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MONDAY, NOVEMBER 13, 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
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CSA	CSC		CSA	CSC
	LABOR			LABOR
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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

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

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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.

[Last Listing: Nov. 7, 1978]

H.R. 7971 ..... Pub. L. 95-586
To validate certain land conveyances, and for other purposes. (Nov. 3, 1978; 92 Stat. 2485). Price: $.80.

H.R. 7101 ..... Pub. L. 95-587
To amend certain provisions of law relating to land claims by the United States in Riverside County, California, based upon the accretion or avulsion, and for other purposes. (Nov. 3, 1978; 92 Stat. 2496). Price: $.60.

H.R. 10173 ..... Pub. L. 95-588
"Veterans' and Survivors' Pension Improvement Act of 1978." (Nov. 4, 1978; 92 Stat. 2497). Price: $.90.

H.R. 13903 ..... Pub. L. 95-589
To amend title 10, United States Code, to provide that a member of the Board of Regents of the Uniformed Services University of the Health Sciences whose term of office has expired shall continue to serve until a successor is appointed. (Nov. 4, 1978; 92 Stat. 2512). Price: $.60.

H.R. 12874 ..... Pub. L. 95-590
"Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978." (Nov. 4, 1978; 92 Stat. 2513). Price: $.80.

H.R. 13500 ..... Pub. L. 95-591
"Presidential Records Act of 1978." (Nov. 4, 1978; 92 Stat. 2523). Price: $.70.

S. 1816 ..... Pub. L. 95-592
"Native Latex Commercialization and Economic Development Act of 1978." (Nov. 4, 1978; 92 Stat. 2529). Price: $.70.

S. 703 ..... Pub. L. 95-593
To improve the administration and operation of the Overseas Citizen Voting Rights Act of 1975, and for other purposes. (Nov. 4, 1978; 92 Stat. 2535). Price: $.70.

H.J. Res. 1173 ..... Pub. L. 95-594
Relative to the convening of the first session of the Ninety-sixth Congress, and for other purposes. (Nov. 4, 1978; 92 Stat. 2540). Price: $.60.

H.R. 9701 ..... Pub. L. 95-595
To amend the Budget and Accounting Procedures Act of 1950 to require that the Comptroller General provide for a financial audit with respect to pension plans for officers and employees of the Federal Government and its agencies and instrumentalities, to require that an annual report, including a financial statement and an actuarial statement, be furnished to the Congress and the Comptroller General with respect to such plans, and for other purposes. (Nov. 4, 1978; 92 Stat. 2541). Price: $.60.

S.J. Res. 160 ..... Pub. L. 95-596
To initiate preliminary studies for the restoration and renovation of the Pension Building in Washington, District of Columbia, to house a Museum of the Building Arts, and for other purposes. (Nov. 4, 1978; 92 Stat. 2544). Price: $.60.

H.R. 5646 ..... Pub. L. 95-597
To amend the Regional Rail Reorganization Act of 1973 to require ConRail to make premium payments under certain medical and life insurance policies, to provide that ConRail shall be entitled to a loan under section 211(h) of such Act in an amount required for such premium payments, and to provide that such premium payments shall be deemed to be expenses of administration of the respective railroads in reorganization. (Nov. 4, 1978; 92 Stat. 2547). Price: $.60.

H.R. 8200 ..... Pub. L. 95-598
To establish a uniform Law on the Subject of Bankruptcies. (Nov. 6, 1978; 92 Stat. 2549). Price: $2.50.

H.R. 11733 ..... Pub. L. 95-599
"Surface Transportation Assistance Act of 1978." (Nov. 6, 1978; 92 Stat. 2689). Price: $2.10.

H.R. 13511 ..... Pub. L. 95-600
"Revenue Act of 1978." (Nov. 6, 1978; 92 Stat. 2763). Price: $2.75.

S. 2584 ..... Pub. L. 95-601
To authorize appropriations to the Nuclear Regulatory Commission for fiscal year 1979, and for other purposes. (Nov. 6, 1978; 92 Stat. 2947). Price: $.70.

H.R. 12467 ..... Pub. L. 95-602
Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978. (Nov. 6, 1978; 92 Stat. 2955). Price: $1.80

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[3195-01-M]

Title 3—The President

Executive Order 12097 • **November 8, 1978**

Standards and Guidelines for the Merit Selection of United States District Judges

By virtue of the authority vested in me as President by the Constitution and the statutes of the United States of America, including Section 7(a) of the Omnibus Judgeship Act of 1978, providing that the President shall promulgate and publish standards and guidelines for the selection of nominees for United States district court judgeships, it is hereby ordered as follows:

1-1. *Nomination of District Judges.*

1-101. Whenever a vacancy occurs in a district court of the United States, the President shall nominate as district judge to fill that vacancy a person whose character, experience, ability, and commitment to equal justice under law qualifies that person to serve in the federal judiciary.

1-102. The Attorney General shall assist the President by recommending to the President persons to be considered for appointment who are qualified to be district judges and by evaluating potential nominees. The Attorney General shall receive recommendations of such persons from any person, commission or organization.

1-103. The use of commissions to notify the public of vacancies and to make recommendations for district judge is encouraged. The Attorney General shall make public the suggested guidelines for such commissions.

1-104. Before making recommendations, the Attorney General shall consider whether:

(a) Public notice of the vacancy has been given and an affirmative effort has been made, in the case of each vacancy, to identify qualified candidates, including women and members of minority groups;

(b) The selection process was fair and reasonable;

(c) The person or persons recommended meet the standards for evaluation set forth in Section 1-2 of this Order.

1-105. In evaluating proposed nominees, consideration will be given to reports of Department of Justice investigations and all other relevant information concerning potential nominees and their qualifications.

1-2. *Standards for Evaluating Proposed Nominees.*

1-201. The standards to be used in determining whether a person is qualified to serve as a district judge are whether that person:

(a) Is a citizen of the United States, is a member of a bar of a state, territory, possession or the District of Columbia, and is in good standing in every bar in which that person is a member;

(b) Possesses, and has a reputation for, integrity, good character, and common sense;

(c) Is, and has a reputation for being, fair, experienced, even-tempered and free of biases against any class of citizens or any religious or racial group;

(d) Is of sound physical and mental health;

(e) Possesses and has demonstrated commitment to equal justice under law;

(f) Possesses and has demonstrated outstanding legal ability and competence, as evidenced by substantial legal experience, ability to deal with complex legal problems, aptitude for legal scholarship and writing, and familiarity with courts and their processes;

(g) Has the ability and the willingness to manage complicated pretrial and trial proceedings, including the ability to weigh conflicting testimony and make factual determinations, and to communicate skillfully with jurors and witnesses.

1-3. *Amendments of Existing Orders.*

1-301. Section 3(b) of Executive Order 12059 of May 11, 1978 is amended to read as follows:

"(b) The Panel for the District of Columbia Circuit shall have the additional function of recommending nominees for the United States District Court for the District of Columbia. In exercising this function, the panel shall use the standards set forth in Executive Order 12097 and shall forward its recommendations to the Attorney General.".

1-302. Executive Order 12084, of September 27, 1978 is amended in the following respects:

(1) Section 1-202(d) is amended to read as follows:

"(d) report to the Attorney General, within the time specified in the notification, the results of its activities, including a list of persons whom the Commission considers to be best qualified to fill the vacancy.".

(2) Section 1-203 is amended to read as follows:

"1-203. In evaluating potential nominees, the Commission shall use the standards prescribed in Executive Order 12097.".

Jimmy Carter

THE WHITE HOUSE,
November 8, 1978.

[FR Doc. 78-31952 Filed 11-8-78; 2:50 pm]

rules and regulations

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

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

[6720-01-M]

Title 1—General Provisions

CHAPTER IV—MISCELLANEOUS AGENCIES

[MC 78-35]

PART 462—FEDERAL HOME LOAN MORTGAGE CORPORATION (BOOK-ENTRY REGULATIONS)

Securities in Book-Entry Form

AGENCY: Federal Home Loan Mortgage Corporation.

ACTION: Final regulation.

SUMMARY: This final regulation sets forth the terms and conditions under which the Corporation will issue securities in book-entry form, and authorizes the Federal Reserve banks to issue Corporation securities by means of entries on the books and records of the Banks.

EFFECTIVE DATE: November 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard Cohn, Assistant General Counsel, Federal Home Loan Mortgage Corporation, 1700 G Street NW., Washington, D.C. 20006, telephone 202-789-4763.

SUPPLEMENTARY INFORMATION: This final rule adds a new part 462 to title 1 of the Code of Federal Regulations. These regulations are necessary to enable the Corporation to use the Federal Reserve System's book-entry system for certain of its securities.

Proposed rules were published for public comment in the FEDERAL REGISTER on July 27, 1978 (43 FR 32428). Only one comment, favoring adoption, was received. The Corporation is adopting these regulations because it desires to have flexibility to issue securities in book-entry form. However, the Corporation does not presently contemplate using a book-entry system for other than bonds, notes, or debentures which may be issued by the Corporation, nor does the Corporation presently contemplate issuing either participation certificates (PC's) or guaranteed mortgage certificates (GMC's) in book-entry form.

The final regulations differ from the proposed regulations in one respect. Section 462.5 has been revised to make clear that the Corporation may issue book-entry securities, with or without providing holders conversion rights to obtain definitive securities.

This revision will enable the Corporation to dispense with numerous internal procedures, necessitated whenever conversion rights are provided, in those cases where the type of security offered by the Corporation is not expected to be marketed to investors who are likely to prefer definitive securities. Conforming amendments and typographical corrections have been made to other sections of these rules.

The effective date of these regulations is not being delayed for 30 days (see 5 CFR § 553(d)) because the regulations reduce restriction and because section 553(d) is inapplicable to regulations promulgated by the Corporation.

Part 462 is added as follows:

Sec.

462.1 Definition of terms.
462.2 Authority of Reserve banks.
462.3 Scope and effect of book-entry procedure.
462.4 Transfer or pledge.
462.5 Withdrawal of Federal Home Loan Mortgage Corporation securities.
462.6 Delivery of Federal Home Loan Mortgage Corporation securities.
462.7 Registered bonds and notes.
462.8 Servicing book-entry Federal Home Loan Mortgage Corporation securities; payment of interest; payment at maturity or upon call.

AUTHORITY: 12 U.S.C. 1445(a).

§ 462.1 Definition of terms.

In these regulations, unless the context otherwise requires or indicates:

(a) "Reserve bank" means the Federal Reserve Bank of New York (and any other Federal Reserve bank which agrees to issue Federal Home Loan Mortgage Corporation securities in book-entry form) acting as fiscal agent of the Federal Home Loan Mortgage Corporation and when indicated acting in its individual capacity or as fiscal agent of the United States.

(b) "Federal Home Loan Mortgage Corporation security" means a bond, note, mortgage, obligation or other security of or sold by the Federal Home Loan Mortgage Corporation issued at a Reserve bank by the Federal Home Loan Mortgage Corporation under title III of the Emergency Home Finance Act of 1970, as amended, in the form of a definitive Federal Home Loan Mortgage Corporation security or a book-entry Federal Home Loan Mortgage Corporation security.

(c) "Book-entry Federal Home Loan Mortgage Corporation security" means a Federal Home Loan Mortgage Corporation security in the form of an entry made as prescribed in this part on the records of a Reserve bank.

(e) "Pledge" includes a pledge of, or any other security interest in, Federal Home Loan Mortgage Corporation securities as collateral for loans or advances or to secure deposits of public moneys or the performance of an obligation.

(f) "Date of call" is the date fixed in the authorizing resolution of the Board of Directors of the Federal Home Loan Mortgage Corporation on which the Federal Home Loan Mortgage Corporation will make payment of the security before maturity in accordance with its terms.

(g) "Member bank" means any national bank, State bank, or bank or trust company which is a member of a Reserve bank.

§ 462.2 Authority of Reserve banks.

Each Reserve bank is hereby authorized, in accordance with the provisions of these rules, to: (a) Issue book-entry Federal Home Loan Mortgage Corporation securities by means of entries on its records which shall include the name of the depositor, the amount, the series, and maturity date; (b) effect conversions between book-entry Federal Home Loan Mortgage Corporation securities and definitive Federal Home Loan Mortgage Corporation securities with respect to those securities as to which conversion rights are available pursuant to the applicable securities offering materials; (c) otherwise service and maintain book-entry Federal Home Loan Mortgage Corporation securities; and (d) issue confirmations of transactions in the form of written advices (serially numbered or otherwise) which specify the amount and description of any securities (that it, series and maturity date) sold or transferred and the date of the transaction.

§ 462.3 Scope and effect of book-entry procedure.

(a) A Reserve bank as fiscal agent of the Federal Home Loan Mortgage Corporation may apply the book-entry procedure provided for herein to any Federal Home Loan Mortgage Corporation securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve bank will continue to maintain such deposit accounts in its individual capacity, notwithstanding application of the book-entry procedure to such securities. This paragraph is applicable, but not limited, to Federal Home Loan Mortgage Corporation securities deposited:

(1) As collateral pledged to a Reserve bank (in its individual capacity) for advances by it;

(2) By a member bank for its sole account;

(3) By a member bank held for the account of its customers;

(4) In connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions; or,

(5) In connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments of decrees of courts.

The application of the book-entry procedure under this paragraph shall not derogate from or adversely affect the relationships that would otherwise exist between a Reserve bank in its individual capacity and its depositors concerning any deposit under this paragraph. Whenever the book-entry procedure is applied to such Federal Home Loan Mortgage Corporation securities, the Reserve bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve bank in its individual capacity to perform its obligations as depositary with respect to such Federal Home Loan Mortgage Corporation securities.

(b) A Reserve bank as fiscal agent of the Federal Home Loan Mortgage Corporation may apply the book-entry procedure to Federal Home Loan Mortgage Corporation securities deposited as collateral pledged to the United States under Treasury Department Circular Nos. 92 and 176, both as revised and amended, and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other Federal Home Loan Mortgage Corporation securities deposited with a Reserve bank as fiscal agent of the United States.

(c) Any person having an interest in Federal Home Loan Mortgage Corporation securities which are deposited with a Reserve bank (in either its individual capacity or as fiscal agent of the United States) for any purpose shall be deemed to have consented to their conversion to book-entry Federal Home Loan Mortgage Corporation securities pursuant to the provisions of these rules, and in the manner and under the procedures prescribed by the Reserve bank.

(d) No deposits shall be accepted under this section on or after the date of maturity or call of the Federal Home Loan Mortgage Corporation securities.

§ 462.4 Transfer of pledge.

(a) A transfer or pledge of book-entry Federal Home Loan Mortgage Corporation securities to a Reserve bank (in its individual capacity or as fiscal agent of the United States), or to the United States, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve bank under these rules is effected and perfected, notwithstanding any provisions of law to the contrary, by a Reserve bank making an appropriate entry in its records of the securities transferred or pledged. The making of such an entry in the records of a Reserve bank shall: (1) Have the effect of a delivery in bearer form of definitive Federal Home Loan Mortgage Corporation securities; (2) have the effect of taking of delivery by the transferee or pledgee; (3) constitute the transferee or pledgee a holder; and (4) if a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry Federal Home Loan Mortgage Corporation securities effected under this paragraph shall have priority over any transfer, pledge, or other interest, theretofore or thereafter effected or perfected under subsection (b) of this section or in any other manner.

(b) A transfer or a pledge of transferable Federal Home Loan Mortgage Corporation securities, or any interest therein, which is maintained by a Reserve bank (in its individual capacity or as fiscal agent of the United States) in a book-entry account under these rules including securities in book-entry form under § 462.3(a)(3), is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of the Federal Home Loan Mortgage Corporation securities, or any interest therein, if the securities were maintained by the Reserve bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry Federal Home Loan Mortgage Corporation securities maintained by a Federal Reserve bank shall, notwithstanding any provision of law to the contrary, be deemed to be in maintained in bearer definitive form. A Reserve bank maintaining book-entry Federal Home Loan Mortgage Corporation securities either in its individual capacity or as fiscal agent of the United States is not a bailee for purposes of notification of pledges of those securities under this paragraph, or a third person in possession for purposes of acknowledgment of transfers thereof under this paragraph. Where transferable Federal Home Loan Mortgage Corporation securities are recorded on the books of a depositary (a bank, banking institution, financial firm or similar party, which regularly accepts in the course of its business Federal Home Loan Mortgage Corporation securities as a custodial service for customers, and maintains accounts in the names of such customers reflecting ownership of or interest in such securities) for account of the pledgor or transferor thereof and such securities are on deposit with a Reserve bank in a book-entry account hereunder, such depositary shall, for purposes of perfecting a pledge of such securities to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the securities may be given or the third person in possession from which acknowledgment of the holding of the securities for the purchaser may be obtained. A Reserve bank will not accept notice or advice of a transfer or pledge effected or perfected under this paragraph, and any such notice or advice shall have no effect. A Reserve bank may continue to deal with its depositors in accordance with the provisions of these rules, notwithstanding any transfer or pledge effected or perfected under this paragraph.

(c) No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry Federal Home Loan Mortgage Corporation securities or any interest therein.

(d) A Reserve bank shall, as to book-entry securities having conversion rights and upon receipt of appropriate instructions, convert book-entry Federal Home Loan Mortgage Corporation securities into definitive Federal Home Loan Mortgage Corporation securities and deliver them in accordance with such instructions; no such conversion shall affect existing interests in such Federal Home Loan Mortgage Corporation securities.

(e) A transfer of book-entry Federal Home Loan Mortgage Corporation securities within a Reserve bank shall be made in accordance with procedures established by the bank not inconsistent with these rules. The transfer of book-entry Federal Home Loan Mortgage Corporation securities by a Reserve bank may be made through a telegraphic transfer procedure.

(f) All requests for transfer or withdrawal must be made prior to the maturity or date of call of the securities.

§ 462.5 Withdrawal of Federal Home Loan Mortgage Corporation securities.

(a) A depositor of book-entry Federal Home Loan Mortgage Corporation securities may withdraw them from a Reserve bank by requesting delivery of like definitive Federal Home Loan Mortgage Corporation securities to itself or on its order to a transferee, provided that such securities provide for a right of conversion to definitive form pursuant to the offering materials applicable to such securities.

(b) Federal Home Loan Mortgage Corporation securities of a series which was originally issued in bearer form only and which are actually to be delivered upon withdrawal may be issued in bearer form only, until the date of the first issue of such securities in registered form; Federal Home Loan Mortgage Corporation securities of a series which was originally issued in registered form only and which are actually to be delivered upon withdrawal may be issued in registered form only, until the date of first issue of such securities in bearer form. After the date of first issue in registered form of a series of Federal Home Loan Mortgage Corporation securities originally issued in bearer form only or the date of first issue in bearer form of a series of Federal Home Loan Mortgage Corporation securities originally issued in registered form only, all securities of such series which are actually to be delivered upon withdrawal may be issued either in bearer or registered form. All Federal Home Loan Mortgage Corporation securities of a series which were originally issued in both registered and bearer form and which are actually to be delivered upon withdrawal may be issued either in bearer or registered form.

§ 462.6 Delivery of Federal Home Loan Mortgage Corporation securities.

A Reserve bank which has received Federal Home Loan Mortgage Corporation securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even though the depositor had no right to dispose of or take other action in respect of the securities. A Reserve bank shall be fully discharged of its obligations under these rules by the delivery of Federal Home Loan Mortgage Corporation securites in definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other depositary (other than a Reserve bank) may obtain Federal Home Loan Mortgage Corporation securities in definitive form only by causing the depositor of the Reserve Bank to order the withdrawal thereof from the Reserve bank.

§ 462.7 Registered bonds and notes.

No formal assignment shall be required for the conversion to book-entry Federal Home Loan Mortgage Corporation securities of registered Federal Home Loan Mortgage Corporation securities held by a Reserve bank (in either its individual capacity or as fiscal agent of the United States) on the effective date of these rules for any purpose specified in § 462.3(a) hereof. Registered Federal Home Loan Mortgage Corporation securities deposited thereafter with a Reserve bank for any purpose specified in § 462.3 shall be assigned for conversion to book-entry Federal Home Loan Mortgage Corporation securities. The assignment, which shall be executed in accordance with the provisions of subpart F of 31 CFR, part 306, so far as applicable, shall be to "Federal Reserve Bank of , as fiscal agent of the Federal Home Loan Mortgage Corporation for conversion to book-entry Federal Home Loan Mortgage Corporation securities."

§ 462.8 Servicing book-entry Federal Home Loan Mortgage Corporation securities; payment of interest; payment at maturity or upon call.

Payments of principal and interest on Federal Home Loan Mortgage Corporation securities will be made by a Federal Reserve bank on the interest due dates and dates of maturity or call and remitted or credited in accordance with the depositor's instructions.

By the Board of Directors.

J. J. FINN,
Secretary.

[FR Doc. 78-31763 Filed 11-9-78; 8:45 am]

[6325-01-M]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Miscellaneous Amendments

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The commission is amending certain parts of 5 CFR 890, the Federal Employees Health Benefits program regulations. The amendments will correct certain inequities, improve administration of the program, and include certain omissions.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Edward G. Borchers, 202-632-4684, Bureau of Retirement, Insurance and Occupational Health, Office of Policy Development and Technical Services, Room 4334, 1900 E Street NW, Washington, D.C. 20415.

SUPPLEMENTARY INFORMATION: On Tuesday, April 25, 1978, there was published in the FEDERAL REGISTER (43 FR 17474-17476) proposed rulemaking explaining proposed amendments to the Federal Employees Health Benefits regulations and giving interested parties an opportunity to submit comments.

Of the 41 comments received, most favored all of the proposed amendments except that which would permit enrollments and enrollment changes to be effective on a daily basis. Although many of the 38 comments relative to this section supported the intent of the proposed amendment, 26 opposed on the grounds that implementation would cause severe disruption of payroll systems, requiring either extensive system changes or greatly increased staffing time for manual processing. In view of this opposition, this proposed amendment will be further evaluated and not forwarded as final rule at this time.

Opposition to the proposed deletion of subsection 890.201(b)(6), which permits carriers to limit benefits to a person confined in a hospital on the effective date of an enrollment or change in enrollment and continuously confined thereafter, was expressed by four commentors. However, a review of these four comments indicated that some, and possibly all, had confused this subsection with § 890.401(b)(2), which provides that benefits under the new plan, in cases where a person is confined on the effective date of a change in enrollment, will not begin until the earlier of: (1) Discharge from the hospital, or (2) the 92d day after the effective date of the change. Since opposition to this amendment resulted in whole or part from confusion over its intent, and this change will permit qualified Health Maintenance Organizations to be in full compliance with the HMO Act of 1973, this rule is being effected.

Two other opposing comments were received. One commentor opposed the proposed amendment which would allow reinstatement of coverage for widowed and divorced children, because of anticipated administrative problems in identifying such children as family members. However, the Commission feels that this amendment is of sufficient benefit to employees to warrant this change, as did 19 commentors who supported the amendment. The

other opposing comment brought to our attention the need for an additon to the amendment which permits employees to enroll in the same plan or option as was lost when his or her spouse cancels enrollment. This addition permits an employee to change to the same option of any available plan if he or she is not eligible to become a member of the spouse's plan. Since there are cases in which an employee would be excluded from enrolling in his or her spouse's plan, this addition is necessary.

Accordingly, 5 CFR Part 890 is amended as follows:

1. Section 890.201 is revised by amending (a)(8) and revoking (b)(6) as follows:

§ 890.201 Minimum standards for health benefits plans.

(a) To be qualified to be approved by the Commission, a health benefits plan shall:

* * * * *

(8) Provide for a special reserve for the plan. The carrier shall account for amounts retained by it as reserves for the plan separately from reserves maintained by it for other plans. The carrier shall invest the special reserve and income derived from the investment of the special reserve shall be credited to the special reserve. If the contract is terminated or approval of the plan is withdrawn, the carrier shall return the special reserve to the Employees Health Benefits Fund. However, in the case of a comprehensive medical plan, the carrier, without regard to the foregoing provisions of this subparagraph, shall follow such financial procedures as are mutually agreed on by the carrier and the Commission.

* * * * *

(b) * * *

(6) [Revoked]

2. Section 890.301 is revised by adding (g) (4), amending (n) and adding (t) and (u) as set out below:

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(g) *Loss of coverage under Federal programs.* * * *

(4) An employee who is not enrolled, but is covered by the enrollment of another enrollee under this part, may register to be enrolled in the same plan and option within 31 days after cancellation of the other's enrollment. If the employee is not eligible to enroll in the plan from which coverage is lost, he or she may enroll in the same option of any available plan.

* * * * *

(n) *On becoming eligible for benefits under title XVIII of the Social Security Act.* An enrolled employee or annuitant with a high option enrollment may register, at any time after he or she meets statutory requirements for eligibility under title XVIII of the Social Security Act, to change his or her enrollment to the low option of any plan under this part.

* * * * *

(t) *Loss of medicaid coverage.* An employee who is not enrolled, but is covered by medicaid (State program of medical assistance for the needy), may register to be enrolled within 31 days after termination of medicaid.

(u) *Child's coverage ends.* An employee or annituant may register to change enrollment from self only to self and family within 31 days after an eligible child loses coverage under another enrollment under this part.

3. Section 890.302(e) is added as set out below:

§ 890.302 Coverage of family members.

* * * * *

(e) *Meaning of unmarried.* A child, under age 22 or incapable of self-support, who is divorced or widowed is considered to be unmarried.

4. Section 890.305 is revised to read as follows:

§ 890.305 Reinstatement of enrollment after military service.

(a) The enrollment of an employee or annuitant whose enrollment was terminated because he or she entered on duty in a uniformed service for a period of time not limited to 30 days or less is reinstated automatically on the day the employee is restored to a civilian position pursuant to part 353 of this chapter, or other similar authority, or on the day the annuitant is separated from the uniformed service, as the case may be.

(b) The enrollment of an employee whose enrollment was terminated because he or she entered on duty in a uniformed service for a period of time not limited to 30 days or less, and who retires on an immediate annuity from his or her Federal civilian position while on such duty, is reinstated automatically on the day the person is separated from the uniform service, provided he or she was covered under this part since his or her first opportunity or for the 5 years of civilian service (excluding the period of uniformed service) immediately preceding the civilian retirement, whichever is shorter.

5. Section 890.503(c)(4) is revised as follows:

§ 890.503 Reserves.

* * * * *

(c) * * *

(4) The Commission may, by agreement with the carrier, approve community rating for a comprehensive medical plan. If the contingency reserve of the carrier of a community rated plan exceeds the preferred minimum balance, the carrier may request the Commission to pay to the plan a portion of the reserve not greater than the excess of the contingency reserve over the preferred minimum balance. The carrier shall state the reason for the request. The Commission will decide whether to allow the request in whole or in part and will advise the plan of its decision.

(5 U.S.C. 8913.)

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-31873 Filed 11-9-78; 8:45 am]

[6325-01-M]

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Elimination of the Second Review Cycle and Mini Open Season

AGENCY: Civil Service Commission.

ACTION: Final rulemaking.

SUMMARY: The purpose of this rule is to eliminate the second review cycle and mini open season conducted under the Federal employees health benefits (FEHB) program. This rule is made in view of the poor response on the part of Federal employees to the mini open season, and the adminstrative effort and expense involved in conducting it.

DATE: Effective October 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Craig Pettibone, Office of Policy Development and Technical Services, Bureau of Retirement, Insurance and Occupational Health, 202-632-4682.

SUPPLEMENTARY INFORMATION: On August 8, 1978, proposed rulemaking was published in the FEDERAL REGISTER (43 FR 35046) to eliminate the second review cycle and mini open season conducted under the Federal employees health benefits (FEHB) program. A 30-day comment period was provided, and the Commission received 17 written comments. Of the responses received, 10 were in favor of

the proposal and 7 were against it. The comments, suggestions, and objections have been carefully considered, and the reasons for or against adopting them are stated below. In addition, a clarifying amendment to provide a limited application opportunity for employee organization plans has been added to the regulation to make it consistent with Pub. L. 95-368. This recent legislation, among other things, amends the FEHB law to permit Federal employee organizations 1 year from December 31, 1978, in which to submit proposals for new health benefits plans to the Commission for approval for participation in the FEHB program.

1. Three objections to the elimination of the mini open season were received to the effect that the mini open season has not been allowed sufficient time to be fully tested. The respondents believe that a larger number of Federal employees enroll during the second enrollment offering of a comprehensive health plan.

Complete data on the 1978 mini open season has not been made available at this time; however, preliminary data indicates a continued trend of light enrollment. For the regular open season of 1976, the mini open season of 1977, and the regular open season of 1977, Commission acturial figures indicate that for 7 out of a total of 12 new plans offered during those open seasons, enrollment during the second enrollment opportunity was less than that of the initial enrollment. For two plans, second enrollment increased over the first enrollment. Of the remaining three plans, two have not provided complete enrollment data, and one was no longer in the program at the time of the open season following its initial offering.

Total enrollment for the five plans offered during the mini open season in 1977 was 1,716, as compared to a total enrollment of 727 for those same comprehensive plans during their second enrollment period (regular open season, November 1977). The seven new comprehensive plans offered during the regular open season in 1976 had a total enrollment of 660, while enrollment for the same plans during their second enrollment period (regular open season November 1977) was 347. These figures do not support the respondents' contention that more Federal enrollment occurs during the second enrollment offering of a plan.

2. Three objections were received regarding possible harm elimination of the mini open season could inflict on comprehensive plans anticipating access to the FEHB program during the next mini open season. To date, only two plans anticipating access to the FEHB program during the next mini open season have voiced objections. Nevertheless, the Commission considers this a valid arguement and, therefore, has postponed the effective date of elimination until October 1, 1979.

3. Two respondents suggested that the Commission review the promotion methods of the mini open season to provide more information on the new comprehensive plans to Federal employees. The Commission continously strives to improve the methods by which open season information is distributed to Federal employees. During open season periods, explicit instructions are issued to the agencies along with information and materials to be provided to the employees. New brochures are made available for distribution. Every effort is made to inform employees of the opportunity to change enrollment and the plans available to them.

4. Two respondents felt that by eliminating the mini open season, the Commission was being inconsistent with administration and congressional policy to promote the growth of comprehensive health plans. While it may be true that the entry of a few qualified plans into the FEHB program will be delayed until the regular open season, the number of approved plans would be too small to impact on Administration policies. Moreover, interested comprehensive plans may submit applications for the spring review cycle by March 31 of each year, and if approved, their contracts will be effective January 1, of the following year. This is only 6 months later than the date the contracts would have become effective had they been approved during the mini open season.

5. Several respondents noted the short time frame provided in which to respond to the proposed regulations. One respondent believes that the Commission violated its proposed regulations to implement Executive Order 12044, which provides for a greater opportunity for public participation in the regulatory rulemaking process. Commission proposed regulations, published in the FEDERAL REGISTER on May 23, 1978, stipulate that the Commission intent is, among other things, to insure an early and meaningful opportunity for public participation in rulemaking and to insure at least 60 days comment period on significant regulations unless circumstances require a shorter review period. Further, the regulations call for a brief statement of the reasons for a shorter time period when it is not possible to give the public at least 60 days to comment on significant regulations. The respondent believes that the Commission did not comply with the stated requirements of these regulations. However, the supplemental information section of our proposed regulations to eliminate the mini open season contained an explanation of the circumstances warranting a shorter comment period to the effect that a 30-day comment period was necessary in order for the Commission to avert the October 1 review cycle in the event the rulemaking became final as proposed.

Accordingly, 5 CFR § 890.203(a) is revised by renumbering it to read § 890.203(a)(1), by amending the last sentence, and by adding a new subparagraph § 890.203(a)(2); in addition, § 890.301(d) is amended by deleting § 890.301(d)(2), as set out below:

§ 890.203 Application for approval of, and proposal of amendments to, health benefits plans.

(a)(1) * * * Participation of an approved plan becomes effective on the January 1 which is (1) at least 9 months after the Commission receives the application and (2) at least 6 months after the Commission receives all evidence to demonstrate that the plan has met all requirements for approval.

(2) Application for approval of employee organization plans may be made by letter to the U.S. Civil Service Commission, Washington, D.C. 20415, after December 31, 1978, and before January 1, 1980. This letter application is to be accompanied by such descriptive material, financial data and documentations as the Commission may require in its review process and in the format specified by the Commission. Participation of an approved plan becomes effective on the January 1 which is (1) at least 9 months after the Commission receives the application and (2) at least 6 months after the Commission receives all evidence to demonstrate that the plan has met all requirements for approval.

* * * * *

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(d) *Open season* * * *

(2) [Revoked]

* * * * *

(5 U.S.C. 8913.)

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-31874 Filed 11-9-78; 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 Reg. 172]

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 November 12-18, 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: November 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

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

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

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

§ 910.472 Lemon Regulation 172.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period November 12, 1978, through November 18, 1978, is established at 175,000 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: November 9, 1978.

CHARLES R. BRADER,

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

[FR Doc. 78-32047 Filed 11-9-78; 11:36 am]

[3410-07-M]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER H—GENERAL

(FmHA Instruction 1900-B)

PART 1900—GENERAL

Subpart B—Farmers Home Administration Appeal Procedure

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) adds a new subpart which will provide regulations for appeal, with hearing and review, for all FmHA applicants, borrowers and grantees who are directly and adversely affected by an administrative decision. The intended effect of this action is to assure a standardized and fair appeal from any such action. It consolidates and refines existing FmHA appeals procedures and covers actions not presently subject to existing appeals procedures. This action is taken as a result of an administrative decision.

EFFECTIVE DATE: November 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Arthur M. Collings, Jr., phone 202-447-8448.

SUPPLEMENTARY INFORMATION: On May 16, 1978, there was published in the FEDERAL REGISTER at page 21005 a notice of proposed rulemaking involving the addition of a new subpart B "Farmers Home Administration Appeal Procedure" and a new part 1900 "General" in Subchapter H, Chapter XVIII, Title 7 in the Code of Federal Regulations. This proposal provided for a hearing on appeal from a decision by FmHA, an appeal on the record from the hearing, and a third review to determine whether the decision is "arbitrary and capricious." The appeal officials will vary depending on which FmHA official made the decision from which the appeal is taken. The procedure will apply to all FmHA loan and grant programs.

Comments were received from 51 individuals and organizations and revisions have been made to incorporate a number of the comments. Two comments appeared in a number of responses, and which FmHA is unable to incorporate in the final regulations.

Inclusion of tenants as eligible to appeal, as per the definition in 1900.52(a). FmHA intends to publish for public comment a separate appeals procedure for tenants, and will seek public advice in this regard.

The position of hearing officer be established in each FmHA State office. FmHA does not have the available staff to consider implementing this suggestion at this time.

Comments were received from the public and FmHA personnel. The following sections were reconsidered and in most instances revised, as a result of comments received:

§ *1900.51*—This section has been changed to delete the exemption of foreclosure actions from this regulation.

§ *1900.52*—The term "interested parties" has been limited.

§ *1900.52(d)(1)*—This section has been changed to include appeals of decisions by FmHA county committees.

§ *1900.53(a)(3)*—The requirement that the appellant send a copy of the appeal to the hearing officer has been dropped.

§ *1900.53(a)(4)*—This section has been changed to place discretion in the hearing officer for maintaining status-quo pending appeal.

§ *1900.53(d)(2)*—This section has been changed to clarify that the hearing will be held at a location convenient to appellant, decision maker, and hearing officer.

§ *1900.53(d)(4)*—This section has been revised to provide a suggested order of hearing.

§ *1900.53(d)(4)(iii)*—This section is changed to delete the requirement that the original decision making official present reasons for the adverse decision, at the hearing. New subparagraphs (iv) and (v) have been added.

§ *1900.53(d)(4)(v)*—The appellant will now notify the hearing officer, in advance, if appellant intends to have a transcript made, or tape record the hearing at own expense.

§ *1900.53(d)(7)(ii)*—This section has been changed so that appellant is not required to send a copy of the appeal to the review officer.

§ *1900.53(f)(5)*—This section has been changed to provide that when the decision of the hearing officer is reversed, the decision making official and the hearing officer will be notified of the reasons.

§ *1900.53(f)(6)*—The terms arbitrary and capricious were retained despite objections as being unfamiliar and too legalistic. FmHA believes the explanation that follows in the same section is sufficient.

§ *1900.54*—Retained, despite some adverse comment, to provide (1) a conclusion of administrative process for judicial review purposes and (2) leave open the possible reversal of the final decision if it is determined to be unauthorized.

This document has been reviewed in accordance with FmHA Instruction 1901-G "Environmental Impact Statements". It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190 an environmental impact statement is not required.

As added the new Part 1900, "General", Subpart B, "Farmers Home Administration Appeal Procedures," reads as follows:

Subpart B—Farmers Home Administration Appeal Procedure

Sec.
1900.51 Purpose.
1900.52 Definitions.
1900.53 Appeal from an initial FmHA decision.
1900.54 Effect of appeal decision.
1900.55-1900.100 (Reserved).

AUTHORITY: 7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; delegations of authority by Director, OEO, 29 FR 14764, 33 FR 9850.

Subpart B—Farmers Home Administration Appeal Procedure

§ 1900.51 Purpose.

This subpart provides a uniform procedure whereby a person may appeal any Farmers Home Administration (FmHA) program administrative action directly affecting such person. This procedure does not apply to Freedom of Information Act or Privacy Act appeals and is not intended to affect the suspension and debarment procedure found at subpart E of part 1924 of this chapter. This procedure takes precedence over all other FmHA appeals procedures affecting applicants, borrowers or grantees, including that found at § 1955.15(d)(3) of this chapter. This procedure will be applicable to administrative decisions made after its effective date.

§ 1900.52 Definitions.

(a) *Appellant.* An appellant is an applicant for FmHA assistance or an FmHA borrower or grantee, either individual or organization, that is directly and adversely affected by an administrative decision by FmHA.

(b) *Directly and adversely affected.* The term "directly and adversely affected" includes having a request for FmHA assistance denied in whole or in part or having FmHA assistance reduced, canceled, or not renewed. The term "directly and adversely affected" does not include actions where persons or organizations are clearly not eligible such as in the following cases: (1) loan denial because confirmed income above published limits; (2) interest credit reduced because of acknowledged income increases; or (3) a section 504 grant application denied because the applicant is less than 62 years of age.

(c) *Hearing.* A hearing, as used in this subpart, is an informal proceeding at which an appeal from an adverse decision is heard.

(d) *Hearing officer.* The hearing officer will be:

(1) In the case of an appeal of an initial decision by a county supervisor, or county committee, the district director having jurisdiction over that county office. If that district director had a significant role in the initial determination, the district director from a nearby geographical district office will be designated by the State director. For purposes of this subpart, the decision to accelerate an account will be deemed to have been made by the county supervisor initiating such action.

(2) In the case of an appeal of an initial decision by a district director, the State director, who may designate a program chief or other State office official to be the hearing officer.

(3) In the case of an appeal of an initial decision by a State director, the appropriate program assistant administrator or designee.

(4) In the case of an appeal of an initial decision by an assistant administrator, the appropriate deputy administrator.

(e) *Record.* The term "record" means the FmHA file, papers filed by an appellant, notes or transcript (if any) of a hearing, and decisions made by FmHA officials.

(f) *Review officer.* When the hearing officer is:

(1) The district director, the review officer will be the State director, except that when a decision to foreclose is appealed the review officer will be the area coordinator;

(2) The State director or designee, the review officer will be the appropriate program assistant administrator;

(3) The program assistant administrator or designee, the review officer will be the appropriate deputy administrator; and

(4) The deputy administrator, the review officer will be the administrator.

§ 1900.53 Appeal from an initial FmHA decision.

(a) If an applicant for FmHA assistance, and FmHA borrower, or an FmHA grantee is directly and adversely affected by an FmHA decision or action, the official taking such action or making the decision will inform that person or organization by letter of the action taken. The letter will include the following:

(1) A statement of the action taken or decision made and all of the specific reason(s) for the conclusion reached.

(2) An invitation to call at the decisionmaking official's office to discuss the decision with that official. The person (or organization) may bring to the meeting any additional information or a representative.

(3) A statement that the person (or organization) may appeal the decision directly to the hearing officer.

(i) Except in acceleration notices the statement should read as follows:

You may appeal the above action by writing to: Hearing office ————————, address ————————, within 30 calendar days of the date of this letter, giving the reasons why you believe this matter should be decided differently. This time may be extended if you cannot notify the hearing officer within the 30 days for reasons beyond your control.

(ii) In acceleration notices, the statement shall read substantially as found in the "Notice of Acceleration" exhibit C to subpart A, part 1955 of this chapter.

(4) A statement that if the person (or organization) wants the terminated or reduced assistance maintained at

the existing level, the decision to reduce or terminate may be stayed pending appeal if requested by the person (or organization) at the discretion of the hearing officer. The appellant will agree to repay any assistance received during the stay for which the appellant is, upon completion of the appeal, determined to have been ineligible.

(b) If a request is received to stay the decision, the hearing officer, based on the facts and circumstances, may stay the decision. An appropriate case for a stay would be if to not grant the stay would make an appeal useless.

(c) If the person or organization takes the opportunity for a meeting with the decisionmaking official, as set forth in § 1900.53(a)(2) then:

(1) If as a result of that meeting, the request is not granted, the official will send a letter to the person (or organization) which will contain the statements as set forth in § 1900.53(a) (1) and (3).

(2) If the meeting results in a resolution of the problem, the official will send the person or organization a letter setting forth the resolution and the reasons for it.

(d) When an appellant appeals a decision as provided in § 1900.53 (a)(3) or (c), the appeal will be handled as follows:

(1) Upon receipt of the appeal letter, the hearing officer will request the entire file from the decisionmaking official who will promptly forward the file on the matter to the hearing officer.

(2) The hearing officer will arrange for a hearing to be held as soon as possible but within 30 calendar days of the receipt of the appeal. The hearing will be held at a location convenient to the appellant, decisionmaking official and hearing officer. If no such place can be agreed on, the hearing officer will select the location. If the appellant or the decisionmaker for good reason is unable to attend a hearing within the 30 calendar day period, the hearing officer, after considering the circumstances, will set a date for the hearing.

(3) *Failure to appear.* (i) If the appellant or appellant's representative, without reasonable cause fails to appear at the hearing, the appellant's appeal will be deemed to have been concluded.

(ii) If the failure to appear is with reasonable cause, the hearing officer will reschedule the hearing at a time convenient to all interested parties.

(4) *The hearing.* (i) The hearing will be an informal proceeding at which the appellant will bear the burden of proving the initial decision erroneous. To do so the appellant may provide any information or witnesses the appellant believes should be considered in reaching a proper decision. The appellant may present evidence, witnesses, and arguments in support of appellant's complaint, controvert evidence relied on by the FmHA, and question all witnesses. Any evidence may be received by the hearing officer without regard to whether that evidence could be employed in judicial proceedings. A suggested guide for the order of presentation at a hearing is:

(A) The appellant makes statement setting forth why the original decision was erroneous.

(B) The decisionmaker, or successor, will explain why the original decision was correct.

(C) The appellant presents evidence, witnesses, and arguments supporting the appellant's position, including questioning of the decisionmaker. The witnesses may be questioned by the decisionmaking official or other FmHA representatives.

(D) Decisionmaking official, or other FmHA person, presents evidence supporting original decision or rebutting appellant's arguments or evidence. Any witnesses used may be questioned by the appellant.

(E) Summary by appellant and FmHA.

(ii) The decisionmaking official (or successor) will be at the hearing and will present evidence if necessary. Any other witnesses or FmHA personnel the decisionmaking official thinks necessary to fully determine the matter will be at the hearing to present evidence.

(iii) The hearing officer may request additional witnesses to appear or request further information if in the hearing officer's opinion such is necessary to reach a proper decision.

(iv) Before the hearing, the appellant or appellant's representative, unless otherwise prohibited by law or regulation, may examine, and, at the appellant's expense, copy all relevant documents, records, and regulations of FmHA.

(v) The appellant may be represented by an attorney or any other person at the hearing. All witnesses may be questioned by the hearing officer, appellant (or representative), and the decisionmaking official (or successor).

(vi) An FmHA employee (not the hearing officer or decisionmaking official) will take notes at the hearing. Within 5 working days after the hearing, a typed copy of the notes will be provided to the appellant who may notify FmHA of any changes appellant thinks should be made to the notes within 5 working days of receipt of the copy. The suggested changes will be made part of the record even if not agreed to by FmHA. If the appellant notified the hearing officer in advance, the appellant may arrange to have a transcript of the hearing made at the appellant's own expense. At FmHA's request, a copy of the transcript will be provided to FmHA for cost of reproduction. If the hearing officer thinks it is needed, a transcript of the proceedings may be made at FmHA's expense (a copy will be made available to appellant at cost). Either the appellant or FmHA may tape record the proceedings at their own expense.

(5) For good cause, the hearing officer on the request of either the appellant or an FmHA official may, in the hearing officer's complete discretion, continue the hearing to a future time.

(6) The decision of the hearing officer shall be based on facts presented at the hearing, appropriate FmHA files, applicable statutes and regulations, and the hearing officer's general knowledge of FmHA program functions.

(7) Within 20 calendar days of the hearing, the hearing officer will determine what action to take with regard to the appeal and:

(i) If the initial decision is reversed, will inform the appellant and original decisionmaking official by letter of the decision, the reason for it, and what action will be taken.

(ii) If the initial decision is upheld or modified but not reversed, will inform the appellant by letter of the decision giving the specific reasons, with a copy to the decisionmaking official. The letter must contain the following statement:

> If you wish to have the above decision further reviewed, you may appeal in writing to: Review officer ————————, address ————————, within 20 calendar days of the date of this letter explaining why you believe the decision is incorrect. Since this review will be based on the record, including papers filed, FmHA files, notes or transcripts of the appeal meetings, my decision, applicable statutes and regulations, and any additional written information you wish to submit, you should include any additional information you think is important and indicate whether you wish to present any information in person.

(e) If the appellant does not request in writing an appeal of the hearing officer's decision within the 20 calendar day period provided in the letter, the appeal will be considered concluded.

(f) If the appellant appeals to the review officer:

(1) Upon receipt of the appeal the review officer will request that the hearing officer forward the record to the review officer. The hearing officer will promptly do so.

(2) The review officer may obtain a copy of the transcript of the hearing if one was arranged for by the appellant.

(3) If no personal meeting was requested by the appellant, the review officer will review the record on the case and applicable law and regulations, any additional information fur-

nished by the appellant and such additional information as the review officer deems necessary and render a decision within 30 calendar days of receipt of the appeal.

(4) If the appellant indicates a desire to present information in person, the review officer will arrange a meeting for the sole purpose of receiving such additonal information. The meeting will be held within 15 calendar days of receipt of the appeal. A final decision will be rendered within 20 calendar days after the meeting.

(5) If the decision of the hearing officer is reversed, the appellant will be informed by letter of the decision and what action will be taken. The decisionmaking official and the hearing officer will also be notified, with the reasons for reversal provided.

(6) If the hearing officer's decision is upheld or modified but not reversed, the appellant will be informed of the decision by letter giving the specific reasons for the decision, with a copy each to the decisionmaking official and hearing officer. The letter must contain the following statement:

If you believe the above decision is arbitrary and capricious, that is, lacking any rational, factual, or legal basis, you may write the Administrator, FmHA, 14th and Independence Avenue SW., Washington, D.C. 20250, explaining why. The administrator's review will be based only on the existing written record. A copy of your letter to the administrator should be sent to me so that I can expeditiously forward the record to the administrator.

(g) Upon receipt of an appeal from a hearing review officer's decision, the administrator or a delegate will review the record, which will have been forwarded by the review officer upon receipt of a copy of the letter and determine whether the decision was arbitrary and capricious. If not, the decision will be upheld and the appellant so notified. If the administrator or a delegate finds the decision to have been arbitrary and capricious, the official will determine what action should be taken and notify all affected parties. If the appeal is from an initial decision of an assistant administrator or higher official, the administrator may not delegate this authority except to the associate administrator.

§ 1900.54 Effect of appeal decision.

(a) *Effective date.* When an appeal is concluded, the effective date of the action to be taken will be the originally proposed effective date of the initial decision from which the appeal was taken.

(b) *Legal effect.* A decision made when an appeal is concluded will be administratively conclusive. It will not, however, be determinative of the legality of the action to be taken.

Dated: November 2, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-31797 Filed 11-9-78; 8:45 am]

[3410-07-M].

SUBCHAPTER L—LOAN AND GRANT MAKING

[FmHA Instruction 1933-A]

PART 1933—LOAN AND GRANT PROGRAMS (GROUP)

Subpart A—Community Facility Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its loan regulations concerning the use of metering devices on water systems and areas eligible for financing of community facilities. The intended effect of this action is to establish more equitable user rates, to promote conservation of our natural resources, and to clarify present regulations. These regulations as proposed are being amended herein as the result of responses received from the public and FmHA personnel.

EFFECTIVE DATE: November 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Gary L. Smith, telephone 202-447-5717.

SUPPLEMENTARY INFORMATION: On July 10, 1978 (43 FR 29565) the Farmers Home Administration published a proposal to amend section 1933.17(a)(2) and to add section 1933.18(a)(3)(ii)(G) of subpart A of part 1933, chapter XVIII, title 7, Code of Federal Regulations. A correction to section 1933.17(a)(2) was published on July 19, 1978 (43 FR 31022). Three comments have been received and considered.

Two of the comments were in reference to the water meter proposed change. One comment was in support of the change stating that the State director's office was the proper administrative level for making an exception since it is close to the situation. The other comment opposed the change stating that the use of water meters is desirable but it may (1) prove unfeasible to a community if water meters have not been installed; (2) result in a hardship through increased cost to water facilities; and (3) result in more Federal regulations. FmHA does not feel the proposed change will present any undue hardship to the applicant. The change as written allows for an exception by the FmHA State director should the installation of metering devices create a significant economic detriment and if environmental considerations would not be adversely affected by not installing the metering devices. FmHA also feels that the regulation is necessary to assist in water conservation.

The third comment pointed out that there may be a problem in the interpretation of the term town. In some States, such as the New England States, the term town is synonymous with township government. FmHA feels there is sufficient latitude in the regulation that will allow FmHA to provide assistance to these areas. The term town in this regulation is not to be interpreted as meaning the same as township.

This document has been reviewed in accordance with FmHA Instruction 1901-G "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190 an environmental impact statement is not required.

Therefore, FmHA amends its regulations for the following purposes:

1. Section 1933.17(a)(2) is amended to provide that loan and/or grants for community facilities will not be made to any city or town in excess of 10,000 population.

2. To add § 1933.18(a)(3)(ii)(G) to prescribe the use of metering devices except in certain limited cases granted by the State director.

3. To establish a subchapter L titled "Loan and Grant Making" in chapter XVIII, title 7, Code of Federal Regulations and to transfer part 1933 from subchapter J to subchapter L.

Accordingly, § 1933.17(a)(2) is amended and § 1933.18(a)(3)(ii)(G) is added and reads as follows:

§ 1933.17 Appendix A—Community facilities

(a) * * *

(2) *Applicant eligibility and priority.* Facilities financed by FmHA shall primarily serve rural residents and be located in rural areas except as provided in § 1933.17(a)(3)(iii)(K). However, loans and/or grants for such facilities will not be made to any city or town in excess of 10,000 population. The terms "rural" and "rural areas" shall not include any area in any city or town having a population in excess of 10,000

inhabitants according to the latest decennial census of the United States.

* * * * *

§ 1933.18 Appendix B—Community facilities—Planning, bidding, contracting, constructing.

(a) * * *

(3) *Design policies.* * * *

(ii) *Water systems.* * * *

(G) *Metering devices.* Water facilities being financed by FmHA will have metering devices for each connection. An exception to this requirement may be granted by the FmHA State director when the applicant demonstrates that installation of metering devices would be a significant economic detriment and that environmental considerations would not be adversely affected by not installing such devices.

* * * * *

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture; 7 CFR 2.23; delegation of authority by the Assistant Secretary of Agriculture for Rural Development, 7 CFR 2.70.)

Dated: October 31, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-31796 Filed 11-9-78; 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 73—SCABIES IN CATTLE

Release of Area Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to release a portion of Malheur County in Oregon from areas quarantined because of cattle scabies. Surveillance activity indicates that cattle scabies no longer exists in the area quarantined. No areas in the State of Oregon remain under guarantine.

EFFECTIVE DATE: November 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Glen O. Schubert, Chief Staff Veterinarian, Sheep, Goat, Equine, and Ectoparasites Staff, USDA, APHIS, VS, Room 737, Federal Building, 6505 Belcrest Road, Hyattsville, Md. 20782, 301-436-8322.

SUPPLEMENTARY INFORMATION: This amendment releases a portion of Malheur County in Oregon from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded area, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said part 73 will apply to the excluded area.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies, is hereby amended in the following respect:

§ 73.1a [Amended]

In § 73.1a, paragraph (c) relating to the State of Oregon is deleted.

(Secs. 4-7, 23 State. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 6th day of November 1978.

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

[FR Doc. 78-31786 Filed 11-9-78; 8:45 am]

[3410-34-M]

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

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Laboratories, Border Ports, Ocean Ports, and Airports

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION Final rule.

SUMMARY: This document amends the regulation which establishes charges for overtime work at laboratories, border ports, ocean ports, and airports. Veterinary Services inspectors of the United States Department of Agriculture are charged with performing inspection duties relating to imports and exports at laboratories, border ports, ocean ports, and airports. Such services may be performed outside the regular tour of duty of the inspector when requested by a person, firm, or corporation and the charge for such overtime is recoverable from those requesting the services. The following amendment increases the hourly rates for such services performed on a Sunday or holiday, or at any other time outside the regular tour of duty. These increases are commensurate with salary increases provided Federal employees in accordance with the Federal Pay Comparability Act of 1970 (Pub. L. 91-656), and Executive Order 12087 dated October 7, 1978.

EFFECTIVE DATE: November 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. E. R. Mackery, USDA, APHIS, VS, Room 870, Federal Building, Hyattsville, Md. 20782, 301-436-8695.

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), and the Airports and Airways Development Act Amendments of July 12, 1976 (90 Stat. 882; 49 U.S.C. 1741), the first sentence of § 97.1, Part 97, Title 9, Code of Federal Regulations, is amended to read:

§ 97.1 Overtime work at laboratories, border ports, ocean ports, and airports.[1]

(a) Any person, firm, or corporation having ownership, custody or control

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and subchapter G of this chapter, and who requires the services of an employee of Veterinary Services on a holiday or Sunday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday or Sunday service request the Veterinary Services inspector in charge to furnish inspection, laboratory testing, certification or quarantine service during such overtime or holiday or Sunday period, except as provided in paragraph (b) of this section, shall pay the Administrator of the Animal and Plant Health Inspection Service at a rate of $22.28 per man hour per employee on a Sunday and at a rate of $14.76 per man hour per employee for holiday or any other period; except that for any services performed on a Sunday or holiday, except as provided in paragraph (b) of this section for inspection or quarantine services requested by an owner or operator of an aircraft at an airport on a Sunday or holiday which are performed within regularly established hours of service, or at any time after 5 p.m. or before 8 a.m. on a week day, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. * * *

* * * * *

(64 Stat. 561 (7 U.S.C. 2260).)

Determination of the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of November 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.

PIERRE A. CHALOUX,
Deputy Administrator,
Veterinary Services.

[FR Doc. 78-31786 Filed 11-9-78; 8:45 am]

[1505-01-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Air Space Docket No. 78-WE-16]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

Correction

In FR Doc. 78-30682 appearing at page 50421 in the issue for Monday, October 30, 1978, second column, second line of the second quoted paragraph (R-2507 B) under ADOPTION OF THE CORRECTION, "North" should read "South".

[6750-01-M]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2932]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

National Indemnity Co., et al.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair or deceptive acts or practices, this consent agreement, among other things, requires an Omaha, Nebr. insurance company and its subsidiaries to cease failing to provide insurance applicants with required disclosures regarding preparation of investigative consumer reports and the nature and scope of such investigations.

DATES: Complaint and order issued October 18, 1978.[1]

FOR FURTHER INFORMATION CONTACT:

FTC/PD, Lewis H. Goldfarb, Washington, D.C. 20580, 202-724-1181.

SUPPLEMENTARY INFORMATION: On Wednesday, August 9, 1978, there was published in the FEDERAL REGISTER, 43 FR 35339, a proposed consent agreement with analysis in the matter of National Indemnity Co., a corporation, and its subsidiaries: Cornhusker Casualty Co., Home and Automobile Insurance Co., Lakeland Fire and Casualty Co., Texas United Insurance Co., Insurance Co. of Iowa, and Kansas Fire and Casualty Co., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections, regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Collecting, assembling, furnishing or utilizing consumer reports: Section 13.382 Collecting, assembling, furnishing or utilizing consumer reports; 13.382-5 Formal regulatory and/or statutory requirements; 13.382-5(a) Fair Credit Reporting Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 84 Stat. 1127-36; 15 U.S.C. 1601, et seq.)

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-31812 Filed 11-9-78; 8:45 am]

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[1] Copies of the complaint and the decision and order filed with the original document.

[6351-01-M]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 32—REGULATION OF COMMODITY OPTION TRANSACTIONS

Reporting Requirements for Dealer Options

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted amendments to rule 32.12. The purpose of these amendments is to establish the form and content of reporting requirements for options on physical commodities (so-called dealer options).

Dealers which grant and futures commission merchants (FCM's) which sell dealer options to the public will be required to submit monthly reports to the Commission and to provide the Commission with additional data, as needed, on special calls. These reports will provide the Commission with information on: (1) The extent and composition of the dealer-option market; (2) the level of markups charged by retailers of dealer options; (3) the level of option premiums set by the dealers; (4) the extent to which dealer options are exercised, expire, or are resold to the dealer; (5) the volume and open interest reported by FCM's in comparison with the volume and open interest attributed to each FCM by the reporting dealer; and (6) the extent to which commercial interests use the dealer-option market, either by granting options to the option dealer or by purchasing options either directly from the dealer or indirectly through FCM's.

This reporting system will provide the Commission with data needed for monitoring the market, compliance audits and investigations, and analyses of the extent to which commercial interests use dealer options for purposes related to their businesses.

EFFECTIVE DATE: January 1, 1979, except for § 32.12(a)(6)(iv) which shall become effective December 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Paula Tosini, Office of Chief Economist, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, telephone 202-254-7847; Tom Purcell, Division of Surveillance and Analysis, Commodity Futures Trading Commission Eastern Region Headquarters, One World Trade Center, Suite 4747, New York, N.Y. 10048, telephone 212-791-9220; or Rosemarie Di Cianni, Division of Surveillance and Analysis, Commodity Futures Trading Commission Central Region Headquarters, 233 South Wacker Drive, Suite 4600, Chicago, Ill. 60606, telephone 312-353-9028.

SUPPLEMENTARY INFORMATION: The Commission adopted rule 32.12 as an exemption from the general suspension of the offer or sale of options to the public where the grantor and the seller of an option on a physical commodity satisfy certain conditions set forth in the rule which the Commission believes essential for the protection of option customers (43 FR 23704 et seq. (June 1, 1978)). Rule 32.12 provides that a dealer-option grantor and the person offering or selling these options to an option customer shall make such reports to the Commission as the Commission by rule or regulation or order may require. These amendments to rule 32.12 apply to option grantors whose options are offered or sold to the public through FCM's; however, these amendments do not apply to grantors whose options are offered or sold exclusively under the trade-option exemption in rule 32.4(a).

On August 24, 1978, the Commission published for a 15-day comment period a proposal to establish the form and content of reports to be submitted by grantors of dealer options and persons offering or selling such options to the public (43 FR 37715-17). During the comment period which ended September 8, 1978, the Commission received one written comment. The Commission also received oral comments from five other persons and two written comments after the comment period ended. After reviewing these comments, the Commission has decided to adopt the rule in essentially the form proposed, with certain clarifications, modifications and technical changes.[1]

Most comments received by the Commission concerned the reporting of commercial interests' participation in the dealer-option market.[2] One commentator stated that it would be burdensome to classify each option transaction as commercial or noncommercial.

It is not the intention of the Commission to require futures commission merchants and option grantors to classify and record each individual option transaction as commercial or noncommercial. Rather, it is the classification of the account which determines the classification of that account's transactions. In particular, all transactions undertaken for an account which a futures commission merchant has classified as nonspeculative (in terms of the classification criterion of § 32.12(i)(1)) are to be included in that FCM's monthly report as open interest and/or volume attributed to nonspeculative accounts (Form CFTC-145, Part A, items 2 and 4, respectively, attached hereto as Appendix A). Similarly, it is the open interest and volume attributed to accounts which an option grantor has classified as nonspeculative in accordance with the § 32.12(i)(1) criterion which should be reported by the grantor on Forms CFTC 153 and 154 (attached hereto as part of Appendix B.)

In this context, the portions of the proposed rule which referred to activities of "commercial interests" have been revised to refer to activities undertaken by accounts classified "as being traded for other than speculative purposes." (Compare §§ 32.12(f)(1)(ii) and (iv) and 32.12(g)(1) of the adopted rule with §§ 32.12(f)(1)(ii) and (iv) and 32.12(g)(1) (i) and (ii) of the proposed rule (43 FR 37716-7).) Further, the definition of the term "commercial interests" contained in proposed § 32.12(i) (43 FR 37717) has been recast as the criterion for classifying an account as being "traded for other than speculative purposes" in § 32.12(i)(1) of the rule as adopted.

The Commission is aware that the dealer-option reporting and recordkeeping requirements, particularly as they relate to accounts traded for other than speculative purposes, may cause some FCM's or grantors to institute new procedures and/or to make available to the Commission data which some FCM's or grantors may consider sensitive. These considerations, however, must be weighed against the Commission's long-standing judgment that accurate information on the commodity-option market in general, and on the extent of commercial use of the market in particular, is essential to the determination of whether any economic purpose is served by commodity options and whether public participation in their trading is consistent with the public interest. In this context, the Commission stated in its initial proposal for its pilot program in exchange-traded commodity options (42 FR 18248 (April 5, 1977)) and reiterated in its revised proposal (42 FR 55545 (October 17, 1977)):

> * * * the Commission is aware of arguments that some economic benefits may be derived from the trading of commodity options; however, it has insufficient basis at present to substantiate the nature and magnitude of any such benefits. Consequently, during the pilot program the Commission intends to make a full study of the commercial use of option trading to facilitate the production, marketing and processing of commodities in interstate commerce, the economic effect of option trading, and the public interest served thereby.

These considerations are equally valid in the context of dealer options in

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[1] On Sept. 30, 1978, the President signed into law the Futures Trading Act of 1978, Pub. L. 95-405, 92 Stat. 865, et seq., which became effective on Oct. 1, 1978. Among other things, sec. 3 of that Act permits certain grantors and sellers of options on physical commodities who were in business on May 1, 1978, to continue to grant such options in accordance with Commission regulations in effect on Aug. 17, 1978, and directs the Commission to issue regulations concerning option transactions on physical commodities. The Commission shall adopt and shall publish shortly regulations to implement these statutory provisions.

[2] In adopting its general suspension of the offer or sale of commodity options, the Commission noted that it had found no evidence of significant commercial use of dealer options, although commentators had provided examples of how such options might be used. (43 FR 16155-56.) One of the purposes of these reporting requirements is to enable the Commission to ascertain whether, and to what extent and in what manner commercial interests participate in the dealer options market, particularly in acquiring options through FCM's.

order for the Commission to determine whether or not to permit continued offer or sale of such options in the United States.[3] Moreover, with respect to any material submitted to the Commission, 17 CFR § 145.9 (1977) provides that a person has the right to file a petition for confidential treatment of some or all of the information supplied.

Accordingly, the Commission has determined to require futures commission merchants selling dealer options to the public and the grantors of such options to report each month the volume of option trading and the option open interest attributed to accounts which are traded for other than speculative purposes. This rule, as the proposed rule, also requires grantors of dealer options to provide information on the degree to which options held in accounts classified as trading for other than speculative purposes are exercised or expire. (See §§ 32.12(g)(1) and 32.12(f)(1) (ii) and (iv) of this rule.)

Futures commission merchants which offer or sell options to option customers under § 32.12(a) will be required to file reports for any calendar month during which such persons engage in an option transaction for an option customer or acquire an option from an option grantor for their own account. Futures commission merchants may acquire options directly from an option grantor pursuant to § 32.12 or § 32.4(a).

The monthly reports on the volume of activity and open interest attributed to option accounts classified as nonspeculative will provide one indicator of the extent to which commercial interests use the dealer-option market to facilitate their businesses. More detailed analyses of commercial use of the dealer-option market will require additional information at the individual account level. The Commission did not propose, nor is the Commission now requiring, that individual account information be submitted on a routine basis. However, in accordance with the provisions of § 32.12(h) of this rule, more detailed information is required to be made available to the Commission, as needed, on special call.

One commentator objected to making information on its accounts, such as the names and addresses of option customers, available to the Commission on special call. (See §§ 32.12(h)(1)(i) and 32.12(h)(2)(ii)(A).) That commentator stated that its books are available for Commission inspection, at least for investigatory if not statistical purposes. The special call provisions are patterned after 17 CFR Part 21 (1977) of the Commission's regulations pertaining to futures trading. These provisions permit the Commission to be selective in the information it requests from the option grantors' or futures commission merchants' books and are an important adjunct to effective monitoring of market activity. Further, as has been the case with futures trading data collected for research and analysis under part 21, the Commission anticipates using its special-call authority sparingly.

One commentator requested a clearer differentiation between the data to be reported for accounts handled directly by option grantors and the data to be reported for accounts of futures commission merchants with which the grantor deals. Of course, the only option transactions in which an option grantor may engage directly are transactions entered into under the trade-option exemption contained in § 32.4(a),[4] and those with persons registered as futures commission merchants who are acquiring options for their own account.

In response to this request for clarification, the option grantors' monthly reporting requirements have been separated into accounts which the grantor handles directly (§ 32.12(g)(1) of this rule and Appendix B, Forms CFTC-153 and -154) and accounts of futures commission merchants with which the grantor deals (§ 32.12(g)(2) of this rule and Appendix B, Forms CFTC-146 through -152). The reporting requirements for the former type of accounts have been revised to reflect the fact that option contracts which the grantor buys and sells directly are not necessarily standardized with respect to the quantity of the underlying commodities nor in terms of expiration dates. As a result of this separation of the grantor's reporting requirements into two parts, most subsections of § 32.12(g) have been renumbered and several technical changes in language have been made.

In response to several comments, the reporting requirements for payments made to and received by grantors for options sold through FCM's have been revised (see §§ 32.12(f)(1)(vi), 32.12(f)(2)(iii), 32.12(g)(2)(iv)(A), and 32.12(h)(1)(ix)). The purpose of these sections is to obtain data on the proportion of option-customers' payments to FCM's which will ultimately be paid to the grantor. The revised sections add "due to" the grantor to reflect the fact that the payment which the grantor will ultimately receive is placed in a segregated account under rule 32.6 until the rights of the option customer in the transaction are fulfilled.[5]

A definition of the term "option contract" has been added to § 32.12(i)(2). A similar definition appeared in the Supplementary Information portion of the proposed rule (43 FR 37716) and is being incorporated in the text of the rule for completeness.

Except for § 32.12(a)(6)(iv), the effective date of the amendments to § 32.12 is January 1, 1979, and the first reports are due at the Commission's Eastern Region Headquarters (One World Trade Center, Suite 4747), on the 10th business day of January (January 15, 1979). Section 32.12(a)(6)(iv) (the FCM recordkeeping requirements) will become effective December 1, 1978.

The Commission finds that good cause exists to make § 32.12(a)(6)(iv) effective on less than 30 day's notice as would otherwise be required by 5 U.S.C.§ 553 (1976). Affected persons have been on notice since August 24, 1978, concerning the types of data the Commission intends to collect for dealer-option transactions. Further, since the Commission considers it important to be able, as soon as possible, to determine whether dealer options are in the public interest, the Commission believes it necessary to receive complete and accurate reports on dealer-option transactions without further delay. In order that complete reports on December 1978 dealer-option transactions be available to the Commission by January 15, 1979, FCM's recordkeeping requirements must become effective December 1, 1978.

The Commission is aware that § 32.12(d) provides that the provisions of paragraphs (a), (b), and (c) of § 32.12 shall be of no further effect 60 days after the effective date of any amendment to section 4c(b) of the Commodity Exchange Act. As indicated above, amendment to the Act's option provisions became effective October 1, 1978. Accordingly, the Commission will amend or repeal § 32.12(d) in order to effectuate the requirements now being adopted.[6]

In consideration of the foregoing, the Commission, pursuant to the authority contained in sections 2(a)(1), 4c, and 8a of the Act, 7 U.S.C. 2, 6c, and 12a (1976), as amended by Pub. L. 95-405, 92 Stat. 865 et seq., hereby amends part 32 of chapter I of title 17 of the Code of Federal Regulations by amending § 32.12 as follows:

1. Section 32.12(a)(6) is revised as set forth below.

2. The first sentence of § 32.12(b)(1) is revised to read as set forth below.

[3] In this connection the Commission notes that sec. 4c(e) of the Commodity Exchange Act, as amended by Pub. L. 95-405, specifically authorizes the Commission to prohibit the offer and sale of dealer options upon a determination that such options are contrary to the public interest.

[4] As a result of the Futures Trading Act of 1978, the Commission will amend the provisions of § 32.4(a). See note 1, supra.

[5] The Commission will amend § 32.6 to reflect enactment of the Futures Trading Act of 1978. See note 1, supra.

[6] See note 1, supra.

3. Section 32.12 (f), (g), (h), and (i) are added as follows.

§ 32.12 Exemption from suspension of commodity option transactions.

(a) * * *

(6) Each person who is offering and selling the option to an option customer (i) is fully in compliance with each and every requirement of this part 32, (ii) includes in the confirmation statement required by § 32.5(d) to be furnished to option customers the transaction identification number provided by the grantor, (iii) makes such reports to the Commission as are provided for in paragraphs (f) and (h) of this section and as the Commission may otherwise require by rule or regulation or order, and (iv) keeps a record in permanent form which shows, for each commodity option account carried by such person (A) the principal occupation or business of the option customer owning the account, (B) the name and address of any other person having a financial interest in such account, (C) the name, address and principal business or occupation of any other person exercising any trading control with respect to such account, and (D) an indicator of whether the account is traded for speculative purposes or for other than speculative purposes.

* * * * *

(b)(1) The grantor of any option publicly offered pursuant to paragraph (a) of this section shall keep full, complete and systematic records together with all pertinent data and memoranda of or relating to such transactions and make such reports to the Commission as provided for in paragraphs (g) and (h) of this section and as the Commission may otherwise require by rule or regulation or order.

* * * * *

(f) Each person registered as a futures commission merchant which offers or sells options to option customers pursuant to paragraph (a) of this section shall file a report with the Commission on form CFTC-145 for any month during which such person entered into an option transaction with an option customer or acquired an option for its own account from a § 32.12 grantor. Such reports shall be filed with the Commission office in New York, N.Y., by the tenth business day of the month following the month covered by the report and shall contain the following information by option grantor and option contract:

(1) For option-customer accounts: (i) The number of open option contracts, end of month.

(ii) The number of open option contracts, end of month, held in accounts classified by the FCM as being traded for other than speculative purposes.

(iii) The number of option contracts entered into during the month.

(iv) The number of option contracts entered into during the month for accounts classified by the FCM as being traded for other than speculative purposes.

(v) The aggregate purchase price, as defined in § 32.1(d), received and due from option customers for option contracts entered into during the month.

(vi) The total of premiums and fees paid to and due to the option grantor for option contracts entered into by option customers during the month.

(2) For proprietary accounts of such person, as defined in § 1.3(y): (i) The number of open option contracts, end of month.

(ii) The number of option contracts entered into with the option grantor during the month.

(iii) The total of premiums and fees paid to and due to the option grantor for option contracts entered into during the month.

(g) The grantor of any option publicly offered or sold during any calendar month pursuant to paragraph (a) of this section shall file reports with the Commission at its office in New York, N.Y. with respect to all commodity-option transactions entered into by the grantor during such month. Such reports are due by the tenth business day of the month following the month covered by the reports and shall be filed on forms CFTC 146, 147, 148, 149, 150, 151, 152, 153 and 154.

(1) Such reports shall contain the following information with respect to all commodity options that were not publicly offered pursuant to paragraph (a) of this section:

(i) By commodity, call or put, and expiration month:

(A) The total quantity of the underlying commodity on which options were bought directly from or granted directly to accounts classified by the grantor as being traded for other than speculative purposes.

(B) The total quantity of the underlying commodity on which options, bought directly from or granted directly to accounts classified by the grantor as being traded for other than speculative purposes, were open as of the last business day of the month.

(ii) By commodity and call or put;

(A) The total quantity of the underlying commodity on which options bought directly from or granted directly to accounts classified as being traded for other than speculative purposes were exercised during the month.

(B) The total quantity of the underlying commodity on which options bought directly from or granted directly to accounts classified as being traded for other than speculative purposes expired during the month.

(2) Such reports shall contain the following information with respect to all commodity options that were publicly offered pursuant to paragraph (a) of this section:

(i) By option contract and expiration date:

(A) The value of option contracts repurchased from option customers through FCM's during the month.

(B) The value of new sales to option customers through FCM's during the month.

(ii) By option contract, expiration date and strike price:

(A) The number of option contracts repurchased from and granted to option customers through FCM's during the month.

(B) The number of option contracts granted to option customers through FCM's which were open as of the last business day of the month.

(C) The bid and ask option premiums available to option customers through FCM's as of the last business day of the month.

(iii) By option contract:

(A) The number of option contracts previously bought by option customers through FCM's which were exercised during the month.

(B) The number of option contracts previously bought by option customers through FCM's which expired during the month.

(iv) By option contract and offering FCM:

(A) The value of premiums and fees received by and due to the grantor for option contracts sold through FCM's during the month.

(B) The number of option contracts open as of the last business day of the month.

(C) The number of option contracts sold during the month.

(h) All information required upon special call as set forth in this paragraph (h) shall be prepared in such form and manner, and summarized in accordance with such instructions, and shall be transmitted at such time and to such office of the Commission, as may be specified in the call.

(1) Upon call by the Commission, each futures commission merchant shall furnish to the Commission for the grantor(s), the option contract(s), the expiration date(s), the strike price(s) and the transaction date(s) any of the following information that is specified in such call for any accounts, including proprietary accounts of such futures commission merchant, in which open dealer-option contracts are carried on the records of such futures commission merchant:

(i) The name(s) and address(es) of the account owner(s).

(ii) The principal business or occupation and industry of the account owner(s).

(iii) The kind of account.

(iv) The name(s), address(es) and principal business or occupation and industry of any other person(s) who controls the trading of the account.

(v) The name(s) and address(es) of any other person(s) having a financial interest in the account.

(vi) Identification of those accounts that trade dealer options for other than speculative purposes.

(vii) The number of open dealer-option contracts held or controlled by such traders.

(viii) The aggregate purchase price (as defined in § 32.1(d)) received from option customers for the purchase of dealer-option contracts.

(ix) The premiums and fees paid to and due to the grantor for the purchase of dealer-option contracts.

(2) Upon call by the Commission, each grantor shall furnish to the Commission for the option contract(s), the expiration date(s), the strike price(s) and the transaction date(s) any of the following information which is specified in such call:

(i) Premium levels.

(ii) For any accounts, including accounts owned or controlled by the grantor, in which open option contracts are carried on the records of such option grantor:

(A) The name(s) and address(es) of the account owner(s);

(B) The principal business or occupation and industry of the account owner(s), other than the account of an FCM selling such grantor's options to the public;

(C) The kind of account, other than the account of an FCM selling such grantor's options to the public;

(D) Identification of those accounts, other than the account of an FCM selling such grantor's options to the public, that trade such options for other than speculative purposes;

(E) The number of open option contracts in the account;

(F) The number of option contracts exercised.

(i)(1) For purposes of paragraphs (a), (f), (g) and (h) of this section, accounts classified as being "traded for other than speculative purposes" shall be limited to accounts of producers, processors, commercial users or merchants which handle the commodity which is the subject of the commodity-option transaction, or the products or by-products thereof, as part of their business.

(2) The term "option contract" as used in paragraphs (f), (g) and (h) of this section shall refer to either a call or a put on a specified weight of the underlying commodity.

Issued in Washington, D.C., on November 6, 1978, by the Commission.

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

[6351-01-C]

APPENDIX A

INSTRUCTIONS FOR PREPARING AND FILING CFTC FORM ON DEALER OPTIONS

Futures Commission Merchant Form CFTC-145

(See Regulations Under The Commodity Exchange Act)

Who Should Report – Each person registered as a futures commission merchant which offers or sells options to option customers pursuant to §32.12 if, during the reporting month, such person has entered into an option transaction with an option customer or has acquired an option for its own account from a §32.12 grantor.

When To Report – The report shall be submitted to the Commission not later than the tenth business day following the end of the month to which the information relates.

Where To Report – The report should be submitted to the CFTC Eastern Region Headquarters, One World Trade Center, Suite 4747, New York, New York 10048.

Preparation of Report

1. FCM Code Number -- Use the code number assigned to you by the Commodity Futures Trading Commission.

2. Report Date – The report should cover all transactions from the opening of business on the first business day of the month through the close of business on the last business day of the month. (Items A1, A2 and B1 should be reported as of the close of business of the last business day of the reporting month).

3. Grantor – Separate forms should be used for each option grantor.

4. Option Contract – Data should be reported separately for each option contract but should be aggregated over strike prices and expiration dates. For purposes of this report an option contract is restricted to a call or a put on a specified weight of the underlying commodity; e.g., puts on 100 oz. gold bullion and one kilo gold bullion and calls on 100 oz. gold bullion are considered three different option contracts.

What To Report -- Each futures commission merchant must report by grantor and option contract:

1. For Option-Customer Accounts:

   a. total number of option contracts open as of the close of business of the last business day of the month;

   b. total number of option contracts open as of the close of business of the last business day of the month which are held in accounts of commercial enterprises (i.e., producers, processors, commercial users or merchants which, as part of their business, handle the commodity which is the subject of the commodity-option transaction, or the products or by-products thereof);

   c. total number of option contracts entered into during the month;

   d. total number of option contracts entered into during the month for accounts of commercial enterprises (i.e., producers, processors, commercial users or merchants which as part of their business handle the commodity which is the subject of the commodity-option transaction, or the products or by-products thereof);

   e. the aggregate purchase price of all option contracts (including premiums, commissions, clearing fees, research fees, etc.) received and due from option customers for option contracts entered into during the month (see §32.1(d));

   f. total of premiums and fees paid and due to the option grantor for option contracts entered into by option customers during the month.

2. For Proprietary Accounts of FCM's, as defined in §1.3y of the regulations under the Commodity Exchange Act, as amended:

   a. total number of option contracts open as of the close of business on the last business day of the month;

   b. total number of option contracts entered into with the option grantor during the month;

   c. total of premiums and fees paid and due to the option grantor for option contracts entered into during the month. (Report only data for options which were not subsequently resold to customers).

In addition, reporting futures commission merchants must list the commodities for which they are producers, processors, commercial users or merchants.

145-A FRONT - Customer Accounts BACK - Proprietary Accounts	COMMODITY FUTURES TRADING COMMISSION FUTURES COMMISSION MERCHANT REPORT ON DEALER COMMODITY OPTIONS (80) FORM CFTC-145 PART A -- Customer Accounts	FCM CODE NO: REPORT DATE: NAME OF OPTION GRANTOR:

NOTICE: Failure to file a report required by the Commodity Exchange Act and the regulations thereunder, or the filing of a false or fraudulent report may be a basis for administrative action under 7 U.S.C. Sec. 9, and may be punishable by fine or imprisonment, or both, under 7 U.S.C. Sec. 13, or 18 U.S.C. Sec. 1001.

	88 GOLD BULLION			84 SILVER BULLION			43 GOLD COINS			87 SILVER COINS			76 PLATINUM			85 COPPER		
	CALLS 0	PUTS 1	WEIGHT	CALLS 0	PUTS 1	WEIGHT	CALLS 0	PUTS 1	WEIGHT OR TYPE	CALLS 0	PUTS 1	WEIGHT OR TYPE	CALLS 0	PUTS 1	WEIGHT	CALLS 0	PUTS 1	WEIGHT
1. OPTION CONTRACTS OPEN AT END OF MONTH. 1																		
2. OPTION CONTRACTS HELD BY COMMERCIALS OPEN AT END OF MONTH. 2																		
3. NUMBER OF OPTION CONTRACTS ENTERED INTO DURING MONTH 3																		
4. NUMBER OF OPTION CONTRACTS ENTERED INTO DURING MONTH BY COMMERCIALS 4																		
5. TOTAL AMOUNT RECEIVED AND DUE FROM CUSTOMERS FOR OPTION CONTRACTS ENTERED INTO DURING MONTH 5																		
6. TOTAL AMOUNT PAID AND DUE TO GRANTOR FOR OPTION CONTRACTS ENTERED INTO DURING MONTH 6																		

CFTC-145
(6-78)

A-2

145-8
FRONT - Customer Accounts
BACK - Proprietary Accounts

COMMODITY FUTURES TRADING COMMISSION
FUTURES COMMISSION MERCHANT REPORT ON DEALER COMMODITY OPTIONS (80)

PART B – Proprietary Accounts*

FCM CODE NO:
REPORT DATE:
NAME OF OPTION GRANTOR:

NOTICE: Failure to file a report required by the Commodity Exchange Act and the regulations thereunder, or the filing of a false or fraudulent report may be a basis for administrative action under 7 U.S.C. Sec. 9, and may be punishable by fine or imprisonment, or both, under 7 U.S.C. Sec. 13, or 18 U.S.C. Sec. 1001.

	88 GOLD BULLION			84 SILVER BULLION			43 GOLD COINS			87 SILVER COINS			76 PLATINUM			85 COPPER		
	CALLS 0	PUTS 1	WEIGHT	CALLS 0	PUTS 1	WEIGHT	CALLS 0	PUTS 1	WEIGHT OR TYPE	CALLS 0	PUTS 1	WEIGHT OR TYPE	CALLS 0	PUTS 1	WEIGHT	CALLS 0	PUTS 1	WEIGHT
1. OPTION CONTRACTS OPEN AT END OF MONTH. 7																		
2. NUMBER OF OPTION CONTRACTS ENTERED INTO DURING MONTH 8																		
3. TOTAL AMOUNT PAID AND DUE TO GRANTOR FOR OPTION CONTRACTS ENTERED INTO DURING MONTH 9																		

* LIST COMMODITIES (IF ANY) OF WHICH THE REPORTING FCM IS A PRODUCER, PROCESSOR, COMMERCIAL USER OR MERCHANT

APPENDIX B

INSTRUCTIONS FOR PREPARING AND FILING CFTC FORMS ON DEALER OPTIONS

Grantor's Forms CFTC-146, 147, 148 and 149

(See Regulations Under The Commodity Exchange Act)

Who Should Report – Each grantor of any option which was, at any time during the reporting month, publicly offered or sold pursuant to rule 32.12(a).

When To Report – The report shall be submitted to the Commission not later than the tenth business day following the end of the month to which the information relates.

Where To Report – The report shall be submitted to the CFTC Eastern Region Headquarters, One World Trade Center, Suite 4747, New York, New York 10048.

Preparation of Report

1. Report Date – The data on form CFTC-146 should be reported as of the close of business of the last business day of the month. The data on forms CFTC-147, 148 and 149 should include all transactions from the opening of business of the first business day of the month through close of business of the last business day of the month.

2. Commodity (weight) – Report data separately for each contract weight of the commodity; e.g., data for 100 oz. gold bullion and one kilo gold bullion should be reported separately.

3. Option Contract – For purposes of this report, an option contract is either a call or a put on a specified weight of the underlying commodity.

COMMODITY FUTURES TRADING COMMISSION
GRANTOR'S REPORT ON COMMODITY OPTIONS

NAME OF OPTION GRANTOR:

REPORT DATE:

146

FORM CFTC-146
OPEN INTEREST BY FCM

INSTRUCTIONS FOR PREPARING FORM CFTC-146

Each grantor must report by option contract and FCM the number of option contracts open in FCM accounts as of the close of business of the last business day of the month.

NAME OF FCM	commodity/wt.		commodity/wt.		commodity/wt.		commodity/wt.		commodity/wt.		commodity/wt.	
	CALLS 0	PUTS 1	CALLS 0	PUTS 1	CALLS 0	PUTS 1	CALLS 0	PUTS 1	CALLS 0	PUTS 1	CALLS 0	PUTS 1
TOTAL 1												

147

FORM CFTC-147
VOLUME BY FCM, EXERCISES AND EXPIRATIONS

INSTRUCTIONS FOR PREPARING FORM CFTC-147

1. Each grantor must report by option contract and FCM the number of option contracts sold to FCM's during the month.
2. Each grantor must report by option contract:
   a. The number of option contracts, previously bought by or through FCM's, which were exercised during the month.
   b. The number of option contracts, previously bought by or through FCM's which expired worthless during the month. For purposes of this report, the grantor's repurchase, for a nominal payment such as $1.00, of an option which otherwise would have expired worthless is considered an expired rather than a repurchased option.

NAME OF FCM	commodity/wt.		commodity/wt.		commodity/wt.		commodity/wt.		commodity/wt.		commodity/wt.	
	CALLS 0	PUTS 1	CALLS 0	PUTS 1	CALLS 0	PUTS 1	CALLS 0	PUTS 1	CALLS 0	PUTS 1	CALLS 0	PUTS 1
TOTAL 1												
EXERCISES 2												
EXPIRATIONS 3												

148

FORM CFTC-148
VALUE OF PREMIUMS AND FEES BY FCM (In Thousands of Dollars)

NAME OF OPTION GRANTOR:

REPORT DATE:

INSTRUCTIONS FOR PREPARING FORM CFTC-148

Each grantor must report by option contract and FCM the total value of premiums, fees and other payments received by and due to the grantor for option contracts sold to or through FCM's during the month.

NAME OF FCM	commodity/wt.		commodity/wt.		commodity/wt.		commodity/wt.		commodity/wt.		commodity/wt.	
	CALLS 0	PUTS 1	CALLS 0	PUTS 1	CALLS 0	PUTS 1	CALLS 0	PUTS 1	CALLS 0	PUTS 1	CALLS 0	PUTS 1
TOTAL												

149

FORM CFTC-149
VALUES OF REPURCHASES AND NEW SALES (In Thousands of Dollars)

INSTRUCTIONS FOR PREPARING FORM CFTC-149

Each grantor must report by option contract and expiration date:

1. The total value of premiums, fees and other payments received by or due to the grantor for new sales of option contracts sold to or through FCM's during the month.
2. The total value of option contracts repurchased from or through FCM's during the month, net of any commissions or other charges such as exit fees.

Expiration dates should indicate the day, month and year option contracts expire, with Expiration 1 the nearest date.

EXPIRATION DATES [a]		commodity/wt.		commodity/wt.		commodity/wt.		commodity/wt.		commodity/wt.		commodity/wt.	
		CALLS 0	PUTS 1	CALLS 0	PUTS 1	CALLS 0	PUTS 1	CALLS 0	PUTS 1	CALLS 0	PUTS 1	CALLS 0	PUTS 1
EXPIRATION 1	NEW SALES 0												
1	REPURCHASES 1												
EXPIRATION 2	NEW SALES 0												
2	REPURCHASES 1												
EXPIRATION 3	NEW SALES 0												
3	REPURCHASES 1												
EXPIRATION 4	NEW SALES 0												
4	REPURCHASES 1												
EXPIRATION 5	NEW SALES 0												
5	REPURCHASES 1												
EXPIRATION 6	NEW SALES 0												
6	REPURCHASES 1												

[a] List expiration dates (by commodity):

INSTRUCTIONS FOR PREPARING AND FILING FORMS ON DEALER OPTIONS

Grantor's Forms CFTC-150, 151 and 152

(See Regulations Under The Commodity Exchange Act)

Who Should Report – Each grantor of any option which was, at any time during the reporting month, publicly offered or sold pursuant to rule 32.12(a).

When To Report – The report shall be submitted to the Commission not later than the tenth business day following the end of the month to which the information relates.

Where To Report – The report shall be submitted to the CFTC Eastern Region Headquarters, One World Trade Center, Suite 4747, New York, New York 10048.

Preparation of Report

1. Commodity (weight) – A separate form should be submitted for each contract weight of the underlying commodity, e.g., data for 100 oz. gold bullion and one kilo gold bullion should be reported separately.

2. Option Contract – For purposes of this report, an option contract is either a call or a put on a specified weight of the underlying commodity.

3. Report Date – The data on form CFTC-150 should be reported as of the close of business of the last business day of the month. The data on form CFTC-151 should include all transactions from the opening of business on the first business day of the month through the close of business of the last business day of the month. The data on form CFTC-152 should be reported as of noon eastern standard or daylight time of the last business day of the month.

4. Strike Price – Specify the units or weight of the underlying commodity on which the strike price is based.

5. Expiration – Indicate month, day and year the option contracts expire, with nearest expirations listed first.

COMMODITY FUTURES TRADING COMMISSION
GRANTOR'S REPORT ON COMMODITY OPTIONS

NAME OF OPTION GRANTOR:
COMMODITY (WEIGHT):
REPORT DATE:

150

FORM CFTC-150
OPEN INTEREST BY OPTION SERIES

INSTRUCTIONS FOR PREPARING FORM CFTC-150

Each grantor must report by option contract, strike price and expiration the number of option contracts granted to option customers through FCM's which were open as of the close of business of the last business day of the month.

Units or weight on which strike price is based: _____		EXPIRATION: mo./day/yr.	EXPIRATION: mo./day/yr.	EXPIRATION: mo./day/yr.	EXPIRATION: mo./day/yr.	EXPIRATION: mo./day/yr.	EXPIRATION: mo./day/yr.
_____ (strike price)	CALLS 0						
	PUTS 1						
_____ (strike price)	CALLS 0						
	PUTS 1						
_____ (strike price)	CALLS 0						
	PUTS 1						
_____ (strike price)	CALLS 0						
	PUTS 1						
_____ (strike price)	CALLS 0						
	PUTS 1						
_____ (strike price)	CALLS 0						
	PUTS 1						
_____ (strike price)	CALLS 0						
	PUTS 1						
_____ (strike price)	CALLS 0						
	PUTS 1						
_____ (strike price)	CALLS 0						
	PUTS 1						
_____ (strike price)	CALLS 0						
	PUTS 1						
TOTAL CALLS 2							
TOTAL PUTS 3							

CFTC-150
(10-78)

B-5

151

FORM CFTC-151
VOLUME BY OPTION SERIES

NAME OF OPTION GRANTOR

COMMODITY (WEIGHT):

REPORT DATE:

INSTRUCTIONS FOR PREPARING FORM CFTC-151

Each grantor must report by option contract, strike price and expiration:

a. the number of option contracts granted to option customers through FCM's during the month;
b. the number of option contracts repurchased from option customers through FCM's during the month. For purposes of this report, the grantor's repurchase for a nominal payment such as $1.00 of an option which otherwise would have expired worthless is considered as expired rather than a repurchased option.

