Inc., now assigned November 27, 1978, at Washington, D.C., and will be held at the offices of the Interstate Commerce Commission.

MC 119789 (Sub-437F), Caravan Refrigerated Cargo, Inc., now being assigned for hearing on January 23, 1979 (1 day), at Omaha, Nebr., in a hearing room to be later designated.

MC 113678 (Sub-728F), Curtis Inc., now being assigned for hearing on January 24, 1979 (1 day), at Omaha, Nebr., in a hearing room to be later designated.

MC 126118 (Sub-No. 72F), Crete Carrier Corp., now being assigned for hearing on January 25, 1979 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC F-13562, Nolte Bros. Truck Line, Inc.—control and merger—Nebraska Overland Express, Inc., now being assigned for hearing on January 29, 1979 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC 111320 (Sub-69), Keen Transport, Inc., now being assigned for hearing on January 31, 1979 (3 days), at Omaha, Nebr., in a hearing room to be later designated.

MC 144400F, Bi-Rite Auto Transport, Inc., now assigned for hearing on November 28, 1978, at San Francisco, Calif., will be held in room 102, 555 Battery Street.

MC 115826 (Sub-306F), W. J. Digby, Inc., now assigned for hearing on November 20, 1978, at Chicago, Ill., will be held in Room 572, Everett McKinley Kirksen Building, 219 South Dearborn Street.

MC 134922 (Sub-259F), B. J. McAdams, Inc., now assigned for hearing on November 21, 1978, at Chicago, Ill., will be held in Room 572, Everett McKinley Dirksen Building, 210 South Dearborn Street.

MC 142299 (Sub-2), Truck Rail Truck Service Co., Inc., now assigned for hearing on

November 13, 1978, at Chicago Ill., will be held in Room 572, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 107818 (Sub-90F), Greenstein Trucking Co., now being assigned for hearing on January 10, 1979 (3 days), at Milwaukee, Wis., in a hearing room to be later designated.

MC 138144 (Sub-28F), Fred Olson Co., Inc., now being assigned for hearing on January 15, 1979 (5 days), at Milwaukee, Wis., in a hearing room to be later designated.

MC 140024 (Sub-97F), J. B. Montgomery, Inc., now assigned January 11, 1979, at New York, N.Y. (2 days), in a hearing room to be later designated.

MC 144158 (Sub-1), Caldweel School & Charter Bus Co., Inc., now being assigned January 11, 1979 (2 days), at Boise, Idaho, in a hearing room to be later designated.

MC 144624F, American-Strevell Transport, Inc., now being assigned for hearing on January 23, 1979 (1 day), at Salt Lake, City, Utah, in a hearing room to be later designated.

MC 113678 (Sub-742F), Curtis, Inc., now being assigned for hearing on January 24, 1979 (3 days), at Salt Lake City, Utah, in a hearing room to be later designated.

MC 106644 (Sub-254F), Superior Trucking Co., Inc., now being assigned for hearing on January 29, 1979 (1 day), at Portland, Oreg., in a hearing room to be later designated.

MC 114211 (Sub-346F), Warren Transport, Inc., now being assigned for hearing on January 30, 1979 (1 day), at Portland, Oreg., in a hearing room to be later designated.

MC 32882 (Sub-92F), Mitchell Bros. Truck Lines, now being assigned for hearing on January 31, 1979 (3 days), at Portland, Oreg., in a hearing room to be later designated.

MC 144541, Baldwin Leasing Co., Inc., now being assigned for hearing on December 4, 1978 (9 days), at Mobile, Ala., in a hearing room to be later designated.

MC-F-13434, Central Transfer Co.—purchase (portion)—Robert Emanuel and Margaret Emanuel, d.b.a. Emanuel's Express and 1403 (Sub-4), Central Transfer Co., now being assigned for continued hearing on November 7, 1978 (2 days), at New York, N.Y., and continued to November 9, 1978 (1 day), at Philadelphia, Pa., in hearing rooms to be later designated.

MC 119988 (Sub-138F), Great Western Trucking Co., Inc., MC 134755 (Sub-144F), Charter Express, Inc., MC 141912 (Sub-9F), Tollie Freightways, Inc., now being assigned for hearing on January 23, 1979, (1 day), at Kansas City, Mo., in a hearing room to be later designated.

MC 139495 (Sub-355F), National Carriers, Inc., now being assigned for hearing on January 24, 1979 (3 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 119176 (Sub-19), the Squaw Transit Co., now being assigned for hearing on January 29, 1979 (5 days), at Kansas City, Mo., in a hearing room to be later designated.

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

[FR Doc. 78-30469 Filed 10-26-78; 8:45 am]

[7035-01-M]

[Notice No. 122]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 27, 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.

MC-FC-77888. By application filed October 16, 1978, MID-CITIES DELIVERY, INC., 324 Michigan, St. Joseph, MO 64505, seeks temporary authority to transfer a portion of the operating rights of Farris Truck Line, P.O. Box 224, Faucett, MO 64448, under section 210a(b). The transfer to Mid-Cities Delivery, Inc., of a portion of the operating rights of Farris Truck Line, is presently pending.

By the Commission.

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

[FR Doc. 78-30468 Filed 10-26-78; 8:45 am]

[1505-01-M]

[Notice No. 166]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78-25906 appearing at page 41329 in the issue for Friday, September 15, 1978 on page 41330, second column, fifteenth line of MC 120279 (Sub-9TA), "NE" should read "NV".

[1505-01-M]

[Notice No. 173]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78-27186 appearing at page 43805 in the issue for Wednesday, September 27, 1978, on page 43807, second column, "MC 13947 (Sub-5TA)" should read "MC 139457 (Sub-5TA)".

[1515-01-M]

[Notice No. 172]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78-27187 appearing at page 43808 in the issue for Wednesday, September 27, 1978, on page 43809, third column, "MC 11445 (Sub-505TA)" should read "MC 114045 (Sub-505TA)".

[1505-01-M]

[Notice No. 168]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78-26189 appearing at page 41458 in the issue for Monday, September 18, 1978, on page 41459, second column, twelfth line of MC 126899 (Sub-121TA), "MI" should read "MS".

sunshine act meetings

This section of the Federal Register contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6320-01-M]

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[M-173, Amdt. 2; Oct. 24, 1978]

CIVIL AERONAUTICS BOARD.

Notice of change of time.

TIME AND DATE: 2 p.m., October 24, 1978.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: (1) Recommended position for negotiations with New Zealand, Australia, Fiji and Papua-New Guinea; (2) Memorandum for Board action regarding Docket 26291, American Samoa's Petition for Immediate Restoration of Adequate Air Service; (3) Memorandum for Board action regarding Docket 31684, Application of Continental Air Lines, Inc., for renewal of its authority to postpone inauguration of service to American Samoa; (4) Docket 33461, Application of Qantas Airways, Ltd., for waiver of part 212 to carry individually-waybilled cargo on seven passenger charters; (5) Recommended Board position for United States-United Kingdom consultations in Washington beginning October 30, 1978 (Memo 8245, 8244, 8244-A).

STATUS: Closed.

PERSONS TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: See M-173 and 173, Admt. 1 for reason for closing, persons expected to attend and the General Counsel's Certification.

[S-2174-78 Filed 10-25-78; 3:42 pm]

[6320-01-M]

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[M-170, Amdt. 5; Oct. 23, 1978]

CIVIL AERONAUTICS BOARD.

Notice of addition and deletion of items to the October 20, 1978, agenda.

TIME AND DATE: 1:30 p.m., October 20, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1a. Processing of applications for unused authority and the Airline Deregulation Act.

5a. Docket 33461, Application of Qantas Airways, Ltd., for waiver of Part 212 to carry individually-waybilled cargo on seven passenger charters (Memo 8244, 8244-A, BIA, OGC, BPDA).

13a. Docket 33712, Petition of Seaboard World Airlines requesting Board to issue immediate order temporarily restraining Tiger International from acquiring additional stock of Seaboard (OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: There has been widespread public attention given to the queue of persons waiting to submit applications for unused operating authority. At its October 20, 1978, the Board noted that because the new bill is ambiguous, the applications will be taken the day following the President's signing of the Airline Deregulation Act of 1978. Additionally, the Board asked its staff to prepare an analysis of the new bill for future public meeting. Item 5a was deleted from the October 20, 1978, agenda because subject matter is related to negotiations (see M-173 issued October 20). In order to dispose of this matter as expeditiously as possible, item 13a was added to the October 20 agenda. Accordingly, the following Members voted on October 20, 1978, that agency business requires the addition of items 1a and 13a and the deletion of item 5a on the October 20 agenda and that no earlier announcement of these changes was possible:

Chairman, Alfred E. Kahn
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer
Member, Marvin S. Cohen

All amendments to previously announced agendas are publicly posted at the Board's offices, sent to the FEDERAL REGISTER for publication, and mailed to parties to docketed cases affected by the change. We regret any inconvenience that may be caused by these changes or the delayed receipt of our notices.

[S-2156-78 Filed 10-25-78; 11:00 am]

[1410-01-M]

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COPYRIGHT ROYALTY TRIBUNAL.

TIME AND DATE: Thursday, November 9, 1978, 10 a.m.

PLACE: 1111 20th Street NW., Room 458, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Fiscal year 1980 budget request.
2. Agency Rules of Procedure.
3. Agency Code of Ethics.
4. Request of the Amusement and Music Operators Association for reconsideration of regulation for access to phonorecord players (jukeboxes), (43 FR 40498), postponement of effective date, and for extension of filing deadline.
5. Jukebox location listings and the Freedom of Information Act.
a. Request of the Amusement and Music Operators Association that jukebox location listings be exempted from disclosure under the Freedom of Information Act.
b. Consideration of Tribunal's jurisdiction to attach protective safeguards to disclosure of location listings to copyright owners.
c. Consideration of Tribunal's jurisdiction to restrict disclosure of location listings to copyright owners.
6. Request of Broadcast Music, Inc., for further consideration of regulations concerning claims to jukebox royalties (43 FR 40501).
7. Preliminary consideration of methodology for distribution of cable television royalties.
8. Report of the Committee on Taping concerning the Committee's research procedures.

CONTACT: Thomas C. Brennan, Chairman, 202-653-5175.

THOMAS C. BRENNAN,
Chairman.

[S-2155-78 Filed 10-25-78; 11:00 am]

[6570-06-M]

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, October 31, 1978.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the public:

1. Two proposed contracts for financial management requirements.
2. Report on Commission operations by the Executive Director.

Closed to the public:

Litigation Authorization; General Counsel Recommendations: Matters closed to the public under the Commission's regulations at 29 CFR 1612.13.

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretarial, at 202-634-6748.

The notice issued October 24, 1978.

[S-2160-78 Filed 10-25-78; 11:52 am]

[6712-01-M]

5

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 2:30 p.m., Monday, October 23, 1978.

PLACE: Defense Communications Agency, Arlington, Va.

STATUS: Closed Commission meeting.

MATTER TO BE CONSIDERED: Top Secret briefing of the Commission by the Department of Defense (DOD) relating to the Commission's reconsideration of its report, order and third statement of policy and guidelines in Docket No. 18875, released December 23, 1977.

Issued: October 23, 1978.

[S-2170-78 Filed 10-25-78; 3:37 pm]

[6712-01-M]

6

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Special open Commission meeting, Wednesday, October 24, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

CHANGES IN THE MEETING: The meeting on the following subject has been deleted and rescheduled to be considered as part of the regular open meeting, November 2, 1978, starting at 9:30 a.m.

Agenda, Item No., and Subject

Cable Television—2—Joint petition for reconsideration of Arlington Telecommunications Corp. d.b.a. Artec, Arlington County, Va.

CONTACT PERSON FOR MORE INFORMATION:

FCC Public Information Officer, telephone 202-632-7260.

Issued: October 24, 1978.

[S-2171-78 Filed 10-25-78; 3:37 pm]

[6712-01-M]

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FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Special open Commission meeting, Wednesday, October 25, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

CHANGES IN THE MEETING: The meeting on the following subject has been canceled and rescheduled to follow the regular open meeting for November 14, 1978. Notice will be given at a later date.

Agenda, Item No., and Subject

Common Carrier—3—Modification of depreciation rates for C. & P. of Virginia and New England Telephone Co.

CONTACT PERSON FOR MORE INFORMATION:

FCC Public Information Officer, telephone 202-632-7260.

Issued: October 24, 1978.

[S—2172-78 Filed 10-25-78; 3:37 pm]

[6712-01-M]

8

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, October 31, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Broadcast—1—Report and Order in Docket No. 21474 concerning broadcast equal employment opportunity rules and forms as they apply to minorities and women. Minority Ownership Task Force will report on the recommendations made at the Minority Ownership Conference April 1977.
Broadcast—2—Notice of inquiry on part-time minority programing.
Broadcast—3—Petition for reconsideration of the Commission's Report and Order in Docket No. 21352 (Public Notice of Intent to Sell Broadcast Station).
Broadcast—4—Minority buyers listing.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from the FCC Public Information Office, telephone 202-632-7260.

Issued: October 24, 1978.

[S-2173-78 Filed 10-25-78; 3:37 pm]

[6714-01-M]

9

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 10 a.m., October 30, 1978.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.
Recommendation regarding the liquidation of assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent:
Case No. 43,685-L—Bank of Pine Apple, Pine Apple, Ala.
Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:
Sidley & Austin, Chicago, Ill., in connection with the liquidation of State Bank of

Clearing, Chicago, Ill. (Memorandum dated September 8, 1978).

Cooley, Shrair, Alpert & Labovitz, P.C., Springfield, Mass., in connection with the liquidation of Chicopee Bank & Trust Co., Chicopee, Mass. (Memorandum dated September 19, 1978).

Sahn, Shapiro & Epstein, New York, N.Y., in connection with the liquidation of Franklin National Bank, New York (Memorandum dated September 20, 1978).

Schneider, Smeltz, Huston & Bissell, Cleveland, Ohio, in connection with the liquidation of Northern Ohio Bank, Cleveland, Ohio (memorandum dated August 31, 1978).

J. Randolph Pelzer, P.A., North Charleston, S.C., in connection with the liquidation of American Bank & Trust, Orangeburg, S.C. (Memorandum dated September 15, 1978).

Recommendation with respect to the amendment of the Corporation's rules and regulations:

Memorandum and resolution proposing amendments to Part 329 of the Corporation's rules and regulations, entitled "Interest on Deposits," to establish certain interest-rate limitations on savings accounts from which funds may be automatically transferred to the depositor's checking account.

Memorandum proposing the adoption of a Corporation policy for the acquisition of supplies and services.

Memorandum proposing certain transactions in Government securities.

Memorandum proposing the acquisition of additional space for the expansion of the New York Regional Office.

Memorandum proposing the appointment of an agent for service of process in the State of Hawaii.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to the authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of security transactions authorized by the Acting Chairman.

CONTACT PERSON FOR MORE INFORMATION:

Hoyle L. Robinson, Assistant Executive Secretary, 202-389-4425.

[S-2161-78] Filed 10-25-78; 11:52 am]

[6714-01-M]

10

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 10:30 a.m., October 30, 1978.

PLACE: Board Room, 6th floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Applications for Federal deposit insurance:

The Midland State Bank, a proposed new bank to be located at U.S. Highway 231 and County Road 59, Midland City, Ala., for Federal deposit insurance.

Peoples Bank of St. Augustine, a proposed new bank to be located along the west side of U.S. Highway 1, at the west end of State Road 312, Unincorporated St. Johns County (P.O. St. Augustine), Fla., for Federal deposit insurance.

Metro Bank, a proposed new bank to be located at 3701 LaForce Boulevard, Midland Regional Air Terminal, Midland, Tex., for Federal deposit insurance.

Bank of Pasadena, a proposed new bank to be located at 3933 Fairmont Parkway, Pasadena, Tex., for Federal deposit insurance.

Application for consent to change a main office location:

The Estes Park Bank, Estes Park, Colo., for consent to relocate its main office from 101 West Elkhorn Avenue to 363 East Elkhorn Avenue, both locations within Estes Park, Colo.

Requests pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of persons convicted of offenses involving dishonesty or a breach of trust as directors, officers, or employees of insured banks:

Names of persons and of banks authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Application for consent to merge and establish branches:

The New York Bank for Savings, New York (Manhattan), N.Y., an insured mutual savings bank, for consent to merge under its charter and title with First Chartered Savings & Loan Association, Port Jervis, N.Y., an insured mutual savings and loan association, and for consent to establish the six offices of First Chartered Savings & Loan Association as branches of the resultant bank.

Application for consent to merge, establish branches, and redesignate the main office location:

The Exchange Bank of Central Florida, Haines City, Fla., an insured State nonmember bank, for consent to merge with the Exchange National Bank of Winter Haven, Winter Haven, Fla., under the charter of the applicant and with the title of "Exchange Bank of Polk County;" for consent to establish the three existing offices of the other bank as branches of the resultant bank; and for consent to redesignate the present main office of the Exchange Bank of Winter Haven as the main office of the resultant bank.

Application for consent to merge, to redesignate the main office location, to establish a branch, and to issue and retire capital:

Peoples Bank of Hawk Point, Hawk Point, Mo., an insured State nonmember bank, for consent to merge under its charter, and with the title of "Peoples Bank of Lincoln County," with Citizens Bank of Troy, Troy, Mo., also an insured State nonmember bank; for consent to redesignate its main office location to the present site of the existing main office of Citizens Bank of Troy; for consent to establish the present office of Peoples Bank of Hawk point as a branch of the resultant bank; for consent to issue capital notes as an addition to capital; and for advance consent to retire capital notes.

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,668-L—American Bank & Trust, Orangeburg, S.C.

Case No. 43,669-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tenn.

Case No. 43,675-L—Franklin National Bank, New York, N.Y.

Case No. 43,679-L—The Bank of Bloomfield, Bloomfield, N.J.

Case No. 43,682-L—Birmingham Bloomfield Bank, Birmingham, Mich.

Case No. 43,683-L—Birmingham Bloomfield Bank, Birmingham, Mich.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, seperations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

CONTACT PERSON FOR MORE INFORMATION:

Hoyle L. Robinson, Assistant Executive Secretary, 202-389-4425.

[S-2162-78 Filed 10-25-78; 11:52 am]

[6740-02-M]

11

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 49411, published October 23, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., October 25, 1978.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CAG-8. R-389-B, Transco Exploration Co. R-389-B, C & K Petroleum, Inc.

KENNETH F. PLUMB,
Secretary.

[S-2159-78 Filed 10-25-78; 11:00 am]

[6740-02-M]

12

OCTOBER 25, 1978.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 3 p.m., October 25, 1978.

PLACE: 825 North Capitol Street NE., Washington, D.C. 20426, Room 9306.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Initiation of private investigation.

CONTACT PERSON FOR INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

[S-2164-78 Filed 10-25-78; 2:53 pm]

[6740-02-M]

13

OCTOBER 25, 1978.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., November 1, 1978.

PLACE: 825 North Capitol Street NE., Washington, D.C., Room 9306.

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.

GAS AGENDA—204TH MEETING, NOVEMBER 1, 1978, REGULAR MEETING

CAG-1. Docket No. CP78-469, Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Michigan Wisconsin Pipe Line Co.
CAG-2. Docket No., RP75-8 (PGA Nos. 79-1 and 79-1A), Commercial Pipeline Co., Inc.
CAG-3. Docket No. RP78-62, Panhandle Eastern Pipe Line Co.
CAG-4. Docket Nos. CI78-1176, et al., Transco Exploration Co. et al.
CAG-5. Docket No. CP76-490, Transcontinental Gas Pipe Line Corp.
CP-1. Docket No. RP77-35, Senator Howard Metzenbaum, Complainant, v. Columbia Gas Transmission Corp., Defendant.
CP-2. Docket Nos. RP47-50-1, RP74-50-2, RP74-50-3, RP74-50-4, Florida Gas Transmission Co. (Basic Magnesia, Inc., et al.)
CP-3. Docket No. CP78-470, CP78-471, CP78-472, and CP78-477, Transcontinental Gas Pipe Line Corp.
CI-1. Docket No. RI76-126, Energy Development Corp.

MISCELLANEOUS AGENDA—204TH MEETING, NOVEMBER 1, 1978, REGULAR MEETING

M-1. Docket No. RM78-17, Procedures for review by the Federal Energy Regulatory Commission of adjustment request denials by the Secretary of Energy.

POWER AGENDA—204TH MEETING, NOVEMBER 1, 1978, REGULAR MEETING

CAP-1. Docket No. ER79-9, Public Service Electric & Gas Co.
CAP-2. Docket No. ER79-10, Oklahoma Gas & Electric Co.
CAP-3. Docket No. ER79-11, Oklahoma Gas & Electric Co.
CAP-4. Docket No. ER76-149 and E-9537, Public Service Co. of Indiana, Inc.
ER-1. Docket No. ER78-522, Virginia Electric & Power Co.
P-1. Project No. 2863, City of Holyoke, Mass.

KENNETH F. PLUMB,
Secretary.

[S-2168-78 Filed 10-25-78; 3:31 pm]

[6720-01-M]

14

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 43, No. 204, Page 49107, October 20, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., October 25, 1978.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Franklin O. Bolling, 202-377-6677.

CHANGES IN THE MEETING: The following item has been withdrawn from the agenda for the open meeting. It will now be considered at the closed meeting immediately following it:

Change of Office Location Application—Highland Federal Savings & Loan Association of Cincinnati, Cincinnati, Ohio.

No. 193, October 25, 1978.

RONALD A. SNIDER,
Assistant Secretary.

[S-2169-78 Filed 10-25-78; 3:33 pm]

[6735-01-M]

15

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

OCTOBER 25, 1978.

TIME AND DATE: 10 a.m., October 31, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C. 20006.

STATUS: This meeting will be open.

MATTER TO BE CONSIDERED: The Commission will consider and act upon the following petition for discretionary review: Wolf Creek Collieries, PIKE 78-70-P.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Philip Paschall, 202-653-5610.

JEROME R. WALDIE,
Chairman, Federal Mine Safety and Health Review Commission.

[S-2175-78 Filed 10-25-78; 3:48 pm]

[6210-01-M]

16

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, November 1, 1978. The closed portion of the meeting will commence at the conclusion of the open discussion.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Part of the meeting will be open; part will be closed.

MATTERS TO BE CONSIDERED:

Open portion:

SUMMARY AGENDA

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed extension and revision of the Domestic Finance Company Reports of Consolidated Assets and Liabilities (FR 248 and FR 248-A).
2. Proposed revisions in the condition and Income Reports required of Edge corporations and the foreign branches and foreign subsidiaries of U.S. commercial banks.
3. Request for a determination concerning classification of funds as time deposits under Regulation Q (Interest on Deposits) in the absence of a written agreement between the depositor and the bank.

DISCUSSION AGENDA

1. Request for a determination under Regulations D (Reserve Requirements) and Q (Interest on Deposits) concerning the issuance of securities backed by pools of conventional mortgages.
2. Any agenda items carried forward from a previously announced meeting.

NOTE.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by writing to: Freedom of Information Office,

Board of Governors of the Federal Reserve System.

Closed portion:

1. Federal Reserve Bank and Branch director appointments. (This matter was originally announced for a meeting on Friday, October 27, 1978).
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board: 202-452-3204.

Dated: October 25, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-2158 Filed 10-25-78; 11:00 am]

[6750-01-M]

17

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Tuesday, November 7, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of Proposed Rule and Staff Report on Standards and Certification.

CONTACT PERSON FOR MORE INFORMATION:

Ira J. Furman, Office of Public Information: 202-523-3830; Recorded message: 202-523-3806.

[S-2157-78 Filed 10-25-78; 11:00 am]

[7020-02-M]

18

[USITC SE-78-55]

UNITED STATES INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, November 9, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary).
5. Clothespins (Inv. TA-201-36)—Briefing and vote on injury.
7. Proposed amendment of Commission Rules to require the filing of prehearing statements in nonadjudicative proceedings (see documents CO2-B-207 and GC-B-218).
8. Any items left over from previous agenda.

Portions closed to the public:

6. Status report on Investigation 332-101 (MTN Study), if necessary.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-2167-78 Filed 10-25-78; 3:31 pm]

[4110-39-M]

19

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH.

TIME AND DATE: November 3, 1978—9:30 a.m.-3 p.m.

PLACE: Room 823, National Institute of Education, 1200 19th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Approve minutes of September 15, 1978 meeting (9:30 a.m.-9:35 a.m.).
2. Director's General Report (9:35 a.m.-10:15 a.m.).
3. Status of legislation affecting NIE (10:15 a.m.-11:45 a.m.).
4. Status of NIE relationships with educational laboratories and research and development centers and report on work of panel for review of laboratories and centers (10:45 a.m.-11:45 a.m.).
5. Fiscal year 1979 budget (11:45 a.m.-12 noon).
6. Review and Reports Committee (1 p.m.-2 p.m.): Status of review process and status of 1978 annual report.
7. Report on the NIE Vocational Education Study (2 p.m.—Adjournment).

PERSON TO CONTACT FOR INFORMATION:

Ella L. Jones, Administrative Coordinator, Telephone 202-254-7900 or 254-6948.

PETER H. GERBER,
Chief, Policy and Administrative Coordination, National Council on Educational Research.

[S-2163-78 Filed 10-25-78; 12:15 pm]

[7590-01-M]

20

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: October 26 and 27, 1978.

PLACE: Commissioners Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Thursday, October 26—1:30 p.m.

1. Briefing on Licensee Performance Appraisal System (Approx. 1 hr.) (Public meeting.)
2. Briefing on Reactor Licensing Schedules (Approx. 1 hr.) (Public meeting.)
3. Affirmation Items (Approx. 10 min.) (Tentative.) (Public meeting.)
   a. Reduction of fees under FOIA (postponed from Oct. 19, 1978)
   b. Licensing of geologic high-level waste repositories
   c. Rulemaking to improve powerplant licensing
   d. Reducing occupational radiation exposures

Friday, October 27—9:30 a.m.

1. Discussion of review of ALAB-489 and 500; offshore power systems (Approx. 1 hr.) (Public meeting.) (Tentative.)
2. Discussion of review of staff motion to withdraw its petition for review of ALAB-399, and review of ALAB-487, Consolidated Edison of New York, and related matters (Approx. 1 hr.) (Closed—Exemption 10.) (Tentative.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

[S-2165-78 Filed 10-25-78; 2:53 pm]

[7590-01-M]

21

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Tuesday, October 31, 1978.

PLACE: Chairman's Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Tuesday, October 31—3:00 p.m.

1. Discussion of EDO Testimony of July-August 1977 (Approx. 1 hr.) (Closed—Exemption 6).
2. Discussion of Personnel Matter (Approx. 1 hr.) (Closed—Exemption 6).

ADDITIONAL INFORMATION: Meetings announced as tentative for *Friday, October 27* (Offshore Power Systems and Consolidated Edison of New York) are *postponed* to a date to be announced.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

[S-2166-78 Filed 10-25-78; 2:53 pm]

federal register

FRIDAY, OCTOBER 27, 1978
PART II

DEPARTMENT OF DEFENSE

Department of the Air Force

■

PRIVACY ACT OF 1974

Systems of Records; Deletions, Amendments, and Additions

[3910-01-M]

DEPARTMENT OF DEFENSE
DEPARTMENT OF THE AIR FORCE

PRIVACY ACT OF 1974

Notice of Systems of Records
Deletions, Amendments, Additions.

Agency: Department of the Air Force (AF).

Action: Deletions, amendments, and additions to Air Force systems of records.

Summary: The Air Force is deleting 42, amending 8 and adding 2 systems of records to its inventory of records subject to the Privacy Act of 1974.

Dates: The amendments and additions shall be effective as proposed without further notice on November 27, 1978, unless comments are received on or before November 27, 1978, which would result in a contrary determination and require republication for further comments.

Address: Any public comments, including written data, views or arguments concerning the amendments and additions should be addressed to:

The Air Force Privacy Office (HQ USAF/DADMP)
Directorate of Administration
Headquarters United States Air Force
Bolling AFB, Washington, D.C. 20330

For further information contact:

Mr. Jon E. Updike
HQ USAF/DADMP
Bolling AFB, Washington, D.C. 20330
Telephone 202-767-4545

Supplementary information: The Air Force systems of records inventory subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93-579 have been published in the Federal Register as follows:

FR Doc. 77-23132 (42 FR 41468) August 17, 1977;
FR Doc. 77-28255 (42 FR 50785) September 28, 1977;
FR Doc. 78-25819 (43 FR 42436) September 20, 1978;
FR Doc. 78-28090 (43 FR 46063) October 5, 1978.

The proposed amendments and additions are not deemed to be within the purview of the provisions of 5 U.S.C. 552a(o) of the Privacy Act which requires submission of a new or altered system report in accordance with Office of Management and Budget (OMB) guidance set forth in the Federal Register (40 FR 45877) on October 3, 1975.

October 18, 1978.

Maurice W. Roche,
Director, Correspondence Directives,
Washington Headquarters Services,
Department of Defense.

Note: Added systems appear later in this document.

DELETIONS

F01001 OJDJDBA

System name: National Agency Check Status (42 FR 50780).

Reason: This system is included in F03501 DP 3, Unit Assigned Personnel Information File (42 FR 50839).

F01001 OKPNQSB

System name: Air Force Reserve Officer Training Corps Evaluation Information Record Files (42 FR 50791).

Reason: This system is included in F03501 DP 3, Unit Assigned Personnel Information File (42 FR 50839).

F01001 OTRDRDA

System name: Minutes of 354 TFW Quality Review Committee (42 FR 50792).

Reason: This system is included in F03505 DPMAO A, Unfavorable Information Files (UIFs) (42 FR 50889).

F01101 OJ DP A

System name: Senior Officer Management Offices Files (42 FR 50795).

Reason: This system is included in F03501 DP 3, Unit Assigned Personnel Information File (42 FR 50839).

F01101 OOJUBJA

System name: Personnel Management Information System (42 FR 50799).

Reason: This system is included in F01102 DAYX A, Base, Unit and Organizational Military and Civilian Personnel Locator Files (42 FR 50800).

F01101 OUJCGJC

System name: Career Development Course Enrollees (42 FR 50800).

Reason: This notice has been merged with F01101 OUJCGJA, Career Development Graduates Historical Roster published under Amendments in this Federal Register.

F01101 02 ALSC

System name: Inspection Augmentor Data (42 FR 50800).

Reason: These records are covered by F01102 DAYX A, Base, Unit and Organizational Military and Civilian Personnel Locator Files (42 FR 50800).

F01102 SGAS E

System name: Personnel Locator Cards (42 FR 50804).

Reason: This system is identical with F01102 DAYX A, Base, Unit and Organizational Military and Civilian Locator Files (42 FR 50800).

F01102 OJ DP B

System name: Personnel Locator Roster (42 FR 50807).

Reason: This system is included in F01102 DAYX A, Base, Unit and Organizational Military and Civilian Personnel Locator Files (42 FR 50800).

F01102 OJ DP C

System name: Recruiter Manning Personnel Listing (42 FR 50807).

Reason: This system is included in F01102 DAYX A, Base, Unit and Organizational Military and Civilian Personnel Locator Files (42 FR 50800).

F02701 06SCEY

System name: Air Force Audit Agency (AFAA) Management Information System—Plan File (42 FR 50813).

Reason: These Records contain no personal information.

F03004 OTMUHJB

System name: Officer Promotion Eligibility Report (42 FR 50831).

Reason: This system is included in F03508 DPMAJAA, Officer Promotion and Appointments (42 FR 50894).

F03004 OSGHLNC

System name: Disaster Teams and Training (42 FR 50831).

Reason: This system is identical with F01102 DAYX A, Base, Unit and Organizational Military and Civilian Personnel Locator Files (42 FR 50800).

F03501 DPG

System name: Accounting for Personal Money Allowances (PMA) (42 FR 58196).

Reason: The system was never established.

F03501 OJ DP D

System name: Key Personnel Status Report (42 FR 50854).

Reason: This system is included in F01102 DAYX A, Base, Unit and Organizational Military and Civilian Locator File (42 FR 50800).

F03501 OJ JA A

System name: Record of Individual Counseling (42 FR 50854).

Reason: This system is included in F01102 DAYX A, Base, Unit and Organizational Military and Civilian Personnel Locator File (42 FR 50800).

F3501 OOVDYDA

System name: Informational Personnel Records (42 FR 50857).

Reason: This system is included in F03501 DP 3, Unit Assigned Personnel Information File (42 FR 50839).

F93501 05HCHLG

System name: Air Intelligence Manpower Management System (AIMMS) (42 FR 50858).

Reason: These records are covered by F01102 DAYX A, Base, Unit and Organizational Military and Civilian Locator Files (42 FR 50800).

F03501 22 ALSA

System name: AAC Quality Force Record System (42 FR 50863).

Reason: These records are covered by F03501 DP 3, Unit Assigned Personnel Information File (42 FR 50839).

F03501 22 ALSB

System name: Alaskan Air Command (AAC) Quality Force Record (42 FR 50863).

Reason: These records are covered by F03501 DP 3, Unit Assigned Personnel Information File (42 FR 50839).

F03501 22 ALSC

System name: AAC Quality Force Record System (42 FR 50864).

Reason: These records are covered by F03501 DP 3, Unit Assigned Personnel Information File (42 FR 50839).

F03501AOSPCZPB

System name: Drug/Alcohol Intake Interview and Checklist (42 FR 50864).

Reason: This record is part of the F03001 OCGBUZA, Drug/Alcohol Abuse Control Case File (42 FR 50815) and amended in this Federal Register.

F03501FOSSGBPB

System name: Senior Officer Information File (42 FR 50866).

Reason: This system is included in F03501 DP 3, Unit Assigned Personnel Information File (42 FR 50839).

F03504AOSSGBPA

System name: Personnel Selected for Relocation (42 FR 50888).

Reason: This system is covered by F03504 DPM A, Relocation Preparation Project Folders (43 FR 16903).

F03505 DPMJA C

System name: Line of Duty Determinations and Investigations (42 FR 50890).

Reason: This system is no longer maintained.

F03505 OSSZDTA

System name: Personnel Quality Control Report (42 FR 50891).

Reason: These are summary sheets included in F03505 DPMAO A, Unfavorable Information Files (UIFs) (42 FR 50889).

F04501 02SCEYA

System name: Military Personnel Folders (42 FR 50910).

Reason: This system is included in F03501 DP 3, Unit Assigned Personnel Information File (42 FR 50839).

F04501 07YLNGA

System name: Reserve Officer/Airman Personnel Data Card (42 FR 50910).

Reason: This system is included in F03501 DP 3, Unit Assigned Personnel Information File (42 FR 50839).

F05001 OSGHLNF

System name: Aircrew Positive Control Study Record (42 FR 50917).

Reason: This system is covered by F03501 DP 3, Unit Assigned Personnel Information File (42 FR 50839).

F05001 OUJCGJA

System name: Training Summaries Graduation Roster (42 FR 50918).

Reason: This system has been incorporated into F05001 AFSS A, Training Summaries appearing in the added systems notices in this Federal Register.

F05001 OUJCGJB

System name: Training Summaries Entering Class Roster (42 FR 50918).

Reason: This system has been incorporated into F05001 AFSS A, Training Summaries appearing in the added systems notices in this Federal Register.

F05001 OUJCGJC

System name: Training Summaries Alphabetically Roster (42 FR 50919).

Reason: This systems has been incorporated into F05001 AFSS A, Training Summaries appearing in the added systems notices in this Federal Register.

F05001 OUJCGJD

System name: Training Summaries Class Roster (42 FR 50919).

Reason: This system has been incorporated into F05001 AFSS A, Training Summaries appearing in the added systems notices in this Federal Register.

F05001 22 ALSA

System name: Aircrew Intelligence Training Report (42 FR 50921).

Reason: These records are covered by F03501 DP 3, Unit Assigned Personnel Information File (42 FR 50839).

F05001 22 ALSB

System name: Operations Training Records (42 FR 50921).

Reason: These records are covered by F03501 DP 3, Unit Assigned Personnel Information File (42 FR 50839).

F05302 OBXQPCC

System name: Active Cadet Counseling File (42 FR 50938).

Reason: These records are part of F03502 OBXQPCC, Cadet Personnel Records System and do not form a separate system of records. See 42 FR 50875.

F11101 OUMCBVB

System name: Judge Advocate Command Roster (42 FR 50955).

Reason: This system is included in F01102 DAYX A, Base, Unit and Organizational Military and Civilian Personnel Locator Files (42 FR 50800).

F012501 02 ALSA

System name: Reporting Crimes and Serious Incidents (42 FR 50966).

Reason: These records are identical to those covered by F12501 SPO H, Serious Incident Reports (42 FR 50965).

F12503 02 ALSD

System name: Trailer Lot Registration (42 FR 50969).

Reason: These records are covered by F01102 DAYX A, Base, Unit and Organizational Military and Civilian Personnel Locator Files (42 FR 50800).

F16201 OSPCZPC

System name: Periodic Occupation Vision Record (42 FR 50982).

Reason: This record is part of F16805 ASGHB R, Health and Outpatient Record listed in 42 FR 50987.

F17801 OJ RS A

System name: Recruiting Advertising Evaluation (RAE) System E806 (42 FR 51014).

Reason: This notice is being republished under the same identifier in the added systems in this Federal Register in order to provide more detail on the system.

F90001 ORKNMDA

System name: Individual Decorations Approved or Disapproved (42 FR 51035).

Reason: This system is included in F90001 DPMSAAB, Military Decorations (42 FR 51035).

AMENDMENTS

Following the identification code of the record systems and the specific changes made therein, the complete revised record systems, as amended, are published in their entirety.

F01101 OUJCGJA

System name: Career Development Graduates Historical Roster (42 FR 50799).

Changes:

System name: Add "/Course Enrollees."

System location: Change Zip Code to "76903."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: At "and to identify persons currently enrolled in course."

F01102 DAYX A

System name: Base, Unit and Organizational Military and Civilian Personnel Locator Files (43 FR 42437).

Changes:

Categories of individuals covered by the system: Change "Air Force Reserve Personnel" to "Air Force Reserve and National Guard Personnel."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Change "Maintained on computer printouts" to "maintained on computer and computer products."

F03001 JALA A

System name: Confidential Statement of Employment and Financial Interest (42 FR 50814).

Change:

Categories of individuals covered by the system: Delete entire entry and substitute, "Air Force personnel paid at a level of the Executive Schedule in subchapter II of Chapter 53 of Title 5, USC; Air Force General Officers and civilian officers and employees in pay grades GS-16 to GS-18; Commanders and Vice Commanders of Divisions and Wings; Base and Deputy Base Commanders of major installations; all Air Force personnel with a grade or rank of GS-13 or above or Lieutenant Colonel and above or at a comparable pay level under another authority, whose basic duties and responsibilities require the exercise of judgment on Government decision making or taking action on (1) the administering or monitoring of grants or subsidies, (2) contracting or procurement, (3) auditing, or (4) any other government activity in which the final decision or action has a significant economic impact on the interest of any nonfederal enterprise."

This change corrects defects in wording of the existing notice and makes no change in the categories of individuals.

F03001 OCGBUZA

System name: Drug/Alcohol Abuse Control Case Files (43 FR 42438).

Changes:

Categories of records in the system: Delete all after "indicating" and substitute, "whether a determination has been made as to entry into the rehabilitation and, if entered, progress of individuals toward rehabilitation."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete first sentence and substitute, "To determine whether an individual is to be entered in a rehabilitation program, and to document progress of individuals in a program."

Retention and disposal: On line 1 after "phase," add "or other termination" and after "rehabilitation," add "or three months after determination is made not to enter the individual in rehabilitation."

System manager(s) and address: Add "Subordinate systems managers are: (1) Director of Personnel at each major command and (2) Chief of Social Actions at Air Force installations for systems operated at each level."

Notification procedure: In the last line, change "counselor" to "drug/alcohol specialist."

F03502 OBXQPCB

System name: Cadet Personnel Records System (42 FR 50875).

Changes:

Categories of records in the system: Delete all after "documents" in line 2.

System manager(s) and address: Add "and Director of Admissions and Registrar, United States Air Force Academy, CO 80840."

F11101 OSPCZPA

System name: Military Justice Administration (42 FR 50954).

Changes:

Categories of individuals covered by the system: Delete entry and substitute, "All Air Force active duty personnel nominated to serve on general court martial."

System manager(s) and address: Change zip code to "92518." Changes are to correct errors.

F17730 OEACYVA

System name: Joint Uniform Military Pay System (JUMPS) (43 FR 42466).

Changes:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "The name, rank and social security number of each member of the Armed Services on active duty may be disclosed as a routine use to the Department of Health, Education and Welfare (DHEW). This information shall be extracted from systems of records used for making payments to military personnel on active duty. This information may be submitted to the Inspector General of DHEW upon request of that department only for comparison with appropriate rolls reflecting recipients of Aid to Families with Dependent Children (AFDC)."

F17802XOOTAYZM

System name: Personnel Cost Accounting System (PCAS) (42 FR 51015).

Changes:

System location: Delete entire entry and substitute, "Air Force Data Services Center (AFDSC), Pentagon, Washington, DC 20330. Air Force Data Systems Design Center (AFDSDC), Gunter AFS, AL 36114."

Categories of individuals covered by the system: Delete entire entry and substitute, "Air Force active duty military personnel and civilian employees assigned at each location."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: At the end of the first sentence, add "and in the Air Force Data Systems Design Center." Delete remainder of entry.

Retrievability: Delete, "Filed by Military Service Number."

System manager(s) and address: Add, "Commander, Air Force Data Systems Design Center, Gunter AFS, AL 36114."

[3910-01-F]

F01101 0UJCGJA

System name: 01101 0UJCGJA Career Development Graduates Historical Roster/Course Enrollees

System location: United States Air Force School of Applied Cryptologic Science (USAFSACS) Goodfellow Air Force Base TX 76903

Categories of individuals covered by the system: Army, Navy and Marine Corps active duty military personnel. Air Force active duty officer personnel. Air Force active duty enlisted personnel.

Categories of records in the system: Machine data record.

Authority for maintenance of the system: 10 United States Code 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by USAFSACS to identify graduates over a six-month period and to identify persons currently enrolled in course.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on computer paper printouts.

Retrievability: Filed by Name. Filed by Social Security Number (SSN).