Units or weight on which strike price is based: _____		EXPIRATION: mo./day/yr.		EXPIRATION: mo./day/yr.		EXPIRATION: mo./day/yr.		EXPIRATION: mo./day/yr.		EXPIRATION: mo./day/yr.		EXPIRATION: mo./day/yr.	
		Granted 0	Repurchased 1	Granted 0	Repurchased 1	Granted 0	Repurchased 1	Granted 0	Repurchased 1	Granted 0	Repurchased 1	Granted 0	Repurchased 1
_____ (strike price)	CALLS 0												
	PUTS 1												
_____ (strike price)	CALLS 0												
	PUTS 1												
_____ (strike price)	CALLS 0												
	PUTS 1												
_____ (strike price)	CALLS 0												
	PUTS 1												
_____ (strike price)	CALLS 0												
	PUTS 1												
_____ (strike price)	CALLS 0												
	PUTS 1												
_____ (strike price)	CALLS 0												
	PUTS 1												
_____ (strike price)	CALLS 0												
	PUTS 1												
_____ (strike price)	CALLS 0												
	PUTS 1												
_____ (strike price)	CALLS 0												
	PUTS 1												
TOTAL CALLS 2													
TOTAL PUTS 3													

CFTC-151
(10-78)

B-6

152

FORM CFTC-152
PREMIUMS BY OPTION SERIES

NAME OF OPTION GRANTOR:

COMMODITY (WEIGHT):

REPORT DATE:

INSTRUCTIONS FOR PREPARING FORM CFTC-152

Each grantor must report by option contract, strike price and expiration the bid premiums and the ask premiums available to option customers through FCM's. The premiums should be based on the unit of the underlying commodity on which the strike price is quoted.

Units or weight on which strike price is based: _____		EXPIRATION: _____ mo./day/yr.		EXPIRATION: _____ mo./day/yr.		EXPIRATION: _____ mo./day/yr.		EXPIRATION: _____ mo./day/yr.		EXPIRATION: _____ mo./day/yr.		EXPIRATION: _____ mo./day/yr.	
		BID 0	ASK 1	BID 0	ASK 1	BID 0	ASK 1	BID 0	ASK 1	BID 0	ASK 1	BID 0	ASK 1
_____ (strike price)	CALLS 0												
	PUTS 1												
_____ (strike price)	CALLS 0												
	PUTS 1												
_____ (strike price)	CALLS 0												
	PUTS 1												
_____ (strike price)	CALLS 0												
	PUTS 1												
_____ (strike price)	CALLS 0												
	PUTS 1												
_____ (strike price)	CALLS 0												
	PUTS 1												
_____ (strike price)	CALLS 0												
	PUTS 1												
_____ (strike price)	CALLS 0												
	PUTS 1												
_____ (strike price)	CALLS 0												
	PUTS 1												

CFTC-152
(10-78)

INSTRUCTIONS FOR PREPARING AND FILING FORMS ON DEALER OPTIONS

Grantor's Forms CFTC-153 and 154

Who Should Report – Each grantor of any option which was, at any time during the reporting month, publicly offered or sold pursuant to rule 32.12(a).

When To Report – The report shall be submitted to the Commission not later than the tenth business day following the end of the month to which the information relates.

Where To Report – The report shall be submitted to the CFTC Eastern Region Headquarters, One World Trade Center, Suite 4747, New York, New York 10048.

Preparation of Report

1. Non-Speculative Accounts – See rule 32.12(i) for the standards to be used in classifying accounts as being traded for other than speculative purposes.

2. Report Date – The data on form CFTC-153 should be reported as of the close of business of the last business day of the month. The data on form CFTC-154 should include all transactions from the opening of business on the first business day of the month through the close of buisness of the last business day of the month.

3. Expiration – Indicate the month and year in which the option expires, with nearest expirations listed first.

COMMODITY FUTURES TRADING COMMISSION
GRANTOR'S REPORT ON COMMODITY OPTIONS

NAME OF OPTION GRANTOR:

REPORT DATE:

153

FORM CFTC-153
OPTION OPEN INTEREST, NON-SPECULATIVE ACCOUNTS

INSTRUCTIONS FOR PREPARING FORM CFTC-153

Report on this form only open option positions in accounts which have been classified by the option grantor as trading for other than speculative purposes. Do not include FCM's accounts. Report by expiration month, call or put, and commodity, in terms of the units specified in the column headings:

a. Options bought by the reporting grantor which were open as of the close of business of the last business day of the month.
b. Options granted by the reporting grantor which were open as of the close of business of the last business day of the month.

EXPIRATION MONTH			88 GOLD BULLION (100 OZ.)		84 SILVER BULLION (10,000 OZ.)		43 GOLD COINS (100's)		87 SILVER COINS (20,000's)		76 PLATINUM (200 OZ.)		85 COPPER (50,000 LBS.)	
			Bought 0	Granted 1	Bought 0	Granted 1	Bought 0	Granted 1	Bought 0	Granted 1	Bought 0	Granted 1	Bought 0	Granted 1
____ mo.	____ yr.	CALLS 0												
		PUTS 1												
____ mo.	____ yr.	CALLS 0												
		PUTS 1												
____ mo.	____ yr.	CALLS 0												
		PUTS 1												
____ mo.	____ yr.	CALLS 0												
		PUTS 1												
____ mo.	____ yr.	CALLS 0												
		PUTS 1												
____ mo.	____ yr.	CALLS 0												
		PUTS 1												
____ mo.	____ yr.	CALLS 0												
		PUTS 1												
____ mo.	____ yr.	CALLS 0												
		PUTS 1												
____ mo.	____ yr.	CALLS 0												
		PUTS 1												
____ mo.	____ yr.	CALLS 0												
		PUTS 1												
____ mo.	____ yr.	CALLS 0												
		PUTS 1												
____ mo.	____ yr.	CALLS 0												
		PUTS 1												
____ mo.	____ yr.	CALLS 0												
		PUTS 1												
____ mo.	____ yr.	CALLS 0												
		PUTS 1												
TOTAL CALLS		2												
TOTAL PUTS		3												

CFTC-153
(10-78)

154

FORM CFTC-154
OPTION VOLUME, EXERCISES AND EXPIRATIONS FOR NON-SPECULATIVE ACCOUNTS

NAME OF OPTION GRANTOR:

REPORT DATE:

INSTRUCTIONS FOR PREPARING FORM CFTC-154

Report on this form only option transactions for accounts which have been classified by the option grantor as trading for other than speculative purposes. Do not include FCM's accounts.

Volume – Report by expiration month, call or put, and commodity in terms of the units specified in the column headings, the total of options bought and the total of options granted by the reporting grantor during the month.

Exercises and Expirations – Report by call or put and commodity the total exercises and expirations in terms of the units specified in the column headings.

VOLUME

EXPIRATION MONTH			88 GOLD BULLION (100 OZ.)		84 SILVER BULLION (10,000 OZ.)		43 GOLD COINS (100's)		87 SILVER COINS (20,000's)		76 PLATINUM (200 OZ.)		85 COPPER (50 000 LBS.)	
			Bought 0	Granted 1	Bought 0	Granted 1	Bought 0	Granted 1	Bought 0	Granted 1	Bought 0	Granted 1	Bought 0	Granted 1
___ ___ mo. yr.		CALLS 0												
		PUTS 1												
___ ___ mo. yr.		CALLS 0												
		PUTS 1												
___ ___ mo. yr.		CALLS 0												
		PUTS 1												
___ ___ mo. yr.		CALLS 0												
		PUTS 1												
___ ___ mo. yr.		CALLS 0												
		PUTS 1												
___ ___ mo. yr.		CALLS 0												
		PUTS 1												
___ ___ mo. yr.		CALLS 0												
		PUTS 1												
___ ___ mo. yr.		CALLS 0												
		PUTS 1												
___ ___ mo. yr.		CALLS 0												
		PUTS 1												
___ ___ mo. yr.		CALLS 0												
		PUTS 1												
___ ___ mo. yr.		CALLS 0												
		PUTS 1												
___ ___ mo. yr.		CALLS 0												
		PUTS 1												
TOTAL CALLS		2												
TOTAL PUTS		3												

EXERCISES AND EXPIRATIONS

EXERCISES 4	CALLS 0													
	PUTS 1													
EXPIRATIONS 5	CALLS 0													
	PUTS 1													

CFTC 154 (10 78)

[FR Doc. 78-31814 Filed 11-9-78; 8:45 am]

[4810-22-M]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 78-428]

PART 159—LIQUIDATION OF DUTIES

Nonrubber Footwear, Handbags, and Leather Wearing Apparel From Uruguay—Revocation of Waivers of Countervailing Duties

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

ACTION: Revocation of waivers of countervailing duties.

SUMMARY: This notice is to inform the public of a revocation of the waivers of countervailing duties on imports of nonrubber footwear, handbags, and leather wearing apparel from Uruguay. The revocation is being issued based on an analysis by Treasury that the conditions for granting the waivers no longer exist. Consequently, countervailing duties in the amount of the benefits found to constitute bounties or grants within the meaning of the countervailing duty law will be collected in addition to duties normally due on imports of this merchandise.

EFFECTIVE DATE: November 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard B. Self, Director, Office of Tariff Affairs, U.S. Treasury Department, 15th and Pennsylvania Avenue NW., Washington, D.C. 20220, 202-566-8585.

SUPPLEMENTARY INFORMATION: In T.D.'s 78-34 and 78-155, published in the FEDERAL REGISTER of January 30 and June 1, 1978, respectively (43 FR 3904 and 23709), the Treasury Department waived countervailing duties on imports of nonrubber footwear, handbags, and leather wearing apparel from Uruguay. This action occurred after the Uruguayan Government had taken certain steps to satisfy the waiver criteria set forth in section 303(d) of the Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1303(d)). Among the Uruguayan actions was the phaseout of the direct export subsidy (reintegro) on all leather products to be completed by no later than January 1, 1979.

Treasury's final countervailing duty determinations governing these cases (T.D. 78-32, T.D. 78-33), published concurrently with the waiver notices cited above, indicated that one program, known as the tanners' subsidy, was a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), but that the amount of such bounty was zero. Treasury based its conclusion at that time on information provided by the Government of Uruguay that the tanners' subsidy acted only to make the price of Uruguayan hides no higher than the world market price.

Because the exporter could buy hides on the world market, it was believed that the subsidy did not reduce the exporter's costs but only made it possible for him to use domestic hides. Since those determinations it has been learned that the tanners' subsidy is not quantified in such a manner as to equalize Uruguayan prices with world market prices. Since the amount of tanners' subsidy is not based on market conditions, but effectively serves as a payment to domestic tanners, the effect of which is passed on to the producer of the merchandise sold for export, it should be considered countervailable.

Furthermore, information has been received subsequent to the issuance of the waivers that leather goods' exporters in Uruguay may have been granted forgiveness from, or rebate of, payment of a social security tax. If confirmed, such forgiveness or rebate would be considered to be a bounty or grant.

Based on information available at the time of the final determinations, the tanners' subsidy is approximately 8 percent ad valorem. These amounts, combined with the bounty of approximately 2 percent deemed in the final determinations to stem from the reduction in income tax on export earnings, leaves a substantial subsidy not contemplated at the time the terms of the waiver were established. Accordingly, it is determined that the steps taken by the Government of Uruguay are not adequate to reduce or eliminate the adverse effect of the bounties or grants, and the waivers of duties under section 303(d)(3) of the Act (19 U.S.C. 1303(d)(3)) with respect to imports of nonrubber footwear, handbags, and leather wearing apparel from Uruguay are hereby revoked.

Accordingly, notice is hereby given that nonrubber footwear, handbags, and leather wearing apparel (provided for, respectively, in items 700.05 through 700.85 inclusive of the Tariff Schedules of the United States Annotated (TSUSA), excepting items 700.28, 700.51 to 700.54, and 700.60; item 706.0820 of the TSUSA; and item 791.76 of the TSUSA), imported directly or indirectly from Uruguay, if entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the FEDERAL REGISTER, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant estimated to have been paid or bestowed.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such nonrubber footwear, handbags, and leather wearing apparel from Uruguay which benefit from such bounties or grants and which are subject to this order shall be suspended pending declarations of the net amounts of the bounties or grants ascertained and determined to be paid or bestowed. A deposit of the estimated countervailing duties in the amount of 16 percent ad valorem for nonrubber footwear, 14.4 percent ad valorem for handbags, and 13.3 percent ad valorem for leather wearing apparel, respectively, shall be required at the time of entry, or withdrawal from warehouse, for consumption.

Effective November 13, 1978, and until further notice, upon the entry, or withdrawal from warehouse, for consumption of such nonrubber footwear, handbags, and leather wearing apparel, imported directly or indirectly from Uruguay, which benefit from bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amounts set forth in the preceding paragraph.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be credited or bestowed, directly or indirectly, upon the manufacture, production or exportation of such nonrubber footwear, handbags, and leather wearing apparel from Uruguay.

The table in section 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry for Uruguay under the commodity headings "Nonrubber footwear," "handbags," and "leather wearing apparel," respectively, the number of this Treasury Decision in the column headed "Treasury Decision," and the words "Waiver of countervailing duties revoked—new estimated rate declared" in the column headed "Action."

(R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2051, 2052; 19 U.S.C. 66, 1303, as amended, 1624.)

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

NOVEMBER 3, 1978.

[FR Doc. 78-31875 Filed 11-9-76; 8:45 am]

[8320-01-M]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart B—Veterans' Educational Assistance Under 38 U.S.C. Chapter 34

OVERPAYMENT OF EDUCATIONAL ASSISTANCE; ENTITLEMENT CHARGES

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The amended regulation is intended to set forth a method of determining the charge against a veteran's or eligible person's entitlement when the debtor and the Veterans Administration reach a compromise on repayment of an overpayment of educational assistance. Title 38, Code of Federal Regulations previously made no mention of how a charge against entitlement was to be calculated in these cases. The amended regulation corrects this oversight.

EFFECTIVE DATE: November 6, 1978.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, 202-389-2092.

SUPPLEMENTARY INFORMATION: On page 39832 of the FEDERAL REGISTER of September 7, 1978, there was published a notice of proposed regulatory development to amend § 21.1045(f) to provide a method of calculating the charge against the entitlement of a veteran or eligible person when a compromise is reached concerning repayment of an overpayment of educational assistance.

Interested persons were given 30 days in which to submit comments, suggestions or objections regarding the proposed regulations. No written comments have been received and the proposed regulation is hereby adopted without change and is set forth below.

Approved: November 6, 1978.

By direction of the Administrator:

RUFUS H. WILSON,
Deputy Administrator.

In § 21.1045, paragraph (f) is revised to read as follows:

§ 21.1045 Entitlement charges.

* * * * *

(f) *Overpayment cases.* Entitlement will be charged for an overpayment in educational assistance allowance only if the overpayment is discharged in bankruptcy, is waived and is not recovered, or is compromised.

(1) The charge against entitlement, if the overpayment is discharged in bankruptcy or is waived and is not recovered, will be at the appropriate rate for the elapsed period covered by the overpayment.

(2) The charge against entitlement, if the overpayment is compromised, will be determined by:

(i) Subtracting the accepted compromise offer from the total amount of the overpayment;

(ii) Dividing the result obtained in paragraph (f)(2)(i) of this section by the total amount of the overpayment; and

(iii) Multiplying the percentage figure obtained in paragraph (f)(2)(ii) of this section by the amount of entitlement which represents the whole overpaid period. Where the computation results in a period of time other than a full month, or other than exactly ¾, ½, or ¼ fractional part of a month, the figure will be reduced to the next lower quarter. (38 U.S.C. 1661.)

* * * * *

[FR Doc. 78-31782 Filed 11-9-78; 8:45 am]

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[PP 4F1429/R181; FRL 1005-3]

SUBCHAPTER E—PESTICIDE PROGRAMS

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

CIPC

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

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide CIPC on soybeans. The regulation was requested by PPG Industries, Inc. This rule establishes a maximum permissible level for residues on CIPC on soybeans.

EFFECTIVE DATE: November 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460, 202-426-2632.

SUPPLEMENTARY INFORMATION: On October 26, 1973, notice was given (38 FR 29654) that PPG Industries, Inc., P.O. Box 31, Barberton, Ohio 44203, has filed a pesticide petition (PP 4F1429) with the EPA.

This petition proposed that 40 CFR 180.181 be amended to establish a tolerance for residues of the herbicide CIPC (isopropyl *m*-chlorocarbanilate) and its metabolites isopropyl 5-chloro-1-hydroxycarbanilate, isopropyl 3-chloro-4-hydroxycarbanilate, and 1-hydroxy-2-propyl 3'-chlorocarbanilate in or on raw agricultural commodity soybeans at 0.2 part per million (ppm).

Subsequently, the petitioner amended the petition by deleting the metabolites isopropyl 5-chloro-2-chloro-hydroxycarbanilate and isopropyl 3-chloro-4-hydroxycarbanilate from the proposed tolerance. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a rat oral lethal dose (LD) study with an LD of 5-7.5 grams (g)/kilogram (kg) of body weight (bw), a 2-year rat feeding study with a no-observable-effect level (NOEL) of 2,000 ppm, a 1-year dog feeding study with NOEL of 2,000 ppm, two 18-month mouse carcinogenicity studies at a feeding level of 160 milligrams (mg)/kg bw/day (negative), a 116-week mouse carcinogenicity study at a feeding level of 1,000 ppm (negative), a 33-month hamster carcinogenicity study at a feeding level of 2,000 ppm, and a three-generation rat reproduction study (negative at 1,000 ppm).

Desirable data that are lacking from the petition are a teratology study, a delayed neurotoxicity study and an adequate study for effects on cholinesterase. The studies are needed for completion of the human safety profile but not necessary to make a safety determination on the 0.2 ppm soybean tolerance. Also lacking is a mutagenicity study, which will be submitted

when the agency requirements are known. In a letter of August 2, 1978, the petitioner agreed to perform the lacking studies and to remove the use on soybeans from the label should results of the delayed neurotoxicity and cholinesterase studies exceed the risk criteria for known toxicity in 40 CFR 162.11.

The 0.2 ppm tolerance on soybeans will not contribute residues to the human diet. The 2,000 ppm NOEL in the 2-year rat feeding study will support an intake of 20 ppm in the human diet using a 100-fold safety factor. This 20 ppm is equivalent to 30 mg daily in a 1,500-gram diet intake for a 60-kg human. The established 50 ppm residue on potatoes would contribute about 4 mg daily, approximately 13 percent of the acceptable daily intake (ADI), which is 05 mg/kg bw/day for 60-kg human consuming 1,500 grams of food.

A tolerance has previously been established for residues of CIPC on potatoes at 50 ppm. Interim tolerances have been established for residues of CIPC on the hay of alfalfa, clover, and grass at 50 ppm. The proposed tolerance of 0.2 ppm on soybeans is adequate to cover residues in or on soybeans. Consumption of soybean byproducts by livestock will not result in residues in meat, milk, eggs, and poultry; therefore, no finite residues are expected as delineated in 40 CFR 180.6(a)(3). An adequate analytical method (colorimetry) is available for enforcement purposes. No actions are currently pending against continued registration of CIPC, nor are there any other considerations involved in establishing the proposed tolerance.

The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the tolerance (exemption from the requirement of a tolerance) of 0.2 ppm on soybeans established by amending 40 CFR 180.181 will protect the public health. It is concluded, therefore, that the tolerance be established as set forth below.

Any person adversely affected by this regulation may, by December 13, 1978, file written objections with the Hearing Clerk, Environmental Protection Agency, Room M-3708, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted and should specify both 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 issues for the hearing.

A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on November 30, 1978, Part 180 is amended as set forth below.

Section 180.181 is revised by editorially reformatting the section into an alphabetized columnar listing and alphabetically inserting the tolerance of 0.2 ppm on soybeans as follows: Section 180.181 CIPC; tolerances for residues.

Tolerances are established for residues of the plant regulator and herbicide CIPC (isopropyl *m*-chlorocarbinilate) and its metabolite 1-hydroxy-2-propyl 3'-chlorocarbanilate (calculated as CIPC) in or on the following raw agricultural commodities:

Commodity:	*Parts per million*
Potatoes (POST-H	+ 50
Soybeans	0.2

Dated: November 6, 1978.

(Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2).)

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

[FR Doc. 78-31746 Filed 11-9-78; 8:45 am]

[4110-83-M]

Title 42—Public Health

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

PART 57—GRANTS FOR CONSTRUCTION OF TEACHING FACILITIES, EDUCATIONAL IMPROVEMENTS, SCHOLARSHIPS AND STUDENT LOANS

Health Professions Student Loans

AGENCY: Public Health Service, HEW.

ACTION: Interim-final regulations.

SUMMARY: These regulations implement requirements for health professions schools to be eligible to participate in the health professions student loan program and for individuals to receive repayment of their eligible loans for service in designated health manpower shortage areas under the Public Health Service Act, as amended by Pub. L. 94-484 and Pub. L. 95-83.

DATES: These regulations are effective immediately. As discussed below, comments are invited. To be considered, comments must be received by January 12, 1979.

ADDRESS: Written comments should be addressed to the Director, Bureau of Health Manpower, Health Resources Administration, 3700 East-West Highway, Center Building, 4th Floor, Hyattsville, Md. 20782. All comments received will be available for public inspection and copying at the Office of Program Operations, Bureau of Health Manpower, at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Mr. John F. Belin, Acting Chief, Student and Institutional Assistance Branch, Division of Manpower Training Support, Bureau of Health Manpower, Room 5-50, at the above address, telephone 301-436-6310.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Health, Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, is hereby revising subpart C of 42 CFR Part 57, "Health Professions Student Loans," to implement the amendments made by the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484, October 12, 1976) and by Pub. L. 95-83, August 1, 1977, to the authority for student loans in title VII of the Public Health Service Act.

Section 740 of the Public Health Service Act ("the Act") (42 U.S.C. 294m) authorizes the Secretary of Health, Education, and Welfare ("the Secretary") to enter into an agreement for the establishment and operation of a student loan fund with any public or other nonprofit school of medicine, osteopathy, dentistry, pharmacy, podiatry, optometry, or veterinary medicine which is located in a State and is accredited as provided in section 721(b)(1)(B) of the Act. Each school must meet the statutory requirements in this section regarding maintenance and use of the fund.

Section 741 of the Act (42 U.S.C. 294n) sets forth the provisions under which loans may be made to students from a loan fund (established under an agreement with a school under section 740).

The regulations reflect the statutory provisions respecting the amount of the loan, the annual interest rate, repayment by the student, and repayment by the Secretary when the borrower practices in a health manpower shortage area designated under section 332(b) of the Act.

The Department desires comment particularly on the criteria for schools to determine whether a student is of "exceptional financial need" as set forth in § 57.206(a)(3). Pub. L. 94-484 provides that medical and osteopathic students who will graduate after June 30, 1979, will be eligible to receive loans only if they are of "exceptional financial need." Although the criteria are fundamentally the same as those published for health professions schol-

arships for first-year students in exceptional financial need (42 CFR 57.2804), they differ substantially from the criteria for determining exceptional financial need under the supplementary educational opportunity grant program authorized in section 413c(a)(2)(c) of the Higher Education Act, as amended. The more restrictive criteria in the health professions student assistance programs are based on the legislative history which directs the Department to restrict support for students of exceptional need to those whose financial need is greatest, i.e., students from low-income families earning $10,000 or less. The criteria proposed will achieve this intent, but provide flexibility in taking into account regional cost-of-living differences, family size, etc.

Moreover, the Department is concerned that the meaning of the requirement that qualified students have "no financial resources to meet the costs of attending his or her school" may be misinterpreted. Students who earn summer income or receive student loans can qualify for loans (§ 57.206(a)(3)). Further, students from families with financial resources can qualify provided that none of those resources are determined to be available to meet the cost of attending his or her school.

Timely implementation of this provision is essential if schools are to have firm criteria on which to base determinations of financial need for purposes of deciding student eligibility for loans during academic year 1978–79. Therefore, the Secretary has determined pursuant to 5 U.S.C. 553 and Department policy that it would be impracticable and contrary to the public interest to follow proposed rulemaking procedures or to delay the effective date of these regulations.

Notwithstanding the omission of the proposed rulemaking procedures, interested persons are invited to submit written comments or data relating to these regulations to the Director of the Bureau of Health Manpower at the address given above. All relevant materials received not later than January 12, 1979 will be considered, and following the close of the comment period, the regulations will be revised as warranted by the public comments. It is intended that any revision of the regulations arising from these comments will be published within 90 days of the close of the comment period.

The regulations as set forth below will be effective November 13, 1978.

Accordingly, subpart C of 42 CFR Part 57 is revised to read as set forth below.

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: May 5, 1978.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: September 29, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

Subpart C—Health Professions Student Loans

Sec.
57.201 Applicability.
57.202 Definitions.
57.203 Application by school.
57.204 Payment of Federal capital contributions.
57.205 Health professions student loan funds.
57.206 Eligibility and selection of health professions student loan recipients.
57.207 Maximum amount of health professions student loans.
57.208 Health professions student loan promissory note.
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57.210 Repayment and collection of health professions student loans.
57.211 Cancellation of health professions student loans for disability and death.
57.212 Repayment of cancellation of loans for practice in a health manpower shortage area.
57.213 Continuation of provisions for cancellation of loans made prior to November 18, 1971.
57.214 Repayment of loans made after November 17, 1971 for failure to complete a program of study.
57.215 Records, reports, inspection, and audit.
57.216 Nondiscrimination.
57.217 Additional conditions.
57.218 Noncompliance.

AUTHORITY: Sec. 215 of the Public Health Service Act, 58 Stat. 690, as amended, 63 Stat. 35 (42 U.S.C. 216); Secs. 740–744 of the Public Health Service Act, 77 Stat. 170–173, 90 Stat. 2266–2268 (42 U.S.C. 294m-q).

Subpart C—Health Professions Student Loans

§ 57.201 Applicability.

The regulations of this subpart apply to the Federal capital contributions made by the Secretary to public or other nonprofit health professions schools for the establishment of health professions student loan funds and to loans made to students by schools from the fund.

§ 57.202 Definitions.

As used in this subpart:

"Act" means the Public Health Service Act, as amended.

"Date upon which a student ceases to be a full-time student" means the first day of the month which is nearest to the date upon which an individual ceases to be a full-time student as defined in this section.

"Education loan" means any bona fide loan made to a student which the Secretary determines was reasonably necessary for meeting the student's costs of attending a health professions school as defined in this section taking into account the tuition, fees, books, equipment, living expenses and whatever other expenses the Secretary determines were reasonably necessary to enable an individual to attend the school.

"Federal capital loan" means a loan made by the Secretary to a school under section 744(a) of the Act, as in effect prior to October 1, 1977, the proceeds of which are to be returned to the Secretary.

"Full-time student" means a student who is enrolled in a school and pursuing a course of study which is a full-time academic workload, as determined by the school, leading to a degree specified in section 701(4) of the Act.

"Health professions school" or "school" means a public or private nonprofit school of medicine, school of dentistry, school of osteopathy, school of pharmacy, school of podiatry, school of optometry, and school of veterinary medicine as defined in section 701(4) of the Act.

"Health professions student loan" means the amount of money advanced to a student by a school from a health professions student loan fund under a properly executed promissory note.

"Institutional capital contribution" means the money provided by a school, in an amount not less than one-ninth of the Federal capital contribution, and deposited in a health professions student loan fund.

"National of the United States" means (1) a citizen of the United States, or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

"School year" means the traditional approximately 9-month September to June annual session. For the purpose of computing school year equivalents for students who, during a 12-month period, attend for a longer period than the traditional school year, the school year will be considered to be 9 months in length.

"Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

"State" means, in addition to the several States, only the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American

Samoa, and the Trust Territory of the Pacific Islands.

"Uniformed service" means the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration Corps, and the Public Health Service.

§ 57.203 Application by school.

(a) Each school seeking a Federal capital contribution must submit an application at the time and in the form and manner that the Secretary may require.[1] The application must be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the statute, the regulations of this subpart, and the terms and conditions of the award.

(b) Each application will be reviewed to determine eligibility and the reasonableness of the amount of Federal support requested. The Secretary may require the applicant to submit additional data for this purpose.

(c) An application will not be approved unless an agreement between the Secretary and the applicant school for a Federal capital contribution under section 740 of the Act is reached.

§ 57.204 Payment of Federal capital contributions.

(a) *Annual payment.* The Secretary will make payments to each school with which he has entered into an agreement under the Act at a time determined by him. If the total of the amounts requested for any fiscal year by all schools for Federal capital contributions exceeds the amount of Federal funds determined by the Secretary at the time of payment to be available for this purpose, the payment to each school will be reduced to whichever is smaller: (1) The amount requested in the application, or (2) an amount which bears the same ratio to the total amount of Federal funds determined by the Secretary at the time of payment to be available for that fiscal year for the health professions student loan program as the number of full-time students estimated by the Secretary to be enrolled in that school bears to the estimated total number of full-time students in all participating schools during that year. Amounts remaining after these payments are made will be distributed in accordance with this paragraph among schools whose applications requested more than the amount paid to them, but with whatever adjustments that may be necessary to prevent the total paid to any school from exceeding the total requested by it.

[1] Applications and instructions are available from the Division of Manpower Training Support, Bureau of Health Manpower, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782.

(b) *Method of payment.* The payment of Federal capital contributions to a school will be paid in a manner that avoids unnecessary accumulations of money in any health professions student loan fund.

§ 57.205 Health professions student loan funds.

(a) *Funds established with Federal capital contributions.* Any fund established by a school with Federal capital contributions will be deposited and carried in a special account of the school. At all times the fund must contain moneys representing the institutional capital contribution. This fund is to be used by the school only for: (1) Health professions student loans to full-time students; (2) capital distribution as provided in section 743 of the Act or as agreed to by the school and the Secretary, (3) costs of litigation and, to the extent specifically approved by the Secretary, other collection costs that are in excess of the usual expenses incurred in the collection of health professions student loans.

(b) *Funds established with Federal capital loans.* (1) Each Federal capital loan is subject to the terms of the promissory note executed by an authorized official on behalf of the borrowing school.

(2) The Federal capital loans must be carried in a special account of the school, to be used by the school only for: (i) Repayments of principal and interest on Federal capital loans; and (ii) costs of litigation and, to the extent specifically approved by the Secretary, other collection costs that are in excess of the usual expenses incurred in the collection of health professions student loans.

§ 57.206 Eligibility and selection of health professions student loan recipients.

(a) *Eligibility.* Health professions student loans from any fund may be made only to students who are:

(1) Nationals of the United States, permanent residents of the Trust Territory of the Pacific Islands of the Northern Mariana Islands or lawful permanent residents of the United States, Puerto Rico, the Virgin Islands, or Guam.

(2) Enrolled, or accepted for enrollment in the school as full-time students.

(3) In need of the amount of the loan to pursue a full-time course of study at the school or in the case of students in a school of medicine or osteopathy who will graduate from that school after June 30, 1979, of exceptional financial need. Exceptional financial need means that a student has no financial resources to meet the costs of attending his or her school as determined by the American college testing program, the college scholarship service program, the graduate and professional student financial aid service, or any other procedure which is approved by the Commissioner of Education and published under 45 CFR 144.13. Summer earnings and educational loans will not be considered to be financial resources.

(b) *Selection of health professions student loan recipients and determination of need.* (1) It is the responsibility of the school to select qualified applicants and to make reasonable determinations of need. In determining whether a student is in need of a health professions student loan to pursue a full-time course of study at the school, the school will take into consideration:

(i) The financial resources available to the student as determined by one of the total need analysis systems listed in 57.206(a)(3); and

(ii) The costs reasonably necessary for the student's attendance at the school, including any special needs and obligations which directly affect the student's ability to attend the school on a full-time basis.

(2) The school will advise in writing each applicant for a loan of the provisions of section 741 of the Act under which health professions student loans may be repaid in whole or in part by the Secretary.

§ 57.207 Maximum amount of health professions student loan.

The total of the health professions student loans made from the fund to any student for a school year may not exceed $2,500 and the cost of tuition. The maximum amount loaned during a 12-month period to any student enrolled in a school which provides a course of study longer than the 9-month school year may be proportionately increased.

§ 57.208 Health professions student loan promissory note.

(a) *Promissory note form.* Each health professions student loan is to be evidenced by a promissory note approved by the Secretary. (1) Each promissory note must state that the loan will bear interest on the unpaid balance computed only for periods during which repayment of the loan is required, at the rate of 7 percent per year.

(2) A copy of each executed note must be supplied by the school to the student borrower.

(b) *Security.* A school may not require security or endorsement except that if the borrower is a minor and if under the applicable State law the note executed by him or her would not create a binding obligation, then the school is permitted to require security or endorsement.

§ 57.209 Payment of health professions student loans.

(a) Health professions student loans from any fund may be paid to or on behalf of student borrowers in installments considered appropriate by the school except that a school may not pay to or on behalf of any borrower more during any given installment period (e.g., semester, term, or quarter) than the school determines the student needs for that period.

(b) No payment may be made from a fund to or on behalf of any student borrower if at the time of the payment the borrower is not a full-time student.

§ 57.210 Repayment and collection of health professions student loans.

(a) Each health professions student loan, including accrued interest, will be repayable in equal or graduated periodic installments in amounts calculated on the basis of a 10-year repayment period. Except as otherwise provided in this paragraph, repayment of a loan must begin 1 year after the student ceases to be a full-time student.

(1) If a borrower reenters the same or another school as a full-time student within the 1-year period, the date upon which interest will accrue and the repayment period will begin will be determined by the date on which the student last ceases to be a full-time student at the school.

(2) The following periods will be excluded from the 10-year repayment period: (i) all periods for up to a total of 3 years of active duty performed by the borrower as a member of a uniformed service; (ii) all periods for up to a total of 3 years of service as a volunteer under the Peace Corps Act; and (iii) all periods of advanced professional training except that with respect to health professions student loans made prior to November 17, 1971 but after June 30, 1969, these periods of advanced training may not exceed a total of 5 years.[2]

(3) Each student borrower may, subject to the provisions of paragraph (b)(3) of this section, choose the repayment schedule which he or she prefers from those in use by the school, but a student borrower may at his or her option and without penalty, prepay all or part of the principal and accrued interest at any time.

(b) *Collection of health professions student loans.* (1) Each school at which a fund is established must exercise due diligence in the collection of all health professions student loans due the fund. The school must use the collection practices which are generally accepted among institutions of higher education and which are at least as extensive and effective as those used in the collection of other student loan accounts due the school.

(2) With respect to any health professions student loan made after June 30, 1969, the school may fix a charge for failure of the borrower to pay all or any part of an installment when it is due, and in the case of a borrower who is entitled to a deferment under section 741(c) of the Act, or cancellation or repayment under section 741(f) of the Act for any failure to file timely and satisfactory evidence of the entitlement. The amount of the charge may not exceed $1 for the first month or part of a month by which the installment or evidence is late and $2 for each succeeding month or part of a month. The school may elect to add the amount of this charge to the principal amount of the loan as of the day after the day on which the installment or evidence was due, or to make the amount of the charge payable to the school no later than the due date of the next installment following receipt of the notice of the charge by the borrower.

(3) With respect to any health professions student loan made after June 30, 1969, the school may provide that during the repayment period of the loan, payments of principal and interest by the borrower with respect to all the outstanding loans made to him or her from any health professions student loan fund will be a rate equal to not less than $15 per month.

§ 57.211 Cancellation of health professions student loans for disability and death.

(a) *Permanent and total disability.* The Secretary will cancel a student borrower's indebtedness in accordance with section 741(d) of the Act if the borrower is found to be permanently and totally disabled on recommendation of the school and as supported by whatever medical certification the Secretary may require. A borrower is totally and permanently disabled if he or she is unable to engage in any substantial gainful activity because of a medically determinable impairment, which the Secretary expects to continue for a long time or to result in death.

(b) *Death.* The Secretary will cancel a student borrower's indebtedness in accordance with section 741(d) of the Act upon the death of the borrower. The school to which the borrower was indebted must submit a certification of death or whatever official proof is conclusive under State law.

§ 57.212 Repayment or cancellation of loans for practice in a health manpower shortage area.

(a) *Practicing in a health manpower shortage area.* Subject to the provisions of section 741(f) of the Act and of this paragraph, any person who has obtained a degree as specified in section 701(4) of the Act and who (i) has obtained a health professions student loan[3] and (ii) enters into an agreement to practice as a member of the National Health Service Corps or otherwise for at least 2 consecutive years in a health manpower shortage area designated under section 332 of the Act, is entitled to have a portion of these loans repaid by the Secretary as described in paragraph (b) below. Prior to entering into any agreement under this paragraph, the Secretary will require the individual to provide evidence satisfactory to the Secretary of the existence and reasonableness of the education loan(s), including a copy of the written loan agreement establishing the loan, and a notarized statement that the copy is a true copy of the loan agreement.

(b) *Repayment.* Loan repayment will be made to persons who meet the conditions set forth in paragraph (a) as follows:

(i) Upon completion by the borrower of the first year of practice as specified in the agreement, the Secretary will pay 30 percent of the principal of, and the interest on, each loan which was unpaid as of the date the borrower began his or her practice.

(ii) Upon completion by the borrower of the second year of practice the Secretary will pay another 30 percent of the principal of, and the interest on, each loan which was unpaid as of the date the borrower began his or her practice.

(iii) Upon completion by the borrower of a third year of practice, the Secretary will pay another 25 percent of the principal of, and interest on, each loan which was unpaid as of the date the borrower began his or her practice except that, the amount of loan repayments that may be made on behalf of a borrower in any year under paragraph (a) of this section may not exceed $10,000, and the total amount of payment which can be made under this section with respect to any loan may not exceed $50,000.

§ 57.213 Continuation of provisions for cancellation of loans made prior to November 17, 1971.

Individuals who received health professions student loans prior to November 18, 1971, may still receive cancellation of these loans for practicing in a shortage area or for practicing in a

[2] Individuals who received health professions student loans prior to July 1, 1969, remain subject to the repayment provisions of 42 CFR 57.214(a)(2) (1976) as adopted on February 7, 1974. These provisions can be found at 39 FR 4773 (Feb. 7, 1974) and a copy can be obtained by writing the Division of Manpower Training Support, Bureau of Health Manpower, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782.

[3] Other education loans as defined in section 57.202 are eligible for repayment if they were incurred prior to Oct. 12, 1976.

rural shortage area characterized by low family income. The regulations set forth in 42 CFR 57.216(b)(1976), as adopted on February 7, 1974 remain applicable to cancellation on this basis. The provisions can be found at 39 FR 4774 (February 7, 1974) and a copy can be obtained by writing to the Division of Manpower Training Support, Bureau of Health Manpower, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782.

§ 57.214 Repayment of loans made after November 17, 1971 for failure to complete a program of study.

In the event that the Secretary undertakes to repay educational loans under section 741(1) of the Act, he will utilize the following criteria in making his determination as to each applicant's eligibility:

(a) An applicant will be considered to have failed to complete the course of study leading to the first professional degree for which an eligible education loan was made upon certification by a health professions school that the individual ceased to be enrolled in the school subsequent to November 17, 1971;

(b) An applicant will be considered to be in exceptionally needy circumstances if, upon comparison of the income and other financial resources of the applicant with his or her expenses and financial obligations, the Secretary determines that repayment of the loan would constitute a serious economic burden on the applicant. In making this determination, the Secretary will take into consideration the net financial assets of the applicant and the relationship of the income available to the applicant to the low-income levels published annually by the Secretary pursuant to paragraph (c) of this section;

(c) An applicant will be considered to be from a low-income family if the applicant comes from a family with an annual income below a level based on low-income thresholds according to family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and adjusted by the Secretary for use in this program, and the family has no substantial net financial assets. Income levels as adjusted will be published annually by the Secretary in the FEDERAL REGISTER.

(d) An applicant will be considered to be from a disadvantaged family if the individual comes from a family in which the annual income minus unusual expenses which contribute to the economic burdens borne by the family does not exceed the low-income levels published by the Secretary pursuant to paragraph (c) of this section and the family has no substantial net financial assets;

(e) An applicant will be considered as not having resumed his or her health professions studies within 2 years following the date the individual ceased to be a student upon a certification so stating from the applicant; and

(f) An applicant will be considered as not reasonably expected to resume his or her health professions studies within 2 years following the date upon which he or she terminated these studies, based upon consideration of the reasons for the applicant's failure to complete these studies, taking into account such factors as academic, medical, or financial difficulties.

The Secretary will only repay education loans made subsequent to November 17, 1971.

§ 57.215 Records, reports, inspection, and audit.

(a) *Records and reports.* (1) Each Federal capital contribution and Federal capital loan is subject to the condition that the school must maintain those records and file with the Secretary those reports relating to the operation of its health professions student loan fund that the Secretary may find necessary to carry out the purposes of the Act and these regulations. The school also must comply with the requirements of section 705 of the Act.

(2) The following student records must be retained by the school for 5 years after an individual student has ceased to be a full-time student:

(i) Approved and disapproved student applications for health professions student loans.

(ii) Documentation of the financial need of applicants.

(iii) Reasons for approval or disapproval of applications and;

(iv) Other records as the Secretary may prescribe. Individual student records may be destroyed at the end of the 5-year period, except that in all cases where questions have arisen as a result of a Federal audit, the records will be retained until resolution of all the questions.

(b) *Audit.* Each participating health professions school is responsible for providing and paying for an annual financial audit of its books, accounts, financial records, files, and other papers and property in accordance with the requirements of section 705(b) of the Act. The audit must be conducted by and certified to be accurate by an independent certified public accountant utilizing generally accepted auditing standards. A report of this audit must be filed with the Secretary at the time and in the manner as the Secretary may require.

(c) *Inspection.* Each participating health professions school must make available to the Secretary or the Comptroller General of the United States or any of their authorized representatives all books, documents, papers, and records listed in paragraphs (a) and (b) for examination, copying, or mechanical reproduction, on or off the premises of the grantee upon a reasonable request for them.

§ 57.216 Nondiscrimination.

(a) Participating schools are advised that in addition to complying with the terms and conditions of these regulations, the following laws and regulations are applicable:

(1) Section 704 of the Act (42 U.S.C. 292d) and its implementing regulation, 45 CFR Part 83 (prohibiting discrimination on the basis of sex in the admission of individuals to training programs).

(2) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and its implementing regulation, 45 CFR Part 80 (prohibiting discrimination in federally assisted programs on the grounds of race, color, or national origin).

(3) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and its implementing regulation, 45 CFR Part 86 (prohibiting discrimination on the basis of sex in federally assisted education programs).

(4) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794) and its implementing regulation, 45 CFR Part 84 (prohibiting discrimination in federally assisted programs on the basis of handicap).

(b) The recipient may not discriminate on the basis of religion in the admission of individuals to its training programs.

§ 57.217 Additional conditions.

The Secretary may with respect to any agreement entered into with any school under § 57.205, impose additional conditions prior to or at the time of any award when in his judgment these conditions are necessary to assure or protect the advancement of the purposes of the agreement, the interest of the public health, or the conservation of funds awarded.

§ 57.218 Noncompliance.

Wherever the Secretary finds that a participating school has failed to comply with the applicable provisions of the Act or the regulations of this subpart, he may, on reasonable notice to the school, withhold further payment of Federal capital contributions, and take such other action, including the termination of any agreement, as he finds necessary to enforce the Act and regulations. In such case no further expenditures shall be made from the health professions student loan fund or funds involved until the Secretary determines that there is no longer any failure of compliance.

[FR Doc. 78-31567 Filed 11-9-78; 8:45 am]

[6712-01-M]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 78-759]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Extending the Date for Compliance

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: The Federal Communications Commission (FCC) amends its regulations relating to stations on shipboard in the maritime services. The amendment extends for 1 year the requirement for modification of internal timing circuitry within the 500 kHz automatic alarm receiver (radio devices capable of receiving over the air an alarm signal transmitted by a distant ship or shore station). In another proceeding the FCC has proposed the international radio regulations to be amended to reduce the guard band for 500kHz. Implementation of the guard band reduction would necessitate a corresponding modification of the automatic alarm receiver. The 1-year extension, requested by industry, will permit both modifications to be made at the same time.

EFFECTIVE DATE: November 13, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Walter E. Weaver, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION: In the matter of amendment of part 83 to extend the date for compliance with the requirements of § 83.554(a)(1)(i).

Adopted: October 24, 1978.

Released: November 2, 1978.

By the Commission:

1. The American Institute of Merchant Shipping (AIMS) and the Central Committee on Telecommunications of the American Petroleum Institute (API) have been requested that the Commission extend the mandatory date of July 1, 1980, appearing in subdivisions (*a*) and (*b*) of section 83.554(a)(1)(i) of the rules. The date of July 1, 1980, applies to the requirements for completion of modifications of internal timing circuitry within the 500 kHz automatic alarm receiver.[1] These requirements were adopted in the proceeding in docket No. 20148.[2]

2. The AIMS and API request results from Commission action in the eighth notice of inquiry in docket No. 20271. In the eighth notice of inquiry the Commission proposed that the international radio regulations be amended to reduce the guard band for 500 kHz from 490-510 kHz to 495-505 kHz. This proposal is one of many proposals developed as a part of the United States preparation for the 1979 World Administrative Radio Conference.[3] The purpose of the proposed amendment is to effect improved efficiency in use of the radio spectrum. AIMS and API point out, correctly, that implementation of this guard band reduction would necessitate a corresponding modification of the 500 kHz automatic alarm receiver.

3. The modifications of the auto alarm receiver required by docket No. 20148 will be implemented by complete replacement of that receiver, in some cases, and by modification in others. Those modifications will be completed at about the time it is necessary to start the modification resulting from reduction of the guard band. Thus, the new auto alarm receivers, installed per docket No. 20148, would have to be removed from aboard ship and modified, or where old receivers were modified, they would have to be again removed and further modified. In view of this duplication, AIMS and API feel, and we agree, that the date of July 1, 1980, in docket No. 20148 should be extended to permit both modifications to be made at the same time.

4. Regarding questions on matters covered by this document contact Walter E. Weaver, 202-632-7197.

5. The amendment adopted herein merely extends for 1 year an exception to certain technical requirements on auto alarms and as such is considered a minor amendment. Hence, the notice and public procedure provisions of 5 U.S.C. 553 are unnecessary. Accordingly, *it is ordered*, That, pursuant to the authority contained in sections 4(i) and 303 (e), (f) and (r) of the Communications Act of 1934, as amended, part 83 of the Commission's rules is amended effective November 13, 1978, as set forth below.

6. *It is further ordered*, That, the Chief, Safety and Special Radio Services Bureau is authorized to determine, on a timely basis, if a further extension, beyond July 1, 1981, is required and to grant a waiver, should he determine that such further extension is required.

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

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Part 83 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

In § 83.554(a)(1)(i), subdivisions (*a*) and (*b*) are amended to read as follows:

§ 83.554 Requirements for radiotelegraph auto alarm.

(a) * * *

(1) *Basic technical requirements.*

(i) * * *

(*a*) Auto alarms of the nondigital type employing resistance-capacitance timing covered by type approval granted before October 1, 1969, and placed in service on or before January 1, 1975, need only satisfy the following less stringent rejection limits: The auto alarm shall not respond to dashed longer than 7.40 seconds or shorter than 2.80 seconds, nor to spaces longer than 1.80 seconds or shorter than 5 milliseconds.[1] This exception shall not continue in effect after July 1, 1981.

(*b*) Auto alarms of the digital type employing a stable clock as the basic timing device covered by type approval granted before May 1, 1968, and placed in service on or before December 1, 1975, may be permitted additionally to accept dashes whose lower limit extends beyond 3.33 seconds down to 3.0 seconds.[1] This exception shall not continue in effect after July 1, 1981. Auto alarms installed before * * * (the effective date of this report and order), shall demonstrate compliance with this subsection during their first detailed annual inspection subsequent to that date.

* * * * *

[FR Doc. 78-31817 Filed 11-9-78; 8:45 am]

[1] These are radio devices, usually unattended, which are capable of receiving over the air an alarm signal transmitted by a distant ship or shore station; they are designed to respond to the signal by actuating an alerting device such as a bell at a location where a watch stander is present. The alarm signal is a radio wave made up, ideally, of 12 4-second dashes separated from each other by 1-second spaces.

[2] The report and order was released May 1, 1975; FCC 75-442; 52 FCC 2d818; 40 FR 19644.

[3] To be convened in Geneva late in 1979 by the International Telecommunication Union.

[1] The acceptability of an auto alarm during field inspection under the limits specified in this exception will be determined in the absence of interference of any kind.

[4910-50-M]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-14; Notice 14]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Occupant Restraint Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule.

SUMMARY: The purpose of this notice is to amend Safety Standard No. 208, Occupant Crash Protection, to provide for the optional use by motor vehicle manufacturers of alternatives to latches for releasing occupants from passive seatbelt systems in emergencies and to allow means other than pushbuttons to operate the emergency release mechanisms of passive belt systems. The amendment is based on a proposal issued in response to a petition from General Motors Corp. to allow manufacturers greater latitude in designing emergency release mechanisms for passive belt systems. The amendment will allow manufacturers to experiment with various emergency release mechanisms aimed at encouraging passive belt use by motorists, prior to the effective date of passive restraint requirements specified in this standard.

DATE: Effective date: November 13, 1978.

ADDRESS: Petitions for reconsideration should refer to the docket number and notice number and be submitted to: Docket Section, Room 5108, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Guy Hunter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-2265.

SUPPLEMENTARY INFORMATION: Safety Standard No. 208, 49 CFR 571.208, currently specifies that a seatbelt assembly installed in a passenger car shall have a latch mechanism that releases at a single point by pushbutton action. General Motors petitioned for relief from this requirement for passive belts, following the issuance of the final rule requiring passenger cars to be equipped with passive restraints (air bags, passive belts, or other means of passive, i.e., automatic, protection) (42 FR 34289; July 5, 1977). The petition described a "spool release" design General Motors would like to use on one of its passive belt systems. The system would include a shoulder belt that would not detach at either end. Rather, the design would allow the belt to "play out" or unwind from the retractor in an emergency, allowing sufficient slack for the door to be opened and the occupant to exit from the vehicle. The purpose of such a "spool release" design is to minimize the disconnection of the passive belt system by motorists. Under the current latch mechanism and pushbutton requirements for belts, a passive belt system could be easily disconnected by a buckle release identical to buckles on current active belt systems (i.e., belts that motorists must manually put into place). As long as the belt remains disconnected, the "passivity" of the system would be destroyed for future use.

In response to the GM petition, the NHTSA issued a proposal to amend standard 208 to allow alternative release mechanisms for passive belts (43 FR 21912, May 22, 1978). As noted in that proposal, the NHTSA is very concerned about the usage rate of passive belts by motorists since it appears that there may be many new cars in the 1980's equipped with these systems. If motorists who would prefer air bags in a particular car line can only obtain passive belts from the manufacturer the defeat rate of the belts could be high. The agency is, therefore, interested in fostering any passive belt design that is effective and that minimizes the rate of disconnection. The notice pointed out, however, that there are other factors to be considered in the proposed change.

The original purpose of the latch mechanism and pushbutton requirements of standard 208 was to insure uniformity of buckle design for the purpose of facilitating routine fastening and unfastening of active belts, encouraging belt use by making the belts as convenient as possible and facilitating the exiting of vehicle occupants in emergency situations. Since the proposed amendment would allow various types of release mechanisms, the agency was concerned that the resulting nonuniformity might have adverse consequences in emergency egress situations from passive belts. In order to examine the implications of the General Motors petition thoroughly, the proposal sought public comments on four specific questions concerning the efficacy and advisability of allowing alternative release mechanisms to latches for passive belt systems. The four questions were as follows:

1. "How should the NHTSA or the vehicle manufacturers monitor the efficacy of and public reaction to various systems for discouraging disconnection of passive belts (such as the latch mechanism with a 4-8 second audible/visible warning system that operates if the belt is not connected when the ignition is turned on, a latch mechanism with additional warning or interlock systems voluntarily installed by a vehicle manufacturer, or a lever operated spool release as requested by General Motors)?"

2. "Are there safety or other considerations that would make it inadvisable to allow the spool release at this time as an option to vehicle manufacturers which install passive belts?"

3. "Compared with a passive belt system equipped with the currently-required latch mechanism, would a passive belt system equipped with a spool release whose actuation lever is located between the seats have substantial disadvantages for emergency exit or extraction from a vehicle that would offset any possible increase in usage in the passive belts?"

4. "If the NHTSA decides to permit the use of alternative occupant release mechanisms, should such use be permitted indefinitely or only for a finite period, e.g., several years, to allow field testing of the various systems? If a finite period were to be established, when should it begin and end?"

All 15 comments to the May 22, 1978, notice supported the intent of the proposed change to allow alternative release mechanisms for passive belts. Most commenters agreed that a nonseparable passive belt should discourage disconnection by motorists and that this should be given higher priority consideration than possible adverse effects such a belt might have on emergency occupant egress. Volkswagen did express some concern that the benefits achieved by increased belt usage might be somewhat offset if problems with emergency exiting arise, but agreed that more flexibility in passive belt design should be allowed to encourage belt use.

Volkswagen urged the use of the passive belt system utilized on its Deluxe Rabbit—a pushbutton release latch mechanism guarded by an ignition interlock. The company stated that this type system is simple and works well in emergency situations regardless of the condition of the retractor or the positioning of the webbing (potential problems of a "spool release" type design). Volkswagen pointed out that a system that is too complex will require close monitoring to insure effectiveness.

While the Volkswagen system has shown high use rates in the field, there is a possibility that widespread use of this type system could lead to adverse public reaction because of the interlock feature. As pointed out by the Alliance of American Insurers in its support of the proposed amendment, there could be a second public "backlash" from a return to the use of starter interlocks, even if placed on the vehicle voluntarily by the manufacturer. Alliance stated that the "spool release" system proposed by

General Motors should be preferable to the interlock from a public acceptance standpoint.

The Center for Auto Safety and the Prudential Property & Casualty Insurance Co. both commented that "spool release" type mechanisms should be self-restoring to insure that in subsequent uses of the vehicle the passive belt is ready to provide the automatic protection for which it was designed. The self-restoring feature would automatically retract the belt after the manual release has been activated to allow the belt to "play-out." The NHTSA believes that both self-restoring "spool release" designs and manual restoration designs have distinct advantages. The automatic restoration does not require the vehicle user to have any knowledge of the system to reactivate the passive belt. However, a manual restoration design would be less complex and would probably be more reliable. The manual design could be coupled with audible and visible warnings to indicate when the lockup portion of the retractor is inoperative. The amendment set forth in this notice allows both types of restoration systems for "spool release" passive belt designs.

The majority of commenters argued that the proposed amendment should be effective indefinitely, and not merely during the interim period until the passive restraint requirements become effective. The comments stated that manufacturers should be given the greatest possible design latitude to encourage the early introduction of innovative passive belt systems that are designed to minimize disconnection by motorists. The industry noted that manufacturers will be hesitant to initiate such new programs and passive belt designs if alternative release designs are allowed only for an interim period. Further, the commenters stated that an interim rule would not allow time for an adequate examination of the effectiveness of the various new designs that might be developed. The agency has concluded that these arguments have merit. Accordingly, this amendment is effective indefinitely.

Several comments stated that the new passive belt designs should be standardized, so that the public will understand their use and problems of emergency occupant egress will be minimized. While the agency agrees that uniformity in release design is advantageous, it is not practical to standardize systems that are only in the development stage. Further, if manufacturers are not given latitude in their passive belt designs, the purpose of this amendment would be defeated. It is unclear at this time which passive belt systems will be the most effective in encouraging belt use and at the same time be accepted by the public. The agency will, of course, monitor all new passive belt systems as closely as possible, and efforts to standardize systems could be made in the future.

Ford Motor Co. commented that the revision of standard No. 208 as requested in the General Motors petition would provide greater latitude than presently exists, but that the requested wording is restrictive in that it would inhibit the development of methods of release other than those specifically related to the retractor. Ford requested that the proposed revision include language permitting manufacturers the greatest possible design latitude. The agency emphasized in the previous notice that the proposal was tentative as to the language and substance of an amendment that might be adopted in response to the General Motors petition. Accordingly, this amendment is broader than that proposed in the General Motors petition and does not limit the types of passive belt designs that may be developed.

In order to insure that vehicle occupants are aware if their passive belts are inoperable because a release mechanism has been activated, this amendment specifies that the warning light, "Fasten Belts," remain illuminated until the belt latch mechanism has been fastened or the release mechanism has been deactivated. This warning light of indefinite duration is in addition to the 4- to 8-second audible warning signal currently required by the standard. The agency believes a continuous warning light is essential since this amendment will allow various types of unfamiliar release systems for passive belts.

In summary, the agency has concluded that manufacturers should be given considerable latitude in designing emergency release mechanisms for passive belt systems. This will permit the development of innovative systems aimed at limiting passive belt disconnection by motorists. Otherwise, the use rate of passive belt systems could be as low as the current use rate for active belt systems. This amendment will allow manufacturers to experiment with various passive belt designs before the effective date of the passive restraint requirements and determine which designs are the most effective and at the same time acceptable to the public.

The agency does not believe that the use of alternative release mechanisms will cause serious occupant egress problems if manufacturers take precautions to instruct vehicle owners how the systems work through the owner's manual and through their dealers. While uniformity in release mechanisms is certainly important for purposes of emergency occupant egress, the agency has concluded that this consideration is at least temporarily outweighed by the importance of insuring passive belts are not disconnected. The agency will, however, monitor all new passive belt designs to assure that the release mechanisms are simple to understand and operate. If the methods of operation of the various release mechanisms are self-evident, the problem of lack of uniformity in design will be less important in terms of emergency occupant egress.

The agency has concluded that this amendment will have no adverse economic or environmental impacts.

The engineer and lawyer primarily responsible for the development of this rule are Guy Hunter and Hugh Oates, respectively.

§ 571.208 [Amended]

In consideration of the above, standard No. 208 (49 CFR 571.208) is amended as follows:

1. S7.2 introductory text is revised to read:

S7.2 *Latch mechanism.* A seat belt assembly installed in a passenger car, except a passive belt assembly, shall have a latch mechanism—

2. Paragraph S4.5.3.3(a) is revised to read:

S4.5.3.3(a). Conform to S7.1 and have a single emergency release mechanism whose components are readily accessible to a seated occupant.

3. S4.5.3.3(b) is revised to read:

S4.5.3.3(b). In place of a warning system that conforms to S7.3 of this standard, be equipped with the following warning system:

(1) At the left front designated seating position (driver's position), be equipped with a warning system that activates a continuous or intermittent audible signal for a period of not less than 4 seconds and not more than 8 seconds (beginning when the vehicle ignition switch is moved to the "on" or the "start" position) when condition (A) exists simultaneously with condition (B), and that activates a continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belts" or "Fasten Belts" for as long as condition (A) exists simultaneously with condition (B).

(A) The vehicle's ignition switch is moved to the "on" position or to the "start" position.

(B) The driver's passive belt is not in use, as determined by the belt latch mechanism not being fastened or, if the passive belt is nonseparable, by the emergency release mechanism being in the released position.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407), delegation of authority at 49 CFR 1.50.)

Issued on November 1, 1978.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 78-31815 Filed 11-7-78; 2:33 am]

[1505-01-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket Nos. 14324, 14606, 14625, 14685, and 14779; Amdt. Nos. 23-23; 25-46; 27-16; 29-17; and 121-149]

AIRWORTHINESS REVIEW PROGRAM AMENDMENT NO. 7

Airframe Amendments; Final Rule

Correction

In FR Doc. 78-30348 appearing at page 50578 in the issue for Monday, October 30, 1978, make the following changes:

(1) On page 50593, middle column, the section heading now reading "§ 23.785 Seats and berths." should have read "§ 23.785 Seats, berths, safety belts, and harnesses."

(2) On page 50594, third column, the formula in § 25.331(c)(2)(i) should have read as follows:

$$\frac{39n}{V}(n-1.5),\ (\text{Radians/Sec.}^2)$$

where—

n is the positive load factor at the speed under consideration; and
V is the airplane equivalent speed in knots.

(3) In the same section, in paragraph (c)(1)(ii), in the fifth line, "The negative pitching * * *" should have read "This negative pitching * * *," and the formula should have read as follows:

$$\frac{-26n}{V}(n-1.5),\ (\text{Radians/Sec.}^2)$$

where—

n is the positive load factor at the speed under consideration; and V is the airplane equivalent speed in knots.

(4) On page 50597, in § 25.811, the first paragraph at the top of the center column, the text labeled "(ii)" in the third line should have been set forth as a separate paragraph.

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.

[1505-01-M]

DEPARTMENT OF AGRICULTURE

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 of Tuesday, October 24, 1978, on page 49712 in the third column, in § 1135.73(e), in the 11th line after the word "date" insert "* * * for making payments pursuant to this section following the date * * *."

[3410-07-M]

Farmers Home Administration

[7 CFR Part 1804]

[FmHA Instruction 424.1]

PLANNING AND PERFORMING DEVELOPMENT WORK

Planning and Performing Development Work

REQUEST FOR COMMENTS ON THERMAL INSULATION STANDARDS

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the Farmers Home Administration of the U.S. Department of Agriculture intends to undertake a study of the thermal performance and related economic factors of concrete masonry wall construction in residential structures. This study is in response to the conference report of the House-Senate conference committee on the fiscal year 1979 Agriculture Appropriations Bill which stated:

> In deleting this Amendment, the conferees will expect the Farmers Home Administration to undertake a revision of its standards, based upon available information on the thermal performance aspects of masonry wall construction as agreed to by the Secretary of Agriculture in his letter of September 11, 1978. In the course of this study, the Farmers Home Administration should consult with the various construction materials industries, State, local and Federal government agencies, engineering societies, and various code and standards-writing bodies.
>
> Within 90 days of enactment of this Act, the conferees will expect the Farmers Home Administration to publish in the FEDERAL REGISTER a proposal for adjustments of the thermal performance standards that are indicated as a result of this study. Such adjustments, if the study so indicates, should be in the form of a separate performance thermal insulation standard for masonry construction.

DATES: Comments must be received on or before December 1, 1978.

ADDRESS: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Daniel Ball, 202-447-3394.

Dated: November 6, 1978.

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

[FR Doc. 78-31798 Filed 11-9-78; 8:45 am]

[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 71 and 73]

[Airspace Docket No. 78-SW-50]

PROPOSED ESTABLISHMENT OF TEMPORARY RESTRICTED AREAS AND ALTERATION OF CONTINENTAL CONTROL AREA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish four temporary joint use restricted areas in the vicinity of Fort Hood, Tex., to contain a military joint readiness exercise called Brave Shield 19. These proposed actions would provide for the safe and efficient use of the navigable airspace by prohibiting unauthorized flight operations of nonparticipating aircraft within the temporary restricted areas during the hours they are activated.

DATES: Comments must be received on or before December 13, 1978.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 78-SW-50, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

Send comments on the environmental aspects to:

Department of the Air Force, Headquarters, Tactical Air Command (DEEV), Langley AFB, Va. 23665, telephone 804-764-4430.

The official docket may be examined at the following location:

FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Mr. Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8525.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before December 13, 1978, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering amendments to Subpart B of Part 73 and Subpart D of Part 71 of the Federal Aviation Regulations (14 CFR Parts 73 and 71) that would designate four temporary restricted areas identified as R-6303A, R-6303B, R-6303C, and R-6303D in the Fort Hood, Tex., area to contain a military joint service exercise known as Brave Shield 19. Since these restricted areas would penetrate the Continental Control Area, they would be added to Subpart D of Part 71 to provide controlled airspace for the duration of their designation. Participating aircraft will be conducting close support, electronic warfare, reconnaissance, and tactical airlift missions to include airborne delivery of supplies. Accomplishment of these missions will require maneuvering through a wide range of airspace and altitudes. Total air traffic associated with this exercise is expected to exceed 230 sorties per day. A majority of the air activity will be within the Fort Hood Military Reservation permanently designated as R-6302A/B/C/D/E. Aerial delivery of ordnance is not planned for this exercise. Electronic warfare and Chaff operations are planned for this exercise.

These areas would be designated as joint use and IFR/VFR operations within the areas may be authorized by the controlling agency when not in use by the using agency. The controlling agency for the proposed restricted areas would be the FAA, Houston Air Route Traffic Control Center (ARTCC), Houston, Tex. In addition, a Tactical Air Control System (TACS) will be established to provide procedures to accommodate to the maximum extent possible civil aviation interests so as not to cause undue hardships. Participating aircraft will be controlled by TACS so as to provide adequate clearance from nonparticipating aircraft. Lines of communication will be installed with approriate FAA facilities to coordinate movement of nonparticipating air traffic through the areas when exercise activity permits. In addition, local business telephone numbers (reverse charge) will be established and published for coordination on nonparticipating aircraft. All municipal and private airports underlying the exercise area would be excluded within 3 NM radius at and below 1,200 feet above ground level (AGL).

The Department of the Air Force will serve as the lead agency for the purposes of compliance with the National Environmental Protection Act (NEPA).

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (43 FR 344 and 704) as follows:

Under § 71.151 (43 FR 344) the following temporary restricted areas are added for the duration of their time of designation from 0600 local time, April 5, 1979, to 2359 local time, April 13, 1979:

R-6303A BRAVE SHIELD 19, Tex.
R-6303B BRAVE SHIELD 19, Tex.
R-6303C BRAVE SHIELD 19, Tex.
R-6303D BRAVE SHIELD 19, Tex.

Under § 73.63 (43 FR 704) the following temporary restricted areas are added: R-6303A BRAVE SHIELD 19, Tex.

Boundaries. Beginning at Lat. 31°09'00" N., Long. 97°55'00" W.; to Lat. 31°16'00" N., Long. 97°54'00" W.; to Lat. 31°19'00" N., Long. 97°51'00" W.; to Lat. 31°24'00" N., Long. 97°48'00" W.; to Lat. 31°23'00" N., Long. 97°43'00" W.; to Lat. 31°21'00" N., Long. 97°41'00" W.; to Lat. 31°20'00" N., Long. 97°41'00" W.; to Lat. 31°14'00" N., Long. 97°33'00" W.; to Lat. 31°06'00" N., Long. 97°33'00" W.; to Lat. 31°08'00" N., Long. 97°39'00" W.; to Lat. 31°10'00" N., Long. 97°41'00" W.; to Lat. 31°09'30" N., Long. 97°43'00" W.; to Lat. 31°09'00" N., Long. 97°43'30" W.; to the point of beginning, excluding airspace 4,000 feet MSL and below within a 5 NM radius of the Hood, Tex., VOR, within a 5 NM radius of the Fort Hood AAF (31°08'15" N., 97°42'50" W.) but south of R-6302 boundary, and within 5 NM each side of the Hood, Tex., VOR 110° T (102° M) and 125° T (117° M) radials extending from the VOR to V-17 airway, and also excluding the airspace 1,200 feet AGL and below within a 3 NM radius of all airports.

Designated altitudes. Surface to and including FL 180.

Time of designation. Intermittent, 0600 to 0001 local time, April 5, 1979, through April 13, 1979.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-6303B BRAVE SHIELD 19, Tex.

Boundaries. Beginning at Lat. 31°30'00" N., Long. 97°46'00" W.; to Lat. 31°48'15" N., Long. 97°46'00" W.; to Lat. 31°30'00" N., Long. 97°37'45" W.; to Lat. 31°13'45" N., Long. 97°30'00" W.; to Lat. 30°50'00" N., Long. 97°37'00" W.; to Lat. 30°50'00" N., Long. 98°03'30" W.; to Lat. 31°07'00" N., Long. 97°45'30" W.; to the point of beginning, excluding R-6302 and airspace 4,000 feet MSL and below, within 5 NM radius of Fort Hood AAF (30°08'15" N., 97°42'50" W.) and within 5 NM radius of the Hood, Tex., VOR, within 5 NM each side of the Hood, Tex., VOR 102° T and 125° T radials extending from the VOR to V-17 airway. The airspace 1,200 feet AGL and below within 3 NM of all airports is excluded.

Designated altitudes. 100 feet AGL to and including FL 180.

Time of designation. Intermittent, 0600 to 0001 local time, April 5, 1979, through April 13, 1979.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-6303C BRAVE SHIELD 19, Tex.

Boundaries. Beginning at Lat. 30°50'00" N., Long. 98°10'00" W.; to Lat. 31°30'00" N., Long. 98°10'00" W.; to Lat. 31°30'00" N., Long. 97°46'00" W.; to Lat. 31°07'00" N., Long. 97°45'30" W.; to Lat. 30°50'00" N., Long. 98°03'30" W.; to point of beginning, excluding R-6302A/B/C 18,000 feet MSL and below, and airspace within 5 NM radius of Fort Hood AAF (31°08'15" N., 97°42'50" W.), within 5 NM radius of Hood, Tex., VOR. The airspace 1,200 feet and below within 3 NM of all airports is excluded.

Designated altitudes. 100 feet AGL to and including FL 250.

Time of designation. Intermittent, 0600 to 0001 local time, April 5, 1979, through April 13, 1979.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-6303D BRAVE SHIELD 19, Tex.

Boundaries. Beginning at Lat. 31°03'15" N., Long. 99°16'00" W.; to Lat. 31°18'15" N., Long. 99°16'00" W.; to Lat. 31°20'45" N., Long. 99°14'00" W.; to Lat. 31°20'45" N., Long. 99°07'45" W.; to Lat. 31°25'30" N., Long. 98°45'45" W.; to Lat. 32°03'00" N., Long. 98°49'00" W.; to Lat. 32°03'00" N., Long. 97°52'45" W.; to Lat. 31°48'15" N., Long. 97°46'00" W.; to Lat. 31°30'00" N., Long. 97°46'00" W.; to Lat. 31°30'00" N., Long. 98°10'00" W.; to Lat. 30°50'00" N., Long. 98°10'00" W.; to Lat. 30°50'00" N., Long. 98°30'30" W.; to Lat. 30°55'00" N., Long. 98°52'00" W.; to point of beginning. The airspace 1,200 feet AGL and below within 3 NM of all airports is excluded.

Designated altitudes. 500 feet AGL to and including FL 250.

Time of designation. Intermittent, 0600 to 0001 local time, April 5, 1979, through April 13, 1979.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The FAA has determined that this document involves a regulation which is not significant under the procedures and criteria prescribed by Executive Order 12044 and implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Washington, D.C., on November 8, 1978.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 78-31942 Filed 11-9-78; 8:45 am]

[4410-05-M]

DEPARTMENT OF JUSTICE

Federal Prison Industries

[28 CFR Part 301]

INMATE ACCIDENT COMPENSATION

Proposed Changes in Compensation Awards

AGENCY: Federal Prison Industries, Justice.

ACTION: Proposed rules.

SUMMARY: This document contains proposed rules governing compensation awards paid to former Federal prison inmates for injuries sustained while working in prison. These proposals are primarily intended to clarify existing regulations, and to: (1) Insure more complete documentation of work-related injuries to inmates; (2) clarify that awards are based on physical impairment rather than disability; (3) provide guidance as to those injuries considered work-related and thus potentially compensable, and (4) eliminate a current regulation providing for suspension of compensation awards upon reincarceration.

COMMENT DATES: Comments on proposed changes must be received on or before January 22, 1979.

FOR FURTHER INFORMATION CONTACT:

Curtis Sitterson, Office of General Counsel, Bureau of Prisons, phone 202-724-3062

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Attorney General by 18 U.S.C. 4126 and delegated by the Attorney General under 28 CFR § 0.99 and by the Board of Directors of Federal Prison Industries, Inc., it is proposed to amend Part 301 of Chapter III of Title 28, Code of Federal Regulations, in several areas, as set forth below.

(1) It is proposed to amend 28 CFR § 301.1 in order to more specifically delineate the scope of part 301.

(2) Under the current 28 CFR § 301.4, only those injuries resulting in "disability" must be reported by the work detail supervisor. This has resulted in inadequate documentation of some injuries which at first appear to be minor, but later result in possible physical impairment. It is therefore proposed to amend § 301.4 by requiring all injuries to be reported. Along the same lines, it is proposed to amend this section by requiring further documentation in all cases where medical treatment is provided, whether provided by a physician or not. It is proposed to amend § 301.3 to clarify the fact that the work supervisor, not the inmate, is responsible for submitting documentation of a work injury once it has been reported by the inmate. It is proposed to amend § 301.5(a) to insure that inmates being transferred to community treatment centers, in addition to those being released, are advised of their right to file for compensation and given appropriate medical examinations. It is also proposed to amend § 301.5(b) to indicate that claims should be forwarded to the claims examiner, Federal Prison Industries, Inc., and not the Office of General Counsel of the Bureau of Prisons.

(3) Under current 28 CFR § 301.21, awards in all cases are based on the minimum wage prescribed by the Fair Labor Standards Act applicable at the time of each periodic payment. Awards are not based on the wages earned by the former inmate in his most recent or predominant area of employment, if any. In spite of this fact, several provisions in part 301 governing inmate accident compensation make reference to awards being based on "disability". This may be interpreted to mean that awards are based not on minimum wage, but rather on the effect of the injury on the work skills, work capacity, and wages earned by the claimant. In fact, awards are based on "physical impairment" which is an objective measure of an anatomic or functional abnormality or loss resulting from an injury.

It is therefore proposed to amend 28 CFR §§ 301.2, 301.4, 301.5, 301.10, 301.21, and 301.24 (as renumbered below) by deleting reference to "disability" and substituting when appropriate "impairment" as a basis in determining awards. There are several reasons for this proposal. First, and most importantly, it would be very difficult, if not impossible in many cases, to make an accurate reliable determination of a former inmate's "disability". As many former inmates were incarcerated for long periods of time and as many had no legitimate employment or means of income prior to incarceration, there is often no evidence to indicate what the claimant's profession or work skills really are. The work performed by the claimant while incarcerated also may bear no relation to the work he or she might seek after release. Consequently, we have concluded that a compensation program based on "disability" could well result in widely divergent, fundamentally inequitable awards. An added factor in our conclusion to base awards on impairment is the added administrative costs which would have to be devoted to keeping constantly updated information concerning each claimant's changing employment and resultant disability ratings.

(4) Under current regulations, little guidance is provided as to which injuries are considered "work-related" and which are not. It is therefore proposed to amend 28 CFR § 301.9 to provide greater direction in this regard. The proposed amendments to this section are basically self-explanatory. It should be noted that the proposal to exclude injuries suffered off the job site coming to and going from work or lunch differs from many Workmen's Compensation laws. This difference is, we believe, supported by the nature of a prison work environment. We see no reason why an inmate worker should receive greater accident compensation coverage going to work or lunch than does an inmate student going to school or lunch. An inmate's status as a worker in no way increases his chance of injury off the job site or affects the basic fact that as an incarcerated individual, he generally spends all his nonworking time within the confines of a correctional institution. This situation can be distinguished from the situa-

tion where civilian employees must sleep or have their meals on their employer's property due to the nature of their employment. Under this proposal, injuries suffered while "off the job" may be compensable, if at all, pursuant to private insurance coverage, the Federal Tort Claims Act, or other provision of law.

(5) It is proposed to amend § 301.22(a) to indicate that payments usually begin about the first, instead of the tenth, day of the first month following the month in which the award is effective.

(6) Current 28 CFR § 301.23 provides that compensation awards are generally suspended upon reincarceration of the claimant. This provision is based in part upon the assumption that Inmate Accident Compensation is intended to compensate for loss of wage earning capacity. As an incarcerated individual generally has little or no immediate wage earning capacity and is provided with basic necessities such as room and board by the detaining authority, suspension of disability payments may well be justified. However, since this program is intended to compensate for physical impairment, as set forth above, there is less reason to suspend payment upon reincarceration. An added factor in our conclusion that payments should not be suspended is the administrative costs which have been incurred in the past in attempting to maintain on-going records concerning a claimant's reincarceration. It is therefore proposd to eliminate current 28 CFR § 301.23 and renumber subsequent sections accordingly.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Associate Commissioner, Federal Prison Industries, Inc., 320 First Street NW., Washington, D.C. 20534. Comments received on or before January 22, 1979, will be considered before final action is taken on these proposals. Copies of all written comments received will be available for examination by interested persons at Federal Prison Industries, Room 508, 320 First Street NW., Washington, D.C. 20534. The proposals may be changed in light of comments received. No oral hearings are contemplated.

In consideration of the foregoing, it is proposed to amend 28 CFR, Chapter III as follows:

PART 301—INMATE ACCIDENT COMPENSATION

1. By revising §§ 301.1 through 301.5 to read as follows:

§ 301.1 Purpose and scope.

This part contains procedures governing payment of accident compensation awards to former Federal prison inmates, for injuries sustained while working in Federal Prison Industries, Inc., or in the operation or maintenance of a Federal correctional institution as authorized by 18 U.S.C. 4126. This part also contains procedures governing payment of "lost-time wages" to current inmates working in Federal Prison Industries, Inc., who are absent from work due to work-related injuries (see 28 CFR 301.10). "Injury", as used in this part, is defined to include illness, as work-related illnesses are compensable to the same extent as work-related injuries.

§ 301.2 Medical attention.

Whenever an inmate worker is injured while in the performance of assigned duty, regardless of how trivial the injury may appear, he shall immediately report the injury to his official superior. The employee will take whatever action is necessary to secure for the injured such first aid, medical, or hospital treatment as may be necessary for the proper treatment of the injury. Medical, surgical, and hospital service will be furnished by the medical staff of the institution. Refusal by an inmate worker to accept such medical, surgical, hospital, or first aid treatment may cause forfeiture of any claim for accident compensation for physical impairment resulting therefrom.

§ 301.3 Record of injury and initial claim.

After initiating necessary action for medical attention the work detail supervisor shall immediately secure a record of the cause, nature, and exact extent of the injury, and shall see that the injured inmate submits within 48 hours sufficient information for the supervisor to complete administrative form 19, Injury Report (Inmate). The names and testimony of all witnesses shall be secured. If the injury resulted from the operation of mechanical equipment, an identifying description of the machine or instrument causing the injury shall be given.

§ 301.4 Report of injury.

(a) All injuries reported by the inmate shall be reported by the inmate's work detail supervisor on administrative form 19, Injury Report (Inmate). After review by the institution safety officer, or his appointed representative, for completeness, the report shall be delivered to the warden or superintendent of the institution, and then forwarded promptly to the safety administrator in the Washington office. All questions on form 19 shall be answered in complete detail. A medical description of the injury must be included on administrative form 19 whenever the injury is such as to require medical attention.

* * * * *

§ 301.5 Prerelease claim for compensation.

(a) As soon as a date release or transfer to a community treatment center is determined, but not in advance of 30 days prior to this date, each inmate injured in industries or on an institutional work assignment during his confinement, who feels he or she has a residual impairment from a work related accident, shall be given FPI form 43 revised, and advised of his rights to make out his claim for compensation. Every assistance will be given him to properly prepare the claim if he wishes to file. Claims must be made within 60 days following release from the institution when circumstances preclude submission prior to release. However, a claim for physical impairment may be allowed within 1 year after release from Federal custody, for reasonable cause shown. In each case a physical examination shall be given and a definite statement made as to the physical impairment caused by the alleged injury.

Failure to submit to a final physical examination before release or transfer to a community treatment center shall result in the forfeiture of all rights to compensation and future medical treatment. In each case of visible impairment, disfigurement, or loss of member, photographs shall be taken to show the actual condition and shall be transmitted with FPI form 43.

(b) The claim, after preparation and execution by the inmate, shall be completed by the physician making the final examination. It shall be forwarded promptly to the Claims Examiner, Federal Prison Industries, Inc., Washington, D.C., accompanied by, or with reference made to, form 19, Injury Report (Inmate).

2. By revising §§ 301.9 and 301.10 to read as follows:

§ 301.9 Compensable and noncompensable injuries.

Compensation is basically paid for "on the job" injuries. This includes not only injuries suffered on an inmate's regular work assignment, but also those injuries resulting from voluntary work, approved by staff, in the operation and maintenance of the institution. Compensation is not paid, however, for injuries resulting from participation in institutional programs (such as programs of a social, recreational, or community relations nature) or from maintenance of one's own living quarters. Furthermore, compensation will not be paid for injuries suffered away from the work location, e.g., while the claimant is going to or leaving work or going to or

coming from lunch outside of the work station or area.

Injuries sustained by inmate workers willfully or with intent to injure someone else, or injuries suffered in any activity not related to their work assignment are not compensable, and no claim for compensation for such injuries will be considered. Any injury resulting from willful violation of rules and regulations may prevent award of compensation.

§ 301.10 Compensation for lost time.

No accident compensation will be paid for compensable injuries while the injured inmate remains in custody. However, inmates assigned to industries will be paid wages for the number of regular work hours in excess of three consecutive inmate mandays they were absent from work because of injuries suffered while in the performance of their work assignments. The rate of pay shall be 66⅔ percent of the standard hourly rate for the grade if the injured is not helping to support dependents, and 75 percent of the standard hourly rate if the injured is helping to support dependents. No claim for compensation will be considered if full recovery occurs while the injured is in custody and no significant impairment remains after release.

3. By revising §§ 301.21 and 301.22 to read as follows:

§ 301.21 Establishing the amount of the award.

In determining the amount of accident compensation to be paid consideration will be given to the permanency and severity of the injury in terms of temporary and permanent physical impairment. The provisions of the Federal Employees' Compensation Act shall be followed when applicable. The minimum wage prescribed by the Fair Labor Standards Act applicable at the time of each periodic payment shall be used as the wage basis in determining the amount of such compensation. In no event shall compensation be paid in greater amount than that provided in the Federal Employees' Compensation Act. (Title 18, United States Code § 4126.)

§ 301.22 Time and method of payment of compensation claim.

(a) Upon determination of the amount of compensation to be paid, a copy of the award will be furnished the claimant and monthly payments will usually begin about the first day of the month following the month in which the award is effective. Payments shall normally be made through the office of the U.S. probation officer of the district in which the claimant resides. When the amount of the award exceeds $500 lump sum payments will rarely be made, and only in exceptional cases where it is clearly shown to be beneficial and necessary for the support of the claimant or dependents.

* * * * *

§ 301.23 [Deleted]

4. By deleting § 301.23 and renumbering subsequent sections accordingly.

5. By revising § 301.24 (as renumbered) to read as follows:

§ 301.24 Civilian compensation laws distinguished.

Compensation awarded hereunder differs from awards made under civilian workmen's compensation laws in that hospitalization is usually completed prior to the inmate's release from the institution and, except for a 3-day waiting period, the inmate receives wages while absent from work. Other factors necessarily must be considered that do not enter into the administration of civilian workmen's compensation laws. As in the case of Federal employees who allege they have sustained work-related injuries, the burden of proof lies with the claimant to establish that his claimed impairment is causally related to his assigned institution employment.

(18 U.S.C. 4126, 28 CFR 0.99 and by Board of Directors of Federal Prison Industries, Inc.)

Dated: November 6, 1978.

NORMAN A. CARLSON,
Commissioner, Federal Prison Industries, Inc.

[FR Doc. 78-31876 Filed 11-9-78; 8:45 am]

[6732-01-M]

FEDERAL MEDIATION AND CONCILIATION SERVICE

[29 CFR Part 1404]

ARBITRATION SERVICES

Availability of Draft Proposed Regulation

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Availability of draft proposed regulation.

SUMMARY: This notice announces the availability of a draft proposed regulation regarding arbitration services. It is possible that this draft will be used in the formulation of proposed regulations relating to arbitration services. Copies will be sent to interested persons upon requests.

FOR FURTHER INFORMATION CONTACT:

David Vaughn, Assistant General Counsel, 202-653-5305.

ADDRESS: Request for copies should be sent to the General Counsel, Federal Mediation and Conciliation Service, 2100 K Street NW., Washington, D.C. 20427.

SUPPLEMENTARY INFORMATION:

Part 1404 of title 29, CFR contains the Federal Mediation and Conciliation Service (FMCS) rules concerning th FMCS Arbitration Services program, standards of eligibility of arbitrators for admission to and retention on the roster, procedures for obtaining arbitration services, guidelines for the conduct of proceedings, and the procedures for administrative action regarding arbitrators on the roster.

During the past 18 months, the Arbitration Services Advisory Committee of FMCS and the Service itself have reviewed the existing regulation and have made suggestions for change to respond to the changing needs of the labor-management community. These suggestions have been incorporated in a draft proposed regulation.

It is anticipated that the draft will be used as the basis of a proposed regulation which will be published in the FEDERAL REGISTER in the near future for a 60-day period of public comment. This will, however, announce the present availability of the draft which will be used as the basis of that notice. The draft will be sent on request made to the Office of the General Counsel, Federal Mediation and Conciliation Service, 2100 K Street NW., Washington, D.C. 20427. For further information please contact David Vaughn, Associate General Counsel, 653-5305.

ROBERT P. GAJDYS,
Director of Administration.

[FR Doc. 78-31799 Filed 11-9-78; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 65]

[FRL 999-4]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of an Administrative Order Issued by the Spokane County Air Pollution Control Authority to Suntex Veneer—Division of Boise Cascade

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an administrative order issued by the Spokane County Air Pollution Control Authority (SCAPCA) to Suntex Veneer after a 30-day notice and public hearing. The order requires the

company to bring air emissions from its plywood plant in Spokane, Wash., into compliance with certain regulations contained in the federally approved Washington 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 EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before, December 13, 1978.

ADDRESS: Comments should be submitted to Director, Enforcement Division, EPA, Region 10, 1200 Sixth Avenue, Seattle, Wash. 98101. 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. Kenneth D. Brooks, Environmental Protection Agency M/S 513, 1200 Sixth Avenue, Seattle, Wash. 98101, telephone 206-442-1387.

SUPPLEMENTARY INFORMATION: Suntex Veneer operates a plywood plant at Spokane, Wash. The order under consideration addresses emissions from two veneer driers at the facility, which are subject to WAC 18-04-040. The regulation limits the emissions of particulate matter, and is part of the federally approved Washington State implementation plan. The order requires final compliance with the regulation by July 1, 1979. The source is unable to comply with the requirements of the Washington State implementation plan at this time and has consented to the terms of the order. The source has satisfied the increments due contained in the order.

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 proposes to approve the order because it satisfies the appropriate requirements of this subsection.

The elements of the appropriate paragraphs of subsection 113(d) are met in the following resolution and order and administrative order supplement issued to Suntex Veneer by Spokane County Air Pollution Control Authority, including subsection 113(d)(7): The Regional Administrator has determined that the interim requirements are reasonable and practicable, provide for the use of the best practicable system of emission reduction, are necessary to avoid an imminent and substantial endangerment to the health of persons, and assure compliance with WAC 18-04-040 visual emission requirements, a part of the federally approved washington State implementation plan insofar as Suntex Veneer is able to compiy during the period this order is in effect.

SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY—SEPTEMBER 19, 1978

Mr. Wallace N. Cory, P. E., Environmental Manager, Environmental and Energy Services, Boise Cascade, P.O. Box 8328, Boise, Idaho 83707.

Subject: Administrative Order Supplement to Spokane County Air Pollution Control Authority Resolution 78-05 regarding Suntex Veneer, Spokane, Wash.

DEAR MR. CORY: This administrative order is in response to your letter of August 24, 1978, requesting that our compliance program for the Suntex Plant at Spokane Industrial Park be submitted to the Environmental Protection Agency so that it can be considered for a Federal Delayed Compliance Order.

In order to qualify for a DCO as delineated in section 113D, 42 U.S.C. 7401, The Federal Clean Air Act as amended August 17, 1977, your firm, Boise Cascade and its subsidiary, Suntex Veneer of Spokane, are notified that the following elements are added to Spokane County Air Pollution Control Authority Resolution 78-05 amended compliance schedule for Suntex Veneer:

1. Pursuant to Spokane County Air Pollution Control Authority Regulation I, § 6.02, the above-noted firm, Suntex Veneer, shall comply with the visual emission requirement of this section no later than July 1, 1979.

2. As directed in Resolution 78-05, Suntex Veneer shall report by letter the completion of each interim step in the compliance schedule. This report is to be submitted to SCAPCA within 15 days after each stage is completed.

3. Failure on the part of Suntex Veneer—Division of Boise Cascade, to achieve final compliance by July 1, 1979, may result in a requirement to pay a non-compliance penalty under section 120 of the Act. In the event of such failure, Suntex Veneer—Division of Boise Cascade, will be formally notified by EPA or its delegate of its noncompliance pursuant to section 210(b)(3) of the act and to any applicable regulation promulgated thereunder.

4. The monitoring requirements pursuant to section 113D are waived.

Our agency solicits your firm's cooperation for satisfactory completion of the program.

Sincerely,

FRED A. SHIOSAKI,
Director.

SPOKANE COUNTRY AIR POLLUTION CONTROL AUTHORITY

In the matter of approving the variance request submitted by Suntex Veneer, Division of Boise Cascade, Spokane Industrial Park, Spokane, Wash.

NO. 78-05—RESOLUTION AND ORDER

Whereas, on the 6th day of June 1978, the Spokane County Air Pollution Control Authority Board of Directors had a meeting at which time the variance request submitted by Suntex Veneer, Division of Boise Cascade, Spokane Industrial Park, Spokane, Wash., was considered.

It appearing to the Board of Directors that the variance request submitted by Suntex Veneer, Division of Boise Cascade, is valid and timely and its denial would produce serious hardship without equal or greater benefits to the public, the emissions occurring or proposed to occur do not have short-term public health or safety effects and will enable them to comply with the Spokane County Air Pollution Control Authority, Regulation I and Regulation II, Now, Therefore,

Be it resolved by the Board of Directors of the Spokane County Air Pollution Control Authority that the Board approve the variance request submitted by Suntex Veneer, Division of Boise Cascade, Spokane Industrial Park, Spokane, Wash., which is attached hereto as Exhibit A and incorporated herein by reference.

1. Submit final control strategy—October 1, 1978.
2. Issue purchase order—December 1, 1978.
3. Initiate installation/construction—May 1, 1979.
4. Complete installation/construction—June 1, 1979.
5. Demonstrate compliance—July 1, 1979.

It is further ordered that Suntex Veneer, Division of Boise Cascade:

(1) Submit to the Spokane County Air Pollution Control Authority within 30 days following the December 1, 1978, deadline for the issuance of the above-referenced purchase order, a completed Notice of Construction and Application for Approval and Washington State Environmental Policy Act Environmental Checklist;

(2) Specify in the Notice of Construction equipment shipping dates from the factory and delivery dates to Suntex Veneer at the Spokane Industrial Park;

(3) Project in the notice of Construction based on equipment delivery dates, the time for commencing construction and installation if different from May 1, 1979;

(4) Submit a proposal for source testing prior to the completion of construction/installation of equipment.

And it is further ordered, That Suntex Veneer, Division of Boise Cascade, comply with the schedule herein adopted by resolution.

Be it further resolved, That the Board of Directors grant a variance to July 1, 1979.

Approved by the Board of Directors of the Spokane County Air Pollution Control Authority this 6th day of June 1978.

D. J. SHERLOCK,
Chairman, Spokane County Air Pollution, Control Authority Board of Directors.

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 Washington 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 on 40 CFR Part 65.

(Authority: 42 U.S.C. 7413, 7601.)

Dated: October 20, 1978.

DONALD P. DUBOIS,
Regional Administrator, Region 10.

[FR Doc. 78-31609 Filed 11-9-78; 8:45 am]

[6820-23-M]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[41 CFR Part 101-17]

FEDERAL FACILITIES AND SPACE

Improved Use

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule would provide Federal agencies with guidelines to use in establishing programs to improve their utilization of space and with criteria for developing and implementing programs to achieve economies in space utilization. This action is being taken at the direction of the Office of Management and Budget. The intended effect of this action is to reduce the total space utilization rate, which will result in significant annual savings or cost avoidance or both.

DATE: Comments must be received on or before December 28, 1978.

ADDRESS: Comments should be filed in duplicate with the Commissioner, Public Buildings Service, and should be addressed as follows: General Services Administration (P), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT:

James G. Whitlock, Director, Space Management Division, Office of Space Management, Public Buildings Service, General Services Administration, Washington, D.C. 20405, 202-566-1875.

SUPPLEMENTARY INFORMATION: By memorandum of July 27, 1976, GSA was directed by the Office of Management and Budget (OMB) to revise the Federal Property Management Regulations to reflect new space utilization standards and other requirements growing out of studies and reviews of agencies' space needs. In response to that directive, a proposed amendment was published in the FEDERAL REGISTER on January 4, 1977, for comment (42 FR 816). As a result of the comments received, particularly of the reporting requirements, the proposal was substantially revised and was republished for comments. This regulation deletes a reference to the Office of Operating Programs (OOP) as recipient of space requests in region 3 of GSA. OOP has been abolished and its functions have been transferred from the control of GSA central office to the Regional Commissioner, Public Buildings Service, Region 3. The amendment updates current organizational alinement and will insure that space requests are routed to the correct office. This regulation also provides for the substitution in nomenclature and actual use of space allocation standards in lieu of occupancy guides and provides procedures for Federal agencies for the development of work station requirements. By policy memorandum of November 14, 1975, the Commissioner, Public Buildings Service, rescinded the work station allowances contained in all occupancy guides. Since then, the concept of space allocation standards has been developed to replace the occupancy guides. This amendment reflects these changes and formalizes current GSA policy on providing space for work stations. This regulation further provides criteria for Federal agencies to use in developing and implementing programs to achieve economies in space utilization. This amendment outlines the major elements necessary for establishment of effective and responsible programs by agencies for improving the use of Federal space and, with the active participation and cooperation of Federal agencies, reducing the total space utilization rate to the extent that significant annual savings and/or cost avoidance can be realized.

The table of contents for part 101-17 is amended by adding or revising the following entries:

101-17.202-1 Agency space utilization programs.
101-17.302 Use of space allocation standards.
101-17.302-1 Development of work station requirements.

Subpart 101-17.1—Assignment of Space

Section 101-17.101(a) is revised to read as follows:

§ 101-17.101 Requests for space.

(a) Except as provided in § 101-17.101-2 Federal agencies shall satisfy their space needs (additions and deletions as identified in § 101-17.202-1 (d) and (e)) by submitting a Standard Form 81, Request for Space, to the GSA regional office responsible for the geographic area in which the space is required. A listing of GSA regional offices and the areas they serve is shown in § 101-17.4801.

* * * * *

Subpart 101-17.2—Utilization of Space

Section 101-17.202 is revised, and § 101-17.202-1 is added to read as follows:

§ 101-17.202 Responsibility of agencies.

It is the responsibility of Federal agencies to assist and cooperate with GSA in the assignment and utilization of space, including furnishing data relative to the use of space occupied, personnel and work stations housed or to be housed, and establishing agency programs to improve space use. It is the further responsibility of Federal agencies to insure efficient and economical space utilization by continuously studying and surveying space occupied under GSA assignment and other space which is controlled by the agencies. It is the responsibility of agencies to report to GSA any space which is excess to their needs and which might be assigned to other agencies.

§ 101-17.202-1 Agency space utilization programs.

Agencies shall establish internal programs for the improvement of space use. In developing and implementing such programs, the following minimum program elements should be included:

(a) Development of work station and administrative support requirements as described in § 101-17.302-1 shall be undertaken to prescribe efficient overall utilization and to develop space allocation standards in coordination with GSA to replace occupancy guides.

(b) Dissemination of internal guidelines for improving space utilization

through space planning and work station design and the establishment of related training programs.

(c) A continuous review of outstanding space requests to insure that they have been submitted to GSA in accordance with the requirements of §§ 101-17.302-1, 101-17.304, or established space allocation standards.

(d) A continuous survey of existing space to: (1) Determine present utilization practices; (2) identify space that might be excessive to that needed for efficient performance of program requirements; and (3) determine the economic feasibility of releasing such space to GSA for possible reassignment.

(e) A continuous review of anticipated personnel and program changes to determine expected space requirements and provide accurate utilization data.

Subpart 101-17.3—Space Standards, Criteria, and Guidelines

1. Section 101-17.302 is revised, and § 101-17.302-1 ia added to read as follows:

§ 101-17.302 Use of space allocation standards.

Space allocation standards are defined in § 101-17.003-32. The objective is to promote more efficient operation and better utilization through development of work stations and administrative support space standards. These standards may be augmented by GSA to consider layout and circulation as defined in §§ 101-17.003-30 and 101-17.003-31.

§ 101-17.302-1 Development of work station requirements.

Development of work station requirements are set forth as follows:

(a) Defining and grouping distinct job categories within the organization;

(b) Determining the function of these job categories and their physical needs;

(c) Translating physical needs of those job categories into compact and efficient individual furniture work station standards and determining the square footage associated with each standard; and

(d) Consolidating the square footage needs into work station groups.

The sum of individual work station square footage standards or work station groups and support space requirements becomes the basis for the request for space.

2. Section 101-17.303(a) is revised to read as follows:

§ 101-17.303 Use of space allocation allowances.

(a) In the absence of either the documented work station analysis described in § 101-17.302-1 or an approved space allocation standard, the space allowances listed in §§ 101-17.304-1 and 101-17.304-2 shall be used in space planning for agencies and components thereof.

* * * * *

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

Dated: October 25, 1978.

JAMES B. SHEA, Jr.,
Commissioner,
Public Buildings Service.

[FR Doc. 78-31788 Filed 11-9-78; 8:45 am]

[6820-24-M]

Federal Supply Service

[41 CFR Part 101-29]

FEDERAL TELECOMMUNICATIONS STANDARDS

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: Notice is hereby given that the General Services Administration (GSA) proposes to amend the Federal Property Management Regulations covering the exceptions to the mandatory use of Federal standards. Several conditions which allow deviations from Federal standards are not appropriate when applied to telecommunications systems because they undermine standards which emanate from Federal Telecommunications Standards program. This proposed regulation will add a separate FPMR section dealing exclusively with exceptions to the mandatory use of Federal telecommunications standards.

DATE: Comments are due on or before December 31, 1978.

ADDRESS: Written comments should be sent to General Services Administration (FAF), Washington, D.C. 20406.

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.

It is proposed to amend the table of contents for part 101-29 to include the following entry:

§ 101-29.303 Exceptions to mandatory use of Federal telecommunications standards.

It is proposed to amend Subpart 101-29.3 by revising § 101-29.302 and by adding § 101-29.303 as follows:

Subpart 101-29.3—Standards

§ 101-29.302 Mandatory use of Federal standards.

Federal standards shall be used by all Federal agencies, including the Department of Defense. The exceptions in § 101-29.204 relating to the mandatory use of Federal specifications are applicable to Federal standards other than Federal telecommunications standards. Exceptions applicable to Federal telecommunications standards are provided in § 101-29.303. A Federal agency may be granted an exceptions to the use of Federal standards (other than Federal telecommunications standards) by GSA only upon submission of adequate justification to the General Services Administrations (F), Washington, D.C. 20406.

§ 101-29.303 Exceptions to mandatory use of Federal telecommunications standards.

Exceptions to mandatory use of Federal telecommunications standards may be granted by GSA only upon submission of adequate justification to the General Services Administration (C), Washington, D.C. 20405. Circumstances under which exceptions may be granted include, but are not limited to, the following:

(a) The items to be purchased are replacements or augmentation components of an existing system or equipment, the operational integrity or utility of which would be decreased by introduction of components meeting Federal telecommunications standards;

(b) The items are to be purchased in foreign markets for use by overseas activities of agencies;

(c) The items to be purchased are required for experimental or test and evaluation purposes;

(d) The purchase is required under a public exigency, and delay in obtaining agency requirements would be involved in using the applicable standard; and

(e) where otherwise authorized by law.

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

Dated: October 25, 1978.

WILLIAM P. KELLY, Jr.,
Commissioner,
Federal Supply Service.

[FR Doc. 78-31792 Filed 11-9-78; 8:45 am]

[4910-60-M]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 195]

[Docket No. PS 55; Notice 1]

TRANSPORTATION OF LIQUIDS BY PIPELINE

Testing Highly Volatile Liquid Pipelines

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: With certain exceptions, part 195 does not require liquid pipelines constructed before January 8, 1971, to be qualified for use by hydrostatic testing. Liquid pipelines have experienced accidents caused by latent material and construction defects which could have been prevented had such defects been discovered and removed through hydrostatic testing. This notice proposes to reduce the potential for severe liquid pipeline accidents by requiring a hydrostatic test in accordance with Subpart E on all onshore pipelines carrying highly volatile liquids (HVL) which have not been previously tested to at least 1.25 times their maximum operating pressure for at least 24 hours.

DATE: Comments must be received by February 15, 1979. Late filed comments will be considered as far as practicable.

ADDRESS: Comments should identify the docket and notice numbers and be submitted in triplicate to the Docket Branch, Materials Transportation Bureau, 2100 Second Street SW., Washington, D.C. 20590. Comments are available at docket room 6500.

FOR FURTHER INFORMATION CONTACT:

Frank Robinson 202-426-2549.

SUPPLEMENTARY INFORMATION: Need for this proposal:

Accident reports on file with the Materials Transportation Bureau (MTB) covering the past 9 years show that highly volatile liquid (HVL) pipelines have caused a substantially higher percentage of deaths, injuries, and property damage than liquid pipelines carrying less volatile commodities. The record of liquid pipeline accidents reported on form DOT-7000-1 from 1968 through 1977 shows that although HVL pipeline accidents comprise only 10 percent of the total number of accidents involving liquid pipelines, the HVL accidents caused 66 percent of the deaths, 50 percent of the injuries and 30 percent of the property damage. These statistics clearly illustrate that an HVL spill presents a much higher risk to safety than spills of other liquids. This higher potential for damage is due to the fact that when HVL is released to the atmosphere it forms a gas cloud which is a markedly different and more insidious hazard than that presented by spills of less volatile liquids.

Inside the pipeline HVL will remain a liquid as long as the pressure is higher than the vapor pressure of the liquid. If a pipeline rupture occurs and the pressure is reduced to atmospheric, some of the liquid will immediately flash to gas. The remainder will turn to gas as it picks up heat from its surroundings. The gas forms a cloud that will move downhill or downwind depending on the terrain, type of liquid involved, and atmospheric conditions. Because it is generally heavier than air, the rapidly expanding gas cloud will tend to hug the ground as it continues to move. If a source of ignition is encountered a petroleum gas cloud will burn or explode. In the case of anhydrous ammonia, the greatest danger is that of toxicity or asphyxiation. For either commodity, the hazards are severe.

A definition of "highly volatile liquid" has been proposed for adoption under part 195 in notice 1 of docket No. PS-51 (43 FR 35513, August 10, 1978) but is repeated here for clarity: A "highly volatile liquid" or "HVL" means a liquid which has an absolute vapor pressure of 100 kPa (14.5 psi) or more at 37.8° C (100° F).

Analysis of the liquid pipeline accidents reported on Form DOT-7000-1 shows that one-tenth of the accidents during the years 1968 through 1977 were caused by defective pipe seams, defective girth welds, and defective pipe materials. These types of defects should have been found during an original hydrostatic test. However, some pipelines in HVL service under part 195 either have not been hydrostatically tested or have not been hydrostatically tested adequately.

A review by MTB of 2,883 liquid pipeline carrier accident reports (DOT form 7000-1) selected from submissions between 1968 and the first quarter of 1977 showed that 1,364 (47 percent) of the pipelines involved had not been hydrostatically tested. Of those that had been tested, 476 (31 percent) had a test period of 4 hours or less. While not all the reports examined involved HVL pipelines, MTB finds it reasonable to conclude that a substantial number of HVL pipelines have not been either hydrostatically tested or subjected to a sufficiently rigorous hydrostatic test.

The value of an adequate hydrostatic test is well stated in the study "Transportation of Highly Volatile, Toxic, or Corrosive Liquids by Pipeline" (DOT/OPSO/75/06) by Battelle Columbus Laboratories. On page 52 this study states:

"Field Hydrostatic Test. The ultimate test for basic structural integrity of a pipeline is the field hydrostatic tests* * * within thousands of miles of pipelines tested to stress levels of 90 percent of SMYS, or more, and subsequently operated at a stress level of 72 percent of SMYS there have been no ruptures resulting from original manufacturing or construction defects. This operating experience strongly suggests that of all the steps an operator can take to insure that his pipeline is initially free of harmful defects, high-pressure hydrostatic testing in the field (to 90 percent of SMYS or more) is the only one that has demonstrated a successful track record. The benefits of such testing are accrued in rehabilition testing existing lines, as well as in new pipelines."

OBJECTIVE

Pipelines constructed before January 8, 1971, the effective date of subpart E of part 195, are currently not required to be qualified for use by hydrostatic testing. Although qualification testing was proposed in notice 68-4 (33 FR 10213), the proposal was withdrawn when part 195 was adopted (34 FR 15473), primarily on cost-benefit grounds. In view of the HVL accident record, MTB now believes, however, that hydrostatically testing existing onshore HVL pipelines which have never been tested to the level provided by part 195 for new pipelines or existing pipelines which are changed would be justified by the benefits achieved. By preventing failures due to latent material and construction defects and other defects that would appear during hydrostatic testing, the potential for HVL accidents can be significantly reduced. Therefore, this notice proposes to amend subpart E to require that carriers perform a hydrostatic test in accordance with subpart E on each onshore steel pipeline carrying a highly volatile liquid which has not been previously tested to at least 1.25 times its maximum operating pressure for at least 24 hours. The proposed rulemaking is applicable only to onshore pipelines in the belief that an accidental release of HVL from offshore pipelines would not pose the same hazard as a spill onshore.

ISSUES

To comply with this proposed rulemaking the affected pipelines would have to be taken out of service temporarily. However, MTB believes that the relatively high potential for destructive consequences of future HVL pipeline accidents due to latent defects justifies the costs involved.

MTB recognizes that compliance with this proposal might not be equitable for all carriers. Carriers who transport HVL on an occasional basis would be required to hydrostatically test the same as those carriers who transport HVL continuously. Comment on this issue is specifically requested.

There is also the issue of these inadequately tested HVL pipelines which have not yet experienced leaks due to material or construction defects. Should they be subjected to the same testing requirements as similarly constructed HVL pipelines that have had leaks? MTB believes they should be so tested because of the time it takes for a latent defect to surface. Comment is requested.

MTB recognizes that a substantial amount of work would have to be done by those carriers affected by this proposed rulemaking to meet the proposed hydrostatic testing requirement. Consequently, MTB requests comments regarding what an appropriate time period for compliance should be.

Under the text of the proposed amendment set forth hereafter, a carrier would have to test an existing HVL pipeline in accordance with subpart E unless the carrier can demonstrate by "appropriate records" that the pipeline previously was tested to at least 1.25 times its maximum operating pressure for at least 24 hours. Since testing records for pipeline constructed before January 8, 1971, may vary from carrier to carrier, to insure uniform application of the proposed testing requirement, MTB is considering making the proposed proof of adequate prior testing more definitive in the final rule. Thus, comments are requested regarding the types of records that are available that would suffice as appropriate evidence of prior testing. Also, commenters should consider whether any form of proof other than records would satisfactorily show adequate prior testing of a pipeline. It is important to note that under this proposal, carriers who do not have "appropriate records" of prior testing, or proof as it may be further defined in the final rule, would have to retest the HVL pipelines involved in accordance with subpart E.

ALTERNATIVE

The use of electronic detection equipment to detect latent defects was considered in lieu of hydrostatic testing. MTB believes that hydrostatic testing provides better proof of the structural integrity of a pipeline system. Comment on the use of electronic detection equipment as a substitute for or an adjunct to hydrostatic testing is specifically requested.

NOTE.—MTB has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under DOT procedures.

CHANGES TO REGULATIONS

In consideration of the foregoing, MTB proposes to amend part 195 of title 49 of the Code of Federal Regulations as follows:

1. By revising § 195.300 to read as follows:

§ 195.300 Scope.

This subpart prescribes minimum requirements for hydrostatic testing of existing onshore steel pipeline systems transporting highly volatile liquids, newly constructed steel pipeline systems, and for hydrostatic testing of existing steel pipeline systems that are relocated, replaced, or otherwise changed. However, this subpart does not apply to movement of pipe covered by § 195.424.

2. By redesignating the present § 195.302(b) as § 195.302(c) and adding a new § 195.302(b) to read as follows:

§ 195.302 General Requirements.

* * * * *

(b) An onshore pipeline constructed before January 8, 1971, transporting a highly volatile liquid must be hydro<statically tested in accordance with this subpart without leakage unless the carrier demonstrates by appropriate records that the pipeline has been hydrostatically tested to at least 1.25 times its maximum operating pressure for at least 24 hours.

* * * * *

(18 U.S.C. 831-835, 49 U.S.C. 1655, 49 CFR 1.53(b), appendix A of part 1 and paragraph(b)(1) of appendix A to part 106.)

Issued in Washington, D.C., on November 7, 1978.

LUCIAN M. FURROW,
Acting Associate Director for Pipeline Safety Regulation.

[FR Doc. 78-31759 Filed 11-9-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6050-01-M]

ACTION

IMPROVING GOVERNMENT REGULATIONS

Response to Executive Order 12044

AGENCY: ACTION.

SUMMARY: On May 24, 1978, ACTION published for comment in the FEDERAL REGISTER (43 FR 22325) its draft report, improving ACTION regulations, response to Executive Order 12044, improving Government regulations.

The draft report included procedures for developing new regulations pertaining to grants and analyzing their potential impact, revising existing outdated or burdensome grant-related regulations, and increasing public participation in the development of such regulations. Criteria for classifying new regulations as major, significant, or nonsignificant were also included.

Comments were received from the U.S. Department of Justice Task Force on Sex Discrimination which recommended two (2) amendments to the draft report directed at the elimination of unequal treatment based on sex. These recommended changes as well as others offered by various ACTION employees, have been incorporated into the final report.

The final report, as approved by the Office of Management and Budget, is divided into two (2) sections, Background and Implementation.

FOR FURTHER INFORMATION CONTACT:

Harry N. MacLean, General Counsel, ACTION, Room M-607, 806 Connecticut Avenue NW., Washington, D.C. 20525, 202-254-3116.

I. BACKGROUND

In the Executive Order the President directed each Executive Agency to improve existing and future regulations so that they are clear, effective, efficient, and not unnecessarily burdensome. The Director of ACTION supports the objectives of the Executive order, especially the objective of providing for early and meaningful public participation in the development of ACTION regulations.

Public awareness of and participation in ACTION programs focuses on the agency's assignment of Volunteers in Service to America (VISTA) to public agencies and private nonprofit organizations, the award of grants to operate Older American Volunteer programs (OAVP) to such agencies and organizations, and the assignment of Peace Corps Volunteers for service abroad.

ACTION's proposals for improving its regulations emphasize the goals of early participation by interested members of the public in the development of clearly written regulations.

For purposes of the report, "regulations" include advance notices of proposed rulemaking, proposed regulations, final regulations, and guidelines which are published in the FEDERAL REGISTER.

II. IMPLEMENTATION

This report outlines ACTION's response to section 5 of the Executive Order, Implementation. In accordance with the requirements of section 6 of the Executive Order, Coverage, this report covers regulations concerning grants awarded by ACTION. Regulations concerning volunteers are exempt from coverage under section 6.(b)(3), as they are matters related to agency management and personnel.

The proposals are divided into the four (4) areas described in section 5.

1. A brief description of the process for developing regulations and the changes that have been made to comply with the Executive Order.

In the past, ACTION has used an informal process to develop regulations. The agency has set up a process in which:

a. Employees responsible for initiating and implementing agency programs and policies propose to the working group a regulation and indicate whether they consider the proposed regulation significant;

b. The working group, composed of representatives of the Office of Policy and Planning, the Office of Administration and Finance, the Office of General Counsel, the Office of Compliance, the Office of Domestic and Anti-Poverty Operations, and the relevant program office (VISTA and OAVP within Domestic and Anti-Poverty Operations, Policy and Planning, Voluntary Citizen Participation), evaluates the proposed regulation to determine whether a regulation is necessary to accomplish the stated purpose, to examine alternatives to the issuance of the proposed regulation, and to determine its potential effect on agency policy and the public;

c. (1) If the working group finds that the proposed regulation is significant, it is forwarded to the Director of ACTION for review and comment. If the Director disagrees with the working group's finding that the proposed regulation is significant, the Director's finding of nonsignificance shall prevail and the proposed regulation shall be developed in accordance with the procedures for nonsignificant regulations, set forth in c.(3). If the Director concurs with the working group's finding that the proposed regulation is significant, a notice and brief synopsis of the proposed regulation are then published in the FEDERAL REGISTER for a 60-day comment period. The notice also provides dates and locations for open meetings in ACTION's ten (10) regions at which interested members of the public may submit oral and/or written comments.

Comments are also solicited from State and local governments and their representative organizations through publication of the notice in their trade journals; and from others through inclusion of the notice in ACTION publications delivered to volunteers and current sponsors.

Any individuals and private nonprofit organizations that wish to receive such notices should submit their names and addesses to ACTION, Office of Recruitment and Communications, 806 Connecticut Avenue NW., Washington, D.C. 20525, so that a mailing list for distribution of these notices may be created;

(2) If the working group finds that the proposed regulation is significant, but that an interim regulation effective immediately is necessary to prevent disruption of an agency program, a notice, brief synopsis, and the interim regulation are published in the FEDERAL REGISTER, as well as the trade journals and ACTION publications described above for the 60-day comment period. The notice explains how the program would be disrupted without the interim regulation. Dates and locations for the open meetings are also included;

(3) If the working group finds that the proposed regulation is not significant, a notice providing for a 30-day comment period and explaining why the proposed regulation is not deemed

significant is published in the FEDERAL REGISTER as well as the trade journals and ACTION publications described above;

d. The Director of Communications, or designee, reviews and edits the proposed regulation to ensure that it is clearly and simply written;

e. The General Counsel, or designee, reviews the proposed regulation to ensure that it is legally sufficient, free of substantive and terminological sex-based criteria, consistent with agency policy, and, if relevant, that it includes reasonable timetables for compliance;

f. After the meetings or at the end of the comment period, the working group, the Director of Communications, or designee, and the General Counsel, or designee, review the proposed regulation and the comments received; if previously deemed insignificant, it is forwarded to the Director of ACTION, or designated program official, with information sufficient to determine:

(1) Whether there is a need for such a regulation;

(2) The direct and indirect effects of such a regulation;

(3) Whether the issuance of such a regulation is the least burdensome of the alternatives considered;

(4) Whether public comments have been considered and responded to adequately;

(5) Whether the regulation is written in plain English and is understand<able to those who must comply with it;

(6) Whether an estimate has been made of the new reporting burdens and recordkeeping requirements necessary for compliance with it;

(7) Whether the name, address, and telephone number of a knowledgeable agency official is included in the publication; and

(8) Whether a plan for evaluating the final regulation after its issuance has been developed by the Office of Policy and Planning;

g. When the Director, or designee, is satisfied that the regulation meets the criteria under paragraph f., he/she signs the regulation and it is published as a final regulation in the FEDERAL REGISTER. If the Director finds that 1 or more of the 8 criteria have not been met, he/she returns it to the working group for further information or investigation necessary to satisfy him/her that the regulation meets all 8 criteria;

h. If previously deemed nonsignificant by the working group and/or the Director, the proposed regulation is not forwarded to the Director; instead, it is forwarded to the responsible official for signature prior to publication as a final regulation in the FEDERAL REGISTER.

2. The criteria for defining significant regulations. An ACTION regulation concerning grant eligibility, grant requirements, or other grant-related factors, is considered significant if it falls within one or more of the following categories:

a. The regulation causes substantial public interest or controversy;

b. The regulation affects an important agency policy or program;

c. The regulation affects the rights of individuals;

d. The regulation imposes substantial compliance and reporting requirements.

3. The criteria for identifying which regulations require regulatory analysis.

ACTION does not issue regulations with major economic consequences which will result in: (a) An annual effect on the economy of $100 million or more; or (b) a major increase in costs or prices for individual industries, levels of government, or geographic regions. Therefore, no criteria are established. If, in the Director's discretion, a regulatory analysis becomes necessary, ACTION will establish and publish criteria at that time.

4. The criteria for selecting existing regulations to be reviewed and a list of regulations that the agency will consider for its initial review.

a. ACTION's criteria for selecting existing grant-related regulations to be reviewed are the same as those for defining significant regulations:

(1) The regulation causes substantial public interest or controversy; or

(2) The regulation affects an important agency policy or program; or

(3) The regulation affects the rights of individuals; or

(4) The regulation imposes substantial compliance and reporting requirements.

b. ACTION will consider for its initial review the following regulations:

(1) 45 CFR § 1209.2-3, Retired Senior Volunteer program (RSVP) cost sharing. This regulation section sets forth required percentages of local cost sharing for ACTION-funded RSVP grants. The agency proposes to modify the cost sharing policy and revise the local cost sharing requirement as it now appears in § 1209.2-3.

(2) 45 CFR Part 1222, Participation of Project Beneficiaries. This part provides the requirements for the meaningful participation of specified project beneficiaries in the planning, development, and implementation of project activities. ACTION proposes to review the requirements of this part as they affect project beneficiaries who receive assistance from the Office of Policy and Planning and Voluntary Citizen Participation to run demonstration grant programs.

c. In addition to reviewing existing published regulations, the working group will review the agency's internal directives that affect grant assistance and recipients to determine whether any such directives should be developed and published in accordance with the regulation development process described in this report.

d. ACTION will publish semi-annually an agenda of significant regulations under development or review. On the first Monday in October, ACTION will publish a schedule in the FEDERAL REGISTER showing the dates during the fiscal year when the semiannual agenda will be published. Each agenda will:

(1) Be approved by the Director, or designee, prior to publication;

(2) Describe the existing or proposed regulation being considered;

(3) Explain the need and legal basis for the action being taken;

(4) Contain the status of regulations previously listed on the agenda; and

(5) Include the name and telephone number of a knowledgeable agency official.

If ACTION receives comments on specified regulations in the agenda from State and local governments, their representative organizations, or private nonprofit organizations, ACTION will develop a plan for consultation with the appropriate organizations in the development of those regulations. Such consultation will be carried out in accordance with the Federal Advisory Committee Act.

The procedures and policies contained in this report, unless extended, will expire on June 30, 1980.

SAM BROWN,
Director, ACTION.

[FR Doc. 78-31818 Filed 11-9-78; 8:45 am]

[3410-05-M]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

AGRICULTURAL CONSERVATION PROGRAM

Revised Advance Notice of Intent for Decision-making and Opportunity for Public Comment

SUMMARY: On October 13, 1978, advance notice of forthcoming decisions concerning certain aspects of the Agricultural Conservation Program (ACP) was given. These decisions relate to the implementation of the Agriculture, Rural Development, and Related Agencies Appropriations Act for fiscal year 1979 (Pub. L. 95-448). This Act provides that ACP assistance will not be used for carrying out measures and practices that are primarily production oriented or that have little or no conservation or pollution abatement benefits.

Implementation of these provisions of the Act will be achieved through the establishment of: Criteria for determining the practices eligible for ACP assistance; guidelines for directing assistance toward situations in which practices can be expected to yield significant public soil or water conservation, or pollution abatement benefits; and, procedures to facilitate approval of solutions to local soil, water, or pollution abatement problems not addressed by practices thought to meet the national criteria.

The previous notice invited suggestions, comments or other inputs from the public and indicated that proposed criteria, guidelines, and procedures together with a preliminary list of practices thought to be consistent with the objectives of the program would be published on or about November 1. Public comment on the proposal was scheduled for 60 days following publication. Final criteria, guidelines, and procedures were to be published on or about January 1, 1979.

REVISIONS: Publication of the proposed criteria, guidelines and procedures to govern the ACP together with a list of practices thought to meet the proposed criteria is postponed until about November 14, 1978. Since the 1979 agricultural conservation program must be operational by January 1, 1979, the period during which public comments will be solicited on the proposed criteria, guidelines, and procedures has been reduced from 60 days to 30 days.

Publication of the final criteria, guidelines, and procedures to govern the 1979 agricultural conservation program together with a list of practices determined to meet the criteria is expected to occur on or about December 26, 1978 to become effective on January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Gardner P. Smith, Deputy Director, Conservation and Environmental Protection Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20013, 202-447-5295.

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

WELDON B. DENNY,
Acting Administrator, Agricultural Stablization and Conservation Service.

[FR Doc. 78-31641 Filed 11-9-78; 8:45 am]

[3410-03-M]

Science and Education Administration

COMMITTEE OF NINE

Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given of a meeting of the Committee of Nine from 8:30 a.m. to 5 p.m., December 5, 1978, in the Conference Room, U.S. Department of Agriculture, Science and Education Administration, Agricultural Research, 701 Loyola Avenue, New Orleans, La.

The purpose of the meeting is to evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of regional research funds appropriated by Congress under the Hatch Act for research at the State agricultural experiment stations. The meeting is open to the public, and written statements can be filed with the committee before or after the meeting.

The names of the members of the committee, the agenda, minutes, and other information pertaining to the meeting may be obtained from the Recording Secretary, U.S. Department of Agriculture, Science and Education Administration, Cooperative Research, Washington, D.C. 20250, telephone 202-447-4329.

Dated: November 1, 1978.

T. S. RONNINGEN,
Acting Deputy Director.

[FR Doc. 78-31790 Filed 11-9-78; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket 33217 et al. Order 78-11-10]

ST. LOUIS-LITTLE ROCK-NEW ORLEANS SERVICE INVESTIGATION

Order on Motions To Consolidate

In the matter of Motions of Allegheny Airlines, Inc. (Docket 33419); American Airlines, Inc. (Docket 33485); Braniff Airways, Inc. (Docket 24800); Continental Air Lines, Inc. (Docket 33496); Delta Air Lines, Inc. (Docket 33501); Eastern Air Lines, Inc. (Docket 33504); Frontier Airlines, Inc. (Docket 32824); Hughes Air Corp., d.b.a. Hughes Airwest (Docket 33401); North Central Airlines, Inc. (Docket 33506); Northwest Airlines, Inc. (Docket 33499); Trans World Airlines, Inc. (Docket 33538); Western Air Lines, Inc. (Docket 33495);

Issued under delegated authority, November 2, 1978.

The following air carriers have moved to consolidate applications for St. Louis-New Orleans, St. Louis-Little Rock, and Little Rock-New Orleans nonstop rights into the St. Louis-Little Rock-New Orleans Service Investigation: Allegheny, American, Braniff, Continental, Delta,[1] Eastern, Frontier,[2] Hughes Airwest, North Central, Northwest, Trans World, and Western.[3]

Since the applications conform to the scope of the proceeding and no party has pointed to any objection to granting any of the motions, the motions should be granted. See order 78-8-95 at p. 5, n. 8.

It is ordered that:

The motions to consolidate the applications of Allegheny Airlines, Inc., in docket 33419, American Airlines, Inc. in docket 33485, Braniff Airways, Inc., in docket 24800, Continental Air Lines, Inc., in docket 33496, Delta Air Lines, Inc., in docket 33501, Eastern Air Lines, Inc., in docket 33504, Frontier Airlines, Inc., in docket 32824, Hughes Air Corp., d.b.a. Hughes Airwest, in docket 33401, North Central Airlines, Inc. in docket 33506, Northwest Airlines, Inc., in docket 33499, Trans World Airlines, Inc., in docket 33538, and Western Air Lines, Inc., in docket 33495 into the investigation in docket 33217 are granted to the extent that the applications conform to the scope of the investigation instituted by order 78-8-95.

This order will be published in the FEDERAL REGISTER.

By Stephen J. Gross, administrative law judge.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-31824 Filed 11-9-78; 8:45 am]

[6335-01-M]

COMMISSION ON CIVIL RIGHTS

INDIANA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning and factfinding meeting of the Indiana Advisory Committee (SAC) of the Commission will convene at 7 p.m. and will end at 10 p.m. on December 5, 1978, Ramada

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[1] Delta already has nonstop rights between St. Louis and New Orleans and St. Louis and Little Rock. Delta is seeking nonstop rights between Little Rock and New Orleans.

[2] Frontier's initial application in docket 32824 for Little Rock-New Orleans rights was granted by the Board (order 78-8-95). Frontier's consolidation motion relates to its amended application which seeks authority in all three of the markets at issue.

[3] Western seeks only St. Louis-New Orleans rights.

Inn, 1530 North Meridian Street, Indianapolis, Ind. 46202.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32 Floor, Chicago, Ill. 60604.

The purpose of this meeting is to review proposal draft of underemployment and unemployment of minorities and females in city's workforce of Indianapolis. Review Fort Wayne; Report on School Desegregation Draft.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., November 6, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-31870 Filed 11-9-78; 8:45 am]

[6335-01-M]

NORTH DAKOTA ADVISORY COMMITTEE

Corrected Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado Advisory Committee originally printed in (FR Doc. 78-30915) on page 51124 should have read *North Dakota Advisory Committee.*

The meeting place and time and date will remain the same.

Dated at Washington, D.C., November 6, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-31869 Filed 11-9-78 8:45 am]

[3510-24-M]

DEPARTMENT OF COMMERCE

Economic Development Administration

ACTION WEAR, INC., ET AL.

Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from four firms: (1) Action Wear, Inc., 2200 West Alameda, No. 35, Denver, Colo. 80223, a producer of outerwear garments (accepted October 31, 1978); (2) Utica Cutlery Company, 820 Noyes Street, Utica, N.Y. 13503, a producer of stainless steel flatware, cutlery, and pocket knives (accepted October 31, 1978); (3) Brave-Moc, Inc., 7 Liberty Square, Lynn, Mass. 01901, a producer of footwear and handbags (accepted November 6, 1978); and (4) Max Golden & Son, Inc., 232 North 11th Street, Philadelphia, Pa. 19107, a producer of men's suits, sportcoats, and trousers (accepted November 6, 1978). The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the 10th calendar day following the publication of this notice.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-31800 Filed 11-9-78; 8:45 am]

[3510-22-M]

National Oceanic and Atmospheric Administration

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of public meeting.

SUMMARY: The South Atlantic Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet to discuss: (1) Council decision process on the King and Spanish Mackerel FMP; (2) council decision process on the snapper-grouper FMP; (3) Review foreign fishing permits if any; and (4) Other management business.

DATES: The meeting will convene on Wednesday, November 29, 1978, at 9 a.m. and will adjourn at about 12 on Thursday, November 30, 1978. The meeting is open to the public.

ADDRESS: The meeting will take place at Headquarters, 1 Southpark Circle, Suite 306, Charleston, SC 29407.

FOR FURTHER INFORMATION CONTACT:

Ernest D. Premetz, Executive Director, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, SC 29407, telephone 803-571-4366.

SUPPLEMENTARY: For information on seating arrangements, changes to the agenda, and/or written comments, contact the Executive Director.

Dated: November 7, 1978.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc. 78-31863 Filed 11-9-78; 8:45 am]

[3510-17-M]

Office of the Secretary

BOARD OF VISITORS FOR THE NATIONAL ACADEMY FOR FIRE PREVENTION AND CONTROL

Renewal

AGENCY: U.S. Fire Administration (formerly the National Fire Prevention and Control Administration).

SUMMARY: This is a notice of renewal of the Board of Visitors for the National Academy for Fire Prevention and Control.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Moreland, Acting Deputy Administrator, U.S. Fire Administration, U.S. Department of Commerce, P.O. Box 19518, Washington, D.C. 20036, telephone 202-632-9685.

SUPPLEMENTAL INFORMATION: In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976) and section 7(j) of the Federal Fire Prevention and Control Act of 1974 (Pub. L. 93-498, 88 Stat. 1535, 15 U.S.C. 2201 et seq., 278f, 42 U.S.C. 290(a)), it has been determined that the renewal of the Board of Visitors for the National Academy for Fire Prevention and Control is in the public interest in connection with the performance of duties imposed on the Department by law.

The Board was first established on February 28, 1976, and rechartered on October 28, 1976. Its current charter is due to expire on October 28, 1978. The purpose of the Board of Visitors is to review annually the program of the National Academy for Fire Prevention and Control (Academy) and to make comments and recommendations to the Secretary of Commerce regarding the operation of the Academy and any improvements therein which the Board deems appropriate.

The Board is comprised of eight (8) members, including a chairperson. The Administrator of the U.S. Fire Administration recommended to the Secretary the individuals to be appointed to the Board, including the member to be designated as chairperson. The members of the Board, including the chairperson, were recommended and selected from among professionals in the field of fire safety, fire prevention, fire control, research, and development in fire protection, treatment, and rehabilitation of fire victims, and local government services management. They were selected from among individuals and professional organizations to insure a balanced representation of interests.

The Board functions as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Board's revised charter will be filed with appropriate committees of the Congress.

Dated: November 1, 1978.

GUY W. CHAMBERLIN, Jr.,
Assistant Secretary for Administration.

[FR Doc. 78-31810 Filed 11-9-78; 8:45 am]

[3510-17-M]

COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE

Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), and the Office of Management and Budget Circular A-63 of March 1974, the Secretary of Commerce has determined that the renewal of the Coastal Zone Management Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee was first established in August 1973, was rechartered on August 15, 1975, and on August 15, 1977. Its original purpose was to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone, as provided in the Coastal Zone Management Act of 1972.

The Committee's advice has been useful to the Office of Coastal Zone Management in formulating policy, deciding program goals, and as a sounding board for new initiatives. A number of recommendations made in the form of resolutions to the Secretary of Commerce have been applied by the Office of Coastal Zone Management to its program formulation. The Committee has been effective in monitoring legislative amendments which might affect the CZM program; several of its recommendations have been forwarded to appropriate congressional committees by the Secretary of Commerce. During fiscal year 1978, the Committee prepared a study on the implementation of the Coastal Zone Management Act and received testimony from major user groups of the coastal zone. This work resulted in the publication of a report to the Secretary of Commerce, and three additional sets of recommendations to the Administrator of NOAA.

The Committee will continue with a balanced representation of 11 members. The chairperson shall be elected from the membership. The Committee will operate in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's revised Charter will be filed with appropriate committees of the Congress, and with the Library of Congress.

Inquiries or comments may be addressed to the Committee Liaison Officer, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Dated: November 1, 1978.

GUY W. CHAMBERLIN, Jr.,
Assistant Secretary for Administration.

[FR Doc. 78-31811 Filed 11-9-78; 8:45 am]

[6820-33-M]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1978

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The committee has received proposals to add to procurement list 1978 commodities and military resale item to be produced by and a service to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: December 13, 1978

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and military resale item and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities, military resale item and service to Procurement List 1978, November 14, 1977 (42 FR 59015):

Class 1730

Wheel Chock, Wood, 1730-00-163-8317 (4x6x24"). Painted; Yellow; Codit Reflective; and Reflective Tape. The above for all requirements for facilities located west of the Mississippi river and any requirements for facilities located east of the Mississippi river which are not furnished by Federal Prison Industries.

Military Resale Item No. and Name

No. 543—Dish & Pot Scrubber.

SIC 7399

Microfilm Reproduction Service, Naval Submarine Base, Bangor, Silverdale, Wash.

C. W. FLETCHER,
Executive Director.

[FR Doc. 78-31801 Filed 11-9-78; 8:45 am]

[6820-33-M]

PROCUREMENT LIST 1978

Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to procurement list 1978 services to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: November 13, 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 14, 1978 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (43 FR 30330) of proposed additions to Procurement List 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following services are hereby added to Procurement List 1978:

SIC 7349

Janitorial/Custodial Service, U.S. Federal Building and Courthouse, 436 Dwight Street, Springfield, Mass.
U.S. Federal Building and Post Office, 202 Harlow Street, Bangor, Maine.

C. W. FLETCHER,
Executive Director.

[FR Doc. 78-31802 Filed 11-9-78; 8:45 am]

[6820-33-M]

PROCUREMENT LIST 1978

Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Deletion from procurement list.

SUMMARY: This action deletes from procurement list 1978 a service provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: November 13, 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 September 15, 1978 the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (43 FR 41256) of proposed deletion from procurement list 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following service is hereby deleted from procurement list 1978:

SIC 7349

Janitorial/Custodial Service, Social Security Administration, District Office Building, Watertown, N.Y.

C. W. FLETCHER,
Executive Director.

[FR Doc. 78-31803 Filed 11-9-78; 8:45 am]

[6355-01-M]

CONSUMER PRODUCT SAFETY COMMISSION

[Petition No. CP 78-5]

ARCHITECTURAL GLAZING MATERIALS

Denial of Petition

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of petition.

SUMMARY: The Commission denies a petition to amend the standard for architectural glazing materials by replacing the environmental and impact test procedures and evaluations in the standard with those used in the voluntary industry standard. The Commission denies the petition because it believes the environmental and impact test procedures and evaluations in the standard are adequate.

FOR FURTHER INFORMATION CONTACT:

Irwin Greif, Acting Program Manager, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6754.

SUPPLEMENTARY INFORMATION: Section 10 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission (CPSC) to begin a proceeding to issue, amend, or revoke a consumer product safety standard or ban. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial in the FEDERAL REGISTER.

By letter dated October 18, 1977, Mr. Kim Mann, general counsel to the Glass Tempering Association (GTA) (a trade association for the tempered glass industry) petitioned the Commission (CP 78-5) on behalf of GTA to amend the standard for architectural glazing materials. The petition requested that the environmental and impact test procedures and evaluations included in §§ 1201.4 and 1201.5 of the standard be replaced with the physical test procedures in the voluntary industry glazing standard, ANSI Z97.1-1975 and the certification requirements prescribed and administered by the Safety Glazing Certification Council (SGCC).

The petition alleges that (1) the combined testing and certification programs of ANSI and SGCC are a superior alternative to §§ 1201.4 and 1201.5 of the standard in terms of utility and industry acceptance; (2) lack of uniformity in application of the standard is detrimental to the tempered glass industry (i.e., special treatment given other glazing materials leaves only tempered glass subject to the various requirements of the standard); and (3) ambiguities and omissions in the standard place a burden of uncertainty upon persons conducting testing under the standard and certifying compliance with the standard.

The Commission, after considering the petitioner's request, reviewing the language of the standard, and considering its staff's comments, has decided that the environmental and impact test and evaluation procedures in §§ 1201.4 and 1201.5 of the standard are adequate and the language sufficiently clear and unambiguous. In addition, it is the Commission's view that the standard does not place an unequal burden on the tempered glass industry that works to its detriment.

The Commission, in issuing the glazing standard, discussed in the preamble to the standard the inadequacies of the ANSI standard (42 FR 1434, January 6, 1977). These inadequacies involved, in part, the environmental and impact test procedures and evaluations which the petitioner now seeks to have replace the provisions of the mandatory standard. The petitioner has presented no evidence to support the technical adequacy of ANSI or to address the inadequacies previously identified by the Commission.

As to petitioner's allegation that special treatment accorded other glazing materials leaves only tempered glass subject to the various requirements of the mandatory standard, it is the Commission's view that although it has allowed some exceptions to the standard for various types of glazing materials, those exceptions generally are temporary in nature and address specific problems. (In fact, at least one such exception was provided for tempered glass (43 FR 26699, June 22, 1978).)

In regard to petitioner's claim that ambiguities in the mandatory standard have caused confusion in the glazing industry, the Commission is of the view that most of the confusion is merely the inevitable result of a familiar standard (ANSI) being replaced by an unfamiliar one. This is a problem that will be resolved over time. Moreover, the Commission, in the past, has criticized the voluntary industry standard for having incomplete provisions, ambiguous language and subjective requirements.

The Commission notes that the accelerated environmental durability tests in the standard, that the petitioner seeks to have replaced by the provisions of the voluntary standard, are not even applicable to tempered glass. Thus, substituting the environmental provisions of the voluntary standard for those of the mandatory standard would appear to be of little benefit to petitioner, a representative of tempered glass manufacturers.

The petitioner also requests that the Commission incorporate the SGCC certification program into the Commission's standard. The CPSA, as amended, however, prohibits the Commission from including a sampling plan in a standard issued under sections 7 and 9 of the CPSA (with certain exceptions not relevant here) (15 U.S.C. 2056 (a)(2)). Thus, under the law the Commission cannot take the action requested concerning the SGCC certification program. The Commission, however, will consider the request concerning certification as a comment on the glazing certification program proposed in the FEDERAL REGISTER of December 16, 1977 (42 FR 63586).

In view of the foregoing, the Commission denies petition CP 78-5 to amend the glazing standard. Copies of the petition and the staff's briefing package to the Commission on the petition may be obtained from the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Third Floor, Washington, D.C. 20207.

Dated: November 7, 1978.

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

[FR Doc. 78-31826 Filed 11-9-78; 8:45 am]

[3710-08-M]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY SCIENCE BOARD

Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name of committee: Army Science Board.

Dates of meeting: 27-28 November 1978.

Place: Edgewood Arsenal, Md. (exact location on the Arsenal can be obtained by calling LTC Sweeney, 202-697-9703.

Time: 0800-1700 hours, 27 November 1978—Closed Session; 0800-1300 hours, 28 November 1978—Open Session.

Proposed agenda: The meeting is partially closed because the members will receive classified briefings and conduct classified discussions on the defensive posture of the United States. The portion of the meeting that will be closed is between 0800-1700 hours, 27 November 1978. This portion will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof.

This notice is being published in less than the 15 day requirement prior to conduct of the meeting but is providing the maximum notice possible of a Federal Advisory Committee meeting. The reason the 15 day requirement was not met was a result of encountering unanticipated administrative difficulties in arranging the meeting.

JOSEPH H. YANG,
Executive Director, Army Science Board.

[FR Doc. 78-31956 Filed 11-9-78; 8:45 am]

[3710-92-M]

DUGWAY PROVING GROUND, UTAH

Filing of Final Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army on October 27, 1978 provided the Environmental Protection Agency with the final environmental impact statement concerning the operation of the drill and transfer system at Dugway Proving Ground, Utah.

Copies of the final environmental impact statement have been forwarded to concerned Federal, State and local agencies. Interested organizations or individuals may obtain copies from Project Manager for Chemical Demilitarization and Installation Restoration, Building E-4585, attention: DRCPM-DRD-TM (Mr. Samuel Hasson) Aberdeen Proving Ground, Md. 21010, phone 301-671-2041.

In the Washington area, inspection copies may be seen in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310, phone 202-694-1163.

Dated: October 24, 1978.

BRUCE A. HILDEBRAND,
Deputy for Environmental Affairs, Office of the Assistant Secretary of the Army (Civil Works).

[FR Doc. 78-31867 Filed 11-9-78; 8:45 am]

[3710-08-M]

PRIVACY ACT OF 1974

New System of Records

AGENCY: Department of the Army, DOD.

ACTION: Notification of a new system of records.

SUMMARY: The Department of the Army proposes a new record system identified as AFAI-2, entitled: "Individual Credentialing Services Program". The record system notice is published in its entirety below.

DATES: This system shall become effective as proposed without further notice on December 13, 1978, unless comments are received on or before December 13, 1978, which would result in a contrary determination requiring republication for further comments.

ADDRESS: Comments may be sent to the system manager identified in the record system notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Ann C. Quick, Administrative Assistant, Federal Acquisition Institute, Room 7W06, AMC Building, 5001 Eisenhower Avenue, Alexandria, Va. 22333, telephone 202-274-8404.

SUPPLEMENTARY INFORMATION: The Federal Acquisition Institute (FAI), established by Office of Management and Budget (OMB), Office of Federal Procurement Policy Memorandum of July 14, 1976, performs functions pursuant to Title 41 U.S.C. sections 404, 405, 406, and 411; Title 5 U.S.C. sections 4103 and 4105; and Pub. L. 93-400. For purposes of the Privacy Act of 1974 (5 U.S.C. Sec. 552a), the FAI is considered a part of the Department of the Army whose policy and procedures are published in 32 CFR Part 505 and in Army Regulation 340-21 and shall apply with equal force to FAI.

The Department of Army systems of records notices, as prescribed by the Privacy Act, have been published in the FEDERAL REGISTER as follows:

FR Doc. 77-28255 (42 FR 50396), September 28, 1977.
FR Doc. 78-23953 (43 FR 38070), August 25, 1978.
FR Doc. 78-25562 (43 FR 40272), September 11, 1978.
FR Doc. 78-26372 (43 FR 42026), September 19, 1978.
FR Doc. 78-25819 (43 FR 42374), September 20, 1978.
FR Doc. 78-26699 (43 FR 43059), September 22, 1978.
FR Doc. 78-26998 (43 FR 43539), September 26, 1978.
FR Doc. 78-29130 (43 FR 47604), October 16, 1978.
FR Doc. 78-29211 (43 FR 48894), October 19, 1978.
FR Doc. 78-29982 (43 FR 49557), October 24, 1978.

Advance notice of the proposed new system of records was submitted by the Department of the Army on October 3, 1978 pursuant to the provisions

of the Privacy Act of 1974 (5 U.S.C. 552a(o)).

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

NOVEMBER 6, 1978.

AFAI-2

System name:

Individual Credentialing Services program.

System location:

Federal Acquisition Institute (FAI), 5001 Eisenhower Avenue, Alexandria, Va. 22333. A segment of the records may reside temporarily at the American Council on Education (ACE) or the University of the State of New York, which serve a contractual role for evaluation of individuals' questionnaires, transcripts, training, and work experience and determination of academic credit.

Categories of individuals covered by the system:

Personnel of Federal agencies involved in Government procurement/acquisition and Federal assistance functions.

Categories of records in the system:

Questionnaires completed by Federal employees who provide name, social security account number (SSAN), date of birth, home address, and telephone number, military and civilian service data, citizenship, work experience, educational attainment level, and other similar relevant biographical data, together with appropriate support documents that may be required; academic transcripts furnished by colleges/universities; results of program manager/participant consultation; determinations/recommendations of the accrediting organization.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of this system is to enable FAI to provide academic and/or other training accreditation services to Federal employees of Government agencies involved in procurement/acquisition and Federal assistance functions. This service will be provided by the organizations mentioned under "System Location", and will constitute an authenticated evaluation of experience, education, and training and a determination of allowable credit. Information may be disclosed to an individual's employing agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Hard copy records.

Retrievability:

By name.

Safeguards:

Records are stored in cabinets accessible only to authorized personnel, within buildings secured by guards.

Retention and disposal:

Retained by FAI indefinitely; disposition will be negotiated with GSA National Archives and Records Service. Records at supporting accreditation organizations are retained only for time necessary to review and provide credentialing service, after which they are returned to FAI.

System manager(s) and address:

Director, FAI, 5001 Eisenhower Avenue, Alexandria, Va. 22333.

Notification procedure:

Information may be obtained from the System Manager.

Record access procedures:

Requests from individuals should be addressed to the System Manager. Written inquiries should contain requester's full name, SSAN, date of birth, and current address. For personal visits, the individual must provide sufficient identification such as valid driver's license, and information that can be verified with his/her records.

Contesting record procedures:

The FAI is guided by the Army's rules for access to records and for contesting contents and appealing initial determinations. These are contained in 32 CFR Part 505 (Army Regulation 340-21).

Record source categories:

Primary information is furnished by the individual to whom the record pertains. With consent of the individual, additional information is obtained from college/university registrars.

Systems exempt from certain provisions of the Act:

None.

[FR Doc. 78-31795 Filed 11-9-78; 8:45 am]

[3128-01-M]

DEPARTMENT OF ENERGY

Economic Regulartory Administration

MANDATORY OIL IMPORT PORGRAM

Oil Import Allocations and Licensing October 1-31, 1978 (Release No. 5)

The fee-exempt allocations and licenses issued in accordance with Presidential Proclamation 3279, as amended, during the period October 1-31, 1978, are given in the following tables. The allocations are listed for the appropriate sections of 10 CFR 213 under which the allocations are made.

Also published is a tabulation of the fee-paid crude oil and product licenses and a listing of the sale and reassignment of fee-exempt crude oil licenses issued during the month of October 1978.

Previous releases covered the issuance of allocations and licenses for the period May 1, 1978, through September 30, 1978. The releases will continue to be issued on a monthly basis.

Dated: November 3, 1978.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic regulatory Administration.

INDEX

Table	*Title*
1	Fee-exempt allocation for imports of Canadian oil based upon exchange for domestic oil—10 CFR 213.28(b)
2	Sales of fee-exempt licenses—10 CFR 213.22
3	Fee-paid licenses issued—10 CFR 213.35

U.S. DEPARTMENT OF ENERGY

OFFICE OF OIL IMPORTS ALLOCATION OCT. 1-31, 1978

TABLE 1.—*Canadian Crude Oil, Exchange of Material Not Allocated Under Pt. 214, Sec. 213.28(b)*

Company	Address	Exchange volume licensed total barrels
Continental Oil	Houston, Tex	1,825,000
Do	do	7,300,000
Do	do	3,650,000
Murphy Oil	El Dorado, Ark	5,475,000

TABLE 2.—*Oil Import Licenses Sold Pursuant to Sec. 213.22(d)*

DISTRICT I-IV

Seller	Buyer	Date	Commodity	Barrels sold
Shell Oil	Texas U.S. Chemical	Oct. 10, 1978	Unfinished	5,892
CRA, Inc.	Amoco Oil	do	Crude	1,000,000
Delta Refinery	Exxon	do	do	247,697
Louisiana Land	Shell Oil	Oct. 12, 1978	do	2,000,000
Tonkawa Refinery	Amoco Oil	do	do	170,000
Do	do	do	do	74,915
Hassie Hunt	do	do	do	30,295
Pennzoil	do	do	do	1,000,000
Texas American Petroleum	Western Crude	do	do	360,000
Do	do	do	do	160,490
Caribou Four Corners	Texaco	Oct. 17, 1978	do	300,000
Do	do	do	do	129,240
PPG Industries	Crown Central	do	do	62,962
Do	do	do	do	96,097
Do	do	do	do	62,963
Do	do	do	Unfinished	16,958
ARCO	Texaco	do	Crude	3,000,000
Chemplex Co.	Amoco Oil	Oct. 19, 1978	do	135,780
Do	do	do	do	74,481
Do	do	do	do	135,780
Calcasieu Refinery	Coastal States	do	do	1,208,150
Placid Refinery	Amoco Oil	do	do	3,000,000
Refinery Development	Crown Central	do	do	238,496
Tosco	Texaco	Oct. 20, 1978	do	497,645
Do	do	do	do	1,135,000
Do	do	do	do	1,400,870
BASF Wyandotte	Sohio Natural Resources	Oct. 23, 1978	do	90,885
Do	do	do	do	266,920
Rohm & Haas	Getty Refinery	do	do	213,747
Laketon Asphalt & Refinery	Sohio Natural Resources	Oct. 27, 1978	do	298,570
Do	do	do	do	315,000
Do	do	do	do	139,799
B.F. Goodrich	do	do	do	113,333
Do	do	do	do	271,188
J & W Refinery	Crown Central	Oct. 30, 1978	do	146,000
E. I. duPont	Ashland Oil	do	do	1,100,000
Firestone Tire	Shell Oil	do	do	169,597
Allied Chemical	Gulf Oil	do	do	80,300
Do	do	do	do	344,953

DISTRICT V

Thagard Oil	Union Oil	Oct. 10, 1978	Crude	2,643,696
Nevada Refinery	Texaco	Oct. 12, 1978	do	329,960
Witco Chemical	do	do	do	384,435
West Coast Oil	do	Oct. 17, 1978	do	937,500
Do	do	do	do	312,500
Do	do	do	do	516,235
Firestone Tire	Shell Oil	Oct. 30, 1978	do	2,951
B.F. Goodrich	Mobil Oil	do	do	2,650
Do	do	do	do	15,020
Do	do	do	do	3,260
Do	do	do	do	18,470

TABLE 3.—*Fee-Paid Licenses Issued Pursuant to Sec. 213.35*

Company	Date	License quantity total barrels
CRUDE OIL PREPAID		
Lakeside Refining	Oct. 23, 1978	150,000
CRUDE OIL-BOND POSTED		
Coastal States Gas	Sept. 29, 1978	10,000,000
Clark Oil & Refinery	Oct. 2, 1978	3,000,000
Koch Industries	Oct. 10, 1978	1,180,000
Marathon Oil	do	5,000,000
United Refining	do	568,600
Shell Oil	do	5,000,000
Do	do	5,000,000
Ashland Oil	Oct. 12, 1978	5,000,000
Murphy Oil	do	2,000,000
Southwestern Refinery	do	1,000,000
ARCO	do	2,000,000
Do	do	2,000,000
Do	do	1,000,000
Do	do	1,000,000
Gulf Oil	Oct. 14, 1978	1,000,000
Chevron	Oct. 18, 1978	5,000,000
ATC Petroleum	do	1,000,000
Do	do	1,000,000
Delta Refining	do	432,487
Gulf Oil	do	10,000,000
Strategic Petroleum Reserve	do	25,000,000
ATC Petroleum	Oct. 19, 1978	1,000,000
DO	do	1,000,000
Texaco	do	14,000,000
National Cooperative Refining Association	Oct. 23, 1978	780,000
Sun Oil	Oct. 27, 1978	10,000,000
Amoco Oil	Oct 30, 1978	5,000,000
Champlin Petroleum	Oct. 31, 1978	1,295,900
FINISHED PRODUCTS-PREPAID		
NFO International	Oct. 12, 1978	126
Gem/Peerless Electric	do	18
Do	do	21
Industrial Solvents	do	50,000
Ashland Chemical	Oct. 17, 1978	2,000
Mattice Petroleum	Oct. 18, 1978	5,000
Industrial Solvents	do	50,000
Do	Oct. 23, 1978	50,000
Lubrizol	Oct. 26, 1978	22,539
FINISHED PRODUCTS-BOND POSTED		
Consumers Power	Oct. 4, 1978	3,300,000
Chevron, U.S.A.	Oct. 10, 1978	500,000
Shell Oil	do	1,000,000
Amoco Oil	Oct. 12, 1978	500,000
Do	do	500,000
Amerada Hess	Oct. 13, 1978	20,000,000
Koch Industries	Oct. 25, 1978	101,000
Western Trading	Oct. 26, 1978	80,000
Do	Oct. 27, 1978	60,000
Commonwealth Edison	do	653,610
Amoco Oil	Oct. 30, 1978	500,000
Do	do	500,000

[FR Doc. 78-31665 Filed 11-13-78; 8:45 am]

[3128-01-M]

POWERPLANT AND INDUSTRIAL FUEL USE ACT

Availability of Draft Environmental Impact Statement and Public Hearings

AGENCY: Department of Energy.

ACTION: Notice of Availability of Draft Environmental Impact Statement and Public Hearings.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321, et seq., the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces the availability of a draft programmatic environmental impact statement which analyzes the impacts associated with the implementation of the Powerplant and Industrial Fuel Use Act (FUA). The FUA will require utilization of coal or other alternate fuels (other than natural gas or petroleum) as the primary energy source in many new and existing powerplants and major

fuel burning installations unless an exemption is granted by the Secretary of Energy.

ERA invites the public to submit comments on the draft environmental impact statement and to participate in the public hearings which will be held in various locations across the country. The public hearing schedule will be announced in the FEDERAL REGISTER in the near future. After all testimony and comments have been received and analyzed, a final environmental impact statement will be prepared and issued.

DATES: Written comments by January 26, 1979, 4:30 p.m.

ADDRESS: Written comments to Office of Public Hearing, Management, Department of Energy, Box WA, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Steven A. Frank, Division of Coal Utilization, Department of Energy, Room 7202, 2000 M Street NW., Washington, D.C. 20461, 202-254-6246.

Janine Landow-Esser, Office of General Counsel, Department of Energy, Room 8217, 20 Massachusetts Avenue NW., Washington, D.C. 20545, 202-376-4266.

Robert Stern, Division of NEPA Affairs/Environment, Department of Energy, Room 7121, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9760.

SUPPLEMENTARY INFORMATION:

COMMENT PROCEDURES

Single copies of the draft environmental impact statement will be available at the hearing sites and are available from Steven A. Frank at the above address.

Copies of the draft statement also are available for public review in the DOE Freedom of Information Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, and in ERA's Office of Public Information, Room B-110, 2000 M Street NW., Washington, D.C. 20461, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

WRITTEN COMMENTS

Interested parties are invited to submit written comments with respect to this draft environmental impact statement to the Office of Public Hearing Management, Box WA, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461. All comments should be received by DOE no later than January 26, 1979 in order to insure consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted (one copy only) in accordance with the procedures set forth at 10 CFR 205.9(f). Any material not filed in accordance with such section will be considered to be nonconfidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

ORAL COMMENTS

Procedures for the submission of oral comments will be discussed in the public hearing schedule which will be published in the FEDERAL REGISTER.

Issued in Washington, D.C., November 6, 1978.

DORIS J. DEWTON,
Acting Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 78-31877 Filed 11-9-78; 8:45 am]

[3128-01-M]

Energy Information Administration

ENERGY EMERGENCY MANAGEMENT INFORMATION SYSTEM

Canceled Hearings

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Notice of cancellation of public hearings scheduled in Atlanta, Ga., Chicago, Ill., and Denver, Colo.

SUMMARY: The Energy Information Administration of the Department of Energy hereby gives notice that the public hearings to be held in Atlanta, Ga., Chicago, Ill., and Denver, Colo. on the Energy Emergency Management Information System program plan previously set forth in a notice of public hearings issued on September 29, 1978 (43 FR 46564, October 10, 1978) are cancelled due to lack of interest. Public hearings will be held in Boston, Mass. on November 14, 1978 and Washington, D.C. on November 16, 1978.

HEARING LOCATIONS: Boston hearing: Room 1900A, J. F. K. Government Center, Boston, Mass. Washington hearing: Room 2105, 2000 M Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Barry Yaffe (Energy Emergency Management Information System Project Office), Department of Energy, 1726 M Street NW., Room 820, Washington, D.C. 20461, 202-634-2079;

Yvonne Allen (Energy Emergency Center), Department of Energy, 2000 M Street NW., Room 7204, Washington, D.C. 20461, 202-252-5155;

Robert Gillette (Office of Public Hearing Management), Department of Energy, 2000 M Street NW., Room 2313, Washington, D.C. 20461, 202-254-5201; or

William Luck (Office of General Counsel), Department of Energy, Federal Building, 12th and Pennsylvania Avenue NW., Room 6144, Washington, D.C. 20461, 202-566-9296.

Issued in Washington, D.C., November 6, 1978.

C. WILLIAM FISCHER,
Deputy Administrator, Energy Information Administration.

[FR Doc. 78-31789 Filed 11-9-78 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1005-5; OPP—180246]

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Issuance of a Specific Exemption To Use Ambush To Control the Vegetable Leafminer on Celery

The Environmental Protection Agency (EPA) has granted a specific exemption to the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") to use Ambush (Permethrin) for the control of the vegetable leafminer on 11,000 acres of celery located in Orange, Palm Beach, Sarasota, and Seminole Counties, Fla. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460.

Leafminers have periodically plagued Florida celery since the late 1940's. Although normally present in moderate numbers, epidemic population levels have been reached in the late 1940's, early 1960's, and early 1970's. During the 1977-78 growing season, populations of the pest were not controlled by applications of the registered pesticides. Effective control was achieved, however, with an Ambush control program which was

authorized by a specific exemption similar to the one described here, according to the Applicant.

Leafminer damage to the celery results in reduced quality and leaf death; ultimately, the plant branches die. This damage necessitates stripping, trimming, and culling which drastically reduce yield and quality. According to the Applicant, complete fields may be lost or marketed only as a salvage operation.

The following insecticides are registered for leafminer control: Cygon, Dibrom, Diazinon, Orthene, and Vydate. According to the Applicant, the registered alternatives are ineffective to the extent necessary to control the insect due to the leafminer's developed resistance to these pesticides. Pest management programs not requiring chemical controls are under study, but as yet are not sufficiently effective to handle the current emergency. Therefore, the Applicant claimed, chemical control is the only effective means available to control the leafminer.

The total dollar return from 11,000 acres of the 1977-78 celery crop in Florida was approximately $40,000,000, an increase of $10 million over the previous season's crop. This increase was due not only to an increase in the price of celery, but also to an increased yield which the Applicant attributes largely to the Ambush program. The Applicant estimates that 50 percent of the total acreage planted this season may be lost without the use of an effective pesticide; this loss could be valued at $20 million.

The Applicant proposed to use Ambush at a rate of 0.05 to 0.20 pound active ingredient (a.i.) per acre. Applications will be made by qualified growers and State-certified commercial applicators using ground equipment. A 60-day crop rotation restriction will be observed.

Environmental problems associated with permethrin's extreme toxicity to aquatic organisms should be reduced by the restriction of use to ground application. This restriction should also minimize danger to two endangered species, the Everglade kite and southern bald eagle, both of which feed on aquatic organisms.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of leafminers on celery has occurred; (b) there is no pesticide presently registered and available for use which gives effective control of this pest in Florida; (c) there is no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the leafminers are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above to the extent and in the manner set forth in the application until June 30, 1979. The specific exemption is also subject to the following conditions:

1. The product Ambush, manufactured by ICI Americas, Inc., is authorized;

2. Applictions may be made to celery fields in the following areas: Zellwood in Orange County; Belle Glade, Pahokee, and South Bay in Palm Beach County; Sarasota in Sarasota County; Sanford and Oviedo in Seminole County;

3. Total acreage treated may not exceed 11,000 acrea;

4. Ambush will be applied at a rate of 0.05 to 0.20 pound a.i. per acre per application;

5. A maximum of 21 applications per season may be made at 5- to 14-day intervals. There is no preharvest interval;

6. A maximum of 33,000 pounds a.i. may be applied;

7. All applications of Ambush must be made by ground equipment;

8. Permethrin spray mixture volumes of 40 to 50 gallons of water per acre will be applied by ground application;

9. All applications will be made by qualified growers or by State-certified commercial applicators. A 60-day crop rotation restriction is imposed;

10. All personnel involved in the preparation and application of Ambush must wear protective clothing (long-sleeve shirts, full length trousers and nonpermeable boots) and a respirator. During the mixing and loading operations, gloves and an apron must also be worn;

11. Precautions must be taken to avoid or minimize spray drift to nontarget areas;

12. This product is highly toxic to bees exposed to direct treatment or to residues on crops or weeds. It must not be applied, or allowed to drift to weeds in bloom on which an economically significant number of bees is actively foraging. Protective information may be obtained from the State Cooperative Agriculture Extension Service;

13. Permethrin is extremely toxic to fish and aquatic invertebrates. It must be kept out of lakes, streams, ponds, tidal marshes and estuaries. Care must be taken to prevent contamination of water by cleaning equipment or disposing waste;

14. Celery treated according to the above provisions is not expected to have residues of permethrin in excess of 5.0 ppm. Celery with residues not exceeding this level may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

15. All applicable directions, restrictions, and precautions on the product label must be followed;

16. Two endangered species, the Florida Everglade kite and the southern bald eagle, are endemic to regions in the treatment area. Application of the pesticide according to the above instructions and directions is expected to minimize the risk to these animals. Liaison should be established between the Applicant and the Florida Fresh Water Fish and Game Commission in order to protect fish and wildlife;

17. The EPA shall be informed immediately of any adverse effects resulting from this use of permethrin; and

18. The Applicant shall be responsible for assuring that all the provisions of this specific exemption are met and must submit a report summarizing the results of this program by September 1, 1979.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.).)

Dated: November 6, 1978.

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

[FR Doc. 78-31745 Filed 11-9-78; 8:45 am]

[6560-01-M]

[FRL 1005-4, OPP-180245]

UNITED STATES DEPARTMENT OF DEFENSE

Issuance of a Specific Exemption To Use Paranitrophenol To Control Fungi Which Deteriorate Leather

The Environmental Protection Agency (EPA) has granted a specific exemption to the U.S. Department of Defense (hereafter referred to as the "Applicant") to use paranitrophenol (PNP) to treat leather military articles in order to prevent the rapid deterioration of these articles by fungi under high humidity conditions. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, the military departments have been treating

various leather military articles, of which the most important were boots and shoes, for 30 years. However, this particular use of PNP—treating leather during manufacture for the end-use protection of the product against fungal decay—has never been registered. The Applicant has formally applied for registration of PNP for the exclusive purpose of treating military leather articles; however, required toxicity studies will not be completed until 1981. The Applicant is also working on getting registrations for alternative compounds. The Applicant was confronted with the problem of not having a registered product for use on leather while being required for logistical and contractual reasons to plan in advance for large scale procurements.

Without an efficient fungicide, the cost of replacing shoes would increase significantly because of fungal decay, the Applicant claimed. In addition, the issuance of new shoes and other leather equipment would be delayed. Further delays in issuing contracts would thus progressively result in unsatisfied demands which could result in the Applicant's inability to store sufficient stock to serve as protection against a national emergency.

The Applicant will use a maximum of 120,000 pounds of PNP at a dosage rate of 0.18 to 0.7 percent based on the dry weight of the leather. PNP will be applied during the tanning, fat liquoring or other operations of the tanners in preparing finished leather. PNP will be applied by personnel of the tanning companies preparing leather for use in end items to be manufactured for the Applicant. The duration of application of PNP is not to exceed one year; either a formal registration of PNP for military use or an acceptable alternative registered fungicide is to be obtained.

At least 13 genera of fungi are known to cause leather deterioration; damage from these fungi occurs not only in humid tropical regios but also in temperate or cold regions where the humidity is in excess of 65 percent. It is known that during the Korean War, leather shoes not treated with PNP lasted only 10 days in the field. While there are registered fungicide products for treating the surfaces of finished leather for mold/mildew prevention, the Applicant has stated that these products are not practical under field use. There appears to be no registered fungicide that (1) is applied during the manufacturing process, and (2) has a claim for preventing mold/mildew on the finished product. Many fungicides are applied to leather during the tanning process, but the intent is to protect the leather duing this process and not for end use.

Paranitrophenol has been used by the Applicant for over 30 years. During this period, no adverse effects have so far been reported other than some irritation when treated leather was applied directly to the skin. There appear to be no significant health hazards associated with the use of PNP for this purpose. However, there is a potential human health hazard associated with mold/mildew on leather. One of the fungal genera, *Aspergillus*, is also capable of causing Aspergillosis, which is a disease of the lungs in humans.

After reviewing the application and other available information EPA has determined that (a) an emergency situation has occurred; (b) there is no pesticide presently registered and available for use to control these fungi during manufacture for end use protection; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic or potential health problems may result if the fungi are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 16, 1979, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The fungicide paranitrophenol (PNP) is authorized;

2. The dosage rate for PNP may be from 0.18 to 0.7 percent based on the dry weight of the leather, to be applied during the tanning, fat liquoring, or other operations performed by tanners in the preparation of finished leather;

3. PNP shall be used by the personnel of tanning companies preparing leather for use in end items to be manufactured for the applicant;

4. In addition to boots and shoes, the following items may be made from leather treated with PNP: footwear counters, money bags, pocket ammunition magazines, policeman's club carriers, side arm shoulder straps, police security belts, handcuff cases, first aid dressing cases, flagstaff slings, cartridge belt holders, and dispatch cases;

5. Any excess leather that is treated with PNP shall be used only as inserts for footwear;

6. None of the items made from PNP-treated leather shall be intended for direct human skin contact;

7. A maximum of 120,000 pounds of PNP may be used;

8. The EPA shall be immediately informed of any adverse effects occurring to man or the environment resulting from this specific exemption; and

9. This specific exemption will terminate either when the use of PNP becomes registered for use by the military or when a suitable alternative registered pesticide becomes available. In any event, this exemption will expire on June 16, 1979.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 135(a) *et seq.*).)

Dated: November 6, 1978.

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

[FR Doc. 78-31744 Filed 11-9-78; 8:45 am]

[6720-01-M]

FEDERAL HOME LOAN BANK BOARD

[H. C. No. 258]

OVERLAND PARK FINANCIAL CORP.

Receipt of Application for Permission To Acquire Control of Overland Park Savings & Loan Association

NOVEMBER 1, 1978.

Notice is hereby given that the Federal Savings & Loan Insurance Corp. has received an application from the Overland Park Financial Corp. ("Applicant") for approval of acquisition of control of Overland Park Savings & Loan Association, ("Association"), an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected through the transfer of all the outstanding guarantee stock of the Association to be held by Dr. Clarke L. Henry, Anne P. Henry, Carolyn H. Coulson and Dr. Clarke L. Henry, Jr., to the Applicant in exchange for the assumption by the Applicant of the debt incurred by such individuals in acquiring the Associations guarantee stock and the issuance of 25,000 shares of Applicant's preferred stock to Dr. Clarke L. Henry, 8,000 shares of preferred stock to the Dr. Clarke L. Henry Keogh Plan, 12,000 shares of preferred stock to the Henry and Graham, Inc. Employees' Pension Trust and 5,000 shares each in Applicant's common stock to Anne P. Henry, Carolyn H. Coulson and Dr. Clarke L. Henry, Jr. Comments on the proposed acquisition should be submitted to the Director, or Deputy Director, Office of the District Banks, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before December 13, 1978.

J. J. FINN,
Secretary,
Federal Home Loan Bank Board.

[FR Doc. 78-31773 Filed 11-9-78; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

All Licensed Independent Ocean Freight Forwarders

SURETY BOND REQUIREMENTS

On July 28, 1978, the FEDERAL REGISTER (vol. 43, No. 146, p. 32776), noticed that the Federal Maritime Commission in its decision in Docket No. 77-53—Licensing of Independent Ocean Freight Forwarders, ordered all licensed independent ocean freight forwarders to file with the Commission a surety bond in the amount of $30,000 on or before December 1, 1978. The new bond must bear an effective date no later than December 1, 1978. The Order of the Federal Maritime Commission also cautioned licensees that failure to so file would result in automatic revocation of the license in accordance with § 510.9 of General Order 4 (46 CFR 510.9).

This Notice is directed to those licensees who have not to date filed the new bond with the Federal Maritime Commission in the required increased amount. Notice is hereby given to licensees who do not submit the required bond on or before December 1, 1978, that orders of revocation of their independent ocean freight forwarder licenses will be issued by the Federal Maritime Commission to become effective December 2, 1978. On or after that date, any licensee not in compliance with the bonding requirements of General Order 4 (46 CFR 510) is prohibited from carrying on the business of forwarding. Continuation of such business by former licensees is in violation of section 44, Shipping Act, 1916, and upon a finding of such violation, appropriate penalties may be assessed.

ROBERT G. DREW,
Director, Bureau of Certification and Licensing.

[FR Doc. 78-31872 Filed 11-9-78; 8:45 am]

[6730-01-M]

CHARLES F. WARREN

Argeements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain in a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the field offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; and San Juan, P.R. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 23, 1978. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

AGREEMENT NO. 10116-2.

FILING PARTY: Charles F. Warren, Attorney, Warren & Associates, P.C., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

SUMMARY: Agreement No. 10116-2, among Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Showa Line, Ltd.; and Yamashita-Shinnihon Steamship Co., Ltd., modifies the basic pooling agreement covering cargo movements originating and/or terminating in the trades, eastbound and westbound, between Japanese ports and ports in California, Oregon, and Washington, by amending Article 14 to extend the term of the agreement to and including December 31, 1981. A previous extension is currently pending consideration by the Commission in Docket No. 76-14, *Agreement No. 10116-1—Extension of Pooling Agreement in the Eastbound and Westbound Trades Between Japanese Ports and Ports in California, Oregon and Washington.*

By order of the Federal Maritime Commission.

Dated: November 7, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-31866 Filed 11-9-78; 8:45 am]

[6730-01-M]

[Independent Ocean Freight Forwarder License No. 1871]

ROBERT A. WARREN

Order of Revocation

On November 2, 1978, Robert A. Warren, 1927 West Georgia Avenue, College Park, Ga. 30337, requested the Commission to revoke his Independent Ocean Freight Forwarder License No. 1871.

Therefore, 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(c), dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1871 issued to Robert A. Warren be and is hereby revoked effective November 2, 1978 without prejudice to reapplication for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Robert A. Warren.

ROBERT G. DREW,
Director, Bureau of Certification and Licensing.

[FR Doc. 78-31865 Filed 11-9-78; 8:45 am]

[1610-01-M]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review staff, GAO, on November 6, 1978. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before December 1, 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 TRADE COMMISSION

The FTC requests clearance of a new application form "Conference Application—Public Participation in FTC Rulemaking." The FTC pursuant to the authority granted under the Mag-

nuson-Moss/FTC Improvement Act has established a compensation program for public participation in its rulemaking proceedings. Funds are available to compensate groups and individuals who represent an interest that would not be adequately represented otherwise and where consideration of such interest is necessary for a fair determination of the proceeding. Applicants must also demonstrate that they would be unable to participate effectively without public compensation because of an inability to meet the inherent costs which such participation would entail. In an effort to broaden the access to and participation in this program the FTC is considering sponsoring a training seminar on the mechanics of the application process, the role of public participants, and how to tailor and manage an effective participation effort. Should the funds be made available the seminars would be scheduled serially during fiscal year 1979 in Cleveland, Dallas, Atlanta, Denver, Boston and New York. An outside contractor will handle the arrangements and will be responsible for conducting the six seminars. The seminars will be designed to reach approximately 50 local consumer and community leaders, small business people and state and local consumer agency administrators. In order to identify the 50 trainees per seminar it will be necessary for the contractor to mail out an announcement and the application form to as many as 500 individuals per seminar soliciting information on the background and interests of the groups they represent. The purpose of the application form is to assist the contractor in selecting the 50 most likely candidates for training. The goal being to reach organizational representatives who would not be apt to participate in FTC rulemaking proceedings absent the training program; but who, with training, have a high potential for effective participation and the capability to use and disseminate the information and skills acquired at the seminars. The FTC estimates that potential respondents number 3,000 and that reporting burden will average 1 hour per application.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 78-31816 Filed 11-9-78; 8:45 am]

[6820-38-M]

GENERAL SERVICES ADMINISTRATION

[ADM 1095.1B]

GSA ORDER

Subject: Environmental considerations in decisionmaking.

1. *Purpose.* This order prescribes the uniform procedures to be followed in implementing the laws, Executive orders, and directives concerning all major GSA actions that significantly affect the quality of the human environment, consistent with the basic statutory responsibilities governing GSA program operations. This order also provides a basis for the publication, when required, of service and staff office orders and instructions explicitly directed toward the particular functions, activities, and personnel of each organization.

2. *Cancellation.* ADM 1095.1A is canceled.

3. *Background.* a. The laws, Executive orders, and directives to be implemented include the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*), hereinafter referred to as NEPA; Executive Order 11514 of March 5, 1970, entitled "Protection and Enhancement of Environmental Quality"; section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f); Executive Order 11593 of May 13, 1971, entitled "Protection and Enhancement of the Cultural Environment"; GSA Order PBS 1022.1, entitled "Protection of historic properties"; Executive Order 11752 of December 17, 1973, entitled "Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities"; and the Guidelines issued by the Council on Environmental Quality (CEQ) for preparing environmental impact statements, hereinafter referred to as the Guidelines, published in the FEDERAL REGISTER August 1, 1973, 38 FR 20550, and amended in the FEDERAL REGISTER on August 7, 1973, 38 FR 21265.

b. Section 102 of NEPA directs all Federal agencies to the fullest extent possible (1) to utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment; (2) to identify and develop methods and procedures which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations; (3) to include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official which includes to the fullest extent possible the following:

(1) The environmental impact of the proposed action;

(2) Any adverse environmental effects which cannot be avoided should the proposal be implemented;

(3) Alternatives to the proposed action;

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

c. Executive Order 11514 effectuates the purpose of NEPA, and the revised Guidelines implement NEPA.

4. *Nature of revision.* This revision reflects GSA organizational changes and the transfer of certain responsibilities from the Council on Environmental Quality to the Environmental Protection Agency. Several editorial changes have also been made.

5. *Role of the environmental impact statement process.* The environmental impact statement process is a means of coodinating active consideration of environmental concerns throughout the GSA planning, action development, and review processes. Environmental enhancement, protection, and restoration shall be regarded as primary responsibilities. Through serious consideration of all reasonable alternatives, adverse environmental effects must be avoided or minimized to the fullest extent possible. The process shall be used to reassess ongoing actions as NEPA applies to those actions approved prior to January 1, 1970, and to assess future actions to avoid or minimize adverse effects.

6. *Responsibilities.*

a. *External to GSA.*—(1) *Council on Environmental Quality.* Under section 202 of NEPA (42 U.S.C. 4344), CEQ is responsible for reviewing and appraising the environmental programs and activities of the Federal Government. CEQ will determine the extent to which these programs and activities are contributing to the achievement of NEPA's policy and will make recommendations to the President with respect thereto.

(2) *Environmental Protection Agency (EPA).* Pursuant to section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h-7), EPA is responsible for the review of agency activities and proposed legislation and regulations if these would result in environmental impact on any activities under the authority of the EPA Administrator.

(3) *Advisory Council on Historic Preservation.* The Council is charged in section 202 of the National Historic Preservation Act of 1966 (16 U.S.C. 470j) with advising the President and the Congress in the field of historic preservation and with commenting on Federal, federally assisted, and federally licensed undertakings which affect properties listed in the National Register of Historic Places.

b. *Internal GSA.*—(1) *Commissioner, Public Buildings Service.* The Commissioner acts for the Administrator on environmental and historic preservation matters.

(2) *Assistant Commissioner, Office of Space Management (PR).* The Assistant Commissioner is responsible for the initiation and direction of GSA's agencywide environmental program policy. The Assistant Commissioner has review responsibility on the environmental impact statement process and responsibility for dealing with entities outside the agency on environmental policy matters.

(3) *Director, Environmental Affairs Division, Office of Space Management (PRE).* The Director coordinates and implements the GSA environmental program and serves as the official GSA liaison officer with the Council on Environmental Quality and the Environmental Protection Agency.

(4) *General Counsel.* The General Counsel has responsibility for interpreting statutes, Executive orders, guidelines, and regulations, and for reviewing and commenting on the legal sufficiency of environmental assessments, negative declarations, and draft and final environmental impact statements.

(5) *Other.* As appropriate, each major program area within GSA shall be responsible for drafting and implementing corresponding orders consistent with the requirements of this order and with their program functions and operations. Responsibilities within the services and staff offices are to be delineated in the corresponding orders.

7. *Preparation of the environmental assessment.* Any major GSA action which may significantly affect environmental quality shall be carefully evaluated, and an environmental assessment of the action shall be prepared which will, to the fullest extent possible, address the requirements of section 102(2)(C) of NEPA. (See subpar. 3b(3).) From this assessment a determination can be made to develop an environmental impact statement or a negative declaration. Those GSA actions and activities which are covered by NEPA include, but are not limited to:

a. Major actions which would result from recommendations or favorable reports on legislation, including requests for appropriations, originating both within and outside the agency when GSA has primary responsibility for implementing the legislation;

b. Major actions which would result from establishment or modification of rules, regulations and procedures, and policies;

c. Major new and continuing actions by GSA, including grants, loans, and other funding assistance, new construction, real property actions, procurement actions, stockpile management and disposal actions, leases, permits, easements, and licenses; and

d. Major actions which would result from new technology, research, and development, based on the size of GSA's investment, likelihood of widespread application, potential environmental impacts, and degree that continued investment will foreclose alternatives.

8. *Decision to prepare an environmental impact statement.* Subsequent to an environmental assessment, if there is doubt whether a statement should be prepared or if the proposed action is likely to be highly environmentally controversial, a statement shall be prepared. It must be recognized that many Federal decisions seem of limited environmental consequence when viewed individually but are of significant consequence when viewed collectively. When GSA is responsible for all such decisions, a GSA statement shall be filed covering the entire complex of decisions and actions.

9. *Specific criteria.* As required by § 1500.6(c) of the Guidelines, the services and staff offices must review the typical classes of actions that they undertake and develop specific criteria and methods for identifying those actions likely to require environmental statements and those actions likely not to require environmental statements. The specific criteria, if applicable to existing actions and activities, shall be transmitted by the Heads of Services and Staff Offices to the Assistant Commissioner, Office of Space Management, upon request or as new agency activities arise which could qualify under the Guidelines.

Dated: October 23, 1978.

JAY SOLOMON,
Administrator.

ATTACHMENT

CHAPTER 1. DEFINITIONS

1. *Environment.* The whole complex of physical, social, cultural, and esthetic factors which affect individuals and communities and ultimately determine their form, character, relationship, and survival.

2. *Resources.* All actions and ideas, as well as living and nonliving materials devoted to the action.

3. *Public entities.* Any Federal, State, or local offices and legislatures, and any public or semipublic agencies.

4. *Relevant A-95 clearinghouse.* Clearinghouse(s) listed in OMB Circular No. A-95 (Revised) clearinghouse directory for the geographical area in which the GSA action is to take place. (OMB, through its Circular No. A-95 (Revised), established this system of clearinghouses to facilitate intergovernmental and intragovernmental communication.)

5. *Corresponding service and staff office orders and instructions.* Service and staff office orders and instructions which provide guidelines, delineate procedures, and assign responsibilities relevant to the personnel and activities of the appropriate organization consistent with the basic statutory provisions governing its operations.

6. *Environmental assessment.* An evaluation occurring early in the approval process of the potential environmental impact of a project or activity.

7. *Environmental impact statement.* A detailed statement which, pursuant to section 102(2)(C) of the NEPA, to the fullest extent possible, identifies and analyzes, among other things, the anticipated environmental impact of a proposed GSA action and discusses how the adverse effects will be mitigated.

8. *Negative declaration.* An official administrative decision stating that an analysis of the environmental assessment has been made and that the proposed action is not considered a major GSA action having a significant impact on the environment, and, therefore, will not require the preparation of an environmental impact statement. (The declaration must also include a summary of any known environmental impacts.)

9. *Significant environmental effects.* Socioeconomic and physical effects which may be beneficial and/or detrimental to the environment, even if the net is believed to be beneficial. (These effects may be influenced by the geographical location of the subject project or action. Significant detrimental effects include those that degrade the environment, curtail its range of uses, or sacrifice its long-term productivity to serve only humanity's short-term needs.)

10. *Comments.* All formal reactions by public and private entities to the proposed action and to the environmental impact statement.

11. *Areas of jurisdiction by law or special expertise.* Specific Federal agencies identified by appendix II of the Guidelines as competent to comment on environmental impact statements which have bearing on particular environmental concerns. (GSA's areas of jurisdiction by law or special expertise include energy and natural resources conservation (design and operation of buildings); property management; redevelopment and construction in built-up areas; historic, architectural, and archaeological preservation; and any other areas designated by the Council on Environmental Quality.)

12. *Lead agency.* The Federal agency which has primary authority for committing the Federal Government to a course of action with significant environmental impact.

CHAPTER 2. ENVIRONMENTAL IMPACT STATEMENT PROCESS, CONTENT, AND FORMAT

1. *Environmental assessment.* The preparation of an environmental assessment shall begin within the regional office, service, or staff office in the early stages of planning an action. As the action develops, the assessment shall be prepared by all involved, using interdisciplinary expertise to insure complete assessment and full consideration of the range of environmental factors in the development of the action to make certain that:

a. Commitments are not made to courses of action that will unnecessarily complicate reconciliation with environmental factors;

b. Environmentally desirable alternatives are not inadvertently foreclosed; and

c. Negative environmental impacts are minimzied.

2. *Lead agency.*

a. If there is a question concerning the primary responsibility for statement preparation, the matter shall be referred to the Office of Space Management (PR) for resolution by EPA. However, it is possible for a statement to be submitted jointly by all agencies concerned, with the comments being returned to a single designated official.

b. If GSA is the lead agency and one or more other agencies have partial responsibility for the action, the other agencies shall be requested to provide to the responsible GSA official such information as may be necessary to prepare a suitable and complete environmental impact statement. If another agency is designated to be the lead agency, the criteria for statement preparation for that agency shall apply. Thus, GSA should consider its planned action in relation to those actions of other agencies in the area, as well as those actions jointly undertaken by GSA and other Federal agencies.

3. *Clearinghouse consultation.* The relevant A-95 clearinghouse (as defined in ch. 1-4) shall be notified of plans for the project or action at the earliest practicable point. Thus, any comments germane to the environmental assessment, to the decision to prepare an environmental impact statement, or to the early planning of the action may be promptly received and incorporated.

4. *Decision to prepare an environmental impact statement or negative declaration.* a. Upon completion of an environmental assessment a decision must be made to prepare either a negative declaration or an environmental impact statement. If it is determined that an environmental impact statement will be necessary, the regional office, service, or staff office developing the action shall begin preparation of the statement as described in paragraphs 5 and 6.

b. If, however, after preparation of an environmental assessment it is concluded that the action will not constitute a major Federal action signficantly affecting the quality of the human environment, the regional office, service, or staff office shall, in accordance with appropriate service or staff office orders:

(1) Forward the environmental assessment and negative declaration or recommendation for a negative declaration to the Central Office program official for a review and comment. Copies shall also be forwarded to the Office of General Counsel (L) and the Assistant Commissioner, Office of Space Management (PR), unless the action is a class of action exempted from this procedure by approved service or staff office orders. All review periods shall run concurrently for a period of 10 workdays from the date of receipt. The 10-workday review period may be extended if necessary. Any requests for additional review time, information, or revision shall be directed to the appropriate service or staff office program official. All comments shall be forwarded to the Central Office program official for preparation of a consolidated response to the region. The Commissioner, Public Building Service, shall reconcile any differences concerning the need for additional information or revision that may arise between the program officials and other reviewing officials, except that final approval for legal sufficiency shall be the responsibility of the General Counsel or the General Counsel's designee. The assessment shall be attached to a negative declaration. Unless otherwise notified within the review period, the concerned Central Office program official and/or regional official shall assume the environmental assessment and negative declaration are adequate and may proceed with the action.

(2) Document the files with the negative declaration and environmental assessment, which shall be available for public inspection upon request.

(3) Continue development of the action, and, in the spirit of environmental enhancement, monitor the action for any subsequent development which may necessitate the preparation of an environmental impact statement.

c. The Commissioner, Public Buildings Service, shall reconcile any differences concerning the decision to prepare an environmental impact statement that may arise between the program officials and other reviewing officials.

5. *Environmental impact statement format.*

a. Draft and final environmental impact statements shall be prepared in clear black type.

b. A cover page containing all essential information to facilitate subsequent identification and retrieval shall be prepared for each statement.

c. The format of the summary sheet accompanying each statement is specified in appendix I of the Guidelines.