Safeguards: Records are accessed by custodian of the record system. Records are controlled by computer system software.

Retention and disposal: Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address: USAFSACS.

Notification procedure: Requests from individuals should be addressed to the Systems Manager.

Record access procedures: Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: Information obtained from automated system interfaces.

Systems exempted from certain provisions of the act: NONE

F01102 DAYX A

System name: 01102 DAYX A Base, Unit, and Organizational Military and Civilian Personnel Locator Files

System location: At Headquarters, United States Air Force, and at Air Force Installations, to include bases, units, offices, and functions. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

Categories of individuals covered by the system: Air Force active duty military personnel; Air Force Reserve and National Guard Personnel; Air Force civilian employees; dependents may be included at the option of the installation, unit, or organization.

Categories of records in the system: Cards or listings may contain the individuals name, grade, military service identification number, social security number, duty location, office telephone number, resi-

dence address and residence telephone number, and similiar type personnel data determined to be necessary by the local authority.

Authority for maintenance of the system: 44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to locate personnel assigned to, attached to, tenanted on, or on temporary duty at the specific installation, office, base, unit, function, and/or organization in response to specific inquiries from official government activities for the conduct of business. Files are used locally to locate and administer programs and personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on paper records in card or form media in visible file binders/cabinets card files or on computer and computer products.

Retrievability: Filed by Name.

Safeguards: Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

Retention and disposal: Retained in office files until reassignment or separation, or when superseded or no longer needed for reference, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address: Primary location: Director of Administration, Headquarters, US Air Force, Washington, DC Decentralized Location: Privacy officer of the installation, base, unit, organization, office or function to which the individual is assigned, attached, tenanted on or on temporary duty. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Notification procedure: Requests from individuals should be addressed to the Systems Manager. Individual must furnish full name and the names of Air Force installation, unit and organization, office, or function to which assigned, attached, tenanted on or on temporary duty at, including the calendar years of such service. The individual may visit the Locator Office or Privacy Officer at the place of assignment. No identification is required to determine if the system contains records pertaining to a specific individual.

Record access procedures: Individual can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: Information obtained from automated system interfaces or from individuals or personnel records.

Systems exempted from certain provisions of the act: NONE

F03001 JALA A

System name: 03001 JALA A Confidential Statement of Employment and Financial Interest

System location: Office of the General Counsel, Office of the Secretary of the Air Force, Washington D.C. 20330 Headquarters United States Air Force, Washington DC 20330. Headquarters of major commands and at all levels down to and including Air Force installations.

Categories of individuals covered by the system: Air Force personnel paid at a level of the Executive Schedule in subchapter II of Chapter 53 of Title 5, USC; Air Force General Officers and civilian officers and employees in pay grades GS-16 to GS-18; Commanders and Vice Commanders of Divisions and Wings; Base and Deputy Base Commanders of major installations; all Air Force personnel with a grade or rank of GS-13 or above or Lieutenant Colonel and above or at a comparable pay level under another authority, whose basic duties and responsibilities require the exercise of judgment on Government decision making or taking action on (1) the administering or monitoring of grants or subsidies, (2) contracting or procurement, (3) auditing, or (4) any other government activity in which the final decision or action has a significant economic impact on the interest of any non-federal enterprise.

Categories of records in the system: Contains the title of the individual's position, date of appointment in present position, agency and major organization segment of the position, employment and financial interests, creditors, interest in real property, and a list of persons from whom information can be obtained concerning the individual's financial situation.

Authority for maintenance of the system: Executive Order 11222, 'Prescribing Standards of Ethical Conduct for Government Officers and Employees.'

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The review of the statements by the individual's supervisor and deputy counselor.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed alphabetically by year.

Safeguards: Stored in locked metal safes.

Retention and disposal: Retained up to two years after the individual has left employment destroyed by tearing into pieces, shredding, pulping, macerating or burning.

System manager(s) and address: The Assistant General Counsel (Personnel) The Judge Advocate General, Headquarters United States Air Force.

Notification procedure: Requests from individuals should be addressed to the Systems Manager.

Record access procedures: Individual can obtain assistance from the Systems Manager.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: Information is obtained from the individual or from personnel designated by the individual.

Systems exempted from certain provisions of the act: NONE

F03001 0CGBUZA

System name: 03001 0CGBUZA Drug/Alcohol Abuse Control Case Files

System location: At servicing Air Force (AF) installation social actions office. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Categories of individuals covered by the system: Air Force active duty military personnel and dependents, Air Force civilian employees, and Air Force Reserve personnel, who are enrolled in a drug/alcohol rehabilitation program.

Categories of records in the system: As a minimum, the file contains forms and commander's letters documenting date and means of identification, categorizing type of abuse and indicating whether a determination has been made as to entry into the rehabilitation and, if entered, progress of individuals toward rehabilitation.

Authority for maintenance of the system: Section 408, drug-abuse office and treatment act of 1972 (Public Law 92-255; 21 United States Code 1175).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine whether an individual is to be entered in a rehabilitation program, and to document progress of individuals in a program. Those authorized to review, handle, or have access to the file are social actions and medical personnel directly engaged in rehabilitation of a person, Veterans Administration (VA) treatment personnel in cases of members transferred directly to VA in active duty status, official members of rehabilitation evaluation group, Commanders in member's chain of command, and persons authorized by Public Law 92-255, section 408(b)21 United States Code 1175(b). The file is used to develop a treatment regimem, to assist rehabilitation evaluation group make decisions for rehabilition program dispositions, and to prepare recurring reports.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Filed by Name by other identification number or system identifier.

Safeguards: Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets safes and controlled by personnel screening.

Retention and disposal: Destroy one year after completion of follow on phase or other termination and after rehabilitation, or three months after determination is made not to enter the individual in rehabilitation by tearing into pieces, shredding, pulping, macerating, or burning, unless needed as background for case files supporting a separation action or other actions under directives, in which case,

disposition will be the same as the file which they support. Files at George AFB, CA and Nellis AFB, NV will be retained for one year after completion of rehabilitation, permanent change of station or separation or 31 Dec 79, whichever is later.

System manager(s) and address: Deputy Chief of Staff Personnel, Headquarters United States Air Force. Subordinate systems managers are: (1) Director of Personnel at each major command and (2) Chief of Social Actions at Air Force installations for systems operated at each level.

Notification procedure: Chief, Social Actions servicing AF installation. Requests to determine existence of a file should include full name, grade, and unit of assignment. Personal visit proof of identity requires full name and possession of Department of Defense (DD) Form, 2 AF, Armed Forces Identification Card; DD Form 1173, Uniformed Services Identification and Privilege Card; or driver's license and personal recognition of drug/alcohol specialist.

Record access procedures: Chief social actions servicing AF installation. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: Information obtained from medical institutions, personnel records, individual.

Systems exempted from certain provisions of the act: NONE

F03502 OBXQPCB

System name: 03502 OBXQPCB Cadet Personnel Records System

System location: United States Air Force Academy, USAF Academy CO 80840.

Categories of individuals covered by the system: Air Force Academy cadets.

Categories of records in the system: This record system contains both Military Personnel documents and Counselling documents.

Authority for maintenance of the system: 44 USC 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For use in controlling and regulating a cadet during his time at the USAF Academy.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in visible file binders/cabinets.

Retrievability: Filed by Name.

Safeguards: Records are stored in locked cabinets or rooms.

Retention and disposal: These records are stored for one year after graduation, then merged with the Master Cadet Personnel Records maintained by Registrar, Cadet Records Section, USAF Academy, CO 80840.

System manager(s) and address: Commandant of Cadets, and Director of Admissions and Registrar, United States Air Force Academy, CO 80840.

Notification procedure: See Exemption

Record access procedures: See Exemption

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: See Exemption

Systems exempted from certain provisions of the act: Parts of this system may be exempt under 5 U.S.C. 552a (j) or (k), as applicable. For additional information, contact the Systems Manager.

F11101 0SPCZPA

System name: 11101 0SPCZPA Military Justice Administration

System location: Beale Air Force Base CA 95903, Castle Air Force Base CA 95342, Davis Monthan Air Force Base AZ 85707, Dyess Air Force Base TX 79607, Ellsworth Air Force Base SD 57706, Fairchild Air Force Base WA 99011, Francis E Warren Air Force Base WY 82001, Grand Forks Air Force Base ND 58205, Malmstrom Air Force Base MT 59402, March Air Force Base CA 92508, Minot Air Force Base ND 58705, 6 Strategic Wing APO Seattle 98737, 320 Bombardment Wing Mather Air Force Base CA 95655, 916 Air Refueling Squadron Travis Air Force Base CA 94535, 55 Strategic Reconnaissance Wing Offutt Air Force Base NE 68113, 4300 Air Base Squadron Glasgow Air Force Base MT 59231.

Categories of individuals covered by the system: All Air Force active duty personnel nominated to serve on general court martials.

Categories of records in the system: Court martial member experience statement.

Authority for maintenance of the system: 10 United States Code 8012

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Commanders to select court martial members.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in card files.

Retrievability: Filed by Name.

Safeguards: Records are accessed by custodian of the record system. Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal: Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address: Headquarters 15 Air Force Staff Judge Advocate, March Air Force Base CA 92518.

Notification procedure: Addressed to unit Staff Judge Advocate.

Record access procedures: Gain assistance from unit Staff Judge Advocate.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: Individual.

Systems exempted from certain provisions of the act: NONE

F17730 0EACYVA

System name: 17730 0EACYVA Joint uniform military pay system (JUMPS)

System location: Air Force Accounting and Finance Center, Lowry AFB, Denver, CO 80279. Air Force Military Personnel Center, Randolph Air Force Base, TX 78148. consolidated base personnel offices at Air Force installations. accounting and finance offices at Air Force bases. At Air Force Data Systems Design Center, Gunter Air Force Station, AL 36114 (for research and test only), Denver Federal Archives and Records Center, Denver, CO 80225 (storage), Records Center Annex GSA, PO Box 141, Neosho, MO 64850 (back-up storage). Information pertaining to geographically dispersed elements of the record system (CBPO's and AFO's) may be obtained from Documentation Managers at the applicable Air Force component listed in the Department of Defense Directory in the appendix to the Air Force system notice.

Categories of individuals covered by the system: Air Force active duty military personnel and dependents. Retired Air Force military personnel. Separated Air Force military personnel, individuals to whom active duty military personnel authorize a direct payment of a portion of their pay, and Officers of the Air Reserve and Air National Guard on extended active duty.

Categories of records in the system: Military pay records and files including but not limited to; master military pay accounts, immediate access storage, six-months history, leave and earnings statements, federal insurance contribution act tax and federal income tax withholding contained on magnetic tape, magnetic discs, microfilm, microfiche and computer printed formats; pay authorization control files, central pay authorization file, deferred transaction file, reject suspense file and daily transaction record. Military pay supporting documents and vouchers including but not limited to basic pay; special compensation positions such as medical, dental, veterinary and optometry; special pay such as foreign duty, proficiency, hostile fire and diving duty; status adjustments relating to entrance on active duty, absent-without-leave, confinement, desertion, sick or injured, leave, mentally incompetent, missing, interned, permanent change of station, promotions and demotions; separation, reenlistment, reenlistment bonus; incentive pay such as flying duty, stress duty, demolition duty, parachute jumping duty and submarine duty; allowances, such as basic allowance for subsistence, basic allowance for quarters, family separation allowances, overseas station allowances, clothing monetary allowance; separation payments, death gratuities, time-in-service; allotments of pay; checks-to-banks; federal and state withholding taxes; court-martial sentences and non-judicial punishment; indebtedness resulting from but not limited to overpayment of pay and allowances and allotments, other debts to United States, certain

non-government debts, and correspondence pertaining to all of the above. Inquiries files, personal financial records and sundry lists, reports and rosters including but not limited to Internal Revenue reports, state tax reports, Veterans Administration reports, Social Security Administration reports, and Treasury reports.

Authority for maintenance of the system: 37 USC 101 et seq.; 10 USC 265,8033,8496; 10 USC 9837 (d); 32 USC 708; E.O. 9397.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purposes of these records are to accurately and timely pay members of the Air Force, provide members periodic comprehensive statements of their accounts, and to respond to inquiries concerning their accounts at any time. US Air Force components such as Headquarters, Air Force Accounting and Finance Center, Major Commands and Air Force installations use these records to determine pay due military members, to verify pay affecting information, to collect overpayments made to military members, to provide accrual accounting for each covered entitlement of military pay and allowances, and to provide fund manager reports, internal manager reports and external reports. Other users include but are not limited to other components of Department of Defense such as Army and Navy which may pay Air Force members and initiate claims; other federal agencies such as the Internal Revenue Service for tax information on members, Social Security Administration for information regarding Federal Insurance Contribution Act tax deducted from members, Veterans Administration for information regarding premiums on serviceman's group life insurance, the General Accounting Office for audits, opinions, and fact-finding information, state and local governments for tax and welfare information, US and state courts for civil litigation and criminal prosecution purposes, members of Congress for complaints from constituents and for inquiries not generated by constituents, insurance companies for allotments made to them by military members, financial institutions for deposits (checks-to-banks) and/or payments, the American Red Cross and the Air Force Aid Society. Records may be disclosed to law enforcement agencies such as but not limited to office of Special Investigations, United States Air Force; Federal Bureau of Investigation; city and state authorities for violations of law, for investigation and possible criminal prosecution, civil court action or regulatory processes. Disclosures made pursuant to the Freedom of Information Act. Disclosures to the Department of Justice for criminal prosecution, civil litigation, or for investigatory purposes. American Red Cross uses this information to determine needs of a member or his dependents in emergency situations. The Air Force Aid Society uses this information to determine needs of a member or his dependents in emergency situations and for verification of loan applications. The name, rank and social security number of each member of the Armed Services on active duty may be disclosed as a routine use to the Department of Health, Education and Welfare (DHEW). This information shall be extracted from systems of records used for making paymentto military personnel on active duty. This information may be sumbitted to the Inspector General of DHEW upon request of that department only for comparison with appropriate rolls reflecting recipients of Aid to Families with Dependent Children (AFDC).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders/ note books/binders/bisible file binders/cabinets/card files, computer magnetic tapes and maintained on computer paper printouts, and on roll mircrofilm and microfiche.

Retrievability: Filed by Name, Social Security Number (SSN), or Military Service Number.

Safeguards: Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets/ locked cabinets or rooms, protected by guards, and controlled by personnel screening, visitor registers and computer system software.

Retention and disposal: local retention varies from 3 to 6 years. At expiration of local retention, records are either destroyed by tearing, shredding, pulping, macerating or burning or transferred by the Air Force Accounting and Finance Center to the Denver Federal Archives and Records Center for varying retention periods up to 56 years. Destroyed by shredding. Back-up records for emergency reconstruction in the event of primary record destruction are retained by the Federal Records Center Annex GSA at Neosho MO. Destruction is by shredding.

System manager(s) and address: Comptroller of the Air Force, Headquarters United States Air Force.

Notification procedure: Information as to whether the record system contains information on an individual may be obtained from AFAFC/DAD, Lowry AFB, Denver, CO, 80279, telephone (303) 320-7553. Information pertaining to geographically dispersed elements of the record system may be obtained from Documentation Managers at the applicable Air Force component listed in the Department of Defense Directory in the appendix to the Air Force system notice. Requester should be able to provide sufficient proof of identity, such as name, social security account number, military status, duty status or place of employment or other information verifiable from the record itself.

Record access procedures: Request from individuals should be addressed to AFAFC/DAD, Lowry AFB, Denver, Colorado, 80279 Denver, CO, 80279, telephone (303) 320-7553. the record system may be obtained from Documentation Managers at the applicable Air Force component listed in the Department of Defense Directory in the appendix to the Air Force system notice. Requester should be able to provide sufficient proof of identity, such as name, social security account number, military status, duty status or place of employment or other information verifiable from the record itself.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: Information obtained from financial institutions, automated system interfaces, a state or local government, source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth, military pay information originating from telephone inquiries telegraph messages and correspondence information from federal agencies and other DoD components and information from Air Force installations, Major Commands and USAF Headquarters.

Systems exempted from certain provisions of the act: NONE

F17802X0OTAYZM

System name: 17802X0OTAYZM Personnel Cost Accounting System (PCAS)

System location: Air Force Data Services Center (AFDSC), Pentagon, Washington, DC 20330. Air Force Data Systems Design Center (AFDSDC), Gunter AFS, AL 36114.

Categories of individuals covered by the system: Air Force active duty military personnel and civilian employees assigned at each location.

Categories of records in the system: Records amount of time spent on various projects/tasks, administrative duties, leave, Temporary Duty(tdy), leave without pay(LWOP) and clerical time. Also records overtime and compensator time.

Authority for maintenance of the system: 10USC 8012

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The PCAS system was established to provide information for management about manpower utilization in the Air Force Data Services Center. Anticipated users of the PCAS system: Commander, Air Force Data Services Center. Directors and Division Chiefs, Air Force Data Services Center. Functional analysts assigned to the office of Plans and Management, Air Force Data Services Center. Specific uses of the PCAS data by all AFDSC management personnel and by the Commander include: Monitoring of manpower resources expended in support of automatic data processing (ADP) projects. Determining and validating requirements for additional manpower. Examining distribution of workload among the AFDSC directorates.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on disks or drums. Maintained on computer paper printouts.

Retrievability: Filed by Social Security Number (SSAN). Filed by Military Service Number.

Safeguards: Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are controlled by computer system software.

Retention and disposal: Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address: Commander, Air Force Data Services Center, Pentagon, Washington, D.C. 20330. Chief, Management Information Team, AFDSC, Pentagon, Washington, D.C. 20330.

Notification procedure: Requests from individuals should be addressed to the Systems Manager.

Record access procedures: Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: Information obtained from the individual.

Systems exempted from certain provisions of the act: NONE

[3910-01-M]

ADDITIONS

Notice is given that the system of records notices listed below are added. These notices are published to more clearly describe Air Force records and replace other notices deleted above. Since these notices do not create any new records or change any individual rights, they are not subject to Office of Management and Budget (OMB) reporting requirements as set forth in the Federal Register (40 FR 45877) on October 3, 1975.

F05001 AFSS A

System name: Training summaries.

Insert: Before system F05001 SAFOI B.

Reason: Notice combines and better describes a single system of files formerly listed under F05001 OUJCGJA, F05001 OUJCGJB, F05001 OUGCGJC and F05001 OUJCGJP.

F05001 AFFS A

System name: Training summaries.

System location: United States Air Force School of Applied Cryptologic Sciences (USAFSACS) to Goodfellow Air Force Base TX, 76903.

Categories of individuals covered by the system: Air Force, Navy and Marine Corps active duty military personnel.

Categories of records in the system: IBM cards containing names, course, entering date, grades.

Authority for maintenance of the system: 10 U.S.C. 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Security Service training groups Divisions and Security Service personnel to identify and schedule students on a weekly basis.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on computer and computer products.

Retrievability: Filed by Name and Social Security Number (SSN).

Safeguards: Records are accessed by custodian of the record system and controlled by computer system software.

Retention and disposal: Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

System manager(s) and address: United States Air Force School of Applied Cryptologic Science, Goodfellow Air Force Base, TX 76901.

Notification procedure: Requests from individuals should be addressed to the Systems Manager.

Record access procedures: Individuals can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: Information obtained from automated system interfaces.

Systems exempted from certain provisions of the act: None.

F17801 OJ RS A

System name: Recruiting Advertising Evaluation.

Insert: Before system F17801 OKPNQSA.

Reason: Notice is being extensively edited for increased clarity, accuracy and detail.

F17801 OJ RS A

System name: Recruiting Advertising Evaluation (RAE).

System location: Air Force Opportunity Center (AFOC) (Duties of this Center are performed by a civilian contractor who is engaged by the Air Force to provide lead fullfillment services to Headquarters, United States Air Force Recruiting Service, Randolph AFB, TX 78148. Location depends on the contractor.

Categories of individuals covered by the system: Respondents to United States Air Force Recruiting Service advertisements and referrals made by active duty military personnel, retired military personnel and Air Force civilian employees.

Categories of records in the system: Respondent's inquiry record containing name, Social Security Number, address, date of birth, sex, telephone number, advertising medium, recruiting program in which interested, and source of referral, including name and Air Force base assigned. Recruiter contact records containing success of contact efforts, reason for not contacting, how contact was made, confirmation of educational level, qualification of individual and status of individual.

Authority for maintenance of the system: 10 U.S.C. 503 and E.O. 9397.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contractor fullfills requests from respondents for information about the Air Force and notifies appropriate recruiting activities of respondent's interest. Contractor develops statistical summaries which are used by USAF Recruiting Service to evaluate the effectiveness of the advertising and referral program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Retention and disposal: Contractor retains at the AFOC for two years, then destroys. HQ USAF Recruiting Service retains on computer paper printouts for 60 days, then destroys. Subordinate recruiting activities retains for one year after final follow up action is complete, then destroys.

System manager(s) and address: Director, Marketing and Analysis, USAF Recruiting Service, Randolph AFB, TX 78148.

Record source categories: Requests/responses from public media advertising and referrals from Air Force active duty and retired military personnel and civilian employees.

Systems exempted from certain provisions of the act: None.

[FR Doc. 78-30091 Filed 10-26-78; 8:45 am]

federal register

FRIDAY, OCTOBER 27, 1978
PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

[4510-27-M]

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 mechinics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the grographic 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.

MODIFICATION TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama—AL78-1004, February 3, 1978.
Arizona—AZ78-5114, August 11, 1978; AZ78-5115, AZ78-5116, July 28, 1978.
Connecticut—CT78-3055, CT78-3056, July 28, 1978.
Idaho—ID78-5120, September 8, 1978.
Nevada—NV78-5010, March 10, 1978; NV78-5124, September 15, 1978.
New Jersey—NJ78-3009, April 21, 1978; NJ78-3047, June 16, 1978.
Ohio—OH78-2056, May 12, 1978.
Pennsylvania—PA78-3045, May 12, 1978; PA78-3066, September 22, 1978.
Tennessee—TN78-1049, May 19, 1978.
Texas—TX78-4034, TX78-4038, April 14, 1978; TX78-4081, August 18, 1978; TX78-4083, TX78-4088, August 25, 1978; TX78-4091, September 15, 1978; TX78-4094, TX78-4095, September 22, 1978.
Utah—UT8-5128, October 6, 1978.
Virginia—VA78-3061, September 15, 1978.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas decisions numbers are in parentheses folllowing the numbers of the decisions being superseded.

Georgia—GA78-1050(GA78-1092), May 26, 1978.
Illinois—IL78-2028(IL78-2113), IL78-2036(IL78-2123), IL78-2039(IL78-2126), IL78-20-40(IL78-2127), IL78-2041(IL78-2128), March 17, 1978; IL78-2042(IL78-2138), March 24, 1978.
Minnesota—MN78-2118(MN78-2150), MN78-2119(MN78-2150), October 13, 1978.
Nevada—NV78-5011(NV78-5129), March 17, 1978.
New York—NY78-3001(NY78-3079), February 3, 1978.
Pennsylvania—PA77-3060(PA78-3090), May 20, 1977.
Wisconsin—WI77-2092(WI78-2146), June 24, 1977; WI77-2111(WI78-2130), September 23, 1977; WI77-2117(WI78-2131), WI77-2118(WI78-2134), WI77-2120(WI78-2135), WI77-2121(WI78-2136), WI77-2122(WI78-2137), August 19, 1977.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

None.

Signed at Washington, D.C. this 20th day of October 1978.

DOROTHY P. COME,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 1

Decision # AL78-1004 - Mod. # 2	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
(43 FR-4807 February 3, 1978)					
Colbert and Lauderdale Counties					
Alabama					
Change:					
Cement masons:					
Cement masons	8.41	.25			
Power tool operators	8.66	.25			
Electricians:					
Electricians	10.60	.50	3%+.45		1%
Cable splicers	10.85	.50	3%+.45		1%
Painters:					
Commerical	8.25	.40	.25		.05
Industrial	9.00	.40	.25		.05
Plasterers	8.66	.25			

MODIFICATIONS P. 2

DECISION #AZ78-5115 - Mod. #3 (43 FR 33018 - July 28, 1978) Maricopa County, Arizona	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Roofers	$10.16	.845	.20		.02
Truck Drivers:					
Group 1	8.52	.92	.98		.08
Group 2	8.65	.92	.98		.08
Group 3	8.87	.92	.98		.08
Group 4	9.22	.92	.98		.08
Group 5	9.38	.92	.98		.08
Group 5-A	9.56	.92	.98		.08
Group 6	9.70	.92	.98		.08
Group 7	10.11	.92	.98		.08
Group 8	10.625	.92	.98		.08
Group 8-A	11.28	.92	.98		.08
Group 8-B	10.97	.92	.98		.08
Group 8-C	9.08	.92	.98		.08

DECISION #AZ78-5114 - Mod. #3 (43 FR 35828 - August 11, 1978) Statewide Arizona						
Change:						
Roofers (Phoenix Area):						
Roofers and waterproofers		$10.16	.845	.20		.02
Truck Drivers:	C&S Area	N Area				
Group 1	$8.52	$10.145	.92	.98		.08
Group 2	8.65	10.275	.92	.98		.08
Group 3	8.87	10.495	.92	.98		.08
Group 4	9.22	10.845	.92	.98		.08
Group 5	9.38	11.005	.92	.98		.08
Group 5-A	9.56	11.185	.92	.98		.08
Group 6	9.70	11.325	.92	.98		.08
Group 7	10.11	11.735	.92	.98		.08
Group 8	10.625	12.25	.92	.98		.08
Group 8-A	11.28	12.905	.92	.98		.08
Group 8-B	10.97	12.595	.92	.98		.08
Group 8-C	9.08	10.705	.92	.98		.08

MODIFICATIONS P. 3

DECISION #AZ78-5116 - Mod. #3
(43 FR 33014 - July 28, 1978)
Pima County, Arizona

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers:					
Group 1	$8.52	.92	.98		.08
Group 2	8.65	.92	.98		.08
Group 3	8.87	.92	.98		.08
Group 4	9.22	.92	.98		.08
Group 5	9.38	.92	.98		.08
Group 5-A	9.56	.92	.98		.08
Group 6	9.70	.92	.98		.08
Group 7	10.11	.92	.98		.08
Group 8	10.625	.92	.98		.08
Group 8-A	11.28	.92	.98		.08
Group 8-B	10.97	.92	.98		.08
Group 8-C	9.08	.92	.98		.08

DECISION #CT78-3055 - MOD. #8
(43 FR 33023 - July 28, 1978)
Fairfield, Litchfield and Windham Counties, Connecticut

CHANGE					
Truck Drivers: (Heavy & Highway Construction)					
Class 4	$ 8.06	.74	.725	a	
Class 5	8.16	.74	.725	a	
Class 6	8.21	.74	.725	a	

DECISION #CT78-3056 - MOD. #6
(43 FR 33030 - July 28, 1978)
Hartford, Middlesex, New Haven, New London and Tolland Counties, Connecticut

CHANGE:					
Truck Drivers: (Heavy & Highway Construction)					
Class 4	8.06	.74	.725	a	
Class 5	8.16	.74	.725	a	
Class 6	8.21	.74	.725	a	

MODIFICATIONS P. 4

DECISION #ID78-5120 - Mod. #1
(43 FR 40176 - September 8, 1978)
Statewide Idaho

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai Latah, Lewis, Nez Perce, Shoshone Counties:					
Electricians	$14.12	.83	3% + .40		.02
Cable Splicers	14.52	.83	3% + .40		.02
Painters:					
Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding (except the City of Bliss and western third of County), Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Power, Teton, Twin Falls Counties:					
Brush; Roller, Perfataper	9.36	.47	.50		.005
Structural Steel; Swing Stage; Spray	9.81	.47	.50		.005
Roofers:					
Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Idaho County (south of the 46th Parallel), Lemhi, Owyhee, Payette, Valley, Washington Counties:					
Roofers; Kettlemen	6.90	.65	.30	.50	
Roofers working with coal tar and pitch products	11.60	.65	.30	.50	

DECISION #ID78-5120 (Cont'd):

Change (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Roofers (Cont'd):					
Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power, Teton Counties	$9.60	.65	.40		
Sheet Metal Workers:					
Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Custer, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida, Power, Teton Counties	11.22	.87	.47		.09

DECISION #NV78-5010 - Mod. #3
(43 FR 10229 - March 10, 1978)
Nevada Test Site including Tonopah Test Range in Clark and Nye Counties, Nevada

Change:					
Carpenters:					
Carpenters	$11.99	.85	$1.10	.80	.03
Floor layers	12.015	.85	1.10	.80	.03
Millwrights	12.49	.85	1.10	.80	.03
Cement Masons:					
Cement Masons	9.40	1.00	1.00	2.00	.08
Floor Finishing Machine	9.75	1.00	1.00	2.00	.08
Electricians:					
Electricians; Equipment Operators; Linemen	13.87	.98	3% + 1.30		.05
Cable Splicers	14.20	.98	3% + 1.30		.05
Groundman	11.23	.98	3% + 1.30		.05
Elevator Constructor:					
Elevator Constructor	13.41	.745	.56	3% + a	.025
Elevator Constructor Helper	9.39	.745	.56	3% + a	.025
Elevator Constructor Helper (Prob.)	6.705				
Plumbers; Steamfitters	12.63	1.25	2.32	2.00	.08

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION #NV78-5124 - Mod. #1
(43 FR 41351 - September 15, 1978)
Statewide (does not include the Nevada Test Site and Tonopah Test Range, and highway construction in Douglas County), Nevada

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers; Stonemasons:					
Remaining Counties and Nye County (north of Hwy. #6)	$12.25	.95	.60		.01
Carpenters:					
Nye County (north of Hwy. #6, excluding City of Tonopah) and all Remaining Counties:					
Carpenters	10.65	.70	1.36	1.00	.05
Floor layers; Patent Scaffold Erectors; Power Saw Operators; Shingler	10.80	.70	1.36	1.00	.05
Piledrivermen	10.90	.70	1.36	1.00	.05
Millwrights	11.25	.70	1.36	1.00	.05
Drywall Installers:					
Statewide except the Counties of Clark, Esmeralda County (south of Hwy. #6), Lincoln, Nye County (south of Hwy. #6)	10.90	.70	1.36	1.00	.05

MODIFICATIONS P. 7

DECISION #NJ78-3009 - Mod. #5
(42 FR 17223 - April 21, 1978)
Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	12.18	8%	20%+.25	10%	.02
Boilermakers Helpers	11.65	8%	20%+.25	10%	.02
Bricklayers, Stone Masons, Cement Masons, & Plasterers:					
Zone 3	11.60	.84	.90		.02
Zone 6	11.40	1.00	.85		.02
Carpenters, Insulators, & Millwrights:					
Zone 1	11.16	.90	1.40		.02
Electricians & Cable Splicers:					
Zone 7	13.52	7%	3%+.70		
Zone 11	13.22	7%	3%+1.47		.02
Laborers, Building Construction:					
Zone 7					
Common Laborers	7.15	.80	.80	1.00	.07
Zone 10					
Laborers, wrecking, demolition, Concrete Mixers, w/o Hoppers, Drill Runners, Jackhammers, Mason Tenders, Mortar Mixers, Excavation & Foundations, Scaffold Builders, Carpenter Tenders, & Grading for Concrete	8.70	.50	.50		.07
Zone 11					
Laborers, Air Tool Operators (Jackhammer, Vibrator), Mason Tenders, Mortar Mixers, Plasterer Tenders, Pipelayers, Wreckers & Excavation	8.55	.65	.50		.07
Zone 15					
Common Laborers	8.00	.85	.85		.07
Zone 16					
Common Laborers, Air Tool Operators, Mason Tenders, Plasterer Tenders, and Mortar Mixers	8.10	.75	.85		.07
Laborers - Asphalt Construction:					
Zone 1					
Street:					
Head Raker	8.55	.81	.79	e	.10
Rakers & Screed men	8.40	.81	.79	e	.10

MODIFICATIONS P. 8

DECISION #NJ78-3009

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers - Asphalt Construction: (Cont'd)					
Zone 1					
Street: (cont'd)					
Tampers, Smoother, Kettlemen, Painters, Top Shovelers, & Roller Boys	8.15	.81	.79	e	.10
Plant:					
Scale Mixer & Burner Men	8.40	.81	.79	e	.10
Feeders & Dust Men	8.15	.81	.79	e	.10
Line Construction:					
Zone 2					
Linemen and Equipment Operators	13.70	7%	9%		3/4%
Cable Splicers	14.77	7%	9%		3/4%
Groundmen	9.59	7%	9%		3/4%
Zone 7					
Linemen & Equipment Operators	13.52	7%	3%+.70		3/4%
Groundmen & LIne Truck Operators	11.97	7%	3%+.70		3/4%
Zone 9					
Linemen & Equipment Operators	13.335	7%	3%+.70		3/4%
Groundmen	11.475	7%	3%+.70		3/4%
Zone 10					
Linemen & Cable Splicers	13.22	7%	3%+1.47		3/4%
Groundmen	12.37	7%	3%+1.47		3/4%
Zone 11					
Linemen & Cable Splicers	13.22	7%	3%+.90		3/4%
Groundmen	12.37	7%	3%+.90		3/4%
Zone 13					
Linemen, Line Truck Operators, Equipment Operators, and Cable splicers	11.80	7%	3%+ 1.00		3/4%
Groundmen	7.08	7%	3%+1.00		3/4%
Zone 14					
Linemen, Line Truck Operators, Equipment Operator, Cable Splicer	11.80	7%	3%+.70		3/4%
Groundmen	7.08	7%	3%+.70		3/4%

MODIFICATIONS P. 9

DECISION #NJ78-3009

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Zone 4					
Group 1 - Interior industrial and commercial work, paper-hangers, tapers, coverers, spacklers, preparatory and cleaning work	10.30	.90	1.75	.50	
Group 2 - Extension ladder work (36' or over), scaffold work, and boatswain chair	11.45	.90	1.75	.50	
Group 3 - Structural steel, tanks, bridges, towers, smokestacks, radio towers, TV Towers, flagpoles (steel or wood), fire escapes, cable work, and hazardous work	11.45	.90	1.75	.50	
Group 4 - Sandblasting & spraying	12.00	.90	1.75	.50	
Group 5 - High rise apartments repainting	8.50	.90	1.75	.50	
Roofers:					
Zone 2					
Composition, Waterproofing, Slate & Asphalt Shingle	11.62	1.33	.80		
Sheet Metal Workers:					
Middlesex County	11.81	6%	5%+.11	8%	.03
Morris, Somerset, Sussex, & Union Counties	11.65	1.10	1.35		.12
Hunterdon County	11.41	i+1.33	.80		.03

MODIFICATIONS P. 10

DECISION #NJ78-3047 - Mod. #3
(43 FR-26235 - June 16, 1978)
Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem Counties, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Drop:					
Lathers: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, & Salem Counties					
Add:					
Lathers:					
Burlington, Camden, Gloucester Mercer, Monmouth, Ocean, & Salem Counties	$11.40	.15	.40		.02
Lathers:					
Atlantic, Cape May and Cumberland Counties	11.75				
Marble Finishers:					
Camden, Gloucester, and Salem Counties	7.84	1.25	1.50		
Terrazzo Finishers:					
Camden, Gloucester, and Salem Counties	7.82	1.25	1.50		
Tile Finishers:					
Camden, Gloucester, and Salem Counties	7.61	1.25	1.50		
Change:					
Carpenters, Millwrights, & Insulators:					
Zone 4	11.35	.70	1.40		.02
Sheet Metal Workers:					
Zone 2	11.81	6%	5%+.11	8%	.03
Zone 3	11.41	s+1.33	.80		.03

DECISION NO. OH78-2056 - MOD. #3
(43 FR 20673 - May 12, 1978)
Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Geauga, Greene, Hamilton, Highland, Lawrence, Licking, Madison, Meigs, Miami, Montgomery, Muskingum, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union & Warren Counties, Ohio

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters; Millwrights; Piledrivermen; & Soft Floor Layers:					
Adams, Fayette, Gallia, Highland, Lawrence, Meigs, Pike, Ross, & Scioto Counties:					
Carpenters; Soft Floor Layers	$ 9.24	.55	1.00		.03
Piledrivermen	9.53	.55	1.00		.03
Brown, Butler, Clermont, Clinton, Hamilton, & Warren Counties					
Millwrights	12.09	.55	1.10		.10
Soft Floor Layers	10.25	.60	.65		.05
Champaign, Clark, Delaware, Fairfield, Franklin, Licking, Madison, Muskingum, Perry, Pickaway, & Union Counties:					
Carpenters	10.79	.58	.85		.04
Millwrights	11.44	.58	.85		.04
Piledrivermen	11.44	.58	.85		.04
Soft Floor Layers	10.79	.58	.85		.04
Darke, Greene, Miami, Montgomery, Preble, & Shelby Counties:					
Carpenters; Piledrivermen	10.95	.80	1.10		.07
Millwrights	10.86	.80	1.00		.07
Soft Floor Layers	9.80	.80	.80		.07
Geauga County:					
Millwrights	12.60	.85	1.52		.03

DECISION #PA78-3045 - Mod. # 4
(43 FR 20714 - May 12, 1978)
Lackawanna, Susquehanna, Wayne, and Wyoming Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Glaziers	$10.00	.65	.85		
Plumbers	11.24	.80	1.25		.05

DECISION #PA78-3066 - Mod. # 1
(43 FR 43228 - Sept., 22, 1978)
Columbia, Montour & Snyder Counties, Pennsylvania

Change:					
Laborers					
Zone 1					
Class I	7.44	.45	.75		
Class II	7.54	.45	.75		
Class III	7.84	.45	.75		
Class IV	7.69	.45	.75		
Glaziers:					
Zone I	10.00	.65	.85		

DECISION NO. TN78-1049 - Mod. #1
(43 FR 21829 - May 19, 1978)
Statewide, Tennessee

CHANGE:					
Electricians:					
Shelby County	$10.93	.75	3% + .50		½ of 1%
All Remaining Counties	7.26				

MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX78-4034 - Mod. #2 (43 FR 16121 - April 14, 1978) Cameron, Hidalgo, Starr & Willacy Cos., Texas					
Change:					
Plumbers & pipefitters	$ 8.55	.55	.20		.05
DECISION #TX78-4038 - Mod. #4 (43 FR 16129 - April 14, 1978) Harrison County, Texas					
Change:					
Electricians: Electricians	9.80	.60	3%		1/4%
Cable splicers	10.15	.60	3%		1/4%
DECISION #TX78-4081 - Mod. #4 (43 FR 36851 - August 18, 1978) Bexar County, Texas					
Change Modification #1 in the Federal Register of October 20, 1978 to read Modification #3					
DECISION #TX78-4083 - Mod. #4 (43 FR 38279 - August 25, 1978) El Paso County, Texas					
Omit:					
Glaziers	7.29	.30	.10		.02
Roofers: Roofers, waterproofers & pipewrappers	7.00				
DECISION #TX78-4088 - Mod. #3 (43 FR 38287 - August 25, 1978) Wichita County, Texas					
Omit:					
Plumbers & pipefitters-Zone 1	10.30	.45	.65		.02
Zone 2	10.80	.45	.65		.02
Zone 3	11.10	.45	.65		.02
Zone 4	11.40	.45	.65		.02
Zone 5	11.70	.45	.65		.02
Add:					
Plumbers & pipefitters:					
Zone 1 - Within 25 miles of Wichita Falls City limits	10.30	.45	.65		.02
Zone 2 - Over 25 miles from Wichita Falls City limits	10.80	.45	.65		.02

MODIFICATIONS P. 14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX78-4091 - Mod. #1 (43 FR 41365 - September 15, 1978) Gregg County, Texas					
Change:					
Electricians: Electricians	$ 9.80	.60	3%		1/4%
Cable splicers	10.15	.60	3%		1/4%
DECISION #TX78-4095 - Mod. #2 (43 FR 43241 - September 22, 1978) Ector & Midland Cos., Texas					
Change:					
Plumbers & pipefitters-Zone 1	9.41		.44		.02
Zone 2	9.51		.44		.02
Zone 3	9.61		.44		.02
Zone 4	9.91		.44		.02
DECISION #TX78-4094 - Mod. #1 (43 FR 43233 - September 22, 1978) Statewide Texas					
Change:					
Area Covered by Various Zones					
Zone 4 -Brewster, Culberson, El Paso*, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Cos.					
Description of Work: Heavy, Water & Sewer Lines & Highway Construction (does not include building structures in rest area projects) and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes & garden type appartments up to & including 4 stories).					
*Not to be used for Heavy Construction & Utilities Incidental to General Building Construction in El Paso County					
DECISION NO. 78-VA-3061 - Mod. #1 (43 FR 41366 - September 15, 1978) Albemarle, Culpeper, Fauquier, Fluvanna, Greene, Loudoun, Louisa, Madison, Orange, Prince William and Rappahannock Counties, Virginia					
Omit:					
Form Setter Road					
Shovel Operator (over 1 yard)					

MODIFICATIONS P. 15

DECISION #UT78-5128 - Mod. #1
(43 FR 46480 - October 6, 1978)
Statewide Utah

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Plumbers; Pipefitters	$11.50	.66	$1.00		.06

SUPERSEDEAS DECISION

STATE: GEORGIA COUNTIES: DEKALB & FULTON
DECISION NUMBER: GA78-1092 DATE: DATE OF PUBLICATION
Supersedes Decision No. GA78-1050, dated May 26, 1978, in 43 FR 22865.
DESCRIPTION OF WORK: HEAVY CONSTRUCTION (does not include Sewer & Water Lines Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICK MASONS	$ 9.60	.55	.50		.05
CARPENTERS	9.65	.50	.45		.02
CEMENT MASONS/FINISHERS	8.95	.40	.55		
ELECTRICIANS	11.15	9%	11%		½ of 1%
IRONWORKERS	9.60	.65	.57		.07
LABORERS:					
Unskilled	6.40	.25	.33		.05
Air tool operators (air, electric or gas powered, such as jackhammer, paving breaker, tampers, vibrator, spade, chipping hammer & barco tamp), & pipelayers	6.62	.25	.33		.05
PAINTERS:					
Brush & Roller	9.45	.55	.75		.05
Spray	10.45	.55	.75		.05
PILEDRIVERMEN	9.80	.50	.45		.02
PLUMBERS & PIPEFITTERS	11.15	.65	.50		.11
SHEET METAL WORKERS	10.20	.50	.81		.06
TRUCK DRIVERS	6.13				
WATERPROOFERS (ROOFERS)	7.45	.30	.20		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					
POWER EQUIPMENT OPERATORS:					
Backhoe	9.10	.50	.75		.07
Bulldozer	8.75	.50	.75		.07
Crane	9.10	.50	.75		.07
Front end loader	8.75	.50	.75		.07
Mechanic	9.10	.50	.75		.07
Motor grader	8.75	.50	.75		.07
Pump	6.53	.50	.75		.07

SUPERSEDEAS DECISION

STATE: Illinois

COUNTIES: Cristian, DeWitt, Macon, Macoupin, Moultrie, Piatt, and Shelby

DECISION NUMBER: IL78-2113

DATE: Date of Publication

Supersedes Decision No. IL78-2028 dated March 17, 1978, in 43 FR 11401

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and graden type apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.63	.80	.97		
BOILERMAKERS:					
DeWitt County	11.45	.95	1.00		.03
Remainder of Counties	11.45	.95	1.20		.03
BRICKLAYERS and STONEMASONS:					
Macoupin County:					
East ½ of County, including Gillespie, Benld, Mt. Olive and Stauton	10.45	.70	.75	1.00	
Balance of the County	10.80	.50	.52		.02
Christian County	10.75	.50	1.00		.02
DeWitt County	11.50	.70	.80		
Macon, Moultrie, Piatt and Shelby Cos.	11.40	.60	1.00		.005
CARPENTERS:					
Macoupin County:					
S.W. Corner of the County					
Carpenters, Soft Floor Layers, Millwrights and Piledrivermen	11.985	.60	.80		
Girard and North thereof					
Carpenters and Soft Floor Layers	11.45	.55	.55		.06
Millwrights and Piledrivermen	11.95	.55	.55		.06
Remainder of the County					
Carpenters, Soft Floor Layers, Millwrights and Pilderivermen	11.985	.60	.80		
Shelby County, Remainder of Moultrie County, Millerville, Rosamond, Radford and Pana in Christian County					
Carpenters and Soft Floor Layers	12.325	.55	.30		.07
Millwrights and Piledrivermen	12.825	.55	.30		.07
Remainder of Christian County					
Carpenters, Piledrivermen and Soft Floor Layers	6.90	.40	.30		
Millwrights	7.40	.40	.30		
DeWitt County					
Carpenters and Soft Floor Layers	12.01	.40	.50		.05
Millwrights and Piledrivermen	12.51	.40	.50		.05

DECISION NUMBER: IL78-2113

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Macon County, Moultrie County: (Bethany, Okaw River, Lovington, Williamsbury, Lake City and all Areas north; Piatt County: (Cisco, Bement, Allerton Park and all Areas south therof:					
Carpenters and Soft Floor Layers	$11.935	.60	.65		.06
Millwrights & Piledrivermen	12.835	.60	.65		.06
Remainder of Piatt County:					
Carpenters and Soft Floor Layers	11.665	.45	1.00		.13
Millwrights and Piledrivermen	12.165	.45	1.00		.13
CEMENT MASONS:					
Macoupin County	11.555	.90	.62		.02
Macon County, Christina County: (Norhtern part-south to a line running east and west established north of Humphrey and including Stonington); Shelby County: (Northern part including Moweaqua); Moultrie County: (Northeastern part including Lovington) Piatt County:					
(Southern portion) DeWitt County:					
(Southern half of County, including Clinton	12.05	.60	.425		
Remainder of DeWitt County	12.53	.55			.10
Remainder of Moultrie and Shelby Counties	12.01		.65		
Remainder of Christian County	11.20				
Norhtern half of Piatt County	12.575	.45	.25		.025
ELECTRICIANS:					
Macoupin County:					
Athenville, Scottville, Girard and Areas north therof	12.37	.50	3%+.60		.1 of 1%
Remainder of County	12.73	4%	3%+.65	6%	.25%

DECISION NO. IL78-2113

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Macon and Christian Counties; DeWitt County (Townships of Wapella, Barnett, Clintonia, Harp, DeWitt, Turnbridge, Texas, Creek and Nixon); Piatt County: (Goose Creek, Willow Branch, Cerro Gordo, Bement and Unity); Shelby County: (Townships of Moweaqua, Penn, Flat Branch, Pickaway, Todds Point, Rural, Ridge, Okaw, Tower Hill, Rose, Shelbyville, Oconee, Cold Spring, Lakewood, Clarkburg, Herrick, Dry Point and Holland); Moultrie County: (Townships of Dora, Lovington, Marrowbone and Sullivan at the Illinois Masonic Home and Farm in East Nelson	$12.60	.50	3%+.40		.35%
Remainder of Moultrie and Shelby Counties	12.60	.50	3%+.40		.35%
Remainder of DeWitt County	11.95	.50	3%+.55		.002
Remainder of Piatt County	12.45	.50	3%+.40		.3%
IRONWORKERS:					
Macoupin County:					
Northern part of County	11.75	.55	1.05		.08
Southern part of County	12.10	.55	1.05		
Moultrie, Piatt, DeWitt (Eastern half of County) Macon (East of Decatur) Shelby (Eastern half of County)	11.55	.65	1.00		.08
Christian County, DeWitt (Western half of County) Macon (Remainder of County)	11.75	.55	1.05		.08

DECISION NO. IL78-2113

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Macoupin County:					
Carlinville and Vicinity:					
Common	$11.60		.20		.035
All Brick and Plaster Mason Tender	12.10		.20		.035
Workmen cutting and burning w/a torch; Men working on the bottom of sewer trenches, etc.	11.85		.20		.035
Dynamite Men	13.20		.20		.035
Gillespie and Vicinity:					
Common	11.40		.40		.035
All Brick and Plaster Mason Tender	11.90		.40		.035
Workmen cutting and burning w/a torch; Men working on the bottom of sewer trenches, etc.	11.65		.40		.035
Dynamite Men	13.00		.40		.035
Mt. Olive and Vicinity:					
Common	11.50		.30		.035
All Brick and Plaster Mason Tender	12.00		.30		.035
Workmen cutting and burning w/a torch; Men working on the bottom of sewer trenches, etc.	11.75		.30		.035
Dynamite Men	13.10		.30		.035
Shipman and Vicinity:					
Common	11.35		.45		.035
All Brick and Plaster Mason Tender	11.85		.45		.035
Workmen cutting and burning w/a torch; Men working on the bottom of sewer trenches, etc.	11.60		.45		.035
Dynamite Men	12.95		.45		.035
Staunton and Vicinity:					
Common	11.20		.30		.035
All Brick and Plaster Mason Tender	11.70		.30		.035
Workmen cutting and burning w/a torch; Men working on the bottom of sewer trenches, etc.	11.45		.30		.035
Dynamite Men	12.80		.30		.035

DECISION NO. IL78-2113

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (CONT'D)					
Shelby County:					
Unskilled	$10.60	.35	.40		.035
Semi-Skilled	10.80	.35	.40		.035
Skilled	10.95	.35	.40		.035
Christian County:					
Unskilled	9.59	.45	.40		.035
Semi-Skilled	9.79	.45	.40		.035
Skilled	9.94	.45	.40		.035
Macon County & the Western ½ of Moultrie County:					
Unskilled	10.50	.35	.50		.035
Semi-Skilled	10.70	.35	.50		.035
Skilled	10.85	.35	.50		.035
Ivesdale & South Thereof in Piatt County & all area east of Rt. #21 in Moultrie County					
Unskilled	10.30	.45	.60		.035
Semi-Skilled	10.50	.45	.60		.035
Skilled	10.65	.45	.60		.035
DeWitt County & the Remainder of Piatt County					
Unskilled	10.75	.30	.30		.035
Semi-Skilled	10.95	.30	.30		.035
Skilled	11.10	.30	.30		.035

DECISION NO. IL78-2 113

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
Macoupin County:					
Norhtern part of County	$12.30				
Southern part of County	12.835			.65	.01
Christian County	12.30				
Piatt County	11.49	.45	.40		.01
PAINTERS:					
Macoupin County:					
Commercial	11.05	.55	.35		
Industrial & Tapers	11.30	.55	.35		
Christian County					
Brush and Roller	10.15	.55	.50		
Spray	10.65	.55	.50		
Macon, Shelby, Moultrie and Piatt & DeWitt Counties					
Brush and Roller	11.00	.50	.40		
Spray over Quart Cup	11.75	.50	.40		
PLASTERERS:					
Macoupin County: (Carlinville and Vicinity)	10.80	.50	.52		.02
Macon County, Christian County: (Northern part - south to a line running east and west established north of Humphrey and including Stonington); Shelby County: (Northern part including Moweaqua) Moultrie County: (Northeastern part including Lovington); Piatt County; (Southern portion); DeWitt County: (Southern half including Clinton)	12.27	.60	.425		.01
Remainder of Moultrie and Shelby Counties	11.10				.01
Southern half of Christian County	11.20		.65		
Northern half of Piatt County	11.915	.45			.025
Remainder of DeWitt County	13.05				.01

DECISION NO. IL78-2113

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS and STEAMFITTERS:					
Macoupin County:					
North of Route #108	$12.43	.35	.88		.07
South of Route #108	13.20	.48	.96		.05
Macon; DeWitt; Moultrie Counties; Townships of Pana, Assumption and Radford in Christian County; West of Route #105 in Piatt County	13.00	.35	1.00		.15
Shelby County; (East of Route #105) in Piatt County	12.15	.35	1.15		.12
Remainder of Christian County	12.43	.35	.88		.07
ROOFERS:					
Macoupin County:					
Northern half of County:					
Composition	12.93	.70			
Slate, Tile and Precast Slab	12.93	.70			
Southern half of County	10.95	.67	.55		.03
Macon; Shelby; Moultrie; DeWitt County: (Southern half of County, including Clinton); Christian County: (Townships of Assumption; Pinkle, Dollville, Mt. Auburn, Millville, Oshbernville, Owaneea, Pana, Radford, Rosamond, Stonington, Velma, Vanderville, Willeys	12.08	.30	.30		.02
Piatt County	12.39	.70	.45		.03
SHEET METAL WORKERS:					
Macoupin County	10.68	.25	.25	6%	.02
Macon, Christian, DeWitt Counties	10.91	3%+.50	.78		.07
Moultrie; Piatt and Shelby Counties	11.94	3%+.60	.67		.16
SPRINKLER FITTERS	12.10	.75	1.05		.08
TILE-TERRAZZO-MARBLE WORKERS:					
Macoupin County:					
Marble Setters	10.45				
Tile and Terrazzo Workers	9.95	.50	.75	1.00	
Macon and Shelby Counties	11.10	.60	.50		.005
Christian County	10.45	.70	.75	1.00	
DeWitt County	11.50	.70	.80		
Piatt County	11.10	.60	.50		.005
WELDER - Receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. IL78-2113 ILL-1-PEO-1-2-3

POWER EQUIPMENT OPERATORS: MOULTRIE COUNTY	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, Electric overhead cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all equipment, Tractor highlift shovel, Forklifts, Tournamixer, 2 drums machine or 2 cage hoist, 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 & Brick surface, Ross carrier or similar machine, Asphalt Plant Engineer or Pug Mill, Two (2) air compressors, Hetherington paver operator, Farm tractor with ½ yard bucket and/or backhoe attachment, Trench machines cutting over 24," Dredging equipment, Central mix plant engineer, concrete spreader, Air compressors 200 cu. ft. or over, Standard or Dinkey locomotives, Scoopmoblies, Euclid loader, Soil cement machine, Mixers 14S capcaity or less, Trench Machine cutting 24" & under, Backfiller, Elevating machine, Power Blade, Asphalt Plant Engineer, Well drilling Machines, Paint Machine, Pipe Cleaning Machine, Pipe wrapping machine, Pipe Bending Machine, Apsco paver, Boring Machine, w/o winch, Head equipment, Greasers, Barber Green Loaders, Formless paver, Farm Tractor with less than half-yard bucket and other attachments except backhoe, Well Point System

CLASS IV: Power Sub-Grader, Bull Float, Form Grader, Finishing machine, Pavement breaker, Rock Crushers,One drum machine, air compressor less than 20 cu.ft. capacity, Concrete pump, Gunnite machine, Air Tuggers, Truck crane drivers, House Elevators when used for temporary heat, Small rollers on earth, Engine tenders, Fireman on pain pots, Fireman, Wagon Drill, Fexaplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Asphalt plants, Distrbutor 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

DECISION NO. IL78-2113

ILL-2-PEO-1-2-3

POWER EQUIPMENT OPERATORS: MACOUPIN COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$11.52	.87	1.51		.05
GROUP II	10.19	.87	1.51		.05
GROUP III	9.54	.87	1.51		.05
GROUP IV	9.44	.87	1.51		.05
GROUP V	9.19	.87	1.51		.05
GROUP VI					
a.	13.67	.87	1.51		.05
b.	13.97	.87	1.51		.05
c.	11.29	.87	1.51		.05
d.	11.79	.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-2drum or more (where oiler or firemen is not required) 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, 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 mcahines, 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 (Straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floata, 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. IL78-2113

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS: Remainder of Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$11.90	.55	.65		.05
CLASS II	10.45	.55	.65		.05
CLASS III	9.35	.55	.65		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.N.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augeror boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange 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. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists 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*, mechanic 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 IL78-2113 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	$10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

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: Henderson, Henry, Knox Mercer, Rock Island, Stark & Warren

DECISION NO. IL78-2123 DATE: Date of Publication

Supersedes Decision No. IL78-2036, dated March 17, 1978, in 43 FR 11415

DESCRIPTION PO WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Stark County	$ 13.01	.91	.99		.05
Remainder of Counties	12.07	.45	.85		.10
BOILERMAKERS	11.45	.95	1.00		.03
BRICKLAYERS:					
Rock Island and Mercer Counties					
Bricklayers and Stonemasons	11.35	.55	1.00		.04
Marble, Tile, Terrazzo Workers	11.00	.40	1.00		
Plasterers	13.00				
Henry County					
Bricklayers, Stonemasons and Plasterers	12.10		.75		
Stark County					
Bricklayers and Stonemasons	12.10		.75		
Plasterers	11.20	.80	.90		.03
Marble, Tile, Terrazzo Workers	11.45	.70	1.00		.01
Marble and Tile Finishers	11.00	.60	.25		
Terrazzo Finishers and Floor Machine Operator	11.13	.60	.25		
Knox and Warren Counties					
Bricklayers, Stonemasons, Cement Blocklayers, Pointers, Cleaners, Caulkers	11.70	.70	1.00		.01
Henderson County					
Bricklayers, Stonemasons, Cement Blocklayers, Pointers, Cleaners, Caulkers	11.70	.70	1.00		.01
Marble, Tile, Terrazzo Workers	11.45	.70	1.00		.01
Marble and Tile Finishers	11.00	.60	.25		
Terrazzo Helpers and Floor Machine Operator	11.13	.60	.25		
CARPENTERS:					
Stark County					
Carpenters and Soft Floor Layers	12.01	.40	.50		.05
Millwrights and Piledrivermen	12.51	.40	.50		.05
Knox, Henderson and Warren cos.					
Carpenters and Soft Floor Layers	12.01	.40	.50		.05
Millwrights and Piledrivermen	12.51	.40	.50		.05

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DECISION NO. IL78-2123

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Rock Island, Henry & Mercer Cos.					
Carpenters & Soft Floor Layers	11.11	.60	.90		.06
Piledrivermen	10.71	.45	.70		.04
Millwrights	12.60	.60	1.00		.25
CEMENT MASONS:					
Rock Island, Mercer, & Eastern Half of Henry Co.	11.12	.70	.60		
Stark Co. and Remainder of Henry County	11.65		.75		
Knox and Warren Counties					
Cement Masons & Plasterers	11.80	.50	.25		
Henderson County					
Cement Masons:					
Northern half of Co.	11.12	.70	.60		
Central & Southern helf of County	11.15				
Plasterers:					
Northern half of County	12.00				
Central & Southern half of County	10.78				
ELECTRICIANS:					
Knox, Henderson, Warren Cos. Townships of Ohio Grove, North Henderson & Suez in Mercer County	12.06	.40	3%+.75		3/4%
Stark Co.; Townships of Essex, Valley & West Jersey	12.32	.50	3%+.75		1%
Henry Co: (Townships of Annawan, Burns, Cambridge, Galva, Kewanee, Weller & Westerfield & the remainder of Stark Co.	12.30	.50	3%+.30		.25%
Rock Island and Remainder of Henry County & Mercer cos.	12.09	.55	7.5%		.03
ELEVATOR CONSTRUCTORS:					
Rock Island, Mercer, Henry and Knox Counties					
Constuctors	10.41	.495	.32	4%+a+b	.02
Helpers	70%JR	.495	.32	4%+a+b	.02
Helpers (Prob.)	50%JR				
GLAZIERS:					
Stark County	11.53	.55	.45		.01
Remainder of counties	10.59	.70	1.00		.02

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DECISION NO. IL78-2123

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
Mercer, Henderson, Warren & all areas west & southwest of Galesburg	11.50	.55	.90		.06
Stark Co. and all area south and east of Galesburg in Knox County	11.975	.65	.925		
Rock Island and Henry Counties; & within Galesburg & all area north of City in Knox County	12.97	.65	.375		.11
LABORERS:					
Stark County - Western ½					
Unskilled	9.84	.40	.60		.035
Semi-Skilled	10.04	.40	.60		.035
Skilled	10.24	.40	.60		.035
Eastern half of Stark County					
Unskilled	10.07	.40	.60		.035
Semi-Skilled	10.27	.40	.60		.035
Skilled	10.47	.40	.60		.035
LATHERS:					
Knox County	11.75				.01
Stark County	11.92	.40	.40		.01
Rock Island, Mercer & Henry Counties	11.55		.20		.01
PAINTERS:					
Rock Island, Henry, Mercer, Henderson, Stark and Warren Counties; West of Line extending from N. E. corner to S.W. corner of Knox County					
Brush and Roller	10.27	.45	.65		.18
Spray and Structural Steel	10.77	.45	.65		.18
Remainder of Knox County					
Brush and Paperhangers	9.50	.55	.15		
Structural steel	9.75	.55	.15		
PLASTERERS:					
Stark County	11.20	.80	.90		.03
Rock Island and Mercer counties	13.00				
PLUMBERS & STEAMFITTERS:					
Stark County	12.70	.51	1.05		.15
Remainder of Counties	11.75	.54	1.29		.17

DECISION NO. IL78-2123

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
STARK County	12.00	.70	.40		.025
Rock Island, Henry & Mercer Counties	12.65	.65	.80		
Remainder of Counties	10.20				
SHEET METAL WORKERS:					
Stark County	11.24	.65	.99		.06
Henderson County	10.41	.45	.44		.10
Remainder of Counties	10.66	.45	.44		.10
SPRINKLER FITTERS	12.10	.75	1.05		.08

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; D-Independence Day; D-Labor; E-Thanksgiving Day; F-Christmas Day.

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. Employer conbtributes 2% of regular hourly rate to Vacation Pay credit for employee who has worked in business less than 5 years.

DECISION NO. IL78-2123 ILL-81-LAB-1-2-3

LABORERS: ROCK ISLAND &MERCER COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
UNSKILELED	$ 9.72	.40	1.00		.035
SEMI-SKILLED	9.97	.40	1.00		.035
SKILLED	10.22	.40	1.00		.035

UNSKILLED - Common Laborer, Carpenter tender, Rod & chain Man, Flagman, GRavel Boxmen, Dumpmen & spotters, Form handlers, Material handlers, Fencing laborers Cleaning lumber, Material checkers, Dispatchers, Lanscapers, Unlaoding Explosives, Laying of sod, Planting of Trees, Removal of trees, Asphalt Plant Laborers, Wrecking laborers, Writers of scale tickets, Scaleman (Permanent-Potable or Temporary Plant), deck hand.

SEMI-SKILLED - Laying & Jointing of telephone conduit, darco & jackahmmer operator, Mechanical tamper and air space, wagon & hand drill, Vibrator operator, Operator on Power tools used under the jurisdiction of laborers, Cement Jumper; Puddler, form Setter Helpers, 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 kettelman, Mastic asphalt mixerman or other preparations used on joints, sheeting hammer divers (2-Men) Back up man or joint man with pipelayers, laborer in ditch or tunnel on sewer and water main & telephone conduit Gas Distribution Men, Pipe Setters on Laterals, drain Tiles, Culvert Pipe, & storm Sewer connections to Catch basins, Manholes or Maine line, Handling of Materials treated with oil, coreosote, asphalt and/or any foreign material harmful to skin or clothing, Chloride handlers, the unlaoding & laborers w/steel workers and Re-bard, Tunnel helpers in free air, Batch Dumpers, Tank cleaners, cofferdam workers, bankmen on floating plant

SKILLED - String (1-man), Head form setter, Dynamite man, Asphalt raker, Tunnel Miner, Pipelayer on sewer & water, 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 operators, Head Brade man

DECISION NO. IL78-2123

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HENRY COUNTY					
UNSKILLED	$ 9.84	.45	.60		.035
SEMI-SKILLED	10.04	.45.	.60		.035
SKILLED	10.24.	.45	.60		.035
KNOX, HENDERSON & WARREN COS.					
UNSKILLED	10.07	.45	.60		.035
SEMI-SKILLED	10.27	.45	.60		.035
SKILLED	10.47	.45	.60		.035

UNSKILLED - Common laborer, carpenter tenders, tool cribmen, firemen or salamander tenders, flagmen, gravel box men, dumpmen & spotters, form handlers, fencing laborers, cleaning lumber, pitmen, 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 building, wallmen & housemovers, driving of stakes, stringlines for all machinery

SEMI-SKILLED - Handling of materialst reated withoil, creosote, asphalt or any foreign material, track laborers, cement handlers, chloride handlers, the unloading and laborers w/steel workers & rebars, concrete workers (wet), tunnel helpers in free air, batch dumpers, mason & plasterer tenders & material wheelers, kettlemen & tarmen; tank cleaners, plastic installer, scaffold workers, material, buggies or motorized unit used for wet concrete or handling of building materials, laborers w/dewatering systems, all sewer workers plus depth, rod of chainmen with land surveyors, vibrator operators, mortar mixer operator, cement silica, clay, fly ash, lime & plasters, handlers (bulk or bag), cofferdam workers plus depth, (on concrete paving) placing cutting & trying or reinforcing, deck hand & shore laborers, bankmen on floating plant, asphalt workers w/machine, asphalt raker, grader checker

SKILLED - Dynamite men or blasters, caisson workers plus depth, gunnite nozzle men, leadmen on sewer work, welders, cutters, burners, trochmen, chain saw operator, aackhammer & drill operators, layout man, steel form setters (Street & hgihway); air tamping hammerman, signal man on crane, concrete saw operator, screenman on asphalt paver, laborers tendingm achins w/hot materials are used, multiple concrete duct-leadmen, lutemen, crib asphalt machine operator, ready-mix scalemen, portable or temporary plant, laborers handling materplate or similar materials, laser veam operaTOR, coring machine operator

DECISION NO. IL78-2123

ILL-6-PEO-1

POWER EQUIPMENT OPERATORS KNOX, HENDERSON, WARREN, STARK COUNTIES; & EASTERN ½ of HENRY CO.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$12.22	.45	.80		.05
GROUP 2	12.02	.45	.80		.05
GROUP 3	11.645	.45	.80		.05
GROUP 4	11.30	.45	.80		.05
GROUP 5	10.76	.45	.80		.05

GROUP 1 - Cranes, escalated rate on crane, derricks, booms, $.01 per hour, per foot after 80 feet or boom including jib, overhead cranes, gradall, cherry pickers (and similar types over 15 ton lifting capacity (require oiler), mechanics, central concrete mixing plant operator, road pavers (27E-dual drum-tri batchers), blacktop plant operators and plant engineers, 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, koehring scoopers, draglines, backhoe, hoptoes-crane-type that require oilers, derrick boats, pile drivers and skid rigs, clamshells, locomotive cranes, dredge (all types), motor patrol, power blades dumore-elevating and similar types tower cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes, casisson rigs (require oilers) dozer, tourna-dozer, work boats, ross carrier and helicopter

GROUP 2 - Trench machine, pumpcrete-belt crete-squeeze-screw-type pumps and gypsum bulker and pump, dinkeys, power launches, tournapulls (all), multiple unit, earth movers, $.25 per hour for eachs coop over one scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm types w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine, euclid loader, forklifts, form-less finishing machine, jeeps w.ditching machine or other attachments, tune-luger, rock crushers, automatic cement and gravel batching plants, mobile drills (soil testing and similar types), requiring oiler), flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), gurries and similar type, 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators Chicago boom, boring machine and pipe jacking, machine hydro boom, starting engineer on pipeline, C.M.I. and similar types (require oiler) straw blower, hydro seeder and P.W.D and similar types

DECISION NO. IL78-2123

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 3 - Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling roller, center stripper, cement finishing machines, barber greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bags to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

GROUP 4 - Air compressor, all air and steam valves, power subgrader, oil distributor, straight tractor, trac-air wirhout attachments, curb machines, truck crane oilers, 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 on spreed, roller, 5 tons and under on earth or gravel,f orm grader, pump 1 or 2, generator (1) or (2), weldingmachine (1) or (2) - 300 amp. or over, mixer (3) bag and under (standard capacity), bulk cement plant, crawler crane and skid rig oilers

DECISION NO. IL78-2123 ILL-15-PEO-1-2-3

POWER EQUIPMENT OPERATORS: ROCK ISLAND, MERCER & WESTER ½ OF HENRY COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	11.80	.65	.80		.08
CLASS 2	11.80	.65	.80		.08
CLASS 3	10.40	.65	.80		.08
CLASS 4	10.40	.65	.80		.08
CLASS 5	9.35	.65	.80		.08

CLASS 1 - Crane, shovel, clamshell, dragline, backhoe, derrick, towe crane, cableway, concrete spreader (servicing two pavers), asphalt spreader, asphalt mixer plant engineer, dipper operator, dipper dredge craneman, dual purpose truck (boom o 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 machine, 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 pus mill, fireman and driver, concrete pump, concrete spreader (servicing one paver), bulldozer, endloader (other than mentioned above), forklift, elevating grader, group equipment greaser, letournapull 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 hoists, Jaeger mix and place machine, pipe bending machine, welding machines (3 or 4), 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

DECISION NO.IL78-2123

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 not (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 endloaders-self-propelled curing machine

DECISION NO. IL78-2123 ILL-82-TD-1-2-2

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

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 transpotation 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, driers on oil distributores, water pulls, mehcanics & working foreman, 5-axle or more combination units, dispatchers

FOOTNOTES

a. Per week per employee

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NUMBER: IL78-2126
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. IL78-2039, dated March 17, 1978, in 43 FR 11427
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTIES: Boone, Carroll, DeKalb JoDaviess, Lee, Ogle, Stephenson, Whitside & Winnebago

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Boone, Ogle, Stephenson & Winnebago Counties	$11.15	.70	.80	1.00	.04
Carroll, JoDaviess & Whiteside Counties	12.07	.45	.85		.10
BOILERMAKERS:					
Boone, Ogle & Winnebago Cos.	13.05	1.05+.40	1.00	5%	.03
Remainder of Counties	11.45	.95	1.00		.03
BRICKLAYERS & STONEMASONS:					
Boone, Ogle, Winnebago, Carroll, JoDaviess, Stephenson, Lee & Whiteside Counties	11.55	.55	.60		
DeKalb County	12.03	.75	.70		
CARPENTERS:					
Stephenson County:					
Carpenters & Soft Floor Layers	10.93	.55	.75		
Millwrights	11.90	.55	.75		
Winnebago & Boone Counties:					
Carpenters & Piledrivermen & Soft Floor Layers	11.05	.55	1.00		
Millwrights	11.65	.55	1.20		
Carroll & JoDaviess Counties:					
Carpenters & Soft Floor Layers	10.93	.55	.75		
Millwrights	11.90	.55	.75		
Whiteside (all areas east of Hwy. #78) co., & Ogle (Twps. of Mount Maryland, Forreston, Harper, Haldane, Buffalo, Brookville, Adeline, Lightsville & Bailey-ville) Co:					
Carpenters & Soft Floor Layers	10.93	.55	.75		
Millwrights	11.90	.55	.75		
Piledrivermen	10.30	.45	.70		.04
Whiteside co. (all areas west of Hwy. #78)					
Carpentes & Soft Floor Layers	11.11	.60	.90		.06
Millwrights	11.90	.55	.75		
Piledrivermen	12.60	.60	1.00		.25

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS (CONT'D)					
DeKalb Co., Ogle (East of Hwy. #15 incl. Rochelle City) Co., Lee (Eastern ½ of Co., incl. Roxbury & Compton) Co:					
Carpenters & Soft Floor Layers	11.78	.75	.62		.01
Millwrights & Piledrivermen	12.03	.75	.62		.01
Remainder of Lee & Ogle Cos:					
Carpenters & Soft Floor Layers	12.30	.45			
Millwrights & Piledrivermen	12.80	.45			
CEMENT MASONS:					
Boone & Winnebago Counties	10.98	.55	.80		
DeKalb county	12.10	.75	.80		
Whiteside (Erie & Area S.W. thereof) County	10.37	.50	.60		
Carroll, JoDaviess, Lee, Ogle Stephenson & Remainder of Whiteside County	10.70	.55	1.00		
ELECTRICIANS:					
Boone, Dekalb, Winnebago, Stephenson, Ogle, Lee, JoDaviess (Warren, Rush, Nora, Stockton, Wards, Grove, Pleasant Valley, Berrenman Twps.) Co; Carroll (Cherry Grove, Shamnon, Rock Creek, Lima, Wysox, Elkhorn, Grove Twps.) Co: Whiteside (Genesee, Jordan, Hopkins, Sterling, Hume, Montgomery, Tampico, Hahnaman Twps.) Co.	12.28	.50	3%+.60		½%
JoDaviess (Savanna Ordinance Depot) Co., Carroll (Cities of Chadwick), Mt. Carroll, Savanna & Tompson) Co; & Remainder of Whiteside Co.	12.09	.55	7.5%		.03
Remainder of JoDaviess County	11.50	.65	3%+.35		3/4%
ELEVATOR CONSTRUCTORS:					
DeKlab County:					
Constructors	12.455	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.025
Helpers (Prob.)	50%JR				

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ELEVATOR CONSTRUCTORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carroll & Whiteside Counties:					
Constructors	10.41	.495	.32		.02
Helpers	70%JR	.495	.32		.02
Helpers (Prob.)	50%JR				
Remainder of Counties:					
Constructors	11.42	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.025
Helpers (Prob.)	50%JR				
GLAZIERS:					
DeKalb (Lee, Watermon, Hinckley & South Thereof) Co.	9.65			.65	
Winnebago, Boone, Lee (Eastern ½ of Co.) Co., Remainder of DeKalb County	8.90	.37	.20	.74	.02
Carroll, JoDaviess, Stephenson, Whiteside Co., Lee (Western ½ of County incl. Dixon) County	10.59	.70	1.00		.02
IRONWORKERS:					
DeKalb (S.E. 2/3 of Co., incl. Sycamore of DeKalb)	13.65	.75	.525		.08
Carroll (Vicinity of Savanna & Thompson) Co; JoDaviess (E. Dubuque, Galena, Hanover & Vic) Co; & Remainder of Whiteside County	12.97	.65	.375		.11
Boone, Winnebago, Stephenson, Lee, Sterling & West Sterling Co.; Remainder of Carroll, JoDaviess & Dekalb Counties	12.50	.75	.375		.10
LABORERS:					
Boone County:					
Laborers	9.20	.57	1.10		
Power Vibrator	9.30	.57	1.10		
Mortar Men	9.35	.57	1.10		
Plasterer Tenders and Hod Carriers	9.45	.57	1.10		

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MARBLE-TILE-TERRAZZO WORKERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carroll, Boone, DeKalb, Stephenson, Ogle & Winnebago Counties	10.70	.55	.50		
PAINTERS:					
DeKalb County:					
Brush, Spray, & Drywall Taper	9.34	.60	.70		.06
Carroll, Lee, Ogle, Whiteside Counties:					
Brush	9.00				
Spray, Structural Steel, Sand-Blast	9.35				
JoDaviess County:					
Brush & Roller	8.40		.30		
Spray, Structural Steel, Sand-Blast	8.95		.30		
Winnebago, Boone & Stephenson Counties:					
Brush & Roller	10.95	.55			
Structural Steel & Sandblast	11.20	.55			
Spray	11.50	.55			
PLASTERERS:					
DeKalb County	11.62	.75	.50		
Boone & Winnebago Counties	10.53	.55	.75		
Whiteside (Erie & Area S. W. thereof) co.	12.00				
Carroll, JoDaviess, Lee, Stephenson Cos; & Remainder of Whiteside County	10.65	.55	1.00		.01
PLUMBERS & STEAMFITTERS:					
DeKalb County	12.55	.57	.95		.10
Whiteside, Lee, Carroll (West of Rt. #78 excluding Mt. Carroll by 1 mile outside the city limits continuing North of Rt. #78) Co; JoDaviess (South line of Co., then west to the River 1 mile north of Blanding Co;) Savanna Ordnance Depot	11.75	.54	1.29		.17
Boone, Ogle, Stephenson, Winnebago, Carroll (to Rt. #78 incl. Mt. Carroll) Co; Remainder of JoDaviess County	11.55	.45	.60		.07

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
DeKalb (Eastern ½ of Co., Incl. Sycamore, DeKalb & Waterman) County	12.58	.85	.70		.02
Boone, Carroll, JoDaviess, Lee, Ogle Stephenson, Winnebago, Whiteside (Cities or Rock Falls, Sterling & W. Sterling County, DeKalb (Western ½ of county);					
Composition-Slate & Tile	12.20	.55			
Remainder of Whiteside County:					
Flat Slate-Tile-Damp-Waterproof	12.65	.65	.80		
SHEET METAL WORKERS:					
Boone, DeKalb, Lee, Ogle, Whiteside, Winnebago, Carroll (Eastern ½ of County) and			.88	.50	.06
JoDaviess & Stephenson Counties	11.23	.55	.88	.50	.06
Carroll County (Western ½ of Co.)	10.66	.45	.44		.10
SPRINKLER FITTERS	12.10	.75	1.05		.08
TRUCK DRIVERS:					
Boone, Stephenson, Winnebago Cos., Carroll (North of Rt. #72 & East of Rt. #78) Co; JoDaviess (East of Rt. #78 except City of Stockton) County:					
2-3 Axles Trucks	10.50	.55	1.00		
4 Axle Trucks	10.65	.55	1.00		
5 Axle Trucks	10.85	.55	1.00		
6 Axle Trucks	11.05	.55	1.00		
DeKalb County; East of Rt. #51 in Lee & Ogle counties:					
2-3 Axles Trucks	10.65	d29.00	d33.00		
4 Axle Trucks	10.80	d29.00	d33.00		
5 Axle Trucks	11.00	d29.00	d33.00		
6 Axle Trucks	11.20	d29.00	d33.00		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

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PAID HOLIDAYS (WHERE APPLICABLE)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day After Thanksgiving; G- Christmas Day

FOOTNOTES:

a. 7 paid holidays; A through G

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. Nine paid holidays; A through F plus Washington's Birthday & Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the Holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Per week, Per Employee

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ILL-101-LAB-1-2-3

LABORERS:

REMAINDER OF COUNTIES

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	9.80	.55	.60		.035
CLASS II	10.75	.55	.60		.035
CLASS III	11.70	.55	.60		.035

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, Lanscapers, 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 machienry, Rod & Chainmen with Technical Engineers, with Land Surveyors, Asphalt Workers with Machine & Layers, Grade Checker, Signal Man on Crane, Coring Machine Operator, concrete Workers (wet), On Concrete Paving, Placing, cutting and Tying or Reinforcing Steel Form Setters-Street and Highway.

CLASS II - Scaffold Workers, Handling of materials treated with any foreign matter harmful to skin or clothing, Bulk Cement Handlers, Unloading of Rebars, Tunnel Helpers in Free Air, Batch Dumpers, Mason Tenders, Kettle and Tar Men, Tank Cleaners, Plastic Installers, Motorized Buggies of 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 - J ckhammer and Drill Operators, Laborers with De-Watering Systems, Bottom Sewer Workers Plus depth, cofferdam workers plus depth, Caisson workers plus depth, Gunntie Nozzle Men, Leadman on Sewer Work, Welders, Cutters, Burners and Trochmen, 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, Cocnrete Burning Machine Operator, Underpinning and Shoring of Building, Pump Men

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ILL-12-PEO-1

POWER EQUIPMENT OPERATORS:

BOONE, CARROLL, DEKLAB, JODAVIESS LEE, OGLE, STEPHENSON, WINNEBAGO & EASTERN ½ OF WHITESIDE COUNTY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	12.55	1.00	1.00	.50	.05
CLASS II	11.25	1.00	1.00	.50	.05
CLASS III	10.10	1.00	1.00	.50	.05
CLASS IV	8.85	1.00	1.00	.50	.05

CLASS I - Asphalt plant, asphalt spreader, auto-grad, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endlaoder 2½ yd. & over, hoists, one, two & three drum, hoists, two & three, drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), pumpcretes, squeeze cretes - screw types pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoops - tractor drawn, slip form paver, straddle buggies, tournapull, tractor with boom & side boom, trenching machines

CLASS II - Boilers, bulldzoers, brrom all power propelled, concrete mixer (2 bag & over), conveyor portable, fork lift truck greaser engineer, highlift shovels or front endloaders under 2½ yd., hoists, automatic hoist's, all elevators, hoists, tuggers single drum, rillers, all steam generators, stone crushers, tractors all winch trucks with "A" frame

CLASS III - Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 ft.), Air compressor - large over 150, combination - small equipment opr., generators under & over 50 KW heaters, mechanical pumps over 3" (1 to 3 not to exceed a total of 300 ft.) pumps, well points, welding machines (2 through 5), winches 4 small electric drill winches

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POWER EQUIPMENT OPERATORS:

WESTERN ½ OF WHITESIDE COUNTY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	11.80	.65	.70		.08
CLASS 2	11.80	.65	.70		.08
CLASS 3	10.40	.65	.70		.08
CLASS 4	10.40	.65	.70		.08
CLASS 5	12.65	.65	.70		.08

CLASS 1 - Crnae, 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 purposetruck (boom or winch), leverman or engineman (Hydrualic dredge), mechanic, paving mixer with tower attached (two operators required), pile driver, boom tractor, stationary, portable or floating mixing plant, trenching machine cleaning and proming 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 pver, caisson augering machine, mucking, asphalt heater-palner 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 mentiond 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 (3 or 4), 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

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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), Flecplane 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.) Gysum 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 endloaders) self-propelled curing machine

CLASS 5 - Oiler, mechani's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler) belt machine, small putboard motor boat

SUPERSEDEAS DECISION

STATE: Illinois

COUNTIES: Bond, Calhoun, Clinton, Greene, Jersey, Monroe, Montgomery, Randolph & Washington

DECISION NUMBER: IL78-2127

DATE: Date of Publication

Supersedes Decision No. IL78-2040, dated March 17, 1978 in 43 FR 11432

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.63	.80	.97		
BOILERMAKERS	11.45	.95	1.20		.03
BRICKLAYERS:					
Montgomery County					
Bricklayers, Stonemasons, Cement Masons, Plasterers, Marble-Tile-Terrazzo Workers, Pointers-Caulkers-Cleaners					
Hillsboro & East Thereof	10.45	.70	.75		
Remainder of County	11.78	.70	.75		
Washington County					
South of Hoyleton Road					
Bricklayers, Stonemasons, Cement Blocklayers, Marble-Tile-Terrazzo Workers, Pointers-Cleaners-Caulkers	9.95	.55	.48		
Bond & Clinton Cos., & Remainder of Washington County					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers Cement Blocklayers, Pointers, Cleaners-Caulkers	10.70	.35	.50		
Calhoun & Jersey Counties					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers	11.78	.70	.75		
Greene County					
Bricklayers, Stonemasons, Plasterers, Blocklayers, Marble-Tile-Terrazzo Workers, Pointers-Caulkers-Cleaners	10.80	.50	.52		.02
Randolph County					
Bricklayers, Stonemasons, Terrazzo Workers, Tile Setters	9.95	.55	.40		
Monroe County					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers, Pointers-Cleaners-Caulkers	11.00		.30	1.00	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Monroe, Randolph, Clinton & Washington Counties					
Carpenters, Soft Floor Layers, Millwrights & Piledrivermen	$11.11	.60	.90		.06
Montgomery County					
Waggoner, Standard City & North thereof					
Carpenters & Soft Floor Layers	11.45	.55	.55		.06
Millwrights & Piledrivermen	11.95	.55	.55		.06
Remainder of County					
Carpenters, Soft Floor Layers, Millwrights & Piledrivermen	11.985	.60	.80		
Greene County					
Whitehall & North Thereof					
Carpenters & Soft Floor Layers	10.40	.55	.25		.02
Millwrights	10.65	.55	.25		.02
Piledrivermen	10.90	.55	.25		.02
Bond, Calhoun & Jersey Cos., South of Apple Creek in Greene County					
Carpenters, Soft Floor Layers, Millwrights & Piledrivermen	11.985	.60	.80		
CEMENT MASONS:					
Randolph County					
Cement Masons & Plasterers	9.65	.30			
Greene County					
Cement Masons	10.555	.50	.52		.02
Clinton County					
Carlyle & East Thereof					
Cement Masons	10.75				.01
Calhoun, Jersey, Monroe, Bond, & Remainder of Clinton County					
Cement Masons	11.555	.90	.62		
ELECTRICIANS:					
Portion East of Butler Grove, Grisham, Hillsboro & Raymond Twps. in Montgomery County	12.60	.50	3%+.40		.35%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
N. W. Part of Montgomery County Monroe County, Red Bud Twp. in Randolph Co., Western ½ of Bond County, Venedy Twp. in Washington County, Remainder of Clinton & Montgomery Counties	$12.37	.50	3%+.60		.1 of 1%
Huey, Hoffman & Vicinity in Clinton County., Eastern ½ of Bond County & Remainder of Randolph & Washington Counties	12.73	4%	3%+.65	6%	.25%
Calhoun, Jersey & Greene Cos.	12.50	.40	13%		1%
IRONWORKERS:	12.35	.50	3%+1.00	6%	.3 of 1%
Bond, Clinton, Calhoun, Jersey, Monroe, Washington & Randolph Cos., Litchfield, Hillsboro & South Thereof in Montgomery Co.	12.10	.55	1.05		
Greene Co; & Remainder of Montgomery County	11.75	.55	1.05		.08
LABORERS:					
Clinton County					
Trenton & Vicinity					
Common	10.70	.50	.60		.035
Brick & Plaster Mason Tenders	11.20	.50	.60		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	10.95	.50	.60		.035
Dynamite Men	12.30	.50	.60		.035
Carlyle & Vicinity					
Common	10.60	.60	.60		.035
Brick & Plaster Mason Tenders	11.10	.60	.60		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	10.85	.60	.60		.035
Dynamite Men	12.20	.60	.60		.035
New Baden & Vicinity					
Laborers	10.45		.60		.035
Brick Mason Tenders & Mortar Mixers	10.95		.60		.035
Cutting & Burning w/a Torch; Chain Saws	10.70		.60		.035
Plaster Tenders	10.95		.60		.035