6. *Draft environmental impact statement preparation and content.*

a. The draft shall describe in detail the environmental implications of a proposed GSA action and shall satisfy the substantive requirements of the final statement to the fullest extent possible. The minimum content requirements of an environmental impact statement are listed in subparagraph 3b(3) of the transmittal order and explained in detail in § 1500.8 of the Guidelines.

b. Preparation of the draft environmental impact statement shall include input from all relevant disciplinary areas. Specialists to be consulted may include urban planners, land-use planners, space planners, landscape architects, transportation experts, interior designers, design architects, engineers, geologists, chemists, toxicologists, sociologists, economists, psychologists, statisticians, or any other experts, public or private, deemed necessary for full consideration of all relevant environmental factors. The solicitation of expert assistance from any public or private entity during the preparation of a GSA environmental impact statement does not detract from GSA the responsibility for scope and content of the statement and the judgment relevant to GSA actions on the project.

c. Each statement shall show that the particular economic and technical benefits of the proposed action have been assessed against the environmental effects.

d. When the head of a service or staff office or Regional Administrator deems it appropriate, public meetings shall be held during the course of development of the action, either in the form of public information or factfinding meetings before the draft statement is prepared or in the form of public hearings at least 15 calendar days following issuance of the draft statement. The agency's decision to hold a public hearing shall be based on the magnitude of the action, the complexity of the issue and the extent of previous public involvement and interest. The head of a service or staff office or Regional Administrator shall determine the best method of notifying the public that a public hearing is to be held.

e. When the service or staff office or regional office has completed the preliminary draft statement, it shall be transmitted in accordance with appropriate service or staff office orders to the central office program official for review and comment. Copies shall also be forwarded to the Office of General Counsel (L) and the Assistant Commissioner, Office of Space Management (PR). All review periods shall run concurrently for a period of 15 workdays from the date of receipt. The 15-workday review period may be extended if necessary. Any requests for additional review time, information, or revision shall be directed to the appropriate service or staff office program official. All comments shall be forwarded to the central office program official for preparation of a consolidated response to the region. The Commissioner, Public Buildings Service, shall reconcile any differences concerning the need for additional information or revision that may arise between the program officials and other reviewing officials, except the final approval for legal sufficiency shall be the responsibility of the General Counsel or the General Counsel's designee. Unless otherwise notified within the review period, the concerned regional or central office official shall assume the statement is adequate, or the statement shall be revised according to their comments and distributed as indicated in paragraph 7 by the head of the appropriate service or staff office or Regional Administrator.

f. The head of a service or staff office or Regional Administrator shall determine the extent of newspaper coverage and select the newspaper(s) which would most adequately inform the reading public in the area that a GSA draft environmental impact statement has been prepared. Notice should be published at least once and should include how and where copies of the statement may be obtained. The paper(s) may be issued weekly and may be very local in nature. If the action is not local in character, the head of a service or staff office or Regional Administrator shall determine the best method of publicizing the availability for review of the environmental impact statement. The Director of Information in the central office and the Regional Administrators in the regions shall clear notices regarding any GSA activity under their jurisdictions as provided in the GSA Administrative Manual, chapter 6-2 (OAD P 5410.1).

7. *Distribution of draft environmental impact statements.* In accordance with service or staff office orders, the service or staff office or regional office responsible for the preparation of the draft statement shall distribute the statement. The following shall always be included in the distribution:

a. The Governor and Senators from the affected State, the Member of the House of Representatives from the affected district, and any other appropriate officials;

b. The Environmental Protection Agency (10 copies);

c. The relevant A-95 clearinghouse, appropriate elected officials, and all State and local agencies that would be interested in the action;

d. Federal agencies directly related to the specific action;

e. All other Federal agencies competent to comment owing to legal jurisdiction or special expertise (for reference, see appendix II of the Guidelines);

f. Any group or individual that requests a copy of the environmental statement; and

g. Any entity, group, or individual that the Assistant Commissioner, Office of Space Management, decides should be included.

8. *Commenting period.* The service or staff office or regional office preparing the statement shall establish a time limit of not less than 45 calendar days for comments on each draft. In establishing this time limit, the service or staff office or regional office should keep in mind the magnitude and complexity of the statement and the extent of citizen interest in the proposed action. For the purpose of establishing the minimum review period, the impact statement received by EPA during a given week (Monday through Friday) shall be recorded as filed with EPA on the Friday of the following week. Upon request, GSA may extend the commenting period for up to 15 calendar days, whenever practicable. It may be assumed that entities that have not responded by the close of the commenting period do not wish to comment.

9. *Consideration of comments.* The service or staff office or regional office shall carefully reconsider its action in relation to the relevant and substantive comments received on the draft environmental impact statement and, to the fullest extent possible but consistent with basic statutory responsibilities governing its program operations, shall make every attempt to reconcile its action with respect to any divergent recommendations by:

a. Altering its current plan of action;

b. Working with the commenting entities to develop mutually acceptable plans or workable compromises; and

c. Working with any additional entities or private groups to initiate additional projects or programs designed to mitigate environmental impacts.

If in the opinion of the Commissioner, Public Buildings Service (P), a substantial environmental consideration was not adequately dealt with in the draft statement, the draft shall be considered incomplete, and consideration shall be given to issuing a supplementary statement as provided in paragraph 13 or to issuing a new draft statement.

10. *Final environmental impact statement preparation and content.*

a. The final statement shall consist of all the information in the draft statement and information on any developments that arise subsequent to the filing of the draft. All substantive comments made on the draft statement shall be attached to the final statement, insofar as feasible, and the substantive comments must be addressed in the text through revisions and additions or by direct reference. Additionally, wherever a conflict exists, efforts to reconcile differences shall be described, including the activities listed in paragraph 9.

b. When completed, the preliminary final statement shall, in accordance with appropriate service or staff office orders, be transmitted to the central office program official for review and comment. Copies shall also be forwarded to the Office of General Counsel (L) and the Assistant Commissioner, Office of Space Management. All review periods shall run concurrently for a period of 15 workdays from the date of receipt. The 15-workday review period may be extended if necessary. Any requests for additional review time, information, or revision shall be directed to the appropriate service or staff office program official.

All comments shall be forwarded to the Central Office program official for preparation of a consolidated response to the region. The Commissioner, Public Buildings Service, shall reconcile any differences concerning the need for additional information or revision that may arise between the program officials and other reviewing officials, except that final approval for legal sufficiency shall be the responsibility of the General Counsel or the General Counsel's designee. Unless otherwise notified within the review period, the concerned regional or central office official shall assume the statement is adequate, or the statement shall be revised in accordance with their comments. The head of the appropriate service or staff office or Regional Administrator who prepared the statement shall then distribute the statement as indicated in paragraph 11.

11. *Distribution of the final environmental impact statement.*

a. Copies of the final statement shall be sent simultaneously and free of charge to:

(1) All entities that offered substantive comments on the draft;

(2) The Environmental Protection Agency (10 copies);

(3) The relevant A-95 clearinghouse; and

(4) The principal whose project is the subject of the statement.

b. All members of the public who request a copy shall receive one if feasible. When it is not feasible to comply with requests for copies, the Office of Space Management (PR) shall consult with EPA in devising alternative arrangements. Under no circumstances shall a charge be affixed greater than the cost of reproduction.

12. *Moratorium period.* The services and staff offices and regional offices shall take no administrative action in prosecution of any phase of the subject action within 90 calendar days of the commencement of the review period on the draft (see par. 8) or within 30 calendar days of EPA's receipt of the final statement. The above 90- and 30-day periods may run concurrently to the extent that they overlap. The Commissioner, Public Buildings Service, or Regional Administrator shall receive all requests for reducing the minimum time requirements. If after weighing all considerations the Commissioner or Regional Administrator deems the request justified, the Commissioner or Regional Administrator shall instruct the Office of Space Management (PR) to consult with the Environmental Protection Agency in arriving at alternative arrangements.

Each organization shall be responsible for defining in its orders what actions will not constitute "an administrative action in prosecution of the action" for each of its typical classes of action for which environmental impact statements are often prepared.

13. *Supplementary statements.* The service or staff office or regional office shall supplement or amend draft and final statements when substantial changes are made in the proposed action (unless these changes are made to decrease the environmental impact), when changes are made which significantly increase the adverse environmental impact, or when significant new information becomes available concerning the environmental impact of the action. The service or staff office or regional office shall distribute these supplements or amendments pursuant to paragraph 11, and the Office of Space Management (PR) shall consult with EPA regarding the necessity of reestablishing appropriate commenting or review periods.

14. *Recommendations or favorable reports on proposals for legislation.*

a. If GSA makes a recommendation or favorable report on a legislative proposal the subject of which is the primary responsibility of GSA, then GSA must determine the environmental impact of that proposal. If in the opinion of the head of a service or staff office, the Assistant Commissioner, Office of Space Management, or the Commissioner, Public Buildings Service, the proposal may have significant environmental impact, an environmental impact statement shall be prepared on the proposal consistent with the provisions of § 1500.12(b) of the Guidelines.

b. Where possible, the final statement shall be available to the Congress, EPA, and the public at the time the legislation is submitted to the Congress. If time is a constraint, the draft statement may be used.

15. *Early notice system.*

a. Each service and staff office and regional office shall keep available for public inspection a current list of its contemplated actions for which environmental impact statements are being prepared. A copy of the current list shall be transmitted to the Office of Space Management (PR) on the last workday prior to March 9, June 9, September 9, and December 9 of each year.

b. Each service and staff office and regional office shall also maintain for public inspection a current list of its actions for which negative declarations have been made and shall transmit them pursuant to a, above.

c. The Office of Space Management (PR) shall compile the lists and transmit composite agency lists for the previous quarter for publication in the FEDERAL REGISTER by March 15, June 15, September 15, and December 15 of each year.

d. The Office of Space Management (PR) shall promptly notify EPA if any action is listed as one for which an environmental impact statement is being prepared, and at a later date a decision is made that only a negative declaration is needed.

16. *Commenting on environmental impact statements prepared by other agencies.* Upon receipt in GSA of a draft statement prepared by another agency, the Office of Space Management (PR) shall forward the statement to those GSA offices competent to comment on it. Those offices shall then provide comments for the Office of Space Management's official reply. Comments shall be specific, substantive, and factual, following the format of the draft statement. Within GSA's areas of jurisdiction by law or special expertise, GSA will assess the degree of environmental impact and the acceptability of that impact. GSA may recommend modifications or alternatives to a project. (See § 1500.9e of the Guidelines.)

17. *Supplementary guidelines.* The CEQ Guidelines, upon which this order is based, may be supplemented as required by CEQ. The Guidelines became effective on January 28, 1974, and are effective for all draft and final impact statements filed after that date.

[FR Doc. 78-31809 Filed 11-9-78; 8:45 am]

[6820-38-M]

[Temporary Regulation F-476]

SECRETARY OF DEFENSE

Federal Property Management Regulations; Delegation of Authority

Subject: Delegation of authority.

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in a telephone rate proceeding.

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 New Mexico Corporation Commission involving changes in the rates and charges of Mountain States Telephone & Telegraph Co. for business telephone service.

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 26, 1978.

[FR Doc. 78-31774 Filed 11-9-78; 8:45 am]

[4110-35-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

PRIVACY ACT OF 1974

System of Records—Program Integrity Case Files

AGENCY: Department of Health, Education, and Welfare, Health Care Financing Administration.

ACTION: Notice of system of records, new routine use, and minor technical amendments.

SUMMARY: The Health Care Financing Administration (HCFA) is publishing a notice of a system of records for program integrity case files, including a new routine use and minor technical amendments. The Social Security Administration (SSA) published a notice for this system, but following the reorganization of HEW, SSA inadvertently deleted it from the 1977 annual publication of Privacy Act notices in the FEDERAL REGISTER. This notice also replaces the former HCFA health insurance program review team case files system notice, (09-70-2001), which simply referred to certain of the records kept in program integrity case files. HEW last published the notice for system No. 09-70-2001 in the FEDERAL REGISTER of September 27, 1978, at page 44231.

DATES: The notice of the system of records, the minor technical amendments, and the merging of the two systems notices shall take effect as proposed without further notice on November 13, 1978 and the new routine use will take effect as proposed without further notice on December 13, 1978, unless HCFA receives comments which would result in a contrary determination.

ADDRESS: The public should address comments to Acting Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washington, D.C. 20201. Comments will be available for inspection in Room 526-F, Hubert H. Humphrey Building, at the above address.

FOR FURTHER INFORMATION CONTACT:

James W. Phipps, Acting Chief, Directives Management and Reports Branch, Office of Management and Budget, Health Care Financing Administration, Room 5078, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201, or call 202-245-0728.

SUPPLEMENTARY INFORMATION: On March 8, 1977, the Department of Health, Education, and Welfare reorganized, and created the Health Care Financing Administration (HCFA) to administer the medicare and medicaid programs. In order to monitor payment of benefits, and prevent fraud and abuse, HCFA created an office of program integrity, based on the program integrity staff which performed this function when the Social Security Administration administered the medicare program.

Until June 29, 1977, the program integrity case files which HCFA now maintains were covered by the Social Security Administration's systems notice 09-60-0097, but SSA inadvertently deleted reference to those files from the annual FEDERAL REGISTER publication for 1977, before HCFA had published a separate notice for the files. This notice reflects the transfer of the system to HCFA, with minor technical amendments to bring the terminology into conformity with the reorganization of HEW.

In addition, this systems notice replaces and incorporates portions of the health insurance program review team case files systems notice (09-70-2001). That notice simply reflected a particular use of certain fully developed abuse case files, which were part of the general program integrity case file system, and which HCFA referred to program review teams. Since Pub. L. 95-142 (the medicare-medicaid antifraud and abuse amendments) eliminated those teams, and because there is actually only one system of records, a separate notice is unnecessary.

HCFA is publishing the new routine use pursuant to sections 7 and 13 of Pub. L. 95-142, which requires that HEW transmit information on convicted practitioners (i.e. practitioners who have been convicted by a Federal or State court) to State or local licensing authorities for disciplinary action. In addition, the new routine use allows HEW to disclose information on practitioners to professional standards review organizations and other professional bodies for consultation purposes during the abuse case development process. The new routine use also authorizes HEW to disclose information on practitioners to State or local licensing authorities for review for possible disciplinary action where there is a strong indication of unethical practices or unprofessional conduct.

Dated: November 6, 1978.

FREDERICK M. BOHEN,
Assistant Secretary for Management and Budget.

09-70-2002

System name:

HCFA Program Integrity Case Files.

Security classification:

None.

System location:

HCFA, Office of Program Integrity, 6401 Security Boulevard, Baltimore, Md. 21235, or Office of Program Integrity Regional Office locations (see app. C.2, FEDERAL REGISTER, Volume 43, No. 188, September 27, 1978, page 44218).

Categories of individuals covered by the system:

Persons or entities alleged to have violated the provisions of the Social Security Act where substantial basis for criminal prosecution exists, defendants in criminal prosecution cases, or persons or entities alleged to have rendered unnecessary services to medicare beneficiaries, overutilization of services, improper billing procedures,

or breach of the assignment agreement.

Categories of records in the system:

Information maintained in each record includes the identity of the suspect, the nature of the alleged offense, documentation of the investigation into the alleged offense (including identification of beneficiaries and witnesses, statements, medical records, payment records, or complaints from beneficiaries and others, correspondence and forms, documentation of complaints, and reports of medical review committees or consultants (including professional standards review organizations)), and the disposition of the case by the office of program integrity, or the U.S. Attorney.

Authority for maintenance of the system:

Sections 205, 1106, 1107, 1815, 1816, 1833, 1842, 1872, 1874, 1876, and 1877 of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The office of program integrity staff routinely uses material in this system of records to determine if a violation of provisions of the Social Security Act or related penal or civil provisions of the United States Code has been committed. They also use this material to determine if HEW has made proper payments as prescribed under section 1815 and 1833 of title XVIII of the Social Security Act and to determine whether the medicare program has been abused.

HCFA uses such material as the basis for referral of the case to the office of the Inspector General or the Department of Justice for consideration of criminal prosecution or civil action or to State or local licensing authorities, professional standards review organizations, peer review groups, medical consultants, or other professional associations for possible administrative action.

HCFA discloses some such information to officers or employees of State governments as well as the civilian health and medical program of the Uniformed Services (CHAMPUS) program for use in conducting or directing investigations of possible fraud or abuse against the title XIX or CHAMPUS programs, as well as State attorneys in connection with State programs involving the Health Care Financing Administration.

HCFA also uses the material to determine the direction of investigation of potential fraud or abuse situations, which includes contact with third parties for the purpose of establishing or negating a violation. HCFA discloses cases involving fraudulent tax returns or forgery of medicare checks to the Treasury Department, to the postal authorities, and to appropriate law enforcement agencies. HCFA may make disclosures to a congressional office from the record of an individual in response to an inquiry which the congressional office makes at the request of that individual.

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper files maintained in locked file cabinets.

Retrievability:

The staff indexes and retrieves records by case number or by the name of the subject of the investigation. The information in this record system pertains to persons or entities suspected of having violated the criminal provisions of the Social Security Act (or related provisions of the United States Code) or of rendering unnecessary services to medicare beneficiaries, overutilization of services, improper billing procedures, or breach of the assignment agreement. Cases may move through several levels of the Social Security Administration or health care financing administration organizations at the district, regional, and/or central office locations during the course of documenting a suspected program fraud or abuse situation.

Safeguards:

HCFA keeps the file cabinets locked, in a room that is locked after office hours. No one has access to the files except office of program integrity staff or other authorized personnel on a need to know basis.

Retention and disposal:

HCFA places the records in an inactive file after final action on the case. It closes out the inactive file at the end of the calendar year in which final action was taken, holds it 2 additional years, transfers it to the Federal Records Center, who destroys it after 3 additional years.

System manager(s) and address:

Director, Office of Program Integrity HCFA, 6401 Security Boulevard, Baltimore, Md. 21235; or Office of Program Integrity Regional Office locations (see Appendix C.2, FEDERAL REGISTER, Volume 43, No. 188, September 27, 1978, p. 44218).

Notification procedures:

An individual can determine if this system contains a record pertaining to him by requesting such information in writing. He should direct inquiries to HCFA, Office of Program Integrity, 6401 Security Boulevard, Baltimore, Md. 21235 or the appropriate office of Program Integrity Regional Office (see app. C.2). An individual who requests notification of or access to a medical record shall, at the time he makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

These notification procedures are in accordance with Department regulations (45 CFR, sec. 5b.6, FEDERAL REGISTER, October 8, 1975, p. 47411).

Records access procedures:

Same as notification procedures. Requestors should also reasonably specify the record contents they seek. Under 5 United States Code 522a(k)(2), certain records (the original program integrity case files, but not the program review team case files) in this system are exempt from access by the individual named in the records. However, access to information which is a matter of public record or documents which the individual furnished will be permitted. These access procedures are in accordance with Department regulations (45 CFR, sec. 5b.5(a)(2), FEDERAL REGISTER, October 8, 1975, p. 47410).

Contesting record procedures:

Contact the appropriate official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with department regulations—45 CFR, sec. 5b.7, FEDERAL REGISTER, October 8, 1975, p. 47411).

Source categories:

The information contained in this record system is the result of a criminal or program abuse investigation and may be derived from such sources as the suspect, beneficiaries, witnesses,

professional standards review organizations, professional or peer review committees, medical consultants, title XIX State agencies, or Social Security Administration, health care financing administration, carrier or intermediary employees with a knowledge of the case.

System exempted from certain provisions of the Act:

HEW claims exemption of certain records (the original program integrity case files, but not the program review team case files) in this system from the access provisions under 5 U.S.C. 522a(k)(2) inasmuch as these records are investigatory materials compiled for program (law) enforcement in anticipation of a criminal or administrative proceeding. (See page 47413 of FEDERAL REGISTER of 10/8/75, Vol. 40, 196, pt. V).

[FR Doc. 78-31794 Filed 11-9-78; 8:45 am]

[4110-39-M]

National Institute of Education

PANEL FOR THE REVIEW OF LABORATORY AND CENTER OPERATIONS

Corrected Meeting

In FR Doc. 78-31227 appearing on page 51144 in the issue of Thursday, November 2, 1978, the first paragraph should show that the next meeting of the Panel for the Review of Laboratory and Center Operations will be held on November 18-19.

Dated: November 7, 1978.

GRADY MCGONAGILL,
Staff Director, Panel for the Review of Laboratory and Center Operations.

[FR Doc. 78-31823 Filed 11-9-78; 8:45 am]

[4110-08-M]

National Institutes of Health

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE; COOLEY'S ANEMIA RESEARCH AND TREATMENT

Meeting

Notice is hereby given of the meeting with pediatric hematologists; basic scientist; a population geneticist; and family health, public health, and nurse practitioners who have had experience with Cooley's anemia patients and their families, to assess the state-of-the-art in Cooley's anemia research and treatment, in compliance with the intent of Congress, as stated in the report of the House Committee on Appropriations (95th Congress). This meeting is sponsored by the National Heart, Lung, and Blood Institute—Monday, December 11, 1978, at the Ramada Inn, 1900 North Fort Meyer Drive, Arlington, Va., in conference room Shenandoah A.

This meeting will be open to the public on December 11, 1978 from 10 a.m. to adjournment to consider the dimension of the problem; the public and private resources for the diagnosis of, screening for, and research on Cooley's anemia; and the most fruitful areas for future research. Attendance by the public will be limited to space available.

Mr. John B. Lyons, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, Building 31, Room 4A-21, Bethesda, Md. 20014, 301-496-3533 will provide additional information.

Dated: October 31, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc. 78-31771 Filed 11-9-78; 8:45 am]

[4110-08-M]

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT; MENTAL RETARDATION RESEARCH COMMITTEE

Changed Meeting

Notice is hereby given of a change in the December 11-13, 1978, meeting of the Mental Retardation Research Committee, National Institute of Child Health and Human Development, which was published in the FEDERAL REGISTER on October 31, 1978, 43 FR 50743.

The open portion of the meeting was originally scheduled to begin at 9 a.m. and end at 11 a.m. on December 11. This has now been changed and the open portion of the meeting will be from 12 noon to 2 p.m. on December 11.

Dated: November 6, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc. 78-31772 Filed 11-9-78; 8:45 am]

[4110-08-M]

NATIONAL CANCER INSTITUTE ADVISORY COMMITTEE

Meetings for the Review of Contract Proposals and Grant Applications

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, United State Code and section 10(d) of Pub. L. 92-463, for the review, discussion, and evaluation of individual contract proposals and grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals and applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, unless otherwise stated.

Name of committee: Large Bowel Subcommittee of the Large Bowel and Pancreatic Cancer Review Committee.
Dates and time: December 7-8, 1978; 7:30 p.m.
Place: Prudential Building, 1100 Holcombe Boulevard, Houston, Tex. 77025.
Times: Open: December 7, 7:30 p.m. to 8 p.m.; closed: December 7, 8 to 10:30 p.m.; closed: December 8, 8:30 a.m. to adjournment.
Closure reason: To review research grant applications.
Executive Secretary: Dr. Andrew Chiarodo, Westwood Building, Room 853, National Institutes of Health, 301-496-7194.

(Catalog of Federal Domestic Assistant Nos. 13.393, 13.394, 13.395, National Institutes of Health.)

Name of committee: Cause and Prevention Scientific Review Committee.
Date and time: December 8, 1978; 9 a.m.
Place: Landow Building, Conference Room A, 7910 Woodmont Avenue, Bethesda, Md. 20014.
Times: Open: December 8, 9 to 9:30 a.m.; closed: December 8, 9:30 a.m. to adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Maurice L. Guss, Landow Building, Room 9A10, National Institutes of Health, 301-496-4533.

(Catalog of Federal Domestic Assistant No. 13.393, National Institutes of Health.)

Name of committee: Tumor Immunology Committee.
Date and time: December 13, 1978; 1:30 p.m.
Place: Westwood Building, Room 803, 5333 Westbard Avenue, Bethesda, Md. 20016.

Times: Open: December 13, 1:30 to 2 p.m.; closed: December 13, 2 p.m. to adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. David L. Joftes, Westwood Building, Room 803, National Institutes of Health, 301-496-7903.

(Catalog of Federal Domestic Assistant No. 13.395, National Institutes of Health.)

Name of committee: Clinical Cancer Program Project Review Subcommittee of the Clinical Cancer Program Project and Cancer Center Support Review Committee.
Dates and time: December 14-16, 1978; 8:30 a.m.
Place: Building 31C, Conference Room 6, National Institutes of Health.
Times: Open: December 14, 8:30 to 10:30 a.m.; closed: December 14, 10:30 a.m. to 5 p.m.; closed: December 15, 8:30 a.m. to 5:30 p.m.; closed: December 16, 8:30 a.m. to adjournment.
Closure reason: To review research grant applications.
Executive Secretary: Dr. Louise G. Thomson, Westwood Building, Room 809, National Institutes of Health, 301-496-7925.

(Catalog of Federal Domestic Assistant No. 13.397, National Institutes of Health.)

Dated: November 1, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institute of Health.

[FR Doc. 78-31770 Filed 11-9-78; 8:45 am]

[4110-08-M]

PLENARY SESSION CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

Canceled Meeting

Notice is hereby given of the cancellation of the meeting of the Plenary Session of the Clearinghouse on Environmental Carcinogens, National Cancer Institute, National Institutes of Health, November 30, 1978, which was published in the FEDERAL REGISTER on September 28, 1978 (43 FR 44569). For further information, please contact Dr. James M. Sontag, Executive Secretary, Building 31, Room 3A16, National Institutes of Health, Bethesda, Md. 20014, 301-496-5108.

Dated: October 30, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc. 78-31769 Filed 11-9-78; 8:45 am]

[4110-02-M]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice.

SUMMARY: The notice sets forth the schedule and proposed agenda of the forthcoming full council meeting of the National Advisory Council on Indian Education. It also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C. App. I, Sec. 10(a)(2)). This document in intended to notify the general public of their opportunity to attend.

DATES: Full council meeting: November 30, 1978, 3 to 9 p.m., closed, and December 1, 1978, 10 a.m., to 5 p.m., open, and December 2, 1978, 8 to 10 a.m., closed, and December 2, 1978, 10 a.m. to 5 p.m., open.

ADDRESS: Sheraton Inn-Airport, 2201 North 77th East Avenue, Tulsa, Okla., November 30, 1978, and Bacone College, C. C. Harmon Nursing Building, Muskogee, Okla., December 1, 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Stuart A. Tonemah, Executive Director, National Advisory Council on Indian Education, Suite 326, 425 13th Street NW., Washington, D.C. 20004, 202-376-8882.

The National Advisory Council on Indian Education is established under section 442 of the Indian Education Act, Title IV of Pub. L. 92-318 (20 U.S.C. 1221g).

The Council is directed to: (1) Submit to the Commissioner of Education a list of nominees for the position of Deputy Commissioner of the Office of Indian Education/OE;

(2) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including title III of the Act of September 30, 1950 (Pub. L. 81-874) and section 810, title VIII of the Elementary and Secondary Education Act of 1965 (as added by title IV of Pub. L. 92-318 and amended by Pub. L. 93-380), and with respect to adequate funding thereof;

(3)Review applications for assistance under title III of the Act of September 30, 1950 (Pub. L. 81-874), section 810 of title VIII of the Elementary and Secondary Education Act of 1965 as amended and section 314 of the Adult Education Act (as added by title IV of Pub. L. 92-318), and make recommendations to the Commissioner with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(6) Assist the Commissioner of Education in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Pub. L. 81-874) as added by title IV, part A, of Pub. L. 92-318;

(7) Submit to Congress not later than June 30 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Commissioner with respect to the funding of any such program; and

(8) Be consulted by the Commissioner of Education regarding the definition of the term "Indian," as follows:

Section 453 (Title IV, Pub. L. 92-318). For the purposes of this title, the term "Indian" means any individual who: (1) Is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940, and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The full council meeting of the National Advisory Council on Indian Education will be open to the public beginning at 10 a.m. and ending 5 p.m. each day, except as otherwise noted in the next paragraph of this notice. The sessions on December 1 and 2, 1978, will be held at the C. C. Harmon Nursing Building, Bacone College campus, Muskogee, Okla.

The proposed agenda includes:

(1) Executive Director's report,

(2) Action on previous meeting minutes,

(3) Executive Director's Search Committee report,

(4) Committee discussions and reports,

(5) Review NACIE fiscal year 1979 budget,

(6) Special reports,

(7) Plans for future NACIE activities, and

(8) Regular Council business.

The sessions on Thursday, November 30, 1978, from 3 to 9 p.m., and Saturday, December 2, 1978, from 8 to 10 a.m., will be closed to the public to review applications for the position of Executive Director of the National Advisory Council on Indian Education that must be held in confidence, under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C., App. I) and the exemptions in 5 United States Code, section 552B(c) (2) and (6). This discussion will include consideration of the qualifications and fitness of the candidates for the position and will touch upon many matters which would constitute a serious invasion of privacy if conducted in open session.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education, located at 425 13th Street NW., Suite 326, Washington, D.C. 20004. A summary of activities at the closed sessions and related matters which are informative to the public and consistent with the policy of 5 United States Code 552b will be available to the public within 14 days of the meeting.

For further information call Stuart A. Tonemah, Executive Director, National Advisory Council on Indian Education, 202-376-8882.

Dated: October 20, 1978, signed at Washington, D.C.

STUART A. TONEMAH,
Executive Director National Advisory Council on Indian Education.

[FR Doc. 78-31775 Filed 11-9-78; 8:45 am]

[4110-02-M]

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Meeting

AGENCY: Office of Education, National Advisory Council on Women's Educational Programs.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Women's Educational Programs and its executive; Federal policy, practices and programs; civil rights; WEEA program; and public information committees. It also describes the functions of the Council. Notice of the meeting is required pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). This document is intended to notify the general public of their opportunity to attend.

DATE: November 30, 8:30 a.m. to 5 p.m.; December 1, 9 a.m. to 5 p.m.; December 2, 8:30 a.m. to 12 noon. The Executive Committee will meet November 29, 7:30 to 9:30 p.m.

ADDRESS: The Albert Pick Motor Inn, 320 Murfreesboro Road, Nashville, Tenn.; Legislative Plaza, Room 16, Nashville, Tenn.

FOR FURTHER INFORMATION CONTACT:

Laura Summers, National Advisory Council on Women's Educational Programs, 1832 M Street NW., Room #821, Washington, D.C. 20036, 202-653-5846.

The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 93-380, section 408(f)(1). The Council is mandated to: (a) Advise the Commissioner with respect to general policymatters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary for Education concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to section 408 of Pub. L. 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; (d) make such reports to the President and the Congress on the activities of the Council as it determines appropriate; (e) develop criteria for the establishment of program priorities; and (f) disseminate information concerning its activities under section 408 of Pub. L. 93-380.

The meeting of the Executive Committee will take place on November 29, 1978 from 7:30 to 9:30 p.m. at the Albert Pick Motor Inn, 320 Murfreesboro Road, Nashville, Tenn. The agenda will include discussion of personnel policies, fiscal report, plans for meeting, and future plans.

The meetings of the Federal Policy, Practices and Program Committee, the Civil Rights Committee, the WEEA Program Committee, and the Public Information Committee will take place on November 30, 1978 from 8:30 a.m. to 5 p.m. at the Albert Pick Motor Inn, 320 Murfreesboro Road, Nashville, Tenn.

The agenda for the Federal Policy, Practices, and Programs Committee will include discussion on programs in the new ESEA that relate to the Committee's priorities. The Committee will review program guidelines in areas of teacher training, community education, and educational media programs.

The agenda for the Civil Rights Committee will include discussion of matters concerning Title IX, 1972 Educational Amendment and Title IV 1964 Civil Rights Act.

The agenda for the Public Information Committee will include plans for the annual report.

The agenda for the Program Committee will include an overview of the evaluation design for fiscal year 1978 and discussion of the proposed regulations for the new WEEA.

The meeting of the National Advisory Council on Women's Educational Programs will take place from 9 a.m. to 12 p.m. on December 1, 1978 at the Legislative Plaza, Room 16. The agenda will include reports of the Executive Director and the Women's Program Staff and recommendations of standing Committees. A public hearing on progress and problems of women in higher education in Tennessee will be held from 2 to 5 p.m. December 1, 1978 at the Legislative Plaza, Room 16.

The meeting of the National Advisory Council on Women's Educational Programs will reconvene on December 2, 1978 from 8:30 a.m. to 12 p.m. at the Albert Pick Motor Inn, 320 Murfreesboro Road, Nashville, Tenn. The agenda will include Committee reports, annual report plans and future activities.

The meetings of the Council and the committees will be open to the public. Records will be kept of the proceedings and will be available for public inspection at the Council offices at 1832 M Street NW., Suite 821, Washington, D.C.

Signed at Washington, D.C., on November 7, 1978.

JOY R. SIMONSON,
Executive Director.

[FR Doc. 78-31778 Filed 11-9-78; 8:45 am]

[4110-02-M]

Office of Education

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Meeting

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Program Effectiveness and Evaluation Committee of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required

under the Federal Advisory Committee Act (Pub. L. 92-463, Sec. 10(a)(2)).

DATE: November 29, 1978, 9 a.m. to 4 p.m.

ADDRESS: National Advisory Council on Adult Education, 425 13th Street NW., Suite 323, Washington, D.C. 20004.

FOR FURTHER INFORMATION CONTACT:

Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th Street NW., Washington, D.C. 20004, 202-376-8892.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Committee shall be open to the public.

The proposed agenda includes: Council 311(d) Evaluation Design; RFP 78-119 Assessment; Assessment Publication—NACAE; USOE Report Form Process; Committee Responsibilities.

Records shall be kept of all Council proceedings, and shall be available for public inspection at the Office of the National Advisory Council on Adult Education, 425 13th Street NW., Suite 323, Washington, D.C. 20004.

Signed at Washington, D.C. on November 6, 1978.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc. 78-31807 Filed 11-9-78; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6646-A and AA-6646-EE]

ALASKA NATIVE CLAIMS SELECTION

Reconsideration

Notice of the decision to issue conveyance to Natives of Akhiok, Inc., was published in the November 17, 1977, issue of the FEDERAL REGISTER (42 FR 59422).

On January 12, 1978, Akhiok filed, with the Alaska State Director, a request for reconsideration of the easements reserved pursuant to section 17(b)(3) of the Alaska Native Claims Settlement Act.

The easements were reconsidered and no modifications or revisions were made. The decision stands as published, as to the section 17(b) easement reservations, with the addition of the following:

These reservations have not been conformed to the Departmental easement policy announced March 3, 1978. Conformance is contingent upon resolution of the litigation *Calista, et al.* v. *Andrus* and implementation of the Secretary's new easement policy.

This notice is being published once in the FEDERAL REGISTER in accordance with the agreement dated November 12, 1976, between the Secretary of the Interior; Natives of Akhiok, Inc.; and Koniag, Inc.

SUE WOLF,
Chief,
Branch of Adjudication.

[FR Doc. 78-31808 Filed 11-9-78; 8:45 am]

[4310-84-M]

[NM 35179]

NEW MEXICO

Application

NOVEMBER 2, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Sundance Oil Co. has applied for one 2-inch natural gas pipeline right-of-way across the land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 7 S., R. 31 E.,
Sec. 33, SE¼NW¼, W½SW¼.

This pipeline will convey natural gas across 0.604 of a mile of public land in Chaves County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-31776 Filed 11-9-78; 8:45 am]

[4310-84-M]

OREGON-WASHINGTON WILDERNESS INVENTORY

Commencement and Availability of Handbook

NOVEMBER 3, 1978.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces the commencement of wilderness inventory on public lands in the States of Oregon and Washington, by the Bureau of Land Management and the availability of the Wilderness Inventory Handbook to guide the wilderness inventory process. The inventory, to identify the roadless areas of 5,000 acres or more of contiguous public land or roadless islands with wilderness characteristics as wilderness study areas, is the first step in the wilderness review process. The next step of the review process will be studies to determine which of these areas and islands will be recommended as suitable or nonsuitable for wilderness designation by Congress as part of the National Wilderness Preservation System. The wilderness inventory handbook is available on request from the Oregon State Office of the Bureau of Land Management.

ADDRESS: The Oregon State Office address is: State Director (912), 729 Northeast Oregon Street, P.O. Box 2965, Portland, Oreg. 972088.

FOR FURTHER INFORMATION CONTACT:

Bill Keil at the above Portland, Oreg., address or call 503-231-6273.

E. J. PETERSON,
Associate State Director.

[FR Doc. 78-31777 Filed 11-9-78; 8:45 am]

[4310-84-M]

OUTER CONTINENTAL SHELF (OCS)

Qualified Joint Bidders

As a convenience to the public, and pursuant to his authority under 43

CFR 3300, the Director of the Bureau of Land Management hereby publishes a list of all persons who have timely filed a sworn statement of production in accordance with 43 CFR 3302.3-2(a). These statements have qualified the filers to bid jointly at OCS oil and gas lease sales during the bidding period of November 1, 1978, through April 30, 1979. This publication is not required by law or regulations; it includes the names of all possible bidders whose statements have been received in this office by the dates this notice was prepared.

The following persons or companies have filed sworn statements of production as required by 43 CFR 3302.3-2(a) attesting to average daily production not in execss of 1.6 million barrels of crude oil, natural gas, and liquefied pertoleum products during the production period of January 1, 1978, through June 30, 1978:

A. G. Hill
AGT Exploration Corp.
Al-Aquitaine Exploration, Ltd.
Alaskco U.S.A., Ltd.
Allied Chemical Corporation
ALMINEX U.S.A., INC.
AMAX Petroleum Corporation
Amerada Hess Corporation
American Independent Oil Company
American Natural Gas Production Company
American Petrofina Company of Texas
American Petrofina Exploration Company
Aminoil Development, Inc.
Aminoil USA, Inc.
Anadarko Production Company
Apache Corporation
Arrowhead Propane Corporation
Ashland Exploration, Inc.
Ashland Oil, Inc.
Atlantic Distributors Exploration Co.
Atlantic Richfield Company
Belco Petroleum Corporation
Bethlehem Steel Corporation
Brooklyn Union Gas Company
C&K Marine Production Company
C&K Offshore Company
C&K Petroleum Inc.
Cambridge Royalty Company
Canadian Occidental of California, Inc.
Canadian Superior Oil (U.S.) Ltd.
Caroline Hunt Schoellkopf
Caroline Hunt Trust Estate
Case-Pomeroy Oil Corporation
Central Hudson Gas & Electric Corporation
Challenger Minerals Inc.
Champlin Petroleum Company
Chanslor-Western Oil and Development Company
Cities Service Company
CNG Producing Company
Columbia Gas Development Corporation
Columbia Gas of New York, Inc.
Consolidated Edison Company of New York, Inc.
Continental Group, Inc. (The)
Continental Oil Company
Corning Natural Gas Corporation
Corpus Christi Oil and Gas Company
Cotton Petroleum Corporation
CRA Oil Exploration Company
Crown Central Petroleum Corporation
Depco, Inc.
Diamond Shamrock Corporation
Dow Chemical Company
Eason Oil Company
ECEE, INC.
Elf Aquitaine, Inc.
Elizabethtown Gas Company
El Paso Natural Gas Company
Emmet C. Wilson
Energy Development Corporation
Energy Reserves Group, Inc.
Energy Resources Corporation
Energy Venture, Inc.
Enserch Exploration, Inc.
Entex Petroleum, Inc.
Equity Oil Company
Era North America, Inc.
Exchange Oil and Gas Corporation
Exeter Exploration Company
Farmland Industry, Inc.
Felmont Oil Corporation
Finadel, Incorporated
Florida Gas Exploration Company
Fluor Oil and Gas Corporation
Forest Oil Corporation
Four M Properties, Ltd.
Freeport Oil Company
Freeport Petroleum Company
Fuel Resources Inc.
Furth Oil Co.
Gas Producing Enterprises, Inc.
General American Oil company of Texas
General Crude Oil Company
Getty Oil Company
Golden Eagle Refining Company, Inc.
Greenbrier Operating Co.
H. W. Bass & Sons, Inc.
Hamilton Brothers Exploration Company
Hamilton Brothers Oil Company
Hamilton Brothers Oil and Gas Corporation
Haraldson L. Hunt, Jr. Trust Estate
Hassie Hunt Exploration Company
Hassie Hunt, Incorporated
Hassie Hunt Trust
Hematite Petroleum (U.S.A.) Inc.
Highland Resources, Inc.
Houston Oil & Minerals Corporation
Hudbay Exploration, Inc.
Hunt Energy corporation
Hunt Industries
Hunt Investment Corporation
Hunt Oil Company
Hunt Petroleum Corporation
Husky Oil Company
ICI Delaware Inc.
Idemitsu Alaska Oil Development Corporation
Inexco Oil Company
Jenney Oil Company
John R. Conolly
Kerr-McGee Corporation
Kevin C. Foster
Knob Hill Oil & Gas Company, Inc.
Koch Industries, Inc.
L. A. McNeil
Lamar Hunt
Lamar Hunt Trust Estate
Long Island Lighting Company
Louisiana Land and Exploration company
Louisiana Land Offshore Exploration Company, Inc.
Marathon Oil Company
Margaret Hunt Trust Estate
Maruzen Oil of Alaska, Inc.
McMoRan Exploration Co.
McMoRan Offshore Exploration Co.
Merrimack Valley Exploration Corporation
Mesa Petroleum Co.
Mitchell Energy Offshore Corporation
Mono Power Company
Monsanto Company
Murphy Oil Corporation
N. B. Hunt
National Exploration Company
National Fuel Gas Distribution Corporation
Natomas Offshore Exploration, Inc.
NESCO INCORPORATED
Nelson Bunker Hunt Trust Estate
Nepco Exploration Corporation
New England Energy Incorporated
Newmont Oil Company
New York State Electric & Gas Corporation
Niagra Mohawk Power Corporation
NICOR Exploration Company
North Oil Inc.
Northern Michigan Exploration Company
Northern Natural Gas Company
Northwestern Mutual Life Insurance Company
Ocean Oil & Gas Company
Ocean Production Company
Offshore Company (The)
Ogle Development Corporation
Ogle Petroleum Inc.
Oil Development Company of Texas
Orange and Rockland Utilities, Inc.
Oxy Petroleum, Inc.
PanCanadian Petroleum Company
Pan Eastern Exploration Company
PAN ENERGY Resources, Inc.
Paragon Petroleum Inc.
Paul R. Haas
Pavilion Natural Gas Company (The)
Pelto Oil Company
Pennzoil Company
Pennzoil Louisiana and Texas Offshore, Inc.
Pennzoil Oil and Gas, Inc.
Pennzoil Producing Company
Phillips Petroleum Company
PINTO, Inc.
Pioneer Production Corporation
Placid Oil Company
Pogo Producing Company
Primary Fuels, Inc.
Propel Energy Company
Prosper Energy Corporation
Pursue Energy Corporation
Pursue Offshore, Inc.
Quintana Offshore, Inc.
Reading & Bates Petroleum Co.
Reserve Oil, Inc.
Resource Production, Inc.
Rhode Island Development and Exploration Company
Rochester Gas and Electric Corporation
Rosewood Corporation (The)
Rowan Petroleum, Inc.
Rutherford Oil Corporation
Sabine Production Company
Salomon Brothers
Samedan Oil Corporation
Santa Fe Minerals Co.-U.S.
Sonat Exploration Company
South Coast Corporation
Southern Natural Gas Company
Southland Royalty Company
St. Lawrence Gas Company, Inc.
Sun Oil Company (Delaware)
Superior Oil Company, (The)
Syracuse Suburban Gas Company, Inc.
Tenneco Exploration, Ltd.
Tenneco Exploration II, Ltd.
Tenneco OCS Company, Inc.
Tenneco OCS Limited Partnership
Tenneco Offshore Company
Tenneco Oil Company
Terra Resources, Inc.
Texas Eastern Exploration Co.
Texas Gas Exploration Corporation
Texasgulf, Inc.
Texas Pacific Oil Company, Inc.
Texas Production Company
Texfel Petroleum Corporation
Total Petroleum Inc.
Transco Exploration Company
TransOcean Oil, Inc.
Union Oil Company of California
United Gas Pipe Line Company

United States Steel Corporation
VSEA, Inc.
W. H. Hunt
Weeks Petroleum Corporation
William Herbert Hunt Trust Estate
Willians Exploration Company

In addition, statements of production have been received from nine companies which produced a daily average of 1.6 million barrels or more of crude oil, natural gas, and liquified petroleum products during the previously mentioned production period, and therefore are restricted from bidding jointly with each other during the bidding period of November 1, 1978, through April 30, 1979. This list appeared in the FEDERAL REGISTER of October 25, 1978, cited as 43 FR 49856.

ARNOLD E. PETTY,
Acting Associate Director,
Bureau of Land Management.

NOVEMBER 7, 1978.

[FR Doc. 78-31783 Filed 11-9-78; 8:45 am]

[4310-84-M]

OUTER CONTINENTAL SHELF, CENTRAL AND WESTERN GULF OF MEXICO

Outer Continental Shelf Leasing Systems, Sale No. 51

Sec. 8(a)(8) (43 U.S.C. 1337(a)) of the Outer Continental Shelf Lands Act, as amended, requires that, at least 30 days before any lease sale, a notice be submitted to the Congress and published in the FEDERAL REGISTER:

(A) Identifying the bidding systems to be used and the reasons for such use; and

(B) Designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

Bidding systems to be used. In OCS Lease Sale No. 51, a system employing a cash bonus bid with a constant royalty fixed at 16⅔ percent will be used on 88 tracts. This system is authorized by Sec. 8(a)(1)(A) of the OCS Lands Act, as amended. A system employing a cash bonus bid with a royalty established according to a semi-logarithmic sliding scale will be used on 59 tracts. This system is authorized by Sec. 8(a)(1)(C) of the OCS Lands Act, as amended. The use of the sliding scale royalty system was first introduced in OCS Lease Sale No. 43 and used again in OCS Lease Sales No. 45 and No. 65, as part of the commitment by the Department of the Interior and the Department of Energy to develop and test new bidding systems.

The sliding scale is designed to establish higher royalty rates for larger reservoirs with higher production rates. This is intended to reduce bonuses, which may improve competition for leases. This would also tend to reduce the likelihood of production losses that could result if royalty rates are set by other means, such as royalty bidding at levels so high that production is made uneconomic.

The sliding scale used in recent lease sales (Sales No. 43 and No. 45) was linear in form. Although this form is simple to depict, it has the disadvantage of creating an incentive to slow down production on very large reservoirs. The sliding scale to be tested in Sale No. 51 is semi-logarithmic in form and is intended to avoid incentives for slow downs of production which may exist in other bidding systems.

The fixed sliding scale formula operates in the following way: When the quarterly value of production, adjusted for inflation, is less than or equal to $13.236229 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $13.236230 million, but less than or equal to $1662.854082 million, the royalty percent due on the unadjusted value or amount of production is given by the formula

$$R_i = b(\mathrm{Ln}\,(V_i/S))$$

where

R_i = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter i,
$b = 10.0$
V_i = the value of production in quarter i, adjusted for inflation, in millions of dollars
$S = 2.5$

When the adjusted quarterly value of production is equal to or greater than $1662.854083 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

The form of the sliding scale royalty schedule is illustrated in figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed, or sold as determined pursuant to 30 CFR 250.64 and Sec. 6(b) of the lease form. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula under two different values for the quarterly price index.

[4310-84-C]

Figure 1
Form of the Sliding Royalty Schedule

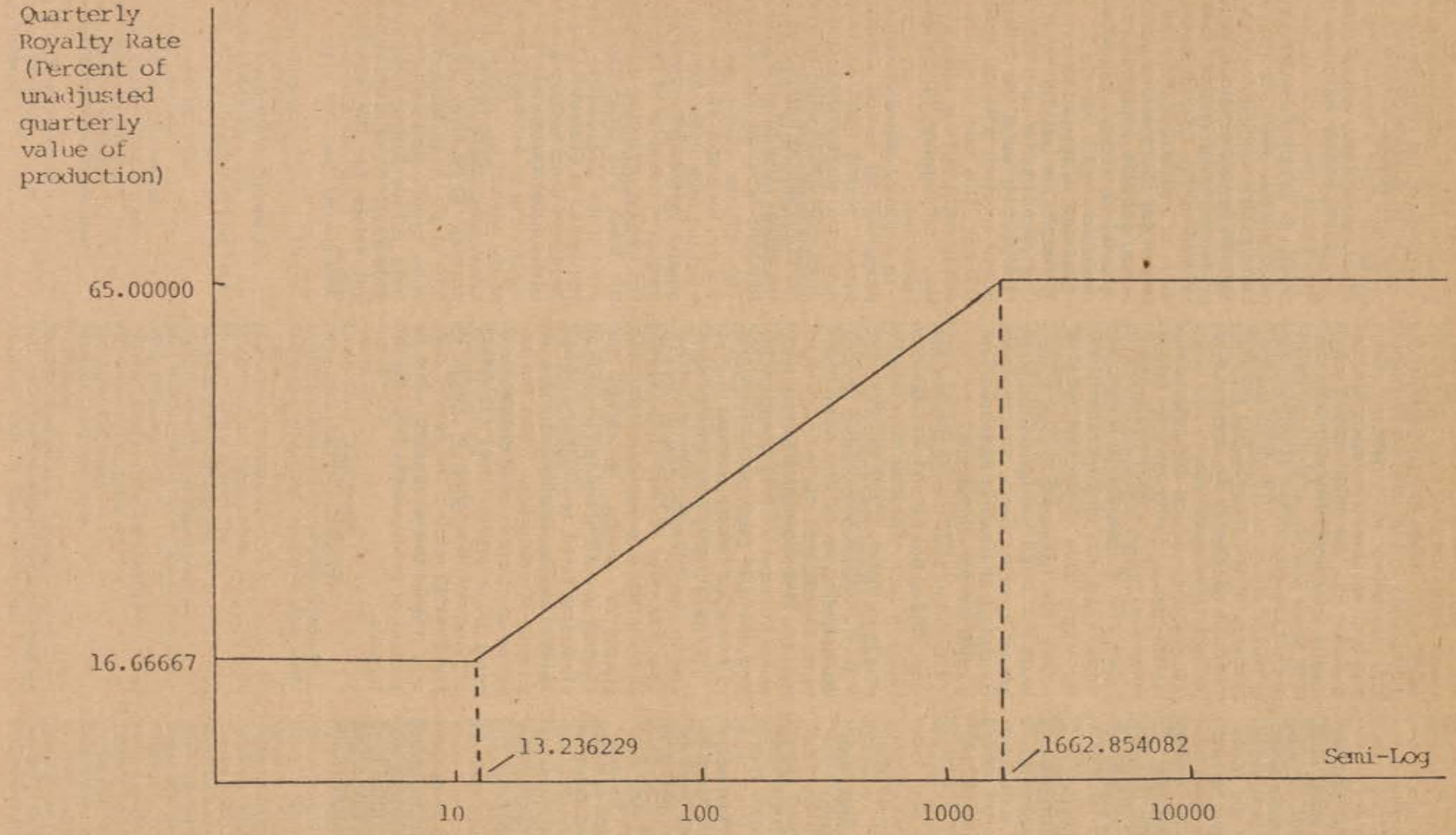

TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(1) Actual Value of Quarterly Production (Millions of Dollars)	(2) GNP Fixed Weighted Price Index	(3) Inflation Factor[a]	(4) Adjusted Value of Quarterly Production[b] (V_{ij}, Millions of $)	(5) Percent Royalty Rate (R_j)	(6) Royalty Payment[c] (Millions of Dollars)
10.000000	200.0	4/3	7.500000	16.66667	1.666667
30.000000	200.0	4/3	22.500000	21.97225	6.591675
90.000000	200.0	4/3	67.500000	32.98837	29.662533
270.000000	200.0	4/3	202.500000	43.98449	118.760123
810.000000	200.0	4/3	607.500000	54.98061	444.937941
10.000000	250.0	5/3	6.000000	16.66667	1.666667
30.000000	250.0	5/3	18.000000	19.74081	5.922243
90.000000	250.0	5/3	54.000000	30.72693	27.654237
270.000000	250.0	5/3	162.000000	41.71306	112.625262
810.000000	250.0	5/3	486.000000	52.69918	426.863358

a Column (2) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

b Column (1) divided by Inflation Factor.

c Column (1) times Column (5). All values are rounded for display purposes only.

The system employing cash bonus bids with a constant fixed royalty has been used extensively since the passage of the OCS Lands Act in 1953. Its use in Sale No. 51 will provide data with which to compare the data from use of the sliding scale royalty system. The use of the two bidding systems in Sale No. 51 is consistent with the requirements of Sec. 8(a)(5)(B) of the OCS Lands Act, as amended.

Tracts to be Offered for Bonus Bidding With a Fixed Sliding Scale Royalty

51-1, 51-2, 51-3, 51-4, 51-5, 51-6, 51-7, 51-9, 51-10, 51-23, 51-24, 51-25, 51-26, 51-27, 51-28, 51-29, 51-30, 51-31, 51-35, 51-36, 51-37, 51-38, 51-39, 51-40, 51-44, 51-45, 51-72, 51-73, 51-75, 51-76, 51-80, 51-86, 51-87, 51-88, 51-89, 51-90, 51-91, 51-92, 51-93, 51-98, 51-99, 51-105, 51-107, 51-108, 51-109, 51-111, 51-119, 51-125, 51-127, 51-128, 51-129, 51-131, 51-132, 51-135, 51-136, 51-137, 51-142, 51-144, and 51-145.

Tracts To Be Offered for Bonus Bidding With a Fixed Constant Royalty

Bids on the remaining tracts to be offered at this sale must be on a cash bonus basis with a fixed royalty of 16⅔ percent.

The selection of tracts to be offered under the sliding scale royalty system was made for the following reasons:

1. A sufficient number of tracts was needed to provide data for valid statistical analysis while limiting the risk of losses caused by unforeseen problems which could arise in the use of any new bidding system. A sample size of approximately 40 percent or 59 tracts was determined to be appropriate.

2. The range and distribution of the characteristics of sliding scale royalty tracts were to match, as closely as possible, the range and distribution of the characteristics of the tracts being offered in the sale. Such characteristics include estimated resources, water depth, structure depth, favorable vs. unfavorable location of tracts on structures, and the distribution of tracts across trends.

ARNOLD E. PETTY,
Acting Associate Director,
Bureau of Land Managment.

Approved: November 6, 1978.

JAMES A. JOSEPH,
Acting Secretary
of the Interior.

[FR Doc. 78-31781 Filed 11-9-78; 8:45 am]

[4310-84-M]

OUTER CONTINENTAL SHELF WESTERN AND CENTRAL GULF OF MEXICO

Oil and Gas Lease Sale No. 51

DECEMBER 19, 1978.

1. *Authority.* This notice is published pursuant to the Outer Continental Shelf (OCS) Lands Act of 1953 (43 U.S.C. 1331), as amended by the OCS Lands Act Amendments of 1978, and the regulations issued thereunder (43 CFR Part 3300).

2. *Filing of bids.* Sealed bids will be received by the Manager, New Orleans OCS Office, Bureau of Land Management Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, La. 70130. Bids may be delivered, either by mail or in person, to the above address until 4:15 p.m., c.s.t., December 18, 1978; or by personal delivery to the Grand Ballroom, Royal Sonesta Hotel, 300 Bourbon Street, New Orleans, La. 70130, between the hours of 8:30 and 9:30 a.m., c.s.t., December 19, 1978. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., c.s.t., December 19, 1978. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of resticted joint bidders which applies to this sale was published in 43 FR 49856, October 25, 1978.

3. *Method of bidding.* A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10 a.m., c.s.t., December 19, 1978," must be submitted for each tract. A suggested form appears in paragraph 17 of this notice. Bidders are advised that tract numbers are assigned soley for administrative purposes and are not the same as block numbers found on official protraction diagrams or leasing maps. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, certified check, or money order payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 13 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is qualified under 43 CFR Part 3302. The suggested form for this statement to be used in joint bids appears in paragraph 18. Other documents may be required of bidders under 43 CFR 3302.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. *Bonus bidding with a fixed sliding scale royalty.* Bids on tracts 51-1, 51-2, 51-3, 51-4, 51-5, 51-6, 51-7, 51-9, 51-10, 51-23, 51-24, 51-25, 51-26, 51-27, 51-28, 51-29, 51-30, 51-31, 51-35, 51-36, 51-37, 51-38, 51-39, 51-40, 51-44, 51-45, 51-72, 51-73, 51-75, 51-76, 51-80, 51-86, 51-87, 51-88, 51-89, 51-90, 51-91, 51-92, 51-93, 51-98, 51-99, 51-105, 51-107, 51-108, 51-109, 51-111, 51-119, 51-125, 51-127, 51-128, 51-129, 51-131, 51-132, 51-135, 51-136, 51-137, 51-142, 51-144, and 51-145 must be submitted on a cash bonus bid basis with the percent royalty due in amount or value of production saved, removed or sold fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the percent royalty due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64 and section 6(b) of the lease form.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than or equal to $13.236229 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $13.236230 million, but less than or equal to $1662.854082 million, the royalty percent due on the unadjusted value or amount of production is given by

$$R_j = b[\text{Ln}\,(V_j/S)]$$

where

R_j = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j;
b = 10.0;
Ln = natural logarithm;
V_j = the value of production in quarter j, adjusted for inflation, in millions of dollars; and
S = 2.5.

When the adjusted quarterly value of production is equal to or greater than $1662.854083 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, R_j, the calculation will be carried to five decimal places (for example, 20.17329 percent). This calculation will incorporate the adjusted quarterly value of production, V_j, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar

(for example, 15.392847 millions of dollars).

The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. the GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed, or sold as determined pursuant to 30 CFR 250.64 and section 6(b) of the lease form. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

Figure 1
Form of the Sliding Royalty Schedule

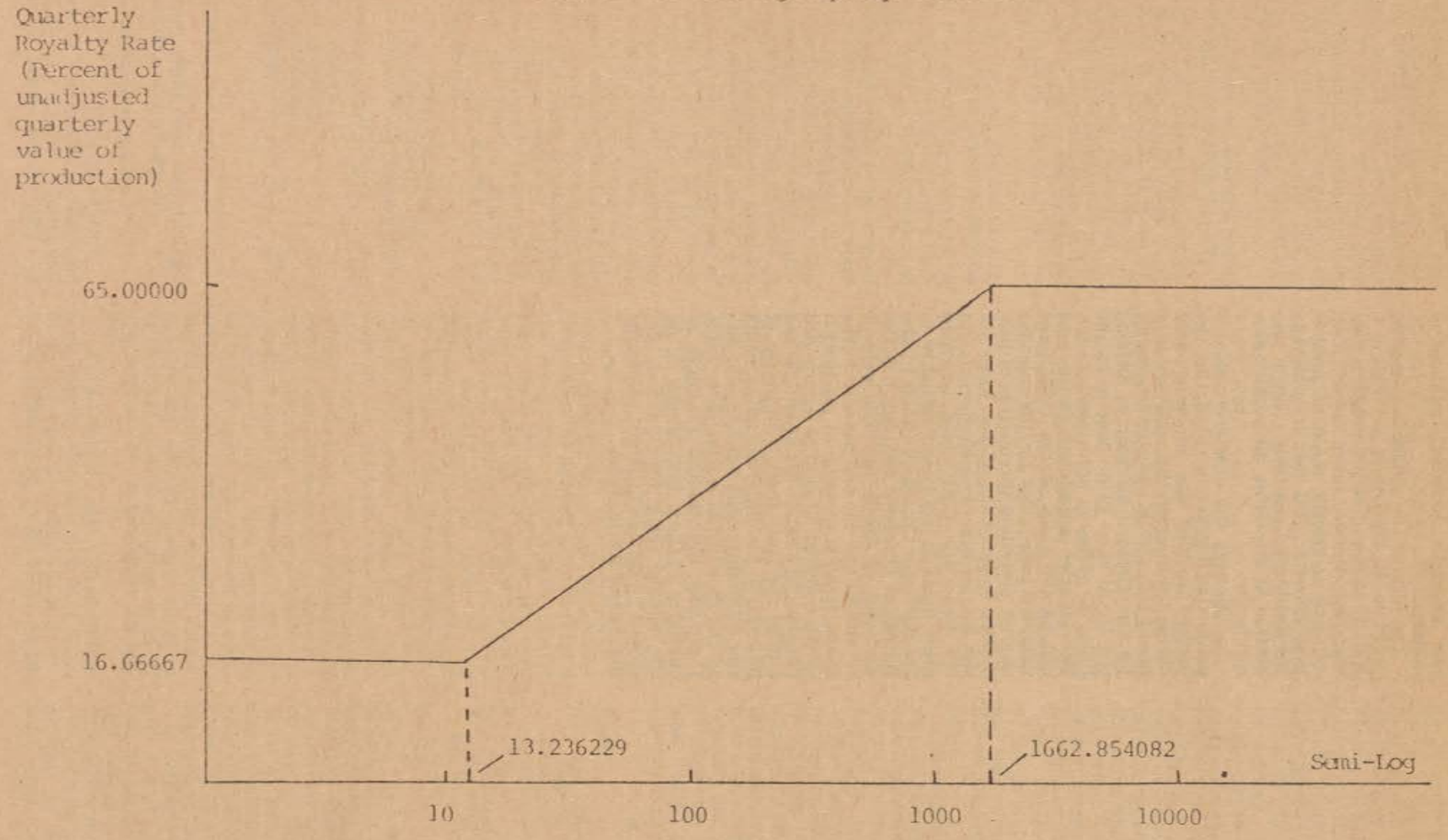

TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(1) Actual Value of Quarterly Production (Millions of Dollars)	(2) GNP Fixed Weighted Price Index	(3) Inflation Factor[a]	(4) Adjusted Value of Quarterly Production[b] (V_j, Millions of $)	(5) Percent Royalty Rate (R_j)	(6) Royalty Payment[c] (Millions of Dollars
10.000000	200.0	4/3	7.500000	16.66667	1.666667
30.000000	200.0	4/3	22.500000	21.97225	6.591675
90.000000	200.0	4/3	67.500000	32.95837	29.662533
270.000000	200.0	4/3	202.500000	43.94449	118.650123
810.000000	200.0	4/3	607.500000	54.93061	444.937941
10.000000	250.0	5/3	6.000000	16.66667	1.666667
30.000000	250.0	5/3	18.000000	19.74081	5.922243
90.000000	250.0	5/3	54.000000	30.72693	27.654237
270.000000	250.0	5/3	162.000000	41.71306	112.625262
810.000000	250.0	5/3	486.000000	52.69918	426.863358

a Column (2) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

b Column (1) divided by Inflation Factor.

c Column (1) times Column (5). All values are rounded for display purposes only.

Leases awarded on the basis of a cash bonus bid with fixed sliding scale royalty will provide for a yearly rental or minimum royalty payment of $3 per acre or fraction thereof.

Bidders for these tracts should recognize that the Department of Energy is authorized, under section 302 (b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

5. *Bonus bidding with a fixed constant royalty.* Bids on the remaining tracts to be offered at this sale must be on a cash bonus basis with a fixed royalty of 16⅔ percent. Leases which may be issued will provide for a yearly rental payment or minimum royalty payment of $3 per acre or fraction thereof. A suggested cash bonus bid form is shown in paragraph 17.

6. *Equal opportunity.* Each bidder must have submitted by 9:30 a.m., c.s.t., December 19, 1978, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of C September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

7. *Bid opening.* Bids will be opened on December 19, 1978, beginning at 10 a.m., c.s.t., at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, December 19, 1978, that bid will be returned unopened to the bidder, as soon thereafter as possible.

8. *Deposit of payment.* Any cash, cashier's checks, certified checks, bank drafts, or money orders submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

9. *Withdrawal of tracts.* The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

10. *Acceptance or rejection of bids.* The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is from the highest responsible, qualified bidder; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $25 or more per acre or fraction thereof.

11. *Successful bidders.* Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR 3304.1 within the time provided in 43 CFR 3302.5.

12. *Protraction diagram/leasing maps.* Tracts offered for lease may be located on the following leasing maps/protraction diagram which are available from the Manager, New Orleans Outer Continental Shelf Office at the address stated in paragraph 2.

(a) Outer Continental Shelf leasing maps—Texas Nos. 1 through 8. These maps are arranged in two sets, Nos. 1 through 4 (7 maps), which sell for $5 per set, and Nos. 5 through 8 (9 maps), which sell for $7 per set.

(b) Outer Continental Shelf leasing maps—Louisiana Nos. 1 through 12. This is a set of 27 maps which sells for $17.

(c) Outer Continental Shelf official protraction diagram: NH 16-7, Viosca Knoll, which sells for $2.

13. *Tract descriptions.* The tracts offered for bid are as follows:

NOTE.—The numbers of the tracts listed are not in sequence. One of the blocks identified in the final environmental statement is not included in this notice.

[4310-84-C]

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OCS LEASING MAP, SOUTH PADRE ISLAND AREA, TEXAS MAP NO. 1
(Approved July 16, 1954)

Tract	Block	Description	Acreage
51-139	1041	All	5760

OCS LEASING MAP, NORTH PADRE ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 2A
(Approved May 6, 1965)

Tract	Block	Description	Acreage
51-1	A-1	All	5760
51-2	A-2	All	5760

OCS LEASING MAP, MUSTANG ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 3A
(Approved January 23, 1967)

Tract	Block	Description	Acreage
51-3	A-51	All	5065.10
51-4	A-52	All	5098.74
51-5	A-53	All	5132.21
51-6	A-65	All	5760
51-7	A-66	All	5760
51-8	A-96	All	5760
51-9	A-174	All	5760
51-10	A-175	All	5760

OCS LEASING MAP, MATAGORDA ISLAND AREA, TEXAS MAP NO. 4
(Approved July 16, 1954)

Tract	Block	Description	Acreage
51-11	518	1/	5675
51-12	(519	1/	3457
	(520	1/	352
51-13	526	1/	1355
51-14	527	1/	5100
51-15	557	1/	5620

MATAGORDA ISLAND AREA, TEXAS MAP NO. 4 (cont'd.)

Tract	Block	Description	Acreage
51-16	(558	1/	1180
	(565	1/	4563
51-140	657	8/	5071.18
51-141	666	All	5760
51-17	673	All	5760

OCS LEASING MAP, BRAZOS AREA, TEXAS MAP NO. 5
(Approved July 16, 1954)

Tract	Block	Description	Acreage
51-18	374	1/	1177
51-19	436	All	5760
51-20	437	All	5760
51-21	(438	1/	4125
	(439	1/	930
51-22	451	All	5760
51-23	A-19	All	5760
51-24	A-22	All	5760
51-25	A-23	All	5760
51-26	A-24	All	5760

OCS LEASING MAP, BRAZOS AREA, SOUTH ADDITION, TEXAS MAP NO. 5B
(Approved September 24, 1959)

Tract	Block	Description	Acreage
51-27	A-46	All	5760
51-28	A-47	All	5760
51-29	A-48	All	5760
51-30	A-71	All	5760
51-31	A-106	All	5760

OCS LEASING MAP, GALVESTON AREA, TEXAS MAP NO. 6
(Approved July 16, 1954)

Tract	Block	Description	Acreage
51-32	213	1/	4730
51-33	222	1/	5525

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GALVESTON AREA, TEXAS MAP NO. 6 (cont'd.)

Tract	Block	Description	Acreage
51-34	242	All	5760
51-35	283	All	5760
51-36	284	All	5760
51-37	324	All	5760
51-38	350	All	5760
51-39	351	All	5760
51-40	352	All	5760
51-144	389	All	5760

OCS LEASING MAP, GALVESTON AREA, SOUTH ADDITION, TEXAS MAP NO. 6A
(Approved September 24, 1959)

Tract	Block	Description	Acreage
51-41	A-221	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, TEXAS MAP NO. 7
(Approved July 16, 1954; Revised August 1955)

Tract	Block	Description	Acreage
51-42	33	1/	4740
51-43	107	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, SOUTH ADDITION, TEXAS MAP NO. 7B
(Approved September 24, 1959)

Tract	Block	Description	Acreage
51-44	A-416	All	5760
51-45	A-461	All	5760
51-46	A-523	All	5760
51-47	A-552	All	5760
51-48	A-574	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, EAST ADDITION, SOUTH EXTENSION, TEXAS MAP NO. 7C
(Approved September 24, 1959)

Tract	Block	Description	Acreage
51-49	A-284	All	5760
51-50	A-308	All	5760
51-51	A-344	All	5760
51-52	A-345	All	5760
51-53	A-378	All	5760
51-54	A-385	All	5760
51-55	A-397	All	5760

OCS LEASING MAP, SABINE PASS AREA, TEXAS MAP NO. 8
(Approved March 7, 1977)

Tract	Block	Description	Acreage
51-56	17	8/	2041.91

OCS LEASING MAP, SABINE PASS AREA, LOUISIANA MAP NO. 12
(Approved March 7, 1977)

Tract	Block	Description	Acreage
51-57	3	2/	1316.62
51-58	(5	2/	211.29
	(6	2/	4771.91
51-59	7	All	5000
51-60	8	All	5000
51-61	9	All	4254.39
51-62	10	All	3144.37
51-63	13	All	5000

OCS LEASING MAP, WEST CAMERON AREA, LOUISIANA MAP NO. 1
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
51-64	23	2/	3323.64
51-65	42	All	5000
51-66	92	All	5000
51-67	109	All	5000

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WEST CAMERON AREA, LOUISIANA MAP NO. 1 (cont'd.)

Tract	Block	Description	Acreage
51-68	136	All	5000
51-69	194	S½	2500
51-70	204	All	5000
51-71	239	All	5000
51-72	282	All	5000

OCS LEASING MAP, WEST CAMERON AREA, WEST ADDITION,
LOUISIANA MAP NO. 1A
(Approved November 15, 1955; Revised January 30, 1957)

Tract	Block	Description	Acreage
51-73	312	All	5000
51-145	328	All	5000
51-74	412	All	5000

OCS LEASING MAP, WEST CAMERON AREA, SOUTH ADDITION,
LOUISIANA MAP NO. 1B
(Approved September 8, 1959)

Tract	Block	Description	Acreage
51-75	477	All	5000
51-76	478	All	5000
51-77	542	All	5000
51-78	569	All	5050.37
51-79	597	All	5000
51-80	645	All	5000

OCS LEASING MAP, EAST CAMERON AREA, LOUISIANA MAP NO. 2
(Approved June 8, 1954; Revised August 1, 1973)

Tract	Block	Description	Acreage
51-81	9	3/	203.62
51-82	9	4/	884.30
51-83	11	All	5000
51-84	51	All	5000
51-85	104	All	5000
51-86	108	All	5000

EAST CAMERON AREA, LOUISIANA MAP NO. 2 (cont'd.) 15

Tract	Block	Description	Acreage
51-87	(109	All	2170.10
	(110	All	2114
51-88	111	All	5000
51-89	125	All	5000
51-90	126	All	5000
51-142	143	All	5000
51-146	235	All	1384.67

OCS LEASING MAP, VERMILION AREA
LOUISIANA MAP NO. 3
(Approved June 8, 1954: Revised June 25, 1954; July 22, 1954)

Tract	Block	Description	Acreage
51-91	54	All	5000
51-92	57	N½	2500
51-93	75	All	5000
51-94	79	All	5000
51-95	83	All	5000
51-96	104	SE¼; N½; E½SW¼; E½W½SW¼	4687.50
51-97	202	All	5148.72

OCS LEASING MAP, VERMILION AREA, SOUTH ADDITION,
LOUISIANA MAP NO. 3B
(Approved September 8, 1959)

Tract	Block	Description	Acreage
51-98	263	All	5000
51-99	264	All	5000
51-100	330	All	5000
51-101	337	All	5000
51-102	375	All	5000

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, NORTH ADDITION,
LOUISIANA MAP NO. 3D
(Approved April 16, 1971; Revised January 18, 1972)

Tract	Block	Description	Acreage
51-103	264	All	5000

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OCS LEASING MAP, SOUTH MARSH ISLAND AREA, LOUISIANA MAP NO. 3A
(Approved August 7, 1959)

Tract	Block	Description	Acreage
51-104	19	All	5000

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 3C
(Approved September 8, 1959)

Tract	Block	Description	Acreage
51-105	75	All	5000
51-106	126	All	2806.27
51-107	139	All	5000

OCS LEASING MAP, EUGENE ISLAND AREA, LOUISIANA MAP NO. 4
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
51-108	44	All	5000
51-109	45	All	5000
51-110	71	All	5000
51-111	79	All	5000
51-112	190	All	5000
51-113	191	All	5000

OCS LEASING MAP, EUGENE ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 4A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
51-114	278	All	5000
51-147	279	All	5000
51-115	290	All	5000

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OCS LEASING MAP, SHIP SHOAL AREA, LOUISIANA MAP NO. 5
(Approved June 8, 1954)

Tract	Block	Description	Acreage
51-116	148	All	5000
51-117	153	All	5000
51-118	182	W½	2500
51-119	187	All	5004.46

OCS LEASING MAP, SHIP SHOAL AREA, SOUTH ADDITION,
LOUISIANA MAP NO. 5A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
51-120	295	All	5000

OCS LEASING MAP, SOUTH TIMBALIER AREA, LOUISIANA MAP NO. 6
(Approved June 8, 1954; Revised July 22, 1954; Revised December 9, 1954)

Tract	Block	Description	Acreage
51-138	11	7/	1248.13
51-121	27	SE¼; S½SW¼	1875
51-122	53	All	5000
51-123	173	All	5000

OCS LEASING MAP, GRAND ISLE AREA, LOUISIANA MAP NO. 7
(Approved June 8, 1954)

Tract	Block	Description	Acreage
51-124	33	All	5000

OCS LEASING MAP, GRAND ISLE AREA, SOUTH ADDITION,
LOUISIANA MAP NO. 7A
(Approved September 8, 1959; Revised March 7, 1961)

Tract	Block	Description	Acreage
51-125	90	All	5000

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OCS LEASING MAP, WEST DELTA AREA, LOUISIANA MAP NO. 8
(Approved June 8, 1954)

Tract	Block	Description	Acreage
51-126	46	All	5000
51-143	47	All	5000
51-127	87	S½	2500
51-128	88	All	5000

OCS LEASING MAP, MAIN PASS AREA, LOUISIANA MAP NO. 10
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
51-137	59	6/	319.85
51-129	61	5/	1217.96
51-130	111	All	4994.55
51-131	128	All	4994.55
51-132	129	All	4994.55

OCS LEASING MAP, MAIN PASS AREA, SOUTH & EAST ADDITION,
LOUISIANA MAP NO. 10A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
51-133	312	All	4999.96
51-134	314	All	4999.96

OCS OFFICIAL PROTRACTION DIAGRAM, VIOSCA KNOLL NH 16-7
(Approved October 10, 1972; Revised February 15, 1973; Revised
August 1, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
51-135	69	All	5760
51-136	113	All	5760

[1]That portion of the lease block seaward of the Three-Marine-League line.

[2]That portion of the lease block which is more than 3 geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975 (*United States* v. *Louisiana*, 422 U.S. 13).

[3]That portion of the south half of the lease block which is more than 3 geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975 (*United States* v. *Louisiana*, 422 U.S. 13) to the zone 1 line as that zone is defined in the interim agreement (October 12, 1956) between the United States and State of Louisiana.

[4]W½SW¼and that portion of the north half of the lease block which is more than 3 geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975.

[5]That portion of the lease block located landward of the line three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, December 13, 1965 (*United States* v. *Louisiana*, 382 U.S. 288).

[6]That portion of the lease block located seaward of the third supplemental decree line (404 U.S. 388, December 20, 1971).

[7]That portion of the lease block described as follows: Beginning at the southeast corner of said block which is described by coordinates x=2,264,446.02, y=127,591.99; thence westerly along the south boundary of the block, 15,600.00 ft. to coordinates x=2,248,846.02, y=127,591.99; thence northerly along the west boundary of the block 6,645.35 ft. to coordinates x=2,248,846.02, y=134,237.34; thence N. 76°17'04" E., 499.25 ft. to coordinates x=2,249,331.04, y=134,355.71; thence S. 65°53'32" E., 16,559.30 ft. to coordinates x=2,264,446.02, y=127,591.99, the point of beginning.

[8]That portion of the lease block seaward of the Three-Marine-League line measured from the historic shoreline described in the *United States* v. *Louisiana*, No. 9 original (394 U.S. 836).

14. *Lease terms and stipulations.* All leases issued as a result of this sale will be for an initial term of 5 years. Leases issued will be on form 3300-1 (September 1978), available from the Manager, New Orleans Outer Continental Shelf Office, at the address stated in paragraph 2. Section 6 of the lease form will be amended for tracts offered on a cash bonus basis with a fixed sliding scale royalty, listed in paragraph 4, as follows:

Sec. 6 *Royalty on production.* (a) To pay the lessor a royalty of that percent in amount or value of production saved, removed or sold from the leased area as determined by the sliding scale royalty formula as follows. When the quarterly value of production, adjusted for inflation, is less than or equal to $13.236229 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $13.236230 million, but less than or equal to $1662.854082 million, the royalty percent due on the unadjusted value or amount of production is given by

$$R_j = b[\mathrm{Ln}\ (V_j/S)]$$

where

R_j = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j;
b = 10.0;
Ln = natural logarithm;
V_j = the value of production in quarter j, adjusted for inflation, in millions of dollars; and
S = 2.5.

When the adjusted quarterly value of production is equal to or greater than $1662.854083 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, R_j, the calculation will be carried to five decimal places (for example, 20.17329 percent). This calculation will incorporate the adjusted quarterly value of production, V_j, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 15.392847 millions of dollars) * * *.

Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations the term Supervisor refers to the Gulf of Mexico Area Oil and Gas Supervisor for Operations of the Geological Survey and the term Manager refers to the Manager of the New Orleans OCS Office of the Bureau of Land Management.

STIPULATION NO. 1

If the Supervisor, having reason to believe that a site, structure or object of historical or archaeological significance hereinafter referred to as "cultural resource", may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation", the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the Supervisor and to the Manager for review.

If such cultural resource indicators are present the lessee shall: (1) Locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the Supervisor, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the Supervisor, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the Supervisor and the Manager for review. Should the Supervisor determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the Supervisor has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its preservation.

STIPULATION NO. 2

(To be included only in those leases resulting from this sale for tracts 51-8 and 51-78):

Operations within the circle with a radius of 5820 meters around point A, located by X=2,720,700, Y=736,500 (Texas Lambert System) and within the circle with a radius of 7,000 meters around point B located by X=3,775,400, Y=153,280 (Texas Lambert System) shall be restricted as specified in either (a) or (b) below, at the option of the lessee:

(a) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but not more than six meters, from the bottom.

(b) The operator (lessee) shall submit a monitoring plan as part of the exploration and development and production plans. The monitoring plan will be designed to assess the effects of oil and gas exploration, development, and production operations on the biotic communities of South Baker Bank and 29 Fathom Bank.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the Supervisor on a schedule established by the Supervisor, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank is being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the Supervisor shall require shunting as

specified in (a) above or other appropriate operational restrictions.

STIPULATION No. 3

a. (To be included only in the leases resulting from this sale for tract 51-55):

No structures, drilling rigs, or pipelines will be allowed within the aliquots established for the West Flower Garden Bank as follows: High Island area, east addition, south extension, block A-397: W½W½NW¼; W½NW¼SW¼; NW¼SW¼SW¼.

b. (To be included only in the leases resulting from this sale for tracts 51-54 and 51-55):

Exploration, development and production operations are permitted within the aliquots described below with the following restrictions:

All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom; however, if the shunting method is not adequate, as determined by the monitoring program proceedings outlined in this stipulation, to protect the unique character of the subject area, then the material must be transported a minimum of ten miles from any 50-meter isobath surrounding live reef-building coral before disposal. Disposal sites must be approved by the Supervisor.

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (workboats, crew-boats, supply boats, pipelaying vessels) during exploration, development and production operations. The use of halogenated phenol bactericides in any phase of exploration, development and production is prohibited.

No drilling permits shall be issued by the Supervisor until he has found that the lessee's exploration plan, and development and production plan, filed under 30 CFR 250.34 are adequate to insure that exploration, development and production operations in the leased area will have no significant adverse effect on the biotic communities associated with the high value reef sites on the Flower Garden Banks. As a part of the exploration plan and the development and production plan, a reef monitoring program must be included.

The monitoring program will be designed to assess the effects of oil and gas exploration, development and production operations on the viability of the coral reefs and associated communities. The monitoring plan shall indicate that the monitoring investigations will be conducted by qualified independent scientific personnel and that program personnel and equipment will be available at the time of operations. The monitoring team will submit its findings to the Supervisor on a regular schedule established by the Supervisor, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations.

The affected aliquots are as follows: High Island area, east addition, south extension, block A-385: SW¼NW¼NW¼; SW¼NW¼; W½SW¼; W½E½SW¼; HIGH ISLAND AREA, EAST ADDITION, SOUTH EXTENSION, BLOCK A-397: W½E½NW¼; E½W½NW¼; NW¼NE¼SW¼; E½NW¼SW¼.

c. (To be included only in the leases resulting from this sale for tracts 51-53, 51-54, and 51-55):

Exploration, development and production operations are permitted within the aliquots described below with the following restrictions:

All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (workboats, crew-boats, supply boats, pipelaying vessels) during exploration, development and production operations.

The use of halogenated phenol bactericides in any phase of exploration, development and production is prohibited.

No drilling permits shall be issued by the Supervisor until he has found that the lessee's exploration plan, and development and production plan filed under 30 CFR 250.34 are adequate to insure that exploration, development and production operations in the leased area will have no significant adverse effect on the biotic communities associated with the high value reef sites on the Flower Garden Banks.

The affected aliquots are as follows: High Island area, east addition, south extension, block A-378: NW¼SW¼NW¼; S½S½NW¼; SW¼; NW¼NW¼SE¼; S½NW¼SE¼; SW¼SE¼; W½SE¼SE¼; High Island Area, east addition, south extension, block A-385: E½; E½E½W½; W½E½NW¼; E½NW¼NW¼; NW¼NW¼NW¼; High Island area, east addition, south extension block A-397: E½; E½E½W½; SW¼NE¼SW¼; NE¼; SW¼SW¼; S½SW¼SW¼; W½SE¼SW¼.

STIPULATION No. 4

(To be included in any leases resulting from this sale for the sliding scale royalty tracts listed in paragraph 4 of this notice.)

(a) The royalty rate on production saved, removed or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.12(e)). The Director, Geological Survey, may grant a reduction for only 1 year at a time. Reduction of royalty rates will not be approved unless production has been underway for 1 year or more.

(b) Although the royalty rate specified in section 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16⅔ percent of the production saved, removed or sold from the lease area may be taken as royalty in amount, except as provided in section 15(d) of this lease; the royalty on any portion of the production saved, removed or sold from the lease in excess of 16⅔ percent may only be taken in value of the production saved, removed or sold from the lease area.

STIPULATION No. 5

(To apply only to the leases resulting from this sale for tracts 51-1, 51-2, 51-3, 51-4, 51-5, 51-6, 51-7, 51-8, 51-9, 51-10, 51-139, 51-140, and 51-141.)

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessees, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Naval Air Training Command, Naval Air Station, Corpus Christi, Tex.

Notwithstanding any limitation of the lessee's liability in section 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against and to defend at its own expense the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against, and to defend at its own expense the United States against, all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installations, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the appropriate onshore military installation, i.e., Naval Air Training Command, Naval Air Station, Corpus Christi, Tex., to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities, conducted within individual designated warning areas. Necessary monitoring control, and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be affected by the commander of the appropriate onshore military installation conducting operations in the particular warning area; provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee, when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the appropriate onshore military installation, i.e., Naval Air Training Command, Naval Air Station, Corpus Christi, Tex., utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating into the warning areas at all times.

15. *Information to lessees.* The Department of the Interior will seek the advice of the States of Texas, Louisiana, Mississippi, and Alabama and other Federal agencies, to identify areas of special concern which might require appropriate protective measures for live bottom areas and areas which might contain cultural resources.

If it is determined that live bottom areas might be adversely impacted by the proposed activities then the Supervisor, in consultation with the Regional Director, Fish and Wildlife Service (FWS), the Manager, BLM and the States, will require the lessee to undertake any measures deemed economically, environmentally, and technologically feasible to protect live bottom areas.

On September 18, 1978, the OCS Lands Act Amendments of 1978 was enacted. Some sections of current regulations applicable to OCS leasing operations are inconsistent with this new legislation, and the legislation requires the issuance of some new regulations. The inconsistencies will be corrected by rulemakings and the new regulations will be issued as soon as possible. Nevertheless, bidders are notified that provisions of the new OCS Lands Act Amendments shall apply to all leases offered at this lease sale and shall supersede all inconsistent provisions in current regulations applicable to OCS Leasing operations.

Some of the tracts offered for lease may fall in areas which may be included in fairways, precautionary zones, or traffic separation schemes. Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(f) of the Outer Continental Shelf Lands Act of 1953 as modified by the 1978 Amendments.

Bidders are advised that the Departments of the Interior and Transportation have entered into a memorandum of understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are also advised that in accordance with section 16 of each lease offered at this sale the lessor may require a lessee to operate under a unit, pooling or drilling agreement and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a royalty rate based on a sliding scale.

16. *OCS orders.* Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico orders, as of their effective date, and any other applicable OCS order as it becomes effective.

17. *Suggested bid form.* It is suggested that bidders submit their bids to the Manager, New Orleans Outer Continental Shelf Office, in the following form:

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf specified below:

Tract No. _____
Total amount bid _____
Amount per acre _____
Amount of cash bonus submitted with bid —

PROPORTIONATE INTEREST OF COMPANY(S) SUBMITTING BID

Qualification No. _____
Percent interest _____
Company _____
Address _____
Signature _____
(Please type signer's name under signature.)

18. *Required joint bidder's statement.* In the case of joint bids, each joint bidder is required to execute a joint bidder's statement before a notary public and submit it with his bid. A suggested form for this statement is shown below.

JOINT BIDDER'S STATEMENT

I hereby certify that _____ (entity submitting bid) is eligible under 43 CFR 3302 to bid jointly with the other parties submitting this bid.

Signature _____
(Please type signer's name under signature.)

Sworn to and subscribed before me this —— day of —— 19—.

Notary Public _____
State of _____
County of _____

* * * * *

ARNOLD E. PETTY,
Acting Associate Director,
Bureau of Land Management.

Approved: November 7, 1978.

JAMES A. JOSEPH,
Acting Secretary of the Interior.

[FR Doc. 78-31780 Filed 11-9-78; 8:45 am]

[4310-05-M]

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

PROPOSED DECISION TO APPROVE COAL MINING AND RECLAMATION PLAN WITH STIPULATIONS—ENERGY FUELS NO. 2 FEDERAL COAL LEASE C-20900

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior Department.

ACTION: Proposed Decision to Approve Coal Mining and Reclamation Plan with Stipulation—Energy No. 2 Mine, Federal Coal Lease C-20900.

SUMMARY: Pursuant to Section 211.5 of Title 30, Code of Federal Regulations, notice is hereby given that the office of Surface Mining has performed a technical review of a mining and reclamation plan submitted by Energy Fuels Corp. (Box G, Steamboat Springs, Colo. 80477) to mine up to 40 acres by surface methods and to otherwise disturb up to 300 acres on a lease area of about 420 acres. The lease tract is located at the site of the existing Energy No. 2 Mine in Routt County, Colo. (T5N, R86W, section 19, S½NE¼, N½SE¼, SE¼NW¼, NE¼ SW¼, Lots 6 and 7, and T5N, R87W, section 25, Lots 1, 2, 3, and 4). It is estimated that the coal will be mined from the C-20900 lease area in less than 2.5 years.

Energy Fuels submitted on October 31, 1978 additional information which essentially satisfied the State of Colorado, Mined Land Reclamation Division and the Department of the Interior, Office of Surface Mining requirements for complete information for the C-20900 lease area. Two additional items were submitted on November 2, 1978 for review and approval by the Colorado Mined Land Reclamation Division and the Department of the Interior, Office of Surface Mining. These data are laboratory analyses of soils and overburden cores for the C-20900 lease areas. The mining and reclamation plan will not be approved unless these data are adequate and require no changes in the plan. It is the Department's tentative finding that since surrounding overburden materials have limited toxic materials, that the new data for the C-20900 mine area do not indicate unusual problems. It is also the Department's tentative finding that the site-specific soils data confirm that adequate soils exist in the area to facilitate reclamation and that they will be properly removed, the A and B horizons segregated, and reapplied.

The purpose of this notice is to inform the public that the Regional Director, Region V, Office of Surface Mining, has recommended, based on staff and other reviews: Including

those of the Colordao Mined Land Reclamation Division, the Bureau of Land Management, and the Geological Survey; approval with stipulations. Any person having an interest which is or may be adversely affected, may, in writing, request a public meeting to discuss their views regarding this mining and reclamation plan.

DATES: All requests for public meetings must be made within 20 days from the date of publication of this notice. No decision on the mine plan will be made by the Assistant Secretary, Energy and Minerals, prior to the expiration of the 20-day period or prior to the approval of the sooils and overburden data and development of any appropriate stipulations on the operations necessary if the analysis are considered to require additional stipulations.

ADDRESSES: The stipulations are available for review in the Region V Office of Surface Mining upon request. Requests for public meetings must include the name and address of the requestor and must be submitted to the Regional Director, Region V, Office of Surface Mining, Room 217, 1823 Stout Street, Denver, Colo. 80202.

FOR FURTHER INFORMATION CONTACT:

John Hardaway, Office of Surface Mining Reclamation and Enforcement, Region V, 1823 Stout Street, Denver, Colo. 80202.

PAUL L. REEVES,
Acting Director, Office of Surface Mining, Reclamation and Enforcement.

[FR Doc. 78-31954 Filed 11-9-78; 8:45 am]

[4310-70-M]

National Park Service

CRAFTS OF NINE STATES, INC.

Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Crafts of Nine States, Inc., authorizing it to continue to provide concession facilities and services for the public within the Blue Ridge Parkway for a period of five (5) years from January 1, 1979, through December 31, 1983.

An analysis of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environment Policy Act of 1969. The environmental analysis may be reviewed in the Regional Office, 1895 Phoenix Boulevard, Atlanta, Ga. 30349.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1978, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Crafts of Nine States, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of Crafts of Nine States, Inc., is subtantially equal to others received. In the event a responsive proposal superior to that of Crafts of Nine States, Inc., (as determined by the Secretary) is submitted, Crafts of Nine States, Inc., will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Crafts of Nine States, Inc. The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be submitted within thirty (30) days after the publication date of this notice to be considered and evaluated.

Interested parties should contact the Chief, Division of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: November 1, 1978.

DANIEL J. TOBIN, Jr.,
Associate Director, National Park Service.

[FR Doc. 78-31791 Filed 11-9-78; 8:45 am]

[7020-02-M]

INTERNATIONAL TRADE COMMISSION

[AA1921-Inq.-23]

TITANIUM DIOXIDE FROM BELGIUM, FRANCE, THE UNITED KINGDOM, AND THE FEDERAL REPUBLIC OF GERMANY

Inquiry and Hearing

The U.S. International Trade Commission (Commission) received advice from the Department of the Treasury (Treasury) on October 30, 1978, that during the course of determining, in accordance with section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)), whether to institute an investigation with respect to titanium dioxide from Belgium, France, the United Kingdom, and the Federal Republic of Germany, Treasury has concluded from the information available to it that there is substantial doubt that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of this merchandise into the United States. Therefore, the Commission on November 6, 1978, instituted inquiry No. AA1921-Inq.-23, under section 201(c)(2) of the act, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Treasury advised the Commission as follows—

Dear Mr. Chairman: In accordance with section 201(c) of the Antidumping Act of 1921, as amended, an antidumping investigation is being initiated with respect to titanium dioxide from Belgium, France, the United Kingdom, and the Federal Republic of Germany. Pursuant to section 201(c)(2) of the act, you are hereby advised that the information developed during our preliminary investigation has led me to the conclusion that there is a substantial doubt that an industry in the United States is being, or is likely to be, injured by reason of the importation of this merchandise into the United States.

The bases for my determination are summarized in the attached copy of the Antidumping Proceeding Notice in this case. Additional information will be provided by the U.S. Customs Service.

Some of the information involved in this case is regarded by Treasury to be of a confidential nature. It is therefore requested that the Commission consider all the information provided for its investigation to be for the official use of the ITC only and not to be disclosed to others without prior clearance from the Treasury Department.

Sincerely,

ROBERT H. MUNDHEIM.

Hearing.—A public hearing in connection with the inquiry will be held at 11 a.m. on Wednesday, November 15, 1978, in the Hearing Room, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received in writing in the office of the Secretary to the Commission not later than noon Tuesday, November 7, 1978.

Written statements.—Interested parties may submit statements in writing in lieu of, or in addition to, appearance at the public hearing. A signed original and nineteen true copies of such statements should be submitted. To be assured of their being given due consideration by the Commission, such

statements should be received no later than Wednesday, November 13, 1978.

By order of the Commission.

Issued: November 7, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-31871 Filed 11-9-78; 8:45 am]

[4510-29-M]
[4830-01-M]

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

Internal Revenue Service

DEPARTMENT OF THE TREASURY

(Prohibited Transaction Exemption 78-17)

ENGINEERS JOINT PENSION FUND, LOCAL UNIONS 17, 106, 410, 463, 545, AND 832 OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS

Grant of Individual Exemption

AGENCIES: Department of Labor, Department of the Treasury/Internal Revenue Service.

ACTION: Grant of individual exemption.

SUMMARY: This exemption enables the Engineers Joint Pension Fund, Local Unions 17, 106, 410, 463, 545, and 832 of the International Union of Operating Engineers (the Plan) to purchase a parcel of improved real property from the 4325 South Salina Street Corp., (the Corporation).

FOR FURTHER INFORMATION CONTACT:

Jay S. Neuman of the Plan Benefits Security Division, Office of the Solicitor, Department of Labor, 202-523-6855 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: On July 14, 1978, notice was published in the FEDERAL REGISTER (43 FR 30371) of the pendency before the Internal Revenue Service and the Department of Labor (the Agencies) of an exemption from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) of the Code, and from the provisions of section 406(a) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act), for a transaction described in an application submitted by the Plan. The notice set forth a summary of the facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The applications has been available for public inspection at the Agencies, in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department of Labor (the Department). In addition, the notice stated that any interested person might submit a written request that a hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption 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 with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which 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, nor does the fact that the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406 (b)(1) and (b)(3) of the Act and section 4975(c)(1) (E) and (F) of the Code.

(3) This exemption is 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 or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) This document does not meet the criteria for significant regulations set forth in paragraph 8 of the proposed Treasury directive appearing in the FEDERAL REGISTER for Wednesday, May 24, 1978 (43 FR 22319).

EXEMPTION

In accordance with section 4975(c)(2) of the Code and section 408(a) of the Act and the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722, and ERISA Proc. 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Agencies make the following determinations: (a) The exemption is administratively feasible; (b) it is in the interests of the Plan and of its participants and beneficiaries; and (c) it is protective of the rights of participants and beneficiaries of the Plan.

Accordingly, the following exemption is hereby granted under the authority of section 4975(c)(2) of the Code and section 408(a) of the Act and in accordance with the procedures set forth in Rev. Proc. 75-26 and ERISA Proc. 75-1.

The taxes imposed by section 4975 (a) and (b) of the Code by Reason of section 4975(c)(1)(A) of the Code and the restrictions of section 406(a) and 406 (b)(2) of the Act shall not appply to the purchase of the improved real property described in the application by the Plan from the Corporation for $402,000 in cash, provided that this amount is not more than the fair market value of such property.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 3d day of November 1978.

FRED J. OCHS,
Director, Employee Plans Division, Internal Revenue Service.

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

[FR Doc 78-31519 Filed 11-9-78; 8:45 am]

[4510-43-M]

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-78-35-M]

FRONTIER SPAR CORP.

Petition for Modification of Application of Mandatory Safety Standard

The Frontier Spar Corp., P.O. Box 235, Salem, Ky. 42078, has filed a petition to modify application of 30 CFR 57.11-55 (escapeways) to its Babb-Barnes Mine in Crittenden County, Ky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition is as follows:

(1) The present escapeway is equipped with 10-foot offset ladders with cleated walkways every 10 feet.

(2) The mine has a 3-year life expectancy. The cost of installing an emergency hoist facility for that period would be prohibitive.

(3) The petitioner states that the present escapeway provides no less safety to miners than the standard.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before December 13, 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: November 6, 1978.

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

[FR Doc. 78-31864 Filed 11-9-78; 8:45 am]

[4510-28-M]

Office of the Secretary

[TA-W-3679]

ANTONELLO FASHIONS, INC., PROSPECT PARK, N.J.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3679: 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' blazers at Antonello Fashions, Inc., Prospect Park, 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 Antonello Fashions, 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. 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 surveyed the principal manufacturers for which Antonello Fashions, Inc. worked in 1977 and 1978. None of the manufacturers who responded to the survey purchased imported ladies' blazers during the survey period. These same manufactuers had increasing sales during the period under investigation.

CONCLUSION

After careful review, I determine that all workers of Antonello Fashions, Inc., Prospect Park, 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 3d day of November 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-31836 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-3680]

ARJAN, INC., SUSSEX, N.J.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3680: 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 and ladies' winter coats at Arjan, Inc., Sussex, 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 determination was based upon information obtained principally from officials of Arjan, 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. 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 coats and jackets 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 declined from 590 thousand dozen in the first quarter of 1977 to 572 thousand dozen in the first quarter of 1978.

U.S. imports of women's, misses' and children's raincoats decreased from 261,000 dozen in 1976 to 242,000 dozen in 1977. The ratio of imports to domestic production decreased from 45.0 percent in 1976 to 40.3 percent in 1977. Imports increased from 84,000 dozen in the first quarter of 1977 to 129,000 dozen in the first quarter of 1978.

Subsequent to the earliest impact date which could be set under law, April 25, 1977, there were no significant layoffs until December 1977 when the layoffs typical to the firm and the industry occurred. Employment at Arjan increased in the first 5 months of 1978 compared with the same period of 1977.

CONCLUSION

After careful review, I determine that all workers of Arjan, Inc., Sussex, 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 6th day of November 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-31837 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-4024]

BEDFORD CLOAK & SUIT, BOSTON, MASS.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4024: 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 on behalf of workers and former workers producing women's clothing at the Bedford Cloak & Suit Co., Boston, Mass. The investigation revealed that the correct

name of the company is Bedford Cloak & Suit and the plant produces women's blazers.

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 Bedford Cloak & Suit, 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 has contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The U.S. Department of Labor contacted the two manufacturers Bedford has sewn for during the last 2 years in order to determine whether these firms reduced the amount of work given to Bedford and increased the utilization of imported sources. Both manufacturers responded that they do not purchase imported women's blazers. One of these manufacturers increased its volume with Bedford in 1977 compared to 1976 and in the first half of 1978 compared to like period in 1977. The other company also increased its volume with Bedford in 1977 compared to 1976 but decreased its volume with Bedford in the first half of 1978. This was attributed to increased reliance upon its own production facilities and other domestic contractors.

CONCLUSION

After careful review, I determine that all workers of Bedford Cloak & Suit, Boston, 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 3d day of November 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-31838 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-3272]

C. P. CLARE & CO., CHICAGO, ILL.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA—W—3272: 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 1, 1978, in response to a worker petition received on February 21, 1978, which was filed by the International Brotherhood Electrical Workers on behalf of workers and former workers producing electromechanical relays at the Chicago, Ill., plant of C. P. Clare & Co. The investigation revealed that the plant primarily produces mercury and reed capsules.

The Notice of Investigation was published in the FEDERAL REGISTER on March 14, 1978 (43 FR 10649). No public hearing was requested and none was held.

The determination was based upon informtion obtained principally from officials of C. P. Clare & Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each 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 or directmpetitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to absolute decline in sales or production.

Production of reed capsules at the Chicago, Ill., plant of C. P. Clare & Co. increased in 1977 compared to 1976 and increased in the first 3 months of 1978 compared to the same period of 1977.

Production of mercury capsules which constituted a nagligible proportion of plant production in 1976 declined from 1976 to 1977 as the result of a management decision to transfer production to another company facility in Fairview, N.C. Production of mercury capsules was terminated at the Chicago plant at the end of 1977.

CONCLUSION

After careful review, I determine that all workers of the Chicago, Ill., plant of C. P. Clare & 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 3d day of November 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-31839 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-4143]

CRICKET SPORTSWEAR, INC., BOSTON, MASS.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4143: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 14, 1978, in response to a worker petition received on September 13, 1978, which was filed on behalf of workers and former workers producing ladies' pants, skirts, and sportswear articles at Cricket Sportswear, Inc., Boston, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on September 26, 1978 (43 FR 43588). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Cricket Sportswear, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both of such firm or subdivision have decreased absolutely.

Cricket Sportswear began production in the first quarter of 1977. As a contractor, Cricket Sportswear's sales and production are equal. Sales at Cricket Sportswear increased in value in the March-August period of 1978 compared to the same period of 1977. Sales increased in value in each month of 1978 when compared to the same month in 1977.

CONCLUSION

After careful review, I determine that all workers of Cricket Sportswear, Inc., Boston, 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 3d day of November 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-31840 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-3277]

FREELAND SHIRT CO., FREELAND, PA.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3277: 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 1, 1978 in response to a worker petition received February 21, 1978 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of all workers and former workers producing men's and ladies' outerwear at the Freeland Shirt Co., Inc., Freeland, Pa. The investigation revealed that the company also manufactures women's sportswear.

The Notice of Investigation was published in the FEDERAL REGISTER on March 14, 1978 (43 FR 10649). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Freeland Shirt Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the 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 threats thereof, and to the absolute decline in sales or production.

The Department conducted a survey of some of the customers of Freeland Shirt Co. None of the respondents reported reduced purchases from the Freeland Shirt Co. and increased purchases of imports in 1977 compared to 1976.

CONCLUSION

After careful review I determine that all workers of Freeland Shirt Co., Freeland, Pa. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-31841 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-3332]

G & H MANUFACTURING CO., FREDERICKSBURG, VA.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3332: 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 9, 1978 in response to a worker petition received on February 21, 1978 which was filed by the Amalgamated Clothing and Textile Workers of America on behalf of workers and former workers producing men's tailored clothing at G & H Manufacturing Co., Fredericksburg, Va., owned by Grief & Co., Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on March 24, 1978 (43 FR 12401). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Grief & Co., Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

The production process is integrated among the five plants. Total company sales and production increased in every quarter from the first quarter of 1977 to the second quarter of 1978 compared to the same quarter of the previous year.

CONCLUSION

After careful review, I determine that all workers of G & H Manufacturing Co., Fredericksburg, Va. 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 3d day of November 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-31842 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-3329]

GREIF & CO., INC., BALTIMORE, MD.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3329: 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 9, 1978 in response to a worker petition received on February 21, 1978 which was filed by the Amalgamated Clothing and Textile Workers of America on behalf of workers and former workers producing men's tailored clothing at Greif & Co., Inc., Baltimore, Md.

The Notice of Investigation was published in the FEDERAL REGISTER on March 24, 1978 (43 FR 12401). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Greif & Co., Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

The production process is integrated among the five plants. Total company sales and production increased in

every quarter from the first quarter of 1977 to the second quarter of 1978 compared to the same quarter of the previous year.

CONCLUSION

After careful review, I determine that all workers of Greif & Co., 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 3d day of November 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-31843 Filed 11-9-78; 8:45 am]

[4516-28-M]

[TA-W-4130]

H. D. LEE CO., INC., STEVENSON, ALA.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the result TA-W-4130: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on August 31, 1978 in response to a worker petition received on August 28, 1978 which was filed on behalf of workers and former workers producing denim blue jeans and hunting jackets for men at the Stevenson, Ala., plant of the H. D. Lee Co. The investigation revealed that the plant primarily produces denim blue jeans.

The Notice of Investigation was published in the FEDERAL REGISTER on September 12, 1978 (43 FR 40576). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the H. D. Lee Co., Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Production of denim blue jeans at the Stevenson, Ala., plant of the H. D. Lee Co. increased in the January-September period of 1978 compared to the same period in 1977. During the last 9 months of 1977, production either increased each quarter over the previous quarter or showed no significant decrease. The plant does not make sales to retail customers, but ships production to distribution centers. Therefore sales approximate production. Sales of the H. D. Lee Co. overall increased in 1977 compared to 1976.

CONCLUSION

After careful review, I determine that all workers of the H. D. Lee Co., Inc., Stevenson, Ala. 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 3d day of November 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-31844 Filed 11-9-78; 8:45 am]

[4510-23-M]

[TA-W-3915]

HECLA MINING CO., WALLACE, IDAHO

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-3915: 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 27, 1978 in response to a worker petition received on June 23, 1978 which was filed on behalf of workers and former workers providing administrative and other support services for the Lakeshore Mine at the corporate headquarters of the Hecla Mining Co., Wallace, Idaho. The investigation was expanded to include employees engaged in research and development activities at the Wallace, Idaho office of Hecla Mining Co. and the Gem Medical Research Laboratory, Gem, Idaho, as well as employees at Hecla's outside exploration offices in Denver, Colo.; Reno, Nev.; and Casa Grande, Ariz.

The notice of investigation was published in the FEDERAL REGISTER on July 7, 1978 (43 FR 29364). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Hecla Mining Co., the U.S. Department of the Interior, 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 refined copper increased from 147 thousand short tons in 1975 to 384 thousand short tons in 1976 and to 391 thousand short tons in 1977. Imports increased to 150 thousand short tons in the first quarter of 1978 compared to 66 thousand short tons in the same quarter of 1977.

The imports to domestic production ratio for refined copper increased from 8.6 percent in 1975 to 21.0 percent in 1976, and then increased in 1977 to 22.2 percent.

Workers at Hecla Mining Co.'s corporate headquarters, field offices, and the Gem Medical Research Laboratory, the subjects of this investigation, were adversely affected by the closing of Hecla's Lakeshore Mine. The Hecla Mining Co.'s share of production at this mine accounted for a major portion of total company sales during 1976 to 1977. In addition, the Lakeshore Mine accounted for a substantial share of all general and administrative service costs incurred by the Wallace office and charged to the Company's individual mining operations. Production ceased at the Lakeshore Mine on September 15, 1977. Workers separated from employment at the Mine were certified as eligible to apply for trade adjustment assistance (TA-W-2484) in a determination by the Department of Labor on January 10, 1978, which stated that increases of U.S. imports of refined copper had contributed importantly to the separation of workers and to the decline in sales and production at the Lakeshore Mine of the Hecla Mining Co.

Layoffs of salaried workers at the corporate office of the Hecla Mining Co. in Wallace, Idaho began in September 1977 following the closing of the Lakeshore facility. Layoffs of hourly workers at the corporate office began during June and July 1978 as a result of the Company's continued financial difficulties and its decision on June 2, 1978 to place the Lakeshore Mine on a custodial basis. Workers employed by Hecla at the Gem, Idaho Medical Research Laboratory and at the Denver, Colo.; Reno, Nev.; and Casa Grande, Ariz. field offices were laid off for the first time following Hecla's June 2, 1978 decision regarding the Lakeshore Mine.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with re-

fined copper produced at the Lakeshore Mine of the Hecla Mining Co. contributed importantly to the total or partial separation of all workers, except those in the safety and training departments, at the Company's corporate headquarters in Wallace, Idaho, to the total or partial separation of hourly workers employed by Hecla at the Gem, Idaho Medical Research Laboratory, and to the total or partial separation of salaried workers at Hecla's Reno, Nev.; Denver, Colo.; and Casa Grande, Ariz. field offices. In accordance with the provisions of the Act, I make the following certifications:

All salaried workers at the corporate headquarters of the Hecla Mining Co., Wallace, Idaho, except those in the safety and training departments, who became totally or partially separated from employment on or after September 3, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All hourly workers employed by the Hecla Mining Co. at the corporate headquarters in Wallace, Idaho and at the Gem Medical Research Laboratory, Gem, Idaho who became totally or partially separated from employment on or after May 20, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All salaried workers at the Reno, Nev.; Denver, Colo.; and Casa Grande, Ariz. field offices of the Hecla Mining Co. who became totally or partially separated from employment on or after May 20, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 3d day of November 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-31845 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-3792]

HERCULES TROUSER CO., FORDYCE, ARK.

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-3792: investigation regarding certification of elegibility 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 25, 1978 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's dress pants at the Fordyce, Ark. plant of the Hercules Trouser Co.

The Notice of Investigation was published in the FEDERAL REGISTER on June 25, 1978 (43 FR 26497). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Hercules Trouser 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. The investigation has revealed that all of the requirements have been met.

Imports of men's and boys' dress and sport trousers and shorts increased, in absolute terms, from 1975 to 1976, increased from 1976 to 1977 and increased in the first 6 months of 1978 compared to the first 6 months of 1977.

The Department's survey of customers of Hercules which decreased their purchases of men's dress pants and suits (pant sales are not separately identifiable) from 1976 to 1977 revealed that many customers had increased their purchases of imported men's dress pants during the same period of time.

Pant production and average employment at the Fordyce plant decreased in the second quarter of 1978 compared to the second quarter of 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 men's dress pants produced at the Fordyce, Arkansas plant of the Hercules Trouser Company 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 at the Fordyce, Ark. plant of the Hercules Trouser Co. who became totally or partially separated from employment on or after June 25, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 78-31846 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-3789, 3790, 3791]

HERCULES TROUSER CO., HILLSBORO, OHIO, MANCHESTER, OHIO, WELLSTON, OHIO

Notice of 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-3789, 3790, 3791: investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigations were initiated on May 31, 1978 in response to worker petitions received on May 25, 1978 which were filed by the Amalagated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's dress pants at three Hercules Trouser Co. plants: Hillsboro, Ohio (TA-W-3789); Manchester, Ohio (TA-W-3790); and Wellston, Ohio (TA-W-3791).

Notices of Investigation were published in the FEDERAL REGISTER on June 20, 1978 (43 FR 26497). No public hearing was requested and none was held.

The determinations were based upon information obtained principally from officials of the Hercules Trouser Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

With respect to workers producing men's dress pants at the Manchester, Ohio plant and the Wellston, Ohio plant without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Plant production at the Manchester and Wellston, Ohio plants, respectively, increased in the first 6 months of 1978 compared to the first 6 months of 1977.

With respect to workers producing dress pants at the Hillsboro, Ohio plant, all the group eligibility requirements of section 222 of the Act have been met.

Imports of men's and boys' dress and sport trousers and shorts increased, in absolute terms, from 1975 to 1976, increased from 1976 to 1977 and increased in the first 6 months of 1978 compared to the first 6 months of 1977.

The Department's survey of customers of Hercules which decreased their purchases of men's dress pants and suits (pant sales are not separately identifiable) from 1976 to 1977 revealed that many customers had increased their purchases of imported men's dress pants during the same period of time.

Pant production and average employment at the Hillsboro plant decreased in the first 6 months of 1978 compared to the first 6 months of 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 men's dress pants produced at the Hillsboro, Ohio plant of the Hercules Trouser Company 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 at the Hillsboro, Ohio plant of the Hercules Trouser Co. who became totally or partially separated from employment on or after June 25, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further determine that workers engaged in employment related to the production of men's dress pants at the Manchester, Ohio plant and Wellston, Ohio plant of the Hercules Trouser Co. are denied eligibility to apply for adjustment assistance.

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

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 78-31847 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-2901]

HILTON COAT & SUIT CO., BURLINGTON, 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-2901: 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 29, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's sportswear and outergarments at Hilton Coat and Suit Co., Burlington, N.J. The investigation revealed that the company produced women's slacks and skirts, blouses and vests and jackets.

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 determination was based upon information obtained principally from officials of Hilton Coat and Suit Co., 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. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's slacks and shorts increased from 1975 to 1976 and from 1976 to 1977. During the first quarter of 1978 imports increased compared to the first quarter of 1977.

U.S. imports of women's, misses' and children's blouses and shirts increased from 1975 to 1976 and from 1976 to 1977. During the first quarter of 1978 imports increased compared to the first quarter of 1977.

U.S. imports of women's, misses' and children's skirts increased from 1975 to 1976 and then decreased from 1976 to 1977. During the first quarter of 1978 imports increased compared to the first quarter of 1977.

U.S. imports of women's, misses' and children's coats and jackets increased from 1975 to 1976 and increased from 1976 to 1977. During the first quarter of 1978 imports decreased compared to the first quarter of 1977.

A Departmental survey of Hilton Coat and Suit manufacturers revealed that one of the subject firm's manufacturers which accounted for a substantial percent of the subject firm's sales in 1976 reduced its purchases to zero in 1977.

This manufacturer contracted work with foreign sources and imported finished women's sportswear in 1976 and 1977. Moreover, this manufacturer increased its imports of finished women's sportswear during the first quarter of 1978 compared to any full year since 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's sportswear and outergarments produced at Hilton Coat and Suit Co., Burlington, N.J. 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 Hilton Coat and Suit Co., Burlington, N.J. who became totally or partially separated from employment on or after June 24, 1977 and before April 7, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-31848 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-3439]

LARGE POWER TRANSFORMER PLANT, MUNCIE, IND., OF THE WESTINGHOUSE ELECTRIC CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3439: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 28, 1978 in response to a worker petition received on March 15, 1978 which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers and former workers producing large power transformers and shunt reactors at the Large Power Transformer plant, Muncie, Ind. of the Westinghouse Electric Corp.

The notice of investigation was published in the FEDERAL REGISTER on April 11, 1978 (43 FR 15205). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Westinghouse Electric Corp., the U.S. International Trade Commission, U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. The investigation has revealed that without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or

threats thereof, and to the absolute decline in sales or production.

Imports of large power transformers (over 10,000 KVA) decreased in absolute terms, from 1975 to 1976 and increased 15.4 percent from 1976 to 1977. The ratio of imports to domestic shipments decreased from 5.3 percent in 1976 to 5.1 percent in 1977. The ratio of imports to domestic consumption remained constant at 5.5 percent from 1976 to 1977. Data for imports and domestic shipments represents power transformers shipped into the country or to the customer, respectively. Due to the length of production time (from three to twelve months per transformer) and transportation lags, the number of units shipped in a given year reflects, to a large extent, production performed during the previous year. Foreign and domestic production of large power transformers in 1977 and the first quarter of 1978 will be reflected in shipments of large power transformers in 1978 and 1979; data not currently available to the Department.

Westinghouse's Large Power Transformer plant fabricates large power transformers for the electrical generation industry. Business is procurred through competitive bid contracting.

Orders by U.S. electric power systems and industrial plants to foreign suppliers for large power transformers increased in 1976, 1977 and in the first quarter of 1978 compared to the same period the previous year. Nonetheless, orders to domestic suppliers increased consistently over the same period. In terms of MVA, foreign orders placed remained less than 3 percent of domestic orders placed over the three-year period, 1975 through the first quarter of 1978.

The legislative history of the Trade Act of 1974 provides that separations which would have occurred regardless of the level of imports, e.g., those resulting from domestic competition, seasonal, cyclical or technological factors were not intended to be covered by the program. Market conditions in the large power transformer industry have been generally depressed since 1973. Domestic demand for power transformers depends primarily on the maintenance and expansion programs of electric utility companies. Since 1973 there has been a decline in the long-term growth rate of electricity use in the U.S., caused partly by higher energy costs and partly by a decrease in new construction of residential and office buildings. In addition, the large number of equipment orders made when electricity use was high has created overcapacity in the utility industry since the 1974-1975 recession. In 1976 and 1977, therefore, electric utility companies reduced capital spending on new and replacement equipment, causing demand for power transformers to decline.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that all workers at the Large Power Transformer plant, Muncie, Ind., of the Westinghouse Electric 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 6th day of November 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-31849 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-3331]

LION MANUFACTURING CO., EVERETT, PA.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3331: 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 9, 1978 in response to a worker petition received on February 21, 1978 which was filed by the Amalgamated Clothing and Textile Workers of America on behalf of workers and former workers producing men's tailored clothing at Lion Manufacturing Co., Everett, Pa., owned by Greif & Co., Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on March 24, 1978 (43 FR 12401). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Greif & Co., Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

The production process is integrated among the five plants. Total company sales and production increased in every quarter from the first quarter of 1977 to the second quarter of 1978 compared to the same quarter of the previous year.

CONCLUSION

After careful review, I determine that all workers of Lion Manufacturing Co., Everett, Pa. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 3d day of November 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-31850 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-3234]

MAGNECRAFT ELECTRIC CO. (MAGNECRAFT OF RAPID CITY), RAPID CITY, S. DAK.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3234: 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 February 9, 1978, which was filed on behalf of workers and former workers producing mercury displacement relays at Magnecraft of Rapid City, Rapid City, S. Dak.

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 information upon which the determination was made was obtained principally from officials of Magnecraft Electric Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. With respect to workers producing mercury displacement relays, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or

threats thereof, and to the absolute decline in sales or production.

The Rapid City facility produced primarily mercury displacement relays, a type of electrical relay. The plant was shut down in September 1977 and all production was shifted to Magnecraft Electric Co.'s North Lynch Avenue plant in Chicago, Ill. Production of relays at the North Lynch Avenue plant in Chicago, Ill., increased 38 percent in 1977 compared to 1976. Eighty percent of the mercury displacement relays produced at Rapid City, S. Dak., were for export.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that all workers at the Rapid City, S. Dak., plant of Magnecraft of Rapid City, Magnecraft Electric 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 6th day of November 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-31851 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-3034]

MARATHON MANUFACTURING CORP., MANUFACTURING DIVISION, PHOENIX, ARIZ.; ROLLING MILL DIVISION, TEMPE, ARIZ.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3034: 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 6, 1978, in response to a worker petition received on January 10, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers producing reinforcing bars at the Phoenix plant of the Marathon Steel Corp., Phoenix, Ariz. The investigation revealed that the Phoenix, Ariz., plant houses the Manufacturing Division and primarily produces structural shapes and that the Tempe, Ariz., plant houses the Rolling Mill Division and primarily produces concrete reinforcing bars. The investigation was expanded to include both plants.

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 the Marathon Steel Corp., the United Steelworkers of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. With respect to workers producing structural shapes at the Manufacturing Division of the Marathon Steel Corp., Phoenix, Ariz., 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.

Both union and company officials stated that there were no significant layoffs of workers due to lack of work at the Manufacturing Division in 1977 or the first 6 months of 1978.

With respect to workers producing concrete reinforcing bars at the Rolling Mill Division of the Marathon Steel Corp., Tempe, Ariz., without regard to whether any of the other criteria have been met, the following criterion has not been met:

The sales or production, or both, of the firm or subdivision have been decreased absolutely.

Sales and production of concrete reinforcing bars at the Rolling Mill Division of the Marathon Steel Corp. increased in 1977 compared to 1976 and in the first 6 months of 1978 compared to the same period of 1977.

CONCLUSION

After careful review, I determine that all workers of the Manufacturing Division of the Marathon Steel Corp., Phoenix, Ariz., and the Rolling Mill Division of the Marathon Steel Corp., Tempe, Ariz., 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 6th day of November 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-31852 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-4112]

MARION DYERS, GAFFENY, S.C.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4112: 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 24, 1978, in response to a worker petition received on August 21, 1978, which was filed on behalf of workers and former workers producing dyed yarn at Marion Dyers, Gaffeny, S.C., a division of the Marion Manufacturing Co.

The Notice of Investigation was published in the FEDERAL REGISTER on September 5, 1978 (43 FR 39457). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Marion Dyers, its customers, the Marion Manufacturing Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each 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 abosiute decline in sales or production.

The Department conducted a survey of the principal customers who purchased dyed yarn from Marion Dyers in 1976 and 1977. Customers that accounted for a significant portion of sales in 1976 and 1977 did not purchase any imported yarn in 1976, 1977, or 1978. Only one customer purchased any imported yard during the period under investigation. This customer represented less than 1 percent of Marion Dyers sales in 1976 and 1977.

CONCLUSION

After careful review, I determine that all workers of Marion Dyers, Gaffeny, S.C., 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 3d day of November 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-31853 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W—3817]

McCARTHY SOLE & LEATHER CO., INC., BOSTON, MASS.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3817: 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 7, 1978, in response to a worker petition received on June 5, 1978, which was filed on behalf of workers and former workers producing rubber soles and heels and leather soles at McCarthy Sole and Leather Co., Inc., Boston, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on June 20, 1978 (43 FR 26499). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of McCarthy Sole and Leather Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. 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.

McCarthy Sole and Leather is engaged in the purchase and resale of crepe rubber sheets and the production of rubber soles and heels and leather soles. Customers who were surveyed who reduced purchases of rubber sheet or soles and heels did not increase purchases of imports of such products. The crepe rubber sheets, purchased form foreign sources, are sold to shoe manufacturing firms for use in the production of heels and soles. Sheet sales accounted for the majority of company sales in 1977 and in the first half of 1978.

Sales declines at McCarthy Sole and Leather in 1977 and in the first half of 1978 were primarily attributable to declines in sales of imported crepe rubber sheets. Since McCarthy Sole and Leather is primarily involved in the purchase for resale of imported crepe rubber sheets, increased import competition could have little influence on sales by the firm.

CONCLUSION

After careful review, I determine that all workers of McCarthy Sole and Leather Co., Inc., Boston, Mass., are denied eligibilty to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-31854 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-3333]

MIDDLEBURG MANUFACTURING CO., HANOVER, PA.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3333. 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 9, 1978, in response to a worker petition received on February 21, 1978, which was filed by the Amalagamated Clothing and Textile Workers of America on behalf of workers and former workers producing men's tailored clothing at Middleburg Manufacturing Co., Hanover, Pa., owned by Greif and Company, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on March 24, 1978 (43 FR 12401). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Greif and Company, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determinations and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

The production process is integrated among the five plants. Total company sales and production increased in every quarter from the first quarter of 1977 to the second quarter of 1978 compared to the same quarter of the previous year.

CONCLUSION

After careful review, I determine that all workers of Middleburg Manufacturing Co., Hanover, Pa., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 3d day of November 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-3155 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-3841]

NEW ENGLAND HIGH CARBON WIRE CORP., MILLBURY, 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-3841: 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 14, 1978, in response to a worker petition received on June 9, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers of the New England High Carbon Wire Corp., Millbury, Mass. The investigation revealed that these workers produce carbon and alloy steel wire products.

The Notice of Investigation was published in the FEDERAL REGISTER on June 27, 1978 (43 FR 27924). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the New England High Carbon Wire 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. It is concluded that all of the requirements have been met. U.S. imports of high carbon steel round wire increased from 1976 to 1977 and in the first half of 1978 compared to the first half of 1977. U.S. imports of alloy steel round wire increased from 1976 to 1977 and in the first half of 1978 compared to the first half of 1978.

A survey conducted by the Department revealed that customers who decreased purchases from the New England High Carbon Wire Corp. in the first half of 1978 compared with the same period in 1977 increased purchases of imported steel wire during the same period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with carbon and alloy steel wire products produced at New England High Carbon Wire Corp. 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 New England High Carbon Wire Corp., Millbury, Mass., who became totally or partially separated from employment on or after January 1, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of November 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-31856 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-2909]

NORSTAN INDUSTRIES, INC., NEW YORK, N.Y., AND ATLANTA, GA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2909: 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 27, 1977, which was filed on behalf of workers and former workers producing junior's and misses' sportswear at the New York, N.Y., and Atlanta, Ga., facilities of Norstan Industries, Inc. The investigation revealed that jeans, skirts, dresses, jackets, and blouses were 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 determination was based upon information obtained principally from officials of Norstan Industries, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

United States imports of women's misses', and children's slacks and shorts increased absolutely and relative to domestic production in 1977 and during the first quarter of 1978.

Imports of women's, misses', and children's blouses and shirts increased in 1977 and in the first quarter of 1978.

Imports of women's, misses', and children's coats and jackets increased absolutely and relative to domestic production in 1977, but decreased in the first quarter of 1977 compared to the same quarter of 1978.

Imports of women's, misses', and children's skirts decreased absolutely and relative to domestic production in 1977 but during the first quarter of 1978 increased compared to the same quarter of 1977.

United States imports of women's, misses', and children's dresses decreased absolutely and relative to domestic production in 1977 but during the first quarter of 1978 imports increased compared to the same quarter of 1977.

Norstan Industries began contracting with foreign contractors during the last quarter of 1977. The company plans for approximately 50 percent of total production to be produced by foreign contractors in 1978. The use of foreign contractors reduced Norstan Industries' sales and employment at both the New York, N.Y., and Atlanta, Ga., facilities.

A survey of Norstan Industries' customers revealed that customers increased purchases of imports in 1977 or 1978 while decreasing purchases of sportswear from the Norstan Industries.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the junior's and misses' sportswear produced at the New York, N.Y., and Atlanta, Ga., facilities of Norstan Industries, Inc., contributed importantly to the declines in sales and to the total or partial separations of workers of those plants. In accordance with the provisions of the act, I make the following certification:

All workers at the New York, N.Y., facility of Norstan Industries, Inc., who became totally or partially separated from employment on or after December 16, 1977, and all workers at the Atlanta, Ga., facility of Norstan Industries, Inc., who became totally or partially separated from employment on or after July 1, 1977, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 3rd day of November 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-31857 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-3795]

SHUTZER INDUSTRIES, INC., LAWRENCE, MASS.

Notice of Determinations Regarding Elgibility To Apply for Worker Adjustment Assistance; Correction

In FR Doc. 78-30458 appearing on page 50266 in the FEDERAL REGISTER of October 27, 1978, the second paragraph of the Conclusion should be corrected to read as follows:

All workers at Shutzer Industries, Inc., Lawrence, Mass., engaged in employment related to the production of leather coats by Shutzer Manufacturing Co., Inc., Lawrence, Mass., 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.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-31858 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-3810]

VAN HOUTEN COAT CO., 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-3810: 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 26, 1978 which was filed on behalf of workers and former workers producing women's coats at Van Houten Coat Co., Paterson, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on June 20, 1978 (43 FR 26498-99). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Van Houten Coat Co., its customers (manufacturers), the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's coats increased from 2,252,000 dozen units in 1976 to 2,723,000 dozen units in 1977. Imports decreased from 590,000 dozen units in the first 6 months of 1977 to 572,000 units in the first 6 months of 1978. The ration 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 the Van Houten Coat Co. worked in 1976 and 1977. Manufacturers that accounted for a majority of sales in 1975 reduced purchases from Van Houten Coat Co. and increased purchases of imported women's coats in 1976 compared to 1975. Manufacturers that accounted for a majority of sales in the first 6 months of 1976 reduced purchases from Van Houten Coat Co. and increased purchases of imported women's coats in the first 6 months of 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 women's coats produced at Van Houten Coat Co., Paterson, N.J., contributed importantly to the decline 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 the Van Houten Coat Co., Paterson, N.J., who became totally or partially separated from employment on or after May 23, 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 3d day of November 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-31859 Filed 11-9-78; 8:45 am]

[4510-28-M]

[TA-W-3330]

VERONA MANUFACTURING CO., VERONA, VA.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3330: 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 9, 1978, in response to a worker petition received on February 21, 1978, which was filed by the Amalgamented Clothing and Textile Workers of America on behalf of workers and former workers producing men's tailored clothing at Verona Manufacturing Co., Verona, Va., owned by Grief and Co., Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on March 24, 1978 (43 FR 12401). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Greif and Co., Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

The production process is integrated among the five plants. Total company sales and production increased in every quarter from the first quarter of 1977 to the second quarter of 1978 compared to the same quarter of the previous year.

CONCLUSION

After careful review, I determine that all workers of Verona Manufacturing Co., Verona, Va. 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 3rd day of November 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-31860 Filed 11-9-78; 8:45 am]

[4510-28-M]

CERTAIN FISHING TACKLE

On September 21, 1978, the International Trade Commission (ITC) determined that increased imports of "Artificial Baits and Flies" are a substantial cause of serious injury, or the threat thereof, to the domestic industry. The ITC further determined that increased imports of "Fishing Reels, Fishing Rods, and Snelled Fishhooks" are not a substantial cause of serious injury, or the threat thereof, to the respective domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (43 FR 44573).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The U.S. Department of Labor has concluded its report on "Certain Fishing Tackle." The report found as follows:

1. Since April 3, 1975, the effective date of the adjustment assistance program, the U.S. Department of Labor has received three petitions for certification of eligibility for adjustment assistance from workers engaged in the production of fishing tackle. The first and third petitions involved artificial baits and flies; the second both rods and reels. The Department certified all three cases. As of July 31, 1978, 313 workers employed in plants producing fishing tackle had received $286,289 in the form of trade readjustment allowances.

2. Employment of workers producing artificial baits and flies remained relatively unchanged in 1977 and increased slightly in the first four months of 1978. There may be some decline in employment in the coming

months due to the apparent weakening of demand and the relatively high level of inventories held by domestic producers. Most of the presently or potentially separated workers should be eligible to apply for trade adjustment assistance; seasonality of employment, however, may make some workers ineligible to actually receive benefits.

Employment of production workers producing fishing reels declined in 1977 and the first four months of 1978. However, employment is expected to remain relatively constant in the near future. Employment of workers producing fishing rods increased in 1977 but declined in the first four months of 1978. Employment is expected to become more stable in the coming months. Employment of workers producing snelled fishhooks is relatively small and is expected to decline further as imports continue to increase their share of the domestic market. Separated workers should be eligible to apply for trade adjustment assistance, although some workers in the fishing rods and snelled fishhooks industries may be ineligible to actually receive benefits due to the seasonality of employment.

3. Local unemployment rates and available vacancy data indicate reemployment prospects for separated workers in the artificial baits and flies, fishing reels, fishing rods, and snelled fishhooks industries appear to be at best fair.

4. An examination of the level of enrollment and the level of accrued expenditures relative to the planned levels for CETA sponsors indicates that while adequate funding and client openings existed for many of the CETA programs during fiscal year 1978, some programs may have had difficulty from either a funding and/or slot availability viewpoint in meeting the training needs of eligible workers in the fishing tackle industry.

A comparison of the worker characteristics in the fishing tackle industry and CETA client characteristics indicates there are significant differences in age and sex distribution. Therefore CETA training opportunities may be limited for displaced workers in the fishing tackle industry. For displaced workers not covered by CETA programs, however, the Department has the authority, within funding limitations, to purchase specific training programs.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, phone 202-523-7665.

Signed at Washington, D.C. this 2nd day of November 1978.

HOWARD D. SAMUEL,
Deputy Under Secretary
International Affairs.

[FR Doc. 78-31861 Filed 11-9-78; 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 27, 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 27, 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 2d day of November 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
Aspen Skiwear (workers)	Pueblo, Colo	Oct. 31, 1978	Oct. 27, 1978	TA-W-4,326	Ski jackets and T-shirts.
TRW, Inc., Dot Division (workers)	Cheshire, Conn	do	Oct. 8, 1978	TA-W-4,327	Button snaps, rivets, and burrs.
Victor Comptometer Corp., Worthington Golf Ball Plant (IAM & AW).	Elyria, Ohio	Oct. 27, 1978	Oct. 23, 1978	TA-W-4,328	Golf balls and solid balls.

[FR Doc. 78-31862 Filed 11-9-78; 8:45 am]

[4510-23-M]

NATIONAL ADVISORY COMMITTEE FOR WOMEN

MEETING

NOTE.—This document originally appeared in the FEDERAL REGISTER for Wednesday, November 8, 1978. It is reprinted in this issue at the request of the Department of Labor.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the National Advisory Committee for Women.

Date and time: November 20 and 21, 1978, 10 a.m. to 5 p.m. each day.

Place: Conference room N4437, Nov. 20, Conference room S4215, Nov. 21, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Purpose: This is a regular meeting of the Advisory Committee.

The Committee will meet with the President of the United States to discuss the Committee's response to the

Carter administration's status report on International Women's Year resolution prior to the meeting of the Committee. The agenda for the meeting will focus on the projected activities of the Committee's Action Work Groups.

The reason for not publishing this notice within the 15-day period prior to a meeting, as required by OMB Circular A63, revised, is due to the difficulty coordinating the date requested for a meeting with the President.

Dated: November 6, 1978.

ELLEN MCGOVERN,
Executive Director.

[FR Doc. 78-31701 Filed 11-9-78; 8:45 am]

[7510-01-M]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 78-57]

NASA ADVISORY COUNCIL, AERONAUTICS ADVISORY COMMITTEE, SUBCOMMITTEE ON AVIATION SAFETY REPORTING SYSTEM (ASRS)

Meeting

The above named subcommittee will meet November 29-30, 1978, at the NASA Ames Research Center, Moffett Field, CA, in the committee room of the administration building. The meeting will be open to the public on a first-come, first-served basis, up to the seating capacity of the room (about 25 persons). All visitors must report to the Ames Research Center receptionist in the administration building.

The subcommittee, which serves in an advisory capacity only, reviews ASRS operations and NASA actions taken in response to subcommittee recommendations. The subcommittee consists of 11 members, the chairman is John J. Winant.

For further information, contact Gene Lyman, 202-755-2380, Executive Secretary of the Subcommittee, NASA Headquarters, Washington, D.C. 20546.

NOVEMBER 29, 1978

8:30 a.m.—Chairman's opening remarks.
8:45 am.m—Executive secretary's report.
9 a.m.—Status report (administrative matters).
10 a.m.—Technical report (special studies).
1 p.m.—Evaluation planning (subcommittee formulation of ASRS evaluation plan).

NOVEMBER 30, 1978

8:30 a.m.—Continue evaluation planning discussion.
11:30 a.m.—Discussion and recommendation on future ASRS directions.
12 noon—Adjournment.

ARNOLD FRUTKIN,
Acting Associate Administrator for External Relations.

NOVEMBER 6, 1978.

[FR Doc. 78-31762 Filed 11-9-78; 8:45 am]

[7510-01-M]

[Notice 78-56]

NASA ADVISORY COUNCIL (NAC) SPACE SCIENCE ADVISORY COMMITTEE

Meeting

The NAC Space Science Advisory Committee (SSAC) will meet at the National Aeronautics and Space Administration headquarters on November 27-29, 1978. The meeting will be open to the public. The meeting will take place from 9 a.m. to 5:30 p.m. on November 27 and 28 and from 9 a.m. to 12:30 p.m. on November 29, 1978, in Room 5026 of Federal Office Building 6, 400 Maryland Avenue SW., Washington, D.C. 20546.

The NAC Space Science Advisory Committee consults with, and advises the Council as a whole and NASA on plans for work in progress on, and accomplishments of, NASA's Space Science programs. Topics under discussion at this meeting will include an update of NASA's Office of Space Science activities and an indepth review and discussion of the Office of Space Science's Spacelab program.

NOVEMBER 27, 1978

9 a.m.—Chairman's welcome and report.
9:30 a.m.—Associate Administrator's report, fiscal year 1979 budget, atmosphere program status.
10 a.m.—Grants/contracts.
10:30 a.m.—Recent advisory and study activities.
11:15 a.m.—Spacelab session—Program overview.
1:15 p.m.—Transition of PI-class instruments to facilities.
2:15 p.m.—Spacelab management approach.
3:15 p.m.—PI view of spacelab.
4:30 p.m.—Mission specialist/payload specialist

NOVEMBER 28, 1978

9 a.m.—Spacelab—space platform.
10 a.m.—User view of the space platform.
10:30 a.m.—PI/multiuser instruments program balance.
11:30 a.m.—Size of spacelab program.
1:30 p.m.—Subcommittee reports on peer review procedures and role of in-house scientists.
3 p.m.—Foreign collaborations—how should they be arranged?
3:30 p.m.—Writing period.

NOVEMBER 29, 1978

9 a.m.—Ad Hoc subgroups.
10:30 a.m.—Report on space telescope institute and relativity committee meetings.
11 a.m.—Report on IUE results.
12:30 p.m.—Adjourn.

For further information regarding this meeting, please contact Dr. Adrienne F. Timothy, Executive Secretary, telephone 202-755-3653, National Aeronautics and Space Administration, Washington, D.C. 20546.

ARNOLD W. FRUTKIN,
Acting Associate Administrator for External Relations.

NOVEMBER 6, 1978.

[FR Doc. 78-31761 Filed 11-9-78; 8:45 am]

[7555-01-M]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR APPLIED SCIENCE AND RESEARCH APPLICATIONS POLICY

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Applied Science and Research Applications Policy.
Date: November 29 and 30, 1978.
Place: 1800 G Street NW., Washington, D.C., Room 540.
Type of meeting: Open.
Contact person: Ms. Darleen F. Morano, executive secretary, Advisory Committee on Applied Science and Research Applications Policy, Room 537, National Science Foundation, Washington, D.C., 20550, telephone 202-632-7424.
Summary minutes: Committee Management Coordination Staff, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.
Purpose of advisory meeting: To provide recommendations concerning the status and plans of the NSF Applied Science and Research Applications Directorate.
Agenda: Will include:

November 29

9:00—Introductory remarks.
9:30—Structure of the ASRA Advisory Committee and its subcommittees.
11:00—Discussion of assignment to ad hoc task group 1; long-range planning and the impact of current economic projections on ASRA programs.
11:30—Discussion of assignment to ad hoc task group 2; the appropriate technology report to the Congress.
12:00—Discussion of assignment to ad hoc task group 3; innovation and programs for university/industry coupling.
12:30—Discussion of assignment to ad hoc task group 4; procedures for criteria for phase in and phase out of NSF support for projects and programs.
1:00—Lunch.
2:00—Meetings of new ad hoc task groups.
5:00—Adjourn.

November 30

9:00—Report from ad hoc TG 1.
10:00—Report from ad hoc TG 2.
11:00—Report from ad hoc TG 3.
12:00—Report from ad hoc TG 4.
1:00—Lunch.
2:00—Discussion and summary.

4:00—Adjourn.

M. REBECCA WINKLER,
Committee Management Coordinator.

NOVEMBER 7, 1978.

[FR Doc. 78-31819 Filed 11-9-78; 8:45 am]

[7555-01-M]

SUBCOMMITTEE FOR APPLIED SOCIAL AND BEHAVIORAL SCIENCES OF THE ADVISORY COMMITTEE FOR APPLIED SCIENCE AND RESEARCH APPLICATIONS POLICY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Applied Social and Behavioral Sciences of the Advisory Committee for Applied Science and Research Applications Policy.
Date and time: December 4 and 5, 1978—9 a.m. to 5 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. L. Vaughn Blankenship, Director, Division of Applied Research, Room 1126, National Science Foundation, Washington, D.C. 20550, telephone 202-634-6260.
Purpose of subcommittee: To provide advice and recommendations concerning support for applied research in the social and behavioral sciences.
Agenda: To review and evaluate proposals as part of the selection process for awards.
Reason for closng: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

NOVEMBER 7, 1978.

[FR Doc. 78-31821 Filed 11-9-78; 8:45 am]

[7555-01-M]

SCIENCE FOR CITIZENS PROGRAM

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Science for Citizens of the Advisory Committee on Science and Society.
Date, time and place: November 30, 9 a.m. to 5 p.m., Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Md. December 1, 9 a.m. to 5 p.m., 5225 Wisconsin Avenue NW., Washington, D.C., Room 651.
Contact person: Ms. Jean Albert, acting assistant program manager, Science for Citizens Program, Office of Science and Society, National Science Foundation, Washington, D.C. 20550, telephone 202-282-7770.
Type of meeting: Open.
Purpose of meeting: To provide advice and recommendations concerning the development of the Science for Citizens program.
Agenda: November 30—Joint meeting of the 1978 Planning Studies project directors and the SFC Advisory Subcommittee to discuss current projects and procedures for implementing public service science centers or networks in the future. December 1—Meeting of the subcommittee to discuss future directions and evaluation plans for the program.
Summary of minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, Washington, D.C. 20550.

M. REBECCA WINKLER,
Committee Management Coordinator.

NOVEMBER 7, 1978.

[FR Doc. 78-31820 Filed 11-9-78; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON FLUID DYNAMICS

Meeting

The ACRS Subcommittee on Fluid Dynamics will hold a meeting on Nov. 28, 29, and 30, 1978, at the Barrett Motor Hotel, 501 Post Street, San Francisco, Calif., to discuss and review the design basis and construction of the mark II Boiling Water Reactor (BWR) Containment System. The Mark II load definition, load acceptance criteria, and load combination methods will be discussed. Notice of this meeting was published September 21 and October 20, 1978 (43 FR 42826 and 49081, respectively).

In accordance with procedures outlined in the FEDERAL REGISTER, Oct. 4, 1978 (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time durihg the meeting for such statements.

The agenda for subject meeting shall be as follows:

Tuesday, Wednesday, and Thursday, November 28, 29, and 30, 1978—8:30 a.m. until the conclusion of business each day.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinons regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, the General Electric Co., the Mark II Owners Group, and their consultants, pertinent to the above topics. The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 553b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time alloted therefore can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Andrew L. Bates, telephone 202-634-3267, between 8:15 a.m. and 5 p.m., EST.

Dated: November 6, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-31900 Filed 11-9-78; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1541]

IOWA

Declaration of Disaster Loan Area

The following three counties and adjacent counties within the State of Iowa constitute a disaster area as a result of natural disasters as indicated:

County	Natural disaster(s)	Date(s)
Jasper	Tornado, high winds, hail, rain, and flooding	Sept. 16, 1978.
Marshall	do	Do.
Poweshiek	do	Do.

Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on May 3, 1979, and for economic injury until the close of business on August 3, 1979, at:

Small Business Administration, District Office, 210 Walnut Street, Des Moines, Iowa 50309.

Or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: November 3, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-31752 Filed 11-9-78; 8:45 am]

[8025-01-M]

[License No. 05/05-0099]

NORTH STAR VENTURES, INC.

Filing of an Application for Approval of a Conflict of Interest Transaction

Notice is hereby given that North Star Ventures, Inc. (North Star), Suite 2303, Northwestern Financial Center, 7900 Xerxes Avenue South, Minneapolis, Minn. 55431, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to § 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004(1978)) for an exemption from the provisions of the conflict of interest regulation.

The exemption, if granted, will permit North Star to provide a $200,000 financing to Rauenhorst, Bellows & Associates, Inc. (RBA), evidenced by 10½ percent convertible debentures.

Mr. Gerald A. Rauenhorst is a director in RBA and the president, director, and sole shareholder of North Star. In addition, Mrs. Robert Rauenhorst, sister-in-law of Mr. Gerald Rauenhorst, owns 18 percent of RBA's common stock.

Pursuant to paragraph (f) of the definition of "Associate of a Licensee" in § 107.3 of the regulations, RBA is considered to be an associate of North Star. As such, the transaction will require an exemption pursuant to § 107.1004(B)(1) of the regulations.

Notice is hereby given that any person may, no later than November 28, 1978, submit to the Small Business Administration, in writing, relevant comments on the proposed transaction. Any such communications should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Minneapolis and Olivia, Minn.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: November 6, 1978.

PETER F MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-31755 Filed 11-9-78; 8:45 am]

[8025-01-M]

[Declaration of Disaster Loan Area No. 1542]

OKLAHOMA

Declaration of Disaster Loan Area

The following 57 counties and adjacent counties within the State of Oklahoma constitute a disaster area as a result of natural disasters as indicated:

County	Natural disaster(s)	Date(s)
Atoka	Drought	Jan. 1 to Sept. 1, 1978.
Bryan	do	Do.
Carter	do	Do.
Choctaw	do	Do.
Coal	do	Do.
Comanche	do	Do.
Cotton	do	Do.
Garvin	do	Do.
Greer	do	Do.
Harmon	do	Do.
Haskell	do	Do.
Jackson	do	Do.
Jefferson	do	Do.
Johnston	do	Do.
Kiowa	do	Do.
Latimer	do	Do.
LeFlore	do	Do.
Love	do	Do.
Marshall	do	Do.
McCurtain	do	Do.
Murray	do	Do.
Pittsburg	do	Do.
Pontotoc	do	Do.
Pushmataha	do	Do.
Sequoyah	do	Do.
Stephens	do	Do.
Tillman	do	Do.
Beaver	do	Jan. 1 to Sept. 15, 1978
Beckham	do	Do.
Blaine	do	Do.
Caddo	do	Do.
Canadian	do	Do.
Cimarron	do	Do.
Cleveland	do	Do.
Creek	do	Do.
Custer	do	Do.
Dewey	do	Do.
Ellis	do	Do.
Grady	do	Do.
Harper	do	Do.
Hughes	do	Do.
Lincoln	do	Do.
Logan	do	Do.
McClain	do	Do.
McIntosh	do	Do.

County	Natural disaster(s)	Date(s)
Muskogee	do	Do.
Okfuskee	do	Do.
Oklahoma	do	Do.
Okmulgee	do	Do.
Pottawatomie	do	Do.
Roger Mills	do	Do.
Seminole	do	Do.
Texas	do	Do.
Washita	do	Do.
Woods	do	Do.
Woodward	do	Do.
Kingfisher	do	Do.

Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on May 3, 1979, and for economic injury the close of business on August 3, 1979, at:

Small Business Administration, District Office, 200 Northwest 5th Street, Suite 670, Federal Building, Oklahoma City, Okla. 73102.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program No. 59002 and 59008.)

Dated: November 3, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-31753 Filed 11-9-78; 8:45 am]

[8025-01-M]

[License No. 10/13-0011]

SMALL BUSINESS INVESTMENT CO. OF AMERICA

Filing of Application for Transfer of Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (13 CFR 107.701 (1978)) for transfer of control of the Small Business Investment Co. of America (SBICA), 1910 Fairview East, Seattle, Wash. 98102, a Federal licensee under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.). The proposed transfer of control of SBICA, which was licensed November 16, 1961, is subject to the prior written approval of SBA.

Pursuant to an agreement dated June 30, 1978, between Mr. Harold T. Wosepka and all of the shareholders of SBICA, Mr. Wosepka has offered to purchase all of the outstanding capital stock of SBICA for $275,000 cash and all the shareholders of SBICA have accepted the offer.

Assuming consummation of the proposed transfer of control, the new management and sole stockholder of SBICA will be:

Harold T. Wosepka, President, director, and sole stockholder, 3209 Northeast 78th Street, Vancouver, Wash. 98665.

Sharon Grubb, secretary and director, 3209 Northeast 78th Street, Vancouver, Wash. 98665.

Richard A. Harrison, treasurer and director, 11215 Northeast 10th Avenue, Vancouver, Wash. 98665

In addition, SBICA's paid-in capital and paid-in surplus will be increased from $327,695 to $500,005 and its office will be relocated at 3211 Northeast 78th Street, Vancouver, Wash.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owner and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any person may, not later than November 28, 1978, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Seattle and Vancouver, Wash.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: November 6, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.78-31756 Filed 11-9-78; 8:45 am]

[8025-01-M]

[Application No. 04/04-5157]

TENNESSEE EQUITY CAPITAL CORP.

Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) has been filed by Tennessee Equity Capital Corp. (applicant) with the Small Business Administration pursuant to 13 CFR 107.102 (1978).

The officers and directors are as follows:

Richard Kantor, president and director, 5268 Laurie Lane, Memphis, Tenn. 38117.

Walter S. Cohen, secretary/treasurer and director, 403 W. Hillwood Drive, Nashville, Tenn. 37205.

The applicant will maintain its principal office at 711 Union Street, Nashville, Tenn. 37219. it will begin operations with private capital of $502,000 derived from the sale of 5,000 shares of common stock to a partnership composed of Richard Kantor and Walter S. Cohen.

The applicant will conduct its operations in the State of Tennessee.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Notice is hereby given that any person may, not later than November 28, 1978, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Nashville, Tenn.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: November 6, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-31757 Filed 11-9-78; 8:45 am]

[8025-01-M]

[Declaration of Disaster Loan Area No. 1540]

WASHINGTON

Declaration of Disaster Loan Area

Douglas County and adjacent counties within the State of Washington constitute a disaster area as a result of natural disasters as indicated:

County	Natural disaster(s)	Date(s)
Douglas	Drought	Jan. 1, 1978 to Aug. 31, 1978.
Do	Excessive Rainfall	Aug. 10, 1978 to Oct. 3, 1978.

Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on May 3, 1979, and for economic injury until the close of business on August 3, 1979, at:

Small Business Administration, District Office, 915 Second Avenue, Federal Building, Room 1744, Seattle, Wash. 98174.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: November 3, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-31754 Filed 11-9-78; 8:45 am]

[4710-02-M]

DEPARTMENT OF STATE

Agency for International Development

[Redelegation of Authority No. 99.1.96]

PRINCIPAL AID OFFICERS, AFRICA

Redelegation of Authority Regarding Operational Program Grants

Pursuant to the authority delegated to me under redelegation of authority No. 99.1 (38 FR 12836), as amended, from the Assistant Administrator for Program and Management Services, I hereby redelegate to the principal AID officer at AID posts in Africa, authority to execute operational program grants (OPG's) as defined in appendix 7A, chapter 7, of AID Handbook 3, Project Assistance, on the following basis:

(1) Such OPG's shall not exceed $500,000 for the life of the project;
(2) Each OPG shall constitute assistance; and
(3) The post must be advised by AID/W, prior to signing the OPG, that Congress has been notified and funds have been allotted.

Until such time as they achieve the status of an AID mission, in addition to the above requirements, the following posts must obtain concurrence from the designated REDSO or USAID as indicated below:

a. Mauritania, Guinea-Bissau, and Cape Verde, Director, REDSO/WA.
b. Sudan, Somalia, Djibouti, Rwanda, and Burundi, Director, REDSO/EA.
c. Sierre Leone, Director, USAID/Monrovia.
d. Guinea and Gambia, Director, USAID/Dakar.
e. Togo and Benin, Director, REDSO/WA.
f. Central African Empire, Director, USAID/Cameroon.

Upon achieving the status of an AID mission, it will not be necessary for the principal AID officer at such above mentioned posts to obtain the concurrence of the REDSO or USAID indicated.

This authority shall be exercised in accordance with the procedures of chapter 4 of AID Handbook 13, Grants, and with other regulations, procedures, and policies promulgated within AID in effect at the time this authority is exercised.

The authority herein delegated may be exercised by duly authorized persons performing the functions of the principal AID officer in and acting capacity. The authority may not be further redelegated.

Actions within the scope of this redelegation taken by the officials designated herein on or after September 27, 1977, are hereby ratified and confirmed.

This redelegation of authority is effective immediately.

Dated: November 1, 1978.

HUGH L. DWELLEY,
Director, Office of Contract Management.

[FR Doc. 78-31813 Filed 11-9-78; 8:45 am]

[4710-07-M]

Office of the Secretary

[Public Notice No. CM-8/126]

SHIPPING COORDINATING COMMITTEE'S SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The panel on bulk cargoes of the Working Group on Subdivision and Stability—a component of the Shipping Coordinating Committee's Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting at 10 a.m. on Wednesday, December 13, 1978, at the Steamship Trade Association, 32 South Street, Baltimore, Maryland 21201.

The purpose of the meeting will be to prepare for the bulk cargoes items on the agenda of the twentieth session of the IMCO Subcommittee on Containers and Cargoes.

For further information, contact: Mr. Edward H. Middleton, U.S. Coast Guard (G-MM/82), Washington, D.C. 20590, telephone 202-426-2170; or Captain S. Fraser Sammis, National Cargo Bureau, Inc., Suite 2757, One World Trade Center, New York, N.Y. 10048, telephone 212-432-1280.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

NOVEMBER 1, 1978.

[FR Doc. 78-31825 Filed 11-9-78; 8:45 am]

[4910-62-M]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Notice No. 78]

SURFACE TRANSPORTATION ADMINISTRATION

Draft Proposal to Establish

AGENCY: Department of Transportation.

ACTION: Notice of Draft Proposal to establish a Surface Transportation Administration.

SUMMARY: The Department of Transportation has developed a Draft Proposal to establish a Surface Transportation Administration (STA) through consolidation of the Federal Highway Administration and the Urban Mass Transportation Administration and the Urban Mass Transportation Administration. The Department has initiated a consultative process, to solicit comments and suggestions from interested parties, before developing a formal proposal for submission to the President and Congress early in 1979. Public participation is invited.

ADDRESS: Copies of the Proposal can be obtained from, and comments should be submitted to, Mr. Joseph Leo, U.S. Department of Transportation, Office of the Secretary.

ATTENTION: STA Working Group, Room 10324, Nassif Building, Washington, D.C. 20590.

DATES: The Proposal will be released and the consultative process will begin on November 9, 1978. The consultative process will end on, and all comments should be received by December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph Leo, 202-426-4494.

Issued in Washington, D.C., on November 8, 1978.

RAYMOND J. SANDER,
Director of Management Planning.

[FR Doc. 78-31943 Filed 11-9-78; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Notice No. 739]

ASSIGNMENT OF HEARINGS

NOVEMBER 7, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be pub-

lished 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.

Correction

MC 2890 (Sub-54F), AMERICAN BUSLINES, INC., now being assigned for hearing on January 15, 1979 (1 week), at El Centro, Calif., instead of Los Angeles, Calif. in a hearing room to be later designated.

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

[FR Doc. 78-31829 Filed 11-9-78 8:45 am]

[7035-01-M]

[Notice No. 740]

ASSIGNMENT OF HEARINGS

NOVEMBER 7, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction [1]

MC 143249 (Sub-2), MID EASTERN TRANSPORTATION, INC., common carrier application is assigned for hearing November 29, 1978, at Nashville, TN and will be held at Room 651 U.S. Court House, 801 Broadway.

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

[FR Doc. 78-31830 Filed 11-9-78; 8:45 am]

[7035-01-M]

[Notice 738]

ASSIGNMENT OF HEARINGS

NOVEMBER 7, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 123048 (Sub-395F), Diamond Transportation System, Inc., MC 114211 (Sub-367F), Warren Transport, Inc.,

MC 119641 (Sub-150F), Ringle Express, Inc., now being assigned for hearing on December 5, 1978, at the office of the Interstate Commerce Commission, Washington, D.C.

MC 144288F, Evans Reliable Messenger, Inc., now being assigned for hearing on February 7, 1979 (3 days), at New Haven, Conn. in a hearing room to be later designated.

MC 144225, Jadeel Trucking, Inc, now being assigned for hearing on February 12, 1979 (1 day), at Boston, Mass., in a hearing room to be later designated.

MC 113651 (Sub-269F), Indiana Refrigerator Lines, Inc., now being assigned for hearing on February 13, 1979, (2 days), at Boston, Mass. in a hearing room to be later designated.

MC 25869 (Sub-141F), Nolte Bros. Truck Line, Inc., now being assigned for hearing of November 29, 1978, (1 day) at Chicago, Ill. in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 139923 (Sub-42F), Miller Trucking Co., Inc., now being assigned for hearing on November 30, 1978, (2 days) at Chicago, Ill. in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 133689 (Sub-187F), Overland Express, Inc., now being assigned for prehearing conference on November 27, 1978, at Chicago, Ill, will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 139577 (Sub-12F), Adams Transit, Inc., now being assigned for hearing on November 29, 1978 (1 day), at Chicago, Ill. will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 102616 (Sub-948F), Coastal Tank Lines, Inc., now being assigned for hearing on December 4, 1978 (2 days), at Chicago, Ill. will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 36969, *Procter and Gamble Manufacturing* v. *Chicago and Northwestern Transportation Company*, now being assigned for hearing on December 6, 1978 (3 days), at Chicago, Ill., will be held in Room 417, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 119619 (Sub-127F), Distributors Service Co., a corporation, MC 140024 (Sub-119F), J. B. Montgomery, Inc., now being assigned for hearing on February 15, 1979 (2 days), at Boston, Mass. in a hearing room to be later designated.

MC 119991 (Sub-18), Young Transport, Inc., now assigned January 8, 1979, at Washington, D.C., at the offices of the Interstate Commerce Commission.

MC 119991 (Sub-22F), Young Transport, Inc., now assigned January 8, 1979, at Washington, D.C. at the Offices of the Interstate Commerce Commission.

MC 126822 (Sub-48F), Westport Trucking Co. now assigned January 8, 1979, at Washington, D.C. at the offices of the Interstate Commerce Commission.

MC 111231 (Sub-227), Jones Truck Lines, Inc., now assigned October 31, 1978, at Little Rock, Ark. is postponed indefinitely.

MC 2202 (Sub-551), Roadway Express, Inc., now assigned November 7, 1978, at Dallas, Tex. (3 days), is canceled and application dismissed.

MC 15859 (Sub-10F), The Hine Line now assigned January 8, 1979, at Washington, D.C. at the offices of the Interstate Commerce Commission.

MC 117883 (Sub-222), Subler Transfer, Inc., is assigned for continued hearing December 19, 1978, at Washington, D.C. at the offices of the Interstate Commerce Commission.

MC 134922 (Sub-249), B. J. McAdams, Inc., now assigned November 6, 1978 (1 day), at Dallas, Tex., is canceled and application dismissed.

MC 109533 (Sub-104F), Overnite Transportation now assigned November 13, 1978, is canceled and transferred to Modified Procedure.

MC 87103 (Sub-24F), Miller Transfer and Rigging Co., now assigned November 21, 1978, at Columbus, Ohio, is canceled and transferred to modified procedure.

MC 133233 (Sub-58F), Clarence L. Werner d.b.a. Werner Enterprises now assigned November 29, 1978, at Dallas, Tex. is canceled and transferred to modified procedure.

MC 142059 (Sub-30F), Cardinal Transport, Inc., now assigned December 5, 1978 at Chicago, Ill., is canceled and transferred to modified procedure.

MC-F-13378, Georgia Highway Express, Inc., purchase A. Earley & Associates, d.b.a. Mainline Transportation System, and MC 58923 (Sub-48), Georgia Highway Express, Inc., now assigned January 10, 1979, at Los Angeles, Calif., is canceled and transferred to modified procedure.

MC-C-10073, *88 Transit Lines, Inc.* v. *Fullington Auto Bus Company, Inc.*, now assigned December 5, 1978, at Pittsburgh, Pa., is canceled and transferred to Modified Procedure.

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

[FR Doc. 78-31831 Filed 11-9-78; 8:45 am]

[7035-01-M]

[Ex Parte No. 357]

Increased Freight Rates and Charges, Nationwide—8 Percent

Authority To File Master Tariff

Decided: November 6, 1978.

By petition and verified statements filed November 1, 1978, U.S. railroads, and certain water and motor carriers having joint rates with those railroads, seek authority to increase freight rates and charges generally by 8 percent within and between Eastern,

[1] This notice corrects title for No. MC 143249 (Sub-No. 2).

Southern, and Western Territories. Rate adjustments above and below the general level of 8 percent are proposed on a number of commodities, affecting about one-third of all freight revenue. These exceptions and holddowns are intended to result in a revenue yield 8.3 percent above present levels. A copy of the petition and verified statements may be obtained from Charles C. Rettberg, Jr., 527 American Railroads Building, 1920 "L" Street NW., Washington, D.C. 20036.

Petitioners seek permission to make the proposed increases effective December 15, 1978, subject to the condition that refunds shall be made in the event that, after any investigation that the Commission deems necessary, no increase or a lesser increase than that requested is authorized. Petitioners also seek entry of a decision modifying all outstanding Commission decisions to the extent necessary to enable the railroads to file and make effective the proposed increased rates and charges. We are also requested to allow the entry of appropriate decisions under former sections 4 and 6 of the Interstate Commerce Act. (49 U.S.C. § 10726 and 10761-65.)

The petitioners have filed and served 36 verified statements constituting their evidential case pursuant to the requirements set forth in ex parte No. 290, Procedures Governing Rail Carrier General Increase Proceedings, 49 CFR 1102, effective January 1, 1978. Petitioners have also submitted data of the type called for in ex parte No. 290 (Sub-No. 1), Procedures—Rail Car General Increase Proceedings, 349 ICC 22 (1974), namely detailed information on estimated revenues which would have been obtained had the last authorized increase been fully applied, and the actual total increase in revenues realized by application of the last authorized general increase.

The petitioners have given notice of the petition and have furnished data to the public in compliance with ex parte No. 286, Notice of Increases in Freight Rates and Passenger Fares, 349 ICC 741 (1975), and with section 5b of the Interstate Commerce Act.

The petitioners have also submitted information of the type called for in ex parte No. 55 (Sub-No. 4), Revised Guidelines for the Implementation of the National Environmental Policy Act of 1969, 352 ICC 451 and 49 CFR 1108, namely a supplemental evaluation of environmental considerations with regard to the petitioners' increased rate proposal. The petitioners contend that the requested increases will have no significant adverse effects upon the movement of the traffic or transportation of recyclable commodities by rail. Any person or persons believing that the requested increases, if authorized, would have a significant impact upon the quality of the human environment are invited to comment upon this matter in verified statements authorized to be filed pursuant to this decision. Environmental matters and the requirements of the National Environmental Policy Act of 1969 will be considered by this Commission in any subsequent action on the merits of the requested general increases.

The petitioners have not separately submitted information relating to energy efficiency and energy consumption as required by the Commission's regulations adopted in ex parte No. 55 (Sub-No. 22), Implementation of the Energy Policy and Conservation Act of 1975, 357 ICC 599 (1978), and codified at 49 CFR 1106. Section 1106.7(a) governs the reporting requirements for this proceeding. Petitioners are directed to submit the required information within 10 days of the service date of this decision.

The petitioners contend that the proposed increases do not violate the voluntary wage and price guidelines recently announced by President Carter. They have submitted a separate verified statement on this issue. We regard this as an important issue in this proceeding. Parties are invited to comment upon this matter in their verified statements, and we will consider it in our subsequent decision on the merits of the requested increases.

It is ordered:

1. All common carriers by railroad are made respondents to this proceeding.

2. Under the special permission authority granted in conjunction with this decision, the tariff schedules shall be published and filed upon not less than 30 days'[1] notice effective not earlier than December 15, 1978, nor later than February 1, 1979, *subject to protest and possible suspension.* These schedules are to contain an appropriate refund provision.

3. Any person opposing or wishing to comment on the proposed increase in rates and charges shall file and serve verified statements, as provided below, on or before November 28, 1978.[2]

(a) The verified statements shall contain all relevant evidence which the parties desire to have considered by the Commission as a basis for a decision on the merits. Any submission on asserted environmental and energy impacts shall be segregated under an appropriate subheading.

(b) Verified statements may include arguments in support of an affiant's position, but arguments shall be segregated in a separate section of the document containing the verified statement or contained in a separate document simultaneously filed and served.

(c) Each verified statement shall be signed in ink by affiant and verified (notarized) in the manner provided by rule 48 and form No. 6 of the Commission's rules of practice (see 49 1100.48 and app. B, form No. 6, to 49 CFR 1100). The post office address of affiant or his counsel shall be shown.

(d) Verified statements and arguments shall be filed and served as follows:

The original and 20 copies of each document for the use of the Commission shall be addressed to the Secretary, and sent to the office of proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, except that a lesser number of copies may be filed upon a showing of good cause. All documents filed with the Commission in this matter shall contain the following notation on the envelope: Ex Parte No. 357.

One copy shall be served upon the representative of the petitioning railroads, Charles C. Rettberg, Jr., 527 American Railroads Building, 1920 "L" Street NW., Washington, D.C. 20036, which service shall constitute service upon all respondents. However, all parties able to do so shall serve 20 copies upon the railroads' representative. In all cases, where service is made by mail, the document shall be mailed in time to be received by the respective due dates.

(e) Each verified statement shall contain a certificate of service stating that it has been timely served on opposing parties.

(f) Verified statements and arguments by persons opposed to the proposed increases in rates and charges shall include all matters which they desire the Commission to consider with respect to statutory suspension of the rates pending completion of the investigation, as well as evidence relevant to the ultimate decision.

4. On or before December 1, 1978, the respondents shall file with the Commission and serve upon opposing parties their replies to protests or other pleadings and rebuttal evidence. Rebuttal evidence shall be filed in accordance with the regulations published in 49 CFR 1102, governing opening statement, except that replies and rebuttal evidence need be served only upon the party (and his counsel if known) to whose evidence the reply or rebuttal is directed. However, replies or rebuttal statements proposing changes in the tariff shall be served on all parties. All such statements shall

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[1] In the event the tariff is not filed prior to November 20, 1978, the due date specified for the filing of protests and verified statements will be extended to a date 20 days prior to the effective date, and the reply date will be correspondingly extended.

[2] Section 10707(c) of the Interstate Commerce Act specifically requires the filing of verified complaints seeking suspension of proposed rate changes.

be furnished to interested parties upon request.

5. The Commission plans to act upon these proposed increases sufficiently in advance of their effective date to give parties proper notice.

6. The request for fourth-section relief will be considered following the filing of verified statements and replies.

By special permission order No. 79-400 served in conjunction with this decision, the Commission is authorizing the filing of tariff schedules increasing rates and charges sought in the petition. These tariff schedules are to become effective upon not less than 30 days' notice to the Commission and the general public, subject to protest and possible suspension as provided by the Interstate Commerce Act. All documents filed with the Commission in this matter shall contain the following notation on the envelope: Ex Parte No. 357.

SPECIAL PERMISSION NO. 79-400

It is ordered:

1. All United States railroads, and water and motor carriers to the extent they have joint rates with the railroads, and their tariff-publishing agents, are authorized to depart from the Commission's tariff publishing rules in tariff circular No. 20 (49 CFR 1300), when publishing and filing tariffs, and tariff amendments, to become effective upon not less than 30 days' notice to the Commission and the public but not earlier than December 15, 1978, nor later than February 1, 1979, providing for increased rates and charges as set forth in the petition.

(a) By publishing and filing a master tariff of increased rates and charges, and supplements to the master tariff, providing increases by means of conversion tables of rates and charges, which shall include, and maintain in effect, a refund provision reading as follows:

In the event any increases resulting from the application of this tariff exceed the increases subsequently approved or prescribed by the Interstate Commerce Commission, the carriers will refund the difference between the increases resulting from the application thereof and any increases which may subsequently be approved or prescribed by the Interstate Commerce Commission with——percent interest.[3]

In the event any increase resulting from the application of the tariff is disapproved by the Commission and no increase is authorized, the carriers will refund the full amount of the increase collected with——percent interest.[4]

The master tariff shall be conditioned to expire on a date not more than 1 year after the effective date, and all relief granted in this decision expires with that date, which may not be extended or canceled except upon specific authorization of this Commission. Respondents are placed on notice that they must comply with the regulations in 49 CFR 1300.32 governing the transfer of railroad general increases from master tariffs. The master tariff must initially contain all provisions necessary to permit application of every aspect of this proposal. Subsequently, provisions other than those of a general character may be cancelled and transferred to the particular tariff affected upon a common effective date with appropriate notation to that effect in the master tariff.

By publication and filing of a connecting link supplement to each tariff to be made subject to the master tariff, connecting such tariffs with the master. Such supplements may be blanket supplements (a common supplement issued to two or more tariffs).

(c) The master tariff and connecting link supplements issued and filed under this decision shall not provide for nonapplication on interstate traffic competitive with intrastate traffic between the same points unless the interstate rates and routes are specifically identified in the connecting link supplements.

(d) By publication and filing of tariffs or amendments to tariffs effective concurrently with the master tariffs and upon the same notice which provide specifically increased rates and charges but which do not result in an increase in charges for transportation and other services greater than those specified in the petition, provided all such publication is identified in the tariffs and made subject to a refund clause worded substantially as in paragraph 1(a) above.

(e) By publication of provisions in tariffs or amendments subjecting rates and charges to the provisions of the master tariff, subject to the restriction in (c) above.

2. Master tariff rules 5 and 7(a), governing the application of authorized general increases, shall be hereby revised as set forth in this paragraph.

Rule 5 is revised to read as follows:

Rates made by addition or deduction of arbitraries or differentials.

Where a through rate for line-haul transportation is made by the addition or deduction of an arbitrary and where:

(a) Both the rate and the arbitrary (or differential) are subject to this tariff, the addition or deduction of such arbitrary (or differential) shall be made before applying the provisions of this tariff;

(b) The rate is subject to this tariff but the arbitrary (or differential) is not subject to this tariff, the provisions of this tariff shall first be applied to the rate before the addition or deduction of such arbitrary; and

(c) The rate is not subject to this tariff but the arbitrary (or differential) is subject to this tariff, the provisions of this tariff shall first be applied to the arbitrary (or differential) before the addition or deduction of such arbitrary (or differential).

Arbitraries and differentials are amounts added to or deducted from some rate base, to make a through joint rate. This is the historic understanding of arbitraries or differentials. Historically, the arbitrary or differential has not had standing as an independent rate factor, and based on numerous Commission decisions, it is added to (or deducted from) the rate base before applying increases. The problem is that, in recent years, arbitraries in particular have been published in such a manner that they are actually treated as a separate rate factor. As a result, when the line-haul rate is subject to the master tariff and the arbitrary (or differential) is not (or vice versa), the total sum may be incorrectly increased to the same level as if both factors *had* been subject to the master tariff. The revised rule 5 removes this problem by returning to the historic, and correct, understanding of arbitraries and differentials.

Rule 7 shall be revised to read as follows:

Rates composed of two or more separately-stated rates.

(a) Subject to (b) through (c) of this rule, where:

(i) a through rate for line-haul transportation is composed of two or more rates; or where:

(ii) the applicable through rate is made by combining separately-stated rates (either in the absence of a single-factor through rate, or by tariff provisions for application of the aggregate of intermediate rates in lieu of a higher single-factor through rate):

the separately-stated rates shall first be totaled without reference to the increases or nonincreases provided in this tariff. The resulting sum shall then be increased (or not increased, as the case may be) as provided in this tariff, as if that sum were published as a single-factor through rate applying from origin to destination of the shipment.

Paragraph (f) of rule 7 shall also be revised to correspond with the above revision.

The problem with the present rule 7 is that a through rate composed of separately-stated rates, when its indi-

[3] The interest rate to be inserted in the refund provision shall be equal to the average yield (on the date such schedule is filed) of marketable securities of the United States which have a duration of 90 days. See sec. 10707(d) of the Interstate Commerce Act.

[4] See footnote 3.

vidual factors are increased prior to totaling their sum, is often subjected to a total increase much higher than would apply to a corresponding single-factor rate. In Increased freight rates, 1960, 313 ICC 471, the Commission held that such results would not only disrupt competitive rate relationships, but would be unreasonable. The revised rule 7 corrects this problem.

3. (a) The master tariff, as amended, and all other tariffs and amendments to tariffs, that employ the shortform methods authorized herein shall bear the notation: Form of publication authorized, ICC permission No. 79-400.

(b) Tariffs or amendments to tariffs publishing specifically increased rates or charges hereunder shall bear a notation reading: Publication made in accordance with ICC permission No. 79-400.

4. Connecting-link supplements authorized here shall be exempted from the Commission's tariff-publishing rules governing the number of supplements and the volume of supplemental matter permissible.

5. The master tariff filed under this decision shall not be amended except to correct errors and to comply with findings and orders of the Commission, without specific authorization. The terms of rule 9(e) (40 CFR 1300.9(e) are not waived as to supplements to the master tariff.

6. Tariff publishing agents must furnish a copy of the master tariff to subscribers of all tariffs which are governed by the master tariff. This must be done not later than the date that copies are sent to the Commission. When there is more than one tariff of a subscriber governed by the master tariff, only one copy of the master tariff need be furnished to the subscriber unless additional copies are requested.

7. Outstanding decisions of the Commission are hereby modified only to the extent necessary to permit the filing of tariff publications containing the proposed increases, and all tariff publications filed shall be subject to protest and possible suspension and rejection. In that regard, we direct petitioners' attention to our admonitions in prior general increase proceedings concerning maintenance and preservation of existing port relationships. See, for example, Increased freight rates and charges, 1972, 341, ICC 288, 336, and increased freight rates, 1970 and 1971, 339 ICC 125, 188.

Notice of the filing of a railroad general increase petition will be given by sending a copy of this decision to each party to the ex parte No. 349 proceeding, to the Governor and public utility regulatory body of each State, the Environmental Protection Agency, the Special Assistant to the President for Consumer Affairs, and 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 for publication in the FEDERAL REGISTER.

By the Commission. Chairman O'Neal, Vice Chairman Christian, Commissioners Brown, Stafford, Gresham, and Clapp.

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

[FR Doc. 78-31828 Filed 11-9-78; 8:45 am]

[7035-01-M]

[Notice No. 204]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 25, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 5623 (Sub-42TA), filed September 14, 1978. Applicant: ARROW TRUCKING CO., P.O. Box 7280, Tulsa, OK 74105. Representative: J. G. Dail, Jr., P.O. Box 567, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and (2) *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Natrona County, WY, on the one hand, and, on the other, points in CO, ID, MT, NE, ND, SD, UT, and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately 27 statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies of which may be examined at the field office named below. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 Northwest Third, Oklahoma City, OK 73102.

MC 8771 (Sub-42TA), filed September 15, 1978. Applicant: SAW MILL SUPPLY, INC., 1018 Saw Mill River Road, Yonkers, NY 10710. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pollution control devices*, from the facilities of Van Huffel Tube, at Warren, OK, to Charlevoix, MI, and Sutherland, NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Van Huffel Tube Corp., Dietz Road, Warren, OH 44482. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 25798 (Sub-335TA), filed September 15, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell, P.O. Box 1186, Auburndale, FL 33823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* (except in bulk), from the facilities of M & M/Mars at Hackettstown, NJ, and Elizabethtown, PA, to New Orleans, LA, for 180 days. There is no environmental impact involved in this application. Applicant has also filed an underlying ETA seeking up to 90 days

of operating authority. Supporting shipper(s): M & M/Mars, High Street, Hackettstown, NJ. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest 53d Terrace, Miami, FL 33166.

MC 26396 (Sub-201TA), filed September 15, 1978. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from ports of entry on the international boundary line between the United States and Canada located in ID, MT, and ND, to points in the State of Utah, and from Livingston, MT, to points in CO, MN, NE, NM, ND, SD, UT, and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sturdi Bilt Homes, Inc., P.O. Box 1179, Livingston, MT 59047. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 59117 (Sub-59TA), filed September 15, 1978. Applicant: ELLIOTT TRUCK LINE, INC., P.O. Box 1, Vinita, OK 74301. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk fertilizer and fertilizer materials*, from Atlas, MO, to AR, KS, IA, IL, OK, NE, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): W. R. Grace & Co., Agricultural Chemicals Group, 100 North Main Building, Memphis, TN 38103. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 Northwest 3d, Oklahoma City, OK 73102.

MC 106401 (Sub-51TA), filed September 15, 1978. Applicant: JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Charlotte, NC 28206. Representative: Thomas G. Sloan, P.O. Box 31577, Charlotte, NC 28231. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities owned or utilized by J. H. Filbert, Inc., in Clayton, Cobb, De Kalb, Douglas, and Fulton Counties, GA, to points in KY, MD, NC, OH, SC, TN, VA, WV, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): J. H. Filbert, Inc., 3701 Southwestern Boulevard, Baltimore, MD 12229. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 108382 (Sub-29TA), filed September 25, 1978. Applicant: SHORT FREIGHT LINES, INC., P.O. Box 357, 459 South River Road, Bay City, MI 48707. Representative: Richard L. Poirer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, between Bay City, MI, on the one hand, and points in MI on the other hand, restricted to foreign traffic having a prior movement by rail or water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hickman, Williams and Co., 100 Renaissance Center, Suite 1875, Detroit, MI 48243.

MC 113828 (Sub-260TA), filed September 15, 1978. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, in tank vehicles, from Savannah, GA, to points in Florida and SC, for 180 days. Supporting shipper(s): American Cyanamid Co., Bound Brook, NJ 08805. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 114552 (Sub-179TA), filed September 15, 1978. Applicant: SENN TRUCKING CO., P.O. Box Drawer 220, Newberry, SC 29108. Representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from plantsite MacMillan Bloedel Building Materials at Ashtabula, OH, to AL, DE, FL, GA, KY, MD, NJ, NY, NC, PA, SC, TN, VA, WV, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): MacMillan Bloedel Building Materials, 6540 Powers Ferry Road, Suite 200, Atlanta, GA 30339. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

MC 115162 (Sub-429TA), filed September 15, 1978. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate, P.O. Drawer 500, Evergreen, AL 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cross ties*, from Birmingham and Brierfield, AL, to points in Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Stringfellow Lumber Co., P.O. Box 1117, Birmingham, AL 35201. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 115654 (Sub-113 TA), filed September 15, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Fox De Luxe Pizza Co. at Joplin, MO, and the facilities of the Pillsbury Co., at or near Joplin and Carthage, MO, to points in AR, IL, IN, KY, LA and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Totino's Frozen Foods Division of The Pillsbury Co., 7350 Commerce Lane, Fridley, MN 55432. Send protests to: Joe Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 115654 (Sub-114 TA), filed September 15, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Infant formula, pharmaceutical products, and related plastic and rubber articles, moving in mechanically refrigerated equipment*, from Columbus and Cincinnati, OH, and Nashville and Memphis, TN, to points in KY (including Louisville and its commercial zone), Evansville, IN, and its commercial zone, and points in TN, restricted to traffic originating at the facilities utilized by Ross Laboratories at the above origins, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ross Laboratories, 625 Cleveland Avenue, Columbus, OH 43216. Send protests to: District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-

422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 116254 (Sub-214 TA), filed September 15, 1978. Applicant: CHEMHAULERS, INC., P.O. Box 339, Florence, AL 35630. Representative: Randy C. Luffman, P.O. Box 339, Florence, AL 35630. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, from Pascagoula, MS, to points in AL, FL and GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Thompson-Hayward Chemical Co., 5200 Speaker Road, Kansas City, KS 66106. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 117119 (Sub-703TA), filed September 15, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean, P.O. Box 188, Elm Springs, AR 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and rubber housewares; lawn and garden accessories; and display racks*, from the facilities of Rubbermaid, Inc., at Wooster, OH, to points in AZ, CA, CO, ID, MT, NV, OR, UT and WA, for 180 days. Supporting shipper(s): Rubbermaid Inc., 1147 Akron Road, Wooster, OH 44691. Send protests to: Willism H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 117507 (Sub-14TA), filed September 15, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid argon, liquid nitrogen, liuid oxygen, in specially designed trailers*, furnished by the shipper, from East Chicago, IN, to points in KY, MI and OH, and from Ashtabula and Lorain, OH, to points in IN, KY and MI, under a continuing contract or contracts with Union Carbide Corp., for 180 days of operating authority. Supporting shipper(s): Union Carbide Corp., 270 Park Avenue, New York, NY 10017. Send protests to: T. M. Esposito Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 118142 (Sub-186TA), filed September 29, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, KS 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen boxed beef*, from facilities of Del Pero Mondon Meat Co. at or near Marysville, CA, to Phoenix, AZ; Albuquerque, NM, and Wichita, KS, restricted to traffic originating at the point of origin and destined the named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Del Pero Mondon Meat Co., 1109 Chestnut, Marysville, CA 95901. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

MC 118202 (Sub-92TA), filed September 15, 1978. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Robert S. Lee, 100 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Green Bay and Portage, WI, to Lubbock, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Topco Associates, Inc., 77711 Gross Point Road, Skokie, IL 60077. Send protests to: Delores A. Poe Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 118779 (Sub-11TA), filed September 15, 1978. Applicant: PENNSYLVANIA TRUCK LINES, INC., 49th Street and Parkside Avenue, P.O. Box 8116, Philadelphia, PA 19101. Representative: S. Berne Smith, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Diesel locomotive engines and component parts*, between Cleveland, OH, and Jacksonville, FL, under a continuing contract or contracts, with Consolidated Rail Corp., Philadelphia, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Consolidated Rail Corp., 1528 Walnut Street, Philadelphia, PA 19102. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 121664 (Sub-39TA), filed September 15, 1978. Applicant: HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Drewery Road, Monroeville, AL 36460. Representative: W. E. Grant, 1702 1st Avenue South, Birmingham, AL 35233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Maplesville, AL, and Centerville, AL, to points in GA, TN, KY, IL, IN, OH, and MI, for 180 days. Supporting shipper(s): Southern Forest Products, Division of Hammermill Paper Co., 417 Medical Center Parkway, Selma, AL 36701. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 125506 (Sub-29TA), filed September 15, 1978. Applicant: JOSEPH ELETTO TRANSFER, INC., 33 West Hawthorne Avenue, Valley Stream, NY 11580. Representative: Bruce J. Robbins, Robbins & Newman, 118-21 Queens Boulevard, Forest Hills, NY 11375. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail specialty shops dealing primarily in wearing apparel, and store furniture, fixtures and advertising and display materials, between the facilities of Saks Fifth Avenue of New York, NY, on the one hand, and, on the other, the facilities of Saks Fifth Avenue located at Cleveland, OH, under a continuing contract or contracts, with Saks Fifth Avenue, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Saks Fifth Avenue, 555 Tuckahoe Road, Yonkers, NY 10710. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 126305 (Sub-97TA), filed September 15, 1978. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Surplus iron and steel articles and used equipment and machinery*, between Birmingham, AL, on the one hand, and, on the other, points in the United States (except AK and HI), for 180 days. Supporting shipper(s): Red Stewart Supply Co., 2821 29th Avenue North, Birmingham, AL 35207. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 126736 (Sub-107TA), filed September 15, 1978. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, FL 32201. Representative: L.

H. Blow, P.O. Box 1559, Jacksonville, FL 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from Jacksonville, FL, to points in TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sun Petroleum Products, Co., 3101 Talleyrand Avenue, Jacksonville, FL. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 127030 (Sub-6TA), filed September 15, 1978. Applicant: MATTHEW J. DePALMA, INC., 1700 Orthodox Street, Philadelphia, PA 19124. Representative: Leonard W. Becker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Raw sugar*, in bulk, in dump vehicles, from Camden, NJ, to Yonkers, NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Philipp Brothers, 1221 Avenue of the Americas, New York, NY 10020. Send protests to: T. M. Esposito Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 134755 (Sub-157TA), filed September 29, 1978. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk), from the facilities of American Home Foods, Milton, Northumberland County, PA, to La Porte, IN, and Chicago, IL, and its commercial zone, and points in Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Home Foods, New York, NY. Send protests to: John V. Barry District Supervisor, Interstate Commerce Commission, Room 600, 911 Walnut Street, Kansas City, MO 64106.

MC 134781 (Sub-4TA), filed September 5, 1978. Applicant: FAST FREIGHT TRANSFER, INC., 1075 West 21st Street, Hialeah, FL 33013. Representative: J. B. Curasi, Suite 858, Barnett Bank Building, Tallahassee, FL 32301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by discount and variety stores, (except commodities in bulk and perishable commodities), between all points and places in the State of FL, restricted to shipments having a prior or subsequent movement by interstate rail or truck, under a continuing contract or contracts, with the K-Mart Corp., for 180 days. Supporting shipper(s): K-Mart Corp., 3100 West Big Beaver Road, Troy, MI 48084. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 134806 (Sub-52TA), filed September 29, 1978. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Brattleboro, VT 03501. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such materials* as are used in the manufacture of jet engines, from points in CA, to points in CT, under a continuing contract, or contracts, with Pratt & Whitney Aircraft Group, United Technologies Corp., for 180 days. Supporting shipper: Pratt & Whitney Aircraft Group, United Technologies Corp., 400 Main Street, East Hartford, CT 06108. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 87 State Street, Room 303, Montpelier, VT 05602.