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Montgomery County					
Hillsboro & Vicinity					
Common	$10.70	.50	.60		.035
Brick & Plaster Mason Tenders	11.20	.50	.60		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	10.95	.50	.60		.035
Dynamite Men	12.30	.50	.60		.035
Litchfield & Vicinity					
Common	11.20		.60		.035
Brick & Plaster Mason Tenders	11.70		.60		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	11.45		.60		.035
Dynamite Men	12.80		.60		.035
Monroe County					
Common	10.00	.30	.25		
Air Tool Opr., & Bottom Men on Sewer Trenches	10.25	.30	.25		
Mason & Plasterer Tenders; Dynamite Men	10.50	.30	.25		
Greene County					
Common	11.20		.60		.035
Brick & Plaster Mason Tenders	11.70		.60		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	11.45		.60		.035
Dynamite Men	12.80		.60		.035
Calhoun County					
Common	11.60		.20		.035
Brick & Plaster Mason Tenders	12.10		.20		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	11.85		.20		.035
Dynamite Men	13.20		.20		.035
Washington County					
Ashley & Vicinity					
Common	11.40		.40		.035
Brick & Plaster Mason Tenders	11.90		.40		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	11.60		.40		.035
Dynamite Men	13.00		.40		.035

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Washington County (Cont'd)					
Vicinity of Nashville & Okawville					
Common	$11.20		.60		.035
Brick & Plaster Mason Tenders	11.70		.60		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	11.45		.60		.035
Dynamite Men	12.80		.60		.035
Bond County					
Vicinity of Greenville					
Common	11.50		.40		.035
Brick & Plaster Mason Tenders	12.00		.40		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	11.75		.40		.035
Dynamite Men	13.10		.40		.035
Vicinity of Sorento					
Common	11.55		.40		.035
Brick & Plaster Mason Tenders	12.05		.40		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	11.80		.40		.035
Dynamite Men	13.15		.40		.035
Pochontas & Vicinity					
Common	11.40		.40		.035
Brick & Plaster Mason Tenders	11.90		.40		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	11.60		.40		.035
Dynamite Men	13.00		.40		.035
Jersey County					
Common	11.55		.25		.035
Brick & Plaster Mason Tenders	12.05		.25		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	11.90		.25		.035
Dynamite Men	13.15		.25		.035

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Randolph County					
Chester & Vicinity					
Common	$10.20	.60	1.00		.035
Brick & Plaster Mason Tenders	10.70	.60	1.00		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	10.45	.60	1.00		.035
Dynamite Men	11.80	.60	1.00		.035
Sparta & Vicinity					
Common	10.70	.50	.60		.035
Brick & Plaster Mason Tenders	11.20	.50	.60		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	10.95	.50	.60		.035
Dynamite Men	12.30	.50	.60		.035
LATHERS:					
Montgomery Co., & the Northern ½ of Greene County	12.30				
Bond & Washington Counties	11.35				
Southern ½ of Greene County & Remainder of Counties	12.835			.65	.01
PAINTERS:					
Randolph County					
Commercial	9.00				
Industrial	10.90				
Remainder of Counties					
Commercial	11.05	.55	.35		
Industrial	11.30	.55	.35		
PLASTERERS:					
Bond, Washington, Calhoun, Clinton, Monroe & Jersey Cos.	12.94				
PLUMBERS & STEAMFITTERS:					
Randolph County	12.70	.30	.90		.08
Hillsboro & North Thereof in Montgomery County	12.43	.35	.88		.07
Valmeyer & Vicinity in Monroe County; Bond, Greene, Jersey, Calhoun Counties; South & West of Route #127 in Montgomery Co.	13.20	.48	.96		.05

DECISION NO. IL78-2127

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Washington County	$ 8.75	.60			
Montgomery County	12.93	.70			
Remainder of Counties:					
Roffers	10.95	.67	.55		.03
Kettlemen	8.75	.67	.55		.03
SHEET METAL WORKERS:					
Calhoun County	10.11	.45	.44		.10
Remainder of Counties	11.23	.55	.40	6%	.02
SPRINKLER FITTERS	12.10	.75	1.05		.08

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$11.52	.87	1.51		.05
GROUP II	10.19	.87	1.51		.05
GROUP III	9.54	.87	1.51		.05
GROUP IV	9.44	.87	1.51		.05
GROUP V	9.19	.87	1.51		.05
GROUP VI					
a.	13.67	.87	1.51		.05
b.	13.97	.87	1.51		.05
c.	11.29	.87	1.51		.05
d.	11.79	.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) 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, derrick-type drills, mixers (over 3 bags) and boat 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-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 (Straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floata, boats oprs., (under 25', conveyors (1), distribution oprs., 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. IL78-2127

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

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 transportation purposed; 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: See Below
DECISION NUMBER: IL78-2128 DATE: Date of Publication
Supersedes Decision No. IL78-2041, dated March 17, 1978 in 43 FR 11436
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTIES: Clark, Clay, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Jasper, Lawrence, Richland, Wabash & Wayne

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Fayette County	$12.63	.80	.97		
Clark, Douglas & Edgar Counties	12.15	.50	1.20		.01
Remainder of Counties	11.30	.45	.60		.03
BOILERMAKERS	11.45	.95	1.20		.03
BRICKLAYERS					
Fayette County:					
Bricklayers, Stonemasons, Cement Blocklayers, Pointers-Caulkers-Cleaners-Marble-Tile-Terrazzo Workers	11.78	.70	.75		
Coles & Cumberland Cos; Arcola & South Thereof in Douglas County:					
Bricklayers & Stonemasons	11.70	.45	.50		.05
Edgar Co; & North of Arcola in Douglas County:					
Bricklayers & Stonemasons	11.70	.45	.50		.05
Remainder of Counties:					
Bricklayers, Stonemasons, Blocklayers, Pointer-Caulker, Cleaners-Marble-Tile-Terrazzo Workers	10.95		.50		
CARPENTERS:					
Fayette, Clay, Richland & Wabash Cos; Southeastern Part of Edwards County					
Carpenters, Piledrivermen & Soft Floor Layers	10.06	.50	.50		.03
Millwrights	10.41	.50	.50		.03
Crawford & Lawrence Cos; Eastern ½ of Jasper County:					
Carpenters & Soft Floor Layers	10.67	.57	.50		
Millwrights & Piledrivermen	11.07	.57	.50		
Wayne Co.; Northeastern & Western ½ of Edwards County:					
Carpenters, Piledrivermen & Soft Floor Layers	10.11	.45	.50		.02
Millwrights	10.46	.45	.50		.02

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DECISION NO. IL78-2128

CARPENTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Coles, Clark, Cumberland, Edgar, Effingham Cos; Western ½ of Jasper Co., & Southern part of Douglas County:					
Carpenters & Soft Floor Layers	$12.325	.55	.30		.07
Millwrights & Piledrivermen	12.825	.45	.30		.07
Northern part of Douglas Co., including Tuscola & Newman:					
Carpenters & Soft Floor Layers	11.665	.45	1.00		.13
Millwrights & Piledrivermen	12.165	.45	1.00		.13
CEMENT MASONS & PLASTERERS					
Northern Part of Fayette Co. Cement Masons & Plasterers	11.20		.65		
Remainder of Fayette Co. Cement Masons	10.75				.01
Clark, Edgar & Richland Cos: Cement Masons & Plasterers	9.50			.50	.01
Crawford, Lawrence & Wabash Cos: Cement Masons & Plasterers	9.35	.70	.80		
Clay, Edwards & Jasper Cos; & Remainder of Wayne County: Cement Masons & Plasterers	10.85				
Coles, Cumberland & Effingham Cos; & Southern part of Douglas County:					
Cement Masons	12.01				
Plasterers	11.10				.01
Northern part of Douglas County including Tuscola & Newman:					
Cement Masons	12.575	.45	.25		.025
Plasterers	11.915	.45			.025
S.W. Corner of Wayne County: Cement Mason & Plasterers	10.70				
ELECTRICIANS:					
Wabash County	13.05	.50	3%		½%
Coles & Cumberland Cos; Southern ½ of Douglas Co; Twps. of Bishop, Douglas, Lucas, Moccasin, St. Francis, Summit and Teutopols in Effingham County	12.60	.50	3%+.40		.35%
Edwards, Wayne & Clay Cos; & Remainder of Effingham & Fayette Counties	12.50	.40	13%		1%

PAGE 3

DECISION NO. IL78-2128

ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Northern ½ of Douglas County Twps. of Banner & Liberty in Effingham Co; Twps. of Hurrican, S. Hurricane, Ramsey, Bowling Green, Carson & Loudon in Fayette County	12.60	.50	3%+.40		.35%
Remainder of Counties	12.50	.40	13%		1%
GLAZIERS:					
Fayette County	11.53	.55	.55		
Coles & Douglas	10.39	.45	.50		.01
Clark & Edgar Counties	12.39				
Edwards, Lawrence, Wabash & Wayne Counties	10.105	.48	.50		.25
IRONWORKERS:					
Coles, Cumberland, Douglas & Edgar Counties	10.80	.65	1.00		.08
Avena & North thereof in Fayette County & Remainder of Effingham County	11.10	.55	.90		.08
Fayette Co., (Southern ½ below Brownstown)	12.10	.55	1.05		
Clark, Jasper, Crawford Cos; Northern ½ of Lawrence Co., North of Olney in Richland Co. Dexter & East thereof in Effingham Co; Remainder of Clay County	11.30	.90	2.05		.10
LABORERS:					
Coles & Cumberland Counties:					
Unskilled	10.40	.55	.40		.035
Semi-Skilled	10.60	.55	.40		.035
Skilled	10.75	.55	.40		.035

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DECISION NO. IL78-2128

LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Clark, Douglas & Edgar Counties:					
Unskilled	$10.30	.45	.60		.035
Semi-Skilled	10.50	.45	.60		.035
Skilled	10.65	.45	.60		.035
Remainder of Counties	8.60	.40	.30		.035
LATHERS:					
Richland County	12.835			.65	.01
Fayette County	12.30				
Effingham County	11.00				
Coles, Crawford, Douglas & Edgar	11.49	.45	.40		.01
PAINTERS:					
Fayette County:					
Commercial	11.05	.55	.35		
Industrial	11.30	.55	.35		
Edwards & Wayne Counties:					
Brush & Roller	8.45				
Clay County:					
Brush	8.00				
Roller	9.25				
Wabash County:					
Brush	8.10				
Roller	8.35				
Crawford, Jasper, Effingham, Lawrence & Richland Cos:					
Commercial & Industrial	9.80	.45			
Remainder of Counties	10.77	.55	.40		.04
PLUMBERS & STEAMFITTERS:					
Clay & Fayette Counties	13.00	1.20	1.40		.15
Edwards & Wabash Counties	13.575	.50	.90		.06
Lawrence & Wayne Counties	12.55	.50	.55		.08
Clark, Crawford, Edgar & Richland Counties	12.95	.50	1.00		.10
Remainder of Counties	12.15	.35	1.15		.12

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DECISION NO. IL78-2128

ROOFERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fayette County:					
Roofers	$10.95	.67	.55		.03
Kettlemen	8.75	.67	.55		.03
Edwards & Wabash Counties:					
Composition	10.63	.60	.50		
Slate & Tile	10.88	.60	.50		
Richland & Wayne Counties	8.75	.60			
Clay, Effingham & Jasper Cos:					
Roofers	12.08	.30	.30		.02
Coles, Cumberland & Douglas Cos:					
Roofres	12.39	.70	.45		.03
Remainder of Counties	9.70	.40	.20		
SHEET METAL WORKERS:					
Crawford County	12.78	.40+a	.83		.07
Clark, Cloes, Cumberland, Edgar & Douglas Counties	11.94	.60+a	.67		.16
Remainder of Counties	11.23	.55	.40	6%	.02
SPRINKLER FITTERS	12.10	..75	1.05		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					
a. 3% of gross earning to SASMI					

DECISION NO. IL78-2128

ILL -2-PEO-1-2-3

POWER EQUIPMENT OPERATORS:
FAYETTE COUNTY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	11.52	.87	1.51		.05
GROUP II	10.19	.87	1.51		.05
GROUP III	9.54	.87	1.51		.05
GROUP IV	9.44	.87	1.51		.05
GROUP V	9.19	.87	1.51		.05
GROUP VI					
a.	13.67	.87	1.51		.05
b.	13.97	.87	1.51		.05
c.	11.29	.87	1.51		.05
d.	11.79	.87	1.51		.05

GROUP I - Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers. plant opers., dtiching machines or backfiller (requiring oilers), dredge, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or firemen is required), hoists-2 drum or more *where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and broad 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 machiens, 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 jet (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (Straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal, flats, boats oprs., (under 25', conveyors (1), distribution oprs., 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 oiler

GROUP IV - Heavy equipment oilers (trucks, 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. IL78-2128

ILL-1-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	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

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, Enginer or Rock Crusher Plant, Concrete Plant Engineer, Ditching Machine with dual attachment, Tractor Mounted Loaders, Cherry Pickers, Hydro Crane, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machine, Backfiller, Elevating Machine, Power Balde, Drilling Machines, incl. Well Testing, Caissons, Shaft or any similar type drilling machines, Motor Driven Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Mahcine, 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 Pavment Breaker (Backhoe attahced), Lull (or similar type machine), Two Air Compressors, Compressors hooked in Manifold, Overhead crane chip Spreader, Mud Cat, Sull-Air

DECISION NO. IL78-2128

POWER EUQIPMENT OPERATORS (CONT'D)

CLASS IV - Concrete Mixers without Skips, Rock Crusher, Ditching Machine under 6', curbing Machine, One Drum Machines without mower 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, 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 IL78-2128

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
GROUP I	$10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

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 transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units;

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: Boone, DeKalb, Dupage, Kane, Kendall, Lake, McHenry and Will

DECISION NUMBER: IL78-2138

DATE: Date of Publication

Supersedes Decision No. IL78-2042, dated March 24, 1978, in 43 FR 12538

DESCRIPTION OF WORK: Heavy and Highway Construction

ILL-HH-1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters					
Dupage & Lake Cos.	$11.50	.98	1.08		.08
Will County	11.43	.70	.85		
Remainder of Counties	11.78	.75	.62		.01
Piledrivermen					
Dupage & Lake Cos.	11.50	.98	1.08		.08
Will County	11.43	.70	.85		
Remainder of Counties	12.03	.75	.62		.01
CEMENT MASONS:					
Boone County	10.98	.55	.80		
DuPage County	10.90	.68	.70		.06
Kane, Kendall, McHenry and DeKalb Cos.	12.15	.70	.70 .80		.06
Lake County	11.75	.85	1.05		
Will County	11.02	.65	1.28		.05
ELECTRICIANS:					
Boone and DeKalb Counties	12.28	.50	3%+.60		½%
DuPage County	13.20	5%	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	13.80	5%	11%		½ 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	13.95	5%	11%		.5 of 1%
Lake County	13.54	.65	3%+1.00		¼ of 1%
Will County	13.93	.88	3%+.70		.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	12.50	.75	.375		

DECISION NO. IL78-2138

	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	$13.65	.75	.525		.08
Lake County; Hebron and Woodstock and E. thereof in McHenry County	12.30	1.24	1.87		.10
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	9.80	.55	.60		.035
Mortar Mixers, Mason and Plasterer Tenders, Vibrator Operator	10.75	.55	.60		.035
Bottom Sewer Workers, Jackhammer Operator, Cofferdam, Caisson Workers, Gunnite Nozzleman	11.70	.55	.60		.035
LINEMEN:					
Boone, DeKalb. DuPage, Kane, Kendall, Lake and McHenry Cos.					
Linemen, Crane Operator (15 ton or over); Digger Operator	12.83	.45	3%		.50%
Equipment Operator	10.92	.45	3%		.50%
Truck Driver	8.70	.45	3%		.50%
Groundman	8.41	.45	3%		.50%
Will County:					
Linemen and Equipment Operators	12.47	.50	3%+.50		.2%
Cable Splicers	13.83	.50	3%+.50		.2 of 1%

DECISION NO. IL78-2138 Page 3

	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	10.20	.575	.65		.013
Boone County:					
Brush and Roller	10.95	.55			
Open Structural and Sandblasting	11.20	.55			
Spray	11.50	.55			
Will County:					
Brush	10.45	.76	.55		.04
Bridges:					
Butt Plates and Handrails	11.45	.76	.55		.04
W/Superstructures	11.45	.76	.55		.04
WO/Superstructures	10.95	.76	.55		.04
TRUCK DRIVERS:					
Boone County:					
2-3 Axle Trucks	10.50	.55	1.00		
4 Axle Trucks	10.65	.55	1.00		
5 Axle Trucks	10.85	.55	1.00		
6 Axle Trucks	11.05	.55	1.00		
Remainder of District #1:					
2-3 Axle Trucks	10.65	a29.00	a33.00		
4 Axle Trucks	10.80	a29.00	a33.00		
5 Axle Trucks	11.00	a29.00	a33.00		
6 Axle Trucks	11.20	a29.00	a33.00		

FOOTNOTES:
a. Per week per employee

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DECISION NO. IL78-2138 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	$ 9.20	.57	1.10		
CLASS 2					
Air Tampers & Vibrators	9.25	.57	1.10		
CLASS 3					
Mortar Concrete Mixers	9.30	.57	1.10		
CLASS 4					
Stringline & Form Setters, Torchman, Sheeting & Cribbing Men, Black Top Rackers, Lutemen, Machine Screwmen	9.35	.57	1.10		
CLASS 5					
Chain Saw Men, Jackhammermen, Drillmen, Concrete Breaker, Air Spade, Dynamite Handlers (Helpers)	9.45	.57	1.10		
CLASS 6					
Tunnel Men, Tile Layers & Bottom Men	9.55	.57	1.10		
CLASS 7					
Caisson Diggers, Dynamiters	9.70	.57	1.10		

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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	$ 9.20	.57	1.10		
CLASS 2					
Cement Gun Laborers	9.275	.57	1.10		
CLASS 3					
Scaffold Laborers & Chimney Laborers over 40'	9.30	.57	1.10		
CLASS 4					
Windlass & Cement Gun Nozzle Laborers - Gunnite	9.30	.57	1.10		
CLASS 5					
Stone Handlers & Derrickmen	9.40	.57	1.10		
CLASS 6					
Jackhammermen	9.425	.57	1.10		
CLASS 7					
Concrete Vibrator, Plumbers' Laborer & Chain Saw Operator	9.45	.57	1.10		
CLASS 8					
Firebrick & Boiler Setters' Laborers	9.52	.57	1.10		
CLASS 9					
Chimney Laborers on Firebrick, Caisson Diggers & Well Point System Men	9.55	.57	1.10		
CLASS 10					
Boiler Setter Plastic Laborers	9.65	.57	1.10		
CLASS 11					
Jackhammer on Firebrick Only	9.755	.57	1.10		

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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. IL78-2138

ILL-10-PEO-2-3

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$12.20	1.00	1.00	.50	.05
CLASS II	11.65	1.00	1.00	.50	.05
CLASS III	10.90	1.00	1.00	.50	.05
CLASS IV	9.80	1.00	1.00	.50	.05
CLASS V	8.80	1.00	1.00	.50	.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 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

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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: Minnesota

COUNTIES: Blue Earth, Fairbault, Freeborn & Mower

DECISION NUMBER: MN78-2150

DATE: Date of Publication

Supersedes Decision NO. MN78-2118, dated October 13, 1978 in 43 FR 47431

DESCRIPTION OF WORK: Building Construction (Including Residential), Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.13	.70	.65		.02
BOILERMAKERS	12.30	.85	1.00		.02
BRICKLAYERS:					
Blue Earth County					
Bricklayers, Stonemasons & Blocklayers	9.855	.50	.51	.61	
Mower County & that part of Freeborn Co., east of a line running north & south from Geneva to Gordon & the City of Blooming Prairie:					
Bricklayers, Stonemasons, Cement Blocklayers, Pointers, Caulkers & Cleaners	10.575	.50	.25		
Fairbault & Remainder of Freeborn County					
Bricklayers, Stonemasons, Tuck-Pointers & Blocklayers	10.18	.57	.25		
CARPENTERS:					
Building:					
Blue Earth County					
N. W. Portion of County	10.20				
Remainder of County	10.90	.50			.02
Freeborn & Fairbault Counties					
Carpenters, Millwrights & Piledrivermen	10.12				
Mower County					
Carpenters & Piledrivermen	10.12				
Site Preparation, Excavating & Incidential Paving					
Blue Rarth County	7.32	.30			
Fairbault, Freeborn & Mower Cos.	8.48				
CEMENT MASONS & PLASTERERS:					
Building:					
Blue Earth County					
Cement Masons	10.10				
Plasterers	9.40				
Mower County & that part of Freeborn Co., east of a line running north & south from Geneva to Gordon:					
Cement Masons & Plasterers	9.35	.50	.25		

DECISION NO. MN78-2150

CEMENT MASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fairbault Co., & Remainder of Freeborn No.:					
Cement Masons & Plasterers	$ 9.28	.57	.25		
Site preparation, Excavation & Incidential Paving					
Blue Earth County	10.10				
Fairbault Co.; Freeborn Co: (West of a line running North & South from Geneva to Gordonsville)	9.43	.42	.25		
Mower Co. & Remainder of Freeborn County	9.50	.35	.25		
ELECTRICIANS:					
Blue Earth & Fairbault Counties					
Jobs outside the Mankato City Area less than $50,000	8.45	7½%	6%	10%	1%
Jobs within a 5 mile radius of Mankato $50,000 & over	10.60	7½%	6%	10%	1%
Freeborn & Mower Counties $75,000 or more	10.65	.60	3%	6%	.25%
$75,000 or less & Residential	8.52	.60	3%	6%	.25%
ELEVATOR CONSTRUCTORS:					
Blue Earth County					
Constructors	10.87	.745	.35	a	.02
Helpers	70%JR	.745	.35	a	.02
Helpers (Prob.)	50%JR				
GLAZIERS:					
Blue Earth County	8.20				
Remainder of Counties	10.00				
IRONWORKERS	11.65	.75	.60		.04
LABORERS: Building					
General Laborers & Carp. Tender	8.50	.20	.15		
Mason tenders & Vibrator Oprs.	8.60	.20	.15		
Mortar Mixers	8.65	.20	.15		
MARBLE-TILE-TERRAZZO WORKERS:					
Marble Setters	10.355	.555	.33		
Terrazzo Workers	10.79	.64	.25		
Tile Setters	10.75	.62	.50		
Marble Setters' Finishers	9.35	.37	.50		
Tile Setters Finishers	9.90	.62	.50		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Mower County					
Brush	$ 9.50	.37	.25		.08
Spray	10.00	.37	.25		.08
Remainder of Counties					
Brush	9.90	.60	.15		.11
Spray	10.40	.60	.15		.11
Structural Steel	10.90	.60	.15		.11
PlUMBERS & STEAMFITTERS:					
Blue Earth County	11.72	.53			.05
Remainder of Counties	11.61	.30	.20		.02
ROOFERS:					
Mower County	9.62		.20		
Remainder of Counties	9.95	.55			
SHEET METAL WORKERS	10.74	.52	.33		
SPRINKLER FITTERS	11.93	.75	1.05		.08
TRUCK DRIVERS	8.50				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. Employer contributes 8% BHR for over 5 years service & 6% BHR for under 5 years service as Vacation Pay. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day and Day after Thanksgiving

DECISION NO. MN78-2150

MINN-12-LAB

LABORERS: SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$ 8.90	.35	.15		
CLASS 2	9.00	.35	.15		
CLASS 3	9.05	.35	.15		
CLASS 4	9.15	.35	.15		
CLASS 5	9.25	.35	.15		
CLASS 6	9.30	.35	.15		
CLASS 7	9.35	.35	.15		
CLASS 8	9.40	.35	.15		

CLASS 1 - Unskilled Laborers, Bricklayer & Carpenter Tenders; Drill Runner Helper; Laborers-Wrecking & Demolition; Landscape Gardner; Pipe Handler (Water, Gas, Cast Iron); Salamander Heater & Blower Tender; Sod; Sod Layer & Nurseryman, Stonemason Tender.

CLASS 2 - Bituminous Shoveler; Bottom Man (Sewer, Water or Gas Trench); Cement Coverman (Batch Trucks); Cement Handler (Bulk or bag) Chain Saw Shoveler; Tamper & Puddler (Paving); Concrete Vibrator; Conduit Layers (w/o wiring); Drill Runner (Heavy, incl. Churn Drill) Dumper (wagon, Truck Jackhammerman; Joint Sawyer, Kettlemen (Bituminous or Lead); Mortar Mixers; Paving Buster, Power Buggy; Tunnel Laborer (Atomspheric Pressure).

CLASS 3 - Bituminous Tamper

CLASS 4 - Bituminous Raker; Fleater & Utility Man; Caisson Work; Cofferdam

CLASS 5 - Leadman

CLASS 6 - Nozzle (Gunnite)

CLASS 7 - Pipelayer (Sewer, Water & Gas)

CLASS 8 - Powderman

DECISION NO. MN78-2150

MINN-1-PEO-1

POWER EQUIPMENT OPERATORS: Building Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$14.60	.55	.50		.05
CLASS 2	12.95	.55	.50		.05
CLASS 3	12.70	.55	.50		.05
CLASS 4	12.10	.55	.50		.05
CLASS 5	11.75	.55	.50		.05
CLASS 6	11.65	.55	.50		.05
CLASS 7	11.40	.55	.50		.05
CLASS 8	11.28	.55	.50		.05
CLASS 9	11.20	.55	.50		.05
CLASS 10	10.93	.55	.50		.05
CLASS 11	10.45	.55	.50		.05
CLASS 12	10.00	.55	.50		.05

CLASS 1 - Helicopter Operator
CLASS 2 - Truck & Crawler Cranes with 300' of Boom and over, including jib
CLASS 3 - Truck & Crawler Cranes w/200' of Boom, up to and not including 300' of Boom, including jib
CLASS 4 - Truck & Crawler Cranes with 150' of Boom, up to and not including 200' of Boom, including jib
CLASS 5 - Traveling Tower Crane
CLASS 6 - Master Mechanic; Pile Driving Operator
CLASS 7 - Truck & Crawler Cranes up to 150' of Boom, including jib; Derrick (Guy & Stiffleg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator (Inside Building Perimeter); Tower Cranes - Stationary Tractor Operator with Boom; All Terrain Vehicle Cranes; Fireman, Chief License
CLASS 8 - Air Compressor Operator, 375 CFM or over; Pump Operator and/or Conveyor Opr., (2 or more machines); Hoist Engineer (two drum); Mechanic or Welder; Pumpcrete or Complaco-type Machine Operator; Forklift
CLASS 9 - Boom Truck Operator; Concrete Mixer Operator; Drill Rigs - Heavy Rotary or Churn when used for caisson drilling for Elevator Cylinder or Building Construction; Front End loader Operator; Hoist Engineer (one drum); Straddle Carrier Operator; Power Plant Engineer (100 KW and over on miltiples equal to 100 KW and over); Tractor Operator over D2; Well Point Pump Operator
CLASS 10 - Concrete Batch Plant Operator; Fireman, First Class License; Gunite Operator; Tractor Operator D-2 or similar size; Front End Loader Operator, up to 1 cu. yd.
CLASS 11 - Air Compressor Opr., 375 CFM or over; Pump and/or Conveyor Opr.; Fireman, Temporary Heat; Brakeman; Pick-up Sweeper (1 cu. yd. and over hopper capacity); Truck Crane Oiler; Welding Machine Opr. (see Schedule 16 on Air Comp., Pumps, Conveyors, Welding Mach.
CLASS 12 - Mechanical Space Heater (Temporary Heat); Oiler or Greaser; Elevator Operator

DECISION NO. MN78-2150

MINN-6-PEO

POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$14.45	.55	.50		.05
GROUP 2	11.16	.55	.50		.05
GROUP 3	10.85	.55	.50		.05
GROUP 4	10.73	.55	.50		.05
GROUP 5	10.63	.55	.50		.05
GROUP 6	10.25	.55	.50		.05
GROUP 7	9.75	.55	.50		.05

GROUP 1 - Helicopter Pilot
GROUP 2 - Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity
GROUP 3 - Cableway Op., concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or similar equipment with shovel type control up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, dredge Oper. (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locamotive Crane Operator, Master Mechanic, Mixer (paving) Concrete Paving Op., Road Mole., Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over
GROUP 4 - Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yds. & over, Self-Propelled. Traveling Soil Stabilizer
GROUP 5 - Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, fork Lift or Straddle carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or welder, Multiple machines, such as air compressors, welding machines, generators, pumps or crane oilers, paving breaker or tamping machines op., (power-driven - Mighty might or similar type, Pick-up sweeper, 1 cu. yd. & over Hopper capacity, Pipeline wrapping, cleaning or bending machine actuated horizontal boring mach., over 6" op., pugmill op., roller, 8 tons & over, Rubber tired farm tractor, backhoe att., sheep foot op., tie tamper & hallast mach. Op., Tractor op., over D2, TD6 or similar HP with power take-off, tractor Op., over 50 HP without power take-off trenching machine Op., (sewer, water, gas) turnapull op., (or similar type) well point installation, dismatling or repair mechanic

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DECISION NO. MN78-2150

POWER EQUIPMENT OPERATORS: (CONT'D)

GROUP 6 - Air compressor Op. 375 CFR or over, bituminous spreader and bituminous finishing machine op., Concrete dist. & Spreader op., finishing machine longitudinal float op., joint mach. op., spray., concrete mixer op. 14S and under, concrete op. (Mult. Blade), curb mach. op., Fine grade Op., form trench digger, front end loader op. (up to & incl. 1 cu. yd.), grader op. (motar patrc , gunite op. gunall, lead greader on truck or rack, loaderop., power actuated Augars and boring mach. op. power actuated jacks op., pump op., roller op., self-propelled chip Spreader, shouldering mach. Op., stump chipper op., tractor op. (D2, TD6 or similar HP with power take-off)

GROUP 7 - Brakeman, switchman, conveyor op., deckhand, Fireman, Tank Car Heater op., Gravel screening plant op., greaser leverman, mech. helper, mech. space heater, oiler, self-prop. vib. packer op., sheep foot roller, tractor op. 50 HP or less w/o power take-off, truck crane oiler

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DECISION NO. MN78-2150

MINN-5-TD

TRUCK DRIVERS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fairbault County					
GROUP 1	$ 8.02	.40	.50		
GROUP 2	7.72	.40	.50		
GROUP 3	7.62	.40	.50		
GROUP 4	7.42	.40	.50		

GROUP 1 - Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver.

GROUP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Operation); Tandem Axle.

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman. Tractor Operator (Wheel Type used for any purpose) Pilot car driver, self-Propelle Packer; Slurry Operator; Single Axle Trucks.

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DECISION NO. MN78-2150

MINN-7-TD

TRUCKD RIVERS:
SITE PREPARATION, EXCAVATING & INCIDENTIAL PAVING
Blue Earth County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 8.62	.40	.50		
GROUP 2	8.32	.40	.50		
GROUP 3	8.22	.40	.50		
GROUP 4	8.02	.40	.50		

GROUP 1 - Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver.

GROUP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Operation); Tandem Axle.

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman. Tractor Operator (Wheel Type used for any purpose) Pilot car driver, self-Propelle Packer; Slurry Operator; Single Axle Trucks.

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DECISION NO. MN78-2150

MINN-55-TD

SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING
Freeborn & Mower Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 9.15	.40	.50		
GROUP 2	8.85	.40	.50		
GROUP 3	8.75	.40	.50		
GROUP 4	8.55	.40	.50		

GROUP 1 - Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver.

GROUP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Operation); Tandem Axle.

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman. Tractor Operator (Wheel Type used for any purpose) Pilot car driver, self-Propelled Packer; Slurry Operator; Single Axle Trucks.

SUPERSEDEAS DECISION

STATE: Minnesota
COUNTIES: Benton, Sherburne & Stearns
DECISION NUMBER: MN78-2151
DATE: Date of Publication
Supersedes Decision No. MN78-2119, dated October 13, 1978, in 43 FR 47438
DESCRIPTION OF WORK: Building (Including Residential), Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.13	.70	.65		.02
BOILERMAKERS	12.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	10.40		.25	1.00	
CARPENTERS:					
Building Construction					
Southern tip of Sherburne Co.					
Carpenters, Millwirghts & Piledrivermen	10.46	.65	.50	.50	.02
Soft Floor Layers	10.10	.61	.54	.45	.02
Cities of Little Rock & Skaja in Benton County					
Carpenters	9.35				
Stearns Co., Remainder of Benton & Sherburne Counties					
Carpenters & Piledrivermen	10.08			.75	
Soft Floor Layers	7.50				
Site Preparation, Excavation & Incidential Paving					
Sherburn Co.; Northern Bondary of T-34-N & East of the Western Boundary of R-27-W	8.21	.40	.30	.50	.02
Benton Co., Stearns Co. (East of A North-South Line Drawn from the intersection of Stearns, Todd & Morrison Cos.) & the remainder of Sherburne Co.	7.47			.75	
Remainder of Stearns County	7.62				
CEMENT MASONS:					
Building Construction					
Benton & Stearns Counties					
Cement masons & Plasterers	9.55		.25	.35	
Sherburne County					
Cement Masons	10.13	.60	.60		
Plasterers	10.00	.70	.25	.65	.01
Site Prepatation, Excavation & Incidential Paving					
Sherburne County	10.13	.60	.60		
Benton & stearns Counties	9.90			.25	

DECISION NO.MN78- 2151

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Benton & Stearns Cos.; Twps. of Haven, Palmer, Santiago, Becker & Clear Lake inSherburne County:					
Jobs under $50,000	8.45	7½%	6%	10%	1½%
Jobs over $50,000	10.60	7½%	6%	10%	1½%
Remainder of Sherburne County	11.20	5 3/4%	5 7/8%	11½%	3/8%
GLAZIERS	10.03	.40			
IRONWORKERS	11.65	.75	.60		.04
LABORERS:					
Building Construction					
Stearns & Benton Counties:					
General Laborers, Demolition & Wrecking; Concrete Joint Saw Opr.; Signal Men	8.30	.20	.15		
Power Buggy Operators	8.35	.20	.15		
Mortar Mixers; Plasterer Tenders	8.40	.20	.15		
Jackhammer Men	8.45	.20	.15		
Underground; Caisson; Cofferdam & Tunnel work	8.55	.20	.15		
Dynamite Men	8.60	.20	.15		
Sherburne County:					
Common, Carpenter Tender	8.30	.45	.45	.40	
Wrecking & demolition	8.40	.45	.45	.40	
Vibrator Opr; Jackhammermen; Mortar Mixers	8.45	.45	.45	.40	
Underground Work	8.55	.45	.45	.40	
Pipelayers	8.60	.45	.45	.40	
Caisson Work - Underpinning	8.65	.45	.45	.40	
Dynamite Men	9.005	.45	.45	.40	
LATHERS:					
Benton & Stearns Counties	10.19	.50	.65	.01	
MARBLE SETTERS	10.355	.555	.33		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Eastern 2/3 of Sherburne County:					
Brush, Roller & Paperhangers	$10.08	.55		.25	.09
Spray, Structural Steel & Sandblasting	10.68	.55		.25	.09
Benton, & Stearns Counties & the Remainder of Sherburne County:					
Residential	8.50			3%	
Brush	7.90			3%	
Structural Steel	8.40			3%	
Spray	8.90			3%	
PLUMBERS & STEAMFITTERS:					
Sherburne County:					
Plumbers Eastern ½ of County	10.39	.38	.50	1.35	.05
Steamfitters Eastern ½ of County	10.39	.38	.50	1.25	.05
Benton & Stearns Cos. & the Western ½ of Sherburne Co:					
Plumbers & Steamfitters	11.82	.53	.50		.06
ROOFERS:					
Roofers	8.90	.64	.25		
SHEET METAL WORKERS	11.52	.52	.31		.03
SPRINKLER FITTERS	11.93	.75	1.05		.08
TRUCK DRIVERS - Building	8.30				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

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MINN-9-LAB

SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sherburne County					
CLASS 1	$ 8.70	.60	.45	.40	
CLASS 2	8.80	.60	.45	.40	
CLASS 3	8.85	.60	.45	.40	
CLASS 4	8.95	.60	.45	.40	
CLASS 5	9.00	.60	.45	.40	
CLASS 6	9.05	.60	.45	.40	
CLASS 7	9.10	.60	.45	.40	
CLASS 8	9.13	.60	.45	.40	
CLASS 9	9.15	.60	.45	.40	
CLASS 10	9.33	.60	.45	.40	
CLASS 11	9.38	.60	.45	.40	

CLASS 1 Unskilled Laborer, Drill Runner Helper, Landscape Gardener, Sod Layer & Nurseryman, Powder Monkey, Rein. Steel Lab., Rein. Steel Setter Salamander Heater & Blower Tender Carpenter Tender; Winch Handler

CLASS 2 Laborer, wrecking & Demolition; Bit. Batchermen (Stationary Plant); Bricklayer Tender; Cement Handler; Cement Coverman (Batch trucks); Compaction Equip. Shoveler, batchermen Conc., Conc. Vibrator Tamper & Puddler (Paving) Conc. Longitudinal Floatmen; Conduit Layer (w.o. wiring); Chipping Hammer, Surb Setter (Stone or Precast Conc.) Kettleman (BIT. or lead); Service connection maker; Power Buggy; Joint Sawer; Squeeze man (Bit. Brick or Block); Stabilizing batchermen (Stationary Plant); Stonemasons tender; Drill Runner (Heavy, including Churn Drill)

CLASS 3 Chainsaw Man, Conc. Mixer (1 bag); Jackhammer Man & Paving Buster; Mortar Mixer' Pipe Handler; Pipe Derrickman (Triped, manual)

CLASS 4 Bottom Man (Sewer, Water or Gas trench, more than 8' below starting level of manual work); Tunnel Laborer (Atmospheric pressure) Underpinning Work, Caisson Work, Oher work more than 8' below level of manual work Open ditch Work

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LABORERS: (CONT'D)

CLASS 5 - Bituminous Tamper; Pipelayers; Sand Cushion & Bedmaker
CLASS 6 - Cement Gun (1½ & over); Leadman
CLASS 7 - Nozzlemen (Gunite)
CLASS 8 - Brick or Block Paving Setter
CLASS 9 - BITUminous Raker, Floater & Utility Man
CLASS 10 - Tunnel Man (Air pressure); Tunnel Miner
CLASS 11 - Powderman

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MINN-11-LAB

LABORERS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Benton & Stearns Counties					
CLASS 1	$ 8.15	.55	.35	.40	
CLASS 2	8.20	.55	.35	.40	
CLASS 3	8.25	.55	.35	.40	
CLASS 4	8.30	.55	.35	.40	
CLASS 5	8.40	.55	.35	.40	
CLASS 6	8.70	.55	.35	.40	
CLASS 7	8.75	.55	.35	.40	
CLASS 8	8.80	.55	.35	.40	

CLASS 1 - Bricklayer Tender, Carpenter, Drill Runner Helper, Laborers-Wrecking & Demolition, Landscape Gardner, Pipe Handler (Water, Gas & Cast Iron); Salamander Heater & Blower Tender, Sod Layer & Nurseryman; Stonemason Tenders; Unskilled Laborers
CLASS 2 - Form Setter (Municipal Type Curb & Sidewald, Form Setter (Pavement) coverman (Batch Trucks); Cement Handler (Bulk or Bag); chain Saw Man; Compaction equipment (Hand operated); Concrete Mixer (1 Bag); Concrete Shoveler Tamper & Puddler (Paving); Concrete Vibrator; Conduit Layers (w/o wiring); Drill Runner (wagon, Truck, etc.); Jackhammerman, Joint Sawer, Kettleman (Bituminous or Lead); Mortar Mixers, Paving Buster, Power Buggy, Tunnel Laborer (Atmospheric pressure)
CLASS 4 - Bituminous Raker, Floater & Utility Man;, Caisson work, Cofferdam
CLASS 5 - Leadman
CLASS 6 - Gunnite
CLASS 7 - Pipelayer (Sewer, Water & Gas)
CLASS 8 - Powderman, Tunnel Miner

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MINN-1-PEO-1

POWER EQUIPMENT OPERATORS: Building Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$14.60	.55	.50		.05
CLASS 2	12.95	.55	.50		.05
CLASS 3	12.70	.55	.50		.05
CLASS 4	12.10	.55	.50		.05
CLASS 5	11.75	.55	.50		.05
CLASS 6	11.65	.55	.50		.05
CLASS 7	11.40	.55	.50		.05
CLASS 8	11.28	.55	.50		.05
CLASS 9	11.20	.55	.50		.05
CLASS 10	10.93	.55	.50		.05
CLASS 11	10.45	.55	.50		.05
CLASS 12	10.00	.55	.50		.05