MC 135797 (Sub-147TA), filed September 26, 1978. Applicant: J. B. HUNT TRANSPORT, INC., U.S. Hwy 71, P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant, P.O. Box 200, Lowell, AR 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used in the manufacture of sporting goods and recreational equipment, (except commodities in bulk), from points in MO, WI, PA, MI, OH, IL, NJ, TN, and TX, to the facilities of Gym-Dandy, Inc., located at Bossier City, LA, for 180 days. Supporting shipper: Gym-Dandy, Inc., P.O. Box 5637, Bossier City, LA 71111. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 136268 (Sub-14TA), filed September 15, 1978. Applicant: WHITEHEAD SPECIALTIES, INC., 1017 Third Avenue, Monroe, WI 53566. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, posts, and ties*, from Janesville, WI, to points in IL, IN, IA, MI, MN, MO, and OH, for 180 days. Supporting shipper: Quality Wood Treating Co., Inc., P.O. Box 367, Prairie du Chien, WI 53821. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 212 East Washington Avenue, Room 317, Madison, WI 53703.

MC 138567 (Sub-1TA), filed September 5, 1978. Applicant: R. L. PAQUETTE, INC., Box 162, R.F.D. No. 1, Middlebury, VT 05753. Representative: Roger Paquette, Jr., Dog Team Road, New Haven, VT 05472. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bristles*, (12' x 4" diameter hanks of synthetic fiber at 20 lbs each) between Middlebury, VT, on the one hand, and, on the other, Chicago, IL, under a continuing contract, or contracts, with Polymers, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Polymers, Inc., Route 116, Middlebury, VT 05753. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, VT 05602.

MC 139420 (Sub-43TA), filed September 5, 1978. Applicant: ART GREENBERG, d.b.a. GLACIAL TRANSPORT, P.O. Box 428, Grand Forks, ND 58201. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mustard and mustard products and blends and mixes thereof*, from Grand Forks, ND, to points in the United States, (except AK and HI); and (2) *materials and supplies* used in the manufacture of mustard and mustard products and blends and mixes thereof, from Baltimore, MD, St. Clair, MI, Hammond, IN, and Chicago, IL, to Grand Forks, ND, restricted to the transportation of traffic originating at or destined to the facilities of Baltimore Spice Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Baltimore Spice Co., P.O. Box 1354, Grand Forks, ND 58201. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268 Federal Building and U.S. Post Office, 657 Second Avenue North, Fargo, ND 58102.

MC 141138 (Sub-13TA), filed September 15, 1978. Applicant: STEVE SCHRANZ TRUCKING, INC., 350 Honeysuckle Lane, Belleville, IL 62221. Representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Cottonseed meal*, in bulk, in auger unloading vehicles, from points in AR and MS, to Princeton, IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Leo N. Brown, coordinator, Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188. Send protest to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 141921 (Sub-21TA), filed September 15, 1978. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, NH 03103. Representative: John A. Sykas, 143 Frontage Road, Manchester, NH 03108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., at or near Pittsburgh, PA, to points in CT, ME, MA, NH, RI, and VT, and that part of NY on and north of NY Hwy 17 and east of NY Hwy 30, for 180 days. Supporting shipper(s): Heinz U.S.A., Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. (Attention: Joseph H. Janeda, coordinator, district planning) Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3, Loudon Road, Concord, NH 03301.

MC 141931 (Sub-3TA), filed September 15, 1978. Applicant: A. L. COWELL TRUCKING, INC., Route 3, Morrilton, AR 72110. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, shavings, sawdust and other dry wood residual products*, from the facilities of B. G. Wilson Lumber Co. at or near Hot Springs, AR, to Kansas City, MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): B. G. Wilson Lumber Co., Route 6, Box 515, Hot Springs, AR 71901. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 142207 (Sub-22TA), filed September 15, 1978. Applicant: BRANNAN SYSTEMS, INC., 18950 Chef Menteur Hwy 7, P.O. Box 29487, New Orleans, LA 70189. Representative: Mr. Richard N. Tettelbaum, Serby & Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber and wood products, and building materials*, (except commodities in bulk), from Galveston, TX, and its commercial zone, to points in AR, LA, MN, MS, MO, NE, OK, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): R. W. Smity & Co., Inc., 1017 U.S. National Bank Building, Galveston, TX 77550. Send protests to: Connie A. Guillory, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

MC 142629 (Sub-1TA), filed September 15, 1978. Applicant: ED HOPSON PRODUCE CO., INC., 211 Meadow Avenue, Oxford, AL 36201. Representative: Ronald L. Stichweh, 727 Frank Nelson Building, Birmingham, AL 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpets, carpeting, and any materials and supplies used in carpet manufacturing*, from the facilities of Venture Carpets at or near Calhoun, GA, and Pawhuska, OK, to Pawhuska, OK, and points located in NV and CA, restricted to transportation services performed, under a continuing contract or contracts with Venture Carpets, for 180 days. Supporting shipper(s): Venture Carpets, P.O. Box 209, Calhoun, GA 30701. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 142672 (Sub-34TA), filed September 14, 1978. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Box 232, Mulberry, AR 72947. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or distributed by manufacturers of power transmission machinery, bearings, chains, gears, conveyors and elevators (except commodities in bulk), from the facilities of the FMC Corp. at Indianapolis, IN, to Fresno, CA, and Portland, OR, for 180 days. Supporting shipper(s): FMC Corp., 200 East Randolph Street, Chicago, IL 60601. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 143775 (Sub-17TA), filed September 5, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Edward N. Button, 1329 Pennsylvania Avenue, Hagerstown, MD 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber tires, rubber tubes and accessories*, from Huntsville, AL, Kansas City, MO, Buffalo, NY, Dayton, OH, Oklahoma City, OK, and Conshohocken, PA, and points in their respective commercial zones, to points in AZ, CA, CO, ID, NV, NM, OR, UT, WA and WY, restricted to traffic handled for the account of or consigned to J. N. Ceazan Co., for 180 days. Applicant has also filed on underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): J. N. Ceazan Co., 1113 East 230th Street, Carson, CA 90745. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

MC 143787 (Sub-7TA), filed August 23, 1978. Applicant: ADMIRAL TRANSPORT CORP., 821 Pulliam Avenue, Worland, WY 82401. Representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonalcoholic beverages*, from the facilities of Seven Up Bottling Co., Salt Lake City, UT, to points in ID, NV, AZ, CO, and WY; and (2) *container and ends for containers, pallets and materials, equipment and supplies* used in the manufacture of nonalcoholic beverages, from points in ID, NV, AZ, CO and WY, to the facilities of Seven Up Bottling Co., Salt Lake City, UT, under a continuing contract, or contracts, with Seven Up Bottling Co., of Salt Lake City, UT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Seven Up Bottling Co., of Salt Lake City, 959 South 800 West, Salt Lake City, UT 84104. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 105 Federal Building and U.S. Courthouse, 111 South Wolcott Street, Casper, WY 82601.

MC 143815 (Sub-2TA), filed September 15, 1978. Applicant: R. & D. TRUCKING CO., INC., Church Road, Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heating equipment, fireplaces, stoves, incinerators, parts and accessories therefor*, from the facilities of Martin Industries, Inc., located at or near Huntsville and Athens, AL, and Americus, GA, to points in CA, IL, IN, MI, MN, MO, OH, TX and WI, under a continuing

contract or contracts, with Martin Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Martin Industries, Inc., P.O. Box 128, Florence, AL 35630. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 144622 (Sub-22TA), filed September 18, 1978. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip Glenn, P.O. Box 9343, Little Rock, AR 72219, and Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except frozen and in bulk), from the facilities of the Joan of Arc Co., at or near Belledeau and St. Francisville, LA, and Turkey, NC, to points in ME, MA, MI, NH, NY, NJ, OH, PA, RI, VT, WI, CT, and IL, for 180 days. Supporting shipper: Joan of Arc Co., 2231 West Altorfer Drive, Peoria, IL 61614. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145344 (Sub-1TA), filed September 22, 1978. Applicant: WILLIAMS TRUCKING INC., Route 1, 1396 Hwy 13 North, Friendship, WI 53934. Representative: Velma J. Williams, Route 1, 1396 Hwy 13 North, Friendship, WI 53934. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Natural stone*, from WI to IL, under a continuing contract, or contracts, with Roxan Mineral & Mining Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Roxan Mineral & Mining Co., 570 Fern Avenue, Elmhurst, IL 60126. Send protests to: Ronald A. Morken, District Supervisor, 212 East Washington Avenue, Room 317, Madison, WI 53703.

MC 145376TA filed September 11, 1978. Applicant: TOM BAKER EXPRESS, INC., P.O. Box 220284, Charlotte, NC, 28222. Representative: Joe T. Millsaps, 1719 Wachovia Center, 400 South Tryon Street, Charlotte, NC 28285. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household and commercial appliances, new or used, crated or uncrated, and materials and supplies used for installation thereof*, from Charlotte, NC to all counties in SC (except Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkely, Charleston, Colleton, Dorchester, Edgefield, Hampton, Jasper, McCormick, and Oconee), under a continuing contract, or contracts, with Whirlpool Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Whirlpool Corp., 1531 Tar Heel Road, Charlotte, NC 28208. Send protests to: Terrell Price, District Supervisor, 800 Birar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 145419TA, filed September 12, 1978. Applicant: ALAN COSSAR, 20 South Shore Road, Salem, NH 03079. Representative: George A. McLaughlin Jr., 44 School Street, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *No. 2 fuel oil*, between points in MA and NH, located within 75 miles of Methuen, MA, under a continuing contract, or contracts, with Automatic Heating Service, Inc., for 180 days. Supporting shipper(s): Automatic Heating Service, Inc., 56 Union Street, Methuen, MA 01844. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3, 6 Loudon Road, Concord, NH 03301.

MC 145426 (Sub-1TA), filed September 11, 1978. Applicant: ODELL RITTER, INC., 940 Hwy 99 North, Eugene, OR 97402. Representative: Robert R. Hollis, 400 Pacific Building, Portland OR 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between points in OR and WA, and from points in OR and WA, to points in CA, NV, ID, UT, WY, CO, and AZ, for 180 days. Supporting shipper(s): (1) Laminated Timber Components, Medford, OR 97501. (2) Roof Structures, Inc., San Jose, CA 95125. (3) Western Empire Forest Products, Eugene, OR 97440. Send protests to: A. R. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 Southwest Yamhill Street, Portland, OR 97204.

MC 145427 (Sub-1TA), filed September 14, 1978. Applicant: GENTRY FIELDS, INC., 6647 Kenwood, St. Louis, MO 63121. Representative: Harry F. Horak, 5001 Brentwood Stair Road, Suite 115, Fort Worth, TX 76112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Adhesive, paste, and related products* (except in bulk), and *materials and supplies* used in the manufacture and sale of adhesive, paste, and related products (except in bulk), between Bloomfield, NJ, on the one hand, and, on the other, points in IL, TX, TN, GA, FL, CA, MO, MI, OH, MN, AZ, KS, NM, OK, WV, IN, and PA, under a continuing contract, or contracts, with Roman Adhesives, Inc., for 180 days. Supporting shipper(s): Roman Adhesives, Inc., 5 Lawrence Street, Bloomfield, NJ. Send protests to: P. E. Binder, Acting District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

MC 145442TA, filed September 12, 1978. Applicant: COSSAIR MARINE, INC., 10761 Burbank Boulevard, Suite B, North Hollywood, CA 91601. Representative: Elizabeth I. Abreu, Knapp, Stevens, Grossman & Marsh, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats, supplemental equipment, and accessories*, between Los Angeles and Orange Counties, CA, on the one hand, and, on the other, OR, WA, MN, WI, IL, IN, MI, OH, NY, RI, PA, ME, VT, NH, CT, FL, NJ, DE, VA, NC, SC, GA, AL, MS, LA, TX, MA, and MD, for 180 days. Supporting shipper(s): (1) Jensen Marine, 200-A Kalamus Drive, Costa Mesa, CA 92626. (2) Capital Yachts, Inc., 25914 President Avenue, Harbor City, CA 90710. Send protests to: Irene Carlos Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 145445TA, filed September 22, 1978. Applicant: RITCHIE L. HOWE, d.b.a. HOWE TRUCKING, 13650 Southwest, 24th Street Fort Lauderdale, FL 33325. Representative: Ritchie L. Howe, 13650 Southwest 24th Street, Fort Lauderdale, FL 33325. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper goods, carton, and skids*, from Mobile, AL, to various points in the State of FL, for 180 days. There is no environmental impact involved in this application. Supporting Shipper(s): Virginia Paper Co., Box 520008, 1601 Northwest 72d Avenue, Miami, FL 33152. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest 53d Terrace, Miami, FL 33166.

MC 145446TA, filed September 28, 1978. Applicant: TRADE FURNITURE DELIVERY, INC., 18 Thames Street, Brooklyn, NY 11206. Representative: Ronald Shapes, 450 Seventh Avenue, New York, NY 10001. Authority sought to operate as a *common Carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated used furniture*, between New York, NY, on the one hand, and, on the other, points in NY, NJ, and CT, for 180

days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Trojan Reupholstery Co., Inc., 159 West 33d Street, New York, NY 10001. (2) Homecraft Industries, Inc., 159 West 33d Street, New York, NY 10001. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 145447TA, filed September 7, 1978. Applicant: NEW HAMPSHIRE CONTINENTAL EXPRESS, INC., P.O. Box 4956, Manchester, NH 03108. Representative: Jack N. Sarkisian, P.O. Box 4956, Manchester, NH 03108. Authority sought to operate as a *contract Carrier*, by motor vehicle, over irregular routes, transporting: *Various types of used X-ray films and the materials and supplies* used in the processing thereof, from all points in the United States (except AK and HI), to the facilities of Keltek Processing, Inc., at or near Warwick, RI, under a continuing contract, or contracts, with Keltek Processing, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Keltek Processing, Inc., 33 Graystone Street, Warwick, RI 02886. Attention: William Pedder, Manager, Raw Materials Purchasing). Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3, 6 Loudon Road, Concord, NH 03301

MC 145448 TA, filed September 12, 1978. Applicant: WALKERS, INC., Route 1, Box 86, Greenville, FL 32331. Representative: Felix A. Johnston, Jr., 1030 East Lafayette Street, Suite 112, Tallahassee, FL 32301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, chips, shavings, sawdust, and similar wood by-products*, between points in GA and FL, for 180 days. Supporting shipper: (1) Clark Lumber Co., Inc., P.O. Box 754, Perry, FL 32347. (2) W. A. Gooch Lumber Co., Inc., 105 North Oak Street, P.O. Box 36, Valdosta, GA 31601. (3) Metcalf Lumber Co., P.O. Box 241, Route 4, Thomasville, GA 31792. (4) Balfour Lumber Co., Inc., P.O. Box 1337, Thomasville, GA 31792. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 35008, 400 West Bay Street, Jacksonville, FL 32202.

PASSENGER CARRIER

MC 145444 TA, filed September 8, 1978. Applicant: SJP LIMOUSINE SERVICE, INC., 65 Donald Place, Waldwick, NJ 07463. Representative: Bert Binder, 24 Wyckoff Avenue, Waldwick, NJ 07463. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* (limited to not more than sixteen (16) passengers in any one vehicle) between the Meadowlands Hilton Hotel, Harmon Plaza, Secaucus, NJ, and the Borough of Manhattan, City and State of New York with three (3) stops in said borough, over regular routes as follows: (1) Meadowlands Hilton Hotel to New York City, (a) Start at Hotel (2 Harmon Plaza, Secaucus, NJ) and proceed east on Harmon Plaza; (b) then north along Meadowlands Parkway; (c) to Route 3 easterly (still in Secaucus); (d) along Route 3 east through Secaucus, North Bergen, Union City and Weehawken, NJ, to and through the Lincoln Tunnel into New York City; (3) upon leaving the tunnel, travel would be toward 42d Street, at which point a right turn would be made and the vehicle would proceed easterly; (f) to the Avenue of the Americas where a left (northbound) turn would be made; (g) the first stop would be on the said Avenue of the Americas at No. 1335, the New York Hilton Hotel (near West 53d Street); (h) after discharging passengers, the vehicle would continue northerly on the Avenue of the Americas to West 54th Street and make a right thereon traveling easterly to; (i) Lexington Avenue where the vehicle would turn right and proceed southerly to the Lexington Avenue entrance of the Waldorf Astoria Hotel and discharge passengers; (j) after leaving the Waldorf, the vehicle would continue southerly thereon to; (k) 33d Street where a right turn would be made and the vehicle would proceed westerly to; (1) Seventh Avenue, turn left (southerly) and discharge the remaining passengers at the Statler Hilton Hotel (401 Seventh Avenue). (2) New York City to Meadowlands Hilton Hotel (a) Starting at the Statler Hilton Hotel and after taking on passengers, the vehicle would proceed south, one (1) block to; (b) 32d Street, turn left thereon and proceed easterly to; (c) Park Avenue, turn left thereon and continue northerly until stopping at the Park Avenue entrance of the; (d) Waldorf Astoria Hotel (301 Park Avenue) between 19th and 50th Streets where additional passengers would board; (e) the vehicle would then continue to; (f) 51st Street, take a left and proceed westerly to; (g) the Avenue of the Americas, proceeding northerly thereon to No. 1335, the; (h) New York Hilton Hotel where the last passengers would board; (i) upon leaving the New York Hilton Hotel, the vehicle would continue north to 55th Street, make a left thereon and proceed west to; (j) Ninth Avenue, take a left thereon and proceed southerly to; (k) 41st Street, take a right thereon and proceed westerly into and through the Lincoln Tunnel to; (1) Route 3 West to; (m) Meadowlands Parkway (in Secaucus), proceed southerly thereon to, (n) Harmon Plaza, take a right, proceed westerly back to the Meadowlands Hilton Hotel (2 Harmon Plaza), for 180 days. Supporting shipper(s): Meadowlands Hilton Hotel, 2 Harmon Plaza, Secaucus, NJ 07094. Send protests to: Joel Morrows District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

By the Commission.

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

[FR Doc. 78-31834 Filed 11-9-78; 8:45 am]

[7035-01-M]

[Notice No. 205]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 25, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 28088 (Sub-39TA), filed September 15, 1978. Applicant: NORTH & SOUTH LINES, INC., 2710 South Main Street, Harrisonburg, VA 22801. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425-13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Pet, Inc., located at Allentown and Chambersburg, PA, to points in FL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pet, Inc., P.O. Box 392, St. Louis, MO 63166. Send protests to: Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, VA 24011.

MC 32882 (Sub-101TA), filed September 15, 1978. Applicant: MITCHELL BROS., TRUCK LINES, 3841 North Columbia Boulevard, P.O. Box 17039, Portland, OR 97217. Representative: Edward G. Rawle, 1229 Blue Gum Avenue, Anaheim, CA 92806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel pipe and accessories*, from the facilities of Pacific Corrugated Pipe Co., at/or near Sacramento and Fontana, CA, to points in NE and UT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pacific Corrugated Pipe Co., 13680 Slover Avenue, Fontana, CA 92335. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 48017 (Sub-10TA), filed July 25, 1978, and published in the FEDERAL REGISTER issue of October 4, 1978, and republished as corrected this issue. Applicant: CAMEL TRUCKING, INC., 143 Addison Street, East Boston, MA 02128. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Detroit Metropolitan Airport, Detroit, MI, and John F. Kennedy International Airport, New York, NY, restricted the transportation of shipments having an immediately prior or subsequent movement by air, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Seaboard World Airlines, Seaboard World Airlines Building, 260 John F. Kennedy Airport, Jamaica, NY 11430. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114. The purpose of this republication is to show MC 48017 (Sub-10TA) in lieu of MC 48107 as previously published.

MC 59583 (Sub-167TA), filed September 15, 1978. Applicant: THE MASON AND DIXON LINES, INC., Eastman Road, P.O. Box 969, Kingsport, TN 37664. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Birmingham, AL, and points within 15 miles of Birmingham, and Mobile, AL, and points within 10 miles of Mobile, over U.S. Hwy 31, serving all intermediate points and the off-route points of Kilby, Prattville, and Siluria, AL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (59) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, DC. or copies thereof which may be examined at the field office named below. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 70917 (Sub-5TA), filed September 15, 1978. Applicant: A.F.D., INC., P.O. Box 517, Route 94, Florida, NY 10921. Representative: Piken & Piken, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper on rolls*, from the rail siding of Conrail located at or near Fair Oaks, NY, to the facilities utilized by Watchtower Farm Factory, a division of Watchtower Bible & Tract Society at or near Pine Bush, NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): A. T. Clayton & Co., Inc., 10 East 40th Street, New York, NY 10016. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 106398 (Sub-836TA), filed September 19, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, P.O. Box 3329, Tulsa, OK 74103. Representative: Irvin Tull, 525 South Main, Tulsa, OK 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings complete, knocked-down, or in sections*, from the facilities of the Brinkley Co. in Warrenton, MO, to points in CO, ID, MT, ND, OR, OK, TX, UT, and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Brinkley Co., Main and Elm Streets, Warrenton, MO 63383. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Court House Building, 215 Northwest Third Street, Oklahoma City, OK 73102.

MC 109351 (Sub-6TA), filed September 15, 1978. Applicant: G & E TRUCKING CO., 1230 Taylor NE., Grand Rapids, MI 49505. Representative: George A. Pendleton, P.O. Box 51, 5116 Brookgate NW., Comstock Park, MI 49321. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Finished paper box board*, from Childsdale, MI, to points in IN (except Elkhart, IN, and points in IN, in the Chicago, IL, Commercial Zone, as defined by the Commission), to points in IL (except points in the Chicago, IL, Commercial Zone, as defined by the Commission), to Lexington, Louisville and Owensboro, KY, and to Appleton, Green Bay, Milwaukee, Sheboygan, Racine, Fond du Lac and Jefferson, WI; (2) *Scrap paper*, from points in IN, (except points in Lake and Porter Counties, IN, and those points which are within the Chicago, IL, Commercial Zone, as defined by the Commission), from points in IL (except from points in Cook, Du Page, Henry, Kane, Kankakee, Kendall, Lake, and Will Counties, IL), from Lexington, Louisville, and Owensboro, KY, and from Appleton, Green Bay, Milwaukee, Sheboygan, Racine, Fond du Lac, and Jefferson, WI, to Childsdale, MI, and (3) with authorization to return rejected, damaged or refused commodities as described in I and II above. Restriction: The authority sought is to be limited to a transportation service to be performed, under a continuing contract, or contracts, with Rockford Paper Mills, Inc., of Childsdale, MI, which has approximately 2 miles southwest of Rockford, MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rockford Paper Mills, Inc., 7734 Childsdale Avenue, Rockford, MI 49091. Send protests to: C. R. Flemming District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, MI 48933.

MC 109692 (Sub-66TA), filed July 24, 1978 and published in the FEDERAL REGISTER issue of September 29, 1978, and republished as corrected this issue. Applicant: GRAIN BELT TRANSPORTATION CO., Route 13, Kansas City, MO 64161. Representative: Warren H. Sapp, P.O. Box 16047, Kansas City, MO 64112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, lumber mill products, and veneered lumber mill products*, from the facilities of Weyerhaeuser Co. at or near West Memphis, AR, to points in CO, IL, IN, IA, KS, MI, MN, MO, NE, NM, OK, SD, TX, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Weyerhaeuser Co., 100 South Wacker Drive, Chicago, IL 60606. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106. The purpose of this republication is to show New Mexico (NM) in lieu of Minnesota (MN) as previously published.

MC 110012 (Sub-48TA), filed September 15, 1978. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425-13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Pittsburgh, PA, to the facilities of Heinz U.S.A., division of H. J. Heinz Co., at or near Greenville, SC, for 180 days. Supporting shipper(s): Heinz U.S.A., division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Joe Tate District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 111375 (Sub-100TA), filed September 18, 1978. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Charles E. Dye, P.O. Box 3358, Madison, WI 53704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs;* (2) *Pharmaceutical materials, supplies and products;* (3) *Chemicals;* (4) *Alcoholic beverages;* (5) *Tobacco products;* (6) *Pet foods;* (7) *Such commodities as are dealt in by distribution or consolidation warehouses* for the commodities described in (1), (2), (3), (4), (5), and (6), when moving in the same vehicle at the same time as the commodities described in (1) through (6); (8) *Exempt commodities* when moving with regulated commodities; in vehicles equipped with mechanical refrigeration. (A) From the plantsites and warehouse facilities utilized by Beatrice Foods Co. and its subsidiaries (except Samsonite Corp.); Acme Delivery Service, Inc.; Colorado-Denver Warehouse Delivery, Inc.; Imperial Distribution Services; Craig's Distributing and Consolidation Co.; Ellis Foods Corp.; Mile-Hi Fruit and Vegetable Co.; Stapleton Drug Co.; Nobel, Inc.; and Leprino Cheese Co.; at Denver, CO to points in the United States in and west of MN, IA, MO, AR and LA (except AK and HI). (B) From points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), to the plantsites and warehouse facilities utilized by Beatrice Foods Co. and its subsidiaries; Acme Delivery Service, Inc.; Colorado-Denver Warehouse Delivery, Inc.; Imperial Distribution Services; Craig's Distributing and Consolidation Co.; E. B. Millar Coffee Co.; Ellis Foods Corp.; Mile-Hi Fruit and Vegetable Co.; Stapleton Drug Co.; Nobel, Inc.; King Soopers; and Leprino Cheese Co., at Denver, CO for 180 days. Restrictions: (1) Restricted against the transportation of commodities in bulk, and to traffic originating at and destined to points in and west of MN, IA, MO, AR and LA. (2) The operations in part (A) are restricted to the transportation of shipments either (a) originating at the plantsite and warehouse facilities named therein or (b) moving from intransit storage at such plantsite and warehouse facilities. The operation in part (B) are restricted to the transportation of shipments either (a) destined to the plantsite and storage facilities named therein or (b) moving to intransit storage at such plantsite and warehouse facilities. Supporting shipper(s): Beatrice Foods Co., P.O. Box 260, Watertown, WI 53094. Acme Delivery Service, P.O. Box 5693, Denver, CO 80217. Send protests to: District Supervisor Ronald A. Morken, Interstate Commerce Commission, 212 East Washington Avenue, Room 317, Madison, WI 53703.

MC 111812 (Sub-589TA), filed September 19, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: David Peterson, P.O. Box 1233, Sioux Falls, SD 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, foodstuffs and articles distributed by meat packing plants* (except hides and commodities in bulk) from the facilities of Geo. A. Hormel & Co. at Huron, SD and Austin, MN to all points in WV, for 180 days. Supporting shipper: Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Mr. James L. Hammond, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 455 Federal Building, Pierre, SD 57501.

MC 112184 (Sub-63TA), filed September 16, 1978. Applicant: MANFREDI MOTOR TRANSIT CO., 11250 Kinsman Road, Newbury, OH 44065. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tomato paste*, (in bulk, in tank vehicles), from the facilities of Hunt-Wesson Foods, Inc., at or near Rossford, OH, to Austin, IN and Duluth, MN, restricted to service performed under a continuing contract or contracts, with Hunt-Wesson Foods, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, CA 92634. Send protests to: Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 112304 (Sub-151TA), filed September 5, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ferro alloys, silico manganese, silicon metal and scrap metal*, (except in bulk, in dump vehicles), from Mayfield, KY, to points in AL, AR, CT, DE, IA, IL, IN, KA, LA, MD, MI, MO, NJ, NY, OH, PA, SC, TN, TX, WV and WI; and (2) *scrap metals and ferro alloy fines, and returned shipments* of the commodities specified in (1) above, (except in bulk, in dump vehicles), from points in the States named in (1) above, to Mayfield, KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Airco Alloys, a Division of Airco, Inc., Calvin W. Lamb, manager—Distribution and Traffic, 3801 Highland Avenue, Niagara Falls, NY 14305. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

MC 113106 (Sub-62TA), filed September 15, 1978. Applicant: THE BLUE DIAMOND CO., 4401 East Fairmount Avenue, Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street, NW., Washington, DC 20005. Authority sought to operate as a *common car-*

rier, by motor vehicle, over irregular routes, transporting: *Glass containers and carton material in straight or mixed shipments,* from the facilities of Thatcher Glass Manufacturing Co., Division of Dart Industries, Inc., at Elmira, NY and Wharton, NJ, to Eden, NC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): James Rehr, assistant GTM, Thatcher Glass Manufacturing Co., P.O. Box 165, Elmira, NY 14902. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 1025 Federal Building, Baltimore, MD 21201.

MC 114273 (Sub-417TA), filed July 21, 1978, and published in the FEDERAL REGISTER issue of September 27, 1978, and republished as corrected this issue. Applicant: CRST, INC., P.O. Box 68, 3930 16th Avenue, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Adhesives* (except in bulk) in vehicles equipped with mechanically heated and/or refrigeration from Camden, NJ, to points in IL, IN, IA, KS, MN, MO, ND, NE, SD, OK, and WI, for 180 days. Supporting shipper(s): General Felt Industries, Park 80 West, Saddlebrook, NJ 07662. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309. The purpose of this republication is to add Nebraska (NE) to the territorial description as previously omitted.

MC 114273 (Sub-471TA), filed September 15, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glassware, chinaware, earthenware, pottery and plastic articles,* (except in bulk, in tank vehicles), from Lancaster, OH, to Chariton and Cherokee, IA, for 180 days. Supporting shipper(s): Anchor Hocking Corp., 109 North Broad Street, Lancaster, OH 43130. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 114273 (Sub-472TA), filed September 15, 1978. Applicant: CRST, INC., 3930 16th Avenue, P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Automotive parts and materials and supplies* used in the manufacture of automotive parts (except in bulk, in tank vehicles), between the facilities of Ford Motor Co. in the State of MI, on the one hand, and, on the other, St. Louis and Kansas City, MO, Norfolk, VA, and St. Paul, MN, for 180 days. Supporting shipper(s): Ford Motor Co., One Parklane Boulevard, Parklane Towers-East, Suite 200, Dearborn, MI 40126. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 115654 (Sub-109TA), filed September 15, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Building, 425 Thirteenth Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such articles* as are dealt in by wholesale and retail grocery houses (except commodities in bulk, in vehicles equipped with mechanical refrigeration), from the facilities of the Kroger Co. at or near Columbus, OH, and Cincinnati, OH, to Kroger warehouse distribution centers at or near Atlanta, GA, Dallas and Houston, TX, Little Rock, AR, Memphis and Nashville, TN, and St. Louis, MO, for 180 days. Supporting shipper(s): The Kroger Co., 1014 Vine Street, Cincinnati, OH 45201. Send protests to: Glenda Kuss, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 121168 (Sub-7TA), filed September 15, 1978. Applicant: BOOTH TRANSFER, INC., 4684 Leavenworth, Omaha, NE 68106. Representative: M. M. McMahon, P.O. Box 6076, Omaha, NE 68106. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, (except hides and commodities in bulk), from Omaha, NE, to points in KS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: David A. Kousgaard, traffic consultant, Palamera Beef Corp., 25th and Z Streets, Omaha, NE 68127. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 121664 (Sub-38TA), filed September 15, 1978. Applicant: HORNADY BROS. TRUCK LINE, P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35233. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber and lumber products,* from Newport, AR, and Memphis, TN, to points in the United States in and east of TX, OK, KS, NE, NC, and SC, for 180 days. Supporting shipper: Steel City Lumber Co., 3100 Lorna Road, Hoover, AL. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 121664 (Sub-40TA), filed September 15, 1978. Applicant: HORNADY BROS. TRUCK LINE, P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35233. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Unfinished hardwood plywood,* from Cuthbert, GA, to points in the United States in and east of TX, OK, KS, NE, ND, and SD; and (2) *materials and supplies* used in the manufacture of commodities named in (1) above, from points in the United States in and east of TX, OK, KS, NE, ND, and SD, to Cuthbert, GA, for 180 days. Supporting shipper: Day Companies, Inc., Cuthbert, GA. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 123061 (Sub-102TA), filed September 19, 1978. Applicant: LEATHAM BROTHERS, INC., P.O. Box 16026, 46 Orange Street, Salt Lake City, UT 84104. Representative: Harry D. Pugsley, 310 South Main, Salt Lake City, UT 84101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Insulation and material* used in the manufacture of insulation, between points in Cache County, UT, on the one hand, and, on the other points in CA, OR, WA, NV, ID, MT, UT, WY and CO, for 180 days. Supporting shipper: Mountain Fiber Co., 1100 Anvil Road, Hyrum, UT 84319, (Bruce D. Allsop, owner). Send protests to: District Supervisor, L. D. Helfer, Interstate Commerce Commission, 5301 Federal Building, Salt Lake City, UT 84138.

MC 124078 (Sub-867TA), filed September 15, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, WI 53215. Representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Ground slag,* (in

bulk), from Neville Island, PA, to points in IL, IN, KY, OH, TN, VA, and WV, for 180 days. Supporting shipper(s): Dravo Corp., One Silver Plaza, 18th Floor, Pittsburgh, PA 15222 (Vernon D. Schauble). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 125146 (Sub-7TA), filed September 26, 1978. Applicant: BOB WHITAKER & SON, INC., P.O. Box 65, Roswell, NM 88201. Representative: Edwin E. Piper, Jr., 1115 Sandia Savings Building, Albuquerque, NM 87102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the facilities of Farmland Foods, Inc., at or near Garden City, KS, to points in AZ, NV, CA, UT, WA, OR, CO, TX, and OK, for the account of Farmland Foods, Inc., Garden City, KS, under a continuing contract or contracts, with Farmland Foods, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Farmland Foods, Inc., P.O. Box 957, Garden City, KS 67846. Send protests to: District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

MC 126198 (Sub-17TA), filed September 19, 1978. Applicant: MICHAUD TRUCKING, INC., 133 Birch Street, Kingsford, MI 49801. Representative: William J. Bolognesi, 116 East Brown Street, P.O. Box 705, Iron Mountain, MI 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages with empty containers on return, and related advertising equipment* when shipped therewith, in insulated closed van trailer, from Peoria, IL, to points and places in the Upper Peninsula of MI, and to Aurora, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pabst Brewing Co., 917 West Juneau Avenue, Milwaukee, WI 53201. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, 225 Federal Building, Lansing, MI 48933.

MC 128273 (Sub-319TA), filed September 15, 1978. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper boxes and pulpboard*, (except commodities in bulk, in tank vehicles), between facilities of Potlatch Corp. at or near Fort Wayne, IN, and Sikeston, MO, restricted to traffic originating at and destined to the above-named points, for 180 days. Supporting shipper(s): Potlatch Corp., P.O. Box 1016, Lewiston, ID 83501. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

MC 129643 (Sub-14TA), filed September 15, 1978. Applicant: GEORGE SMITH, d.b.a. GEORGE SMITH TRUCKING CO., 433 Mountain Avenue, Winnipeg, MB, Canada. Representative: George Smith, 433 Mountain Avenue, Winnipeg, MB, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from Hermiston, OR, to port of entry on the international boundary line between the United States and Canada, located at or near Eastport, ID, restricted to traffic destined to MB, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Carnation Foods Co., Ltd., P.O. Box 70, Carberry, MB, Canada ROK OHO. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building and U.S. Post Office, 657 Second Avenue North, Fargo, ND 58102.

MC 129788 (Sub-14TA), filed July 31, 1978, and published in the FEDERAL REGISTER issue of October 6, 1978, and republished as corrected this issue. Applicant: NASS TRUCK LINES, INC., Box "H", Wenona, IL 61377. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from Detroit, MI to Decatur, Springfield, Champaign and Jacksonville, IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Starr Brothers, Inc., 300 Singer Avenue, Springfield, IL 62703. (2) Michael N. Maurer, president, Maurer Distributing Co., 2802 Woodford Street, Decatur, IL 62526. (3) Gary R. Mraz, general manager, Pierson Distributors, 234 East Court, Jacksonville, IL 62650. (4) James J. McNabney, president, Van Pickerett-Champaign Ltd., 606 East Kenyon, Champaign, IL 61820. Send protests to: Lois Stahl, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1386, Chicago, IL 60604. The purpose of this republication is to show MC 129788 (Sub-14TA) in lieu of MC 129788 as previously published.

MC 133689 (Sub-226TA), filed September 15, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solution, distilled water and intravenous, administration and patient kits, and supplies* used in the administrative and care of patient, from Rocky Mount, NC, and Altavista, VA, to St. Louis and Kansas City, MO, and Plymouth, MN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Abbott Laboratories, 14th and Sheridan Road, North Chicago, IL 60064. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, MN 55401.

MC 134300 (Sub-32TA), filed September 19, 1978. Applicant: TRIPLE R. EXPRESS, 498 First Street Northwest, New Brighton, MN 55112. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged sugar*, from Brooklyn, NY to points in IL, IN, MI, and OH, for 180 days. Supporting shipper: American Sugar Division, Amstar Corp., 1251 Avenue of the Americas, New York, NY 10020. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, MN 55401.

MC 134890 (Sub-9TA), filed September 15, 1978. Applicant: MARION TRANSFER, INC., 4524 South 13th Street, Milwaukee, WI 53221. Representative: Carlo Benvenuto (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemical or tanning extracts or chemicals* other than bulk for tanning with protective service, from points in NY, PA, MA, NJ, CT, RI, and NH, to the plantsite of Gebhardt Vogel Tanning Co., Milwaukee, WI, under a continuing contract or contracts, with Gebhardt Vogel Tanning Co., of Milwaukee, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gebhardt Vogel Tanning Co.,

1228 West Bruce Street, Milwaukee, WI 53204. Send protests to: Gail Daugherty Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 135469 (Sub-7TA), filed September 15, 1978. Applicant: HAWKEYE TRANSPORT CO., 601 East Front Street, Stanwood, IA 52337. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, (in bulk), from the facilities of Land O'Lakes Agricultural Division at or near Mason City, IA, to points in NE, ND, MN, SD, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Land O'Lakes Agricultural Services Division, Distribution Control Specialist, 2827 8th Avenue South, Fort Dodge, IA 50501. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 136828 (Sub-27TA), filed September 14, 1978. Applicant: COOK TRANSPORTS, INC., 214 South 10th Street, Birmingham, AL 35233. Representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, pipe, hydrants, valves, and fittings*, except commodities in bulk, from points in AL on and north of U.S. Hwy 80 to points in the U.S. except AK and HI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are approximately 6 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 138054 (Sub-27TA), filed September 5, 1978. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster Street, Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Saline solutions, blood derivatives, plastic articles and equipment, materials, and supplies* used in the testing, collection, distribution, transfusion, and injection of blood and blood derivatives, (a) from Memphis, TN, to Round Lake, IL; Edison, NJ; Mansfield, MA; Morrow and Atlanta, GA; Grand Prairie, TX; and Los Angeles, Buena Park and Costa Mesa, CA; (b) from Los Angeles, Buena Park and Costa Mesa, CA, to Mansfield, MA; Grand Prairie, TX; and Memphis, TN; and (c) from Waukegan and Morton Grove, IL, to Atlanta, GA, and Los Angeles, CA, restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted to a transportation service to be performed, under a continuing contract, or contracts, with Hyland Division of Travenol Laboratories, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hyland Division of Travenol Laboratories, Inc., 3300 Hyland Avenue, Costa Mesa, CA 92626. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 181 Federal Building, 1240 East 9th Street, Cleveland, OH 44199.

MC 138826 (Sub-3TA), filed September 7, 1978. Applicant: JERALD HEDRICK, d.b.a. HEDRICK & SON TRUCKING, Rural Route No. 1, Warren, IN 46792. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal* (in bulk), from the facilities of Cargill, Inc., at or near Sidney, OH, to the States of IL, KY, MI, NC, TN, WI and all States north and east thereof, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cargill, Inc., 2400 Industrial Drive, Sidney, OH 45365. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

MC 138882 (Sub-155TA), filed September 15, 1978. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite board*, from the Johns-Manville Corp., Natchez, MS, to the plantsite of the Celotex Corp., Elizabethtown, KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Celotex Corp., 1500 North Dale Mabry, Tampa, FL 33607. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 141795 (Sub-3TA), filed September 25, 1978. Applicant: A & B EXPRESS CO., INC., P.O. Box 567, Fairlawn, NJ 07410. Representative: A. David Milner, Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, (except commodities in bulk), canned and bottled non-alcoholic beverages concentrates, between the facilities of Tropicana Products, Inc., at Kearny, NJ, on the one hand, and, on the other, points in CT, DE DC, ME, MD, NH, NJ, MA, NY, PA, RI and VT, under a continuing contract or contracts, with Tropicana Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Tropicana Products, Inc., P.O. Box 338, Bradenton, FL 33506. Send protests to: Joel Morrows District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 142508 (Sub-38TA), filed September 25, 1978. Applicant: NATIONAL TRANSPORTATION, P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Joseph Winter, 29 South LaSalle Street, Suite 903, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicle parts and supplies* (except commodities in bulk), (2) *Storage cabinets*, and; (3) *such commodities* as are dealt in by wholesale and retail hardware, department, and agricultural supply stores, and wholesale, retail and chain grocery and food business houses (except commodities in bulk), from the facilities of the Washoe County Shippers Association at Reno, NV, to Eugene and Portland, OR, and Seattle and Tacoma, WA. Restriction: The above authority is restricted to traffic moving on bills of lading of a shippers association exempt from regulation under part IV of the Interstate Commerce Act, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Larry J. Motter, Jr., Operations Manager, Washoe County Shippers Association, P.O. Box 12096, Reno, NV 89510. Send protests to: Carroll Russell District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 144057 (Sub-3TA), filed August 3, 1978, and published in the FEDERAL REGISTER issue of October 16, 1978,

and republished as corrected this issue. Applicant: WHITEHALL TRANSPORT, INC., 1200 Main Street, P.O. Box 387, Whitehall, WI 54773. Representative: Ronald V. Dreckman, P.O. Box 162, Whitehall, WI 54773. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, corn cribs, grain bins, feed boxes, watering troughs, parts and attachments* used in farming and agricultural industries, from plantsite and storage facilities of Sioux Steel Co., at or near Hull, IA; Lennox and Sioux Falls, SD to points in MT, ND, SD, IA, IL, NE, KS, MO, MN, CO, and WI. *Materials, supplies and equipment* used in the conduct of business by Sioux Steel from MT, ND, SK, IA, IL, NE, KS, MO, MN, CO, and WI, to plantsites and storage facilities of Sioux Steel at or near Hull, IA; Lennox and Sioux Falls, SD, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sioux Steel Co., 1961/2 East 6th Street, Sioux Falls, SD 57102. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 212 East Washington Avenue, Room 317, Madison, WI 53703. The purpose of this republication is to show MC 144057 (Sub-3TA) in lieu of MC 144057 as previously published.

MC 144246 (Sub-6TA), filed September 15, 1978. Applicant: LARSEN TRUCKING, INC., 6015 South 30th Street, Omaha, NE 68107. Representative: Kenneth P. Weiner, 408 Executive Building, Omaha, NE 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packinghouse products*, (except commodities in bulk and hides), from Omaha, NE, to St. Louis, MO, and its commerical zone restricted to shipments originating at the plantsite of B. C. Dressed Beef, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Delbert W. Long Transportation Manager, Armour & Co., 5025 South 33d Street, Omaha, NE 68107. Send protests to: Carroll Russell District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 144636 (Sub-1TA), filed July 26, 1978, and published in the FEDERAL REGISTER issue of October 16, 1978, and republished as corrected this issue. Applicant: VICTOR & SON TRUCKING, INC., 15855 East Edna Place, Irwindale, CA 91706. Representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, CA 90010. Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bidets*, from the facilities of Rusco American Bidet Corp. at Burbank, CA, to points in the United States (except AK an HI), for 180 days. Supporting shipper(s): Rusco American Bidet Corp., 3000 North San Fernando Boulevard, Burbank, CA 91504. Sent protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012. The purpose of this republication is to show MC 144636 (Sub-1TA) in lieu of MC 144636 as previously published.

MC 144948 (Sub-1TA), filed September 15, 1978. Applicant: BILLY WAYNE HUDSON, d.b.a. BILL HUDSON, 860 Nicholas Street, Carlinville, IL 62626. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Carlinville, IL, to points in AL, IN, MO, OK, TN, and TX, for the account of Central Illinois Steel Co., Inc., and *Steel pipe and tubing, steel pipe fittings*, from Carlinville, IL, to points in IN, IA, MO, MN, and WI, for the account of Valley Steel Products Co., a division of Valley Industries, Inc., for 180 days. Supporting shipper(s): Daniel Millard, President, Central Illinois Steel, Inc., P.O. Box 75, Carlinville, IL 62626. (2) Richard C. Davis, Transportation Manager, Valley Steel Products Co., P.O. Box 429, Centralia, IL 62801. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 145026 (Sub-1TA), filed September 15, 1978. Applicant: NORTHEAST CORRIDOR EXPRESS, INC., Railroad Avenue, Federalsburg, MD 21632. Representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 18107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from the facilities of the Green Giant Co. at Vineland, NJ, to points in CT, RI, MA, VT, NH, and ME, restricted to traffic originating at the named origin and destined to points in the named destination States, for 180 days. Supporting shipper: Robert F. Rohde, Manager, Motor Transportation, Green Giant Co., Le Sueur, MN 56058. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 1025 Federal Building, Baltimore, MD 21201.

MC 145102 (Sub-1TA), filed August 4, 1978, and published in the FEDERAL REGISTER issue of October 16, 1978, as MC 142874, and republished as corrected this issue. Applicant: FREY-MILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Mark C. Ellison, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products* from Kahoka, MO; Nauvoo and Minonk, IL; Luana and St. Olaf, IA; Hillsboro, La Farge, Sherry, and Argyle, WI and their commercial zones to Atlanta, GA; Atlantic City, NJ; Boston, MA; Chicago, IL; Cincinnati and Cleveland, OH; Denver, CO; Detroit and Grand Rapids, MI; Houston, TX; Hyde Park and Logan, UT; Kansas City, MO; Los Angeles, CA; Miami, FL; New York, NY; Philadelphia, PA; and Washington, DC and their commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: C. M. O. Co., 10010 Cheviot Drive, Los Angeles, CA 90064. Send protests to: Ronald A. Morken, Interstate Commerce Commission, 212 East Washington Avenue, Room 317, Madison, WI 53703. The purpose of this republication is to show MC 145102 (Sub-1TA) in lieu of MC 142874 as previously published.

MC 145131 (Sub-1TA), filed September 15, 1978. Applicant: O. E. PONDER, d.b.a. PONDER FARM SUPPLY, P.O. Box 100, Bremen, AL 35033. Representative: James R. Knight, Griffith Building, Cullman, AL 35055. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertlizer*, in bulk and in bags, from the facilities of Gold Kist, Inc., at Hanceville, AL, to Gold Kist Associations in Georgia and Jackson and Gadsden Counties, FL, and from Tyner, TN, to Gold Kist Associations in AL and GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gold Kist, Inc., P.O. Box 2210, Atlanta, GA 30301. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 145163 (Sub-2TA), filed September 15, 1978. Applicant: DONALD MULDER, d.b.a. DON MULDER TRUCKING, 1735 North 50th Street, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by manufacturers and distributors of printed matter (except in bulk), between the facilities of Mid-American Webpress, Inc., at or near Lincoln, NE, on the one hand, and, on

the other, points in the United States (except AK, HI, and NE), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mid-America Webpress, Inc., Larry Gilsdorf Traffic Manager, 3700 NW., 12th Street, Lincoln, NE. Send protests to: Max Johnston District Supervisor, Interstate Commerce Commission, 285 Federal Building and U.S. Court House, 100 Centennial Mall North, Lincoln, NE 68508.

MC 145253 TA, filed August 14, 1978, and published in the FEDERAL REGISTER issue of October 12, 1978, and republished as corrected this issue. Applicant: GEORGE MARKOTA, d.b.a. GEORGE MARKOTA TRUCKING, 7540 Salem-Warren Road, Berlin Center, OH 44401. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of National Industrial Lumber Co., located at North Jackson, OH and Columbus, OH, to points in PA, on and west of U.S. Hwy 219, points in WV, on and north of a line extending eastwardly from KY-WV State border along I-64 to its junction with WV State Route 4, then northeast along State Route 4 to U.S. Hwy 19 to the PA-WV border, and points in IN, on and east of U.S. Hwy 31, under a continuing contract or contracts with National Industrial Lumber Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: National Industrial Lumber Co., North Jackson, OH. Send protests to: Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199. The purpose of this republication is to complete the destination point.

MC 145281 (Sub-1TA), filed September 15, 1978. Applicant: JAMES P. KEEGAN CO., INC., P.O. Box 426, Kinderhook, NY 12106. Representative: Frank T. Meehan, P.O. Box 426, Kinderhook, NY 12106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and roofing materials*, from Rennselaer, NY, to points in MA (West of U.S. 91) and VT (MA, points Adams, Ft. Barrington, Lee, Lenox, North Adams, Pittsfield, and Sheffield), VT, points Arlington, Barre, Bennington, Burlington, Cavendish, Danvy, Johnson, Manchester, Middlebury, Newport, North Hero, Richford, Rutland, and Vergennes, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Shepard & Morse Lumber Co., Box 600, Riverside Office Park, Weston, MA 02193. Send protests to: Robert A. Radler, District Supervisor, P.O. Box 1167, Albany, NY 12201.

MC 145360 (Sub-1TA), filed September 7, 1978. Applicant: THOM'S TRANSPORT CO., INC., Box 405, Blackshear, GA 31516. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Blackshear, GA, Dudley, GA; and Maxville, FL, to points in FL, GA, SC, NC, VA, WV, MD, OH, IN, IL, MO, KY, TX, AR, MS, AL, LA and TN, for 180 days. Supporting shipper(s): Gilman Paper Co., P.O. Box 520, St. Marys, GA 31558. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 145372 (Sub-1TA), filed September 19, 1978. Applicant: E. Z. TRAIL, INC., Route 133 East, Arthur, IL 61911. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brooms*, from Arcola, IL, to points in AR, GA, IN, KY, KS, MD, MO, MA, MI, MN, NJ, NY, OH, OK, PA, TX, VA, WV and WI; and (2) *Supplies* used in the manufacture of brooms, from Wichita, KS, Ruston, LA; Westbury, NY, Conroe, TX and Middlebury, VT, to Arcola, IL, for the account of Libman Broom Co., Inc., Arcola, IL, for 180 days. Applicant has also filed an an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): William Libman, Treasurer, Libman Broom Co., Inc., 220 North Sheldon Street, Arcola, IL 61910. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 145443TA, filed September 8, 1978. Applicant: STERLING RANCH WHOLESALE SUPPLY, INC., 216 Oak, Sterling, CO 80751. Representative: Mckie and Warner, 50 South Steele Street, Suite 650, Denver, CO 80209. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, meat, meat products, meat by-products, and articles distributed by meat packinghouses*, (except hides and commodities in bulk and tank vehicles), from the facilities of Sterling Colorado Beef Co. in the Sterling, CO, commercial zone, to the commercial zones of Jonesboro, Little Rock and Fort Smith, AR; Chicago, Springfield, Aurora, Rockford and Kankakee, IL; Indianapolis, Muncie and Gary, IN; Webster City, Davenport, Sioux City and Fort Madison, IA; Wichita, Emporia and Kansas City, KS; Covington, Louisville and Lexington, KY; Detroit and Warren, MI; St. Paul, Duluth, MN, and Moorehead, MN; St. Joseph, St. Louis and Kansas City, MO; Dakota City, Omaha, Lincoln, Crete and Schyular, NE, New York City area, NY; Fargo, ND; Akron, Sandusky, Mansfield, Cleveland, Cincinnati, Columbus and Dayton, OH; Tulsa and Oklahoma City, OK; Philadelphia, Sharon, Scranton, Pittsburgh and Sundbury, PA; Sioux Falls, SD; Nashville, TN; Dallas, Fort Worth, Wichita Falls and Amarillo, TX; Milwaukee, Madison, Jefferson and Kenosha, WI; and New York City area, NJ, restricted to shipments which originate at the facilities of Sterling Colorado Beef Co. in Sterling, CO, for 180 days. Supporting shipper(s): Sterling Colorado Beef Co., P.O. Box 1728, Sterling, CO 80751. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

By the Commission.

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

[FR Doc. 78-31835 Filed 11-9-78 8:45 am]

[1505-01-M]

[Notice No. 177]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78-27509 appearing at page 45504 in the issue for Monday, October 2, 1978, make the following corrections:

(1) In the third column of page 45505, in the fifteenth line of MC 117686 (Sub-215TA), the abbreviation "MI" should have read "MS".

(2) In the first column of page 45507, in the thirteenth line of MC 139495 (Sub-370TA), the abbreviation "ID" should have read "IA".

[1505-01-M]

[Notice No. 181]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78-27888 appearing at page 45934 in the issue for Wednesday, October 4, 1978, in the first

column of page 45936, "MC 128246 (Sub-29TRA)" should have read "MC 128246 (Sub-29TA)".

[1505-01-M]

[Notice No. 180]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78-27889 appearing at page 45938 in the issue for Wednesday, October 4, 1978, under MC 145064 (Sub-1TA) which begins at the bottom of page 45940 and is continued on page 45941, make the following change:

In the fourth line from the top of the first column of page 45941, the abbreviation "MI" should have read "MS".

[1505-01-M]

[Notice No. 190]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78.29166 appearing at page 47642 in the issue for Monday, October 16, 1978, make the following changes:

(1) In the first column of page 47643, under MC 57239 (Sub-39TA), in the eighth line, the word "irregular" should have read "regular".

(2) In the third column of page 47647, "MC 14436TA" should have read "MC 144636TA".

[7035-01-M]

[Notice No. 203]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 25, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made, The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 7840 (Sub-6TA), filed August 30, 1978. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13601. Representative: Roy D. Pinsky, Attorney at Law, 345 South Warren Street, Syracuse, NY 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products* from the facilities of Newton Falls Paper Co., Inc., at Newton Falls, NY, to New York, NY, commercial zone and points in NJ; and (2) *material, equipment, and supplies* used and useful in manufacture and shipping of paper and paper products from New York, NY, commercial zone and points in NJ to Newton Falls Paper Co., Inc., at Newton Falls, NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Newton Falls Paper Co., Inc., Newton Falls, NY 13666. Send protests to: Interstate Commerce Commission, U.S. Courthouse and Federal Building, 100 South Clinton Street, Room 1259, Syracuse, NY 13260.

MC 21259 (Sub-1TA), filed August 3, 1978. Applicant: GERTSEN CARTAGE CO., INC., 3000 Hirsch Street, Melrose Park, IL 60602. Representative: James R. Madler, 210 West Madison Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of usual value, classes A and B explosives, household goods defined by the Commission and commodities in bulk) restricted to shipments in water or rail demountable containers, between rail and water facilities in the Chicago, IL, commercial zone as defined by the Commission, on the one hand, and, on the other, points in IL, IN, IA, MI, MO, NE, OH, and WI, for 180 days. Supporting shipper(s): There are approximately five statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the filed office named below. Send protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 35706 (Sub-16TA), filed August 30, 1978. Applicant: ATSL, INC., 10) Oregon Avenue, Building A, Philadelphia, PA 19148. Representative: Steven M. Tannenbaum, 135 North 4th Street, Philadelphia, PA 19106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ladies apparel wear and store supplies*, except in bulk, from the facilities of the Miller-Wohl Co., Inc., at Secaucus, NJ to the facilities of or utilized by the Miller-Wohl Co., Inc., at or near Cleveland, OH and Detroit, MI and their commercial zones, from the facilities of or utilized by the Miller-Wohl Co., Inc., at or near Cleveland, OH and its commercial zone to facilities of or utilized by the Miller-Wohl Co., Inc., at or near Detroit, MI and its commercial zone, for 180 days. Supporting shipper(s): The Miller-Wohl Co., Inc., 915 Secaucus Road, Secaucus, NJ 07094. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 37896 (Sub-28TA), filed August 30, 1978. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 778, Fletcher, NC 28732. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stoves and/or stove parts* from Mitchell County, NC to points in the United States, except AK and HI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Smoky Mountain Enterprises, Inc., 116 Woodfin Avenue, Asheville, NC 28804. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 51146 (Sub-639TA), filed August 30, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: John R. Patterson, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Preserved foodstuffs* from Pittsburgh, PA to points in IL, IN, KY, MI and those points in OH on and south of In-

terstate 70 and on and west of Interstate 77, for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230 (William L. Reeder). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee WI 53202.

MC 52704 (Sub-181TA), filed August 30, 1978. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer H, Opelika Highway, Lafayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from the facilities of Union Camp Corp., at or near Tifton, GA to points in the United States (except AK and HI), and (2) *materials, equipment and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk), from points in the United States (except AK and HI), to the facilities of Union Camp Corp., at or near Tifton, GA, for 180 days. Supporting shippers(s): Union Camp Corp., 1600 Valley Road, Wayne, NJ 07470. Send protests to: Mabel E. Holston, Transportation Assistant, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 69492 (Sub-68TA), filed August 11, 1978. Applicant: HENRY EDWARDS d.b.a. HENRY EDWARDS TRUCKING CO., P.O. Box 97, Clinton, KY 47301. Representative: Mr. Ronald M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, related advertising materials, packing materials, containers and pallets*, between St. Louis, MO and its commercial zone, on the one hand, and, on the other, Hopkinsville, KY and its commercial zone and Owensboro, KY and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Quality Beers Distributing Co., Inc., 1010 East 6th Street, Owensboro, KY 42301. P. & E. Distributing Co., Bradshaw Pike at Gainsboro Boulevard, Hopkinsville, KY 42240. Send protests to: Mr. Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building—Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 70832 (Sub-23TA), filed August 14, 1978. Applicant: NEW PENN MOTOR EXPRESS, INC., P.O. Box 630, Lebanon, PA 17042. Representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Reading, PA and Philadelphia, PA, serving all intermediate points; from Reading, PA over U.S. Hwy 422 to Philadelphia, PA, and return over the same route. Serving all points in the Commonwealth of Pennsylvania as off-route points within 35 miles of Philadelphia, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869 Federal Square Station, Harrisburg, PA 17108.

NOTE.—This authority was applied for to eliminate the gateway of Allentown, PA acquired under Docket No. MC-F-13208, New Penn Motor Express, Inc., Purchase—Eagle Truck Transport Inc. Service date: March 28, 1978. No new service is involved.

MC 103798 (Sub-18TA), filed August 30, 1978. Applicant: MARTEN TRANSPORT LTD., Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese* from St. Olaf, IA to Topeka and Wichita, KS; Joplin and Kansas City, MO; Lincoln, NE and Oklahoma City, OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mississippi Valley Milk Producers, Association, Inc., P.O. Box 4493, Davenport, IA 52808. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 106074 (Sub-66TA), filed September 18, 1978. Applicant: B AND P MOTOR LINES, INC., P.O. Box 727, Shiloh Road, Forest City, NC 28043. Representative: William E. Collier, 447 Calumet Place, San Antonio, TX 78209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, except in bulk, from Fullerton and Salinas, CA to Cambridge, MD and Jackson, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipping(s): RJR Foods, Inc., P.O. Box 3037, Winston-Salem, NC 27102. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, 800 Briar Creek Road, Room CC516, Charlotte, NC 28205.

MC 107403 (Sub-1116TA), filed August 25, 1978. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxide*, in bulk, in tank vehicles, from Stowe, PA to Winston-Salem, NC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hammond Lead Products, Inc., 10 South Grosstown Road, Stowe, PA 19464. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 111170 (Sub-249TA), filed August 30, 1978. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Representative: Tom E. Moore (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bromine*, in bulk, in tank vehicles from the facilities of Dow Chemical U.S.A. in Columbia County, AR to points in the United States on and east of U.S. Hwy 85, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Dow Chemical U.S.A., 14955 Sprague Road, P.O. Box 36000, Strongsville, OH 44136. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201

MC 113434 (Sub-110TA), filed September 18, 1978. Applicant: GRA—BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and synthetic rubber* (except in bulk) moving in vehicles equipped with mechanical refrigeration between the facilities of Louisville Freezer Center, Jefferson County, KY, on the one hand, and, on the other, points in IL, IN, MI, MO, OH, PA, TN, WV, WI and that part of NY on and west of I-81, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Louisville Freezer Center, 2000 South Nine Street, Louisville, KY 40208. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Inter-

state Commerce Commission, 225 Federal Building, Lansing, MI 48933.

MC 116063 (Sub-152TA), filed September 7, 1978. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, 2929 West 5th Street, Fort Worth, TX 76101. Representative: W. H. Cole (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, vegetable oils and blends and products thereof*, in bulk, in tank vehicles, from Dallas, TX to points in FL, GA, KY, NC, SC, TN and UT, for 180 days. Supporting shipper(s): The Proctor & Gamble Manufacturing Co., Cincinnati, OH 45201. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 116763 (Sub-435TA), filed August 30, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), from Chelsea, MI, to points in the States of PA, NJ and NY, for 180 days. Supporting shipper(s): Chelsea Milling Company, Clarence L. Athanson, General Traffic Manager, Chelsea, MI 48118. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

MC 117786 (Sub-30TA), filed July 31, 1978. Applicant: RILEY WHITTLE, INC., P. O. Box 19038, Phoenix, AZ 85009. Representative: Thomas F. Kilroy, Suite 406, Executive Building 6901 Old Keene Mill Road Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment and supplies, sold, used or distributed* by a manufacturer of cosmetics, from the facilities of Avon Products, Inc., in Springdale, Ohio, to Kansas City, Mo., for 180 days. Supporting shipper(s): Avon Products, Inc., 175 Progress Place, Springdale, Ohio. 45426. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

MC 117786 (Sub-32TA), filed July 31, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Road, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies sold, used or distributed by a manufacturer of cosmetics*, from the facilities of Avon Products, Inc., in Springdale, OH to Atlanta, GA, for 180 days. Supporting shipper(s): Avon Products, Inc., 175 Progress Place, Springdale, OH 45426. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

MC 117786 (Sub-33TA), filed July 31, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Road, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies*, sold, used, or distributed by a manufacturer of cosmetics, from the facilities of Avon Products, Inc., in Springdale, OH, to the facilities of Avon Products, Inc., in Monrovia and Pasadena, CA, for 180 days. Supporting shipper(s): Avon Products, Inc., 175 Progress Place, Springdale, OH 45426. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

MC 119496 (Sub-12TA), filed August 30, 1978. Applicant: THE JAMES GIBBONS CO., 1700 Sutton Avenue, Baltimore, MD 21227. Representative: L. C. Major, Jr., Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Authority sought to operate as a *common carrier*, motor vehicle, over irregular routes, transporting: *Top tar*, in bulk, in tank vehicles, from the plant facilities of Uss Chemical Co, Clairton, PA, to the plant facilities of Baltimore Tar Corp., Baltimore, MD, for 180 days. Supporting shipper(s): J. D. Murphy, Vice President, Baltimore Tar Corp., 8143 Beachwood Road, P.O. Box 9052, Baltimore, MD 21222. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 1025 Federal Building, Baltimore, MD 21201.

MC 119551 (Sub-4TA), filed September 7, 1978. Applicant: MORGAN PIPE HAULERS, INC., P.O. Box 424 (U.S. Hwy 421 West), Greensboro, NC 27402. Representative: A. W. Flynn, Jr., Attorney, Harris, Flynn and Rightsell, 314 South Eugene Street, P.O. Box 180, Greensboro, NC 27402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and cast iron pipe fittings* from Radford, VA, to Newport News and Norfolk, VA, for further shipment by boat to points outside the continental United States, for 180 days. Supporting shipper(s): Lynchburg Foundry Co., P.O. Box 411, Lynchburg, VA 24505. Send protests to: Mr. Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

MC 121336 (Sub-4TA), filed September 7, 1978. Applicant: SUPERIOR FAST DRAYAGE, d.b.a. SUPERIOR EXPRESS, Terminal Annex 90060, P.O. Box 60100, 611 North Mission Road, Los Angeles, CA 90033. Representative: Michael J. Stecher, 256 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), moving on bills of lading of freight forwarders operating pursuant to part IV of the Interstate Commerce Act, between points in CA, on the one hand, and, on the other, points in OR, WA, and ID, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Superior Fast Freight, 611 North Mission Road, P.O. Box 60100, Terminal Annex, Los Angeles, CA 90060. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 124306 (Sub-47TA), filed September 7, 1978. Applicant: KENAN TRANSPORT CO., INC., P.O. Box 2729, Chapel Hill, NC 27514. Representative: W. David Fesperman, P.O. Box 2729, Chapel Hill, NC 27514. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics* (other than expanded), *and dry polyester resin*, in bulk, in tank or hopper-type vehicles from the plantsite of Hoechst Fibers Industries, at Spartanburg, SC, to Front Royal, VA, for 180 days. Applicant has also an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hoechst Fibers Industries, P.O. Box 5887, Spartanburg, SC 29304. Send protests to: Mr. Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

MC 124393 (Sub-3TA), filed August 30, 1978. Applicant: FRANK POTTER TRUCKING CO., INC., 215 Main Street, Boonville, MO 65233. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin,

Liberty, MO 64068. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Wax,* in tank vehicles, from Kalamazoo, MI, to Boonville, MO, under a continuing contract or contracts with Huebert Fiberboard Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Huebert Fiberboard Inc., P.O. Box 167, East Morgan Street, Boonville, MO 65233. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 124411 (Sub-20TA), filed August 15, 1978. Applicant: SULLY TRANSPORT, INC., P.O. Box 185, Sully, IA 50251. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials in bulk,* from the facilities of Land O'Lakes Agricultural Services Division, at or near Mason City, IA, to MN, NE, ND, SD, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Land O'Lake Agricultural Services Division, 2827 Eighth Avenue South, Fort Dodge, IA 50501. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 124896 (Sub-67TA), filed September 7, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne and Ralston Streets, P.O. Box 3485, Wilson, NC 27893. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas,* for Turbana Banana Corp., from Tampa, FL, to points in IL, IN, MI, MO, OH, PA, TN, WV, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Turbana Banana Corp., 2701 Lejeune Road, Coral Gables, FL 33134. Send protests to: Mr. Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

MC 125368 (Sub-36TA), filed September 7, 1978. Applicant: CONTINENTAL COAST TRUCKING CO., INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C.W. Fletcher (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass tubing and rubber articles,* between the facilities of Becton, Dickinson & Co., at Sumter, SC, on the one hand, and, on the other, Broken Bow, Columbus, and Holdrege, NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Becton, Dickinson & Co., Rutherford, NJ 07070. Send protest to: Mr. Archie W. Andrews, District Supervisor, Insterstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

MC 125535 (Sub-6TA), filed September 7, 1978. Applicant: JOHN SHARP TRUCKING CO., INC., 346 Central Avenue; Woodburg, NJ 08097. Representative: Donald S. Helm (same as above). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Copper, copper products, insulated tubing,* and (2) *commodities used in the manufacture and distribution of the commodities in (1) above* (except commodities in bulk, in tank vehicles), between the facilities of Cerro Copper Products Co., at or near East St. Louis, IL, on the one hand, and, on the other, points in the United States in and east of KS, NE, ND, OK, SD, and TX, under a continuing contract or contracts with Cerro Copper Products, Co., P.O. Box 681, East St. Louis, IL 62202. Send protests to: John P. Lynn, Transportation Spectalist, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 125689 (Sub-2TA), filed September 7, 1978. Applicant: BEATTYVILLE TRANSPORT, INC., P.O. Box 357, Catlettsburg, KY 41129. Representative: Oakie G. Ford, Secretary-Treasurer, (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* from Ironton, OH, to points in KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mr. Robert B. Tanner, Secretary-Treasurer, Tanner Oil Co., P.O. Box 105, Ironton, OH 45638. Send protests to: Mrs. Linda H. Sypher, District Supervisor, Interstate Commerce Commission, Louisville, KY 40202.

MC 135874 (Sub-139TA), filed September 14, 1978. Applicant: LTL PERISHABLES, INC., 550 East Fifth Street South, South St. Paul, MN 55075. Representative: K. O. Petrick, (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from the facilities of Fox Deluxe Pizza Co., at Joplin, MO, and the facilities of the Pillsbury Co., at or near Joplin and Carthage, MO, to points in SD, MN, CO, KS, IA, IL, IN, MI, KY, and TN. Restricted to traffic originating at the facilities of Fox Deluxe Pizza Co., and the Pillsbury Co., at Joplin and Carthage, MO, and destined to points in the named States, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Tortino's Frozen Foods Division, The Pillsbury Co., 7350 Commerce Lane, Fridley, MN 55432. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

MC 138469 (Sub-82TA), filed August 31, 1978. Applicant: DONCO CARRIERS, INC., 2025 South Nicholas, P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* from the facilities of Fox Manufacturing Co., Inc., at or near Rome, GA, to points in AR, KS, MO, OK, and TX, restricted to shipments originating at the named origin and destined to the named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fox Manufacturing Co., Inc., P.O. Drawer A, Rome, GA 30151. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 Northwest Third, Oklahoma City, OK 73102.

MC 139587 (Sub-11TA) filed August 17, 1978. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, Fort Scott, KS 66701. Representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials,* from Jefferson County, CO, to points in MO and WA, and *empty containers and materials and supplies,* used in connection with the production and distribution of malt beverages (except in bulk), from MO and WA to Jefferson County, CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Adolph Coors Co., Golden, CO 80401. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Com-

mission, 101 Litwin Building, Wichita, KS 67202.

MC 139858 (Sub-30TA), filed September 7, 1978. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Avenue, Hamilton, OH 45015. Representative: Chandler L. Van Orman, 1729 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel doors and hardware*, used in their framing and installation and related equipment and supplies, from Cincinnati, OH, to points in the United States (except AK and HI), for 180 days. Restriction: The operations described above, if authorized, are subject to the following conditions: (1) The product description does not include commodities which because of their size or weight require the use of special equipment; (2) said operations are limited to transportation service to be performed under a continuing contract or contracts with American Standard Inc., New Brunswick, NJ. Supporting shipper(s): American Standard Inc., Gregory J. Decker, Manager—Rates. P.O. Box 2003, New Brunswick, NJ 08903. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

MC 140186 (Sub-29TA), filed August 30, 1978. Applicant: TIGER TRANSPORTATION, INC., P.O. Box 2248, Missoula, MT 59801. Representative: David A. Sutherland, Fulbright & Jaworski, 1150 Connecticut Avenue NW., Suite 400, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, wood, and wood products*, from points in ID and MT to points in IL, IA, KS, MN, MO, MT, NE, ND, SD, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 20 statements of support attached to the application which may be examined at the Interstate Commerce Commission at Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 142231 (Sub-3TA), filed August 30, 1978. Applicant: TRI-L CONTRACT CARRIER, INC., 2400 Tower Place, 3340 Peachtree Road NE., Atlanta, GA 30326. Representative: Richard M. Tettelbaum, Serby & Mitchell, P.C., Fifth Floor, Lenox Towers S., 3390 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire impregnated iron or steel pipe, and iron and steel articles*, and (2) *such commodities* as are used by or are useful in the manufacture, distribution or sale of wire impregnated iron or steel pipe and iron or steel articles (except commodities in bulk and commodities which because of size or weight require special equipment), between the facilities of Oxylance Corp. and its wholly owned subsidiary, U.S. Tube, Inc., in Jefferson County, AL, on the one hand, and, on the other, points in the U.S. for 180 days. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Oxylance Corp. and its wholly owned subsidiary, U.S. Tube, Inc.

NOTE.—Applicant is a wholly owned contract carrier subsidiary of Oxylance Corp. created in 1976 to replace Oxylance's private carriage operations. Pursuant to its (Sub-1) permit and former temporary authorities, applicant has handled virtually all of Oxylance's traffic moving between that shipper's present facility in Fulton County, GA, on the one hand, and, on the other, points in the U.S. Oxylance will remove its facility from Fulton County, GA to Jefferson County, AL in September, 1978, and create a wholly owned subsidiary, U.S. Tube, Inc., to also ship and receive at that location. Supporting shipper(s): Oxylance Corp. and U.S. Tube, Inc., 2400 Tower Place, 3340 Peachtree Road NE., Atlanta, GA 30326. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

MC 142271 (Sub-4TA), filed August 30, 1978. Applicant: WAYNE E. WATKINS, d.b.a. WATKINS REFRIGERATED DISTRIBUTING SERVICE, 36316 85th Street East, Littlerock, CA 93543. Representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, CA 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Solar equipment or products, electrical or mechanical, and parts thereof*, from (1) Pleasantville, NJ; Kingsport, TN; and Princeton, WI, to the facilities of Grumman Energy Systems, Inc., located at Cocoran, CA; and (2) from the facilities of Grumman Energy Systems, Inc., located at Cocoran, CA, to the facilities of Grumman Energy Systems, Inc., located at Fort Worth, TX; Sturgis, MI; Wyandanch, NY; and Milledgeville, GA, for 180 days. Restriction: Said operations are limited to a transportation service to be performed under a continuing contract or contracts with Grumman Energy Systems, Inc. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Grumman Energy Systems, Inc., 4175 Veterans Memorial Highway, Ronkonkoma, NY 11779. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 142300 (Sub-3TA), filed August 9, 1978. Applicant: F. A. F., INC., 5824 Lone Pine Road, Jacksonville, FL 32216. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Pharmaceutical drugs and related items, uncrated* from Jacksonville, FL to points in Mississippi, with no transportation for compensation on return except as otherwise authorized, for 180 days. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Lawrence Pharmaceuticals, Inc., of Jacksonville, FL. The operations authorized herein are restricted against the transportation of any article weighing more than 35 pounds and each article shall be considered as a separate and distinct shipment; and the operations authorized are restricted to service from one consignor at one location to one consignee at one location on any one day and shall be limited to the transportation of articles weighing in the aggregate less than 500 pounds. Supporting shipper(s): Lawrence Pharmaceuticals, Inc., 6100 Phillips Highway, Jacksonville, FL 32217. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 142516 (Sub-19TA), filed September 11, 1978. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire, nails, staples and stapling machines and materials, equipment and supplies* used in the manufacture or sale of the foregoing commodities, except commodities in bulk, from Long Island City, NY and Rolling Meadows, IL, to points in CA, FL, AL, TN, GA, TX, IL and NC, under a continuing contract or contracts with Spotnails, Inc., Long Island City, NY, for 180 days. Interstate authority to service IL is required due to export, import and stop off shipments in combined state operations. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Spot-

nails, Inc., 43-34 32d Place, Long Island City, NY 11101. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 142516 (Sub-20TA), filed September 11, 1978. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Titanium dioxide, materials and supplies* used in the manufacture and sale of Titanium Dioxide, except commodities in bulk, between the facilities of Titanium Pigment Division/NL Industries, Inc., Sayreville, NJ, on the one hand, and on the other points in the United States, except AK and HI, under a continuing contract or contracts with Titanium Pigment Division/NL Industries, Inc., Sayreville, NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Titanium Pigment Division/NL Industries, Inc., 100 Chevalier Avenue, South Amboy, NJ 08879. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 142672 (Sub-33TA), filed August 24, 1978. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products in packages*, from the facilities of Texaco, Inc., at or near Jefferson County, TX, to points in IL, IN, MO, OH and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Texaco, Inc., 1111 Rusk, Houston, TX 77052. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 143236 (Sub-20TA), filed September 11, 1978. Applicant: WHITE TIGER TRANSPORTATION, 40 Hackensack Avenue, South Kearny, NJ 07032. Representative: Jay Schiffres, 1001 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stack corrosion and emission control inhibitors* (except commodities in bulk) in vehicles equipped with mechanical refrigeration, and (2) *equipment, machinery, parts and supplies* used in conjunction with the commodities in (1) above from the facilities of Apollo Chemical Co., located at or near Whippany, NJ, on the one hand, and, on the other, points in VA, MO, OH, MN, GA, AR, CO and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Apollo Chemical Corp., 35 South Jefferson Road, Whippany, NJ 07981. Send protests to: Robert J. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 144709 (Sub-2TA), filed September 19, 1978. Applicant: MINERAL CARRIER, INC., 183 East Main Street, Bridgewater, NJ 08807. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride* in dump vehicles, from Solvay, NY, to Paterson, NJ, restricted to a transportation service to be performed, under a continuing contract or contracts, with Para Industries, Inc., of Paterson, NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Para Industries, Inc., 101 Oliver Street, P.O. Box 1888, Paterson, NJ 07509. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 144888 TA, filed June 13, 1978. Applicant: BIL-RIC TRANSPORT SYSTEMS, INC., 92 East Main Street, Somerville, NJ 08876. Representative: Joel J. Nagel, 19 Back Drive, Edison, NJ 08817. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sodium bicarbonate, sodium carbonate, and cleaning, scouring, and washing compounds* (except commodities in bulk), in boxes, bags, either loose or on pallets, from the plantsite and storage facilities of Church & Dwight Co., Inc., located at or near Syracuse, NY, to points in AL, FL, GA, NC, and SC, under a continuing contract or contracts with Church & Dwight Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Church & Dwight Co., Inc., P.O. 369, Piscataway, NJ 08854. Send protests to: Robert E. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 145271 (Sub-1TA), filed September 6, 1978. Applicant: SCHULTZ CARRIERS, INC., 6038 Linden Lane, Dallas, TX 75230. Representative: Lawrence A. Windle, Winkle and Wells, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bagged lime* from Manitowoc County, WI to points in TX, OK, LA and AR, for 180 days. Supporting shipper(s): Rockwell Lime Co., Route 2, Box 124, Manitowoc, WI 54220. Send protests to: Ms. Opal Jones, Transportation Specialist, Interstate Commerce Commission, Room 13 C 12, 1100 Commerce Street, Dallas, TX 75202.

MC 145311 (Sub-1TA), filed August 31, 1978. Applicant: ROADRUNNER TRANSPORTATION, INC., 8406 Mosley Road, Houston, TX 77075. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* the transportation of which because of their size or weight require the use of special equipment or handling, between points in Harris and Matagorda Counties, TX, on the one hand, and, on the other, points in Rapides and Iberville Parrishes, LA, when moving from or to the facilities at which Brown and Root is the prime contractor, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Brown and Root, Transportation Department 0-6, 3302 Richardson Street, Houston, TX 77020. Send protests to: District Supervisor, John F. Mensing, 8610 Federal Building, 515 Rusk Avenue, Houston, TX 77002.

MC 145322TA, filed August 30, 1978. Applicant: WATSON TRUCKING, INC., Route 1, Old Dunbar Road, Byron, GA 31008. Representative: J. Michael May, Suite 508, 1447 Peachtree Street, NE., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, road building, and construction aggregates*, in bulk in dump vehicles, from the facilities of Clyde Owens Sand & Gravel, Inc., in Hardin County, TN, to Yellow Creek Dam project in Tishomingo County, MS, under a continuing contract or contracts with Clyde Owens Sand & Gravel, Inc., located at Collierville, TN. Temporary authority sought for 180 days; emergency temporary authority application also filed. Supporting shipper: Clyde Owens Sand & Gravel , Inc., P.O. Box 190, Collierville, TN 38017. Send protests to: Sara K. Davis, Transportation Assistant, ICC, 1252 West Peachtree Street, NW., Atlanta, GA 30309

MC 145329TA, filed September 7, 1978. Applicant: LARRY L. SMITH, Box 74, Geff, IL 62842. Representative: Robert T. Lawly, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips*, from Olney and Ramsey, IL, to Terre Haute, IN, and (2) *unfinished lumber*, from Olney and Ramsey, IL, to Evansville, Indianapolis, Jasper, and Logansport, IN, for the account of Paul Hites, d.b.a. Paul E. Hites & Son, Olney, IL, under a continuing contract or contracts with Paul E. Hites & Son, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Paul E. Hites & Son, Rural Route 2, Olney, IL 62450. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 145449 TA, filed September 15, 1978. Applicant: AGRA OVERSEAS CORP., 5400 Northwest 32nd Court, Miami, FL. 33142. Representative: Theodore Zelman, 3300 Rice Street, Suite 7, Coconut Grove, FL 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo containers, from company's warehouse in Miami, to and from the Port of Palm Beach via the most direct routes possible, also from the Port of Miami to the Port of Palm Beach, all in FL under a continuing contract, or contracts, with Suncoast Shipping, Ltd., for 180 days. There is no environmental impact involved in this application. Supporting shipper(s): Suncoast Shipping, Ltd., 5400 Northwest 32nd Court, Miami, FL 33142. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest, 53d Terrace, Miami, FL 33166.

MC 145450 TA, filed September 15, 1978. Applicant: H. D. EDGAR TRUCKING CO., INC., Route 1, Box 48, Opp, AL 36467. Representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheeled toys, juvenile furniture, and outdoor playground equipment*, from Dothan, AL to points in CA, WA, OR, NE, UT, ID, MO, CO, NM, WY, and AR , for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hedstrom Co., Louise Street, Dothan, AL 36301. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 145451 TA, filed September 22, 1978. Applicant: R. M. S., INC., P.O. Box 249, Route 2, County Trunk F, Edgerton, WI 53534. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Detroit, MI, to Cleveland, Pewaukee, Racine, Spring Green, and Wisconsin Dells, WI. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately five (5) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 212 East Washington Avenue, Room 317, Madison, WI 53703.

MC 145508TA, filed August 15, 1978. Applicant: A M & M INC., P.O. Box 1627, Jackson, TN 38301. Representative: Mr. R. Connor Wiggins, Jr., 100 North Main Building, Suite 909, Memphis, TN 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Jackson, TN, to points in NC, VA, and WV, under a continuing contract or contracts with Johns-Manville Sales Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Johns-Manville Sales Corp., 2222 Kensington Court, Oak Brook, IL 60521. Send protests to: Mr. Floyd A. Johnston, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

PASSENGER CARRIERS

MC 2060 (Sub-11TA), filed September 12, 1978. Applicant: PINE HILL-KINGSTON BUS CORP., 495 Broadway, Kingston, NY 12401. Representative: Bruce E. Mitchell, Serby & Mitchell, P.C., Fifth Floor, Lenox Towers I, 3390 Peachtree Road, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Express and newspapers*, in the same vehicle with passengers, (1) between Oneonta, NY, and New York, NY, from Oneonta over NY Hwy 28 to Mount Tremper, NY, then over NY Hwy 212 to Woodstock, NY, then over NY Hwy 375 to junction NY Hwy 28, then over NY Hwy 28 to Kingston, NY (also from Oneonta over NY Hwy 28 via Mount Tremper to Kingston, NY), then over NY Hwy 9W to Newburgh, NY, then over NY Hwy 32 to junction NY Hwy 17, then over NY Hwy 17 via Harriman, NY, to the NY-NJ State line (also from Kingston over NY State Thruway to Suffern, NY, then over NY Hwy 17 to the NY-NJ State line), then over NJ Hwy 17 to junction NJ Hwy 3, then over NJ 3 to junction depressed highway leading to the Lincoln Tunnel, then over depressed highway and via the Lincoln Tunnel to New York, NY, and return over the same route. Restriction: Service (a) to intermediate points is limited: (1) To those points between Oneonta and a point 1 mile west of the westerly city line of Kingston, NY, or (2) to the transportation of express and newspapers, the entire movement of which begins at intermediate point between Oneonta and a point 1 mile west of the westerly city line of Kingston, NY, and ends at intermediate point on carrier's presently authorized service routes in NJ, or vice versa, and (b) is restricted against the movement of express and newspapers the entire movement of which begins at New York, NY, and ends at any point in NJ, or vice versa. (2) Between Cooperstown, NY, and Oneonta, NY, serving the intermediate points of Index, Hartwick, Seminary, Milford, Portlandville, Milford Center, and Colliersville, NY, from Cooperstown over NY Hwy 28 to Oneonta, and return over the same route. (3) Serving Kingston, NY, as an intermediate point for the purpose of interlining express and newspapers only, in connection with carrier's presently authorized regular route operations between Oneonta and New York, NY. (4) Express and newspapers, in connection with carrier's authorized regular route operations, serving no intermediate points, and serving junction NY Hwy 17 and Interstate Hwy 87 and junction Interstate Hwy 95 and NJ Hwy 3 for purposes of joinder only, between junction NY Hwy 17 and Interstate Hwy 87 at or near exit 15 of Interstate Hwy 87, and junction Interstate Hwy 95 and NJ Hwy 3 at or near exit 17 of Interstate Hwy 95, from junction NY Hwy 17 and Interstate Hwy 87 over Interstate Hwy 87 to junction Garden State Parkway at or near exit 14A of Interstate Hwy 87, then over Garden State Parkway to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction NJ Hwy 3, and return over the same route, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately six (6) statements of support attached

to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Robert A. Radler, District Supervisor, P.O. Box 1167, Albany, NY 12201.

MC 145493TA, filed August 28, 1978. Applicant: LONGVIEW LIMOUSINE SERVICE, Clarence E. Ray, Jr. and Sam Curnutt, 906 South 12th Street, Longview, TX 75602. Representative: Billy R. Reid, P.O. Box 9093, Fort Worth, TX 76107. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and baggage*, when carried in same vehicle with passengers, limited to the transportation of not more than 11 passengers in any one vehicle, not including driver between Longview, TX, and Shreveport Regional Airport, Shreveport, LA, over Interstate Hwy 20, serving no intermediate points, for 180 days. Restriction: Restricted to transportation of passengers and baggage having an immediate prior or subsequent movement by air. Supporting shipper(s): Texas Eastman Co./division of Eastman Kodak, P.O. Box 7444, Longview, TX 75602. Jackson Travel Agency, 310 South Fredonia, P.O. Box 3126, Longview, TX 75601. Harris Corp./Antenna Division, Kilgore, P.O. Box 1277, Kilgore, TX 75662. Marathon LeTourneau Co., Longview Division, 2300 South McArthur Street, Longview, TX 75602. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 78-31710 Filed 11-9-78; 8:45 am]

[7035-01-M]

[Notice No. 202]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

October 25, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application. A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Motor Carriers of Property

MC 2253 (Sub-84TA), filed September 12, 1978. Applicant: CAROLINA FREIGHT CARRIERS, CORP., P.O. Box 697, Cherryville, NC 28021. Representative: J. S. McCallie, P.O. Box 697, Cherryville, NC 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Bicycle parts and accessories* serving the facilities of Cycle Products Co. at Emigsville, PA as an off-route point in connection with carrier's regular route operations. Restriction: Restricted to the transportation of traffic originating at or destined to points in Ohio. For 180 days applicant has also filed an underlying ETA seeking up to 90 days of operating authroity. Supporting shipper(s): Cycle Products Co. Aberdeen Road, Emigsville, PA 17318. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Road, Rm. CC516, Mart Office Building Charlotte, NC 28205.

MC 3252 (Sub-104TA), filed September 11, 1978. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, ME 04104. Representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, from Searsport, ME to Gilman, VT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Georgia-Pacific Corp., 800 Summer Street, Stamford, CT 06901. Send protests to: Interstate Commerce Commission, Bureau of Operations, Room 305, 76 Pearl Street, Portland, ME 04111.

MC 4687 (Sub-21TA), filed July 20, 1978. Applicant: BURGESS AND COOK, INC., 21 North 2d Street, P.O. Box 458, Fernandina Beach, FL 32034. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, GA 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation and insulation materials* except in bulk from Leeds, AL to points in FL and GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rock Wool Manufacturing Co., P.O. Box 3332A, Birmingham, AL 35205. Send protests to: District Supervisor G. H. Fauss, Jr., ICC, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville FL 32202.

MC 41960 (Sub-7TA), filed September 12, 1978. Applicant: JUNG TRANSPORTATION CO., INC., 8901 West Flagg Avenue, Milwaukee, WI 53225. Representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought for 180 days to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail drug, grocery, and food business houses, including equipment, materials, and supplies normally used in the conduct of such business*, from Bedford Park and Elk grove Village, IL, and Milwaukee, WI, to Menominee, MI, and points in the following Wisconsin counties: Adams, Brown, Calumet, Columbia, Dane, Dodge, Door, Fond du Lac, Green, Green Lake, Jefferson, Juneau, Kenosha, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Menominee, Milwaukee, Oconto, Oneida, Outagamie, Ozaukee, Portage, Racine, Rock, Sauk, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago and Wood. Supporting shipper(s): Bristol Myers Co., 345 Park Avenue, New York, NY 10022 (I.M. Ross). Warner Lambert Co., Morris Plains, NJ 07850 (Leonard J. Baker). Send protests to: Gail Daughterty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 52460 (Sub-220TA), filed September 12, 1978. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, Tulsa, OK 74107. Representative: Wilburn L. Williamson, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Foodstuffs* (except in bulk) in vehicles equipped with mechanical refrigeration. From facilities of Morton Frozen Foods Division, ITT Continental Baking Co. Inc., at Russellville, AR and Searcy, AR to points in AL, points in FL on and west of FL Hwy 65, GA, KY, LA, MS and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Morton Frozen Foods, Division of ITT, Continental Baking Co., Inc., 1 Morton Drive, Charlottesville, VA 22906. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Court House Building, Oklahoma City, OK 73102.

MC 59135 (Sub-34TA), filed September 11, 1978. Applicant: RED STAR EXPRESS LINES OF AUBURN, INC., d.b.a. RED STAR EXPRESS LINES, 24-50 Wright Avenue, Auburn, NY 13021. Representative: Donald G. Hichman, 24-50 Wright Avenue, Auburn, NY 13021. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, livestock, and those injurious or contaminating to other lading), serving the facilities of Bata Shoe Co., at Belcamp, MD, as an off-route point in connection with applicant's presently authorized regular route service, for 180 days. Supporting shipper: Breece Comer, General Traffic Manager, Bata Shoe Co., Inc., Belcamp, MD 21017. Send protest to: Interstate Commerce Commission, U.S. Courthouse and Federal Building, 100 South Clinton Street, Room 1259 Syracuse, NY 13260.

MC 61396 (Sub-359TA), filed September 12, 1978. Applicant: HERMAN BROS, INC., 2565 St. Marys Avenue P.O. Box 189, Omaha, NE 68101. Representative: Duane L. Stromer, 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from the facilities of Terra Chemicals International, Inc., at or near Blair, NE, to points in IA, MN, SD, WI and IL, for 180 days. Supporting Shipper(s): James A. Frady, Traffic Coordinator, Terra Chemicals International, Inc., P.O. Box 1828, Sioux City, IA 51102. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 94265 (Sub-282TA), filed September 11, 1978. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305—Route 460 West, Windsor, VA 23487. Representative: John J. Capo, Suite 212, 5299 Roswell Road NE., Atlanta, GA 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) in temperature controlled vehicles from the facilities owned and/or utilized by J. H. Filbert, Inc. located in Fulton, Clayton, Dekalb, Cobb and Douglass Counties, GA, to points in KY, MD, NC, OH, SC, TN, VA, WV and DC; for 180 days. Supporting shipper: J. H. Filbert, Inc., 3701 Southwestern Boulevard, Baltimore, MD. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, 10-502 Federal Building, 400 North Eighth Street, Richmond, VA 23240.

MC 95540 (Sub-1040TA), filed September 11, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher, 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk, in tank vehicles) from Louisville, KY to points in NC, SC TN, and MS, for 180 days. Supporting shipper(s): Louisvill Freezer Center, 2000 South 9th Street, Louisville, KY 40208. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission-BOp, Monterey Building, Suite 101, 8410 Northwest 53rd Terrace, Miami, FL 33166.

MC 95540 (Sub-104TA), filed September 11, 1978. Applicant: WALKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802, Representative: Benjy W. Fincher, 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles) from Atlanta, GA to points in AL, FL, KY, LA, MS,. NC, SC, TN, VA and WV, for 180 days. There is no environmental impact involved in this application. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Munford Refrigerated Warehouse, Division of Munford, Inc., 6150 Xavier Drive SW. Atlanta, GA 30336. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission-BOp, Monterey Building, Suite 101, 8410 Northwest 53rd Terrace, Miami, FL 33166.

MC 106920 (Sub-77TA), filed September 11, 1978. Applicant: RIGGS FOOD EXPRESS, INC., an Ohio corporation, P.O. Box 26—West Monroe Street, New Bremen, OH 45896. Representative: Betty Kominsk, P.O. Box 26, New Bremen, OH 45896. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spaghetti and macaroni*, from C.F. Mueller Co., at Jersey City, NJ, to points in OH, MI, IL and WI, for 180 days. Supporting shipper(s): C.F. Mueller Co., 180 Baldwin Avenue, Jersey City, NJ 07306. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations-ICC, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

MC 107478 (Sub-36TA), filed September 12, 1978. Applicant: OLD DOMINION FREIGHT LINE, INC., 1791 Westchester Drive, P.O. Box 2006, High Point, NC 27261. Representative: C. G. Pusey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Empty metal cans*, from Tampa, FL, to Charlotte, NC, for 180 days. Supporting shipper: Shasta Beverage Co., P.O. Box 5447, Charlotte, NC 28225. Send protests to: Archie Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

MC 107912 (Sub-20TA), filed September 11, 1978. Applicant: REBEL MOTOR FREIGHT, INC., P.O. Box 9384, 3060 Gill Road, Memphis, TN 38109. Representative: Mr. James N. Clay III, 2700 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) to serve the facilities of Parker Hannifin Corp., at or near Como, MS as an off-route point in conjuction with its other authorized regular routes, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Parker Hannifin Corp., P.O. Box 780, Batesville, MS 38606. Send protests to: Mr. Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Street, 100 North Main Building—Suite 2006 Memphis, TN 38103.

NOTE.—Applicant intends to tack the authority here applied for to authority held by it in MC-107912, and further intends to interline with other carriers at Memphis, TN who presently serve that gateway and at Jackson, MS.

MC 113666 (Sub-138TA), filed September 11, 1978. Applicant: FREE-

PORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: D.R. Smetanick, Vice President, 1200 Butler Road., Freeport, PA 16229. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Basketball backboards, crib bottoms and cut-to-size hardboard or fibre board* in an unfinished condition, form Frankfort, IN to Hallam and Elverson, PA and Milwaukee, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Harmeson Manufacturing Co., Inc., 509 West Barner, Frankfort, IN 46041. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue. Pittsburgh, PA 15222.

MC 114334 (Sub-36TA), filed September 12, 1978. Applicant: BUILDERS TRANSPORTATION CO., 3710 Tulane Road, Memphis, TN 38116. Representative: Mr. Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products* from the plantsite of Featherlight Corp., Memphis, TN to Homer and Talullah, LA, for 180 days. Supporting shipper(s): Featherlight Corp., 2615 Channel Avenue, Memphis TN 38113. Send protests to: Mr. Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building—Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 114632 (Sub-182TA), filed September 11, 1978. Applicant: APPLE LINES, INC., 212 Southwest Second Street, P.O. Box 287, Madison, SD 57042. Representative: Michael L. Carter, 212 Southwest Second Street, P.O. Box 287, Madison, SD 57042. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facilities of Continental Freezers of IL at or near Chicago, IL to points in IN, KY, MI, MO, OH, and WI, for 180 days. Supporting shipper(s): Continental freezers of Illinois, 4220 South Kildare Boulevard, Chicago, IL 60632, Roger H. Shay, Traffic Manager. Send protests to: J. L. Hammond, District Supervison Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

MC 115322 (Sub-147TA), filed September 11, 1978. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: L. W. Fincher, P.O. Box 426, Tampa, FL 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* between the facilities of National Fruit Products Co., Inc. located at Martinsburg, WV, Winchester, VA, Temberville, VA and Lincolnton, NC, for 180 days. Supporting shipper(s): National Fruit Products Co., Inc., 550 Fairmont Avenue, Winchester, VA 22601. Send protests to: District Supervisor G. H. Fauss, Jr., ICC, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 115322 (Sub-148TA), filed September 11, 1978. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: L. W. Fincher, P.O. Box 426, Tampa, FL 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* from the facilities of National Fruit Product Co., at or near Lincolnton, NC to points in AL, GA, FL, LA, MS, TN, SC, and VA for 180 days. Supporting shipper(s): National Fruit Products Co., Inc., 550 Fairmont Avenue, Winchester, VA 22601. Send protests to: District Supervisor G. H. Fauss, Jr., ICC, Bureas of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 115904 (Sub-127TA), filed September 12, 1978. Applicant: GROVER TRUCKIN CO., 1710 West Broadway, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Authority sought to operate in interstate or foreign commerce as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Flatglass*, from the facilities of Guardian Industries located at or near Kingsburg, CA to points in the United States in and west of the States of OH, KY, TN, and AL (except AK and HI); (2) *Flatglass*, from the facilities of Guardian Industries at or near Kingsburg, CA to the ports of entry located on the international boundary line between the United States and Canada located in WA, ID, and MT. Restricted to traffic destined in foreign commerce to the Provinces of BC, AB, and SK; and (3) *Materials, equipment, and supplies* used in the manufacture and distribution of flat glass from points in the United States in and west of OH, KY, TN, and AL (except AK and HI) to the facilities of Guardian Industries at or near Kingsburg, CA. Restricted in (3) above against the transportation of commodities which because of their size and weight require the use of special equipment, commodities described in Mercer Extension Oil Field Commodities 74 MCC 459 and acids and chemicals in bulk for 180 days. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Guardian Industries Corp., 14600 Romine Road, Carleton, MI 48117. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 1471 Shoreline Drive, Suite 110, Boise, ID 83706.

MC 116947 (Sub-59TA), filed September 8, 1978. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street, SW., Atlanta, GA 30310. Representative: William Addams, Suite 212, 5299 Rosewell Road, NE., Atlanta, GA 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container ends, pallets, paper shrouds, chipboard, decorated tin plate in sheets, bottle caps, and materials and supplies* (except commotities in bulk) used in the manufacture and distribution of metal containers (1) between the facilities of Crown Cork & Seal Co. in GA, MD, LA, NJ, SC and TX; (2) and between the facilities named in (1) above on the one hand, and points in FL, NC, PA, WV, TN, AL, MS, AR, TX and LA on the other, under a continuing contract or contracts with Crown Cork & Seal Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Crown Cork & Seal Co. Inc., 9300 Ashton Road, Philadelphia, PA 19136. Send protests to: Transportation Assistant Sara K. Davis, Interstate Commerce Commission, 1251 West Peachtree Street NW., Room 300, Atlanta, GA 30309. (Hearing site: Atlanta, GA.)

MC 119726 (Sub-142TA), filed September 12, 1978. Applicant: N.A.B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, related advertising materials, and empty malt beverage containers.* between Duval County, FL, and Columbus, GA. Restricted to traffic orginating at or destined to the facilities of B & B Beverage Co., located at Columbus, GA, and further restricted against the transportation of commodities in bulk, in tank vehicles, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): B & B Beverage Co., 6103 Bud Drive, Columbus, GA 31904. Send protests to: Beverly J. William, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

MC 123383 (Sub-85TA), filed September 12, 1978. Applicant: BOYLE BROTHERS, INC., RD 2, Box 329C, Medford, NJ 08055. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Ashtabula, OH to points in NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MacMillan Bloedel Building Materials Division of MacMillan Bloedel, Inc., 6540 Powers Ferry Road, Atlanta GA 30390. Send protests to: John P. Lynn, Transportation Specialist, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 124174 (Sub-121TA), filed September 11, 1978. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 "L" Street, Omaha, NE 68137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard pulpboard, boxes, containers or cartons, corrugated flat or folded flat, loose or in packages*, from the plantsite or storage facilities of Tri-Wall Containers, Inc., at or near Butler, IN to Alcester, SD; Kearney and Valley, NE; Fairfield, IA; Mankato, MN; Hutchinson, KS, and Whiteman Air Force Base, MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tri-Wall Containers, Inc., Patrick Tyler, Traffic Manager, P.O. Box 8, County Road 71, Butler, IN 46721. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68120.

MC 125335 (Sub-30TA), filed September 11, 1978. Applicant: GOODWAY, P.O. Box 2283, York, PA 17405. Representative: Walter J. Seelig, P.O. Box 2283, York, PA 17405. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prunes, prune extract, and prune juice in containers* from the facilities of Diamond/Sunsweet Inc., at or near Bordentown, NJ and Burlington, NJ to points in FL for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Diamond/Sunsweet Inc., P.O. Box 1727, Stockton, CA 95201. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869 Federal Square Station, Harrisburg, PA 17108.

MC 126118 (Sub-97TA), filed September 11, 1978. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie, P.O. Box 81228, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine and alcoholic beverages* (except commodities in bulk, in tank vehicles), (2) *non-alcoholic beverages* when moving in mixed loads with (1) above (except commodities in bulk, in tank vehicles), from points in CA, to points in CT, DE, IL, IN, IA, KS, KY, MD, MI, MN, MO, NE, NH, NJ, NY, OH, OK, PA, RI, TN, VA, WV, WI, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are approximately 22 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Courthouse, 100 Centennial Mall North, Lincoln, NE 68508.

NOTE.—Common control may be involved.

MC 126243 (Sub-26TA), filed September 12, 1978. Applicant: ROBERTS TRUCKING CO., INC., U.S. Highway 271 South, P.O. Drawer G, Poteau, OK 74953. Representative: Prentiss Shelley, P.O. Drawer G, Poteau, OK 74953. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Co. at or near Henryetta, OK to Eden, NC and Martinsville, VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midland Glass Co., Inc., P.O. Box 557, Clifford, NJ 07721. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 126473 (Sub-33TA), filed September 11, 1978. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, foodstuffs, and articles* distributed by meat packing plants (except hides and commodities in bulk), from the facilities of Geo. A Hormel & Co., at or near Austin, MN and Fort Dodge, IA to all points in AL, FL, GA, NC, SC and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 127187 (Sub-42TA), filed September 12, 1978. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Boulevard, P.O. Box 492, Fergus Falls, MN 56537. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer material*, in bulk, from the facilities of Land O' Lakes Agricultural Services Division at or near Mason City, IA, to points in MN, WI, ND, SD and NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Land O' Lakes Agricultural Services Division, 2827 8th Avenue South, Fort Dodge, IA 50501. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268 Federal Building and U.S. Post Office, 657 2d Avenue North, Fargo, ND 58102.

MC 128527 (Sub-125TA), filed September 12, 1978. Applicant: MAY TRUCKING CO., P.O. Box 400, Payette, ID 83661. Representative: Timothy R. Stivers, Registered Practitioner, P.O. Box 162, Boise, ID 83701. Authority sought to operate in interstate commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting, for 180 days. *Such merchandise* as is dealt in by retail department stores, and *materials and supplies* used in the conduct of such business, from the facilities of the Bon Marche Distribution Center in Seattle, WA, to Boise, Idaho Falls, Nampa, Pocatello, and Twin Falls, ID; Great Falls and Missoula, MT; and Ogden, UT, and (2) carriers and containers second-hand, From Great Falls and Missoula, MT to Spokane, WA. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bon Marche Co., 17000 Southcenter Parkway, Tukwila, WA 98188. Send protests to Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 1471 Shoreline Drive, Suite 110, Boise, ID 83706.

MC 128527 (Sub-126TA), filed September 12, 1978. Applicant: MAY TRUCKING CO., P.O. Box 400, Payette, ID 83661. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Chef Francisco at or near Eugene, OR to points in IA, IL, IN, KS, LA, MI, MN, MO, NE, ND, OK, SD, TX, and WI, for 180 days. Appli-

cant has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chef Francisco, Inc., 1400 Cross Street, Eugene, OR. Send protests to Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 1471 Shoreline Drive, Suite 110, Boise, ID 83706.

MC 129032 (Sub-54TA), filed September 12, 1978. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Tulsa, OK 74107. Representative: David R. Worthington (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from the facilities of Fox De Luxe Pizza Co. at Joplin, MO and the facilities of the Pillsbury Co. at or near Joplin and Carthage, MO to points in CO, IL, IN, OK, KS, TX and UT. For 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Totino's Frozen Foods Division, The Pillsbury Co., 7350 Commerce Lane, Fridley, MN 55432. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Building, 215 NW 3d, Oklahoma City, OK 73102.

MC 129537 (Sub-25TA), filed September 8, 1978. Applicant: REEVES TRANSPORTATION CO., Route 5, Dews Pond Road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 North Morgan Street, Tampa, FL 33602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets and rugs* from all points in Hamilton County, TN to Gordon County, GA, for purpose of tacking said authority to applicant's existing authority, a portion of which originates in Gordon County, GA, for 180 days. Supporting shipper(s): L. B. Sewell Corp., 1405 Second Avenue, Tampa FL 33602. Send protests to: Transportation Assistant Sara K. Davis, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

MC 133326 (Sub-3TA), filed September 12, 1978. Applicant: DIVERSIFIED AUTO FREIGHT, INC., P.O. Box 3045, Lake Charles, LA 70601. Representative: Mr. Gordon I. Herzog, 314 North Broadway, Suite 700, St. Louis, MO 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and parts thereof when moving in mixed loads with automobiles, in secondary movements in truckway service* (1) from Argentine, KS and Houston, TX to points in KS, NE, AR, and MO; and (2) between points in KS, NE, AR, and MO, under a continuing contract or contracts with Volkswagen Mid-America, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Volkswagen Mid-America, 8825 Page Boulevard, St. Louis, MO 63114. Send protests to: Connie A. Guillory, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

MC 133655 (Sub-122TA), filed September 11, 1978. Applicant: TRANSNATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), when moving on bills of lading of Texas Shippers Association from Chicago, IL to Dallas, Houston, San Antonio, Amarillo, Lubbock, and Laredo, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Texas Shippers Association, Inc., 23111 Butler Street, Dallas, TX 75235 (G. J. Miller). Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Herring Plaza, Box H-4395, Amarillo, TX 79101.

MC 134286 (Sub-76TA), filed September 11, 1978. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Charles M. Williams, Suite 530, Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film and plastic articles* (except in bulk), *and materials, equipment, and supplies* used in the manufacture and distribution of the above commodities (except commodities in bulk), in vehicles equipped with mechanical refrigeration devices, from the storage facilities utilized by the Resinite Department, Borden Chemical Division of Borden, Inc., at or near Dallas, TX, to points, in IA, NE, MO, KS, AR, LA, OK, CO, and NM, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Resinite Department, Borden Chemical Division of Borden, Inc., W. T. "Tom" Willcox, Manager, Distribution and Materials, 1 Clark Street, North Andover, MA 08145. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Omaha, NE 68102.

MC 134286 (Sub-77TA), filed September 11, 1978. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, Iowa 51102. Representative: Charles M. Williams, Kimball, Williams, & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203, 303-839-5856. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film and plastic articles* (except in bulk), *and materials equipment, and supplies* used in the manufacture and distribution of the above commodities (except commodities in bulk), in vehicles equiped with mechanical refrigeration devices, from the storage facilities utilized by the Resinite Department, Borden Chemical, Division of Borden, Inc. at or near Elk Grove Village, IL, to points in OH, IN, MI, WI, IA, MO, MN, KS, NE, SD, ND, CO, WY, and MT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Resinite Department, Borden Chemical Division of Borden, Inc., W. T. "Tom" Willcox, Manager, Distribution and Materials, 1 Clark Street, North Andover, MA 01845. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 135152 (Sub-27TA), filed September 12, 1978. Applicant: CASKET DISTRIBUTORS, INC., R.R. No. 2, P.O. Box 327, West Harrison, IN 45030. Representative: J. D. Campbell, R.R. No. 2, P.O. Box 327 West Harrison, IN 45030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Apples, in boxes, dried.* (item 77020 NMFC). From Wenatchee, WA, to IL, PA, NJ, and RI. For 180 days. Supporting shipper(s): Drackett Co., 5020 Spring Grove Avenue, Cincinnati, OH 45232. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

MC 135873 (Sub-6TA), filed September 11, 1978. Applicant: K.S.S. TRANSPORTATION CORP., P.O. Box 3052, North Brunswick, NJ 08902. Representative: Daniel C. Sullivan, Esq., 10 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, used or dealt in by manufacturers or distributors of printed matter, paper, and paper products, between East Greenville, PA, on the one hand, and, on the other, points in the States

of CT, DE, FL, GA, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MS, MO, NB, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI under a continuing contract or contracts with Brown Printing, Inc., for 180 days. Supporting shipper(s): Brown Printing Co., Highway 14 West, Waseca, MN 56093. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 138000 (Sub-39TA), filed September 12, 1978. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fabrics*, from Edinburg, VA and its commercial zone to Bridgeton, NJ and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Aileen, Inc., P.O. Box 8, Woodstock, VA 22664. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 138505 (Sub-8TA), filed September 11, 1978. Applicant: METROPOLITAN CONTRACT SERVICES, INC., 710 North Post Oak Road, Suite 110 Houston, TX 77024. Representative: John H. Lewis, The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores between Denver, CO, and Billings, MT, restricted to shipments both originating at and terminating at the facilities of the Denvery Dry Goods Co. under a continuing contract or contracts with the Denver Dry Goods Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Denver Dry Goods Co., 16th and California Denver, CO. Send protests to: District Supervisor John F. Mansing, 8610 Federal Building, 515 Rusk Avenue, Houston, TX 77002.

MC 138635(Sub-62TA), filed September 11, 1978. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, NC 28052. Representative: Eric Meierhoefer Suite 423, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) which are at the time moving on bills of lading of freight forwarders operating pursuant to part IV of the Interstate Commerce Act*, between VA and DC on the one hand, and on the other, CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Universal Carloading & Distributing Co., Inc., 11591 North Shore Drive, Reston, VA 22090. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC-516, Mart Office Building, Charlotte, NC 28205.

MC 141084 (Sub-11TA), filed September 11, 1978. Applicant: NATIONAL FREIGHT LINES, INC., 13023 Arroyo Avenue, San Fernando, CA 91341. Representative: Bill D. Gardner, 13023 Arroyo Avenue, San Fernando, CA 91341. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, except in bulk, (1) from points in AL, CT, DE, FL, GA, IL, IA, IN, KS, KY, LA, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, SD, SC, TN, TX, WV, and WI, to points in AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY and (2) from Denver and Grand Juction, CO; Carlsbad, NM, Green River and Upton, WY, to points in AZ, CA, ID, MT, NV, OR, UT and WA, under a continuing contract or contracts with McKesson Chemical Co., for 180 days. Supporting shipper(s): McKesson Chemical Co., 9040 Telegraph Road, Downey, CA 90240. Send protests to: Irene Carlos Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 141804(Sub-135TA), filed September 12, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except meats, meat products, and meat by-products; fresh, frozen or preserved dairy products, and articles distributed by meat packinghouses as described in sections A, B, and C of appendix I to the report in descriptions in Motor Carrier Certificates, 61 MCC 209 and 766; fresh or frozen foodstuffs; commodities in bulk; those requiring specialized equipment for their loading, unloading, or transportation and except explosives), restricted to those commodities which are at the time moving under the provisions of bills of lading of freight forwarders of part IV of the Interstate Commerce Act, between Terre Haute, IN and Los Angeles, CA, and their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Westransco Freight Co., 1041 Richmond Street, Los Angeles, CA 90033. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles CA 90012.

MC 142189 (Sub-34TA), filed September 12, 1978. Applicant: C. M. BURNS d.b.a. WESTERN TRUCKING, 521 Lincoln Avenue, Baker, MT 59313. Representative: C. M. Burns, P.O. Box 980, Baker, MT 59313. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, wood and wood products* from ID and OR to points in IN, KS, MO, MI and OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): C. H. Jim Tripp, Secretary, Ferguson Lumber Sales, Inc., P.O. Box 8538, Missoula, MT 59807. Larry J. Schroeder, Transportation Analyst, Potlatch Corp., P.O. Box 1016, Lewiston, ID 83501. Send protests to: District Supervisor Paul J. Labane, ICC, 2602 First Avenue North, Bilings, MT 59101.

MC 142766 (Sub-9TA), filed September 11, 1978. Applicant: WHITE TIGER TRANSPORTATION, INC., 40 Hackensack Avenue, South Kearny, NJ 07032. Representative: Jay Schiffres, 1001 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: (1) *Plastic articles and school supplies* and (2) *supplies, equipment and materials* used in the manufacture and sale of the commodities named in (1) above (except commodities in bulk), between the facilities of Sterling Plastics, Division of Borden Chemical, Borden, Inc., located at Mountainside, NJ on the one hand, and on the other, points in OH, IN, MI, GA, TN, AR, NE, CO, WI, MO, and TX under a continuing contract, or contracts, with Sterling Plastics, Division of Borden Chemical, Borden, Inc., of Mountainside, NJ, under a continuing contract or contracts with Sterling Plastics, Division of Borden Chemical, Borden, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sterling Plastics, Division of Borden Chemical, Borden, Inc., 253 Sheffield Street, Mountainside, NJ. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clin-

ton Street, Room 618, Newark, NJ 07102.

MC 144330 (Sub-40TA), filed September 11, 1978. Applicant: UTAH CARRIERS, INC., P.O. Box 1218 Freeport Center, Clearfield, UT 84016. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cereal binders, sealing compounds, corn flour, industrial flour, industrial starches and processes grain products*, from McPherson, KS, to points in UT, CA, WA, and NV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Chemstar Products Co., Box 19086, Minneapolis, MN 55419, (Paul F. Werler, president) Send protests to: District Supervisor L. D. Helfer, Interstate Commerce Commission, 5301 Federal Building, Salt Lake City, UT 84138.

MC 144411 (Sub-2TA), filed September 8, 1978. Applicant: TRANSPORT SERVICE CORP., Venner Street, P.O. Box 6033 - Myers Branch, Charleston, SC 29405. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, and commodities in bulk), having an immediately prior or subsequent movement by water between points in the Charleston, SC commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Evergreen/Hendt Corp., P.O. Box 606, Charleston, SC 29042. Send protests to: E. E. Strotheid, District Supervisor, ICC, Room 302, 1400 Building, 1400 Pickens T., Columbia, SC 29201.

MC 144930 (Sub-1TA), filed September 12, 1978. Applicant: EKLEBERRY TRUCKING, INC., 400 West Mary Street, Bucyrus, OH 48820. Representative: Gerald P. Wadkowski, Attorney at Law, 85 East Gay Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, between points in OH on the one hand and on the other hand, points in IN and MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Agrico Chemical Co., Cairo, OH. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, ICC, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

MC 145228 (Sub-1TA), filed September 8, 1978. Applicant: AUGUST D. BADALI, JR., d.b.a., A. & M. CARTAGE, 17401 Odell Street, Tinley Park, IL 60477. Representative: Philip A. Lee, 120 West Madison Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ash*, from Chicago, IL to Birmingham, AL and from Gary, IN and Hammond, IN to Niles, Kalamazoo, Benton Harbor and Detroit, MI, under a continuing contract or contracts with American Admixtures Corp., for 180 days. Supporting shipper(s): American Admixtures Corp., Cathy Hordecky, manager/customer services, 5909 North Rogers Avenue, Chicago, IL 60646. Send protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 145276 (Sub-1TA), filed September 12, 1978. Applicant: MINNESOTA EXPRESS, INC., Box 427, Willmar, MN 56201. Representative: F. H. Kroeger, 1745 University Avenue, St. Paul, MN 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat* from Howard, SD to St. Cloud, MN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Howard Beef Processors, Inc., Box 606, Howard, SD 57349. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 145397TA, filed August 21, 1978. Applicant: P. A. JOHNSON & CO., 1220 Monroe Avenue, River Forest, IL 60305. Representative: John F. Kelly (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, for the National Starch & Chemical Corp., to include commodities that require protection from freezing, not to include commodities in bulk, from the facilities of National Starch & Chemical Corp. at Chicago, IL, to points in the States of IN, IA, MI and WI, as shown in attached map, restriction above authority restricted to seasonal operation, November through April, under a continuing contract, or contracts, with National Starch & Chemical Corp., for 180 days. Supporting shipper(s): National Starch & Chemical Corp., Henry G. Kavanagh, traffic director, P.O. Box 6500, Bridgewater, NJ 08817. Send protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 78-31711 Filed 11-9-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6351-01-M]

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., November 14, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Proliferation of Interest-Rate Futures Contract.
Expedited Adjudicatory Proceedings.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-2281-78 Filed 11-8-78; 11:40 am]

[6351-01-M]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., November 14, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Revocation of registration of an associated person of a futures commission merchant; private investigation.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-2282-78 11-8-78; 11:40 am]

[6715-01-M]

3

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, November 15, 1978, at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audit Reports, Compliance, Personnel.

* * * * *

DATE AND TIME: Thursday, November 16, 1978, at 10 a.m.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

Portions open to the public:

Setting of dates for future meetings.
Correction and approval of minutes.
Advisory Opinions: AO 1978-35, AO 1978-39, AO 1978-56, and AO 1978-81.
Appropriations and budget.
Pending legislation.
Pending litigation.
Liaison with other Federal agencies.
Classification actions.
Routine administrative matters.

Portions of the meeting closed to the public:

Any matters not concluded on November 15, 1978.

* * * * *

DATE AND TIME: Friday, November 17, 1978, at 10 a.m.

MATTERS TO BE CONSIDERED: Any matters not concluded on November 15, 1978, and November 16, 1978.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-2287-78 Filed 11-8-78; 3:24 pm]

[6740-02-M]

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 51750, published November 6, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m. November 8, 1978.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

ER-4. ER76-90 and ER77-558, Boston Edison Co.
CP-1. CP77-1, CP76-297, CP76-274, CP76-121, CP75-271, and CP74-92, McCulloch Interstate Gas Co. CP76-494, CP74-62, Colorado Interstate Gas Co. CP76-259, CP74-64, Mountain Fuel Supply Co. CI77-163 and CI77-164, McCulloch Gas Processing Co.

KENNETH F. PLUMB,
Secretary.

[S-2277-78 Filed 11-8-78; 11:11 am]

[6720-01-M]

5

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 2 p.m., November 15, 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.

MATTERS TO BE CONSIDERED:

Consideration of Termination of Bank Membership—The Peoples Savings & Loan Co., Flushing, Ohio.
Considertion of Termination of Bank Membership—The Ormonde Savings & Loan Co., Cincinnati, Ohio.
Application for Bank Membership—Banco Financiero de Ahorro de Ponce, Ponce, P.R.
Limited Facility Application—First Federal Savings & Loan Association of Brunswick, Brunswick, Ga.
Consideration of Request for a Commitment to Insure Accounts—Heritage Savings & Loan Association, Elk City, Okla.
Branch Office Application—Gem Federal Savings & Loan Association of Norwood, Norwood, Ohio.
Branch Office Application—Capitol Federal Savings & Loan Association, Topeka, Kans.
Branch Office Application—Valley Federal Savings & Loan Association, Van Nuys, Calif.

Merger Application—First Federal Savings & Loan Association of Mount Vernon, Mount Vernon, Wash., into Washington Federal Savings & Loan Association of Seattle, Seattle, Wash.
Branch Office Application—Talman Federal Savings & Loan Association, Chicago, Ill.
Extension of Time Application—Redding Savings & Loan Association, Redding, Calif.
Application for Retroactive Approval to Retain Control of Modern Savings & Loan Association, Pasadena, Tex.—Modern Savings & Loan Association Shareholders' Agreement.
Branch Office Application—Sandusky County Federal Savings & Loan Association, Fremont, Ohio.
Branch Office Application—Midland Federal Savings & Loan Association, Denver, Colo.
Application for Bank Membership—Banco de Ahorro del Oeste, Mayaquez, P.R.
Application for Permission to Organize a New Federal—E. E. Hartenstine, et al., Denham Springs, La.
Applications for Bank Membership and Insurance of Accounts—First Public Savings & Loan Association, Los Angeles, Calif.
Branch Office Application—Skokie Federal Savings & Loan Association, Skokie, Ill.
Extension of Time Application—United First Federal Savings & Loan Association, Sarasota, Fla.
Branch Office Application—San Francisco Federal Savings & Loan Association, San Francisco, Calif.
Applications for Bank Membership and Insurance of Accounts—Security First Savings & Loan Association, Cheyenne, Wyo.
Application for Permission to Organize a Federal Association—John Wesley Sparrow, et al., Lake City, S.C.
Concurrent Consideration of (1) Application for Permission to Organize a New Federal—Guido A. Aguilera, et al., Coral Gables, Fla.; and (2) Limited Facility Application—Financial Federal Savings & Loan Association, Miami Beach, Fla.
Consideration of proposed regulation relating to stock option and stock purchase.
Consideration of regulation regarding mortgage-futures transactions.
Consideration of uniform guidelines for enforcement of regulation Z.

No. 196, November 8, 1978.

RONALD A. SNIDER,
Assistant Secretary.

[S-2284-78 Filed 11-8-78; 3:24 pm]

[6820-12-M]

6

NOVEMBER 8, 1978.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., November 8, 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 additional agenda item:

United Mine Workers of America v. *Andrus, Carbon Fuel Co.*, No. 76-1208, D.C. Cir., May 9, 1978 (Issuance of Order To Show Cause).

It was determined by unanimous vote of all five Commissioners that Commission business required that this item be added on the November 8 agenda and that no earlier announcement of the change was possible.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Philip Paschall, 202-653-5610.

[S-2288-78 Filed 11-8-78; 3:59 pm]

[6820-12-M]

7

NOVEMBER 8, 1978.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., November 15, 1978.

PLACE: 1730 K Street NW., Room 600, Washington, D.C. 20006.

STATUS: This meeting will be open.

MATTERS TO BE CONSIDERED: The following will be considered and acted upon by the Commission. If necessary, they will be carried over to the next regularly scheduled meeting.

1. Kaiser Steel Corp., Docket No. DENV 77-13-P.
2. Sewell Coal Co., Docket No. HOPE 78-529-P (Petition for Discretionary Review).
3. Report on proposed regulations implementing the Sunshine Act.
4. Staff briefing on *United Mine Workers of America* v. *Cecil D. Andrus, Carbon Fuel Co.*, No. 76-1208, D.C. Cir May 9, 1978.

CONTACT PERSON FOR MORE INFORMATION:

Philip Paschall, 202-653-5610.

[S-2289-78 Filed 11-8-78; 3:59 pm]

[6210-01—M]

8

FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Sent to Federal Register on November 3, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Monday, November 13, 1978.

CHANGES IN THE MEETING: Cancellation of the open portion:

Information on pricing of Federal Reserve service to be submitted to the Congress for consideration in connection with pending legislation dealing with fair competition among financial institutions and soundness of the commercial banking system.

This item will be rescheduled for an open meeting on Friday, November 17, 1978 at 10 a.m.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: November 8, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[S-2283-78 Filed 11-8-78; 2:06 pm]

[6350-01-M]

9

FEDERAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 50985, published November 1, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Friday, November 3, 1978

CHANGES IN THE AGENDA: The Federal Trade Commission has canceled its previously announced closed meeting of Friday, November 3, 1978, and rescheduled this meeting for Wednesday, November 29, 1978, 2 p.m.

[S-2278-78 Filed 11-8-78; 11:11 am]

[6750-01-M]

10

FEDERAL TRADE COMMISSION.

TIME AND DATE: 9 a.m., Wednesday, November 15, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Oral presentation to the Commission by designated group representatives on proposed trade regulation rule governing labeling and advertising of home insulation.

CONTACT PERSON FOR MORE INFORMATION:

Ira J. Furman, Office of Public Information, 202-523-3830. Recorded Message: 202-523-3806.

[S-2279-78 Filed 11-8-78; 11:11 am]

[7545-01-M]

11

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 3 p.m., Tuesday, November 14, 1978.

PLACE: Board Conference Room, sixth floor, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Consideration of applicant qualified for appointment to Administrative Law Judge.

CONTACT PERSON FOR MORE INFORMATION:

William A. Lubbers, Executive Secretary, Washington, D.C. 20570, telephone 202-254-9430.

Dated, Washington, D.C., November 8, 1978.

By direction of the Board.

GEORGE A. LEET,
Associate Executive Secretary.

[S-2280-78 Filed 11-8-78; 11:11 am]

[4910-58-M]

12

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 52092, November 8, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m. Thursday, November 9, 1978 [NM-78-38].

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Railroad Accident Report—Derailment of Atlanta & St. Andrews Bay Railway Co. freight trains, Youngstown, Fla., February 26, 1978.
2. Aircraft Accident Report—National Airlines, Inc., Boeing 727, N4744, Pensacola, Fla., May 8, 1978.
3. Discussion of party status of Aviation Consumer Action project in the hearing into the Pacific Southwest Airlines Boeing 727/Cessna 172 midair collision over San Diego, Calif., September 25, 1978.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-2286-11 Filed 11-8-78; 3:24 pm]

[7910-01-M]

13

RENEGOTIATION BOARD.

DATE AND TIME: Monday, December 4, 1978; 2 p.m.

PLACE: Conference Room, 4th floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Howard P. Foley Co., fiscal year ended March 31, 1969.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: November 8, 1978.

GOODWIN CHASE,
Chairman.

[S-2285-78 Filed 11-8-78; 3:24 pm]

federal register

MONDAY, NOVEMBER 13, 1978
PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM STANDARDS 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 mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1. (Including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or supersedes shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Alabama.—AL78-1094.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Maryland:	
MD78-3020	Apr. 14, 1978.
Massachusetts:	
MA78-2086	Sept. 22, 1978.
Pennsylvania:	
PA77-3078	June 4, 1977.
PA78-3012	Apr. 28, 1978.
PA78-3013	Apr. 14, 1978.
PA78-3014	Mar. 24, 1978.
PA78-3015; PA78-3043	May 12, 1978.
PA78-3067	Sept. 22, 1978.
PA78-3078	Oct. 20, 1978.
West Virginia:	
WV78-3018	June 9, 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 Decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois:	
IL78-2031 (IL78-2117)	Mar. 17, 1978.
IL78-2044 (IL78-2140)	Mar. 24, 1978.
Ohio:	
OH78-2002 (OH78-2148)	Feb. 10, 1978.
OH78-2055 (OH78-2147); OH78-2057 (OH78-2153); OH78-2058 (OH78-2154).	May 12, 1978.
Wisconsin:	
WI77-2124 (WI78-2149)	Aug. 19, 1978.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

None.

Signed at Washington, D.C., this 3rd day of November 1978.

DOROTHY P. COME,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Alabama
COUNTY: *See below
DECISION NO.: AL 78-1094
DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

* Counties: Autauga, Bullock, Butler, Chilton, Clarke, Conecuh, Coosa, Crenshaw, Dallas, Elmore, Lowndes, Monroe, Montgomery, Pike and Wilcox Counties, Alabama.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	5.69				
Bricklayers	6.13				
Carpenters	4.50				
Cement masons	4.50				
Drywall finishers	4.55				
Drywall hangers	4.50				
Electricians	8.53				
Laborers	3.07				
Painters, brush	5.35				
Plumbers and pipefitters	5.87				
Roofers	7.00				
Soft floor layers	3.25				
Tile setters	4.94				
POWER EQUIPMENT OPERATORS:					
Backhoe	4.00				
Bulldozers	4.36				
Loaders	4.00				
Motor grader	4.00				

MODIFICATIONS P. 1

DECISION #MD78-3020 - Mod. #6
(42 FR 16045 - April 14, 1978)
Counties of Anne Arundel (excluding the D. C. Training School), Baltimore and Baltimore City, Maryland and for Heavy Construction Projects in Harford & Howard Counties, Maryland

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Ironworkers:					
Ironworkers, finishers, rodmen, pre-cast, & pre-stress erectors	10.24	.90	1.91		.06
Fence erectors	9.89	.90	1.91		.06
Sheeters	10.49	.90	1.91		.06

DECISION NO. MA78-2086- Mod #1
(43 FR 43189- September 22, 1978)
Middlesex County, Massachusetts

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All work, including demolition, repair & alteration of any existing structure which is intended for predominantly residential use:					
Bricklayers, stonemasons:					
Acton, Ashby, Ayer, Bedford, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Ft. Devens, Groton, Littleton, Lowell, No.Acton, Pepperell, Shirley, So.Action, Tewksbury, Townsend, Tyngsboro, West Acton, Westford & Willmington	$9.52	.90	.70		.09
Bricklayers:					
Belmont, Burlington, Concord, Lexington, Lincoln, Stoneham, Sudbury, Waltham, Wayland, Weston, Winchester, Woburn	9.39	.75	1.00		.09
Carpenters & soft floor layers:					
Bedford, Concord, Dover, Linclon, Natick, Newton, Sudbury, Waltham, Watertown, Wayland, Weston, Acton, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tynsboro, Westford	9.14	.90	1.00		.07
Electricians:					
Bedford, Billerican, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, and Wilmington	9.31	.85	3%+.30		.02
Laborers	7.01	.60	.75		.10
Painters:					
Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington	8.59	1.18	.80		.04

DECISION NO. MA78-2086- Mod #1
(Continued)

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All work, including demolition, repair & alteration of any existing structure which is intended for predominantly residential use:					
Plumbers:					
Acton, Ayer (except portion lying west of the Greenvile Branch of the Boston & Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westford, & Wilmington	$9.79	1.10	.60		.02
Ashland, Belmont, Concord, Framington, Holliston, Hopkington, Lexington, Lincoln, Marlboro, Maynard, Natrick, Sherborn, Stow, Sudbury, Waltham, Wayland, and Weston	9.75	1.23	.85		.05
Truck Drivers: Building, Heavy, and Highway Construction:					
Class I	8.515	.75	.80	a&b	
Class II	8.665	.75	.80	a&b	
Class III	8.715	.75	.80	a&b	
Class IV	8.815	.75	.80	a&b	
Class V	8.915	.75	.80	a&b	
Class VI	9.165	.75	.80	a&b	
Class VII	9.415	.75	.80	a&b	

DECISION #PA77-3078 - Mod. #8
(42 FR 32478 - June 4, 1977)
Lawrence & Mercer Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Sheet Metal Workers					
Lawrence County	$11.60	.95	1.33		.14
Boilermakers	11.785	7.5%	7%		.01

DECISION #PA78-3012 - Mod. #7
(43 FR 18476 - April 28, 1978)
Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania

Change:					
Glaziers					
Zone 1	$10.44	.82	.92	1.08	.01
Ironworkers					
Zone 2	12.105	1.14	1.36		.03

DECISION #PA78-3013 - Mod. #5
(43 FR 16097 - April 14, 1978)
Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford & Venango Counties, Pennsylvania

Change:					
Asbestos Workers					
Zone 1	$12.47	.85	.90		
Boilermakers	11.785	7.5%	7%		.01
Glaziers					
Zone 1	10.44	.82	.92	1.08	.01
Sheet Metal Workers					
Zone 3	11.60	.95	1.33		.14

DECISION #PA78-3014 - Mod. #5
(43 FR 12603 - March 24, 1978)
Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington & Westmoreland Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Sheet Metal Workers	$11.60	.95	1.33		.14
Asbestos Workers	12.47	.85	.90		
Glaziers	10.44	.82	.92	1.08	.01
Terrazzo Workers					
Zone 1	11.66	.60	.85		
Boilermakers	11.785	7.5%	7%		.01

DECISION #PA78-3015 - Mod. #4
(43 FR 20697 - May 12, 1978)
Greene, Somerset & Potter Counties, Pennsylvania

Change:					
Sheet Metal Workers					
Zone II	11.60	.95	1.33		.14
Asbestos Workers					
Zone I	12.47	.85	.90		
Glaziers					
Zone I	10.44	.82	.92	1.08	.01
Terrazzo Workers					
Zone II	11.66	.60	.85		
Boilermakers					
Zone II	11.785	7.5%	7%		.01

MODIFICATIONS P. 6

DECISION #PA78-3043 - Mod. #3
(43 FR 20707 - May 12, 1978)
Elk, Forest, McKean & Warren Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers Zone 1 - Elk County	12.47	.85	.90		
Glaziers				1.08	
Zone 3 - Elk County	10.44	.82	.92		.01
Boilermakers	11.785	7.5%	7%		.01

DECISION #PA78-3067 - Mod. #1
(43 FR 43232 - September 22, 1978)
Adams & York Counties, Pennsylvania

Change:					
Sheet Metal Workers	10.47	1.40	1.18		.13
Ironworkers	12.105	1.14	1.36		.03
Carpenters York County	9.89	.65	.45		
Soft Floor Layers York County	9.89	.65	.45		
Millwrights York County	10.39	.65	.45		

DECISION #PA78-3078 - Mod #1
(43 FR 49205 - October 20, 1978)
Allegheny County, Pennsylvania

Change:					
Bricklayers	11.90	.75	1.40		

MODIFICATIONS P. 7

DECISION #WV78-3018 - Mod. #3
(43 FR 25278 - June 9, 1978)
State of West Virginia, excluding the Counties of Berkeley, Jefferson and Morgan

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers:					
Area 1	$10.70	1.05	1.10		.02
Bricklayers, Stone Masons, Marble Masons, Terrazzo Workers, & Tile Layers:					
Area 6					
Bricklayers & Stone Masons	11.25	.60			
Marble Masons, Terrazzo Workers & Tile Layers	10.75	.60			
Carpenters & Piledrivermen:					
Area 3					
Carpenters	10.75	.92	.95		.02
Area 5					
Carpenters	11.36	.40	.25		.02
Piledrivermen	11.61	.40	.25		.02
Area 6					
Carpenters	10.67	.55	1.00		.03
Piledrivermen	10.96	.55	1.00		.03
Area 7					
Carpenters	11.92	.50	.50		.02
Piledrivermen	12.17	.50	.50		.02
Area 8					
Carpenters	12.07	.50	.35		.02
Piledrivermen	12.32	.50	.35		.02
Area 9					
Carpenters	11.92	.50	.50		.02
Piledrivermen	12.17	.50	.50		.02
Cement Masons & Plasterers:					
Area 2	11.10				
Glaziers:					
Area 2	11.30		.80		
Ironworkers - Structural, Ornamental, & Reinforcing:					
Area 5	10.05	.70	.75		.03
Laborers:					
Area 2					
Group 1	8.66	.40	.40		.03
Group 2	8.96	.40	.40		.03
Group 3	9.31	.40	.40		.03
Area 6					
Group 1	8.80	.40	.40		.03

DECISION #WV78-3018

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
Area 6 cont'd					
Group 2	9.10	.40	.40		.03
Group 3	9.45	.40	.40		.03
Lathers:					
Area 6	10.78		.15		.01
Painters:					
Area 6:					
New Construction:					
Brush	9.36		.30		.01
Roller	9.62		.30		.01
Spray & Blast	10.38		.30		.01
Potmen	10.38		.30		.01
Commercial Repaint:					
Brush	7.94		.30		.01
Roller	8.22		.30		.01
Paperhanger	9.36		.30		.01
Drywall	9.81		.30		.01
Spray & Potmen	10.38		.30		.01
Paper & Vinyl Hangers	9.36		.30		.01
Open Structural Steel	9.71		.30		.01
Drywall Pointers & Tapers	9.81		.30		.01
Liquid Tile Brush	10.13		.30		.01
Stacks, vent pipes, flag poles, electrical, radio, and T.V. towers, and tanks over 30' high	10.31		.30		.01
Hydroject, steam cleaning, & glove work	10.38		.30		.01
Operating mechanical taping machines	10.81		.30		.01
Power Equipment Operators:					
Group 1	12.02	.50	.60		.04
Group 2	11.52	.50	.60		.04
Group 3	11.12	.50	.60		.04
Group 4	10.72	.50	.60		.04
Group 5	10.02	.50	.60		.04
Sheet Metal Workers:					
Area 2	11.80	1.07	.725		.085
Soft Floor Layers:					
Area 1	10.75	.92	.95		.02
Area 2	10.67	.55	1.00		.03
Area 3	11.92	.50	.50		.02
Area 4	12.07	.50	.35		.02
Area 6	10.96	.40	.25		.02

DECISION #WV78-3018

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers:					
Area 7					
Group 1	8.38	.80	1.05		
Group 2	8.53	.80	1.05		
Group 3	8.73	.80	1.05		
Group 4	8.92	.80	1.05		
Group 5	9.16	.80	1.05		
Add:					
Upshur County to Area 5 for Sheet Metal Workers:					

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NUMBER: IL78-2117
COUNTIES: Madison & St. Clair
DATE: Date of Publication
Supersedes Decision No. IL78-2031, dated March 17, 1978 in 43 FR 11406
DESCRIPTION OF WORK: Building (Including Residential), Construction

	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:					
Madison County:					
Alton, Granite City & Vicinities					
Bricklayers; Stonemasons; Paniters-Caulkers & Cleaners	11.78	.70	.75		
Residential	9.82		.75		
Edwardsville, Marine, Highland & Troy					
Bricklayers; Stonemasons, Marble-Tile-Terrazzo Workers, Pointers, Cleaners & Caulkers	9.95	.50	.75	1.00	
St. Clair County:					
E. St. Louis & Vicinity					
Bricklayers; Stonemasons; Marble-Tile-Terrazzo Workers Caulkers-Cleaners-Pointers	9.95	.50	.75	1.00	
Belleville & Vicinity					
Bricklayers & Stonemasons	11.00		.30	1.00	
CARPENTERS:					
Madison County					
Carpenters; Millwrights; Soft Floor Layers & Piledrivermen: Building	11.985	.60	.80		
Residential-Up to 4 Family Apartments	11.585	.60	.80		
St. Clair County					
Carpenters; Millwrights; Soft Floor Layers & Piledrivermen	11.11	.60	.90		.06
CEMENT MASONS	11.555	.90	.62		
ELECTRICIANS:					
Alton & Vicinity in Madison Co.	12.35	.50	3%+.65	6%	.3 of 1%
St. Clair Co. & the Remainder of Madison Co.	12.73	4%	3%+.65	6%	.25%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Constructors	$10.96	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.025
Helpers (Prob.)	50%JR				
GLAZIERS	11.95	.88	1.58	13.2%	.01
IRONWORKERS	12.10	.55	1.05		
LABORERS:					
Madison County					
Alton					
Common	10.50	.80	.60		.035
Laying sewer & all sewer work	10.60	.80	.60		.035
Well digging; gunnite machine; gunnite nozzle opr.; rip-rapping	10.75	.80	.60		.035
Wood River					
Common	10.85		1.00		.035
Laying sewer & all sewer work	10.95		1.00		.035
Well digging; gunnite machine & nozzle operator	11.10		1.00		.035
Granite City, Madison, Venice, Nameoki & Mitchell					
Common	10.50	.55	.80		.035
Open Well	11.00	.55	.80		.035
Cutting, Burning & Welding	10.775	.55	.80		.035
Plasterers' & Brickmason Tenders	11.00	.55	.80		.035
Dynamite & Powdermen	11.025	.55	.80		.035
Collinsville					
Common	10.55		.50		.035
Mason & Plasterer Tenders	11.05		.50		.035
Dynamite Men	11.85		.50		.035
Edwardsville					
Common	11.60		.25		.035
Men working in main sewer ditch	11.70		.25		.035
Plaster & Mason Tenders	12.10		.25		.035
Dynamite & Powder Men	13.125		.25		.035

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Glen Carbon					
Common	$10.90		1.00		.035
Mason & Plasterer Tenders	11.40		1.00		.035
Dynamite Men	12.50		1.00		.035
Highland					
Common	11.20		.60		.035
Mason & Plasterers Tenders	11.70		.60		.035
Workmen cutting & burning w/a torch	11.45		.60		.035
Livingston					
Common	11.30		.50		.035
Working on the Bootom of Sewer	11.55		.50		.035
Mason and Plasterer Tenders	11.80		.50		.035
Marine					
Common	11.60		.20		.035
Mason & Plasterer	12.10		.20		.035
Working on the Bottom of Sewer	11.85		.20		.035
Troy					
Common	10.80		1.00		.035
Mason & Plasterer Tenders	11.30		1.00		.035
Working on the bottom of sewer	11.05		1.00		.035
St. Jacob					
Common	11.20		.60		.035
Mason & Plasterer Tenders	11.70		.60		.035
Working in Sewer Trenches	11.45		.60		.035
LABORERS:					
St. Clair County					
E. St. Louis of Vicinity					
Laborers	10.50	.55	.80		.035
Plasterer Tender	11.00	.55	.80		.035
Dynamite Men	12.025	.55	.80		.035
Bellville & Vicinity					
Laborers	10.00	.45	.60		.035
Dynamite Men & Powder Men	11.50	.45	.60		.035
Hod Carriers & Plast. Tenders	10.80		.25	1.20	
O'Fallon, Mascoutah, Scott AFB					
Shilo & Lebannon & Vicinity					
Laborers	10.45		.60		.035
Bottom Men on Sewer Work	10.70		.60		.035
Dynamite Men	11.30		.60		.035

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Freeburg & Vicinity					
Laborers	$10.00	.50	.60		.035
All Sewer Work	10.05	.50	.60		.035
Mason & Plaster Tenders	10.25	.50	.60		.035
Dynamite Men	11.60	.50	.60		.035
New Athens & Vicinity					
Laborers	10.70	.50	.60		.035
Bottom Men on Sewer Work	10.95	.50	.60		.035
Mason & Plaster Tenders	11.20	.50	.60		.035
LATHERS	12.835			.65	.01
PAINTERS:					
Residential - Commercial	11.05	.55	.35		
Industrial	11.30	.55	.35		
Bridges; Grain Elevators, Water Radio & TV Towers; Stacks Spray, Sand & Water Blasting; Steam Cleaning - additional 1.00 per hour	11.35	.55	.35		
PLASTERERS	12.94				
PLUMBERS & STEAMFITTERS:					
Alton & Northern part of Madison Co., North of Mitchell	13.20	.48	.96		.05
Granite City; Southern ½ of Madison Co., & E. St. Louis & Vic. in St. Clair Co.	11.50	.69	.81	.58	.03
Belleville & Vicinity	12.20	.40	1.00		
ROOFERS:					
Composition-Slate-Tile	10.95	.67	.55		.03
SHEET METAL WORKERS	11.23	.55	.40	6%	.02
SPRINKLER FITTERS	12.10	.75	1.05		.08
WELDERS - recieve 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; F-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTE:

a. 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 hourly rate for employee who has worked in business more than 5 years.

b. 7 paid Holidays: A through G

c. Nine paid holidays, A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work day immediately preceding and following the holiday

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ILL-2-PEO-1-2

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 required 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 machines, Drills (other than derrick type) 1-drum-hoists, mud jacks, mixers (2 or 3 dags), 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 floats, boats oprs., (under 25', conveyors (½), 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

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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 materilas, 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; 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; dispatcher

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois

COUNTIES: Ford, Grundy, Iroquois, Kankakee, LaSalle, Livingston, McLean, Marshall, Putnam and Woodford

DECISION NUMBER: IL78-2140 DATE: Date of Publication

Supersedes Decision No. IL78-2044, dated March 24, 1978 in 43 FR 12549

DESCRIPTION OF WORK: Heavy and Highway Construction

ILL-HH-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Iroquois and Kankakee Counties; (N. of Garver and Guthrie) in Ford County	$11.88	.65	.80		.01
Remainder of Ford County	11.715	.45	1.00		.08
Woodford County	12.01	.40	.50		.05
Marshall and Putnam Counties; (Peru, Ottawa and Streator and Vicinities in LaSalle County)	11.75	.75	.70		.03
Grundy County; Marseilles and Vicinity in LaSalle County	12.73	.75	.85		.04
McLean County	11.76	.50	.75		.05
Livingston County	11.76	.50	.75		.05
CEMENT MASONS:					
LaSalle and Putnam Counties	11.85		1.00		
Livingston and McLean Counties; E. of Roanoke in Woodford Co.	12.53	.55			
Marshall County, and remainder of Woodford County	11.30	.80	.90		.05
Iroquois and Kankakee Counties	11.70	.80	.75		
Ford County	12.075	.45			.025
Grundy County	11.02	.65	1.28		.05
ELECTRICIANS:					
Townships of Fountain Creek, Love Joy and Prairie Green in Iroquois County	12.27	.50	3%+.50		.25%
Kankakee County; Remainder of Ford and Iroquois Counties	12.42	.88	3%+.70		.2 of 1%
Grundy County; Northern half of Central Southern part of LaSalle County; Walnut, Ohio, MaMoille, Clarion, Bureay, Dover, Berlin and Westville Townships in Bureau County	13.93	.88	3%+.70		.2 of 1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Vicinity of LaSalle S.W. part of County; Remainder of Putnam County; Townships of Arispe, Concord, Fairfield, Gold, Greenville, Hall, Indiantown,, Leepertown, Macon, Manilus, Milo, Mineral, Neposet, Princeton, Selby, Wheatland and Wyanet in Bureau County	$12.30	.50	3%+.30		.25%
Areas west of Bell Plaine and Roberts Townships in Marshall County; Area West of but not including Linn, Kansas, Palestine, Roanoke, Cazenovis and Metamora Townships in Woodford County	12.32	.50	3%+.75		1%
Livingston County; Vicinity of Streator - S.E. part of County south of Eden in LaSalle County; Magnolia Townships in Putnam County; Area east of Cazenovia and Metromora Townships including Linn, Clayton, Minak Roanoke, Green and Panola Townships in Woodford County; Area south of Roberts Township in Ford County; Townships of Artesia, Pigeon Grove and Loda in Iroquois County; Cropsey, Anchor, Cheney Grove and Belle Flower Townships in McLean County	12.45	.50	3%+.40		.3%
Remainder of McLean County; (Townships of Elpaso, Kansas and Palestine - S.E. corner) Woodford County	11.95	.50	3%+.55		.002
IRONWORKERS:					
Iroquois and Kankakee Counties	12.50	.75	.75		.05
Grundy County	12.00	2.65	.525		.02
Ford County; Livingston County; Eastern part of McLean County	11.55	.65	1.00		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS: (Cont'd)					
Woodford County; S.W. corner of Marshall County	$11.975	.65	.925		
LaSalle and Putnam Counties; Remainder of Marshall County	13.19	.65	.375		.02
LINEMEN:					
Iroquois County:					
Linemen, Groundman Equipment Operator	12.12	.50	3%+.50		.5%
Groundman Truck Driver:					
W/winch	9.86	.50	3%+.50		.5%
WO/winch	9.22	.50	3%+.50		.5%
Groundman	8.73	.50	3%+.50		.5%
Kankakee County:					
Linemen, Equipment Operators	12.16	7.5%	6.5%	7.5%	.25%
Groundman	9.45	7.5%	6.5%	7.5%	.25%
Grundy County:					
Linemen and Equipment Operators	12.47	.50	1%+.50		.2%
Cable Splicer	13.83	.50	3%+.50		.2 of 1%
Ford, LaSalle, Livingston, McLean, Marshall, Putnam, and Woodford Counties:					
Linemen	12.39	.45	3%		.5%
Groundman Equipment Operator Class I	11.56	.45	3%		.5%
Groundman Truck Drivers:					
W/winch	8.65	.45	3%		.5%
WO/winch	8.24	.45	3%		.5%
Groundman Class "A"	7.86	.45	3%		.5%
PAINTERS:					
Putnam County; Townships of Mendota, Ogelsby, Utica and Peru in LaSalle County:					
Industrial and Structural Steel Brush	9.50	.55	.45		
Spray and Sandblasting	10.50	.55	.45		
Remainder of LaSalle County:					
Industrial; Structural Steel and Bridges					
Brush	11.00	.55	.50		
Spray	13.00	.55	.50		
McLean County:					
Brush	11.20	.55			.08
Structural Steel & Spray	11.70	.55			.08

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Grundy County:					
Bridges w/butt plates and hand rails only	$10.45	.76	.55		.04
Bridges w/o superstructures	10.95	.76	.55		.04
Bridges w/superstructures and Lift type	11.45	.76	.55		.04
Kankakee and Iroquois Counties:					
Brush and Roller	10.85	.55	.50		
Spray	12.35	.55	.50		
Marshall and Woodford Counties:					
Brush	11.30	.55	.30		.03
Structural Steel, Bridge & Spray	11.95	.55	.30		.03
TRUCK DRIVERS:					
Grundy, Remainder of Livingston and Woodford Counties:					
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		
Kankakee & Iroquois Counties					
2-3 Axle Trucks	10.525	a29.50	a31.00		
4 Axle Trucks	10.725	a29.50	a31.00		
5 Axle Trucks	10.925	a29.50	a31.00		
6 Axle Trucks	11.075	a29.50	a31.00		

FOOTNOTES:
A-per week per employee

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
LaSalle and Putnam Counties:					
Unskilled	$10.07	.45	.60		.035
Semi-skilled	10.27	.45	.60		.035
Skilled	10.47	.45	.60		.035
Ford, Livingston, Iroquois, Kankakee, Marhall and Woodford Counties:					
Unskilled	10.03	.45	.60		.035
Semi-skilled	10.23	.45	.60		.035
Skilled	10.43	.45	.60		.035
McLean County:					
Unskilled	9.93	.45	.60		.035
Semi-skilled	10.13	.45	.60		.035
Skilled	10.33	.45	.60		.035

UNSKILLED: Common Laborer; Carpenter Tenders; Tool Cribmen; Firemen or Salamander Tenders; Flagmen; Gravel Box Men; Dumpmen and Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Material Checkers; Dispatchers; Landscapers; Unloading explosives; Laying of sod; Planting of trees; Asphalt Plant Laborers; Wrecking Laborers; Writer of scale trickets; Fire Shop Laborers; Fireproofing Laborers; Janitors; Wrecking-dismantling buildings; Wallmen and Housemovers; Driving of stakes; Stringlines for all machinery

SEMI-SKILLED: Handling of materials treated with oil, creosote, asphalt or and other foreign material, Track Laborers; Cement Handlers; Chloride Handlers; the Unloading and Laborers w/steel workers and rebars; Concrete workers (wet); Tunnel Helpers in free air; Batch Dumpers; Mason and Plasterer Tenders and Material Wheelers; Kettlemen and Tarmen; Tank Cleaners; Plastic Installers; Scaffold Workers; Motorized Buggies or Motorized Units used for wet concrete of handling of building materials; Laborers w/dewatering systems; All sewer workers plus depth; Rod and Chainmen with Land Surveyors; Vibrator Operators; Mortar Mixer Operator; Cement Silica, Clay, Fly Ash, Lime and Plasters; Handlers (bulk or bag); Cofferdam Workers plus depth; (on concrete paving) placing, cutting and trying or reinforcing; Deck Hand; Dredge Hand and Shore Laborers; Bankmen on floating plant; Asphalt Workers w/machine; Asphalt Raker; Grade Checker

SKILLED: Dynamite Man or Blasters; Caisson Workers plus depth; Gunnite Nozzle Men; Leadman on sewer work; Welders; Cutters; Burners; Torchmen; Chain Saw Operator; Jackhammer and Drill Operators; Layout Man; Steel Form Setters (street and highway); Air Tamping Hammerman; Signal Man on crane, concrete saw operator; Screenman on asphalt pavers; Laborers tending Masons w/hot materials are used; Multiple Concrete Duck-Leadmen; Lutemen; Curb Asphalt Machine Operator; Ready-mix Sclaemen; Portable or temporary plant; Laborers handling masterplate or similar mateirals; Laser Beam Operator; Coring Machine Operator

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ILL-9-LAB-1-2-3

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1 Common Laborers, Plasterer Laborers, Pumps for DeWatering & other Unclassified Laborers	$ 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-10-PEO-2-3

POWER EQUIPMENT OPERATORS: LaSALLE, GRUNDY, KANKAKEE, LIVINGSTON COS; E. OF THE ILL. RIVER IN PUTNAM CO.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$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

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POWER EQUIPMENT OPERATORS:
REMAINDER OF COUNTIES:

ILL-20-PEO-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$12.22	.45	.80		.05
GROUP 2	12.02	.45	.80		.05
GROUP 3	11.17	.45	.80		.05
GROUP 4	10.90	.45	.80		.05
GROUP 5	9.46	.45	.80		.05

POWER EQUIPMENT OPERATORS:

Group 1: Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile and crawler and stationary derricks and hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road pavers - single drum, dual drum and tri batcher, motor patrols and power blades - Dumore, elevating similar types, mechanics central concrete mixing plant operator, blacktop plant operators and plant engineers, grad-all, caisson rigs - requires oiler, skimmerscoopkerhing scooper, dredges (all types) hop-toe-crane type (require oiler), Escalated rate on crane and derricks booms, $.01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer

Group 2: Asphalt heater and planter combination (used to plant streets), trench machines, pump crete - belt crete - seqeeze crete - screw type pumps and gysum, bulker and pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, $.25 per hour for each scoop over one scoops (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe - end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tuneluger, rock crusher, automatic cement and gravel batching mobile drills (soil testing) and similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C.M.I. and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-boom, starting engineer on pipeline, F.W.D. and similar types

DECISION NO. IL78-2140

POWER EQUIPMENT OPERATORS: (CONT'D)

Group 3: Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - breck or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors with power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, tract-air (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hoptoe oilers

Group 5: Herman Nelson Heater, Dravo, Warner, Silent glo and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

DECISION NO. IL78-2140 ILL-82-TD-1-2-3

TRUCK DRIVERS: LaSALLE, McLEAN, FORD, PUTNAM COS; LONG POINT, NEWTON, READING & SUNBURY TOWNSHIPS IN LIVINGSTON COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$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 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2, 3 or 4 axle trucks hauling 16 tons or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: DUTCHESS
DECISION NO.: NY78-3091 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY77-3118 dated September 3, 1977 in 42 FR 34461
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

DECISION NO. NY78-3091	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.09	.82	1.64		
BOILERMAKERS	13.19	5%	15%	7%	
BRICKLAYERS, CEMENT MASONS, PLASTERERS, POINTERS, CAULKERS, CLEANERS, MARBLE MASONS, TILE SETTERS AND TERRAZZO WORKERS:					
Building	9.30	2.00	2.00		.06
Light commercial where the general contract does not exceed $300,000 and masonry contract including labor and material does not exceed $50,000	8.30	1.50	1.25	a	
Heavy and Highway	9.80	2.00	2.00	b	.06
CARPENTERS:					
Wappinger Falls, New Hackensack, Pawling and Beacon:					
Building, Heavy and Highway	11.18	1.00	.78	c	.10
Remainder of County:					
Building, Heavy and Highway	10.97	.90	.80	1.00+d	.10
ELECTRICIANS:					
Portion south of a line following the Fishkill/Wappinger Twp. line east from the Hudson River to state Hwy 82, Northeast on 82 to the New York-New Haven, Hartford Freight line at Hopewell Junction, east on the railroad to Stonehouse southeast of State Hwy 55 from Stonehouse to Pawing and south on the State Hwy 22 to the Putnam County line but excluding Stonehouse and Pawling	11.75	7.1%	3%+.90	.60+e	½%
Remainder of County:	10.30	.75	3%+1.10	7½%+f	½%
ELEVATOR CONSTRUCTORS	11.75	.745	.56	g+h	.025
ELEVATOR CONSTRUCTORS' HELPERS	8.225	.745	.56	g+h	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	5.875				
GLAZIERS	11.20	.66	1.66	.67	.01
IRONWORKERS, STRUCTURAL, ORNA. & REINFORCING	9.85	1.55	2.37	1.60	
LATHERS	10.80		.15		.01
LEAD BURNERS	10.75	.40	.25	i	.01
MARBLE, TILE AND TERRAZZO FINISH FINISHERS:					
Marble and Terrazzo Finishers	9.65	1.85			
Tile Finishers	9.05	1.85			
Rehabilitation work on all projects and commercial work where the general contract shall not exceed $300,000 and the masonry contract shall not exceed $10,000	7.00	1.85			
MILLWRIGHTS	11.80	1.50	1.78	.85	.04
PAINTERS:					
Brush	10.08	.78	.50	.43+j	
Bridges, towers, fire escapes, smoke stacks, flag poles, exposed areas 15 ft. or more in height, swing stage, window jacks, boat swain chair, safety belts and stpay, structural steel	11.08	.78	.50	.43+j	
PILEDRIVERMEN AND DOCK & WHARF BUILDERS	11.70	1.50	1.78	.91	.04
PLUMBERS AND STEAMFITTERS	10.60	1.90	.90	1.30	.05
ROOFERS:					
Cold Tar Pitch, Mopping and Dipping, Application or Ripping Off	11.20	1.00	1.80		.35
Asphalt Built-up, Asbestos Tile, Tile, Ceramic Tile, Slate, Tectum, All forms of Spray Roofing and Insulation	10.70	1.00	1.80	k	.35
Cold Process and Resaturation, Asphalt Shingle	8.20	1.00	1.80	k	.35
Pitch	8.70	1.00	1.80	k	.35
SHEET METAL WORKERS	10.97	1.645	2.28	1.04	.12
SPRINKLER FITTERS	12.31	.75	1.05		.08
WELDERS - receive prescribed for craft oerforming operation to which welding is incidental					

DECISION NO. NY78-3091

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employees receive 2 hours off with pay on election day for the purpose of voting.

b. Paid Holidays: A through F; Washington's Birthday; Good Friday; Columbus Day; Veteran's Day and November Election Day.

c. Paid Holidays: A through F; and 2 hours off on election day for the purpose of voting.

d. Paid Holidays: A through F providing the employee works 7 days before and after the holiday.

e. Paid Holidays: A through F Washington's Birthday, Veteran's Day and Presidential Election Day.

f. Paid Holidays: A through F provided the employee is on the payroll 2 weeks prior to the holiday.

g. Paid Holidays: Although F, plus day after Thanksgiving.

h. Employer contributes 6% of the basic hourly rate for 6 months to 5 years of service or 8% of the basic hourly rate for 5 years or more of service as vacation pay credit.

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 regular scheduled work days immediately preceeding and following the holiday.

j. Paid Holidays: Independence Day providing the employee works within the period of June 20 to July 4th.

k. Employee receives 2 hours off with pay on Election Day for the purpose of voting provided the employee has received 4 hours pay that day.

DECISION NO. NY78-3091

Line Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricial Overhead and Underground Distribution Work:					
Lineman and Technicians	$10.00	1.00	3%+.75	a	3½%
Cable Splicers	12.87	1.00	3%+.75	a	3½%
Groundman Digging Machine Operator and Groundman Dynamiteman	9.00	1.00	3%+.75	a	3½%
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver (tractor trailer units)	8.00	1.00	3%+.75	a	3½%
Groundman Truck Driver, Driver-Mechanic, Groundman (experienced)	7.50	1.00	3%+.75	a	3½%
All Overhead Transmission Line Work and Lighting For Athletic Fields:					
Lineman and Technicians	11.25	1.00	3%+.75	a	3½%
Groundman Digging Machine Operator, Groundman Dynamiteman	10.125	1.00	3%+.75	a	3½%
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver (tractor trailer unit)	9.00	1.00	3%+.75	a	3½%
Groundman Truck Driver, Driver-Mechanic, Groundman (experienced)	8.4375	1.00	3%+.75	a	3½%
All Pipe Type Cable Installations:					
Lineman and Groundman Equipment Operator	11.70	1.00	3%+.75	a	3½%
Cable Splicer	12.87	1.00	3%+.75	a	3½%
Groundman Truck Driver, Groundman (experienced)	8.775	1.00	3%+.75	a	3½%

DECISION NO. NY78-3091

LINE CONSTRUCTION (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sub-station, Switching Structures (when not part of the line), Traffic Signals, Street Lighting and Electrical, Telephone or CATV Commercial Work:					
Linemen and Technicians	$11.70	1.00	3%+.75	a	3½%
Cable Splicers	12.87	1.00	3%+.75	a	3½%
Groundman Digging Machine Operator, Mechanic 1st Class, Groundman Truck Driver (tractor-trailer unit)	9.36	1.00	3%+.75	a	3½%
Groundman Truck Driver, Driver-Mechanic, Groundman (experienced	8.775	1.00	3%+.75	a	3½%
Telephone and other Communication Systems, both overhead and underground:					
Linemen and Installer Repairmen	8.34	.40	3%+.25	a	1%
Splicers	8.89	.40	3%+.25	a	1%
Groundman Digging Machine Operator	7.73	.40	3%+.25	a	1%
Groundman	5.72	.40	3%+.25	a	1%
Groundman Truck Driver	6.82	.40	3%+.25	a	1%
Groundman Dynamiteman	6.60	.40	3%+.25	a	1%

Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day F-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: A through F, Washington's Birthday, Good Friday, and Election Day for President of the United States and Governor of New York State, provided the employee works the day before and after the holiday.

DECISION NO. NY78-3091

LABORERS: BUILDING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
General laborers, mason tender, carpenter tender, labor stripping, cleaning forms, labor sweepers, cleaners, grading, digging ditches	$ 8.48	.96	1.60	a+.40	
Hod Carriers, plasterers tenders, scaffold builders (padlock and self supporting scaffold 14 feet or under all runways), mortar mixers (machine and hand), concrete mixers (by machine under 21 E), vibrators, form setters, pipelayers, asphalt rakers, handling rein-forcement rods, drillers, jackhammer operator, signalman, gunniting, motorbugs, water pump 2" or under, barco machine, wreckers, paving breakers, power saw operators, other machine operators	8.73	.96	1.60	a+.40	
Blasters, laser beam operator	8.88	.96	1.60	a+.40	

FOOTNOTES:

a. Two hours off with pay on Election Day.

DECISION NO. NY78-3091

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
General laborers	8.65	.96	1.65	a	
Concrete men, signal man, mason tender, pipe layer, riprap and dry stone layers, asphalt workers, screed bar operator, steel rod carrier, jackhammer-man, wagon driller, airtrack operator, nippers, powder man, high scalers, power buggy operator, vibratory operator compactor, wrecking laborers, gunite and sandblasting, coal passer, water pumps 2" or under	8.90	.96	1.65	a	
Concrete finisher on Highways, blaster, form setter, laser beam operator	9.25	.96	1.65	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

a. Holidays: A through F and Lincoln's Birthday, Columbus Day, Good Friday, Washington's Birthday, Veteran's Day and November Day Election provided the employee works (7) calendar days before or after the holiday.

DECISION NO. NY78-3091

POUGHKEEPSIE AND SOUTH THEREOF:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS,					
BUILDING:					
GROUP I	$14.105	6%+1.00	10%+b	a	1½%
GROUP II	13.19	6%+1.00	10%+b	a	1½%
GROUP III	13.0475	6%+1.00	10%+b	a	1½%
GROUP IV	12.905	6%+1.00	10%+b	a	1½%
GROUP V	11.7625	6%+1.00	10%+b	a	1½%
GROUP VI					
A	15.08	6%+1.00	10%+b	a	1½%
B	14.6175	6%+1.00	10%+b	a	1½%
C	9.9925	6%+1.00	10%+b	a	1½%
D	13.6175	6%+1.00	10%+b	a	1½%
E	12.3325	6%+1.00	10%+b	a	1½%
F	13.19	6%+1.00	10%+b	a	1½%
G	18.3325	6%+1.00	10%+b	a	1½%
H	11.7625	6%+1.00	10%+b	a	1½%
I	18.0475	6%+1.00	10%+b	a	1½%
J	16.105	6%+1.00	10%+b	a	1½%
K	17.105	6%+1.00	10%+b	a	1½%
L	14.605	6%+1.00	10%+b	a	1½%
M	15.105	6%+1.00	10%+b	a	1½%
GROUP VII	14.3325	6%+1.00	10%+b	a	1½%

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION

GROUP I

Backhoe Oliver 88, Fordson, dynahoe, dual purpose & similar machine, Barber Green loader-euclid loader or similar type, cherry picker (cableway), compressor (steel erection), conway or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scrapers over 20 yds. struck), mucking machines, pavement breaker (air ram), paver (concrete), pulsometer, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-½ yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame

DECISION NO. NY78-3091 b

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION (CONT'D)

GROUP II
Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scraper-20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller

GROUP III
Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-½ yds., & under, lighting unit (portable & generator), locomotive (all sizes), mixer concrete-21E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection excavation), well drilling machine, well point system

GROUP IV
Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hooper-sand-stone-cement, mixer-concrete-under 21E, Muching grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump-plasterer roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cuting machine, sweeper, syphon pump air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine

GROUP V
Concrete saw, mechanic's helper, oiler (fuel truck), oiler (grease truck), paint compressor, welder's helper

GROUP VI
A. Master mechanic
B. Helicopter hoist op.
C. Oiler, asphalt paver, utility man
D. Welder - certified
E. SEcond engineer on cranes 30 ton and over
F. Cable splicer
G. Helicopter pilot
H. Helicopter signalman
I. Engineer, all tower cranes, all climbing cranes and all cranes of 100 ton and regardless of how the same is rigged (except for pile rigs)

DECISION NO. NY78-3091 b

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION (CONT'D)

GROUP VI (CONT'D)
J. Cranes (crawlers or truck) 100 ft. but less than 149 ft
K. Cranes (crawlers or truck) 149 ft. and over
L. Loaders op. (over 5 yd. capacity)
M. Shovel op. (over 4 yd. capacity)

GROUP VII
Concrete-portable hoist, crane & hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overheadcrane, power house plant, telephies, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer-concrete (crane, derrick, mine hoist), hoist engineer material

FOOTNOTES:
a. Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, November Election Day, Veteran's Day, Thanksgiving Day and X-Mas Day.
b. Employer contributes $2.00 per day to an Annuity Fund.

DECISION NO. NY78-3091
(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)
REMAINDER OF COUNTY:
POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 7.40	.95	1.05	a	.15
GROUP 2	7.45	.95	1.05	a	.15
GROUP 3	7.55	.95	1.05	a	.15
GROUP 4	7.71	.95	1.05	a	.15
GROUP 5	7.98	.95	1.05	a	.15
GROUP 6	8.10	.95	1.05	a	.15
GROUP 7	8.26	.95	1.05	a	.15

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.

DECISION NO. NY78-3091

REMAINDER OF COUNTY:
BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$10.58	.95	.75	a	.15
GROUP 2	10.65	.95	.75	a	.15
GROUP 3	10.78	.95	.75	a	.15
GROUP 4	10.99	.95	.75	a	.15
GROUP 5	11.35	.95	.75	a	.15
GROUP 6	11.52	.95	.75	a	.15
GROUP 7	11.73	.95	.75	a	.15

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.

DECISION NO. NY78-3091

POUGHKEEPSIE AND SOUTH THEREOF

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY					
GROUP I	$11.75	6%+1.00	9½%+.25	a	2%
GROUP II	10.96	6%+1.00	9½%+.25	a	2%
GROUP III	10.825	6%+1.00	9½%+.25	a	2%
GROUP IV	10.70	6%+1.00	9½%+.25	a	2%
GROUP V	9.70	6%+1.00	9½%+.25	a	2%
GROUP VI	11.95	6%+1.00	9½%+.25	a	2%
GROUP VII	11.325	6%+1.00	9½%+.25	a	2%
GROUP VIII	9.70	6%+1.00	9½%+.25	a	2%
GROUP IX	11.625	6%+1.00	9½%+.25	a	2%
GROUP X	10.70	6%+1.00	9½%+.25	a	2%
GROUP XI	10.575	6%+1.00	9½%+.25	a	2%
GROUP XII					
A	10.7875	6%+1.00	9½%+.25	a	2%
B	9.575	6%+1.00	9½%+.25	a	2%
C	8.75	6%+1.00	9½%+.25	a	2%
D	15.45	6%+1.00	9½%+.25	a	2%
E	12.20	6%+1.00	9½%+.25	a	2%
F	15.20	6%+1.00	9½%+.25	a	2%
G	12.95	6%+1.00	9½%+.25	a	2%

POWER EQUIPMENT OPERATORS - HEAVY AND HIGHWAY

GROUP I

Auger, auto grader, backhoe Oliver 88, Fordson, dynahoe, dual purpose and simila machines, barber green loader-euclid loader or similar type, central mix plant operator, cherry picker (cableway), compactor with blade, concrete portable hoist C.M.I. or similar Conway or similar mucking machines, crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, LeTourneau or Tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsometer, push button (buzz box) elevator, road mix machines, Ross carrier and similar machines, shovel (tunnels), side boom, spreader (Asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" Frame

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POWER EQUIPMENT OPERATORS - HEAVY AND HIGHWAY (CONT'D)

GROUP II

Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 and over, maintenance engineer, mechanic (outside) all typ welder, scrapers 20 yards struck and under, shop foreman, vibratory roller, etc. roller 4 ton and over

GROUP III

Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor plant, concrete pump, conveyor bel machine-irrespective of motor size, firemen, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1½ yds. and under, locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete-21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, well drilling machine, well point system

GROUP IV

Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, curb cutter machine, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, mulching grass spreader, roller under 4 ton, shop mechanic (not employed on job site), spreading & fine grading machine, steel cutting machine, sweeper, syphon pump-air-steam, tar joint machine Turbo jet burner or similar equipment, fine grading machine

GROUP V

Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck)

GROUP VI

Hoist engineer-steel, sub-struct., engineer-pile driver

GROUP VII

Welder-certified crawlers or truck: 100 ft. but less than 149 ft. $2.00 per hour additional crawlers or truck: 149 ft. and over $3.00 per hour additional loader operators: Over 5 cu. yd. capacity $.50 per hour additional shovel operators: Over 4 cu. yd. capacity $1.00 per hour additional

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POWER EQUIPMENT OPERATORS - HEAVY AND HIGHWAY (CONT'D)

GROUP VIII
Stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4" roller motorized (walk behind, welder's helper

GROUP IX
Compressor (steel erection)

GROUP X
Compressor, lighting unit (portable and generator), welding machine (steel erection excavation)

GROUP XI
Compressor to 125 cu. ft., dust collector, mixer-concrete under 21E, heater-all types, pump 4" and over, pump station (water and sewer), pump-gypsum, etc., pump-plasterer, steam jenny syphon pump-air-steam, tar-joint machine, vibrator (1 to 5)

GROUP XII
A. Jersey spreader, pavement breaker (air ram), post hole digger
B. Safety man 60 ton crane & over, helicopter signalman
C. Oiler asphalt paver, utility man
D. Helicopter pilot
E. Helicopter hoist operator
F. Engineer, tower crane, 3900 monitowac or over or similar (rail, truck, or crawler mounted
G. Master mechanic

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgivin Day and F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Fri Columbus Day; November Election Day and Veteran's Day.

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POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
REMAINDER OF COUNTY:					
GROUP I	$10.83	.95	1.05	a	.15
GROUP II	10.47	.95	1.05	a	.15
GROUP III	9.46	.95	1.05	a	.15
GROUP IV	8.56	.95	1.05	a	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Paid Holidays: A through F, providing the employee works the day before and the dat after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group 1 - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

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POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
Drivers on LeTourneau tractors, double barrel Euclids, Athey wagon and similar equipment (except when hooked to scrapers), low beds, I-Bean, pole trailers, road oil distributors, tire trucks tractors and trailers with 5 axle and over	10.00	.95	.95	a+b	
Equipment 25 yards and over up to and including 30 yard bodies cable dump trailers, powder snf dynamite trucks	9.90	.95	.95	a+b	
Equipment up to and including 24 yards bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks and all other tractor trailers	9.70	.95	.95	a+b	
Ten wheelers, grease trucks and tiller men	9.60	.95	.95	a+b	
Straight trucks	9.50	.95	.95	a+b	
Pick-up trucks used for hauling material parts escort man over the road	9.50	.95	.95	a+b	
Helpers	9.40	.95	.95	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day

FOOTNOTE:
a. Holidays: A through F; Washington's Birthday; Election Day; Veteran's Day, Lincoln's Birthday, Election Day, Good Friday.

b. 3 day bereavement pay (spouse, mother, father, mother in law, father in law, grandmother, grandfather, sister, brother, children, grandchildren.

SUPERSEDEAS DECISION

STATE: Ohio
COUNTIES: Fulton & Lucas
DECISION NO.: OH78-2147
DATE: Date of Publication
Supersedes Decision No. OH78-2055, dated May 12, 1978 in 43 FR 20671
DESCRIPTION OF WORK: Building and Residential Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.13	.50	1.30		.04
BOILERMAKERS	13.575	1.075	1.00		.03
BRICKLAYERS; Marble Setters; & Stonemasons:					
Fulton (Twps. of Amboy, Swan Creek & Fulton); & Lucas Cos.	12.425	1.06	1.30		.01
Fulton Co. (Remainder of Co.):					
Commercial	11.22	1.06	.50		
Residential	8.97	1.06	.50		
CARPENTERS; Millwrights; & Piledrivermen	12.99	1.06	.75		.05
CEMENT MASONS	14.14	.60			.02
ELECTRICIANS:					
Commercial	13.80	.65	3%+.55		.1%
Residential	7.59	.65	3%+.55		.1%
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	12.355	.745	.56	a+b	.035
Helpers	70%JR	.745	.56	a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS	11.825	.55	1.00		.01
IRONWORKERS	12.86	1.06	1.22		.05
LATHERS	13.05	1.06	.10		.01
LINE CONSTRUCTION:					
Linemen	14.26	.50	3%	c	½%
Cable Splicers	14.51	.50	3%	c	½%
PAINTERS:					
Commercial:					
Brush; Drywall Tapers; Paperhangers	11.28	1.06	1.10		
Bridge; Railings; Powerhouse; Refinery Tanks	11.53	1.06	1.10		
Sandblasting; Spray; Pressure Cleaning	11.83	1.06	1.10		
Residential Work	10.14	1.06	1.10		
PLASTERERS	13.80	.60			.01
PLUMBERS; Steamfitters; Pipefitters	13.63	.80	.85		.09
ROOFERS	12.63	1.06	1.00		.02
SHEET METAL WORKERS	12.655	1.06	1.36		.045

DECISION NO. OH78-2147

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS:					
Commercial	$11.32	1.06	.75		.04
Residential	10.30	1.06	.75		.04
SPRINKLER FITTERS	12.75	.75	1.05		.08
TERRAZZO WORKERS; Tile Setters	12.48	1.06	.50		
TERRAZZO WORKERS' FINISHERS; & Tile Setters' Finishers	11.00	1.06	.40	.50	

DECISION NO. OH78-2147

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:

a. Seven paid holidays: A through F, & Day after Thanksgiving
b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
c. Ten paid holidays: A through F, Good Friday, Day after Thanksgiving Day, Christmas Eve, & New Year's Eve.

	Basic Hourly Rates Bldg.	Basic Hourly Rates Resid.	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:						
Fulton County:						
Unskilled laborers	$9.27	$ 7.97	.70	.70		.10
Mason tenders; Gunite pot men	9.39	8.09	.70	.70		.10
All power driven tools & buggies; burners; Torchmen; Nozzlemen for concrete pump	9.42	8.12	.70	.70		.10
Plasterers' tenders	9.445	8.145	.70	.70		.10
Nozzle operators for gunite work	9.92	8.62	.70	.70		.10
Bellmen; Bottom men; Brick expeditor	9.505	8.205	.70	.70		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Lucas County:					
Unskilled laborers	$10.86	.70	.70		.11
Mason Tenders	10.99	.70	.70		.11
Gunnite pot men; Mortar mixers	11.06	.70	.70		.11
Concrete pump nozzle men; All power driven tools; Power buggies	11.015	.70	.70		.11
Pipe layers; Bellmen; Bottom men for fire brick work only	11.115	.70	.70		.11
Nozzle operators for gunnite work	11.77	.70	.70		.11
Plasterers' Tenders	10.88	.70	.70		.11

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$12.89	.66	1.00		.11
GROUP B	12.73	.66	1.00		.11
GROUP C	12.38	.66	1.00		.11
GROUP D	11.57	.66	1.00		.11
GROUP E	11.24	.66	1.00		.11
GROUP F	9.28	.66	1.00		.11

GROUP A - A-frames; rotary drills used on caisson work for foundations and sub-structure work; boiler or compressor operator mounted on crain (piggyback operation); boom truck (all types); cableways; cherry pickers; combination concrete mixer and tower; concrete pumps; cranes (all types); derricks (all types); draglines; dredge (dipper, clam or suction) 3 man crew; elevating grader or euclid loader; floating equipment; gradalls, helicopter operator and helicopter winch operator when hoisting builders materials; hoes (all types); hoisting engines (two or more drums); lift slab or panel jack operator; locomotives (all types); maintenance engineer (mechanic or welder); mixers paving (multiple drum); mobile concrete pumps with boom; panelboard (all types on site); pile driver; power shovels; side booms; slip form pavers; straddle carriers (building construction on site); hammerhead tower cranes; trench machines (over 24" wide); tug boat.
GROUP B - Asphalt paver; bulldozer; C.M.I type equipment; endloaders; Kohlman type loaders (dirt loading); lead greaseman; mucking machines; power grader; power scoops; power scrapers; push cat.
GROUP C - Air compressor (pressurizing shafts or tunnels); asphalt rollers; fork lifts; hoist (one drum); house elevators; man lift; power boilers (over 15 lbs. pressure); pump operators installing well points or other type of dewatering system; pumps (4" and over discharge); submersible pumps (4" and over discharge); trenchers 24" and under.
GROUP D - Compressors on building construction; conveyors (building material) generators; gunnite machines; mixers (capacity more than one bag); mixers (one bag capacity, side loader); post driver; post hole digger; pavement breaker (hydraulic or cable); road widening trencher; rollers; welder operator.
GROUP E - Backfillers & tampers; batch plant; bar and joint installing machines; bullfloats; burlap and curing machines; clefplanes; concrete spreading mach.; crushers; deck hands; drum firemen (asphalt); farm type tractors pulling attachments; finishing machines; form trenchers; high pressure pumps over 4" discharge; hydro seeders; self-propelled power spreader; self-propelled sub-grader; tire repairmen; tractors pulling sheeps foot roller or grader; vibratory compactors (with integral power)
GROUP F - Oiler; helper; signalman; inboard & outboard motor boat launch; light plant operator; power driven heaters (oil fired); power boilers (less than 15 lbs. pressure; pumps under 4" discharge' submersible pumps under 4" discharge.