CLASS 1 - Helicopter Operator
CLASS 2 - Truck & Crawler Cranes with 300' of Boom and over, including jib
CLASS 3 - Truck & Crawler Cranes w/200' of Boom, up to and not including 300' of Boom, including jib
CLASS 4 - Truck & Crawler Cranes with 150' of Boom, up to and not including 200' of Boom, including jib
CLASS 5 - Traveling Tower Crane
CLASS 6 - Master Mechanic; Pile Driving Operator
CLASS 7 - Truck & Crawler Cranes up to 150' of Boom, including jib; Derrick (Guy & Stiffleg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator (Inside Building Perimeter); Tower Cranes - Stationary Tractor Operator with Boom; All Terrain Vehicle Cranes; Fireman, Chief License
CLASS 8 - Air Compressor Operator, 375 CFM or over; Pump Operator and/or Conveyor Opr., (2 or more machines); Hoist Engineer (two drum); Mechanic or Welder; Pumpcrete or Complaco-type Machine Operator; Forklift
CLASS 9 - Boom Truck Operator; Concrete Mixer Operator; Drill Rigs - Heavy Rotary or Churn when used for caisson drilling for Elevator Cylinder or Building Construction; Front End loader Operator; Hoist Engineer (one drum); Straddle Carrier Operator; Power Plant Engineer (100 KW and over on miltiples equal to 100 KW and over); Tractor Operator over D2; Well Point Pump Operator
CLASS 10 - Concrete Batch Plant Operator; Fireman, First Class License; Gunite Operator; Tractor Operator D-2 or similar size; Front End Loader Operator, up to 1 cu. yd.
CLASS 11 - Air Compressor Opr., 375 CFM or over; Pump and/or Conveyor Opr.; Fireman, Temporary Heat; Brakeman; Pick-up Sweeper (1 cu. yd. and over hopper capacity); Truck Crane Oiler; Welding Machine Opr. (see Schedule 16 on Air Comp., Pumps, Conveyors, Welding Mach.
CLASS 12 - Mechanical Space Heater (Temporary Heat); Oiler or Greaser; Elevator Operator

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MINN-7M-PEO-2-3

SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING POWER EQUIPMENT OPERATORS: Sherburne Co. (South of the Northern Boundary of T-33-N & East of the Western Boundary of R-27-W	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$14.75	.55	.50		.05
GROUP 2	11.46	.55	.50		.05
GROUP 3	11.15	.55	.50		.05
GROUP 4	11.02	.55	.50		.05
GROUP 5	10.93	.55	.50		.05
GROUP 6	10.15	.55	.50		.05
GROUP 7	9.75	.55	.50		.05

GROUP 1 - Helicopter Pilot
GROUP 2 - Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rates capacity
GROUP 3 - Cableway Op., concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or similar equipment with shovel type control up to 3 cu. yds. Mfg. rates capacity, Dredge Operator or Engineer, dredge Oper. (power) & Yds. & over, Grader or Motor Patrol Finishing earth & bituminous, Locomotive crane Operator, Master Mechanic, Mixer (paving) Concrete Paving Op., Road Mole., Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over
GROUP 4 - Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yds. & over, Self-Propelled. Traveling Soil Stabilizer
GROUP 5 - Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, fork Lift or Lumber Stacker, Front End Loader Op., Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or welder, Multiple machines, such as air compressors, welding machines, generators, pumps or crane oilers, paving breaker or tamping machines op., (power-driven - Mighty might or similar type, Pick-up

DECISION NO. MN78-2151

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 5 (Cont'd)

sweeper, 1 cu. yd. & over Hopper capacity, Pipeline wrapping, cleaning or bending machine Op. Power Plant Engineer, Power actuated horizontal boring mach., over 6" op., pugmill op., roller, 8 tons & over, Rubber tired farm tractor, backhoe att., sheep foot op., tie tamper & hallast mach. Op., Tractor op., over D2, TD6 or similar HP with power take-off, tractor Op., over 50 HP without power take-off, trenching machine Op., (sewer, water, gas) turnapull op.,(or similar type) well point installation, dismatling or repair mechanic

GROUP 6 - Air compressor Op. 375 CFR or over, bituminous spreader and bituminous finishing machine op., Concrete dist. & Spreader op., finishing machine longitudinal float op., joint mach. op., spray., concrete mixer op. 14S and under, concrete op. (Mult. Blade), curb mach. op., Fine grade Op., form trench digger, front end loader op. (up to & incl. 1 cu. yd.), grader op. (motar patrol), gunite op. gunall, lead greader on truck or rack, loader op., power actuated Augars and boring mach. op. power actuated jacks op., pump op., roller op., self-propelled chip Spreader, shouldering mach. Op., stump chipper op., tractor op. (D2, TD6 or similar HP with power take-off)

GROUP 7 - Brakeman, switchman,conveyor op., deckhand, Fireman, Tank Car Heater op., Gravel screening plant op., greaser leverman, mech. helper, mech. space heater, oiler, self-prop. vib. packer op., sheep foot roller, tractor op. 50 HP or less w/o power take-off, truck crane oiler

DECISION NO. MN78-2151 MINN-6-PEO

POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Stearns Co; (East of the Western Right-of-Way of Minn. Hwy. 15) Benton Co.: (East of the Western Right-of-Way of Hwy. 10) & Remainder of Sherburne Co.					
GROUP 1	$14.45	.55	.50		.05
GROUP 2	11.16	.55	.50		.05
GROUP 3	10.85	.55	.50		.05
GROUP 4	10.73	.55	.50		.05
GROUP 5	10.63	.55	.50		.05
GROUP 6	9.85	.55	.50		.05
GROUP 7	9.45	.55	.50		.05

GROUP 1 - Helicopter Pilot

GROUP 2 - Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rates capacity

GROUP 3 - Cableway Op., concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or similar equipment with shovel type control up to 3 cu. yds. Mfg. rates capacity, Dredge Operator or Engineer, dredge Oper. (power) & Yds. & over, Grader or Motor Patrol Finishing earth & bituminous, Locomotive crane Operator, Master Mechanic, Mixer (paving) Concrete Paving Op., Road Mole., Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over

GROUP 4 - Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yds. & over, Self-Propelled. Traveling Soil Stabilizer

GROUP 5 - Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, fork Lift or Lumber Stacker, Front End Loader Op., Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or welder, Multiple machines, such as air compressors, welding machines, generators, pumps or crane oilers, paving breaker or tamping

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(POWER EQUIPMENT OPERATORS) (CONT'D)

GROUP 5 (Cont'd)

machines op., (power-driven - Mighty might or similar type, Pick-up sweeper, 1 cu. yd. & over Hopper capacity, Pipeline wrapping, cleaning or bending machine Op. Power Plant Engineer, Power actuated horizontal boring mach., over 6" op., pugmill op., roller, 8 tons & over, Rubber tired farm tractor, backhoe att., sheep foot op., tie tamper & hallast mach. Op., Tractor op., over D2, TD6 or similar HP with power take-off, tractor Op., over 50 HP without power take-off, trenching machine Op., (sewer, water, gas) turnapull op.,(or similar type) well point installation, dismatling or repair mechanic

GROUP 6 - Air compressor Op. 375 CFR or over, bituminous spreader and bituminous finishing machine op., Concrete dist. & Spreader op., finishing machine longitudinal float op., joint mach. op., spray., concrete mixer op. 14S and under, concrete op. (Mult. Blade), curb mach. op., Fine grade Op., form trench digger, front end loader op. (up to & incl. 1 cu. yd.), grader op. (motar patrol), gunite op. gunall, lead greader on truck or rack, loader op., power actuated Augars and boring mach. op. power actuated jacks op., pump op., roller op., self-propelled chip Spreader, shouldering mach. Op., stump chipper op., tractor op. (D2, TD6 or similar HP with power take-off)

GROUP 7 - Brakeman, switchman,conveyor op., deckhand, Fireman, Tank Car Heater op., Gravel screening plant op., greaser leverman, mech. helper, mech. space heater, oiler, self-prop. vib. packer op., sheep foot roller, tractor op. 50 HP or less w/o power take-off, truck crane oiler

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MINN-7-PEO

POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remainder of Benton & Stearns Cos.					
GROUP 1	$14.00	.55	.50		.05
GROUP 2	9.82	.55	.50		.05
GROUP 3	9.32	.55	.50		.05
GROUP 4	9.18	.55	.50		.05
GROUP 5	9.10	.55	.50		.05
GROUP 6	8.57	.55	.50		.05
GROUP 7	8.17	.55	.50		.05

GROUP 1 - Helicopter Pilot

GROUP 2 - Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rates capacity

GROUP 3 - Cableway Op., concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or similar equipment with shovel type control up to 3 cu. yds. Mfg. rates capacity, Dredge Operator or Engineer, dredge Oper. (power) & Yds. & over, Grader or Motor Patrol Finishing earth & bituminous, Locomotive crane Operator, Master Mechanic, Mixer (paving) Concrete Paving Op., Road Mole., Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over

GROUP 4 - Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yds. & over, Self-Propelled. Traveling Soil Stabilizer

GROUP 5 - Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, fork Lift or Lumber Stacker, Front End Loader Op., Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or welder, Multiple machines, such as air compressors, welding machines, generators, pumps or crane oilers, paving breaker or tamping machines op., (power-driven - Mighty might or similar type, Pick-up sweeper, 1 cu. yd. & over Hopper capacity, Pipeline wrapping, cleaning or bending machine Op. Power Plant Engineer, Power actuated horizontal boring mach., over 6" op., pugmill op., roller, 8 tons & over, Rubber

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POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 5 (Cont'd)

tired farm tractor, backhoe att., sheep foot op., tie tamper & hallast mach. Op., Tractor op., over D2, TD6 or similar HP with power take-off, tractor Op., over 50 HP without power take-off, trenching machine Op., (sewer, water, gas) turnapull op.,(or similar type) well point installation, dismatling or repair mechanic

GROUP 6 - Air compressor Op. 375 CFR or over, bituminous spreader and bituminous finishing machine op., Concrete dist. & Spreader op., finishing machine longitudinal float op., joint mach. op., spray., concrete mixer op. 14S and under, concrete op. (Mult. Blade), curb mach. op., Fine grade Op., form trench digger, front end loader op. (up to & incl. 1 cu. yd.), grader op. (motar patrol), gunite op. gunall, lead greader on truck or rack, loader op., power actuated Augars and boring mach. op. power actuated jacks op., pump op., roller op., self-propelled chip Spreader, shouldering mach. Op., stump chipper op., tractor op. (D2, TD6 or similar HP with power take-off)

GROUP 7 - Brakeman, switchman,conveyor op., deckhand, Fireman, Tank Car Heater op., Gravel screening plant op., greaser leverman, mech. helper, mech. space heater, oiler, self-prop. vib. packer op., sheep foot roller, tractor op. 50 HP or less w/o power take-off, truck crane oiler

DECISIN NO. MN78-2151

MINN-62-TD

TRUCK DRIVERS: BUILDING, SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sherburne County					
GROUP 1	$ 9.20	.40	.50		
GROUP 2	8.90	.40	.50		
GROUP 3	8.80	.40	.50		
GROUP 4	8.60	.40	.50		

GROUP 1 - Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver.

GROUP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Operation); Tandem Axle.

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman. Tractor Operator (Wheel Type used for any purpose) Pilot car driver, self-Propelle Packer; Slurry Operator; Single Axle Trucks.

DECISION NO. MN78-2151 MINN-5-TD

TRUCK DRIVERS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Benton & Stearns Counties					
GROUP 1	$ 8.02	.40	.50		
GROUP 2	7.72	.40	.50		
GROUP 3	7.62	.40	.50		
GROUP 4	7.42	.40	.50		

GROUP 1 - Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver.

GROUP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Operation); Tandem Axle.

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman. Tractor Operator (Wheel Type used for any purpose) Pilot car driver, self-Propelled Packer; Slurry Operator; Single Axle Trucks.

SUPERSEDEAS DECISION

STATE: Nevada COUNTY: Washoe
DECISION NUMBER: NV78-5129 DATE: Date of Publication
Supersedes Decision No. NV78-5011 dated March 17, 1978, in 43 FR 11441
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 13.00	$1.02	$ 1.20		.07
BOILERMAKERS	13.625	1.075	1.00	.75	.02
BRICKLAYERS; Stonemasons	12.25	.95	.60		.01
BRICK HOD CARRIERS:					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	9.60	.50	.90		.05
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	10.50	.50	.90		.05
CARPENTERS	8.52	.70	1.36	1.00	.05
CEMENT MASONS:					
Lake Tahoe Area:					
Cement Masons	10.80	.70	1.00	1.35	.05
Mastic, Magnesite and all Composition Masons	11.05	.70	1.00	1.35	.05
Troweling Machine; Grinder Operator and Kelly Float	11.30	.70	1.00	1.35	.05
Remainder of Washoe County:					
Cement Masons	9.35	.70	1.00	1.35	.05
Mastic, Magnesite and all Composition Masons	9.60	.70	1.00	1.35	.05
Troweling Machine; Grinder Operator and Kelly Float	9.85	.70	1.00	1.35	.05
DRYWALL INSTALLERS	10.90	.70	1.36	1.00	.05
ELECTRICIANS:					
Washoe County, does not include Lake Tahoe Area:					
Electricians; Technicians	14.18	.99	3%+1.22		.08
Cable Splicers	15.60	.99	3%+1.22		.08
Lake Tahoe Area:					
Electricians; Technicians	15.18	.99	3%+1.22		.08
Cable Splicers	16.60	.99	3%+1.22		.08
ELEVATOR CONSTRUCTORS	14.82	.745	.56	3%+a	.025
ELEVATOR CONSTRUCTORS' HELPERS	10.37	.745	.56	3%+a	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	7.41				
GLAZIERS	11.22	.58	1.50	1.25	
IRONWORKERS:					
Fence Erectors	10.66	1.24	2.22	1.46	.06
Ornamental; Reinforcing; Structural	11.55	1.24	2.22	1.46	.06
MARBLE MASONS	11.45	.50	.60		.01
MARBLE, TERRAZZO, TILE SETTERS HELPERS	6.87	.50	.60		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush and Roller	$ 12.70	.70	.75		
Brush-swing stage, up to 40 ft.; Brush-steel; Sandblaster	12.95	.70	.75		
Spray; Taper; Paperhangers	13.20	.70	.75		
Spray-swing stage, up to 40 ft.; Spray-steel	13.45	.70	.75		
PLASTER HOD CARRIERS:					
Plaster Hod Carriers serving Plasterers	10.95	.95	1.05		
Plaster Hod Carriers working on any type of gun	11.55	.95	1.05		
PLASTERERS	11.22	.70	1.00		.03
PLUMBERS; Steamfitters	11.74	.73	.90	1.95	.10
ROOFERS	11.60	.70	.50		.02
SHEET METAL WORKERS:					
Residential construction not over 3 stories in height, where each individual family apartment is individually conditioned by a separate and independent unit or system	8.98	1.04	2.13		.05
All other residential construction	11.22	1.04	2.13		.05
SOFT FLOOR LAYERS	11.48	.70	.20	.28	
SPRINKLER FITTERS	15.50	.75	1.05		.08
TERRAZZO WORKERS; TILE SETTERS	11.45	.50	.60		.01

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. NV78-5129 Page 3

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 1: In Washoe County, the area within 5 road miles of the following communities - Carson City, Lovelock; also area within 10 road miles of Reno, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; Also the area of Stead Air Force Base:					
Group 1	$ 8.40	.95	$ 1.05		.10
Group 2	8.50	.95	1.05		.10
Group 3	8.65	.95	1.05		.10
Group 4	8.90	.95	1.05		.10
Group 5	9.20	.95	1.05		.10
Group 6-A	9.20	.95	1.05		.10
Group 6-B	8.90	.95	1.05		.10
Group 6-C	8.55	.95	1.05		.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities named in Zone 1:					
Group 1	9.00	.95	1.05		.10
Group 2	9.10	.95	1.05		.10
Group 3	9.25	.95	1.05		.10
Group 4	9.50	.95	1.05		.10
Group 5	9.80	.95	1.05		.10
Group 6-A	9.80	.95	1.05		.10
Group 6-B	9.50	.95	1.05		.10
Group 6-C	9.15	.95	1.05		.10

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 3: Area over 20 and not more than 40 road miles from the communities named in Zone 1:					
Group 1	$ 9.20	.95	$ 1.05		.10
Group 2	9.30	.95	1.05		.10
Group 3	9.45	.95	1.05		.10
Group 4	9.70	.95	1.05		.10
Group 5	10.00	.95	1.05		.10
Group 6-A	10.00	.95	1.05		.10
Group 6-B	9.70	.95	1.05		.10
Group 6-C	9.35	.95	1.05		.10
Zone 4: Area over 40 road miles from the communities named in Zone 1:					
Group 1	9.90	.95	1.05		.10
Group 2	10.00	.95	1.05		.10
Group 3	10.15	.95	1.05		.10
Group 4	10.40	.95	1.05		.10
Group 5	10.70	.95	1.05		.10
Group 6-A	10.70	.95	1.05		.10
Group 6-B	10.40	.95	1.05		.10
Group 6-C	10.05	.95	1.05		.10

LABORERS

Group 1: All cleanup work of debris, grounds, and buildings including Brushloader and windows and tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, Brushloader and Piler; Flagman

Group 2: Choker Setter or Rigger (clearing work only); Pittsburgh Chipper and similar type Brush Shredders; Concrete Worker (wet or dry) - all concrete work not listed in Group 3; Crusher or Grizzly Tender; Guinea Chaser (Stakeman); Panel Forms (wood or metal) - handling, cleaning and stripping of; Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete; Railroad Trackmen (maintenance, repair or builders); Sloper; Semi-skilled Wreckers (salvaging of building materials other than those listed in Group 3); Greasing Dowels

Group 3: Asphalt Workers (Ironers, Shoveler, Cutting Machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete Mixer under 1/2 yards; Concrete Pan Work (breadpan type), (handling, cleaning, stripping); Concrete Saw, Shipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench Jacking, hand-guided Lagging Hammer; Curbing or Divider Machine; Curb Setter (precast or cut); Ditching Machine (hand-guided); Drillers' Helper, Chuck Tender; Form Raiser, Slip Forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jackhammer, Pavement Breaker, Air Spade; Mastic Workers (wet or dry); Pipe Wrapper, Kettleman, Potman, and Men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric) not listed in Group 5); Pipejacking; Posthole Digger (air, gas or electric); Post Driver; Riprap-stonepaver and Rock Slinger, including placing of sack concrete wet or dry; Rototiller; Rigging and Signaling in connection with Laborers' work; Sandblaster, Potman, Gunman or Nozzleman; Vibra-screed; Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures

Group 4: Burning and Welding in connection with Laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DN 143 and similar type drills; Track Drillers, Diamond Core Drillers, Wagon Drillers, Mechanical Drillers on multiple units; High Scalers; Concrete Pump; Heavy Duty Vibrator with stinger 5" diameter or over; Pipelayer, Caulker and Bander; Pipelayer - waterline, sewerline, gasline or conduit; Asphalt Rakers

Group 5: Blasters and Powdermen, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing

Group 6-A: Nozzleman

Group 6-B: Gunman, Materialman

Group 6-C: Reboundman

POWER EQUIPMENT OPERATORS: (Except Piledriving and Steel Erection)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Area 1	Area 2				
Group 1-A	$ 9.68	$10.83	$ 1.98	$ 2.35	$ 1.17	.10
Group 2	10.08	11.23	1.98	2.35	1.17	.10
Group 3	10.29	11.44	1.98	2.35	1.17	.10
Group 4	10.85	12.00	1.98	2.35	1.17	.10
Group 5	11.08	12.23	1.98	2.35	1.17	.10
Group 6	11.21	12.36	1.98	2.35	1.17	.10
Group 7	11.39	12.54	1.98	2.35	1.17	.10
Group 8	11.81	12.96	1.98	2.35	1.17	.10
Group 9	12.04	13.19	1.98	2.35	1.17	.10
Group 10	12.29	13.44	1.98	2.35	1.17	.10
Group 10-A	12.42	13.57	1.98	2.35	1.17	.10
Group 11	12.60	13.75	1.98	2.35	1.17	.10
Group 11-A	13.77	14.92	1.98	2.35	1.17	.10
SEE "AREA DEFINITIONS' Following TRUCK DRIVERS						

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1-A: Assistant to Engineer, including Brakeman, Deckhand, Fireman, Oiler, Partsman (heavy duty repair shops parts room when needed), Switchman, Tar pot Fireman; Boiler Tender

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pump; Tar Pot Fireman (power agitated)

Group 3: Box Operator (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 H.W.); Fireman, Hot Plant, Hydraulic Monitor; Lubrication and Service Engineer (mobile and grease rack); Mixer Box Operator (concrete plant); Motorman; Rotomist; Screedman (except Asphaltic or concrete paving); Oiler (truck crane); Rodman or Chainman; Bobcat or similar loader, 1/4 cu. yd. or less

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Concrete Mixer, Skip type; Dinky; Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer; Line Master

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Screedman (Barber-Greene and similar) (asphaltic or concrete paving); Shuttle Car; Signalman

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller (except asphalt); Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, truck mounted, with compressor combination; Small Rubber-tired Tractors; Self-propelled Tape Machine; Auger type drilling equipment up to and including 30 ft. depth digging capacity m.r.c.

Group 7: Compressor (over 2); Concrete Conveyor; Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Generators; Grade Setters; Grade Checker; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (Pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plant; Self-propelled Boom type lifting device (center mount)(10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 ft. depth); Truck type loader; Welding Machines (gasoline or diesel); Roller (asphalt); Instrument Man; Auger type drilling equipment over 30 ft. depth capacity m.r.c.

Group 8: Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Dozer; Concrete Batch Plant (multiple units); Elevating Grader; Grooving and Grinding Machine (highways); Heavy Duty Repairman and/or Welder; Ken-seal; Loader (up to and including 2½ cu. yds.); Mechanical Trench Shield; Mixermobile; Push Cats; Road Oil Mixing Machine; Wood-mixer (and other similar pugmill equipment); Rubber-tired Earthmoving equipment (up to and including 35 cu. yds. "struck" m.r.c)(Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with Dozer; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor drawn scraper; Tractor mounted Compressor Drill Combination; Trenching Machine (over 3ft. depth); Tri-batch Paver; Tunnel Badger or Tunnel Boring Mahcine; Tunnel Mole Boring Machine; Vermeer T-600 B Rock Cutter

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yds.); Combination Mixer and Compressor (gunnite); Lull Hi-Lift (20 ft. or over); Mucking Machine; Tractor with boom (D-6 or larger); Track Laying type Earth Moving Machine (single engine with tandem scrapers); Sub-grader (Gurries or other types)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 10: Boom type Backfilling Machine; Bridge Crane; Cary-lift or similar; Chemical Grouting Machine; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy Duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2½ cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earth Moving Machines (Euclid, Dozers, etc.); Pre-stress Wire Wrapping Machine; Rubber-tired Scraper, self-loading; Self-propelled Reservoir-debris equipment floating (200 HP and over); Shuttle Car (Re-claim Station); Single Engine Scraper (over 35 cu. yds.); Train Loading Station; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons); Trenching Machine; Multi-engine with sloping attachments (JEFFCO or similar); Chief of Party

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd. cable); Cranes (not over 25 tons) (hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, self-loading (twin engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); CMI dual lane auto-grader SP30 or similar

Group 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" m.r.c.); Power Shovels, Clamshells, Draglines, Backhoes, Gradeall (over 1 yd. and up to and including 7 cu. yds. m.r.c); Self-propelled Compactor (with multiple propulsion power units); Single Engine rubber-tired Earth-moving Machine (with tandem scraper); Slip Form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile; Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons); Euclid Loader when controlled from the Pullcat

Group 11-A: Band Wagons (in conjunction with wheel excavators); Loaders (over 12 cu. yds.); Multi-engine Earth-moving Equipment (over 75 cu. yds. "struck" m.r.c); Operator of Helicopter (when used in construction work); Power Shovels and Draglines (over 7 cu. yds. m.r.c.); Remote-controlled Earth-moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)

POWER EQUIPMENT OPERATORS (Cont'd) Steel Erection	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 10.19	$ 1.98	$ 2.35	$1.17	.10
Group 2	10.60	1.98	2.35	1.17	.10
Group 3	11.69	1.98	2.35	1.17	.10
Group 4	11.84	1.98	2.35	1.17	.10
Group 4-A	12.15	1.98	2.35	1.17	.10
Group 5	12.67	1.98	2.35	1.17	.10
Group 6	13.11	1.98	2.35	1.17	.10
Group 6-A	13.72	1.98	2.35	1.17	.10
Group 7	14.81	1.98	2.35	1.17	.10

POWER EQUIPMENT OPERATORS (Cont'd)
Steel Erection

Group 1: Oiler

Group 2: Compressor Operator; Generaror, gasoline or diesel-driven (100 K.W. or over); Truck Crane Oiler

Group 3: Compressors, Generators and/or Welding Machines or Combination (2 to 6) (Structural steel or tank erection only)

Group 4: Heavy Duty Repairman; Tractor Operator

Group 4-A: Combination Heavy-duty Repairman-Welder

Group 5: Boom Truck or Dual Purpose A-frame Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 ton m.r.c. or less); Self-propelled Boom-type Lifting Device (center mount) (10 ton capacity or less m.r.c.); Single Drum Hoist; Tugger Hoist

Group 6: Crawler Cranes and Truck Cranes (over 15 tons m.r.c.); Derricks; Gantry Rider (or similar equipment); Highline Cableway; Self-propelled boom-type Lifting Device (center mount) (over 10 tons); Tower Cranes Mobile; Universal Liebher and Tower Cranes (and similar types); Two or more drum Hoist

Group 6-A: Cranes (over 125 tons)

Group 7: Operator of Helicopter

POWER EQUIPMENT OPERATORS (Cont'd) Piledriving	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.68	$ 1.98	$ 2.35	$1.17	.10
Group 1-A	10.05	1.98	2.35	1.17	.10
Group 1-B	10.28	1.98	2.35	1.17	.10
Group 2-A	10.28	1.98	2.35	1.17	.10
Group 2-B	11.10	1.98	2.35	1.17	.10
Group 3	11.42	1.98	2.35	1.17	.10
Group 3-A	11.86	1.98	2.35	1.17	.10
Group 4	12.43	1.98	2.35	1.17	.10
Group 5	12.61	1.98	2.35	1.17	.10
Group 6	13.77	1.98	2.35	1.17	.10

POWER EQUIPMENT OPERATORS (Cont'd)
Piledriving

Group 1: Fireman; Oilman; Deckhand

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2-A: Operator of Tugger Hoist (hoisting material only)

Group 2-B: Compressor Operator (over 2); Generator Operator; Pump Operator (over 2); Welding Machine Operator (powered other than by electricity)

Group 3: Deck Engineer; Fork Lift Operator; A-Frames; Self-propelled boom-type Lifting Device (center mount) (10 ton capacity or less m.r.c.)

Group 3-A: Heavy Duty Repairman and/or Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending Boiler or Compressor attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler) (up to and including 1 cu. yd. rating); Self-propelled boom-type Lifting Device (center mount) (Over 10 tons); Truck Crane Operator (up to and including 25 tons)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler) (over 1 cu. yd. rating); Operator of Crane (with steam, flash boiler, pump or compressor attached); Operator of steam powered crawler, or Universal type driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (hoisting material or performing piledriving work)

Group 6: Cranes (over 12 tons)

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
	AREA 1	AREA 2	H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP (single or multiple units including semis, double and transfer units; Dumpcrete and bulk cement Spreaders:						
Under 4 yards	$ 9.60	$10.75	.91	.65		.05
4 yds. and under 8 yds.	9.80	10.95	.91	.65		.05
8 yds. and under 18 yds.	10.00	11.15	.91	.65		.05
18 yds. and under 35 yds.	10.15	11.30	.91	.65		.05
35 yds. and under 60 yds.	10.40	11.55	.91	.65		.05
60 yds. and under 75 yds.	10.55	11.70	.91	.65		.05
75 yds. and under 100 yds.	10.70	11.85	.91	.65		.05
100 yds. and over	10.85	12.00	.91	.65		.05
TRANSIT MIX:						
Under 8 yards	10.00	11.15	.91	.65		.05
8 yds. and including 12 yds.	10.10	11.25	.91	.65		.05
Over 12 yards	10.30	11.45	.91	.65		.05
WATER TRUCKS & Jetting Trucks:						
Up to 2,500 gallons	9.80	10.95	.91	.65		.05
2,500 gals. and over	10.00	11.15	.91	.65		.05
DW 20's and 21's and other similar Cat type; Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak; Water tank trailers, fuel and/or grease tank, or other misc. trailers (except as defined under dump trucks)	10.25	11.40	.91	.65		.05
FLATRACK; Industrial Lift with Mechanical Tailgate:						
Single unit - 2 axle	9.80	10.95	.91	.65		.05
Single unit - 3 axle	9.90	11.05	.91	.65		.05

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
BUS AND MANHAUL DRIVERS, Single unit; Pickup:						
Up to 18,000 pounds	$ 9.65	$10.80	.91	.65		.05
18,000 pounds and over	9.75	10.90	.91	.65		.05
WINCH TRUCKS, A-Frame:						
Under 18,000 pounds	9.75	10.90	.91	.65		.05
18,000 pounds and over	9.85	11.00	.91	.65		.05
HEAVY DUTY TRANSPORT (highbed); Heavy Duty transport (gooseneck lowbed); Tiltbed or flatbed pull trailers	10.15	11.30	.91	.65		.05
BOOTMAN, combination; Bootman and Road Oiler	10.05	11.20	.91	.65		.05
ROAD OIL TRUCKS OR BOOTMEN; Fuel Drivers; Fuel Man and Fuel Island Man	9.75	10.90	.91	.65		.05
HELICOPTER PILOT (when transporting men or materials)	10.55	11.70	.91	.65		.05
LIFT JITNEYS And FORK LIFTS	9.85	11.00	.91	.65		.05
WAREHOUSE CLERK	9.80	10.95	.91	.65		.05
TIRE REPAIRMAN	10.00	11.15	.91	.65		.05
TRUCK REPAIRMAN	10.30	11.45	.91	.65		.05

TRUCK DRIVERS "See AREA DEFINITION" following this page.

AREA DEFINITIONS
Power Equipment Operators and Truck Drivers
WASHOE COUNTY

AREA 1: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of Township 22N, Range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence Easterly to the N.E. corner of Township 22N, Range 22E;
Thence Southerly to the N.E. corner of Township 20N, Range 22E;
Thence Easterly to the N.W. corner of Township 20N, Range 26E;
Thence Northerly to the N.W. corner of Township 22N, Range 26E;
Thence Easterly to the N.W. corner of Township 22N, Range 26E;
Thence Northerly to the N.W. corner of Township 30N, Range 29E;
Thence Easterly to the N.E. corner of Township 30N, Range 33E;
Thence Southerly to the S.E. corner of Township 24N, Range 33E;
Thence Westerly to the S.E. corner of Township 24N, Range 31E;
Thence Southerly to the S.E. corner of Township 16N, Range 31E;
Thence Westerly to the S.E. corner of Township 24N, Range 31E;
Thence Southerly to the S.E. corner of Township 16N, Range 31E;
Thence Westerly to the S.E. corner of Township 24N, Range 31E;
Thence Southerly to the S.E. corner of Township 15N, Range 30E;
Thence Westerly to the S.E. corner of Township 15N, Range 27E;
Thence Southerly to the S.E. corner of Township 14N, Range 27E;
Thence Westerly to the S.E. corner of Township 14N, Range 23E;
Thence Southerly to the S.E. corner of Township 13N, Range 23E;
Thence Westerly to the S.E. corner of Township 13N, Range 22E;
Thence Southerly to the N.E. corner of Township 10N, Range 22E;
Thence Easterly to the N.E. corner of Township 10N, Range 23E;
Thence Southerly along the Easterly line of Range 23E to the intersection of the California-Nevada Border;
Thence North-Westerly, then Northerly following the California-Nevada Border to the point of beginning.

AREA 1 also includes that portion of Northern Nevada included within the following line:

Commencing at the S.W. corner of Township 37N, Range 52E;
Thence Easterly to the S.E. corner of Township 37N, Range 52E;
Thence Northerly to the N.E. corner of Township 37N, Range 52E;
Thence Easterly to the N.E. corner of Township 37n, Range 58E;
Thence Southerly to the S.W. corner of Township 37N, Range 58E;
Thence Easterly to the S.E. corner of Township 37N, Range 58E;
Thence Southerly to the N.E. corner of Township 31N, Range 58E;
Thence Westerly to the N.W. corner of Township 31N, Range 58E;
Thence Southerly to the S.W. corner of Township 31N, Range 58E;
Thence Westerly to the S.E. corner of Township 31N, Range 52E;
Thence Northerly to the N.E. corner of Township 31N, Range 52E;
Thence Westerly to the S.E. corner of Township 32N, Range 51E;
Thence Northerly to the point of beginning.

AREA 2: All areas not included within Area 1 as defined above.

SUPERSEDEAS DECISION

STATE: NEW YORK

COUNTIES: NASSAU AND SUFFOLK

DECISION NO.: NY78-3079

DATE: DATE OF PUBLICATION

Supersedes Decision No. NY78-3001 dated February 3, 1978 in 43 FR 4820

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning Mechanic	$ 8.78	a	.60	b	
Asbestos Workers	12.38	1.02	1.82		
Boilermakers	13.19	.5%	15%	7%	.02
Bricklayers:					
Bricklayers	11.04	1.48	3.38	.30	.01
Rehabilitation work on residential structures over 4 stories definied to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use	9.15	1.13	1.33		
Carpenters:					
Nassau County (Except that part south of the Southern State Parkway, West of Seaford Creek-also Smithtown, Islip Island on the east. Long Island Sound on the north, and Middle Island Railroad track on the south):					
Building	11.35	1.40	1.39	.85	.06
Heavy and Highway	11.40	1.40	1.39	.85	.06
Nassau County (Remainder of County):					
Building, Heavy, Highway	11.80	1.50	1.78	.85+c	.04
Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use	9.41	1.35	.49	.25+c	.04
Suffolk County:					
Building	11.35	1.18	1.56	.90	.06
Heavy and Highway	11.40	1.18	1.56	.90	.06
Cement Masons	11.70	1.74	1.19		.03
Divers	14.14	1.50	1.78	.93	.04

DECISION NO. NY78-3079	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Drywall Plasterers:					
Building	10.10	1.75		1.35	.01
Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration and repair on any existing structure which is intended for predominantly residential use	7.17	2.30			
Electricians and Linemen	12.45	7 7/8%+.76	15½%	6½%	5/8%
Elevator Constructors	11.52	.745	.35+d	e+f	.02
Elevator Constructors Helpers	8.64	.745	.35+d	e+f	.02
Elevator Constructors Helpers Probationary	5.76				
Elevator Constructors Repair	9.70	.745	.32+d	e+f	.02
Elevator Constructors Repair Helpers	7,275	.745	.32+d	e+f	.02
Elevator Constructors Modernization	10.55	.745	.32+d	e+f	.02
Elevator Constructors Modernization Helpers	7.91	.745	.32+d	e+f	.02
Glaziers	11.20	.66	1.66	.67	.01
Ironworkers, Ornamental Finisher	10.33	1.48	2.55	.78	.09
Ironworkers, Structural	11.50	1.55	3.00	1.60+g	.06
Ironworkers, Reinforcing	10.75	1.325	1.985	.75+h	.03
Laborers, Building	9.55	1.14	1.03	.84	
Lathers, Metallic	10.79	1.325	1.985	.75+h	.03
Lathers, Nail-On	11.35	.94	.20		
Leadburners	10.75	.40	.25	i	.01
Marble Carvers	10.15	1.13	1.19	j	
Marble Cutters and Setters	10.00	1.13	1.19	j	
Marble Sawers, Rubbers and Polishers	9.77	1.13	1.19	j	
Marble Finishers, Crane Operators and Derrickmen	8.28	1.13	1.19	j	
Millwrights	11.80	1.50	1.78	.85+c	.04
Painters:					
Suffolk County:					
Brush and Drywall Finishers	9.20	3.00	.60		.18
Structural Steel	11.60	3.00	.60		.18
Spray and Scaffold	10.40	3.00	.60		.18

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DECISION NO. NY78-3079	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters: (Cont'd):					
Nassau County:					
Inwood, Lawrence, Cedarhurst, Woodmere, Hewlett, Hewlett Bay, Hewlett Neck, Hewlett Park, East Rockaway, part of Oceanside, part of Lynbrook, part of Rockville Center, Atlantic Beach, Long Beach, Lido Beach, Point Lookout, Gibson and part of Valley Stream:					
Painters	10.04	9½%	9½%+k	3%	
Spray and Scaffold	12.19	9½%	9½%+k	3%	
Fire Escapes	11.48	9½%	9½%+k	3%	
West of Port Washington Blvd. and north on the shore and west of Long Beach Road and south of Sunrise Highway on the South Shore:					
Structural Steel	11.68	11%	14%		
Structural Steel Spray	12.68	11%	14%		
Remainder of County:					
Painters	8.91	1.29	1.60	.50	.03
Paperhangers	10.23	10%	18%		
Piledrivers and Dockbuilders	11.70	1.50	1.78	.91+c	.04
Plumbers:					
Nassau County:					
Building, Heavy and Highway Jobbing (repairs to present plumbing systems that does not change the existing roughing or any other minor alterations job where the change to the existing roughing does not have a labor cost in excess of $1,500,000)	8.00	.66	.86	.75	.15
Suffolk County:					
Building, Heavy and Highway	10.85	1.47	1.95	1.30	.235
Pointers, Caulkers and Cleaners:					
Pointers, Caulkers and Cleaners	10.17	1.10	1.87		.05
Sandblasters	11.27	1.10	1.87		.05
Steamcleaners	10.42	1.10	1.87		.05

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DECISION NO. NY78-3079	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Roofers:					
Composition, Damp and Waterproofers	10.20	1.01	2.28	1.50	.01
Slate and Tile	11.07	.55	1.40	2.00	
Sheet Metal Workers	12.135	3%+.90	4%+1.20	3%+.75	1%+.03
Sprinkler Fitter and Steamfitters	11.83	2.75	1.12	1.00	.07
Stone Derrickmen and Riggers	12.12	.98	1.01		.01
Stonemasons	11.00	.50	1.00		
Terrazzo Finisher	9.84	1.21	1.50		
Terrazzo Finisher Machine Operator	9.99	1.21	1.50		
Terrazzo Workers	11.18	1.21	1.50		
Tile Setters	10.60	1.15	.75		
Tile Setters Finishers	9.31	.68	.77	.50	
Truck Drivers:					
Building:					
Ready-mix concrete, Sand Gravel, Asphalt and Bulk Cement	8.87	1.2125	1.8525	1+m	
Euclids and Turnapulls	8.725	1.2125	1.8525	1+m	
Heavy:					
Euclids and Turnapulls	8.825	1.2125	1.8525	1+m	
High-Rise:					
Truck Drivers	9.44	1.2125	1.8525	1+m	
Welders: Receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. NY78-3079

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 $102.83 per month to Health and Welfare.

b. For 0-6 months of service one week paid vacation; 6-12 months service 2 weeks paid vacation.

c. Employees employed on the last working day before Christmas Day and New Years Day and who report to work on such days shall receive 3 hours pay without working the afternoon.

d. Employer contributes $8.00 per day to Annuity Fund.

e. Paid Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Armistice Day and Election Day.

f. Employer contributes 6.4% of basic hourly rate for 5 years or more of service or 4.2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

g. Paid Holidays: Christmas Eve and New Years Eve: If employee works a full ½ day on the working day immediately preceeding Christmas Day and New Years Day, they shall receive a full day's pay.

h. Work on Christmas Eve and New Years Eve shall terminate at noon, but employees will receive a full day's pay.

i. Paid Holidays; A through F, Washington's Birthday, Good Friday and Christmas Eve providing the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regularly scheduled work days immediately preceeding and following the holiday.

j. Paid Holiday: ½ day's pay for Labor Day.

k. Employer contributes $5.00 per day to an Annuity Fund.

l. Employer contributes $4.00 per day to a Security Benefit Fund.

m. *For each 15 days worked with the contract year an employee will receive one day's vacation with pay, with a maximum vacation of 3 weeks per year.

DECISION NO. NY78-3079

Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
Concrete and curb form setters, asphalt rakers	$ 8.50	10%	13%	.75+a	
Asphalt workers and roller boys, asphalt top shovelers and smoothers, asphalt tampers	8.30	10%	13%	.75+a	
Jackhammers, and drill men, hoppermen, carpenters' tenders, pipe jointers and setters, concrete laborers (structures), stone spreading laborers, trackmen, grading and excavating laborers, yard laborers, puddlers on concrete pavement, laborers (other than above) on concrete pavement, asphalt plant (batcher and hopper men), all other unskilled laborers	7.90	10%	13%	.75+a	

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day; Election Day, provided employee works or shows up the scheduled day before and the schedule day after the holiday.

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DECISION NO. NY78-3079

Building Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Asphalt spreader	$12.08	8%+.05	1.90	a	.15
Backhoe, dragline, gradall, piledriver, shovel	12.355	8%+.05	1.90	a	.15
Batching plant (on site of job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)	12.255	8%+.05	1.90	a	.15
Bending machine, generator (small), vibrator (1 to 5), dinky locomotive	10.905	8%+.05	1.90	a	.15
Boiler, bulldozer, compressor (on crane) compressor (pilework), compressor (stone setting), concrete breaker, conveyor, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drawn), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than stone or steel), pump (double action disphragm), pump (gypsum), pump (hydraulic pump (jet), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)	11.905	8%+.05	1.90	a	.15
Boom truck, crane (crawler or truck), conveyor-multi, plant engineer, stone spreader (self-propelled)	12.105	8%+.05	1.90	a	.15
Compressor, compressor (2 or more in battery), generator, mulch machine, pin puller, portable heaters, pump (4 inch or over), tract tamper (2 engineers each), welding machine	11.655	8%+.05	1.90	a	.15

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DECISION NO. NY78-3079

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators: (Cont'd)					
Crane and boom truck (setting structural or stone)	12.48	8%+.05	1.90	a	.15
Bulldozer (use for excavation), fireman, loading machine, power-boom, scoop (carry-all scrapper) vac-all	11.53	8%+.05	1.90	a	.15
CMI or maxim spreader, concrete spreader, derrick, sideboom tractor	12.405	8%+.05	1.90	a	.15
Compressor (structural steel)	12.055	8%+.05	1.90	a	.15
Concrete saw or cutter, mixer (with skip), mixer (2 small, with or without skip), pump (up to 3 inches), tractor caterpiller or wheel	11.155	8%+.05	1.90	a	.15
Crane with clam shell bucket	12.355	8%+.05	1.90	a	.15
Crane, crawler or truck:					
Boom lengths of 100' (including jib) but less than 150'	12.605	8%+.05	1.90	a	.15
Boom lengths of 150' (including jib) but less than 250'	12.855	8%+.05	1.90	a	.15
Boom lengths of 250' (including jib) but less than 350'	13.105	8%+.05	1.90	a	.15
Boom lengths of 350'	13.605	8%+.05	1.90	a	.15
Curb machine (asphalt or concrete), curing machine, pump (submersible), tower crane maintenance man	11.85	8%+.05	1.90	a	.15
Dredge	12.23	8%+.05	1.90	a	.15
Elevator, forklift, hoist (1 drum)	12.28	8%+.05	1.90	a	.15
Forklift (walk-behind, power operated	12.07	8%+.05	1.90	a	.15
Grader	11.68	8%+.05	1.90	a	.15
Hoist (2 and drum)	12.42	8%+.05	1.90	a	.15
Hoist (multiple platform)	14.95	8%+.05	1.90	a	.15
Mechanical compactors (hand operated), trench machine (hand)	10.53	8%+.05	1.90	a	.15
Hoist tandem platform	13.33	8%+.05	1.90	a	.15

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DECISION NO. NY78-3079

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators: (Cont'd):					
Hydra-hammer, ridge cutter	11.07	8%+.05	1.90	a	.15
Lead engineer	13.555	8%+.05	1.90	a	.15
Loading machine (with capacity of 10 yds or over)	11.78	8%+.05	1.90	a	.15
Oiler, stump chipper	10.555	8%+.05	1.90	a	.15
Power buggies	10.78	8%+.05	1.90	a	.15
Roller, trench machine	12.155	8%+.05	1.90	a	.15
Scoop, carry-all, scraper in tandem	12.53	8%+.05	1.90	a	.15
Sideboom tractor (used in tank work)	12.51	8%+.05	1.90	a	.15
Striping machine	11.58	8%+.05	1.90	a	.15
Tank work	12.38	8%+.05	1.90	a	.15
Tower crane (engineer)	12.85	8%+.05	1.90	a	.15
Tower crane (oiler)	10.405	8%+.05	1.90	a	.15
Welding machine, structural steel	12.13	8%+.05	1.90	a	.15

PAID HOLIDAY:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Veterans' Day.

b. Basic hourly rate include $1.00 Vacation fund.

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DECISION NO. NY78-3079

Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Asphalt spreader, boom truck, boring machine (other than post holes), CMI or maxim spreader, crane (crawler or truck), conveyor (multi), plant engineer, concrete spreader, sideboom tractor, stone spreader, (self-propelled), cherry picker	12.08	8%+.05	1.90	a	.15
Backhoe, crane (stone setting), crane (structural steel), dragline, gradall, piledriver, road paver, shovel	12.45	8%+.05	1.90	a	.15
Batching plant (on site of job), crane (on barge), derrick, sideboom tractor (used in tank work), tank work	12.305	8%+.05	1.90	a	.15
Bending machine, mechanical compactors (hand operated), pump (centrifugal, up to 3 inches), trench machine (hand)	9.83	8%+.05	1.90	a	.15
Boiler	11.58	8%+.05	1.90	a	.15
Boring machine (post holes)	12.02	8%+.05	1.90	a	.15
Bulldozer, concrete finishing machine, conveyor, curb machine (asphalt or concrete), curing machine, dinky locomotive, fireman, forklift, hoist (1 drum), loading machine, maintenance engineer, pulvi-mixer, pump (4 inches or over), pump (hydraulic), pump (jet), pump (submersible), pump (well point), roller (5 ton and over), scoop (carryall, scraper), maintenance man (tower crane), vac-all, welding and burning	11.27	8%+.05	1.90	a	.15

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DECISION NO. NY78-3079	Basic Hourly Rates	Fringe Benefits Payments			
Power Equipment Operators (Cont'd):		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Compressor (on crane), generator (pile work), welding machine (pile work), power winch (used for other than stone or structural steel), power house, loading machine (front end), compressor (pile work), power winch (truck mounted, used for other than stone or steel), hoist (2 drum)	11.805	8%+.05	1.90	a	.15
Compressor (2 or more in battery)	11.50	8%+.05	1.90	a	.15
Compressor (stone setting), compressor (structural steel), welding machine (structural steel)	11.965	8%+.05	1.90	a	.15
Compressor, mulch machine, pin puller, pump (double action diaphragm), pump (gypsum), pump (single action 1 to 3), striping machine, welding machine	10.895	8%+.05	1.90	a	.15
Loading machine, with bucket capacity of 10 yards or over	11.52	8%+.05	1.90	a	.15
Concrete breaker, concrete saw or cutter, forklift (walk-behind, power operated), hydra hammer, mixer (with skip), mixer (2 small with or without skips), mixer (2 bag or over with or without skip), power buggies, power grinders, ridge cutter	10.15	8%+.05	1.90	a	.15
Dredge	11.915	8%+.05	1.90	a	.15
Generator	11.19	8%+.05	1.90	a	.15
Generator (small)	9.865	8%+.05	1.90	a	.15
Grader	11.485	8%+.05	1.90	a	.15
Hoist (3 drum), power winch (truck mounted, used for stone or steel), power winch (used for stone setting and structural steel), trench machine	12.295	8%+.05	1.90	a	.15
Lead engineer	14.08	8%+.05	1.90	a	.15

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DECISION NO. NY78-3079	Basic Hourly Rates	Fringe Benefits Payments			
Power Equipment Operators (Cont'd):		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Mechanic	9.88	8%+.05	1.90	a	.15
Mechanic helper	9.54	8%+.05	1.90	a	.15
Mechanical compactors (machine drawn), roller (over 5 tons)	11.62	8%+.05	1.90	a	.15
Oiler, root cutter, stump chipper, tower crane (oiler), track tamper (2 engineers, each)	9.85	8%+.05	1.90	a	.15
Portable heaters	11.445	8%+.05	1.90	a	.15
Powerbroom	10.325	8%+.05	1.90	a	.15
Pump (concrete)	11.54	8%+.05	1.90	a	.15
Scoop (carry-all, scraper in tandem), tower crane (engineer)	12.605	8%+.05	1.90	a	.15
Tractor (caterpilla or wheel)	9.655	8%+.05	1.90	a	.15

FOOTNOTES:

a. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Memeorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day and Christmas Day provided employee is employed the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniate, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming & York

DECISION NO. PA78-3090 DATE: Date of Publication

Supersedes Decision No. PA77-3060, dated May 20, 1977, in 42 FR 26179.

DESCRIPTION OF WORK: Heavy and Highway Construction.

HEAVY & HIGHWAY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters/Piledrivermen	$ 9.47	.50	.55		
Ironworkers:					
Structural, Ornamental & Reinforcing:					
Adams, Cumberland, Dauphin, Lancaster, Lebanon, Lycoming, Montour, Northumberland, Juniata, Perry, Snyder, Union & York Counties	11.28	.84	1.36		.03
Laborers:					
Asphalt tampers, concrete pitmen, puddlers & rubbers, Highway guard rail, right of way and property line fence, Highway slab reinforcing placers, laborers, landscape, planters, seeders and arborists, magazine tenders, railroad trackmen & signalman, leaser beam men (pipe laying, paving machine)	8.06	.35	.20		
Pnuematic and electric tool op. jackhammers, paving breakers, concrete saws, whacker vibrators, sheet hammers, steward chain saws, pipelayers, (non-metalic), asphalt rake, lute or screed men, concrete blockers	8.26	.35	.20		
Caisson-open air-below 8 feet, cofferdam open air-below 8 feet where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, form setters (road) wagon drill, diamond point drill, gunite nozzle operators	8.61	.35	.20		
Blasters	8.84	.35	.20		

DECISION NO. PA78-3090

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Free Air Tunnels and Rock Shafts					
Outside laborers in conjunction tunnels & rock shafts	8.70	.35	.20		
Chuck tenders, muckers, nippers, miners' & drillers helpers, inside laborers	8.99	.35	.20		
Miners, drillers, blasters, pneumatic schield operators, lining, spotting & timers workmen, reinforcing steel placers, bonding, aligning and securing and concrete surfacers	9.47	.35	.20		
Line Construction:					
Adams, Cumberland, Dauphin, Juniata, Perry & York Counties, Pennsylvania					
Journeymen Lineman	10.76	.45	3%		.053
Experienced Winch Truck	7.49	.45	3%		.037
2nd. 1000 Hrs.	7.30	.45	3%		.036
1st. 1000 Hrs.	7.12	.45	3%		.035
Experienced Truck Driver	6.94	.45	3%		.034
2nd. 1000 Hrs.	6.76	.45	3%		.033
1st. 1000 Hrs.	6.58	.45	3%		.032
Experienced Groundman	6.40	.45	3%		.032
2nd. 1000 Hrs.	6.21	.45	3%		.031
1st. 1000 Hrs.	6.03	.45	3%		.030
Easton, Northampton County					
Journeyman Lineman	12.43	.45	.124		.062
Experienced Winch Truck	8.66	.45	.086		.043
2nd 1000 hrs.	8.45	.45	.084		.042
1st 1000 hrs.	8.24	.45	.082		.041
Experienced Truck Driver	8.03	.45	.080		.040
2nd 1000 hrs.	7.82	.45	.078		.039
1st 1000 hrs.	7.61	.45	.076		.038
Experienced Groundman	7.40	.45	.074		.037
2nd 1000 hrs.	7.19	.45	.071		.035
1st 1000 hrs.	6.98	.45	.069		.034

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DECISION NO. PA78-3090	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction (Con't)					
Berks, Lancaster, Lebanon and Lehigh Counties					
Journeyman Lineman	11.46	.45	.114		.057
Experienced Winch Truck	7.98	.45	.079		.039
2nd 1000 hrs.	7.78	.45	.077		.038
1st 1000 hrs.	7.59	.45	.075		.037
Experienced Truck Driver	7.40	.45	.074		.037
2nd 1000 hrs.	7.20	.45	.072		.036
1st. 1000 hrs.	7.01	.45	.70		.035
Experienced Groundman	6.82	.45	.068		.034
2nd 1000 hrs.	6.62	.45	.066		.033
1st 1000 hrs.	6.43	.45	.064		.032
Bradford, Carbon, Columbia, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming Counties, Pa.					
Journeyman Lineman	10.80	.50	.32		.08
Experience Winch Truck	7.59	.50	.22		.05
2nd 6 Months	7.41	.50	.22		.05
1st 6 Months	7.21	.50	.21		.05
Experienced Winch Truck	7.43	.50	.22		.05
2nd 6 Months	7.21	.50	.21		.05
1st 6 Months	7.04	.50	.21		.05
Experienced Groundman	7.26	.50	.22		.05
2nd 6 Months	7.04	.50	.21		.05
1st 6 Months	6.82	.50	.20		.05

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DECISION NO. PA78-3090	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators					
Heavy Construction					
GROUP 1	12.44	7%	10.3%	a	1.8%
GROUP 2	12.15	7%	10.3%	a	1.8%
GROUP 3	11.28	7%	10.3%	a	1.8%
GROUP 4	10.51	7%	10.3%	a	1.8%
GROUP 5	10.04	7%	10.3%	a	1.8%
GROUP 6	9.13	7%	10.3%	a	1.8%
GROUP 7	12.69	7%	10.3%	a	1.8%
GROUP 7-A	12.94	7%	10.3%	a	1.8%
GROUP 7-B	13.18	7%	10.3%	a	1.8%

GROUP 1: Machines doing hood work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

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GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas, provided the employee works the day before and after the holiday.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators Highway Construction					
GROUP 1	10.84	7%	10.3%		1.8%
GROUP 2	10.00	7%	10.3%		1.8%
GROUP 3	9.49	7%	10.3%		1.8%
GROUP 4	9.05	7%	10.3%		1.8%
GROUP 5	8.50	7%	10.3%		1.8%
GROUP 6	11.09	7%	10.3%		1.8%
GROUP 6-A	11.34	7%	10.3%		1.8%
GROUP 6-B	11.59	7%	10.3%		1.8%

GROUP 1: Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, braglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, pavers 21E and over, gradalls, all front end loaders, 4 cu. yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plant with mixer, drill, self contained (drillmaster type), CMI autograde, machines similar to above

GROUP 2: Conveyor loader (EUC Type), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, bulldozers and tractors, asphalt plant engineers, rollers (high grade finishing), all loaders under 4 cu. yds, mechanic-welders, motor patrols, machines similar to above

GROUP 3: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, ditch witch type trencher, road finishing machines, concrete breaking machines, rollers, seaman Pulverizing mixer, power boom, seeding spreader, tireman - (for power equipment), conveyor loaders other than EUC type, conveyors, machines similar to above

GROUP 4: Fireman

GROUP 5: Oilers and deck hands

GROUP 6: On all machines with booms (including jibs, masts, leads, etc.) 100 ft. and over

GROUP 6-A: 150 ft. and over

GROUP 6-B: 200 ft. and over

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DECISION NO. PA78-3090

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Truck Drivers:					
CLASS I					
Helper, stake body truck (single axle), dumpster	$ 8.97				
CLASS II					
Dump trucks, tandem & batch trucks, semi-trailers, agitator mixer trucks, ready mix and dumpcrete type vehicles, asphalt distributors, farm tractor when used for transportation stake body truck (tandem)	9.04				
CLASS III					
Euclid type, off-highway equipment back or belly dump truck and double hitched equipment, straddle (ross) carrier, low-bed trailers	9.53				
WELDERS - Rate for Craft					

SUPERSEDEAS DECISION

STATE: Wisconsin

COUNTIES: Milwaukee, Ozaukee, Waukesha and Washington

DECISION NUMBER: WI78-2146

DATE: Date of Publication

Supersedes Decision No. WI77-2092, dated June 24, 1977 in 42 FR 32511

DESCRIPTION OF WORK: BUILDING CONSTRUCTION (Including Residential Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ASBESTOS WORKERS	11.90	.85	.90	1.00	.07
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS:					
Bricklayers & Stonemasons	11.41	1.12	1.10		
CARPENTERS:					
Carpenters	11.17	.90	.90	.51	.07
Millwrights	11.86	.90	.90	.51	.07
Piledrivermen	11.75	.90	.90	.51	.07
CEMENT MASONS	10.55	1.15	.90	.51	
ELECTRICIANS	12.00	1.00	.71	1.20	1%
ELEVATOR CONSTRUCTORS	11.715	.895	.56	a+b	.025
ELEVATOR CONSTRUCTORS' HELPERS	8.61	.895	.56	a+b	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	11.19	.92	.70	.50	
IRONWORKERS:					
Structural, Ornamental and Reinforcing	10.96	1.20	.90	1.19	.15
LATHERS	10.28	1.00	.90	.91	.03
LINE CONSTRUCTION:					
Linemen	9.97	.45	7%		.5%
Heavy Equipment Operator	8.97	.45	7%		.5%
Light Equipment Operator	7.98	.45	7%		.5%
Heavy Groundman - Truck Driver	6.98	.45	7%		.5%
Light Groundman - Truck Driver	6.48	.45	7%		.5%
Groundman	5.48	.45	7%		.5%
PAINTERS:					
Brush	10.00	1.06	.90	.50	.02
Swing Stage, up to 80 ft.	10.15	1.06	.90	.50	.02
Structural Steel	10.35	1.06	.90	.50	.02
Spray and Sandblasting	10.35	1.06	.90	.50	.02
Wing stage, 80 ft. and over	10.25	1.06	.90	.50	.02
PLASTERERS	9.56	1.00	.80	.76	
PLUMBERS & GASFITTERS	11.82	1.05	1.10	.56	.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Mastic Work:					
Spreaders	$10.90	1.10	.90	.51	
Rubbers and Kettlemen	10.70	1.10	.90	.51	
Additional Help	10.36	1.10	.90	.51	
Tower Work:					
Without swings	10.85	1.10	.90	.51	
With swing or bos'n chair	11.15	1.10	.90	.51	
Slate, Tile and Transite Work:					
Roofers	10.85	1.10	.90	.51	
Composition, damp and waterproof roofers	10.70	1.10	.90	.51	
SHEET METAL WORKERS	11.30	1.19c	1.23	.75	.04
SOFT FLOOR LAYERS	10.58	.90	.90	.51+a	.06
SPRINKLER FITTERS	12.65	.75	1.05		.02
STEAM FITTERS	11.67	1.34	.90	.65	.12
TERRAZZO WORKERS	10.78	1.07	.90		
TERRAZZO FINISHER	10.57	.30	.90	.65	
TILE SETTERS	11.00	.95	.90		
TILE FINISHER	9.55	.30	.90	.65	
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day;

FOOTNOTE:

a. Holiday: A through F

b. Employer contributes $.98 per hour to regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes $.74 per hour to regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Includes $.03 per hour SMACNA Fund

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DECISION NO. WI78-2146

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
General Laborers, Form Stripper Concrete Worker, Mason tender	$ 9.79	.90	.90	.51	
Scaffold Builder, Pitman or Dumpman, Building Wrecker, Hod Carrier, Mortar Mixer, Vibrator Operator, Kettleman, Air Spade Operator	9.90	.90	.90	.51	
Barco Tamper, Jackhammer Operator Sheeting Driver, Gunnite Man Concrete Buster	10.01	.90	.90	.51	
Topman on Chimney (up to 50')	9.90	.90	.90	.51	
Nozzleman	10.30	.90	.90	.51	
Plasterer Laborer	9.90	.90	.90	.51	
Topman (additional 50 ft.)	10.15	.90	.90	.51	
Caisson worker	10.45	.90	.90	.51	
Caisson Worker - Top Man	10.10	.90	.90	.51	
Bridge, Road and Railway Construction:					
General Laborer	9.19	.90	.90	.51	
Vibrator, Pitman, and Dumpman	9.25	.90	.90	.51	
Bullfloat, strikeoff Man, Puddler, Cement Dumper	9.30	.90	.90	.51	
Formsetter	9.47	.90	.90	.51	

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.90		.10
GROUP II	10.42	.75	.90		.10
GROUP III	10.12	.75	.90		.10
GROUP IV	10.02	.75	.90		.10
GROUP V	9.81	.75	.90		.10
GROUP VI	9.57	.75	.90		.10

GROUP I - Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver, skid rigs, derrick operator and traveling crane (bridge type), concrete paver (over 27E), concrete spreader and distributor

GROUP II - Material hoists, tractor or truck mounted hydraulic backhoe tractor or truck mounted hydraulic crane (5 tons or under),Manhoist, tractor (over 40 h.p.), bulldozer (over h.p.), endloader (over 40 h.p.), Forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and paver operator, roller (over 5 tons), rotary drill operator and blaster, trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machine (road type), roller (rubber tire), concrete batch hopper, concrete conveyor systems, concrete mixers (14S or over), Screw type pumps, and gypsum pumps, tractor, Bulldozer, Endloader (under 40 h.p.), Pumps (well points), trencher (chain type paving bucket 8-inch and under), industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactOrs (riding type), assistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), boats, safety work, barges and launch)

GROUP V - Shouldering machine operator, screed operator, farm or industrial tractor mounted equipment, post hole diggers, stone crushers and screening plants, fireman (asphalt plants), air compressor (300 CFM or over)

GROUP VI - Generators over 15KW, pumps over 3", Augers (vertical and horizontal), Combinations small equipment operator; air, electric hydraulic jacks (slip form), compressors (under 300 CFM), welding machines, heaters (mechanical), prestress machines, bobcats, generators (under 150 KW), Pumps (3" and under); Winches (small electric), Oiler and greader, boiler operators (temporary heat), Rotary drill helper, conveyor, forklift (12' and under)

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: Green and Rock
DECISION NUMBER WI78-2130 DATE: Date of Publication
Supersedes Decision No. WI77-2111, dated September 23, 1977 in 42 FR 48727
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.15	.70	.80	1.00	.04
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	10.63	.75	.70		
CARPENTERS	10.90	.50	.60		.10
Millwrights	11.42	.50	.60		.10
Piledrivermen	11.05	.50	.60		.10
Soft Floor Layers	10.90	.50	.60		.10
CEMENT MASONS	10.00	.80	.75		
ELECTRICIANS	11.35	.50	3%	7%	.50%
ELEVATOR CONSTRUCTORS:					
Southern portion of County	11.42	.745	.35	a&b	.02
Nothern portion of County	10.69	.745	.56	a&b	.025
Elevator constructors' helpers:					
Southern portion of County	7.99	.745	.35	a&b	.02
Northern portion of County	7.48	.745	.35	a&b	.025
Elevator Constructors helpers (prob.)	50%JR				
GLAZIERS:					
Northern 2/3 of County	9.30	.55	.50	.40	.01
Southern 1/3 of County	9.71	.44	.25	1.20	
IRONWORKERS (all):					
Vic. Edgerton, Milton, Pool-ville, & Evansville	11.52	.65	.375		.055
Vic. of Janesville, Shopiers	12.60	.65	.375		.10
LATHERS					
Eastern ½	10.10	.55	.45		.01
Southerwestern portion	10.29	.40	.45		.04
Remainder of County	9.65	.45	.20	.50	.01
LINE CONSTRUCTION:					
Linemen	9.97	.45	7%		
Heavy Equipment Operator	8.97	.45	7%		
Light Equipment Operator	7.98	.45	7%		
Heavy Groundman - Truck Driver	6.98	.45	7%		
Light Groundman - Truck Driver	6.48	.45	7%		
Groundman	5.48	.45	7%		
PAINTERS:					
Brush	9.86	.70	.30	.30	
Structural Steel (brush)	10.01	.70	.30	.30	

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DECISION NO. WI78-2130

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D)					
Spray	$10.26	.70	.30	.30	
Swing Stage	9.86	.70	.30	.30	
PLASTERERS	10.10	.75	.80		
PLUMBERS & STEAMFITTERS	12.36	.50	.55		.06
ROOFERS	12.20	.55			
SHEET METAL WORKERS	11.97	.75	.54		.03
TILE SETTERS	10.63	.75	.70		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: A-New Year's Day; B- Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Six Paid holidays : A through F.

b. Employer contributes 8% of regular hourly rate for vacation pay credit for employee who has worked in business more than 5 years, and 6% for employee who has worked in the business less than 5 years

c. Paid Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immeidately preceding and following the holidays.

d. Includes 1.5% holiday pay.

e. Additional payment of 4 hours per month and .03 per hour weekly for employee who has worked less than 5 years. 6-2/3 hours per month for 5 years or more.

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DECISION NO. WI78-2130

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS BUILDING CONSTRUCTION					
General laborers, concrete laborers, building wrecker, form strippers, concrete saw and power buggy operatOR mortarmixer, power rammer, vibrator operator, Air chisel operator (over 18 lbs.), chipping hammer operator (over 18 lbs.), fork lift operator railroad tampler plaster mixer and concrete pump hose por. (1 man)	8.68	.30	.25		.02
Mason tender	8.83	.30	.25		.02
Pneumatic hammer (60 lbs. or over Manf. Specifications)	8.68	.30	.25		.02
BITUMINOUS PAVING LABORERS:	8.93	.30	.25		.02
General Laborer	8.68	.30	.25		.02
Raker and luteman	8.78	.30	.25		.02

DECISION NO. WI78-2130

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.70		.10
GROUP II	10.42	.75	.70		.10
GROUP III	10.12	.75	.70		.10
GROUP IV	10.02	.75	.70		.10
GROUP V	9.81	.75	.70		.10
GROUP VI	9.57	.75	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, skid rigs, derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p.), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, tractor, Bulldozer, End-loader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type), Assistant engineer, "A" frame and winch trucks, concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, safety Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3" Augers (vertical and horizontal), combination small equipment operator, Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

STATE: Wisconsin

COUNTIES: Green Lake, Marquette, Waupaca, Waushara, & Winnebago

DECISION NUMBER WI78-2131

DATE: Date of Publication

Supersedes Decision WI77-2117, dated August 19, 1977 in 42 FR 42172

DESCRIPTION OF WORK: Building Construction (excluding 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.
ASBESTOS WORKERS	$10.81	.70	.50	.65	.05
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	9.95	.65	.40		.02
CARPENTERS	9.92	.50	.60		.05
CEMENT MASONS	9.45	.65	.40		.02
ELECTRICIANS	11.83	.60	3%		
ELEVATOR CONSTRUCTORS:					
Constructors	10.69	.745	.35	a+b	.02
Helpers	7.48	.745	.35	a+b	.02
Helpers (Prob.)	50%JR				
IRONWORKERS:					
Extreme east part of Co. Inc. Lake Winnebago, Menasha & Neenah	10.96	1.20	.90	1.19	.15
Remainder of County	11.27	.75	.525		.055
LATHERS	11.25	.55	.65	.50	.01
MILLWRIGHTS	10.32	.50	.60		.05
PAINTERS:					
Brush & Structural Steel	9.25	.75	.25		.03
Paperhanging	9.25	.75	.25		.03
Spray & Sandblasting	9.75	.75	.25		.03
PILEDRIVERMEN	10.32	.50	.60		.05
PLASTERERS	9.95	.65	.40		.02
PLUMBERS AND STEAMFITTERS:					
Townships of Menasha & Neemah	9.94	.82	1.00	.80	.04
Remainder of County	10.68	.80	1.10	.80	.01
ROOFERS	8.03	.65	.50		
SHEET METAL WORKERS	9.87	.60	.44	1.10	.02
SOFT FLOOR LAYERS	9.92	.50	.60		.05
SPRINKLER FITTERS	12.10	.75	1.05		.08
TERRAZZO WORKERS	9.95	.65	.40		.02
TILE SETTERS	9.95	.65	.40		.02

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PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 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, and 6% of regular rate for employee who has worked less than 5 years.

e. Includes .04 holidays pay.

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DECISION NO. WI78-2131 Wisconsin 15 - Lab

BUILDING CONSTRUCTION

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 8.35	.45	.40		.02
CLASS II	8.40	.45	.40		.02
CLASS III	8.55	.45	.40		.02

CLASS I - Construction laborers, form stripper, form oiler, form cleaner, dumpmen, pit men, building wrecker, plumbers laborer, motorized buggy operator, concrete laborer, air spade and chipping hammer, drag tender and signal man, concrete pump and nozzle man, bituminous worker.

CLASS II - Plasterer tender, hod carrier, dry cement handler, kettlemen, vibrator operator, slacking line, tile setter-helper, core drill operator

CLASS III - Jackhammer operator, drill, gunnitemen, burner on wrecking, air operated concrete breaker, sheeting driver, power tamper, fork lift operator jumping jack, terrazzo worker, mortar and plaster mixer, creosote worker, bob cat operator, sand blaster, welder, mud jack operator, precast erector bituminous raker and luteman

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DECISION NO. WI-78-2131

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.70		.10
GROUP II	10.42	.75	.70		.10
GROUP III	10.12	.75	.70		.10
GROUP IV	10.02	.75	.70		.10
GROUP V	9.81	.75	.70		.10
GROUP VI	9.57	.75	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, skid rigs, derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p.), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, tractor, Bulldozer, End-loader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type), Assistant engineer, "A" frame and winch trucks, concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, safety Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3" Augers (vertical and horizontal), combination small equipment operator, Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: Juneau
DECISION NUMBER: WI78-2134 DATE: Date of Publication
Supersedes Decision No. WI77-2118, dated August 19, 1977 in 42 FR 42174
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

29-Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.15	.70	.80	1.00	.04
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	10.15	.75	.35		
CARPENTERS:					
So. of Hwy. #21 & E. of County Trunk #80					
Carpenters	10.27	.50	.60		.05
Millwrights	10.67	.50	.60		.05
Piledrivermen	10.67	.50	.60		.05
Soft Floor layers	10.27	.50	.60		.05
Camp Douglas, Huster, Elroy & Vic.:					
Carpenters	9.92	.50	.60		.05
Millwrights	10.32	.50	.60		.05
Piledrivermen	10.32	.50	.60		.05
Soft floor layers	9.92	.50	.60		.05
N.E. section of Co. above Camp Douglas					
Carpenters	9.92	.50	.60		.05
Millwrights & Piledrivermen	10.32	.50	.60		.05
CEMENT MASONS	9.18	.45	.25		
ELECTRICIANS	11.15	.65	3%		
ELEVATOR CONSTRUCTORS (Western ½ of Co.)	10.87	.745	.35	a+b	.02
Elevator Constructors' Helpers (Western ½)	7.61	.745	.35	a+b	.02
Elevator Consructors' Helpers (Prob.)	50%JR				
Elevator Constructors (Eastern ½ of Co.)	10.69	.745	.56	a+b	.02
Elevator Constructors' Helpers	7.48	.745	.56	a+b	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS	9.30	.55	.50	.45	.01
IRONWORKERS, Structural, ornamental & Reinforcing	11.52	.65	.375		.055
LATHERS	9.65	.45	.20	.50	.03
PAINTERS:					
Brush	8.43		.45		
Structural Steel	8.70		.45		
Swing stage, bos'n chair	8.75		.45		
Spray	9.12		.45		

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DECISION NO. WI78-2134

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	9.55				
PLUMBERS & STEAMFITTERS	11.85	.55	.60		.05
ROOFERS	9.00				
SHEET METAL WORKERS	10.08	.75	.55		.04
TILE SETTERS	8.70	.40	.25		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B_Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. 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 2 years

b. Holidays: A through F

d. Employee with 1 year's service - 1 week paid vacation; 3 year's service 2 week paid vacation; 10 year's service - 3 weeks & 20 year's or more service - 4 weeks.

e. Holidays: A through F, providing employee works one year, and the day before and after the holiday. With one year of service employee also received a one-week paid vacation.

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DECISION NO. WI78-2134 Wisconsin 16 LAB L

LABORERS (BUILDING CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	7.83	.30	.25		.02
GROUP II	7.98	.30	.25		.02
GROUP III	8.08	.30	.25		.02
GROUP IV	8.38	.30	.25		.02
GROUP V	7.50	.30	.25		.02

GROUP I - Building laborers, caisson top men helpers, cement & concrete workers, hand handling of pre-cast concrete decking products, wire, ironworker & blacksmith laborers, wreckers & house movers, form oiler, form cleaner, concrete, dump men, pit men, signal, scaffold builder, clean-up work, railroad work, material conveyor, roofers hoist, powered sweeper, power buggie operation for concrete, tile & Terrazzo worker, for stripper
GROUP II - Drill, jackhammer & all types vibrators, hand carrier hod, handling hot tar & asphalt, kettlemen, mortar & plaster mixer, fork lift operator (masonry work), plaster & concrete pump, roofers, welder & torch work, nozzle man, gunnite man, creosote worker, sandblaster, concrete planer, concrete saw, mudjack, side grinders, wire brushers, roto hammers, air spades & other similar pieces of equipment (gas, electric or air)
GROUP III - Swinging scaffold & chimney work up to 40' above solid-base structure
GROUP IV - Drill operators (tunnel and caisson), tunnel and sewer miners
GROUP V - Flagmen, watchmen & waterboys

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DECISION NO. WI78-2134

WIS 1 PEO

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.70		.10
GROUP II	10.42	.75	.70		.10
GROUP III	10.12	.75	.70		.10
GROUP IV	10.02	.75	.70		.10
GROUP V	9.81	.75	.70		.10
GROUP VI	9.57	.75	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, skid rigs, derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p.), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, tractor, Bulldozer, End-loader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type), Assistant engineer, "A" frame and winch trucks, concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, safety Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3" Augers (vertical and horizontal), combination small equipment operator, Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: Kenosha
DECISION NUMBER: WI78-2135 DATE: Date of Publication
Supersedes Decision No. WI77-2120 dated August 19, 1977 in 42 FR 42176
DESCRIPTION OF WORK: Building Construction (Including Residential)

30 - Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.15	.70	.80	1.00	.04
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	11.25	.60	.60	.50	.05
CARPENTERS	10.90	.50	.85		.05
CEMENT MASONS (BUILDING)	9.21	.60	.85	.50	
ELECTRICIANS	12.75	.51	3%	.45	3/4%
ELEVATOR CONSTRUCTORS:					
Constructors	11.715	.745	.35	a+b	.02
Helpers	8.20	.745	.35	a+b	.02
Helpers (Prob.)	50%JR				
IRONWORKERS: Structural & Ornamental & reinforcing	10.96	1.20	.90	1.19	.15
MILLWRIGHTS	11.16	.50	.85		.05
LATHERS					
PAINTERS:					
Brush & Roller	9.775	.50	.60		
Structural Steel	9.925	.50	.60		
Spray	10.52	.50	.60		
Swing Stage	9.975	.50	.60		
PILEDRIVERMEN	10.98	.50	.85		.05
PLASTERERS	9.70	.60	.85		
PLUMBERS & STEAMFITTERS	11.60	.80	.87	.95	.02
ROOFERS	10.62	.60	.35		
SOFT FLOOR LAYERS-Resilient floor layers	10.90	.50	.85		.05
TERRAZZO WORKERS	10.78	1.07	.90		.05
TILE SETTERS	9.78	.60	.60	.50	.05
SHEET METAL WORKERS	11.05	.60	.88	1.25	.06

Welders - receive rate prescribed for operation to which welding is incidental.

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DECISION NO. WI78-2135

PAID HOLIDAYS:
a-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holiday, A through F

b. Employer contributes 8% of regular hourly rate to Vacaitpn 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. Holidays: A through F plus Christmas Eve, the day after Thanskgiving and Good Friday.

Wisconsin 20 - LAB-1

BUILDING CONSTRUCTION LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers, Mason Tenders	$ 8.10	.50	.70	.70	
Plaster tender	8.25	.50	.70	.70	
Air, electric & gas tool operator	8.40	.50	.70	.70	
Jack hammer, fork lift, buggies	8.80	.50	.70	.70	

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DECISION NO. WI78-2135

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.90		.10
GROUP II	10.42	.75	.90		.10
GROUP III	10.12	.75	.90		.10
GROUP IV	10.02	.75	.90		.10
GROUP V	9.81	.75	.90		.10
GROUP VI	9.57	.75	.90		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, skid rigs, derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p.), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, tractor, Bulldozer, End-loader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type), Assistant engineer, "A" frame and winch trucks, concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, safety Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3" Augers (vertical and horizontal), combination small equipment operator, Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

SUPERSEDEAS DECISION

STATE: WISCONSIN COUNTIES: La Crosse, Monroe & Vernon
DECISION NUMBER WI78-2136 DATE: Date of Publication
Supersedes Decision No. WI77-2121, dated August 19, 1977 in 42 FR 42178
DESCRIPTION OF WORK: Building Construction and Residential Construction in Lacrosse County Only.

32 - Wisconsin A

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.15	.70	.80	1.00	.05
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS & STONMASNS	10.15	.75	.35		
CARPENTERS:					
Carpenters	9.92	.50	.60		.05
Millwrights & Piledrivermen	10.32	.50	.60		.05
Carpenters (Residential)	5.92	.50	.30		.05
CEMENT MASONS	9.18	.45	.25		
ELECTRICIANS	11.15	.65	3%		
ELEVATOR CONSTRUCTORS:					
Constructors	10.87	.745	.35	a&b	.02
Helpers	7.61	.745	.35	a&b	.02
Helpers (Prob.)	50%JR				
GLAZIERS	9.30	.55	.60	.45	.02
IRONWORKERS (all but N.W. corner of Co.):					
Structural, ornamental & reinforcing	11.27	.75	.525		.055
LATHERS	9.55		.15		.01
PAINTERS:					
Brush	8.43		.45		
Structural Steel	8.70		.45		
Swing Stage	8.75		.45		
Spray and Sandblasting	9.12		.45		
PLASTERERS	9.55				
PLUMBERS:					
Plumbers & Steamfitters	11.85	.55	.60		.05
ROOFERS:					
Roofers	9.97				
SHEET METAL WORKERS	10.08	.75	.55		.04
SOFT FLOOR LAYERS	8.30				
TERRAZZO WORKERS & TILE SETTERS	8.70	.40	.25		

DECISION NO. WI78-2136

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Building	$ 8.02	e			
Dump truck drivers on excava. & grading	7.37	e			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day: D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 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, and 6% of rate for employee who has worked less than 5 years.

c. Holidays, A thru F plus Washington's Birthday, Good Friday and Christmas eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immdiately

d. Holidays: A through f, providing employee works one year, and the day before and after the holiday. With one year of service employee also receives a one-week paid vavation.

e. $64.00 a month welfare.

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DECISION NO. WI78-2136

Wisconsin 16 LAB

LABORERS (BUILDING CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	7.83	.30	.25		.02
GROUP II	7.98	.30	.25		.02
GROUP III	8.08	.30	.25		.02
GROUP IV	8.38	.30	.25		.02
GROUP V	7.50	.30	.25		.02

GROUP I - Building laborers, caisson top men helpers, cement & concrete workers, handling of pre-cast concrete decking products, wire ironworkers & blacksmith laborers, wreckers & house movers, form oiler, form cleaner, concrete, dump men, pit men, signal men, scaffold builder, clean-up work, railroad work, material conveyor, roofers hoist, powered sweeper, power buggie operation for concrete, tile & terrazzo laborer, form stripper

GROUP II - Drill, jackhammer & all types vibrators, hand carrier hod, operator (masonry work), plaster & concrete pump, roofers, welders & torch work, nozzle man, gunnite man, creosote worker, sandblaster, concrete planer, concrete saw mudjack, side grinders, wire brushers, roto hammers, air spades & other similar pieces of equipment (gas, electric or air)

GROUP III - Swinging scaffold & chimney work up to 40' above solid-base structure

GROUP IV - Drill operators (tunnel and caisson), tunnel and sewer miners

GROUP V - Flagmen, watchmen & waterboys

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DECISION NO. WI78-2136

WIS 1 PEO

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.70		.10
GROUP II	10.42	.75	.70		.10
GROUP III	10.12	.75	.70		.10
GROUP IV	10.02	.75	.70		.10
GROUP V	9.81	.75	.70		.10
GROUP VI	9.57	.75	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic Backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, Tractor, Bulldozer, Endloader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type), Asssistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), combination small equipment operator; Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric), Oiler and greaser, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

SUPERSEDEAS DECISION

STATE: Wisconsin

COUNTIES: Langlade, Lincoln & Marathon

DECISION NO.: WI78-2137

DATE: Date of Publication

Supersedes Decision No. WI77-2122, dated August 19, 1977 in 42 FR 42180

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

37 - Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.81	.70	.50	.65+c	.05
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	10.05	.65	.30		.04
CARPENTERS	9.92	.50	.60		.05
Millwrights & Piledrivermen	10.32	.50	.60		.05
CEMENT MASONS	9.55	.65	.30		.04
ELECTRICIANS	10.88	.50	3%	8%	1/8%
ELEVATOR CONSTRUCTORS:					
Constructors	10.765	.745	.35	a+b	.02
Helpers	7.535	.745	.35	a+b	.02
Helpers (Prob.)	50%JR				
IRONWORKERS: Structural, Ornamental and Reinforcing	11.27	.75	.525		.055
LABORERS:					
Laborers	8.35	.45	.40		.02
Air tool op. (jackhammer, vibrator)	8.55	.45	.40		.02
Mason tender, Concrete worker & Mortar mixers	8.40	.45	.40		.02
Building wrecker, form stripper and scaffold builder	8.35	.45	.40		.02
Kettle, concrete buster & gunnite men	8.55	.45	.40		.02
LATHERS (Southeastern corner of County)	8.77	.55	.65	.50	.03
Lathers (Western ½ of County)	10.00				
Lathers (Remainder of County)	9.24	.75		.75	.03
PAINTERS:					
Brush	9.50		.50		
Spray & Structural steel	10.00		.50		
PLASTERERS	10.05	.65	.30		.02
PLUMBERS	11.51	.50	.30	b	
ROOFERS	9.00				
SHEET METAL WORKERS	11.26	.75	.55		.04
SOFT FLOOR LAYERS - Resilient floor layers	9.92	.50	.60		.05
SPRINKLER FITTERS	12.10	.75	1.05		.08
STEAMFITTERS	11.51	.50	.30	b	
TERRAZZO WORKERS	9.80	.65	.30		.04
TILE SETTERS	9.80	.65	.30		.04

DECISION NO. WI78-2137 37 - Wisconsin

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% of regular hourly rate to vacation pay credit for employer who has worked in business more than 5 years. Employer contributes 6% of regularhourly rate to vacation pay credit for employee who has worked in business less than 5 years.

b. Holidays: A through F

c. Includes .15 Holiday pay.

DECISION NO. WI78-2137

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.70		.10
GROUP II	10.42	.75	.70		.10
GROUP III	10.12	.75	.70		.10
GROUP IV	10.02	.75	.70		.10
GROUP V	9.81	.75	.70		.10
GROUP VI	9.57	.75	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic Backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, Tractor, Bulldozer, End-loader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type),Asssistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), combination small equipment operator; Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric),Oiler and greaser, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

[FR Doc. 78-30154 Filed 10-26-78; 8:45 am]

federal register

FRIDAY, OCTOBER 27, 1978
PART IV

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

MEDICARE AND MEDICAID HOSPICE PROJECTS

Announcements of Projects

[4110-35-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

MEDICARE AND MEDICAID HOSPICE PROJECTS

Announcement of Projects

The Office of Policy, Planning, and Research (OPPR) of the Health Care Financing Administration (HCFA) announces its intention to conduct demonstration projects with organizations providing hospice services. Applications for participation may be made by agencies and facilities which provide hospice home care only or both hospice home care and inpatient care. The demonstration projects will allow coverage and reimbursement for hospice services provided to medicare beneficiaries. (These projects will be conducted under section 402 of the Social Security Amendments of 1967, as amended by section 222(b) of Pub. L. No. 92-603.)

State medicaid agencies are invited to apply to HCFA to conduct demonstration projects under section 1115 of the Social Security Act, which would involve specific hospice programs. These applications would include requests for waivers necessary to provide similar benefits for medicaid beneficiaries.

PURPOSE

The goal of hospice care is to help terminally ill patients continue life with minimal disruption in routine activity, including working and remaining in the family environment. Hospice uses a multidisciplinary approach to delivering social, psychological, medical, and spiritual services through the use of a broad spectrum of professional and voluntary care givers with a goal of making the patient as physically and emotionally comfortable as possible. Integral to the hospice concept is the philosophy that pain is preventable and can be controlled through the use of drugs.

The hospice experience in the United States has placed emphasis on home care. It offers physician services, specialized nursing services, and other forms of care in the home in order to enable the terminally ill patient to remain at home in the company of family and friends as long as possible. Inpatient hospice settings have been utilized primarily where there is no one in the patient's home to assist in the care of the patient, the patient's pain and symptoms must be closely monitored in order to be controlled, or the family needs a rest from the tedium and stress in caring for the patient (respite care).

It has been hypothesized that in-home services provided through hospice care are equivalent in medical efficacy to services provided in and institutional setting, and that the in-home services can be provided at a substantially lower cost. And further, that where hospice services are provided in an inpatient setting, the costs of such care may be less than the average pe diem cost of a hospital.

The medicare and medicaid programs do not currently recognize a hospice as a separate category of provider, although some hospices are participating in these programs within existing provider classifications (e.g., hospital, skilled nursing facility, and home health agency). Some hospice services such as bereavement visits to the patient's family and drugs given in the home setting are not reimbursable under medicare.

State medicaid programs have different coverage for hospital, nursing home and home health services, and many do not cover certain services integral to hospice care.

The purpose of this invitation is to solicit demonstration sites where hospice services will be provided to medicare and medicaid beneficiaries and reimbursed by the medicare and medicaid programs. Central to these demonstrations will be an independent evaluation in order to assist HEW in making policy decisions regarding coverage of hospice services.

OBJECTIVES OF THE DEMONSTRATIONS AND EVALUATION

Among the specific objectives of conducting these demonstrations are the following:

1. Identify the levels of care and range of services provided by hospices in the home and inpatient settings.

2. Evaluate hospice services in various settings as an alternative service and delivery system for the care of the terminally ill.

3. Evaluate the comparative costs of hospice services provided in the home and inpatient settings and in various organizational hospice modes.

4. Develop standards regarding appropriateness and quality of care for hospice home care and hospice inpatient programs.

5. Identify alternate reimbursement methods for hospice services (e.g., cost, capitation, prospective rate).

6. Access the appropriate role of PSRO and other utilization review mechanisms.

7. Compare and assess the service provided under the hospice program to those in hospital and skilled nursing facilities for comparable diseases and prognoses.

8. Determine the extent to which the utilization of hospice services might affect overall costs of the medicare and medicaid programs as well as costs of other providers.

9. Determine changes in the health care delivery system due to the availability of the hospice service to medicare and medicaid beneficiaries in terms of:

a. Accessibility, availability and utilization of other components of the service area's health care delivery system;

b. The Demand for in-home and inpatient hospice care; and

c. Financial, or revenue problems, if any, encountered by the hospice before, during, and after the demonstration project.

10. Record patient, family, and physician attitudes toward hospice services.

The evaluation of the demonstrations will be conducted by an independent evaluator to be selected by HCFA.

GENERAL POLICY CONSIDERATIONS

1. *Eligible hospices.* For purposes of this invitation and participation in the demonstration, an organization must demonstrate to HCFA that it meets all of the following conditions:

(a) Offers a program with the following characteristics:

The patient and family comprise the unit of care;

Emphasis is placed on symptom control;

There is overall physician direction of the program;

Comprehensive services are provided by an interdisciplinary team with emphasis on round-the-clock availability of medical and nursing skills;

Volunteers comprise an integral part of the team of care givers; and

Care of the family extends through the bereavement period.

(b) Currently has the capability of providing: (i) Home health care services (hospice home care program) or (ii) home health care services and the capability of providing institutional services which may substitute for acute hospital care (inpatient hospice or hospice unit); and

(c) Is: (i) Certified as a home health agency and participates in Medicare (and medicaid where the hospice proposes to serve medicaid patients) or (ii) has contractual arrangements with a participating home health agency(ies) to provide home health services covered by Medicare (and medicaid, where appropriate).

The hospice must provide services directly or under arrangements with providers of service participating in the Medicare/Medicaid programs. Services provided under arrangements will be billed to the program by the hospice.

2. *Waiver of statutory and regulatory requirements.* Waivers of medicare coverage and reimbursement requirements and exclusions will be

granted to successful respondents to permit payment for hospice services to patients with a life expectancy of 6 months or less. Respondents may also propose alternate reimbursement methods. Payment under medicaid will be made based on requests by State agencies for waivers under its medicaid program.

A hospice responding to this invitation will have to delineate all of the services which it will provide to the patients participating in the demonstration, and to the extent possible, identify those statutory and regulatory requirements that will need to be waived. Waivers should be requested only to allow medicare/medicaid coverage of those services which the hospice provides directly or under contractual arrangements.

The following examples of medicare requirements and exclusions are provided for the information of potential respondents. Contact should be made with the Medicaid State agency regarding waivers of medicaid requirements.

Medicare waivers for in-home hospice services may include:

a. Waiver of the "home-bound" requirement for home health services.

b. Waiver of the exclusion of drugs and biologicals provided in the home. Palliative drugs medically recognized and accepted will be reimbursed by the medicare program. HCFA will determine on an individual hospice basis whether coverage and reimbursement will extend to prescription drugs such as antiemetics, antidepressants, and steroids.

c. Waiver of the "skilled nursing requirement" so that payment will be made for services which are considered a custodial level of care.

d. Waiver of the requirement for a new plan of treatment upon a patient's discharge following reinstitutionalization. Because some hospice patients will be institutionalized to stabilize their conditions, the current medicare requirement that a new plan of treatment be established at each discharge may be waived.

e. Waiver of the current limits of 100 home health visits allowed under part A of medicare. Coverage of in-home hospice services may be expanded under part A of the medicare home health benefit with no numerical limits.

f. Waivers of the medicare provisions relating to a 3-day prior hospital stay, establishment of a plan of treatment by a physician within 14 days of discharge from a hospital or SNF and treatment for a condition treated in the hospital or SNF.

g. Waiver of exclusion of reimbursement for bereavement counseling to the family by a nurse or other qualified professional after the death of a hospice patient.

h. Waiver of restrictions on reimbursement for visits by psychologists, psychiatrists, and other qualified professionals made to the hospice patient and family.

i. Waiver of restrictions on reimbursement for visits made by the hospice team to hospice patients who have been reinstitutionalized.

j. Waiver of applicable coinsurance and deductibles for hospice services which are approved during the demonstration.

k. Waiver of the current medicare cost reimbursement principles for hospice services if respondent proposes and HCFA accepts an alternative reimbursement system (e.g., capitation, prospective rates, etc.).

l. Waiver of the requirement that a patient must be in need of skilled nursing care, physical therapy, or speech therapy in order to utilize home health benefits.

Medicare waivers for inpatient hospice services may include:

a. Waiver of current medicare cost reimbursement principles for services provided by hospitals and skilled nursing facilities (SNF's) if a respondent proposes and HCFA accepts an alternative reimbursement system.

b. Waiver of the level of care requirements which must be satisified before a patient can receive covered hospital or SNF services.

c. Waivers of the medicare requirements for a 3-day prior hospital stay, transfer within 14 days of discharge from a hospital, and treatment for a condition treated in the hospital.

d. Waiver of the current limits on hospital and SNF days, scope and duration of benefits such that limits on the stay in a hospital-hospice and SNF-hospice will not be applied.

e. Waiver of deductible and coinsurance for a patient admitted to an institutional hospice.

f. Waiver of the limitations of the "benefit period" for admission to and coverage of services provided by institutional hospices.

3. *Conditions for payment.* The following requirements must be met before payment may be made for medicare or medicaid beneficiaries:

a. Beneficiaries must have a life expectancy of less than 6 months as certified by a physician who has treated the patient or can be shown to have complete knowledge of the patient's medical status.

b. The hospice home care program must assure that a primary care person is available on an "around the clock" basis. (This can be a family member, friend, or hired help.)

c. Plans of treatment must be established within 3 days of admission to the home care hospice and within 2 days of admission to the inpatient hospice.

d. Beneficiaries must give informed consent, in writing, to the hospice plan of treatment.

4. *Method of reimbursement.* Reimbursement of hospice services will be made on a cost related basis following medicare principles of reimbursement for hospitals, SNF's and home health agencies, unless other specific reimbursements methods have been proposed and accepted. However, the cost for any capital expenditure (as defined in section 1122(g) of the Social Security Act) will not be recognized as a reasonable cost in determining reimbursement for demonstration project services, when such expenditures are initiated subsequent to agreement with the hospice program to participate in the project.

The respondent is encouraged to propose an alternative reimbursement system, e.g., a propective system or a capitation rate per month, or for total hospice care. (If the hospice proposal is deemed acceptable by HCFA, except that HCFA denies use of the proposed reimbursement system, HCFA reserves the right to offer such respondent reimbursement under the "reasonable cost" basis.) The method of reimbursement proposed by the State in its application for coverage of hospice inhome and inpatient services provided to medicaid recipients must be approved by HCFA.

Special project funds other than for the delivery of hospice services are not available under this announcement. Applicants interested in project grant funds for research or data collection activities are referred to the HCFA announcement of research and demonstrations grants which appeared in the FEDERAL REGISTER on April 13, 1978.

5. *Operational procedures.* Phase I of the demonstration activity will be a 3- to 6-month developmental period. Phase II will be a 24-month-demonstration period. Phass III will be a 3-month-close-out period.

HCFA will reimburse for hospice services provided to a beneficiary who lives longer than 6 months after the beneficiary becomes a hospice patient. Coverage and reimbursement will extend beyond the 24-month-demonstration period for those beneficiaries admitted to the hospice program on or before the end of the 24-month-demonstration period who have been admitted pursuant to the demonstration criteria.

All hospice medicare demonstration claims shall be submitted to and processed by an intermediary to be selected by HCFA. Upon determination that a patient is eligible for hospice services, all bills for hospice care provided to the patient and family, on an inpatient or home basis and whether the

care is provided by the hospice or by a certified provider with which the hospice has arrangements to provide certain services to hospice patients shall be submitted to and processed by the specified intermediary.

For purposes of this project, all successful applicants will be required to sign a provider agreement pursuant to section 1866 of the Social Security Act.

For the purposes of Medicaid participation, the Health Care Financing Administration encourages hospices to work with their State medicaid agency to submit an application for a "waiver-only" demonstration project pursuant to section 1115(a) of the Social Security Act. We would expect that such medicaid applications would include the same scope of services and reimbursement methods proposed for medicare.

Responsibilities of Successful Respondents

1. *Data collection.* Participating hospices must agree to collect and provide information to HCFA or its agent for each patient participating in the demonstration. The data will include but will not be limited to: Source of patient referral; date of admission to hospice; length of time a patient is in hospice care; patient disposition when leaving hospice (e.g., death, admission to hospital, nursing home); place and date of patient's death; relationship of principal care giver in home; types and volume of services per visit/per day of inpatient hospice care; categories and specialities of personnel involved in providing services; and drug(s) provided and dosage(s).

In addition, HCFA or its agent will specify specific cost reporting requirements. Hospices which participate in the medicare and medicaid programs to provide other than hospice services must be able to maintain separate cost accounting records for their hospice program.

The participating hospices must provide data as requested by HCFA and the independent evaluator on a regular basis which will be specified during phase I. These reports include but are not limited to the reports listed below.

The project participants must make available to the HCFA evaluator all data, records, and reports of the hospice.

The responses received from all hospices in answer to this invitation will be made available to the independent evaluator. In the case of nonselected hospices, information in their responses may be used in a limited manner in the final evaluation report to describe the hospice approach to health care delivery.

HCFA is committed to protecting the confidentiality of patient records and information collected in the course of the demonstration and evaluation. In recognition of the need to protect patient privacy, all reports prepared during the project will primarily contain summary data only, and patients' names, addresses, social security numbers, or other patient-identifying information will not appear in any report. Individual case data will not be reported, except where appropriate approvals have been obtained from the individuals involved; otherwise, data will only appear in aggregate form combining the information from many cases or respondents.

2. *Reports.* The successful respondents shall be required to submit the following items, subject to the Project Officer's approval:

Item	Description	Quantity	Date
1	Phase I (3 to 6 mo) monthly status report summarizing project activities. Any deviations from original time table shall be included.	10 copies (3-6 mo status reports are required).	Not later than 15 calendar days after the end of each reporting calendar month.
2	Phase II (24-mo) semiannual reports summarizing project activities for the 6-mo period. Problems, suggested resolutions, agenda and minutes of all project-related meetings shall be included. Data requested above are to be included. The Project Officer may request additional reporting data.	10 copies (2 semiannual reports are required).	Not later than 15 calendar days after the end of each reporting quarter.
3	Phase II annual report (1st yr) containing a detailed summary of the reporting year's experience, data tabulations, observations, and suggestions for operational changes.	20 copies (1 annual report is required).	Not later than 90 calendar days after the end of the first reporting year
4	Phase III final report containing background information description of objectives, purposes and scope of the project for the 1st and 2d yr of the project; description of experimental activities and significant events; and other appropriate information and observations.	25 copies.....	Not later than 90 days after the end of the 2d yr
5	Working papers related to issues pertaining to the experiment.	As required by the project officer.	

Application Procedures

1. *Application forms.* A standard application kit has been developed for the HCFA research and demonstration program. The standard application consists of several parts, some of which will not be required for purposes of the hospice demonstration. However, respondents will be asked to provide information about their individual hospice program. Hospice programs interested in participating in these projects should request the application kits and guidance for completion of the forms from:

Health Care Financing Administration, Project Grants Branch, 4200-C, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201, Telephone 202-245-0671.

The hospice program application to HCFA will be for medicare purposes. The State medicaid agency must submit a separate application to HCFA for medicaid purposes. (This requirement is necessitated by the separate and distinct authorities for demonstration activity and reimbursement under the two programs.)

2. *Closing dates and times.* In order to be considered under this invitation for participation in a demonstration project, applications from hospice programs must be received by the Project Grants Branch (at the address shown above) not later than 3 p.m. local time, Monday, January 15, 1979. Applications from medicaid State agencies must be received by the Project Grants Branch not later than 3 p.m. local time, Monday, January 29, 1979. Applications received after these cutoff dates will not be considered unless they were sent by registered or certified mail 5 working days in advance of the specified dates. The postmark on the package will establish the date the application was mailed.

(Section 402 of the Social Security Amendments of 1967, as amended by section 222(b) of Pub. L. 92-603; section 1115(a) of the Social Security Act.) (42 U.S.C. 1315.)

Dated: October 24, 1978.

William D. Fullerton,
Acting Administrator, Health Care Financing Administration.

[FR Doc. 78-30416 Filed 10-26-78; 8:15 am]

federal register

FRIDAY, OCTOBER 27, 1978
PART V

DEPARTMENT OF LABOR

Employment and Training Administration

FISCAL YEAR 1979 VETERANS PREFERENCE INDICATORS OF COMPLIANCE LEVELS

[4510-30-M]

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 653]

FISCAL YEAR 1979 VETERANS PREFERENCE INDICATORS OF COMPLIANCE LEVELS

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule.

SUMMARY: The Employment and Training Administration of the Department of Labor is proposing to update the levels for the veterans preference indicators of compliance for fiscal year 1979 as it is required to do on an annual basis by its regulations. The veterans preference indicators of compliance are used by the Department to monitor State employment service agencies to insure that veteran applicants receive priority service as required by 38 U.S.C. Chapters 41 and 42 and by 20 CFR Part 653, Subpart C. In addition, some revision in definitions of veterans of the Vietnam era is proposed.

DATES: Comments due November 27, 1978.

ADDRESSES: Comments on the proposed rule should be sent to: William B. Lewis, Administrator, U.S. Employment Service, Room 8000, 601 D Street NW., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT:

Peter Rell, Director, Office of Program Review, U.S. Employment Service, Room 8324, 601 D Street NW., Washington, D.C. 20213, 202-376-6914.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Chapters 41 and 42 of Title 38 U.S. Code, provide for job counseling, training and placement services for veterans. The Secretary issued regulations to implement 38 U.S.C. Chapters 41 and 42 on November 2, 1976 at 41 FR 48250. The Department published proposed regulations for the fiscal year 1978 veterans indicators of compliance levels on August 26, 1977, at 42 FR 43201. Comments from interested persons were received, reviewed and incorporated, as appropriate, into the final fiscal year 1978 indicator values, which were published on March 3, 1978, at 43 FR 9092. Technical corrections to the final rule were published on March 28, 1978, at 43 FR 12855. The regulations are found at 20 CFR Part 653, Subpart C. Sections 653.221-226 and 653.230 of that subpart set forth standards of performance governing State agency services to veterans and veterans preference indicators of compliance, respectively. 20 CFR 653.230(a) states:

> To help in determining whether the standards of performance set forth in sections 653.221-226 are being met, the ETA shall use the floor levels and the veterans preference indicators of compliance set forth in this section to compare the level of services provided to veterans and eligible persons with the level of services provided to nonveterans.

20 CFR 653.230(c) states in pertinent part:

> Each year ETA shall consider each State agency's past year's accomplishments as a major factor in establishing the floor level of accomplishment for the next fiscal year. Computation of the floor levels shall also be based on external and other appropriate factors.

20 CFR 653.230(e) states:

> ETA shall establish numerical values for the veteran preference indicators of compliance for each Federal fiscal year for: (1) Veterans vesus nonveterans; (2) veterans of the Vietnam era versus nonveterans; and (3) disabled veterans versus nonveterans.

INDICATORS OF COMPLIANCE

In accordance with 20 CFR 653.230(a) (c) and (e), historical experience for each State agency and influence of factors outside of each State agency's control were used to identify the fiscal year 1979 veterans preference indicators and propose appropriate numerical values for each indicator. Historical performance data reviewed covered 6 months of fiscal year 1978 as well as fiscal year 1977 and fiscal year 1976. In addtion to historical data and external factors, the fiscal year 1979 compliance indicators reflect the opinions and comments received from interested persons throughout this fiscal year on the appropriateness of the current set of compliance indicators.

Based on these factors, ETA proposes the following changes to the veterans indicators of compliance:

1. Revise the floors (minimums) for each State's level of expected accomplishment for applicants "placed" and "inactivated with some reportable service." These revisions are based on past performance and the influence of external factors.

2. Establish a floor for each State's level of expected accomplishment for reportable service for "job development." With the addition of recent data, regression analysis has shown that external factors significantly influence this indicator.

3. Establish floor and preference levels for the "referred to training" indicators, based on newly available statistical data.

The proposed floor level for "counseling" and all preference levels other than "referred to training" are unchanged from fiscal year 1978. Information regarding methodology for determining values is available upon request from Mr. Rell (See, FOR FURTHER INFORMATION CONTACT section, above).

DEFINITIONAL CHANGES

One of the goals of the Department of Labor is to work toward consistent definitions between programs operated under the Employment and Training Administration. Where possible, administrative action is being taken to achieve this consistency.

An amendment to the existing definition of "veteran of the Vietnam era" is being proposed as part of the effort toward this goal. This amendment removes the qualifier that veterans of the Vietnam era must have been separated or discharged within the last 48 months. In addition, a new term, "recently separated veteran of the Vietnam era" is being added. This new term will, in effect, have the same definition as "veteran of the Vietnam era" had during fiscal year 1978 but it will be limited in its application to the indicator having to do with the Federal contractor job listing program described at section 653.230(i) of this subpart.

Accordingly, 20 CFR 653, Subpart C is amended to read as follows:

PART 653—SERVICES OF THE EMPLOYMENT SERVICE SYSTEM

Subpart C—Services for Veterans

§ 653.201 [Amended]

1. A new definition is inserted alphabetically to read as follows:

"Recently separated veteran of the Vietnam era" means a "veteran of the Vietnam era" who was discharged or released from active duty within 48 months of his/her application for employment.

2. The definition for "veteran of the Vietnam era" is amended to read as follows:

"Veteran of the Vietnam era" means a person who: (1) Served on active duty for a period of more than 180 days, any part of which occurred during the Vietnam era (August 5, 1964, through May 7, 1975) and was discharged or released therefrom with other than a dishonorable discharge; or (2) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed during the Vietnam era.

3. The wording of § 653.230 is amended to read as follows:

§ 653.230 Veterans preference indicators of compliance.

(a) To help in determining whether the standards of performance set forth in §§ 653.221-226 are being met, the ETA shall use the floor levels and

the veterans preference indicators of compliance set forth in this section to compare the level of services provided to veterans and eligible persons with the level of services provided to nonveterans.

(b) The term "applicants" as used in this section shall mean individuals who filed or renewed job applications during the fiscal year. To improve statistical comparability, the term "nonveteran" as used in this section shall not include women and persons 19 years of age or younger. The term "veteran" as used in this section, shall include eligible persons. The term "disabled veteran", as used in this section, shall include "special disabled veteran".

(c) To prevent State agencies, which are actually performing at low levels of accomplishment, from mathematically appearing, according to the veterans preference indicators of compliance, to be doing well, the ETA shall establish a floor (minimum) level of expected accomplishment for each State for each reportable service for each Federal fiscal year. Each year ETA shall consider each State agency's past year's accomplishments as a major factor in establishing the floor level of accomplishment for the next Federal fiscal year. Computation of the floor levels shall also be based on external and other appropriate factors.

(1) The floor levels shall be stated as the ratio of veteran individuals served to the number of veterans applying for service, rather than the number of veterans served, to avoid the difficulties associated with establishing absolute numbers under varying conditions, time periods, and locations. The floor levels of accomplishment for fiscal year 1978 shall be as follows:

(i) A minimum of 6 percent of those veterans applying for service shall be counseled.

Veterans counseled/veteran applicants=6 percent.

(ii) A minimum of 1.5 percent of all veteran applicants shall be referred to in training.

Veterans referred to training/veteran applicants=1.5 percent.

(iii) A minimum of (individual State values) percent of all veteran applicants shall be provided job development.

Veteran applicant job development contacts/veteran applicants=(see list below for State values).

(iv) A minimum of (individual State values) percent of all veteran applicants shall be placed in jobs.

Veteran applicants placed/veteran applicants=(see list below for State values).

(v) A minimum of (individual State values) percent of all veteran applicants shall be inactivated with some reportable service.

Veteran applicants inactivated with some service/veteran applicants=(see list below for State values).

	(iii) Job development	(iv) Placed	(v) Inactivated with some reportable service
	Percent	*Percent*	*Percent*
Region I (Boston):			
Connecticut	10	14	35
Maine	13	24	45
Massachusetts	6	19	47
New Hampshire	2	24	39
Rhode Island	13	24	47
Vermont	1	24	53
Region II (New York):			
New Jersey	11	22	45
New York	6	22	33
Puerto Rico	1	23	60
Virgin Islands	.....	.....	.....
Region III (Philadelphia):			
Delaware	5	14	37
District of Columbia	13	24	45
Maryland	7	20	44
Pennsylvania	8	19	39
Virginia	7	22	50
West Virginia	1	23	40
Region IV (Atlanta):			
Alabama	6	24	53
Florida	10	24	60
Georgia	13	24	58
Kentucky	6	23	55
Mississippi	13	24	60
North Carolina	13	23	54
South Carolina	13	22	44
Tennessee	13	23	59
Region V (Chicago):			
Illinois	8	18	42
Indiana	1	19	42
Michigan	1	16	34
Minnesota	13	24	50
Ohio	2	18	39
Wisconsin	11	24	43
Region VI (Dallas):			
Arkansas	13	24	60
Louisiana	7	24	58
New Mexico	1	24	60
Oklahoma	11	24	60
Texas	9	24	60
Region VII (Kansas City):			
Iowa	13	24	51
Kansas	13	24	55
Missouri	9	24	49
Nebraska	13	24	60
Region VIII (Denver):			
Colorado	5	24	42
Montana	8	24	60
North Dakota	13	24	60
South Dakota	13	24	60
Utah	9	24	52
Wyoming	1	24	60
Region IX (San Francisco):			
Arizona	1	24	59
California	3	23	51
Guam	.....	.....	.....
Hawaii	1	24	57
Nevada	7	23	44
Region X (Seattle):			
Alaska	13	24	44
Idaho	3	24	58
Oregon	1	24	46
Washington	1	24	43

(2) Only after a State agency meets three of its five expected levels of accomplishment—one of which must be the floor level for placement—shall the veterans' indicators be applied.

(d) The ETA shall compare the level of State agency services for veterans versus that for nonveterans by examining rates of service rather than the numbers of persons served to compensate for the differing sizes of comparison groups and to avoid the difficulties associated with establishing absolute numbers under varying conditions, time periods and locations. In addition, the two groups, veterans and

nonveterans, shall be compared after adjustments for demographic and other appropriate characteristics to make them as comparable as possible within the limitations of available data systems.

(e) ETA shall establish numerical values for the veterans preference indicators of compliance for each Federal fiscal year for:

(1) Veterans versus nonveterans;

(2) Veterans of the Vietnam era versus nonveterans; and

(3) Disabled veterans versus nonveterans.

(f) Veterans preference indicators of compliance for service to all veterans shall be stated as follows:

(1) The ratio of veteran applicants counseled to the total number of veteran applicants shall exceed the ratio of nonveteran applicants counseled to the total number of nonveteran aplicants by at least 25 percent.

Veterans' counseled/veteran applicants÷nonveterans counseled/nonveteran applicants−1.00=25 percent.

(2) The ratio of veteran applicants referred to training to the total number of veteran applicants shall exceed the ratio of nonveteran applicants referred to training to the total number of nonveteran applicants by at least 20 percent.

Veterans referred to training/veteran applicants÷nonveterans referred to training/nonveterans applicants−1.00=20 percent.

(3) The ratio of job development contacts made for veterans to the total number of veteran applicants shall exceed the ratio of job development contacts made for nonveterans to the total number of nonveteran applicants by at least 50 percent.

Job development contacts for veterans/veteran applicants÷job development contacts for nonveterans/nonveteran applicants−1.00=50 percent.

(4) The ratio of veteran applicants placed in jobs to the total number of veteran applicants shall exceed the ratio of nonveteran applicants placed in jobs to the total number of nonveteran applicants by at least 10 percent.

Veteran placed/veteran applicants÷nonveterans placed/nonveteran applicants−1.00=10 percent.

(5) The ratio of veteran applicants inactivated with some service to the total number of veteran applicants shall be more than the ratio of nonveteran applicants inactivated with some service to the total number of nonveteran applicants by at least 15 percent.

Veterans inactivated with some service/veteran applicants÷nonveterans inactivated with some service/nonveteran applicants−1.00=15 percent.

(g) Veterans preference indicators of compliance for service to veterans of the Vietnam era are as follows:

(1) The ratio of Vietnam-era veteran applicants counseled to the total number of Vietnam-era applicants shall exceed the ratio of nonveteran applicants counseled to the total number of nonveteran applicants by at least 35 percent.

Vietnam-era veterans counseled/Vietnam-era veteran applicants÷nonveterans counseled/nonveteran applicants−1.00=35 percent.

(2) The ratio of Vietnam-era veteran applicants referred to training to the total number of Vietnam-era veteran applicants shall exceed the ratio of nonveteran applicants referred to training to the total number of nonveteran applicants by at least 30 percent.

Vietnam-era veterans referred to training/Vietnam-era veteran applicants÷nonveterans referred to training/nonveteran applicants−1.00=30 percent.

(3) The ratio of job development contacts made for Vietnam-era veterans to the total number of Vietnam-era veteran applicants shall exceed the ratio of job development contacts made for nonveterans to the total number of nonveteran applicants by at least 60 percent.

Job development contacts for Vietnam-era veterans/Vietnam-era veteran applicants÷job development contacts for nonveterans/nonveteran applicants−1.00=60 percent.

(4) The ratio of Vietnam-era veteran applicants placed in jobs to the total number of Vietnam-era veteran applicants shall exceed the ratio of nonveteran applicants placed in jobs to the total number of nonveteran applicants by at least 15 percent.

Vietnam-era veterans placed/Vietnam-era veteran applicants÷nonveterans placed/nonveteran applicants−1.00=15 percent.

(5) The ratio of Vietnam-era veteran applicants inactivated with some service to the total number of Vietnam-era veteran applicants shall be more than the ratio of nonveteran applicants inactivated with some service to the total number of nonveteran applicants by at least 20 percent.

Vietnam-era veterans inactivated with some service/Vietnam-era veteran applicants÷nonveterans inactivated with some service/nonveteran applicants−1.00=20 percent.

(h) Veterans preference indicators of compliance for service to disabled veterans are as follows:

(1) The ratio of disabled veteran applicants counseled to the total number of disabled veteran applicants shall exceed the ratio of nonveteran applicants counseled to the total number of nonveteran applicants by at least 100 percent.

Disabled veterans counseled/disabled veteran applicants÷nonveterans counseled/nonveteran applicants−1.00=100 percent.

(2) The ratio of disabled veteran applicants referred to training to the total number of disabled veteran applicants shall exceed the ratio of nonveteran applicants referred to training to the total number of nonveteran applicants by at least 40 percent.

Disabled veterans referred to training/disabled veteran applicants÷nonveterans referred to training/nonveteran applicants−1.00=40 percent.

(3) The ratio of job development made for disabled veterans to the total number of disabled veteran applicants shall exceed the ratio of job development contacts made for nonveterans to the total number of nonveteran applicants by at least 75 percent.

Job development contacts for disabled veterans/disabled veteran applicants÷job development nonveterans/nonveteran applicants−1.00=75 percent.

(4) The ratio of disabled veteran applicants placed in jobs to the total number of disabled veteran applicants shall exceed the ratio of nonveteran applicants placed in jobs to the total number of nonveteran applicants by at least 20 percent.

Disabled veterans placed/disabled veteran applicants÷nonveterans placed/nonveteran applicants−1.00=20 percent.

(5) The ratio of disabled veteran applicants inactivated with some service to the total number of disabled veteran applicants shall exceed the ratio of nonveterans inactivated with some service to the total number of nonveteran applicants by at least 25 percent.

Disabled veterans inactivated with some service/disabled veteran applicants÷nonveterans inactivated with some service/nonveteran applicants−1.00=25 percent.

(i) The veterans preference indicator of compliance for State agency action under the mandatory job listing requirements of 38 U.S.C. 2012 shall be: The ratio of the total number of recently separated veterans of the Vietnam era and special disabled veterans placed in job openings listed pursuant to the Federal Contractor Job Listing Program to total number of individuals placed in those job openings shall exceed 7 percent.

(j) Following analysis of the past fiscal year's accomplishments, the numerical value for each of the veterans preference compliance indicators for the next fiscal year will be published in the FEDERAL REGISTER as amend-

ments to paragraphs (f)-(i) of this section.

(k)(1) State agency performance under this subpart shall be reviewed on a quarterly basis by the ETA regional offices during the conduct of regular operational planning and review system (OPRS) reviews. In addition, State agency performance under this subpart shall be formally reviewed by the ETA national office on an annual basis using the floor levels of accomplishment and the veterans preference indicators of compliance. The full results of these reviews shall be incorporated into the Secretary's annual report to the Congress. In order to meet the indicators of compliance, a State agency must:

(i) Meet the placement and any two of the remaining four floor levels of accomplishment at paragraph (c) of this section; and

(ii) Meet 10 of the 19 veterans preference indicators of compliance at paragraphs (f)-(i) of this section, giving each of the three placement indicators double weight.

(2) ETA shall consider failure to meet either of these conditions as evidence that the state agency is not complying with the performance standards at § 653.221-226. Such State agencies shall be required to provide documentary evidence to the ETA that their failure is based on good cause. If good cause is not shown, the ETA, pursuant to subpart H of part 658 of this chapter, shall formally designate the State agency as out of compliance, shall require it to submit a corrective action plan for the following Federal fiscal year, and may take other action against the State agency pursuant to subpart H of part 658 of this chapter.

(3) Even though a State agency veterans' services statistics, including the floor levels of accomplishment and the veterans preference indicators of compliance, indicate adequate services to veterans, the ETA may take corrective action against a State agency pursuant to subpart H of part 658 of this chapter if other information comes to the attention of the ETA which indicates that a State agency is not complying with the requirements of this subpart.

Signed at Washington, D.C. this 19th of October, 1978.

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

[FR Doc. 78-30471 Filed 10-26-78; 8:45 am]

federal register

FRIDAY, OCTOBER 27, 1978
PART VI

DEPARTMENT OF ENERGY

Economic Regulatory Administration

MANDATORY PETROLEUM PRICE REGULATIONS

Amendment to Allow Refiners To Allocate Increased Cost to Gasoline on a Greater Than Pro Rata Volumetric Basis

[3128-01-M]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION [1]

[Docket No. ERA-R-77-3]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Amendment To Allow Refiners To Allocate Increased Costs to Gasoline on a Greater Than Pro Rata Volumetric Basis

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby adopts amendments to the mandatory petroleum price regulations which will permit refiners to allocate increased costs to gasoline on a greater than pro rata volumetric basis. These amendments are being issued as an interim measure, pending decontrol of gasoline, to reform certain aspects of the current regulatory framework which could prohibit full pass through to gasoline of actual increased costs associated with gasoline, to promote investment in new facilities for the production of gasoline, especially unleaded gasoline, and to facilitate the transition of gasoline from a controlled to a decontrolled environment. In addition to issuing these amendments, ERA is requesting comments on whether the present regulations and the amendments adopted provide sufficient incentive for refinery investment.

DATES: Effective December 1, 1978. Written comments by February 15, 1979, 4:30 p.m.

ADDRESS: All comments to Office of Public Hearings Management, Economic Regulatory Administration, Room 2313, Docket No. ERA-R-77-3, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, 2000 M Street NW., Room B110, Washington, D.C. 20461, 202-634-2170;

Chuck Boehl (Office of Regulations and Emergency Planning), Economic Regulatory Administration, 2000 M Street NW., Room 2304, Washington, D.C. 20461, 202-264-7200;

Ben McRae (Office of General Counsel), Department of Energy, 12th and Pennsylvania Avenue NW., Room 5134, Washington, D.C. 20461, 202-566-9565.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Amendments adopted.
III. Additional comments requested.
IV. Other matters.

I. Background

The pricing regulations applicable to refiners generally provide that the maximum allowable price for a product is the sum of the weighted average price at which the product was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus allowable increased costs incurred between the month of measurement and the month of May 1973. The regulations specify the method of calculation of such increased costs, both product and nonproduct, and the method of their allocation to the prices of all products (or product categories) in a refiner's product mix.

Under the regulations, a refiner's total increased costs of crude oil and increased nonproduct costs are allocated among gasoline and other products based on the relative volumes of such products refined from crude oil in the month of measurement. However, because of the relatively more sophisticated refining processes necessary to produce gasoline, the portions of increased crude oil and nonproduct costs associated with refining gasoline are for most refiners actually greater than the percentage of a refiner's volumetric output of gasoline. In order to increase the yield of gasoline, refiners may purchase and refine higher-priced light gravity crude oil, thereby incurring higher increased product costs that are not attributable to products other than gasoline. Moreover, refining nonproduct costs and the cost of facilities for production of gasoline, particularly unleaded gasoline, are generally higher than for production of other heavier products. Indeed, in order to meet the lead phasedown and other Clean Air Act requirements with respect to the gasoline pool needed to satisfy gasoline demand, refiners are incurring substantial increased costs. For example, increased severity of reforming and use of new catalysts to improve octane required to produce unleaded gasoline adds substantially to refiner costs.

Prior to the decontrol of residual fuel oil on June 1, 1976 (41 FR 13896, April 1, 1976), of middle distillates on July 1, 1976 (41 FR 24516, June 16, 1976), and of naphtha, gas oil, lubricants and certain other products on September 1, 1976 (41 FR 30096, July 22, 1976), the regulations permitted the reallocation to gasoline of increased costs initially allocated to these other controlled products but not recovered in the prices charged for these products. The ability to reallocate increased costs from other controlled products to gasoline permitted prices that corresponded with the historical pattern of higher prices for gasoline relative to other petroleum products to reflect the generally higher costs of refining gasoline. Data obtained from the thirty largest refiners for the period March 1975 through May 1976, during which time all major refined products were controlled, indicate that refiners utilized the ability to reallocate costs from other products to gasoline to a significant degree. Present regulations continue to allow costs to be reallocated from other controlled products to gasoline, but since most products other than gasoline are now decontrolled, the opportunity to allocate more than a pro rata volumetric share of costs to gasoline is severely limited.

On February 11, 1977, the Federal Energy Administration (FEA) issued a notice of proposed rulemaking and public hearing (42 FR 9675, February 17, 1977) on changes in the refiner price regulations to provide the pricing flexibility refiners possessed prior to the earlier decontrol amendments by permitting the allocation of increased costs to gasoline on a greater than pro rata volumetric basis, so that market prices for refined products could remain in their traditional relationship which reflected the generally higher costs of refining gasoline. Four alternative amendments to the refiner price regulations to accomplish this result were proposed: The first would have permitted the reallocation to gasoline of the actual amounts of increased costs that would be allocated on a pro rata basis to exempt products but not recovered through sales of such products; the second would have permitted the allocation to gasoline of 110 percent of the amount of increased costs of crude oil that could be allocated to gasoline on a pro rata volumetric basis; the third would have permitted each refiner to reallocate to gasoline the same additional percentage of increased costs which that refiner reallocated to gasoline from other covered products during the base year May 1975 through April 1976; and the fourth proposed three alternative mechanisms to permit the allocation to gasoline of a more appropriate proportion of increased nonproduct costs. One of the options under the fourth alternative was use of a formula to allocate to gasoline a fraction of total increased nonproduct costs. Under the formula, the fraction would

[1] Editorial note: Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Economic Regulatory Administration of the Department of Energy.

be greater than the percentage of gasoline in a refiner's output and would vary for differing refinery yields of gasoline to allow a greater allocation for refiners with higher gasoline yields.

A public hearing was held on the proposal on March 24-25, 1977 in Washington, D.C. and written comments were received. The majority of the comments recommended that total refinery costs, rather than only product or only nonproduct costs, should be reallocated. However, most refiners were critical of the specific alernative proposals to reallocate total refinery costs. Refiners stated that implementation of the first alternative noted above would violate the spirit of deregulation, because refiners would be required to calculate the amounts of increased costs allocable on a pro rata basis to and recovered in the sales of exempted products as if these products were still subject to price controls. Refiners noted, moreover, that the first alternative would restrain prices of decontrolled products. Nearly all the refiners also argued that the third alternative would be inappropriate since the market conditions which led to refiners' reallocation decisions in 1975 would not be relevant in 1977 or thereafter.

Many refiners recommended the adoption of both alternatives two and four, so that they would have the opportunity to reallocate all refinery costs. Some refiners argued, moreover, that 115 percent of increased product costs determined on a pro rata volumetric basis, rather than 110 percent, should be reallocated to gasoline.

Prior to its expiration on September 30, 1977, FEA took no action on the proposal to allow the reallocation of increased costs to gasoline on a greater than pro rata volumetric basis. DOE (which, effective October 1, 1977, assumed the functions of FEA) has continued consideration of this proposal under section 705 of the Department of Energy Organization Act (Pub. L. 95-91).

II. Amendments Adopted

Because of the pro rata volumetric allocation provisions, we believe that the current price regulations prevent most refiners from recovering fully the actual increased costs attributable to the production of gasoline. Refiners that purchase more expensive higher yield crude oils in order to increase their yield of gasoline and refiners that have invested in sophisticated production facilities to increase the yield and octane of gasoline may be especially penalized. This situation could discourage gasoline production and investment in new gasoline production facilities, especially those for unleaded gasoline. Moreover, since refiners are able to recover some of the increased costs actually attributable to the production of gasoline only in the prices they charge for exempt products, consumers of those other products, including home heating oil and fuel oil for electric utilities, may have to bear the burden of some of the increased costs of gasoline. Therefore, we are hereby amending the refiner price regulations to allow the allocation to gasoline of increased costs on a greater than pro rata volumetric basis. We have evaluated the alternative proposed amendments in light of the comments received and current conditions and have determined to adopt the second and fourth alternatives proposed by FEA on February 11, 1977.

The amendments adopted today will permit a refiner to allocate to gasoline as much as 110 percent of the amount of increased crude oil costs attributable to gasoline on a pro rata volumetric basis, which are determined by multiplying the refiner's total increased crude oil costs by the ratio of the volume of gasoline refined to the total volume of all products refined.

In addition, the amendments will permit a refiner to allocate to gasoline increased nonproduct costs on a greater than pro rata volumetric basis up to an amount determined in accordance with the following formula:

$$\text{Maximum fraction allocable to gasoline} = 1-\left(1-\frac{\text{Volume of gasoline refined}}{\text{Volume of all products refined}}\right)^2$$

The following are examples of fractions of increased nonproduct costs which may be allocated to gasoline under this formula:

Ratio of volume of gasoline to total volume of all products	Fraction of total increased nonproduct costs which may be allocated to gasoline
0	0
10	19
20	36
30	.51
40	64
.50	75
60	.84
70	.91
1 00	1.00

The amendments will grant refiners more flexibility to allocate to gasoline those increased costs actually attributable to the production of gasoline.

To the extent that increased crude oil and nonproduct costs allocated to gasoline under these amendments are not recovered in the current month, they may be banked for future recovery as provided in the pricing regulations.

III. Additional Comments Requested

Although we believe that these amendments will assign increased crude oil and nonproduct costs to gasoline in a manner more closely reflecting the actual relative costs of refining gasoline, this rulemaking will be continued for the purpose of receiving additional comments on these amendments and the need, if any, for further changes in the regulations to promote investment by refiners in production facitities, especially those for unleaded gasoline.

We specifically request comments on whether refiners' May 15, 1973 unit profit margins, which arguably have been eroded by inflation, are currently insufficient to generate capital to modernize or expand refineries. We are particularly interested in factual data that would support regulatory changes in this area, and examples of any investments that were planned but have not been implemented because of the present regulatory limitations. We also request comments on whether the regulations should be amended to provide specific rules for the treatment of investments made with internally generated or borrowed funds and whether, in light of the amendments adopted today, there in any continuing need to amend the regulations to provide for the recovery of a fair rate of return on refinery investment. Comments supporting amendments to allow recovery of a rate of return should address the manner in which the regulations should so provide.

Comments will be received until February 15, 1979. You should submit 15 copies of your comments to the Office of Public Hearings Management, Economic Regulatory Administration, Room 2313, Docket No. ERA-R-773, 2000 M Street NW., Washington, D.C.

20461. All comments received by DOE will be available for public inspection in the DOE Reading Room, Room GA-152, James Forrestal Building, 1000 Independence Avenue SW., between the hours of 8 a.m., and 4:30 p.m., Monday through Friday.

Any information or data considered by you to be confidential must be so identified and submitted in writing, one copy only, in accordance with the procedures set forth in 10 CFR 204.9 (f). Any material not accompanied by a statement of confidentiality will be considered to be nonconfidential. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination. While we anticipate that we will proceed with the decontrol of gasoline prices in the near future, thus making further changes in the refiner price regulations relating to gasoline unnecessary for the immediate future, we nevertheless will consider comments received in connection with our continuing consideration of the proposed standby product price and allocation regulations (43 FR 29565, July 10, 1978) that would be used in the event of a major crude oil or product supply interruption.

IV. Other Matters

In adopting this rule, we have considered, in accordance with Executive Order 12044, the economic impact of our action. We have prepared a regulatory analysis of this amendment. Copies may be obtained from the ERA, Office of Public Information, 2000 M Street NW., Room B-110, Washington, D.C., 20461, 202-634-2170.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185; Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, part 212 of chapter II of title 10 of the Code of Federal Regulations is amended as set forth below, effective December 1, 1978.

Issued in Washington, D.C., October 22, 1978.

David J. Bardin,
Administrator, Economic Regulatory Administration.

1. Section 212.83(c)(2)(iii)(C) is amended in the definition of "A_i" to read as follows:

§ 212.83 Price rule.

* * * * *

(c) *Allocation of increased costs.* * * *

(2) *Formulae.* * * *

(iii) *Definitions.* * * *

(C) *The "A" factor.*

$$A_i = A_i^t + A_i^s + A_i^r$$

"A_i" is, for i=1, i=2, i=3, and i=4, the sum of the increased costs of crude oil attributable to the specific covered product or products of the type "i" purchased or landed on or after January 1, 1976 and prior to or during the period "s" and not recovered in sales of that product through the period "t" and the increased costs of crude oil attributable to the specific covered product or products of the type "i" purchased or landed on or after January 1, 1976 in the period "t." "A_i" also includes the increased costs of crude oil and purchased products attributable to the covered product or products of the type "i" incurred through December 31, 1975 and not passed through as of January 31, 1976, and not recovered in sales of that product through the period "t". Notwithstanding the foregoing provisions of this paragraph, for the product i=3, "A_i" shall be at least 100% (one hundred percent) of "A_i^t", plus the sum of "A_i^s" and "A_i^r"; but may, at the option of the refiner concerned, be up to 110% (one hundred ten percent) of "A_i^t", plus the sum of "A_i^s" and "A_i^r".

2. Section 212.83(c)(2)(iii)(E) is amended by amending paragraph (II) of the definition of "N_i^t" and adding a new paragraph (III) to the definition of "N_i^t" to read as follows:

§ 212.83 Price rule.

* * * * *

(e) *Allocation of increased costs.* * * *

(2) *Formulae.* * * *

(iii) *Definitions.* * * *

(E) *The "N" factor.* * * *

(II) Beginning not later than March 1, 1977 or, at the option of each refiner, beginning as of any month price thereto but not before June 1, 1976, and until December 1, 1978 but not thereafter:

$$N_i^t = E^t \left(\frac{R_i^t}{R^t} \right) + F_i^t$$

(III) Beginning December 1, 1978:

(aa) For i=3:

$$N_i^t = E^t(U_i^t) + F_i^t$$

(bb) For i=1, i=2, and i=4:

$$N_i^t = E^t(1-U_i^t)\left(\frac{R_i^t}{R^t - R_{i=3}^t} \right) + F_i^t$$

* * * * *

3. Section 212.83(c)(2)(iii)(E) is amended by inserting a new definition of "$R_i=3^t$" and a new definition of "U_i^t" between the definition of "R^t" and the definition of "E_n^t" to read as follows:

§ 212.83 Price rule.

* * * * *

(c) *Allocation of increased costs.* * * *

(2) *Formulae.* * * *

(iii) *Definitions.* * * *

(E) *The "N" factor.* * * *

$R_i=3^t$=The total volume of gasoline (i=3) refined by the refiner from crude oil (including unfinished oils which were covered products as of May 31, 1976 and synthetic fuels), and including volumes attributable to additives, in the period "t".

U_i^t=The fraction of the total increased nonproduct costs (excluding marketing cost increase) allocated to gasoline by the refiner in the period "t". "U_i^t" shall be no less than

$$\left(\frac{R_{i=3}^t}{R^t} \right)$$

$$1-\left(1-\frac{R_{i=3}^t}{R^t}\right)^2$$

* * * * *

[FR Doc. 78-30427 Filed 10-25-78; 10:31 am]

federal register

FRIDAY, OCTOBER 27, 1978
PART VII

DEPARTMENT OF INTERIOR

Bureau of Reclamation

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FLOODPLAINS AND WETLANDS PROTECTION

PREVIOUSLY PUBLISHED DOCUMENTS

Listed below are other documents on implementation of Executive Orders 11988 and 11990 previously published in the FEDERAL REGISTER:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.
Interior Department, Bureau of Land Management	Sept. 28	44798
Commerce Department, Office of the Secretary	Sept. 29	45284
Transportation Department, Office of the Secretary	Sept. 29	45285
Nuclear Regulatory Commission	Oct. 6	46499
Interior Department, Heritage Conservation and Recreation Service	Oct. 13	47449
Small Business Administration	Oct. 20	49237

[4310-09-M]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

FLOOD PLAINS AND WETLANDS EXECUTIVE ORDERS

Notice of Draft Procedures

AGENCY: Bureau of Reclamation, Department of the Interior.

SUMMARY: The Bureau of Reclamation is making available for public review and comment the procedures it will use to implement Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands. The Bureau will consider comments from the public and other governmental agencies when finalizing its procedures.

DATE: Comments must be received on or before November 27, 1978.

ADDRESS: All comments should be sent to the Bureau of Reclamation, Director, Planning Policy Staff, 18th and C Streets NW., Washington, D.C. 20240. Comments will be available for public review in room 7453 at the above address from 7:45 a.m. to 4:15 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Mr. James D. Ellingboe, 202-343-4787.

SUPPLEMENTARY INFORMATION: The U.S. Water Resources Council's Floodplain Management Guidelines for Implementing Executive Order 11988 (43 FR 6063, February 10, 1978) provides basic implementation guidelines. The Department of the Interior's draft procedures incorporate the Water Resources Council's guidelines and make them specific to the various programs of the Bureau of Reclamation.

BUREAU OF RECLAMATION COMPLIANCE WITH EXECUTIVE ORDERS 11988 (FLOODPLAIN MANAGEMENT) AND 11990 (PROTECTION OF WETLANDS)

This notice provides the Bureau of Reclamation's proposed procedures to implement Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands) hereinafter referred to as Orders. Both Orders required all Federal agencies to review their activities, procedures, and rules and regulations. These procedures are in accordance with the Water Resources Council Floodplain Management Guidelines (43 FR 6030) and the Department of the Interior's Interim Guidelines (43 FR 112—June 9, 1978). The Orders pertain to the planning, design, construction, operation, and maintenance programs and the small projects and distribution system loan programs of the Bureau of Reclamation.

The proposed procedures to implement the Orders are applicable to all Bureau of Reclamation actions. The basic objective of the Reclamation program is the development and conservation of water and related land resources. In accomplishing this objective, the Bureau assists the States, local governments, and other Federal agencies to stabilize and stimulate regional and local economics, enhance and protect the environment, and improve the quality of life in the 17 contiguous Western States and Hawaii. Under the Reclamation program procedures and guidelines, all actions that are undertaken are in accordance with but not limited to the previously mentioned Orders and Guidelines and the following:

A. Unified National Program for Floodplain Management, Water Resources Council, 1976
B. Executive Order 11514, Protection and Enhancement of Environmental Quality
C. Office of Management and Budget OMB Circular A-95.

Policy. The Bureau of Reclamation has a general mandate and broad responsibility for development, management and protection of the water and related land resources of the 17 Western States and Hawaii, their streams, wetlands, and floodplains. The policy of the Bureau of Reclamation is to exercise leadership and take action to avoid the adverse impacts associated with occupancy and modification of floodplains and wetlands and to avoid direct and indirect support of development wherever there is a practicable alternative. It is also the Bureau of Reclamation's policy to reduce the risk of flood loss; minimize the impact of floods on human health, safety, and welfare to the extent possible, and protect wetlands consistent with the Bureau's given authorities and missions.

A. To the extent practical the Bureau of Reclamation will integrate floodplain management and wetland protection requirements into its programs and will utilize existing consultation, planning, and decision processes. All Bureau of Reclamation offices will systematically review pertinent rules, regulations, and procedures to implement the requirements of the executive order insuring provisions to update procedures as necessary.

B. The Water Resources Council Guidelines for implementing the Floodplain Order are the basic guidance for interpretation of that Order and conduct of the floodplain management planning and decision process. Where deviation from the Water Resources Council guidelines is deemed necessary, concurrence with the Commissioner's office, Bureau of Reclamation, will be necessary.

The Bureau of Reclamation will adhere to the methods, standards, and definitions of terms as set forth in the Water Resources Council guidelines and incorporate them into the multiobjective planning guidelines as discussed in the Principles and Standards.

The existing Bureau of Reclamation legislative review process will be utilized in uncovering new opportunities for incorporation of floodplain management concepts into Bureau programs.

C. The definition of wetlands as contained in the Water Resources Council guidelines addresses natural conditions such as swamps, marshes, bogs, and similar areas; however, they could be interpreted to include canals, seeps, reservoirs, drains and other conditions resulting from features of water control projects.

D. The Bureau of Reclamation:

(1) Will continue to utilize technical consultation with the Water Resources Council, Council on Environmental Quality, Federal Insurance Administration, Fish and Wildlife Service, Corps of Engineers, and other institutions with expertise in the natural and beneficial values of floodplains and wetlands, through existing planning procedures.

(2) Will review its programs for applicability of the Orders and apply the Orders to their respective areas of responsibilities as discussed below. This list is not intended to be all inclusive.

(a) Planning and designing new project facilities;

(b) Modifying existing Bureau of Reclamation project facilities or in constructing new ones;

(c) Acquiring, managing, and disposing of Federal lands for project facilities;

(d) Carrying out and influencing programs involving land use and water planning and development; and

(e) Administer construction and rehabilitation programs supported or assisted by Federal grants, loans, or other forms of financial assistance.

(3) Will furnish with all requests for new authorizations or appropriations (for proposals to be located in floodplains and wetlands) a statement that the proposal is in accord with the Orders.

(4) Will be responsible for assuring compliance with the public information and other procedural requirements of the Orders.

(5) Will be responsible for all activities and compliance under the Orders including preparation of the statement of findings.

(6) Will utilize existing procedures so that documentation and specific analysis of actions and examples of re-

sponses to the Orders will be available for future reports to the Water Resources Council. In the evaluation of the potential effects of any actions we may take in a floodplain or wetland, the Bureau will consider the factors discussed in detail in Part II of the Water Resources Council guidelines.

Reporting requirements. If there is no practicable alternative to locating an action in the floodplain or wetlands, a report of this finding will be made using existing planning and National Environmental Policy Act of 1969 procedures. An early public review of plans is required whenever an action is proposed. This public review should be accomplished under the existing Bureau of Reclamation reporting procedures. The following information is required by Executive Order 11988 and shall be included in existing reporting requirements, as appropriate, for general investigation studies, projects in design and construction stages, studies under special authorities, and activities under the operations and maintenance program; and apply to both floodplains and wetlands:

A. If there is no practicable alternative to locating an action in a floodplain or wetland, a public notice shall be prepared and circulated to the general public and affected agencies. The notice shall include the following:

(1) A description of why the action must be located in a floodplain or wetland;

(2) a description of significant facts considered in making the determination to locate in a floodplain or wetland, including alternative sites and actions considered and any tradeoffs that were made; and

(3) a statement indicating whether the proposal conforms to applicable State or local floodplain or wetland protection standards. The public notice issued upon completion of a study action, review of an environmental statement for a proposed action, or its equivalent will serve as the means to satisfy these requirements of the Order.

B. If the notice is not provided by another process, a separate notice, not to exceed three pages in length, including a location map, will be provided to State and areawide A-95 Clearinghouse for the geographic area affected, when an action is to be located in a floodplain or wetland.

C. New authorizations for construction starts transmitted to the Office of Management and Budget shall provide information on whether a proposed action will be located in a floodplain or wetland. If the proposed action is located in a floodplain or wetland the transmittal to the Office of Management and Budget shall provide information on compliance with the Orders. Support documents shall include statements on whether the action affects the natural and beneficial values of a floodplain or wetland; steps taken to minimize potential harm to or within a floodplain or wetland caused by the action; and steps taken to restore and preserve the natural and beneficial floodplain or wetland values.

Public involvement. To insure that adequate information and opportunities are provided early in the decisionmaking process to allow the public to participate effectively in floodplain or wetland management decisions, a public involvement program shall:

(1) Include as broad an audience as appropriate;

(2) Provide continuous interaction and involvement opportunities for the public during the decisionmaking process;

(3) Provide information which promotes the fullest understanding of the proposed action; and

(4) Provide timely opportunities for all segments of the public to affect an action or plan before alternative actions have been precluded. The public in the affected area shall be advised early, through the public participation process, whenever a proposed plan will result in action in the base floodplain or wetland. In addition to existing Water Resources Council and National Environmental Policy Act of 1969 public involvement processes, the Bureau of Reclamation will continue to use other public information methods such as news releases, newsletters, and public meetings to inform the interested public.

Applications to Bureau of Reclamation's program. The provisions of Executive Order 11990 shall be implemented not later than 90 days after the departmental guidelines are published or November 30, 1978, whichever comes first. The Orders do not apply to projects or programs for which draft or final environmental impact statements have been filed prior to October 1, 1977, nor to projects currently under construction nor for which construction funding was approved in the fiscal year 1979 program.

A. Planning studies. At the earliest stages of planning, the policy and procedures of these guidelines shall be incorporated in the multiobjective planning process to a scope and level appropriate for appraisal, feasibility, and definite plan studies. For those studies for which reports have been completed and forwarded to the Commissioner of Reclamation, supplemental information concerning implementation of the Executive Orders shall be provided.

B. Design and construction. Assistant Commissioner—Engineering and Research shall insure that projects in the design and construction stage comply with the intent and objectives of the orders as set forth in these guidelines.

C. Operation and maintenance activities. The policies and procedures of the guidelines are applicable to operation and maintenance activities of the Bureau of Reclamation. Regional Directors shall insure that projects operated and maintained within their jurisdiction comply with the policies and procedures set forth in these guidelines.

(1) When considering a request for the lease, rental, purchase, or any other short- or long-term use of Reclamation land by a non-Federal public or private entity, the potential effects on any floodplain or wetland area resulting from the proposed use of the land must be evaluated to determine if the proposal would or could encourage modification or development which could lead to human habitation or excessive degradation of the floodplain or wetland area.

(2) When proposing to convey right or title to Reclamation lands within a floodplain or wetland to a non-federal public on private entity, Reclamation shall:

(a) Reference in the conveying document those uses that are restricted under identified Federal, State, or local floodplain or wetland regulations; and

(b) Attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successors, except where prohibited by law; or

(c) Withhold such properties from conveyance;

(d) For recreation or other public use areas located in a floodplain or wetland, the Bureau of Reclamation shall mark on structures and other appropriate areas conspicuous delineation of past and probable flood heights.

Dated: October 25, 1978.

R. KEITH HIGGINSON,
Commissioner of Reclamation.

[FR Doc. 78-30609 Filed 10-26-78; 8:45 am]

federal register

FRIDAY, OCTOBER 27, 1978
PART VIII

DEPARTMENT OF THE TREASURY

Customs Service

NON-RUBBER FOOTWEAR FROM HONG KONG

Final Administrative Action Pursuant to Executive Order 11846

[4810-22-M]

[T. D. 78-409]

DEPARTMENT OF THE TREASURY

Customs Service

NON-RUBBER FOOTWEAR FROM HONG KONG

Administrative Action Pursuant to E.O. 11846

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

ACTION: Final administrative action pursuant to Executive Order 11846.

SUMMARY: This notice is to advise the public that the U.S. Government will accept entry of nonrubber footwear from Hong Kong only where accompanied by valid certification of Hong Kong origin. The Government of Hong Kong is establishing a certification system for verifying the Hong Kong origin of nonrubber footwear exports to the United States. Consultations between the Governments of Hong Kong and the United States have resulted in these administrative actions to be undertaken by both Governments. These actions impose no quantitative limitations on such imports. The purpose of these actions is to prevent disruption of the effectiveness of recently negotiated nonrubber footwear orderly marketing agreements between the United States and the Republics of China and Korea.

EFFECTIVE DATE: November 27, 1978.

FOR FURTHER INFORMATION CONTACT:

David Ramsay, Special Operations Branch, Duty Assessment Division, Office of Operations, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-2957.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Subsequent to the negotiation of orderly marketing agreements concluded with the Republics of China and Korea in June of 1977, relating to imports of nonrubber footwear from those countries, imports of such footwear from Hong Kong increased sharply. In order to insure the effectiveness of the aforementioned agreements, consultations were undertaken between the United States and Hong Kong.

As a result of these consultations, certain administrative actions are to be taken by each country regarding such specified nonrubber footwear. The Government of Hong Kong is establishing a certification system for verifying the Hong Kong origin of nonrubber footwear exports to the United States. The United States will accept entry of specified nonrubber footwear from Hong Kong only where such footwear are accompanied by a valid certificate of Hong Kong origin and when such products meet all other U.S. entry requirements. No quantitative limitations are being imposed as part of this administrative action.

Pursuant to the authority of section 203 (g)(2) of the Trade Act of 1974 (19 U.S.C. 2253(g)(2)), section 5(b) of Executive Order 11846 (dated March 27, 1975) and section (3) of Presidential Proclamation 4510 (dated June 22, 1977), the U.S. Customs Service has been directed to implement the above-described administrative action. A copy of the directive from the special representative for trade negotiations is appended.

Because this rulemaking implements agency action as authorized by statute (section 203(g)(2)), and Executive Order (E.O. 11846), and requires no public initiative, notice and public procedure thereon is found to be impracticable and unnecessary.

DRAFTING INFORMATION

The principal author of this document was Michael Lublinski, Office of the Chief Counsel, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in its development.

ACTION

Entries of nonrubber footwear, as designated in annex A (appended), which are exported from Hong Kong on or after November 27, 1978, may not be entered, or withdrawn from warehouse for consumption into the United States unless accompanied by a valid certificate of Hong Kong origin, issued by the appropriate Hong Kong authorities, as designated in annex B (appended). The statement "* * * made in Hong Kong," which appears on the certificate of Hong Kong origin, means that the certifying official in Hong Kong is satisfied that the requirements of the Government of Hong Kong have been met.

A valid certificate of Hong Kong origin will consist of the original copy, properly signed and certified in any one of seven formats, as designated in annex C (appended). It is noted, however, that the aforementioned certificates (printed in black) should not be confused with a similar certificate of "Hong Kong Origin-Processing" (printed in blue), which certificate is not acceptable as to this administrative action.

Excepted from the provisions of this notice are footwear having an aggregate value of not over $100 in any shipment imported for the personal use of an importer, and footwear manufactured in Hong Kong which are exported, either directly or indirectly, to the United States, prior to November 27, 1978, and entered or withdrawn from warehouse for consumption into the United States before February 1, 1979.

Importers whose shipments of nonrubber footwear are denied entry because they are not accompanied by a valid certificate of Hong Kong origin, and which otherwise are believed to qualify for entry under the certification criteria established by the Government of Hong Kong, may request valid certification to be supplied by the manufacturer/exporter in Hong Kong.

Subject to subsequent modification or termination, this administrative action shall be in effect until June 30, 1981. There is appended a copy of the draft letters exchanged between the Governments of the United States and Hong Kong embodying descriptions and understandings with respect to administrative actions to be taken by each Government regarding nonrubber footwear.

AUTHORITY

This action is undertaken pursuant to the authority vested in the Secretary of the Treasury, by section (3) of Presidential Proclamation 4510 (dated June 22, 1977), to issue rules and regulations governing the entry, or withdrawal from warehouse, for consumption in the United States of certain nonrubber footwear articles which are the product of countries not subject to the orderly marketing agreements now in effect on these products.

DONALD W. LEWIS,
Acting Commissioner of Customs.

Approved: October 25, 1978.

RICHARD J. DAVIS,
Assistant Secretary of the Treasury.

APPENDIX I

THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS
Washington, October 15, 1978.

Hon. W. MICHAEL BLUMENTHAL,
Secretary of the Treasury,
Washington, D.C.

DEAR SECRETARY BLUMENTHAL: Pursuant to Executive Order 11846 and Presidential Proclamation 4510 of June 24, 1977, the Secretary of the Treasury is authorized to issue regulations pursuant to section 203(g)(2) of the Trade Act 1974 (19 U.S.C. 2253(g)(2) governing entry or withdrawal from warehouse for consumption of certain nonrubber footwear articles which are the product of countries not subject to the orderly marketing agreements now in effect on those products.

This authority is to be exercised upon direction by the special representative for trade negotiations in consultation with representatives of member agencies of the Trade Policy Staff Committee.

As you know, it was decided by the interagency committee to initiate consultations with the Government of Hong Kong, as provided for in paragraph 4(b) of proclamation 4510. As a result of those consultations, the U.S. Government will accept entry of specified nonrubber footwear from Hong Kong only where such footwear are accompanied by a valid certificate of Hong Kong origin and when such products meet all other U.S. entry requirements. This action is to be implemented pursuant to 203(g)(2) of the Trade Act, which requires regulations to be issued by the Department of the Treasury.

Since these actions are to be implemented no later than November 15, 1978, the regulations should be published in the FEDERAL REGISTER no later than Monday, October 9, in order to give the public, the trade, and customs field offices sufficient notice.

Attached is a copy of an exchange of letters with the Government of Hong Kong setting forth the administrative actions to be taken by each Government. The Department of Commerce supplied technical information and assistance in preparing these administrative guidelines and can therefore be called upon, as provided in Executive Order 11846, to assist in the preparation of the required 203(g)(2) regulations.

Sincerely,

ROBERT S. STRAUSS

Secretary, JUANITA KREPS.
Commissioner, ROBERT CHASEN.

APPENDIX II

ANNEX A: PRODUCT COVERAGE

The following items from the Tariff Schedules of the United States Annotated (as revised Jan. 1, 1978) are covered by the United States administrative arrangements:

Footwear provided for in items 700.05 through 700.85 inclusive (except items 700.51, 700.52, 700.53, 700.54, 700.60, 700.75, and disposable footwear designed for one-time use provided for in item 700.85) of the Tariff Schedules of the United States (TSUS).

ANNEX B: ORGANIZATIONS APPROVED FOR THE ISSUE OF CERTIFICATES OF ORIGIN

(1) Trade Industry and Customs Department.

(2) Hongkong General Chamber of Commerce.

(3) Indian Chamber of Commerce, Hongkong.

(4) Chinese Manufacturers' Association of Hongkong.

(5) Federation of Hongkong Industries (2 formats).

(6) Chinese General Chamber of Commerce.

[4810-22-C]

EXPORTER (Full Name & Address) ANNEX C			Certificate No.
CONSIGNEE (If required)			GOVERNMENT OF HONG KONG CERTIFICATE OF HONG KONG ORIGIN
Carrier	Port of Loading	Date of Departure (on or about)	Country of Destination
Port of Discharge	Final Destination. If on Carriage		Factory Number

Mark(s) & Number(s)	Number and Type of Packages & Description of Goods	Quantity or Weight (in words and figures)	Brand Names or Labels (if any)

SPECIMEN

I hereby certify that the goods described above were made in Hong Kong.

DEPT. OF INDUSTRY & CUSTOMS

DATE OF ISSUE -2 X 78 HONG KONG

DIRECTOR OF TRADE INDUSTRY & CUSTOMS

~~for Director of Commerce and Industry~~

ORIGINAL

EXPORTER (Full Name & Address)	*Certificate No.*
CONSIGNEE (If required)	ISSUED BY THE HONG KONG GENERAL CHAMBER OF COMMERCE *Approved and designated as an issuing authority by the Hong Kong Government under the Customs Formalities Convention of 1923.* **CERTIFICATE OF HONG KONG ORIGIN**

Carrier	Port of Loading	Date of Departure	Country of Destination
Port of Discharge	Final Destination. If on Carriage	(on or about)	Factory Number

Mark(s) & Number(s)	Number and Type of Packages & Description of Goods	Quantity or Weight (in words and figures)	Brand Names or Labels (if any)

SPECIMEN

I hereby certify that the goods described above were made in Hong Kong.

FOR THE HONG KONG GENERAL CHAMBER OF COMMERCE

EXPORTER (Full Name & Address)

CONSIGNEE (If required)

Certificate No.

ISSUED BY

THE INDIAN CHAMBER OF COMMERCE HONG KONG

Approved and designated as an issuing authority by the Hong Kong Government under the Customs Formalities Convention of 1923

CERTIFICATE OF HONG KONG ORIGIN

ORIGINAL

Carrier	Port of Loading	Date of Departure	Country of Destination
Port of Discharge	Final Destination. If on Carriage	(on or about)	Factory Number

Mark(s) & Number(s)	Number and Type of Packages & Description of Goods	Quantity or Weight (in words and figures)	Brand Names or Labels (if any)

SPECIMEN

I hereby certify that the goods described above were made in Hong Kong.

THE INDIAN CHAMBER OF COMMERCE HONG KONG

FOR THE INDIAN CHAMBER OF COMMERCE HONG KONG

DATE

Secretary

EXPORTER (FULL NAME & ADDRESS)	CERTIFICATE NO. DATE OF ISSUE
CONSIGNEE (IF REQUIRED)	THE CHINESE MANUFACTURERS' ASSOCIATION OF HONG KONG Approved and designated as an issuing authority by the Hong Kong Government under the Customs Formalities Convention of 1923 CERTIFICATE OF HONG KONG ORIGIN

CARRIER	PORT OF LOADING	DATE OF DEPARTURE	COUNTRY OF DESTINATION
PORT OF DISCHARGE	FINAL DESTN. IF ON CARRIAGE	(on or about)	FACTORY NUMBER

MARK(S) & NUMBER(S)	NUMBER AND TYPE OF PACKAGES & DESCRIPTION OF GOODS	QUANTITY OR WEIGHT (in words and figures)	BRAND NAMES OR LABELS (if any)
	SPEC		

I HEREBY CERTIFY THAT THE GOODS DESCRIBED ABOVE WERE MADE IN HONG KONG.

.....

for President of
THE CHINESE MANUFACTURERS' ASSOCIATION OF HONG KONG

Certificate No.

FEDERATION OF HONG KONG INDUSTRIES

Approved and designated as an issuing authority by the Hong Kong Government under the Customs Formalities Convention of 1923

CERTIFICATE OF HONG KONG ORIGIN

ORIGINAL

CONSIGNEE (If required)

Carrier	Port of Loading	Date of Departure	Country of Destination
Port of Discharge	Final Destination. If on Carriage	(on or about)	Factory Number

Mark(s) & Number(s)	Number and Type of Packages & Description of Goods	Quantity or Weight (in words and figures)	Brand Names or Labels (if any)

SPECIMEN

I hereby certify that the goods described above were made in Hong Kong.

EXPORTER (Full Name & Address)

CONSIGNEE (If required)

ORIGINAL

FEDERATION OF HONG KONG INDUSTRIES

Approved and designated as an issuing authority by the Hong Kong Government under the Customs Formalities Convention of 1923

Date of issue

Carrier	Sea / Airport of Loading HONG KONG	Date of Departure (on or about)	Country of Destination
Port of Discharge	Final Destn. (If on Carriage)		

Mark(s) & Number(s)	Number and Type of Packages & Description of Goods	Quantity or Weight	Brand Names or Labels (if any)

SPECIMEN

I hereby certify that the goods described above were made in Hong Kong.

Director. **Federation of Hong Kong Industries**

EXPORTER (FULL NAME & ADDRESS)

CONSIGNEE (IF REQUIRED)

ORIGINAL

ISSUED BY

香港中華總商會

THE CHINESE GENERAL CHAMBER OF COMMERCE

HONG KONG

Approved and designated as an issuing authority by the Hong Kong Government under the Customs Formalities Convention of 1923.

CERTIFICATE NUMBER

CARRIER	FROM HONG KONG	DATE OF DEPARTURE (ON OR ABOUT)	COUNTRY OF DESTINATION
PORT OF DISCHARGE			

MARK(S) & NUMBER(S)	NUMBER & TYPE OF PACKAGES & DESCRIPTION OF GOODS	WEIGHT OR QUANTITY	BRAND NAMES OR LABELS
	SPECIMEN		

I HEREBY CERTIFY THAT THE GOODS DESCRIBED ABOVE WERE MADE IN HONG KONG.

FOR THE CHINESE GENERAL CHAMBER OF COMMERCE HONG KONG

[4810-22-M]

APPENDIX III

LETTERS ON ADMINISTRATION BY UNITED STATES AND HONG KONG CONCERNING CERTAIN NONRUBBER FOOTWEAR

The following letters have been exchanged between the Government of the United States and the Government of Hong Kong setting forth the respective administrative actions to be taken by each country with regard to certain specified nonrubber footwear and setting forth certain cooperative efforts to assure effective administration of each system. The U.S. action is being taken pursuant to section 203(g)(2) of the Trade Act (19 U.S.C. 2253(g)(2)) and Presidential Proclamation No. 4510, dated June 22, 1977.

Draft—Hong Kong Letter

DEAR ——:I attach a copy of an Order made on (date) under (instrument). The effect of this Order is to require all footwear exported from Hong Kong to be subject to licensing except for goods which are in transit.

2. Following consultations between representatives of the Government of Hong Kong and the Government of the United States in Hong Kong in August, and in Washington in September 1978,

having regard to the agreements which the Government of the United States has entered into with certain countries on trade in nonrubber footwear,

in view of the concern expressed by the Government of the United States regarding increased exports of such products from Hong Kong to the United States,

in view of the traditional role of Hong Kong as an entrepot,

in view of the need to distinguish between nonrubber footwear which meets the origin criteria of the Government of Hong Kong and other exports from Hong Kong of nonrubber footwear,

the Government of Hong Kong has decided to introduce by October 15, 1978, if possible, but not later than November 1, 1978, as a condition for the issue of a licence of export to the United States of the nonrubber footwear listed in Annex I of Hong Kong origin as defined in Annex II that exporters shall obtain a Certificate of Hong Kong Origin issued by the competent authorities in Hong Kong. These authorities are listed in Annex III.

3. The Certificate of Hong Kong Origin will be in the form set out in Annex IV. The words "Made in Hong Kong" which appear in the Certificate of Hong Kong Origin mean that all the manufacturing processes listed in Annex II have been carried out in Hong Kong and the officer authorized to sign the Certificate of Hong Kong Origin has satisfied himself to this effect.

4. It is the understanding of the Government of Hong Kong that the U.S. authorities will accept entry of all such products when accompanied by a valid Certificate of Hong Kong Origin issued by the competent authorities in Hong Kong as earlier discussed and as elaborated in your letter to the Government of Hong Kong of today's date and when other appropriate U.S. entry requirements are met. Procedures will be introduced where the facts allow, to provide for the issue or reissue of Certificates of Hong Kong Origin in cases where such certificates are lost or shipments are otherwise unaccompanied by valid Certificates of Hong Kong Origin.

5. It is the understanding of the Government of Hong Kong that nothing in these administrative arrangements shall preclude either government from exercising its GATT rights. Should either government contemplate exercising its GATT rights, it shall afford full opportunity to the other for prior consultation. In critical circumstances where delay would cause damage difficult to repair, GATT rights may be exercised provisionally without prior consultations on the condition that consultations shall be effected immediately after taking the action.

6. In any consultations, the Governments of the United States and Hong Kong shall seek mutually acceptable arrangements to meet the concerns of the United States.

7. Notwithstanding paragraph 5 above, the Government of Hong Kong will not demur should the Government of the United States, in order to maintain the effectiveness of its agreements with certain other countries, which would otherwise be disrupted, deny entry of imports from Hong Kong of the nonrubber footwear listed in annex I of your letter of today's date when such products are not accompanied by a valid Certificate of Hong Kong Origin.

8. It is the understanding of the Government of Hong Kong that either Government may request consultations to meet the concerns of either Government at any time on any matters arising from these arrangements.

9. The Government of Hong Kong understands that these arrangements will be reviewed by both Governments no later than 30 June 1979.

10. The Government of Hong Kong understands that these arrangements shall remain in force until 30 June 1981 unless earlier modified or terminated after consultations and without objection by either party, or unless terminated by either party on giving 60 days prior written notice to the other party.

11. This letter and your letter of today's date on behalf of the Government of the United States, shall constitute an understanding between the Governments of the United States and Hong Kong with regard to the administrative actions set forth in these letters.

12. Accept, Sir, the renewal of my highest consideration.

Yours sincerely,

Draft—United States Letter

DEAR ————: This is to acknowledge your letter of today's date detailing measures to be taken by the Government of Hong Kong with respect to certain nonrubber footwear, which reads as follows:

(Text of the Government of Hong Kong letter to be inserted)

The Government of the United States of America appreciates the decision by the Government of Hong Kong to take these administrative actions, to help assure that present agreements covering trade in nonrubber footwear between the Government of the United States of America and certain other governments, implemented pursuant to Presidential Proclamation 4510 on June 22, 1977, do not become ineffective. Further, the Government of the United States of America agrees that the understandings set forth in your letter of today's date correspond to the understandings of the Government of the United States of America with respect to the subjects contained therein.

In order to administer efficiently the above mentioned agreements, which account for a major part of U.S. imports of the articles covered by the agreements, the President has delegated to the Special Representative for Trade Negotiations the authority found in U.S. statutes, to initiate consultations with countries from which imports have increased and which may be threatening the effectiveness of the agreements and to take action under U.S. law to provide for the issuing of regulations affecting entry, or withdrawal from warehouse for consumption, of such articles (19 U.S.C. 2253(g)(2).

Accordingly and following consultation with the Government of Hong Kong, the Government of the United States of America will take the following administrative actions pursuant to U.S. statutes.

A. The United States authorities shall accept entry of nonrubber footwear products when accompanied by a valid certificate of Hong Kong origin issued by the competent authorities in Hong Kong, and when such products meet all other U.S. entry requirements.

B. The United States authorities may deny entry to imports of the nonrubber footwear listed in annex I of this letter when such products are not accompanied by a valid certificate of Hong Kong origin.

Such nonrubber footwear exported [1] from Hong Kong to the United States on or after November 15, 1978 will require a valid certificate of Hong Kong origin (in the form set out in annex IV of the letter of today's date of the Government of Hong Kong) in order to permit entry or withdrawal from warehouse for consumption in the United States.

Nonrubber footwear exported [1] From Hong Kong to the United States prior to November 15, 1978 will not be allowed entry or withdrawal from warehouse for consumption in the United States after January 31, 1979 without a valid certificate of Hong Kong origin.

C. These U.S. administrative actions will be in effect until June 30, 1981, unless earlier modified or terminated in accordance with the understanding recorded in this letter and your letter of today's date.

This letter and your letter of today's date quoted above constitutes an understanding between our two Governments with regard to the administrative actions set forth in these letters.

Accept, Sir, the renewal of my highest consideration.

Yours sincerely, ————

ANNEX I—PRODUCT COVERAGE

The following items from the Tariff Schedules of the United States Annotated (as revised January 1, 1978) are covered by the U.S. administrative arrangements:

Footwear provided for in items 700.05 through 700.85 inclusive (except items 700.51, 700.52, 700.53, 700.54, 700.60, 700.75, and disposable footwear designed for one-time use provided for in item 700.85) of the Tariff Schedules of the United States (TSUS).

[FR Doc. 78-30626 Filed 10-26-78; 8:45 am]

[1] The date on which goods are "exported" shall be the date on which the export carrier last departs Hong Kong.

federal register

FRIDAY, OCTOBER 27, 1978
PART IX

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

■

SURFACE COAL MINING AND RECLAMATION OPERATIONS; PERMANENT REGULATORY PROGRAM

Extension of Time for Filing Comments and Announcement of Public Hearing

[4310-05-M]

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[30 CFR Chapter VII]

SURFACE COAL MINING AND RECLAMATION OPERATIONS PERMANENT REGULATORY PROGRAM

Public Hearing and Extension of Time for Filing Comments

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Announcement of public hearing and extension of time to file comments on proposed rules, regulatory analysis and draft environmental impact statement.

SUMMARY: This announcement schedules an additional public hearing on the proposed rules for the permanent regulatory program and extends the time by which comments on the proposed rules, regulatory analysis and draft environmental impact statement must be received.

DATES: The public hearing will be held November 22, 1978. Comments will be accepted on the draft environmental impact statement until 5 p.m., November 27, 1978. Comments will be accepted on the proposed rules and regulatory analysis until 5 p.m., November 27, 1978.

ADDRESSES: Written comments must be mailed to the Office of Surface Mining, U.S. Department of the Interior, P.O. Box 7267, Benjamin Franklin Station, Washington, D.C. 20044; or be hand delivered to: Office of Surface Mining, Room 120, U.S. Department of the Interior, South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240. The hearing will be held at the Department of the Interior Auditorium, 18th and C Streets NW., Washington D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Ron Drake, Special Assistant to the Director, Office of Surface Mining, Department of the Interior, Washington, D.C. 20240, 202-343-5371.

SUPPLEMENTARY INFORMATION: On September 18, 1978, the Office published proposed rules to implement the permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977, 43 FR 41662, September 18, 1978. In the preamble to the proposed rules and in the draft environmental impact statement the Office listed all technical literature and other source material considered in developing the proposed rules. The Office has determined that not all the technical literature listed was available for public perusal during the week of October 16, 1978, in Room 120, U.S. Department of the Interior, South Building, 1951 Constitution Avenue NW., Washington, D.C.

As of Friday, October 27, 1978, all the technical literature and other source material which the Office relies upon as support for the proposed rules, regulatory analysis, and draft environmental impact statement will be assembled in Room 120, U.S. Department of the Interior, South Building. To assure at least a full 30-day comment period and public hearing on the source material supporting the proposed rules, regulatory analysis and draft environmental impact statement the Office has decided to extend the comment period until no later than 5 p.m. on November 27, 1978. The Office will also conduct one additional public hearing in Washington, D.C. on November 22, 1978, at 9:30 a.m., Department of the Interior Auditorium, 18th and C Streets NW., Washington, D.C. 20240. Persons wishing to testify at that hearing should contact Pat Foulk, 202-343-4953, to schedule a time for their statement. The public hearing will follow the same procedures as outlined for public hearings in the September 18, 1978 FEDERAL REGISTER notice at 43 FR 41662-41663.

This notice also extends the November 17, 1978, date for public comments on the draft programmatic environmental impact statement previously identified in FEDERAL REGISTER notices of October 4, 1978 (43 FR 45886-45887), and October 23, 1978 (43 FR 49361), to November 27, 1978 by no later than 5 p.m.

The following literature listed in the preamble to the proposed rules and draft environmental impact statement is deleted from such documents:

Dean, D. C., and Havens, R. 1971. Vegetative stabilization of mill tailings using municipal and mineral wastes. Presented at the Environmental Quality Conference for the Extraction Industries, American Institute of Mining Engineers, Washington, D.C., June 7-9.

Janiak, H. K. 1977b. Purification of waters from strip lignite mines. Poltegor, Wroclaw, Poland.

Sidio, A. D., and Mackenthun, K. M. 1963. Report on pollution of the interstate waters of the Monongahela River system. U.S. Department of Health, Education, and Welfare, Public Health Service, R. A. Taft Sanitary Engineering Center, Cincinnati, Ohio.

Karplus, W. J. 1958. Analog simulation-solution of field problems. McGraw-Hill, New York, N.Y. Part 2.

McKee, C., Fischer, D. D., Jacobsen, R. J., Weh, T., and Drever, J. 1978. Ground water problems associated with licensing of in-situ uranium and coal gasification operations. Proc. of 4th Annual Coal Conversion Symposium, Steamboat Springs, Colo., July 17-20, 1978, U.S. Department of Energy. (Lawrence Livermore Laboratory.)

Meade, S. W., Ganow, H. C., and Whang, T. T. 1973. Ground water and subsidence investigation of the LLL in situ coal gasification experiments. Proceedings of 4th Annual Coal Conversion Symposium, Steamboat Springs, Colo., July 17-20, 1978, U.S. Department of Energy. Lawrence Livermore Laboratory. (In print.)

Moser, P. J. 1971. Aesthetic and ecological disharmonies of highways. Elsevier Publishing Co., Amsterdam, Holland.

North Dakota State University, 1972. Mine land reclamation. Agriculture Experiment Station. Farm Research, vol. 34, No. 3, pp. 35-37.

Prickett, T. A., and Lonnquist, C. G. 1971. Selected digital computer techniques for groundwater resource evaluation. Illinois State Water Survey, Urbana.

Rausch, D. L. and Heinemann, H. G. 1975. Controlling reservoir trap efficiency. Transactions American Society for Agricultural Engineers, vol. 18, No. 6, pp. 1105-1113.

Russell, H. H. 1964. Control of gob pile fires by injection of finely divided material. Final Progress Report, BCR Report L-148, submitted to Penn Coal Research Board, Department of Mines and Mineral Industries, Commonwealth of Pennsylvania, December, 35 pages.

Sowolile, D. 1966. Soil erosion of slopes of waste dumps by water. Land Reclam. Res. Sta., Ostrava, Uhli No. 12, 452-453, NCB Trans. A. 2615.

Struthers, P. H. 1962. Mineral salts absorption in plants. International Press, N.Y.

Tung, H. S. 1975. Impacts of contour mining on streamflow—A case study in New River Basin Tennessee. University of Tennessee, Doctorial thesis, Knoxville, Tenn.

Permit Regulations for Process Discharges/In-Situ Mining, Land Quality Department, Department of Environmental Quality, Cheyenne, Wyo.

Date: October 25, 1978.

JOAN M. DAVENPORT,
Assistant Secretary,
Energy and Minerals.

[FR Doc. 78-30627 Filed 10-26-78; 8:45 am]

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