SUPERSEDEAS DECISION

STATE: Ohio COUNTIES: MAHONING & TRUMBULL
DECISION NO.:OH78-2148 DATE: Date of Publication
Supersedes Decision No. OH78-2002, dated February 10, 1978 in 43 FR 5989
DESCRIPTION OF WORK: Building and Residential Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.74	.45	.70		.02
BOILERMAKERS	12.68	.90	1.20		.03
BRICKLAYERS:					
Mahoning Co. (Smith Twp.)	11.44	.95	.70		.01
Mahoning Co. (Rem. of co.)	11.49	.75	1.00		.02
Trumbull Co.	11.99	.75	.50		.02
CARPENTERS:					
Commercial Building	10.74	1.17	1.10		.05
Residential	9.67	1.17	1.10		.05
CEMENT MASONS:					
Mahoning & Trumbull (Twps. of Hubbard & Liberty) Cos.	11.80	.60	.50		.05+d
Trumbull (Rem. of Co.) Co.	11.12	.40			.05
ELECTRICIANS:					
Mahoning (Milton twp.) & Trumbull (Excluding Hubbard & Liberty Twps.) Cos.	13.39	.60	7%		.7%
Mahoning (Austintown, Beaver, Berlin, Broadman, Canfield, Ellsworth, Coitsville, Goshen, Green, Jackson, Poland, Springfield, & Youngstown twps.) & Trumbull (Hubbard & Liberty Twps.) Cos.	13.03	.59	7%		.3%
Mahoning (Smith twp.) Co.:					
Commercial Building	11.90	.40	3%+.40		.3%
Residential (4 units only)	8.30	.40	3%+.30		.3%
ELEVATOR CONSTRUCTORS:					
Elevator constructors	11.75	.745	.56	a+b	.035
Helpers	70%JR	.745	.56	a+b	.035
Helpers (Prob.)	50%JR				
IRONWORKERS:					
Ornamental; Reinforcing; & Structural	12.03	.40	1.30		.07
Sheeters	12.53	.40	1.30		.07
Bucker-up	12.155	.40	1.30		.07

DECISION NO.OH78-2148

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Building & Construction	8.95	.55	.40		.05
Jackhammer op. (all machine driven tools, electric, gas or air & gas buggies)	9.08	.55	.40		.05
Mortar mixers (hand or machine)	9.07	.55	.40		.05
Trenching & shaft excavations (7' or more)	9.13	.55	.40		.05
Jackhammer op. in trench & shaft excavation (7' or more)	9.07	.55	.40		.05
Power & dynamite & sewer pipelayers	9.27	.55	.40		.05
Scrap iron burning	9.05	.55	.40		.05
Gunnite scaffold man (over 25')	9.35	.55	.40		.05
Gunnite nozzlemen; Gunnite gunman	9.53	.55	.40		.05
Plasterers hod carriers	9.15	.55	.40		.05
LEADBURNERS	10.75	.40		c	.01
LINE CONSTRUCTION:					
Mahoning (excluding Smith Twp.) & Trumbull Cos.:					
Linemen; Cable Splicer; Operator - pole digging equipment	14.07	.45	3%		1/2%
Mahoning Co. (Smith Twp.):					
Linemen; Cable Splicer	11.90	.40	3%+.40		1/2%
Line equipment oprs.	10.60	.40	3%+.40		1/2%
MARBLE SETTERS; TERRAZZO WORKERS;					
Tile Setters:					
Mahoning Co.	12.305				
MARBLE SETTERS' FINISHERS;					
Terrazzo workers' finishers; &					
Tile setters' finishers:					
Mahoning (excluding Smith Twp.)	11.455				
MILLWRIGHTS; Piledrivermen	11.53	1.17	1.10		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush; Dipping; Hydro jet cleaning; Paperhnagers; Roller; Steamcleaning; wall washing; & Waterproofing	$11.25	.75	1.00		
Spray; Epoxy-mastic (Brush & Roller)	11.75	.75	1.00		
Dry wall taping	11.40	.75	1.00		
Open Structural steel	11.46	.75	1.00		
PLASTERERS:					
Mahoning Co. (Smith Twp.)	11.44	.95	.70		.01
Mahoning Co. (Rem. of Co.):					
Commercial	12.11	.60			.03
Residential	9.08	.60			.03
Trumbull Co.:					
Commercial	11.24	.60			.03
Residential	8.43	.60			.03
PLUMBERS; Steamfitters:					
Mahoning & Trumbull (Hubbard & Liberty Twps.) Cos.	12.29	1.37	.50		.03
Trumbull Co.	12.60	.97	.90		.03
ROOFERS	11.21	.60	.70		.01
SHEET METAL WORKERS	12.26	.75	.79		.04
SOFT FLOOR LAYERS:					
Commercial Building	10.20	1.17	1.10		.05
Residential	9.18	1.17	1.10		.05
SPRINKLER FITTERS	12.75	.75	1.05		.08

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Seven paid holidays: A through F, & Day after Thanksgiving
b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, and 6% for employee in business less than 5 years.
c. Nine paid holidays: A through F, Washington's Birthday; Good Friday; & Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
d. $25.00 per employee per year

DECISION NO. OH78-2148

POWER EQUIPMENT OPERATORS COMMERCIAL BUILDING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$12.01	.65	.80		.14
CLASS II	11.32	.65	.80		.14
CLASS III	10.68	.65	.80		.14
CLASS IV	10.27	.65	.80		.14
CLASS V	10.17	.65	.80		.14
CLASS VI	12.28	.65	.80		.14
RESIDENTIAL					
CLASS I	10.51	.95	1.00		.16
CLASS II	9.82	.95	1.00		.16
CLASS III	9.18	.95	1.00		.16
CLASS IV	8.77	.95	1.00		.16
CLASS V	8.67	.95	1.00		.16
CLASS VI	10.78	.95	1.00		.16

CLASS I - Asphalt planer heater; Austin western & similar type; Backhoe; Batch plant-central mix; Batch plant-portable concrete; Berm builder-automatic; Backfiller w/drag attachment; Boat derrick; Boat-tug; Boring mach. attached to tractor; Bullclam; Bulldozer; C.M.I. road builder & similar types; Cable placer & layer; Carrier-straddle; Carryall - scraper or scoop; Chicago boom; Compactor w/blade attached; Concrete spreader finisher comb., Crane; Crane-stationary or climbing; Crane-electric overhead; Crane-side boom; Crane truck; Crane-tower; Derrick-boom; Derrick-car; Diggers-wheel (not trencher or road widener); Double nine; Drag line; Dredge; drill-Kenny or similar type; Electromatic; Fork lift; Frankie pile; Gradall; Grader-power; Gurry; Gurry-self-propelled; High lift; Hoist-monorail; Hoist-stationary & mobile tractor; Hoist-2 or 3; Jackall; Jumbo mach.; Kocal or Kuhlman; land-seagoing vehicle; Loader - Elevating; Loader-front end; Locomotive; Mechanic as welder; Metro clip harvester w/boom; Mucking mach.; Paver-asphalt finishing mach.; Paver-road concrete; Paver-slip form; Place crete mach; Post driver; Power driven hydraulic pumps & jacks; pump crete machine; Regulator-ballast; Reigs-drilling; Shovels; Spikemaster; Stonecrusher; Tie puller & loader; tie tamper; Tractor-double boom; tractor w/attachments; Trucks-boom; Truck-tire-assigned to job; Trench mach.; Tunnel machine (Mark 21 Java or similar); Whiley

CLASS II - Asphalt plant; bending machine; Boring mach.; Chip harvester w/o boom; cleaning mach.- pipeline type; Coating Mach-pipeline type; Concrete belt placer; concrete finisher; Concrete planer or asphalt; Concrete spreader; Elevator; Fork lift walk behind; form line mach.; Grease truck op.; Grout pump; Gunnite mach.; Huck bolting Mach.; Hydraulic scaffold; Paving breaker; Pipe dream; Pot firemen; Power broom; Refrigeration plant; Sasgen derrick; Seeding Mach.; Self-propelled mobile vibrator compactor or roller; Hoist-single drum; Soil stabilizer (pump type); Spray cure Mach.-Self propelled; Straw blower mach.; Sub-grader; Tube Finisher or broom C.M.I. or similar type; Tugger Hoist

DECISION NO. OH78-2148

POWER EQUIPMENT OPERATORS (CONT'D)

CLASS III - Batch plant-job related; Boiler op.; Compressor (125 CFM or over); Curb builder (self-propelled); Generator-steam; Jack-hydraulic driven; Mixer-concrete; Mulching Mach.; Pin puller; Pulverizer; Pump; Road finishing mach. (pulltype); roller; Saw-concrete-self propelled; signal man; spray cure mach.-motor powered; Spreader (side driver shoulder attachment); Tractor; Trencher-form; Water Blaster
CLASS IV - Brake man; Compressor under 125 CFM; Conveyor; Conveyor 12 feet or under other than servicing bricklayers; Deck hand; Drill wagon; fireman; Generator sets; Heaters-portable power (2 to 5); Helper-mechanic, Jacks Hydraulic (railroad); Ladavator; Roller (walk behind 1 ton or over); Steam jenny; Syphons; Vibrator-gasoline; Welding machines (2) (fuel burning)
CLASS V - Oiler
CLASS VI - Rigs-pile driving or caisson type

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Dump; Flat bottom; Stake body; Batch; Water wagons; & Pickups	$9.435	.40	$22.00a		
Semis; Tandems; Mixers; Semi-water wagons; Fuel trucks; & Distributor trucks	9.655	.40	22.00a		
Euclid wagon; DW 10 caterpillars or equipment; Carry-all	9.905	.40	22.00a		
Tractor trailer (low boy)	10.005	.40	22.00a		
FOOTNOTE:					
a. per week per employee					

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: *SEE BELOW
DECISION NUMBER: OH78-2153 DATE: Date of Publication
Supersedes Decision No. OH78-2057, dated May 12, 1978 in 43 FR 20685
DESCRIPTION OF WORK: Building & Residential Construction

*ASHTABULA, CUYAHOGA, LAKE, LORAIN, PORTAGE, STARK, & SUMMIT

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Ashtabula (Cities of Ashtabula & Geneva), Cuyahoga, Lake, & Lorain Cos.	$14.78				
Ashtabula (Rem. of Co.)	10.74	.45	.70		.02
Remaining Cos.	12.135	.55	.80		.02
BOILERMAKERS	12.68	.90	1.20		.03
BRICKLAYERS; Stonemasons:					
Ashtabula Co.	11.21	.95	.70		
Cuyahoga Co.	12.65	1.05	1.20		.01
Lake Co.	13.02	.60	1.00		
Lorain Co.	12.85		.60	a	.01
Portage & Summit Cos.:					
Commercial Construction	12.31	.88	.55		.02
Residential Construction	10.31	.88	.55		.02
Stark Co.	11.44	.95	.70		.01
CARPENTERS; Millwrights; Piledrivermen; Soft Floor Layers;					
Ashtabula, Cuyahoga, & Lake Cos					
Carpenters; Soft Floor Layers	12.87	.85	1.25		.03
Millwrights	12.60	.85	1.52		.03
Piledrivermen	12.10	.77	1.25		.03
Portage & Summit Cos.:					
Carpenters	12.20	.50	.90		.02
Millwrights	12.60	.85	1.52		.03
Piledrivermen	12.10	.77	1.25		.03
Soft Floor Layers	10.40	.40	.70		
Stark Co.:					
Carpenters	11.08	.55	.60		.02
Millwrights; Piledrivermen	10.76	.50	.50		.02
Soft Floor Layers	10.11	.50	.50		.02
Lorain Co.:					
Carpenters; Soft Floor Layers	11.59	.85	1.00	b	.06
Millwrights; Piledrivermen	11.59	.85	1.00	b	.06
CEMENT MASONS:					
Ashtabula Co.	11.21	.95	.70		
Cuyahoga Co.	14.58				
Lake Co.	13.02	.60	1.00		
Lorain Co.	12.85		.60	a	.01
Portage, Stark, & Summit Cos.:					
Commercial Construction	11.54	.60	.75		.02
Residential Construction (excluding Stark Co.)	10.57	.60	.75		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Cuyahoga & Lorain (Twp. of Columbia) Cos.	$13.75	.55	3%+.48		.02
Lake Co.:					
Commercial Construction	13.13	.70	3%+.70		.3%
Residential Construction	6.50	.70	3%		1%
Lorain (Except Columbia Twp.):					
Commercial Construction	12.95	.60	3%+.80		.1%
Residential Construction	7.38	.60	3%		.1%
Portage (Twps. of Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantus, Randolph, Ravenna, Rootstown, Shelbyville, Streetsboro, & Suffield), & Summit Cos.:					
Commercial Construction	12.38	.74	3%+.65		.2%
Residential Construction	7.88	.74	3%		.2%
Portage (Rem. of Co.) & Stark Co.:					
Commercial Construction	11.90	.40	3%+.40		.3%
Residential Construction	8.30	.40	3%+.30		.3%
Ashtabula Co. (Twps. of Colebrook, Wayne, Williamsfield, Orwell, & Windsor)	13.39	.60	7%		.7%
Ashtabula Co. (Rem. of Co.):					
Commercial Construction	13.05	.90	3%+.85		.2%
Residential Construction	6.60		3%		.002%
ELEVATOR CONSTRUCTORS:					
Ashtabula Co.:					
Elevator Constructors	11.04	.745	.56	c+d	.035
Helpers	70%JR	.745	.56	c+d	.035
Helpers (Prob.)	50%JR				
Cuyahoga, Lake, & Lorain Cos.:					
Elevator Constructors	12.79	.745	.56	c+d	.035
Helpers	70%JR	.745	.56	c+d	.035
Helpers (Prob.)	50%JR				
Portage, Stark, & Summit Cos.:					
Elevator Constructors	12.02	.745	.56	c+d	.035
Helpers	70%JR	.745	.56	c+d	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	13.68	.55	.65		.01
Portage, Stark & Summit Cos.:					
Commercial	10.94	.71	1.01		
Residential	6.79	.64	.52		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
Ashtabula (NE ¼ of Co.)	$11.59	1.86	1.01		.15
Ashtabula (except NE ¼ of Co.), Cuyahoga, Lake, Lorain, Portage (excluding Ravenna Ordnance Depot), & Summit Cos.	12.72	1.05	1.30		.03
Portage (Ravenna Ordnance Depot) Co.:					
Ornamental; Reinforcing; & Structural	12.03	.40	1.30		.07
Bucker-up	12.155	.40	1.30		.07
Sheeter	12.53	.40	1.30		.07
Stark Co.:					
Ornamental; Reinforcing; & Structural	11.68	.80	.95		.05
Bucker-up	11.805	.80	.95		.05
Sheeter-side	11.93	.80	.95		.05
Sheeter-roof	12.18	.80	.95		.05
LATHERS:					
Ashtabula, Cuyahoga, Lake, Lorain (Eastern portion), & Summit (No. part of Co.) Cos.	13.38		1.50		.01
Lorain (Rem. of Co.)	13.30				.01
Portage & Summit (So. part of Co.) Cos.	11.01	.57	.15		.01
LINE CONSTRUCTION:					
Ashtabula Co. (Twps. of Colebrook, Orwell, Wayne, Williamsfield, & Windsor); Portage Co. (Twps. of Charleston, Edinburgh, Freedom, Hiram, Nelson, Palmyra, Paris, & Windom)					
Cable splicer op.; Linemen; Pole digging equipment op.	14.07	.45	3%		½%
Groundmen:					
Over 3 yrs.	11.26	.45	3%		½%
3rd yr.	10.55	.45	3%		½%
2nd yr.	9.85	.45	3%		½%
2nd 6 mos.	8.44	.45	3%		½%
1st 6 mos.	7.035	.45	3%		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (CONT'D):					
Ashtabula Co. (Rem. of Co.):					
Cable splicer; Equipment Op.; Line Truck Driver; Linemen	$13.05	.90	3%+.85		½%
Groundmen:					
Over 12 mos.	9.80	.90	3%+.85		½%
6 - 12 mos.	8.50	.90	3%+.85		½%
0 - 6 mos.	7.20	.90	3%+.85		½%
Cuyahoga & Lorain (Columbia Twp.) Cos.:					
Cable Splicers; Equipment Ops.; Linemen	13.11	.50	3%		½%
Beginning Truck Driver Groundmen	6.17	.50	3%		½%
Advanced Truck Driver (winch) Groundman over 2 yrs.' experience	6.57	.50	3%		½%
Lake Co.:					
Equipment Operators; Linemen	12.88	.70	3%+.70		½%
Lorain (Rem. of Co.) Co.:					
Cable Splicers; Equipment ops.; & Linemen	12.95	.60	3%+.80		½%
Portage (Twps. of Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantus, Randolph, Ravenna, Rootstown, Shalersville, Streetsboro, & Suffield), & Summit Cos.:					
Linemen	12.38	.74	3%+.65		½%
Cable Splicers	13.18	.74	3%+.65		½%
Groundmen; Truck Drivers	6.19	.74	3%+.65		½%
Equipment Operators	9.29	.74	3%+.65		½%
Stark Co.:					
Cable Splicers; Linemen	11.90	.40	3%+.40		½%
Truck Drivers	7.95	.40	3%+.40		½%
Groundmen:					
Over 1 yr's experience	7.50	.40	3%+.40		½%
Under 1 yr's experience	7.05	.40	3%+.40		½%
Line Equipment Ops.	10.60	.40	3%+.40		½%
MARBLE SETTERS:					
Ashtabula Co.	11.21	.95	.70		
Cuyahoga Co.	12.65	1.05	1.20		.01
Lake Co.	13.02	.60	1.00		
Lorain Co.	12.85		.60	a	.01
Portage & Summit Cos.	11.27	.81	.50		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS' FINISHERS:					
Cuyahoga, Lake & Lorain Cos.	$11.76		1.50		
Portage & Summit Cos.	$10.77	.81	.50		
PAINTERS:					
Ashtabula, Cuyahoga, Lake, Portage (No. of East West Turnpike), & Summit (No. of East West Turnpike), Lorain (NE part):					
Brush; Rollers; Paperhangers	12.21	.67	1.00		.05
Swing Stage; Window Jack	12.51	.67	1.00		.05
Tapers	12.91	.67	1.00		.05
Lorain (Except NE part):					
Commercial Construction:					
Brush	9.70			e	
Roller; Taping	9.95			e	
Residential Construction:					
Brush	9.35			e	
Taping	9.60			e	
Portage (Rem. of Co.), & Summit (Rem. of Co.) Cos.:					
Brush; Rollers; Paperhangers	9.40	.62	.60		
Drywall finisher & taper; Spray	9.90	.62	.60		
Structural steel	9.65	.62	.60		
Stark Co.: (Commercial)					
Brush; Roller	10.31	.93	.60		.02
Paperhangers	10.41	.93	.60		.02
Drywall	10.71	.93	.60		.02
Spray	10.81	.93	.60		.02
Drywall with machines	11.06	.93	.60		.02
Stark Co.: (Residential)					
Brush; Rollers	9.87	.93	.60		.02
Paperhangers	9.97	.93	.60		.02
Spray	10.37	.93	.60		.02
Drywall	10.27	.93	.60		.02
Drywall with machines	10.62	.93	.60		.02
PIPEFITTERS:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	12.45	1.22	1.30		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
PLASTERERS:					
Ashtabula Co.	$11.21	.95	.70		
Cuyahoga Co.	14.88				.01
Lake Co.	13.02	.60	1.00		
Lorain Co.	12.85		.60	a	.01
Portage & Summit Cos.	11.41	.60	.75		.01
Stark Co.	11.44	.95	.70		.01
PLUMBERS:					
Ashtabula, Cuyahoga, Lake, & Summit (No. of Rte. #303) Cos.	12.88	.90	1.10		.02
Lorain Co.	13.23	.60	.88		.05
Portage & Summit (So. of Rte. #303) Cos.	12.15	.85	1.00		.05
Stark Co.	12.12	.50	.70	f	.05
ROOFERS:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	14.03	.25	.50		
Portage, Stark, & Summit Cos.	11.18	.73	.55		.02
SHEET METAL WORKERS:					
Ashtabula, Cuyahoga, & Lake Cos.	12.85	.60	1.33		.04
Lorain Co.	13.00	.85	.88		.04
Portage, Stark, & Summit Cos.	10.91	.61	.84		.05
SPRINKLER FITTERS:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	12.45	1.22	1.30		.05
Lake, Portage, Stark, & Summit Cos.	12.75	.75	1.05		.08
STEAMFITTERS:					
Lorain Co.	13.23	.60	.88		.05
TERRAZZO WORKERS:					
Ashtabula Co.	11.21	.95	.70		
Cuyahoga Co.	12.65	1.05	1.20		.01
Lake Co.	13.02	.60	1.00		
Lorain Co.	12.85		.60	a	.01
Portage & Summit Cos.	11.27	.81	.50		
TERRAZZO WORKERS' FINISHERS:					
Cuyahoga, Lake, & Lorain Cos.	12.62		1.20		
Portage & Summit Cos.	10.77	.81	.50		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
TILE SETTERS:					
Ashtabula Co.	$11.21	.95	.70		
Cuyahoga Co.	12.905		1.50		
Lake Co.	13.02	.60	1.00		
Lorain Co.	12.85		.60	a	.01
Portage & Summit Cos.	11.27	.81	.50		
TILE SETTERS' FINISHERS:					
Cuyahoga, Lake, & Lorain Cos.	12.29		1.50		
Portage & Summit Cos.	10.77	.81	.50		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day
E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:
a. 2 paid holidays: C & D
b. 2 paid holidays: B & D
c. 7 paid holidays: A through F, & Day after Thanksgiving
d. 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.
e. 2 paid holidays: C & D
f. 1 paid holiday: D providing the employee has worked 5 consecutive days before and after the holiday.

LABORERS (Ashtabula County): Sheeting & Shoring Men; Ashphalt Rakers & Tampers; Dumpmen (Batch Truck); Signalmen; Concrete Workers; Building Wreckers; Tool Checkers; Carpenters' Tenders; Construction Laborers; All work not mentioned in classifications below to be paid at the rate of construction laborers	$10.45					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D):					
Spreader Box Men (asphalt); Stone Masons' Assistant; Plasterers or Mortar Mixers; Squeegee man	10.60				
Air & Machine Driven Tool op.; Industrial Sewer Cleaning; Sewer Pipe Layers; Bottom Men (6' & over); Power Driven Wheelbarrows & Sweepers; Brick Batter & Droppers; Burning & Cutting Torches; Mud Jacking of floors	10.65				
Stackmen; Swinging Scaffold men	10.75				
Tunnel Laborers	10.85				
Gunnite ops.	10.95				
Power Blasters	11.00				
LABORERS (Cuyahoga County):					
Construction	10.52	1.37	1.40		
Sewer & Utility; Power Driven Tools & Vibrators	10.67	1.37	1.40		
Jackhammer; Acetylene Burners; Muckers	10.72	1.37	1.40		
Swinging Scaffolds	10.77	1.37	1.40		
Gunnite ops.; Blasters; Shooters; Caisson; Well Cylinders; Mine Workers w/o air; & Cofferdams	10.84	1.37	1.40		
Topman on free standing radial stack	11.02	1.37	1.40		
LABORERS (Lake County):					
Building & Construction	10.65	.55	.40		
Gunite op.; Blasters & Shooters; Caissons; Wells; Cylinder cofferdams; Mine Workers w/o air; Swing Scaffolds; Acetylene Burners; Vibrators; Top man on free standing radial stacks; Slip forms higher than 30'; Fire Brick Tenders	10.90	.55	.40		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Lorain County):					
Building & Construction; Signalmen; Flagmen; Tool Crib; Carpenter Tender; Finisher Tender; Concrete Handler; Guard Rail Erector	$10.08	.70	.70		.10
Bottom Men; Scaffold Builder; Tunnel Laborers; Pipelayers; Air & Power Driven Tools; Burner on demolition work; Swinging Scaffold; Mucker; Caisson Worker; Cofferdam Worker; Powder Men & Dynamite Blasters; Creosote Workers; Mortar Mixers; Form Setter; Mason Tender; Plasterers' Tenders; Hod Carrier; Laser Beam set up man	10.28	.70	.70		.10
Gunnite Operator	10.68	.70	.70		.10
LABORERS (Portage & Summit Cos.):					
Residential Construction	9.07	.65	.40		.16
Common Laborers; Welders' Helpers; Carpenters' Tenders; Landscape Laborers; Mason Tender; Concrete Bucket Tender	11.12	.65	.40		.16
Air Driven Boring Machine; Tamper ops.; Asphalt Raker; Paving Bed Maker; Material Mixer; Wire Mesh Handler; Hook-up man on demolition work; Scaffold Erector; Structural Precast Erector; Power Tools-Air, Gas, or electric.	10.82	.65	.40		.16
Pipe Layers; Rock Drillers; Muckers--Tunnel; Burners; Form Setters; Power Saws; Jackhammer; Barco Type Tampers; Bottom man; Hod Carrier; Power Buggy or Power Wheelbarrow	10.77	.65	.40		.16

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Gunite Nozzlemen; Tunnel Miners; Water Line Caulkers; Dynamite Men; Pump Hose Nozzlemen	$10.62	.65	.40		.16
LABORERS (Stark County):					
Building & Construction; Signalmen; Flagmen; Tool Cribman; Carpenters' Tenders; Finisher Tenders; Concrete Handler; Utility Construction Laborer; Guard Rail Erector	8.96	.70	.70		.10
Bottom Men; Scaffold Builder; Tunnel Laborers; Pipe Layers; Air & Power Driven Tools; Burner on demolition; Swinging Scaffold; Mucker; Caisson Worker; Cofferdam Worker; Powder Men & Dynamite Blaster; Creosote Workers; Mortar Mixers; Form Setter; Mason Tender; Plasterers' Tenders; Hod Carrier; Laser Beam Set-Up Men	9.16	.70	.70		.10
Gunnite Operator	9.56	.70	.70		.10
POWER EQUIPMENT OPERATORS:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.:					
GROUP A	13.17	.66	1.00		.11
GROUP B	13.02	.66	1.00		.11
GROUP C	12.67	.66	1.00		.11
GROUP D	11.89	.66	1.00		.11
GROUP E	11.57	.66	1.00		.11
GROUP F	9.64	.66	1.00		.11
Portage, Stark, & Summit Cos.:					
GROUP A	12.89	.66	1.00		.11
GROUP B	12.73	.66	1.00		.11
GROUP C	12.38	.66	1.00		.11
GROUP D	11.57	.66	1.00		.11
GROUP E	11.24	.66	1.00		.11
GROUP F	9.28	.66	1.00		.11

DECISION NO. OH78-2153

GROUP A - A-Frames; All rotary drills used on caisson work for foundations & sub-structure work; Boiler op. or compressor op. when compressor or boiler is mounted on crane (piggyback operation); Boom trucks (all types); Cableways; cherry pickers; Combination concrete mixer & tower; Concrete pumps; Cranes (all types); Derricks (all types); Draglines; Elevating grader or Euclid loader; Floating equipment; Gradalls; Helicopter op. (hoisting builders materials); Helicopter winch op.;(hoisting builders materials); Hoes (all types); Hoisting engines (two or more drums); Lift slab or panel jack ops.; Locomotives (all types); Maintenance engineer (mechanic or welder); Mixer paving (multiple drum); Mobile concrete pumps with boom; Panelboard (all types on site); Pile driver; Power shovels; Side booms; Slip form pavers; Straddle carriers (building construction site); Tower derricks; Trench machines (over 24" wide)

GROUP B - Asphalt paver; Bulldozer; CMI type equipment; Endloaders; Kohlman type loaders (dirt loading); Mucking machines; Power graders; Power scoops; Power scrapers; Push cats

GROUP C - Air compressor (pressurizing shafts or tunnels); All asphalt rollers; Fork lifts; Hoist (one drum); House elevators; Man lift; Power boiler (over 15 lbs., pressure); Pump op. installing or operating well points or other type of dewatering system; Pumps (4" & over discharge); Submersible pumps (4" & over discharge); Trenchers (24" & under)

GROUP D - Compressors on building construction; Conveyors (building material); Gunite machines; Mixers (cap., more than one bag); Mixers (one bag cap., side loader); Post driver; Post hole digger; Pavement breaker (hydraulic or cable); Road widening trencher; Rollers; Welder operator

GROUP E - Backfillers and tampers; Batch plant; Bar & joint installing machine; Bull floats; Burlap & curing machines; Clefplanes; Concrete spreading machines; Crushers; Drum fireman (asphalt); Farm type tractors (pulling attachments); Finishing machines; Form trenchers; High pressure pumps (over ½" discharge); Hydro seeders; Self-propelled power spreader; Self-propelled subgrader; Tractors (pulling sheep foot roller or grader); Tire repairman; Vibratory compactors (with integral power)

GROUP F - Oiler; Helpers; Signalman; Light plant op.; Power driven heaters (oil fired); Power boilers (less than 15 lbs. pressure); Submersible pumps (under 4" discharge); Pumps (under 4" discharge)

STATE: OHIO COUNTIES: *SEE BELOW
DECISION NO.: OH78-2154 DATE: Date of Publication
Supersedes Decision No. OH78-2058, dated May 12, 1978 in 43 FR 20691
DESCRIPTION OF WORK: Building Construction (Does not include single family homes and garden type apartments up to and including 4 stories).

*ASHLAND, CARROLL, COLUMBIANA, COSHOCTON, HOLMES, MEDINA, TUSCARAWAS, & WAYNE

DECISION NO. OH78-2154

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Ashland, Coshocton, Holmes, Medina, Tuscarawas & Wayne Cos	$12.135	.55	.80		.02
Carroll & Columbiana Cos.	10.74	.45	.70		.02
BOILERMAKERS:					
Ashland Co.	13.575	1.075	1.00		.03
Carroll, Coshocton, Holmes, Medina, Tuscarawas, & Wayne Cos.	12.68	.90	1.20		.03
Columbiana Co.	11.785	7.5%	7%		.01
BRICKLAYERS; Marble Setters; Stonemasons; Terrazzo Workers; & Tile Setters:					
Ashland, Holmes & Wayne (except Milton & Chippewa Twps.) Cos.	11.48	.60	1.00		.02
Carroll, Columbiana (Twps. of Knox, Butler, West & Hanover), & Tuscarawas Cos.:					
Bricklayers; Stonemasons	11.44	.95	.70		.01
Columbiana (Twps. of Center, Elk Run, Fairfield, Middletown, New Waterford, Perry, Salem, & Unity) Co.:					
Bricklayers; Stonemasons	11.49	.75	1.00		.02
Marble Setters; Terrazzo Workers; & Tile Setters	12.305				
Columbiana (Rem. of Co.) Co.	11.15	.60	.50		
Coshocton Co.	10.70	.60	.90		.10
Medina (Twps. of Hinckley, Grander, Brunswick, Medina, Liverpool, Montville, & York) Co.:					
Bricklayers; Marble setters; Stonemasons; & Terrazzo Workers	12.65	1.05	1.20		.01
Tile Setters	12.905		1.50		
Medina (Twps. of Wadsworth, Guilford, Westfield, Lafayette, & Sharon) & Wayne (Chippewa & Milton Twps.) Cos.:					
Bricklayers; Stonemasons Marble Setters; Terrazzo Workers; & Tile Setters	$12.31	.88	.55		.02
	11.27	.81	.50		
Medina (Twps. of Litchfield, Chatham, Harrisville, Homer, & Spencer) Co.	12.85		.60	a	.01
CARPENTERS; Millwrights; Piledrivermen; & Soft Floor Layers:					
Ashland Co.:					
Carpenters; Soft Floor Layers	11.59	.85	1.00	b	.06
Millwrights	12.60	.85	1.52		.03
Piledrivermen	12.10	.77	1.25		.03
Carroll, Tuscarawas, & Wayne Cos.:					
Carpenters	11.08	.55	.60		.02
Millwrights; Piledrivermen	10.76	.50	.50		.02
Soft Floor Layers	10.11	.50	.50		.02
Columbiana Co.:					
Carpenters	10.75	.92	.95		.02
Millwrights	11.73	.50	6%	5%	.02
Piledrivermen	11.85	5.5%	10%		.5%
Coshocton & Holmes Cos.:					
Carpenters; Soft Floor Layers	10.79	.58	.85		.04
Millwrights	11.44	.58	.85		.04
Piledrivermen	11.44	.58	.85		.04
Medina Co.:					
Carpenters	12.20	.50	.90		.02
Millwrights	12.60	.85	1.52		.03
Piledrivermen	12.10	.77	1.25		.03
CEMENT MASONS; Plasterers:					
Ashland Co.:					
Cement Masons	10.80	.60			
Plasterers	10.95				
Carroll & Tuscarawas Cos.	11.44	.95	.70		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Columbiana Co.:					
Cement Masons	$11.80	.60	.50		.05+f
Plasterers:					
Twps. of Knox, Butler, West, & Hanover	11.44	.95	.70		.01
Remainder of Co.	12.11	.60			.03
Coshocton Co.:					
Cement Masons	10.70	.60	.90		.10
Holmes & Wayne (except Chippewa & Milton Twps.) Cos.	12.03		1.00		.02
Medina Co. (exclusive of Twps. of Homer, Harrisville, Chatham, Litchfield, & Spencer)					
Cement Masons	11.54	.60	.75		.02
Plasterers	11.41	.60	.75		.01
Medina Co. (Rem. of Co.):					
Cement Masons; Plasterer	12.85		.60	a	.01
ELECTRICIANS:					
Ashland Co.	12.30	.45	3% + .50		.1%
Carroll (N ½ incl. Fox, Harrison, Rose & Washington Twps.), Columbiana (Knox Twp.), Holmes, Tuscarawas (N. of Auburn, Clay, Rush, & York Twps.), & Wayne (S. of Baughman, Chester, Green, & Wayne Twps.) Cos.	11.90	.40	3% + .40		.3%
Carroll (Rem. of Co.) Co.	12.95	6%	9%	8%	½%
Columbiana (Twps. of Center, Elk Run, Franklin, Hanover, Liverpool, Madison, Middleton, St. Clair, Washington, Wayne, West, & Yellow Creek) Co.	11.90	.95	3% + .48		.07
Columbiana (Twps. of Butler, Fairfield, Perry, Salem, & Unity) Co.	13.03	.59	7%		.3%
Coshocton & Tuscarawas (Auburn, York, Jefferson, Clay, Rush, Oxford, Washington, Salem, Perry, & Bucks Twps.) Cos.	11.40	.40	3% + .60		.03
Medina (Twps. of Litchfield, & Liverpool) Co.	12.95	.60	3% + .80		.1%
Medina (Rem. of Co.), & Wayne (N¼ of Co.)	12.38	.74	3% + .65		.2%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Ashland, Coshocton, Holmes, & Tuscarawas Cos.:					
Elevator Constructors	$11.705	.745	.56	c+d	.035
Helpers	70%JR	.745	.56	c+d	.035
Helpers (Prob.)	50%JR				
Carroll Co.:					
Elevator Constructors	11.08	.745	.56	c+d	.035
Helpers	70%JR	.745	.56	c+d	.035
Helpers (Prob.)	50%JR				
Columbiana Co.:					
Elevator Constructors	11.75	.745	.56	c+d	.035
Helpers	70%JR	.745	.56	c+d	.035
Helpers (Prob.)	50%JR				
Medina & Wayne Cos.:					
Elevator Constructors	12.02	.745	.56	c+d	.035
Helpers	70%JR	.745	.56	c+d	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Carroll, Coshocton, Holmes, Medina (S ½), Tuscarawas, & Wayne Cos.	10.94	.71	1.01		
Medina (N ½) Co.	13.68	.55	.65		.01
IRONWORKERS:					
Ashland, Carroll, Coshocton, Holmes, Tuscarawas, & Wayne Cos.:					
Ornamental; Reinforcing; & Structural	11.68	.80	.95		.05
Sheeter-roof	12.18	.80	.95		.05
Sheeter-side	11.93	.80	.95		.05
Bucker-up	11.805	.80	.95		.05
Columbiana Co.:					
Ornamental; Reinforcing; & Structural	12.03	.40	1.30		.07
Sheeters	12.53	.40	1.30		.07
Bucker-up	12.155	.40	1.30		.07
Medina Co.	12.72	.05	1.30		.03
LATHERS:					
Wayne Co.	11.01	.57	.15		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS' FINISHERS; Terrazzo Workers' Finishers; & Tile Setters' Finishers:					
Ashland, & Medina (exclu. Twps. of Wadsworth, Guilford, Westfield, Lafayette, & Sharon) Cos.:					
Marble Setters' Finishers	11.76		1.50		
Terrazzo Workers' Finishers	12.62		1.20		
Tile Setters' Finishers	12.29		1.50		
Columbiana Co.	11.455				
Medina (Rem. of Co.) & Wayne (Twps. of Milton & Chippewa)	10.77	.81	.50		
PAINTERS:					
Ashland Co.:					
Brush; Roller; Washer; Cleaner	9.30		.50		
Drywall; Paperhanger; Wall Coverer; Pot Tenders	10.05		.50		
Structural Steel Tanks & Towers; Hazardous Materials incl. epoxy or any 2 component materials	9.80		.50		
Spray; Riggers & helpers on scaffolding over 30' above base level	10.05		.50		
Sign & Pictorial	10.15		.50		
Sandblaster Cleaner	10.45		.50		
Carroll, Holmes, Tuscarawas, & Wayne Cos.:					
Brush; Roller	10.31	.93	.60		.02
Paperhanger	10.41	.93	.60		.02
Spray	10.81	.93	.60		.02
Drywall	10.71	.93	.60		.02
Drywall with machines	11.06	.93	.60		.02
Columbiana Co.:					
Brush; Rollers; Waterproofing; Paperhanging; Wallwashing; Hydro-jet cleaning; Steam cleaning	11.25	.75	1.00		
Spray; Epoxy-mastic (brush or roller)	11.75	.75	1.00		
Swing; Interior scaffold (over 30 ft.); Window jacks & safety belts	11.42	.75	1.00		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Drywall taping	$11.40	.75	1.00		
Open structural steel	11.46	.75	1.00		
Dipping (when permitted)	11.60	.75	1.00		
Epoxy-mastic (spray)	12.25	.75	1.00		
Paperhangers (furnishing own tools)	12.50	.75	1.00		
Coshocton Co.:					
Brush; Paperhangers; Wall Washers; Wallpaper cleaners; & Drywall tapers	6.00				
Spray	6.50				
Swing stage; Scaffold & removal of wallpaper	6.25				
Medina Co.:					
Brush; Rollers; & Paperhangers	9.40	.62	.60		
Spray; Drywall finisher & taper	9.90	.62	.60		
Structural steel	9.65	.62	.60		
PIPEFITTERS; Sprinkler fitters:					
Medina (No. of State Rte. #18)	12.45	1.22	1.30		.05
PLUMBERS; Steamfitters:					
Ashland Co.	13.23	.60	.88		.05
Carroll (Twps. of Ross, Monroe, Union, Lee, Orange, Perry, & Loudon), Coshocton, Holmes, & Tuscarawas Cos.	12.60	.45	.60		.08
Carroll (Rem. of Co.), & Wayne Cos.	12.12	.50	.70	e	.05
Columbiana (Washington & Yellow Creek Twps., & Liverpool Twps. Secs. 35 & 36 - West of County Rd. #427)	12.61	.50	8%	8%	.12
Columbiana (Rem. of Co.)	12.29	1.37	.50		.03
Medina (N. Of St. Rte. 18 & Smith Rd. incl. city of Medina) Co.:					
Plumbers	12.88	.90	1.10		.02
Medina (Rem. of Co.) Co.:					
Plumbers	12.15	.85	1.00		.05
ROOFERS	11.18	.73	.55		.02
SHEET METAL WORKERS:					
Ashland, Carroll, Coshocton, Holmes, Medina, Tuscarawas, & Wayne Cos.	10.91	.61	.84		.05
Columbiana Co.	12.26	.75	.79		.04
SPRINKLER FITTERS (Excluding					
Medina Co. (No. of State Rte 18)	12.75	.75	1.05		.08

PAID HOLIDAYS:
A-New year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

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FOOTNOTES:
a. 2 paid holidays: C & D
b. 2 paid holidays: B & D
c. 7 paid holidays: A through F, & Day after Thanksgiving
d. 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.
e. 1 paid holiday: D providing the employee has worked 5 consecutive days before and after the holiday.
f. $25.00 per year

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Ashland Co.:					
General laborer; Carpenter tender; Concrete handler	8.96	.70	.70		.10
Mason & Plasterers' tenders; Air & power driven tools; Pipelayers; Dynamite blaster; Mortar mixer; & formsetter	9.16	.70	.70		.10
Gunnite operator	9.56	.70	.70		.10
Carroll Co.:					
Building & construction; Signalmen; Flagmen; Tool crib-man; Carpenters' tenders; Finisher tenders; Concrete handler; Utility construction laborer; Guard rail erector	8.96	.70	.70		.10
Bottom men; Scaffold builder; Tunnel laborers; Pipelayers; Air & power driven tools; Burner on demolition; Swinging scaffold; Mucker; Caisson worker; Cofferdam worker; Powder men & dynamite blaster; Creosote workers; Mortar mixers; Form setter; Mason tender; Plasterers' tenders; Hod carrier; Laser beam set-up men	9.16	.70	.70		.10
Gunnite operator	9.56	.70	.70		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Columbiana Co.:					
General laborers; Carpenters' tenders	$ 8.70	.70	.70		.10
Brick & cement mason tenders; Plasterers' tenders; Mortarmen	8.865	.70	.70		.10
Pipelayers; Air tool & power tool operators; Jackhammer ops.	8.90	.70	.70		.10
Coshocton, Holmes, & Tuscarawas Cos.:					
Laborers; Carpenters' tenders; Concrete handlers; Finisher tenders; Guard rail erector	8.81	.70	.70		.10
Bottom men scaffold builders; Air & power driven tools; Burners; Pipelayers; Mason & plasterers' tenders; Hod carriers; Laser beam set up men; Blasters & Dynamite man	9.01	.70	.70		.10
Gunnite operators	9.41	.70	.70		.10
Medina Co.:					
Common laborers; Welders helpers; Carpenters' tenders; Landscape laborers; Mason tender; Concrete bucket tender	11.12	.65	.40		.16
Air driven boring machine; Tamper ops.; Asphalt raker; Paving bed maker; Material mixer; Wire mesh handler; Hook-up man on demolition work; Scaffold erector; Structural precast erector; Power tools-air, gas, or electric	10.82	.65	.40		.16
Pipe layers; Rock drillers; Muckers--Tunnel; Burners; Form setters; Power saws; Jackhammer; Barco type tampers; Bottom man; Hod carrier; Power buggy or Power wheelbarrow	10.77	.65	.40		.16
Gunite nozzlemen; Tunnel miners; Water line caulkers; Dynamite men; Pump hose nozzlemen	10.62	.65	.40		.16

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Wayne Co.:					
Building & Construction; Signalmen; Flagmen; Tool crib-man; Carpenters' tenders; Finisher tenders; Concrete handler; Utility construction laborers; Guard rail erector	$ 8.96	.70	.70		.10
Bottom men; Scaffold builder; Tunnel laborers; Pipe layers; Air & power driven tools; Burner on demolition; Swing-ing scaffold; Mucker; Caisson worker; Cofferdam worker; Powder men & dynamite blaster; Creosote workers; Mortar mixers; Form setters; Mason tender; 'Plasterers' tenders; Hod carrier; Laser beam set-up men	9.16	.70	.70		.10
Gunnite operator	9.56	.70	.70		.10
POWER EQUIPMENT OPERATORS:					
Ashland, Carroll, Coshocton, Holmes, Tuscarawas, & Wayne Cos.:					
Group A	12.89	.66	1.00		.11
Group B	12.73	.66	1.00		.11
Group C	12.38	.66	1.00		.11
Group D	11.57	.66	1.00		.11
Group E	11.24	.66	1.00		.11
Group F	9.28	.66	1.00		.11
Medina Co.:					
Group A	13.17	.66	1.00		.11
Group B	13.02	.66	1.00		.11
Group C	12.67	.66	1.00		.11
Group D	11.89	.66	1.00		.11
Group E	11.57	.66	1.00		.11
Group F	9.64	.66	1.00		.11

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GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip forms pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24"wide), tug boat

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment , endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressurizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), Submersible pumps (4" and over discharge), trenchers 24" and under

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers, (capacity more than one bag), mixers (one bag capacity; side loader), post driver, post hole digger, pavement breaker (hydraulic or cable),road widening trencher rollers,welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum fireman (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 4" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)

GROUP F - Oiler, helpers, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. presssure, pumps under 4" discharge, submerisble pumps under 4" discharge

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POWER EQUIPMENT OPERATORS
Columbiana Co.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$12.01	.65	.80		.14
CLASS II	11.32	.65	.80		.14
CLASS III	10.68	.65	.80		.14
CLASS IV	10.27	.65	.80		.14
CLASS V	10.17	.65	.80		.14
CLASS VI	12.28	.65	.80		.14

CLASS I - Asphalt planer heater; Austin western & similar type; Backhoe; Batch plant-central mix; Batch plant-portable concrete; Berm builder-automatic; Backfiller w/drag attachment; Boat derrick; Boat-tug; Boring mach. attached to tractor; Bullclam; Bulldozer; C.M.I. road builder & similar types; Cable placer & layer; Carrier-straddle; Carryall - scraper or scoop; Chicago boom; Compactor w/blade attached; Concrete spreader finisher comb., Crane; Crane-stationary or climbing; Crane-electric overhead; Crane-side boom; Crane truck; Crane-tower; Derrick-boom; Derrick-car; Diggers-wheel (not trencher or road widener); Double nine; Drag line; Dredge; drill-Kenny or similar type; Electromatic; Fork lift; Frankie pile; Gradall; Grader-power; Gurry; Gurry-self-propelled; High lift; Hoist-monorail; Hoist-stationary & mobile tractor; Hoist-2 or 3; Jackall; Jumbo mach.; Kocal or Kuhlman; land-seagoing vehicle; Loader - Elevating; Loader-front end; Locomotive; Mechanic as welder; Metro clip harvester w/boom; Mucking mach.; Paver-asphalt finishing mach.; Paver-road concrete; Paver-slip form; Place crete mach; Post driver; Power driven hydraulic pumps & jacks; pump crete machine; Regulator-ballast; Reigs-drilling; Shovels; Spikemaster; Stonecrusher; Tie puller & loader; tie tamper; Tractor-double boom; tractor w/attachments; Trucks-boom; Truck-tire-assigned to job; Trench mach.; Tunnel machine (Mark 21 Java or similar); Whilcy

CLASS II - Asphalt plant; bending machine; Boring mach.; Chip harvester w/o boom; cleaning mach.- pipeline type; Coating Mach-pipeline type; Concrete belt placer; concrete finisher; Concrete planer or asphalt; Concrete spreader; Elevator; Fork lift walk behind; form line mach.; Grease truck op.; Grout pump; Gunnite mach.; Huck bolting Mach.; Hydraulic scaffold; Paving breaker; Pipe dream; Pot firemen; Power broom; Refrigeration plant; Sasgen derrick; Seeding Mach.; Self-propelled mobile vibrator compactor or roller; Hoist-single drum; Soil stabilizer (pump type); Spray cure Mach.-Self propelled; Straw blower mach.; Sub-grader; Tube Finisher or broom C.M.I. or similar type; Tugger Hoist

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CLASS III - Batch plant-job related; Boiler op.; Compressor (125 CFM or over); Curb builder (self-propelled); Generator-steam; Jack-hydraulic driven; Mixer-concrete; Mulching Mach.; Pin puller; Pulverizer; Pump; Road finishing mach. (pulltype); roller; Saw-concrete-self propelled; signal man; spray cure mach.-motor powered; Spreader (side driver shoulder attachment); Tractor; Trencher-form; Water Blaster

CLASS IV - Brake man; Compressor under 125 CFM; Conveyor; Conveyor 12 feet or under other than servicing bricklayers; Deck hand; Drill wagon; fireman; Generator sets; Heaters-portable power (2 to 5); Helper-mechanic, Jacks Hydraulic (railroad); Ladavator; Roller (walk behind 1 ton or over); Steam jenny; Syphons; Vibrator-gasoline; Welding machines (2) (fuel burning)

CLASS V - Oiler

CLASS VI - Rigs-pile driving or caisson type

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ashland Co.:					
Equipment operators; Linemen	$12.30	.45	3% + .50		½%
Line truck drivers	8.00	.45	3% + .50		½%
Groundman	7.38	.45	3% + .50		½%
Carroll (S. of Fox, Harrison, Rose, & Washington Twps.) Co.:					
Linemen; Line equipment ops.; & truck drivers	12.95	6%	9%	8%	½%
Groundman	8.42	6%	9%	8%	½%
Cable splicer	13.35	6%	9%	8%	½%
Carroll (Rem. of Co.), Columbiana (Knox Twp.), Holmes, Tuscarawas (N. of Auburn, Clay, Rush, & York Twps.), & Wayne (S. of Baughman, Chester, Green, & Wayne Twps.) Cos.:					
Cable splicers; Linemen	11.90	.40	3% + .40		½%
Line equipment operators	10.60	.40	3% + .40		½%
Groundmen:					
Under 1 yr's experience	7.05	.40	3% + .40		½%
Over 1 yr's experience	7.50	.40	3% + .40		½%
Truck drivers	7.95	.40	3% + .40		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (CONT'D)					
Columbiana Co. (Rem. of Co.):					
Linemen; Heavy Equipment Operator	$11.03	8%	7%		½%
Groundmen; Truck Drivers	9.97	8%	7%		½%
Cable Splicers	11.43	8%	7%		½%
Columbiana (Butler, Fairfield, Perry, Salem, & Unity Twps.) Co.:					
Linemen; Cable splicers; Operator - pole digging equipment	14.07	.45	3%		½%
Groundman 1st 6 mos.	7.035	.45	3%		½%
Groundman 2nd 6 mos.	8.44	.45	3%		½%
Groundman 2nd yr.	9.85	.45	3%		½%
Groundman 3rd yr.	10.55	.45	3%		½%
Groundman over 3 yrs.	11.26	.45	3%		½%
Coshocton Co.:					
Linemen; Cable splicers; Equipment Ops.	13.11	.50	3%		½%
Beginning Truck Driver Groundmen	6.17	.50	3%		½%
Advanced Truck Driver (winch) Groundman over 2 yrs' experience	6.57	.50	3%		½%
Tuscarawas (Rem. of Co.) Co.:					
Cable splicers; Linemen; Equipment ops.	12.13	.50	3%		½%
Groundmen:					
0 - 6 mos.	6.17	.50	3%		½%
After 6 mos.	6.57	.50	3%		½%
After 12 mos.	7.02	.50	3%		½%
After 18 mos.	7.44	.50	3%		½%
Medina (NW part) Co.:					
Linemen; Cable splicers; Equipment ops.	12.95	.60	3%+.80		½%
Beginning truck driver groundman; Beginning groundman	5.96	.60	3%+.80		½%
Advanced truck driver (winch) groundman; Groundman (over 2 years' experience)	7.04	.60	3%+.80		½%
Medina (Rem. of Co.), & Wayne (N ½ of Co.):					
Linemen	12.38	.74	3%+.65		½%
Cable splicer	13.18	.74	3%+.65		½%
Truck drivers; Groundmen	6.19	.74	3%+.65		½%
Equipment operators	9.29	.74	3%+.65		½%

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: Racine
DECISION NO.: WI78-2149 DATE: Date of Publication
Supersedes Decision No. WI77-2124, dated August 19, 1977 in 42 FR 42181
DESCRIPTION POF WORK: Building and Residential Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.90	.85	.90	1.00	.07
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	11.75	.60	.60		.05
CARPENTERS (West of Hwy. #75)					
Carpenters and Soft Floor Layers	10.90	.50	.60		.10
Millwrights	11.42	.50	.60		.10
Carpenters (Residential) West of Hwy. #75	7.54	.50	.60		.10
CARPENTERS (Balance of County)					
Carpenters and Soft Floor Layers	10.80	.60	.85		.05
Millwrights	11.05	.60	.85		.05
Piledrivermen	10.88	.60	.85		.05
CEMENT MASONS	10.09	.60	.50	.85	
ELECTRICIANS (Burlington)	12.75	.51	3%	.45	3/4%
Electricians (Burlington) Residential	7.30	.50	3%		
ELECTRICIANS (Blance of county)	13.14	.55	3%		3/4%
ELEVATOR CONSTRUCTORS:					
Constructors	11.715	.895	.56	a+b	.025
Helpers	8.61	.895	.56	a+b	.025
Helpers (Prob.)	50%JR				
IRONWORKERS	10.96	1.20	.90	1.19	.15
LABORERS:					
Laborers	9.05	.60	.85	.20	
Air Tool Operators (Jackhammer)	9.37	.60	.85	.20	
Mason Tender, Mortar Mixer and Plasterers' Tender	9.18	.60	.85	.20	
Vibrator Operator	9.37	.60	.85	.20	
PAINTERS:					
Brush	9.75	.40	.80		.05
Structural Steel	9.90	.40	.80		.05
Spray	10.50	.40	.80		.05
PLASTERERS	10.07	.50	.50		.02
PLUMBERS AND STEAMFITTERS	11.81	.60	.85	.96	.02
ROOFERS	10.62	.60	.35		
PILEDRIVERMEN (West of Hwy #75)	11.05	.50	.60		.10

DECISION NO. WI78-2149

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS	$11.05	.60	.88	1.25	.06
SPRINKLER FITTERS	12.10	.75	1.05		.08
TERRAZZO WORKERS	10.78	1.07	.90		
TILE SETTERS	10.28	.60	.60		.05

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 $.98 per hour of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes $.74 per hour of regular hourly rate to Vacation Pay Credit for employee who has worked in business 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 immediately preceding and following the holidays.

DECISION NO. WI78-2149

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)

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Federal Register

MONDAY, NOVEMBER 13, 1978
PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

GRANTS TO STATE EDUCATIONAL AGENCIES

Migratory Children

[4110-02-M]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 116d—GRANTS TO STATE EDUCATIONAL AGENCIES TO MEET THE SPECIAL EDUCATIONAL NEEDS OF MIGRATORY CHILDREN

Educationally Deprived Children

AGENCY: Office of Education, HEW.

ACTION: Final regulations.

SUMMARY: These final regulations are required by section 503 of the Education Amendments of 1972 and establish the rules governing the allocation, distribution, and use of grants under section 122 of title I of the Elementary and Secondary Education Act of 1965. These grants are awarded to State educational agencies to conduct programs and projects designed to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishers.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the FEDERAL REGISTER. The effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of these regulations, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT:

Mr. Vidal A. Rivera, Jr., Chief, Migrant Branch, Division of Education for the Disadvantaged, U.S. Office of Education, 400 Maryland Avenue SW. (Room 3523, ROB-3), Washington, D.C. 20202, telephone 202-245-2427.

SUPPLEMENTARY INFORMATION:

BACKGROUND

A notice of proposed rulemaking published in the FEDERAL REGISTER on July 8, 1975 (40 FR 28622), proposed to amend title 45 of the Code of Federal Regulations by adding a new part 116d. This would govern the program authorized by section 122 of title I of the Elementary and Secondary Education Act, as amended by Pub. L. 93-380 (Education Amendments of 1974) (20 U.S.C. 241c-2).

Interim final regulations were published in the FEDERAL REGISTER on July 13, 1977 (42 FR 36076). These included a discussion of the comments received in response to the notice of proposed rulemaking. The preamble to these interim final regulations (which took effect on September 5, 1977) announced that, in addition to conducting five public hearings, the Office of Education would accept written comments on the interim final regulations through August 29, 1977.

A subsequent FEDERAL REGISTER notice on October 27, 1977 (42 FR 56608), announced that three additional hearings would be held, and that the comment period would be extended through December 9, 1977.

As reorganized, Part 116 (published in the FEDERAL REGISTER on September 28, 1976 at 41 FR 42894) contains provisions applicable to all title I programs. Therefore, part 116, part 116d, and the applicable provisions of 45 CFR Parts 100, 100a, 100b, and 100c (the Office of Education General Provisions Regulations) constitute all of the regulations governing Title I programs conducted by State educational agencies for migratory children of migratory agricultural workers or migratory fishers.

These regulations do not implement the changes in the title I, migrant program that will be made by the Education Amendments of 1978, expected to be enacted in the near future. Instead, these final regulations are being published now in response to the large amount of public comment received on the 1977 interim final regulations and to implement the Department's Operation Common Sense. These regulations clarify apparent misinterpretations of the interim final regulations and, where desirable, make many of the regulatory changes requested by the public. It is also believed that, thus improved, these regulations are consistent as far as possible with the intent of Congress in enacting the Education Amendments of 1978. Broad public participation will again be sought in implementing the changes necessitated by the 1978 amendments. Therefore, a notice of proposed rulemaking that reflects both the 1978 amendments and additional administrative experience may be anticipated in the near future.

SECTION 503—PROCEDURES AND EFFECT

Section 503 of the Education Amendments of 1972 requires the Commissioner to: (a) Study all rules, regulations, guidelines, or other published interpretations or orders issued by him or her or the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; (b) report to the Committee on Labor and Public Welfare (now the Committee on Human Resources) of the Senate and the Committee on Education and Labor of the House of Representatives concerning this study; and, (c) publish in the FEDERAL REGISTER these rules, regulations, guidelines, and orders with an opportunity for public hearings on the published matters.

These regulations reflect the results of this study as it pertains to programs authorized under section 122 of title I of the Elementary and Secondary Education Act, as amended. At present, there are no guidelines relating to part 116d.

CITATION OF LEGAL AUTHORITY

As required by section 431(a) of the General Education Provisions Act, as amended (20 U.S.C. 1232(a)), a citation of statutory or other legal authority for each section of these regulations has been placed in parentheses on the line following the text of the section.

SUMMARY OF CHANGES FROM THE INTERIM FINAL REGULATIONS

The final regulations have been written according to the principles of the Department's Operation Common Sense. The purpose of Operation Common Sense is to produce readable and understandable regulations that reflect Congressional intent and that do not unnecessarily regulate recipients of Federal funds, including State and local governments. Therefore, numerous changes in wording have been made to promote clarity and ease of understanding. In response to public comment and further program experience, some provisions have been added to the final regulations, some provisions of the interim final regulations have been clarified, and some have been deleted.

Most importantly, these final regulations:

(1) Clarify and expand the definitions of "agricultural activity," "currently migratory child," and "formerly migratory child";

(2) Strengthen the requirement that an eligible child will not be prevented from benefiting fully from title I migrant education services because of limited English language skills;

(3) Strengthen the requirements for parental involvement and require parent advisory councils at both the State and operating agency levels;

(4) Clarify that the Commissioner does not require a State to obtain documentary evidence of eligibility or civil status from a migratory child or his or her parent or guardian;

(5) Clarify the conditions under which the Commissioner or a State educational agency (SEA) may enter into a special arrangement with a public or nonprofit private agency;

(6) Delete the requirement that a State obtain annually the signature of the parent or guardian of each participating formerly migratory child;

(7) Clarify a State's obligation to identify and recruit all eligible migratory children; and

(8) Clarify the extent to which a State must utilize the migrant student record transfer system.

The vast majority of the changes in the final regulations do not, however, effect a substantive change in the title I migrant education program. The following list of sections of the final regulations summarizes in greater detail the substantive changes made from the interim final regulations. Specific responses to comments received on the interim final regulations are published in the appendix to these final regulations.

§ 116d.1 No change.

§ 116d.2 The definition of "agricultural activity" has been clarified and expanded to include "any activity directly related to the cultivation or harvesting of trees."

For clarity, a new definition of "formerly migratory child" has been added. This provides that a formerly migratory child is one "who: (a) Was eligible to be counted and served as a currently migratory child within the past 5 years, but is not now a currently migratory child; (b) lives in an area served by a title I migrant education project; and (c) has the concurrence of his or her parent or guardian to continue to be considered a migratory child."

Also, a definition of the term "operating agency" has been added, which includes both local educational agencies and other public and nonprofit private agencies.

§ 116d.3 No change.

§ 116d.4 This is a new section. However, it merely restates § 116d.3(c) of the interim final regulations.

§ 116d.5 No change. However, this section has been reworded to clarify that in conducting a State program, an SEA may act in one or more of three ways. First, the SEA may act directly. Second, it may make a subgrant to an LEA or a group of these agencies. Third, it may enter into a special arrangement with a public or nonprofit private agency.

§ 116d.6 Several changes have been made. Under this section the application of an operating agency must now include a description of how the operating agency will comply with the requirements for soliciting parental involvement and for establishing and consulting with a parent advisory council. The operating agency must also describe how it will assure that eligible children are not prevented from benefiting fully from the project because of limited English language skills.

The requirement in § 116d.6(b) of the interim final regulations that SEA's routinely forward to the Commissioner copies of the applications of operating agencies has been deleted. Section 116d.6(b) now requires SEAs to forward only those applications that are requested by the Commissioner.

§§ 116d.7 through 116d.11 No change.

§ 116d.12 Section 116d.12 has been rewritten to clarify that an SEA or operating agency must make a written record of the basis on which eligibility has been determined for each child who is counted or served.

Additional language has been added to clarify that a State is not required to obtain documentary proof of eligibility or civil status from the child or his or her parents or guardian. Instead, the State may rely on credible information provided by the child or his or her parents or guardian.

§§ 116d.21 through 116d.23 No change.

§ 116d.24 This is a new section. It states the conditions under which an SEA may enter into a special arrangement with a public or nonprofit private agency to conduct a project. These conditions parallel those under which the Commissioner may make a special arrangement under § 116d.25.

§ 116d.25 This section establishes the conditions under which the Commissioner may enter into a special arrangement. It restates § 116d.24 of the interim final regulations, and the conditions follow those provided in section 122(a)(2) of the Act. This section also provides that the Commissioner may not enter into a special arrangement until after the affected SEA has had notice and been given an opportunity for a hearing.

§ 116d.26 This is a new section. It clarifies that § 116.6(b), pertaining to complaint resolution procedures, applies to an SEA's administration of the State program. It also requires the SEA to develop appropriate complaint resolution procedures for projects that last fewer than 60 days.

This section clarifies that the Commissioner may review an SEA's resolution of a complaint and, when necessary, issue additional orders or enter into a special arrangement.

§ 116d.31 This section merely restates § 116d.31(a) of the interim final regulations.

§ 116d.32 This section, which replaces § 116d.31(b) of the interim final regulations, makes several changes. It requires that a State application contain:

(a) A description of the State's efforts to identify and recruit all eligible migratory children;

(b) An appropriate explanation, if the State proposes to serve fewer than the number of identified eligible school-aged migratory children;

(c) A description of the measures the SEA will take to assure that an eligible child is not prevented from benefiting fully from program services because of limited English language skills; and

(d) An assurance that the SEA will transfer the educational records of participating children in accordance with the Family Educational Rights and Privacy Act of 1974.

In addition, this section provides some examples of intrastate and interstate coordination in connection with the requirement that an SEA take steps to provide continuity in the education of participating migratory children.

§ 116d.33 No change. This section restates § 116d.31a of the interim final regulations.

§ 116d.34 No change. This section restates § 116d.32 of the interim final regulations.

§ 116d.35 This section deletes the requirements, imposed by § 116d.35(c) of the interim final regulations, that the eligibility of each formerly migratory child must be supported by the signature of a parent or guardian—as proof of parental concurrence for the child's participation—and that this signature must be secured annually.

§ 116d.36 No change.

§ 116d.37 Several changes have been made. This section now provides that "each SEA shall take the necessary steps to assure effective parental involvement throughout the State program."

It also requires parent advisory councils at both the State and operating agency levels. States may establish parent advisory councils at the operating agency level now, for operations during fiscal year 1979. In any event, § 116d.37 shall apply to SEA applications submitted for fiscal year 1980 funds.

Finally, it provides that a majority of the membership of both State and operating agency advisory councils must be comprised of parents of children served.

§ 116d.38 A change has been made. This section deletes § 116d.38(c) of the interim final regulations, which stated the types of information that an SEA must include in its application in support of its request to use title I migrant education funds to provide day care services.

The new section, however, maintains the requirement that the Commissioner's specific approval for this type of expenditure of program funds is needed, and it does not alter the criteria by which the Commissioner will evaluate these requests.

§ 116d.39 Two changes have been made. First, the final regulations require that the Commissioner determine, before approving a State application, that the "SEA has made every

reasonable effort to identify and recruit all eligible currently and formerly migratory children."

Second, this section clarifies that full utilization of the migrant student record transfer system, which is required of all States, includes "the transfer of the most current academic and health information available for the children served."

§§ *116d.40 and 116d.41* No change.

After consideration of the comments received, part 116d of title 45 of the Code of Federal Regulations is amended to read as follows.

(Catalog of Federal Domestic Assistance No. 13.429, Educationally Deprived Children—Migrants.)

Dated: September 25, 1978.

JOHN ELLIS,
Acting U.S. Commissioner of Education.

Approved: October 30, 1978.

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

Title 45 of the Code of Federal Regulations is amended by revising part 116d as set forth below:

Subpart A—General

Sec.
116d.1 Applicability of regulations.
116d.2 Definitions.

Subpart B—Managerial Responsibilities of State Educational Agencies

116d.3 State applications.
116d.4 Annual program plans.
116d.5 Designation of operating agencies.
116d.6 Participation of operating agencies.
116d.7 Supervision of State programs.
116d.8 Amendments to applications.
116d.9 Title and control of property.
116d.10 Sources of funds for State administration.
116d.11 Adjustment of funds not needed by an operating agency.
116d.12 Child eligibility.
116d.13-116d.20 [Reserved]

Subpart C—Amounts Available for Grants and Payments

116d.21 Total amount available for grants.
116d.22 Entitlements.
116d.23 Payments.
116d.24 Special arrangements with the State educational agency.
116d.25 Special arrangements with the Commissioner.
116d.26 Complaint resolution procedures.
116d.27-116d.30 [Reserved]

Subpart D—Program Requirements

116d.31 Use of program funds.
116d.32 Contents of State applications.
116d.33 Programs of instruction for preschool migratory children.
116d.34 State budgets.
116d.35 Services to formerly migratory children.
116d.36 Comparable access to State and locally funded educational facilities and services.
116d.37 Parental involvement.
116d.38 Supporting services.
116d.39 Criteria for the approval of State applications.
116d.40 Cooperative programs.
116d.41 Disapproval of State applications.

AUTHORITY: Sec. 101(a)(2)(E), Pub. L. 93-380, 88 Stat. 492 (20 U.S.C. 241c-2), unless otherwise noted.

Subpart A—General

§ 116d.1 Applicability of regulations.

These regulations govern programs and projects to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishers. Section 122 of title I of the Elementary and Secondary Education Act of 1965 ("the Act") authorizes the Commissioner to award grants to State educational agencies (SEA's) to support these programs and projects. Unless otherwise noted, these grants are also subject to the provisions of two other parts of this chapter: Part 116, general requirements that apply to all title I programs, and the applicable provisions of parts 100, 100a, 100b, and 100c, relating to fiscal, administrative, property management, and other matters.

(20 U.S.C. 241c-2.)

§ 116d.2 Definitions.

"Agricultural activity" means:

(a) Any activitiy directly related to the production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence;

(b) Any activitiy directly related to the cultivation or harvesting of trees; or

(c) Any activity directly related to fish farms.

"Currently migratory child" means a child:

(a) Whose parent or guardian is a migratory agricultural worker or a migratory fisher; and

(b) Who has moved within the past twelve months from one school district to another—or, in a State that is comprised of a single school district, has moved from one school administrative area to another—to enable the child, the child's guardian, or a member of the child's immediate family to obtain temporary or seasonal employment in an agricultural or fishing activity. This definition includes a child who has been eligible to be served under the requirements in the preceding sentence, and who, without the parent or guardian, has continued to migrate annually to enable him or her to secure temporary or seasonal employment in an agricultural or fishing activity.

"Day care services" means the custodial care of children or infants that satisfies the standards of applicable State law.

"Fishing activity" means any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or as a principal means of personal subsistence.

"Formerly migratory child" means a child who:

(a) Was eligible to be counted and served as a currently migratory child within the past 5 years, but is not now a currently migratory child;

(b) Lives in an area served by a title I migrant education project; and

(c) Has the concurrence of his or her parent or guardian to continue to be considered a migratory child.

NOTE.—There is a total of 6 years of program eligibility—a 1-year status as a "currently migratory child" and up to 5 additional years as a "formerly migratory child."

For the purpose of this definition, "area served by a title I migrant education project" means any portion of the geographic area that is within the legally prescribed boundaries of a local educational agency (LEA) or a combination of these agencies, and within whose boundaries there are currently or formerly migratory children who are receiving title I migrant education services or who will receive these services within the current program period.

"Guardian" means:

(a) A person who has been appointed to be the legal guardian of the child through formal proceedings in accordance with State law; or

(b) A person who the SEA determines would be appointed to be the legal guardian of the child under the law of the child's domiciliary State if formal guardianship proceedings were undertaken; or

(c) A person standing in the place of a parent to the child.

"Migratory agricultural worker" means a person who has moved from one school district to another—or, in a State that is comprised of a single school district, from one school administrative area to another—within the past 12 months to enable him or her to obtain temporary or seasonal employment in an agricultural activity.

"Migratory fisher" means a person who has moved from one school district to another—or, in a State that is comprised of a single school district, from one school administrative area to another—within the past 12 months to enable him or her to obtain temporary or seasonal employment in a fishing activity.

"Operating agency" means an LEA to which an SEA makes a subgrant of title I migrant education funds, or a public or nonprofit private agency with which an SEA makes a special ar-

rangement to carry out a title I migrant education project.

"Project" means one or a set of activities that:

"(a) Is composed of instructional services, or supporting services as explained in § 116d.38, or both;

(b) Is provided by an SEA directly, though an LEA, or through a public or nonprofit private agency to migratory children living in a particular area of a State; and

(c) Is designed to meet the objectives of a State program under § 116d.32(e).

"State program" means an overall plan for services, activities, personnel, and materials included in an SEA's application for a grant under § 116d.3 to meet the special educational needs of migratory children.

(20 U.S.C. 241c-2.)

Subpart B—Managerial Responsibilities of State Educational Agencies

§ 116d.3 State applications.

(a) *General.* To receive a grant, an SEA shall submit to the Commissioner an application that:

(1) Is in the form required by § 100a.43 of this chapter;

(2) Is signed by the chief executive officer of the SEA or by his or her designated representative;

(3) Contains all the assurances and other information required by §§ 116d.5, 116d.7, 116d.8, 116d.32, 116d.34, and 116d.36 of this part and by part 116 of this chapter; and

(4) Requests approval to use, during the fiscal year covered by the application, any title I migrant education funds made available to the SEA for the preceding fiscal year, but not yet obligated by it.

(b) *Receipt of applications.* The Commissioner may decline to consider applications that are received after the date established for their receipt.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.4 Annual program plans.

An application that is submitted under § 116d.3 constitutes the annual program plan as required by section 434(b) of the General Education Provisions Act and must conform to the requirements of that section.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.5 Designation of operating agencies.

An SEA shall identify in its application the agency or agencies that it has designated to operate the State program. If all or part of a State program is to be operated directly by the SEA, the State shall identify in its application its personnel and other resources, including any resources that will be made available to it by contract or other arrangement, that will be employed to conduct the State program. If all or part of a State program is to be operated through one or more LEA's as subgrantees or through one or more special arrangements with public or nonprofit private agencies, the SEA shall identify them in its application.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.6 Participation of operating agencies.

(a) If all or part of a State program is to be conducted through one or more operating agencies, the SEA shall require each of them to submit to it an application that includes:

(1) A description of the project to be carried out by the operating agency;

(2) An explanation of the relationship between the project and the State program;

(3) The objectives to be achieved for each grade group;

(4) The estimated number of eligible migratory children living in the area to be served by the project, and the estimated number of these children who will be served. If the operating agency proposes to provide migrant education program services, other than the identification and recruitment of children and the transfer of records, to fewer eligible school-aged migratory children than the number of these eligible children living in the area, it shall explain why;

(5) A description of each service to be provided and its estimated cost;

(6) The types and number of staff to be employed;

(7) A description of how the operating agency will comply with § 116d.37(a); and

(8) A description of how the operating agency assures that eligible migratory children will benefit fully from the project's services even if they do not speak English or have limited English language skills.

(b) The SEA shall review the applications of operating agencies and approve only those that comply with these regulations and conform to the State program approved by the Commissioner. The SEA shall send a copy of any approved applications (including any amendments) that are requested by the Commissioner, within ten days of the request.

(c) Each operating agency shall maintain records of all financial transactions relating to the project for the period of time required by section 434(a) of the General Education Provisions Act. Each operating agency shall also provide timely financial reports (including the financial status report prescribed by § 100b.403 of this chapter) to the SEA.

(d) An operating agency may not obligate, within the meaning of § 100b.55(c) of this chapter, title I migrant education funds before:

(1) The effective date of the SEA's approved application; or

(2) The date on which the operating agency's application is submitted to the SEA in substantially approvable form, whichever is later.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.7 Supervision of State programs.

Each SEA shall describe in its application the procedures and resources that it will use to assure that projects are carried out in accordance with its State application as approved by the Commissioner.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.8 Amendments to applications.

Under the following circumstances, an SEA shall submit to the Commissioner an amendment to its application—including an application to use funds made available for the previous fiscal year, but not yet obligated—that is signed by that agency's chief executive officer or his or her designated representative:

(a) When the SEA materially changes its administration of the approved State program, including its organization, policies, or operations;

(b) As soon as any information becomes available that is required by these regulations, but was not previously submitted; or

(c) If changes are made in the laws, such as appropriation laws governing the approved State program, and the Commissioner indicates that an amendment is required because of those changes.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.9 Title and control of property.

(a) Except as provided by paragraph (b) of this section, an SEA shall maintain title to and control over all property that is acquired with its Title I migrant education funds.

(b) If a State law requires that an agency of the State other than the SEA maintain title to, or administrative control over, property that is acquired with title I migrant education funds, the SEA shall arrange for these functions to be carried out by the appropriate State agency. That State agency shall then be responsible for the proper exercise of these functions. However, the SEA shall retain the right to use, move, or otherwise dispose of this property in a manner designed to carry out most effectively the State program.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.10 Sources of funds for State administration.

(a) *State administrative funds.* In administering title I programs for migratory children, the SEA shall use funds provided under section 143(b) of the Act to perform only those functions that are the same or similar to the administrative functions carried out by the SEA in connection with programs and projects under parts 116a, 116b, and 116c of this chapter. These functions include the:

(1) Preparation of the SEA's application to be submitted to the Commissioner;

(2) Design, publication, and distribution to operating agencies of the application, evaluation, performance, and financial report forms, and the appropriate instructions;

(3) Provision of technical assistance to operating agencies in developing their applications;

(4) Review of applications and reports from operating agencies;

(5) Monitoring of projects for compliance with the State program;

(6) Design, publication, and final preparation of the evaluation, performance, and financial reports that the SEA submits to the Commissioner;

(7) Maintenance of fiscal control and fund accounting; and

(8) Dissemination of information.

(b) *Program funds.* The SEA shall use title I funds made available for programs and projects under section 122 of the Act to perform only those functions that are unique to the title I migrant education program, or that are the same or similar to the functions performed by LEA's in the State under part 116a of this chapter. These functions include the:

(1) Statewide identification and recruitment of eligible migratory children;

(2) Intrastate and interstate coordination of programs and projects;

(3) Coordination of programs, and projects with other public and private agencies;

(4) Operation of the migrant student record transfer system;

(5) Processing of reports that are submitted by operating agencies under § 116d.6;

(6) Maintenance of inventories of property that is acquired with title I migrant education funds;

(7) Negotiation and awarding of contracts; and

(8) Evaluation activities of the State program, other than the design of evaluation report forms and the final preparation of the SEA's evaluation report to the Commissioner.

(20 U.S.C. 241c-2; 241g; 1232c(b).)

§ 116d.11 Adjustment of funds not needed by an operating agency.

(a) Each SEA that receives a title I migrant education grant shall issue to operating agencies a set or rules that prohibits the imprudent, wasteful, or extravagant expenditure of these funds. To promote the efficient administration of the State program, the SEA shall include in these rules a provision that permits the SEA to make appropriate adjustments to its subgrants and special arrangements to avoid paying funds to an operating agency in excess of its actual needs.

(b) These adjustments shall be based on periodic reports of the operating agency's actual expenditures. Following an adjustment, the SEA may increase the funding of one or more other operating agencies that demonstrate a need for additional funds. Each operating agency affected by an adjustment shall amend its project application to reflect that adjustment and shall note the adjustment in its final financial report.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.12 Child eligibility.

An SEA or an operating agency shall not count a child under § 116d.21 or provide program services to that child until the agency has:

(a) Determined that the child is either a currently or formerly migratory child, as defined under § 116d.2; and

(b) Made a written record of the basis on which the child's eligibility was determined.

In determining eligibility, SEA or an operating agency may rely on credible information from any source, including that provided by the child or his or her parent or guardian. An SEA is not required to obtain documentary proof of either the child's eligibility or civil status from the child or his or her parent or guardian.

(20 U.S.C. 241c-2; 1232c(a); 1232c(b).)

§§ 116d.13–116d.20 [Reserved]

Subpart C—Amounts Available for Grants and Payments

§ 116d.21 Total amount available for grants.

The Commissioner determines for each fiscal year the total amount of the title I migrant education grant for which the SEA in each State (including the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, Wake Island, the northern Mariana Islands and the Trust Territory of the Pacific Islands) may apply according to sections 122(b), 124, and 125 of title I of the Act and section 843(d) of Pub. L. 93-380. The Commissioner determines these total amounts on the basis of the number of eligible migratory children in each State as shown by the migrant student record transfer system or by any other system that the Commissioner believes most accurately reflects the actual number of eligible migratory children.

(20 U.S.C. 241c-2; 241c-4; 241-5.)

§ 116d.22 Entitlements.

(a) *Entitlement based on the estimated cost of the program.* The SEA of each State is entitled to receive a title I migrant education grant in the amount that the Commissioner determines necessary to carry out its approved State program. Except as provided by paragraph (d) of this section, this amount may not exceed the total amount available to that State as determined by the Commissioner under § 116d.21.

(b) *Informational basis for determining the amount of entitlement.* The Commissioner determines the amount of the title I migrant education grant that an SEA is entitled to receive on the basis of the current information available to the Commissioner at the time that the application is approved. This includes information about the number of children to be served and the nature and scope of the State program. The Commissioner may adjust this amount later in the fiscal year on the basis of additional information available then.

(c) *Consideration of the cost of past and future activities and the amount of funds available.* The information on which the Commissioner determines the amount of the title I migrant education grant to which an SEA is entitled includes:

(1) The total amount for which the SEA may apply as determined under § 116d.21;

(2) The cost of completed program activities under previous grants, and the number of children who were served;

(3) The estimated cost of activities not yet begun under the preceding grant, and the number of children who will be served;

(4) In the case of a request for an increase in the grant amount previously determined by the Commissioner to be needed to carry out the State program, the estimated cost of providing additional program services before the end of the grant period and the number of children who would receive additional services; and

(5) The unused amount of the SEA's preceding title I migrant education grant.

(d) *Reallocation of excess funds.* If the Commissioner determines that the total amount for which an SEA may apply, as determined under § 116d.21, exceeds the amount that is deter-

mined under this section to be needed to carry out its State program, the Commissioner may allocate some or all of this excess to one or more other SEA's whose total amounts under § 116d.21 would otherwise be insufficient to serve the eligible migratory children in those States.

(20 U.S.C. 241c-2; Sen. Rep. No. 634, 91st Cong., 2d Sess. 12-13 (1970).)

§ 116d.23 Payments.

The Commissioner shall make all payments of title I migrant education funds based on the requirements of subpart E of part 100b of this chapter. The amount of these payments to an SEA may not exceed the amount to which the Commissioner determines that the SEA is entitled under § 116d.22, nor may it exceed the amount obligated under § 100b.55(c) of this chapter during the period covered by the application.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.24 Special arrangements with the State educational agency.

An SEA may make a special arrangement with a public or nonprofit private agency or agencies to carry out a project if the SEA determines that:

(a) An LEA is unable or unwilling to conduct a project as defined in § 116d.2;

(b) The arrangement would result in more efficient and economic administration of the State program; or

(c) The arrangement would add substantially to the welfare or educational attainment of the migratory children who are eligible to be served.

(20 U.S.C. 241c-2.)

§ 116d.25 Special arrangements with the Commissioner.

(a) The Commissioner may make a special arrangement with a public or nonprofit private agency or agencies to carry out the purposes of section 122 of title I of the Act, if the Commissioner determines that:

(1) An SEA is unable or unwilling to conduct educational programs for the migratory children who are eligible to be served;

(2) The arrangement would result in more efficient and economic administration of these programs and projects; or

(3) The arrangement would add substantially to the welfare or educational attainment of the migratory children who are eligible to be served.

(b) The Commissioner may use all or part of the total amount of the title I migrant education grant as determined under § 116d.21, and which otherwise would have been made available to the affected SEA, to enter into one or more special arrangements.

(c) The Commissioner may not enter into a special arrangement until after the affected SEA has had reasonable notice and an opportunity for a hearing.

(20 U.S.C. 241c-2.)

§ 116d.26 Complaint resolution procedures.

(a) An SEA shall comply with § 116.6(b) of this chapter regarding complaint resolution procedures. In addition, an SEA shall establish an appropriate accelerated procedure for resolving complaints regarding title I migrant education projects that operate for fewer than 60 days.

(b) The Commissioner may review an SEA's resolution of a complaint. After the review the Commissioner may, when appropriate:

(1) Issue an order to the SEA prescribing additional actions to be taken by that agency to resolve the complaint; or

(2) Implement a special arrangement under § 116d.25.

(20 U.S.C. 241c-2.)

§§ 116d.27-116d.30 [Reserved]

Subpart D—Program Requirements

§ 116d.31 Use of program funds.

An SEA shall use title I funds made available for programs and projects under section 122 of the Act only to perform the functions described in § 116d.10(b) and to support projects.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.32 Contents of State applications.

Each SEA shall include the following in its application:

(a) A list of the areas within the State where eligible currently migratory children are expected to live and eligible formerly migratory children are living. This list shall include the estimated dates on which the currently migratory children will arrive in and depart from these areas;

(b) Estimates of the number of eligible currently and formerly migratory children, by category, expected to live, or living, in the State. The SEA shall support these estimates by explaining how it arrived at them and by describing its efforts to identify and recruit all eligible currently and formerly migratory children;

(c) The number of eligible currently and formerly migratory children, by category, expected to be served. If the SEA expects to provide migrant education program services—other than the identification and recruitment of children and the transfer of records—to fewer eligible school-aged migratory children than the numbers estimated in the preceding paragraph, it shall explain why;

(d) A summary of the information—including information from other SEA's and from the migrant student record transfer system—that the SEA has regarding the special educational needs of the migratory children expected to live or living in the State during the period covered by the application. This summary must demonstrate that the SEA has obtained an accurate assessment of the cultural and linguistic backgrounds of these children and must include a description of the measures that the SEA will take to assure that a migratory child is not prevented from benefiting fully from the services provided by the title I migrant education program because he or she does not speak English or has limited English language skills;

(e) A detailed statement of the objectives, including performance criteria, of the state program, and how these objectives will be achieved. This statement must include:

(1) A description of each service to be provided and the estimated number of children by age and anticipated grade placement—including eligible children that are or will be enrolled in private schools—expected to receive each service;

(2) A description of any inservice training required, including the types of training, the types and number of staff members who will participate, and the frequency of their participation; and

(3) An estimate of the types and number of staff to be employed, as well as the facilities and materials to be used.

(f) A statement of how the effectiveness of the State program will be evaluated as required by § 116.43;

(g) A description of how the SEA will comply with § 116d.37(b);

(h) An explanation of the steps the SEA will take to assure the most continuity practicable in the education of the migratory children to be served, such as the exchange of course credits, both within and among States, and the intrastate and interstate sharing of program planning, evaluation, curriculum, and staff training materials. This explanation must also include a description of the information that the SEA will pass on to other SEA's regarding the migratory children, other than through the migrant student record transfer system;

(i) A description of the functions and staff salaries that the SEA proposes to charge to administrative funds under § 116d.10(a);

(j) A description of how the SEA proposes to comply with the requirements of § 116.45 of this chapter concerning the dissemination of public information; and

(k) An assurance that the SEA will transfer the educational records of the

migratory children participating in the State program in accordance with the Family Educational Rights and Privacy Act of 1974 and part 99 of this chapter (Privacy Rights of Parents and Students).

(20 U.S.C. 241c-2; 1232c(b); 1232g(b).)

§ 116d.33 Programs of instruction for preschool migratory children.

Instructional services designed to meet the special educational needs of preschool migratory children—as distinguished from day care or other supporting services under § 116d.38—are:

(a) Limited to children who are under the age at which public elementary education is provided under State law;

(b) Comprised primarily of activities designed to increase the children's readiness for instruction in the basic academic skills, and not primarily designed for custodial purposes; and

(c) Conducted by or under the direct supervision of a person who is qualified under State law to conduct the activities referred to in subsection (b).

(20 U.S.C. 241c-2.)

§ 116d.34 State budgets.

The SEA shall include in its application a detailed budget in the form prescribed by the Commissioner showing:

(a) The estimated total cost of meeting the SEA's objectives, including the estimated cost of each service, as described in § 116d.32(e).

(b) An estimate of the unobligated funds available from the preceding fiscal year's appropriation; and

(c) The amount of funds requested from the current fiscal year's appropriation.

(20 U.S.C. 1232c(b).)

§ 116d.35 Services to formerly migratory children.

A formerly migratory child may participate in a project that includes currently migratory children or may participate in a project developed solely for formerly migratory children, provided that the participation of formerly migratory children in the State program will not prevent the participation of currently migratory children or dilute the effectiveness of the State program for currently migratory children.

(20 U.S.C. 241c-2.)

§ 116d.36 Comparable access to State and locally funded educational facilities and services.

(a) *Assurances by the SEA.* Each SEA that applies for a grant shall include in its application an assurance that it will not conduct the State program through an LEA that does not provide migratory children with access to State and locally funded educational facilities and services comparable to those ordinarily provided to nonmigratory children living in the attendance area in which migratory children are being served. If, however, the project is conducted during a time of the year when the LEA is not providing State or locally funded educational facilities and services to nonmigratory children, the LEA is not required to provide them for the migratory children.

(b) *Relation to other requirements.* The provisions of paragraph (a) of this section do not modify the requirements of § 116.40 of this chapter, relating to supplanting State and local funds and services that the applicant is required by law to provide to all children or specifically to migratory children, or § 116a.26 (g) and (h) of this chapter, relating to the maintenance of comparability in school attendance areas where projects funded under part 116a of this chapter, and which serve migratory children, are being conducted.

(c) *Definition of comparable access.* The requirements of paragraph (a) of this section are satisfied only if migratory children have access to all State and locally funded instructional, health, nutrition, transportation, and other services on the same basis as provided by the LEA to nonmigratory children residing in the attendance area where migratory children are being served.

(20 U.S.C. 241c-2; 241e(a).)

§ 116d.37 Parental involvement.

Each SEA shall take the necessary steps to assure effective parental involvement throughout the State program. As a minimum, each SEA shall demonstrate in its application that:

(a) It will require each operating agency to solicit actively parental involvement in the planning, operation, and evaluation of its projects, and to establish a parent advisory council whose views will be considered concerning the operation and evaluation of the present project, and the planning of future projects. This advisory council must be composed of people who know the needs of migratory children. A majority of the advisory council members must be parents of children who were, are being, or will be served by that project.

NOTE.—An operating agency that provides services on a statewide basis need not create a separate advisory council, but must consult the State parent advisory council required by subsection (b).

(b) It has actively solicited parental involvement in the planning, operation, and evaluation of its State program, and has established a State parent advisory council whose views will be considered concerning the operation and evaluation of the present State program, and the planning of future State programs. This State parent advisory council must be composed of people who know the needs of migratory children. A majority of the advisory council members must be parents of children who were, are being, or will be served by the State program.

(20 U.S.C. 241c-2; 241e(a); 1231d.)

§ 116d.38 Supporting services.

(a) *General.* An SEA or an operating agency may provide health, welfare, or other supporting services with title I migrant education funds, but only if these services are necessary to enable eligible migratory children to participate effectively in instructional services.

(b) *Day care services.* Day care services for eligible migratory children may be provided only as a supporting service to eligible preschool and school-aged migratory children and only with the specific approval of the Commissioner. Each SEA desiring to use program funds for day care services shall include a request in its application, or in an amendment to that application, and shall provide adequate information to allow the Commissioner to determine that the proposed day care services are:

(1) Not available from any other source;

(2) Necessary to enable eligible migratory children to receive instructional services supported by title I; and

(3) Not extravagant in relation to the cost, the number of children who would receive day care, and the effect that the availability of the day care services would have on the participation of eligible migratory children in instructional services supported by title I funds.

(20 U.S.C. 241c-2.)

§ 116d.39 Criteria for the approval of State applications.

The Commissioner approves a State application only if it contains the information and assurances required by § 116d.3 and complies with all applicable requirements of parts 100, 100a, 100b, 100c, and 116 of this chapter. The Commissioner also determines that:

(a) Payments will be used to carry out the State program and to fund projects—including the acquisition of equipment and, where necessary, the construction of school facilities—that are designed to meet the special educational needs of eligible migratory children. These programs and projects must also be coordinated with similar programs and projects in other States,

including the transfer of the school records of these migratory children;

(b) Projects to be funded are of sufficient size, scope, and quality to hold reasonable promise of making substantial progress toward meeting the special educational needs of the migratory children to be served, particularly any need for improvement in the basic academic subjects;

(c) Projects designed to meet the special educational needs of preschool migratory children will be provided only if, considering the amount of funds available, these projects will not detract from the operation of projects for school-aged migratory children;

(d) The State program is planned and will be operated in coordination with programs administered under section 303 of the Comprehensive Employment and Training Act of 1973;

(e) In planning the State program, the SEA has consulted with other SEA's that conduct title I programs for migratory children and with other agencies that provide services for migratory children and that are knowledgeable of their needs;

(f) The SEA's plan for assuring continuity in the education of migratory children includes appropriate procedures for coordinating its State program with programs in other States and for utilizing fully the migrant student record transfer system, including the transfer of the most current academic and health information available for the children served; and

(g) The SEA has made every reasonable effort to identify and recruit all eligible currently and formerly migratory children.

(20 U.S.C. 241c-2.)

§ 116d.40 Cooperative programs.

Two or more SEA's may submit an application for a joint program or project to serve migratory children living in more than one State. With the Commissioner's approval, one agency may administer such a cooperative program under an appropriate interagency agreement.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.41 Disapproval of State applications.

The Commissioner does not finally disapprove the application of an SEA until after reasonable notice and an opportunity for a hearing has been provided to that agency.

(20 U.S.C. 241c-2.)

APPENDIX

SUMMARY OF COMMENTS AND RESPONSES

The following is a summary of the comments received on the interim final regulations. Each comment is followed by a response that indicates any changes made or why no change was considered necessary. Specific comments are arranged in the order of the regulatory sections to which they pertain.

§ 116d.2 *Definitions.*

Comment. One commenter recommended that the definition of "agricultural activity" be made more specific with respect to the occupations included. Fifteen commenters recommended that this definition be extended to include a number of other migratory activities that are agriculturally related, but that fail to qualify under the present definition because of no direct involvement in the production or processing of a food crop for "human consumption."

Response. A change has been made. The definition has been expanded and clarified. It now provides for the eligibility of workers involved in the cultivation or harvesting of trees. Also, the term "human consumption," used in connection with the "production or processing of dairy products, poultry, or livestock," was not intended to be limited to human dietary consumption. For clarity, the term has been deleted.

It is not possible for the Commissioner to publish as part of these regulations an exhaustive list of all qualifying occupations.

Comment. Two commenters recommended that agricultural work for personal subsistence (self-employment) be included under the definition of "agricultural activity."

Response. A change has been made. The definition now includes the production or processing of crops, dairy products, poultry, or livestock "as a principal means of personal subsistence."

Comment. Six commenters recommended that the children of all families involved in occupationally-induced migration, whether or not the occupations involve agriculture or fishing, be eligible for program services.

Response. No change has been made. The requirement for involvement in agriculture or fishing is statutory.

Comment. Seven commenters recommended that the Commissioner formulate a standard Federal definition of "migratory child."

Response. No change has been made. The definitions of "currently migratory child" and "formerly migratory child" in these regulations are derived from statutory requirements that differ from the statutory requirements of other programs.

Comment. Twenty commenters recommended that the definitions of "currently migratory child," "migratory agricultural worker," and "migratory fisher" be revised to provide that moving from one school attendance area to another qualifies a child or worker as migratory. It was pointed out that children and workers may move from place to place within very large school districts.

Response. No change has been made. This recommendation has not been adopted for the same reason cited in the preamble to the interim final regulations (42 FR 36078). Pertinent legislative history indicates that Congress generally intended the program to serve children who migrate from school district to school district (Conference Report No. 93-1026, 93d Cong., 2d Sess. 142-143). However, the definitions do continue to cover children and workers who migrate from one school administrative area to another in States that are comprised of a single school district.

Comment. Seventeen commenters recommended that the definition of "currently migratory child" include migratory children of nonmigratory parents; six commenters recommended including nonmigratory children of nonmigratory seasonal farmworker parents.

Response. A change has been made. The definition of "currently migratory child" now includes "a child who has been eligible to be served (under the primary definition of "currently migratory child"), and who, without the parent or guardian, has continued to migrate annually * * *." In other words, once a child has qualified as a "currently migratory child" because both the child and the parent or guardian have migrated, that child may continue to be counted and served as a "currently migratory child" after the parent or guardian ceases to migrate, provided that the child continues to migrate annually. However, once the child ceases to migrate, that child may be counted and served only as a "formerly migratory child."

Furthermore, in order to be counted and served as either a "currently migratory child" or a "formerly migratory child," the child must have qualified at some previous point on the basis of being a migratory child of a migratory agricultural worker or a migratory fisher. The Commissioner has no authority to serve children who have never migrated or who have never had a parent or guardian who migrated.

Comment. Four commenters recommended that the period of program eligibility of a "currently migratory child" be extended from 12 months to 24 months.

Response. No change has been made. The Commissioner believes that migration within a 12-month period is a reasonable basis on which to qualify children as currently migratory because these children are suffering the

ill effects of current disruptions in their education. Furthermore, children may be counted and served as formerly migratory for up to 5 years after the first 12-month period.

Comment. Three commenters requested clarification with respect to the actual calendar time of program eligibility of formerly migratory children.

Response. A change has been made. The definition of "formerly migratory child" clarifies that there is actually a total of 6 years of program eligibility—a 1 year status as a "currently migratory child" and up to 5 additional years as a "formerly migratory child." As an example, a child whose last qualifying move took place on January 1, 1978, would qualify as a "currently migratory child" through and including December 31, 1978. On January 1, 1979, the child would change status to a "formerly migratory child" (provided that the concurrence of the parent is secured) and would be eligible for program services up to and including December 31, 1983.

Furthermore, if the formerly migratory child in this example is enrolled in a project that commences prior to January 1, 1984, that child may continue to participate in those specific project services until they are completed. At the termination of that specific project, however, that child may not be reenrolled unless another qualifying move occurs to reestablish the child as currently migratory.

With respect to the priority of services to formerly migratory children, § 116d.35 of these regulations provides that "a formerly migratory child may participate in a project * * * provided that the participation of formerly migratory children in the State program will not prevent the participation of currently migratory children or dilute the effectiveness of the State program for currently migratory children."

Comment. Five commenters recommended that the period of eligibility for a "formerly migratory child" be changed. The recommended time changes were 3, 7, and 8 years. Two commenters recommended maintaining the period of eligibility for a "formerly migratory child" at 5 years.

Response. No change has been made. The eligibility of a child as a "formerly migratory child" for up to 5 years is statutory.

Comment. One commenter recommended that the Commissioner formulate a standard Federal definition of "guardian."

Response. No change has been made. The Commissioner has no authority to establish a standard Federal definition of "guardian" for use by other agencies. However, the definition that applies for this program is quite broad and rarely, if ever, will result in precluding a person who is considered to be a "guardian" under another program.

Comment. Seven commenters recommended that the term "guardian," as used in the definition of "currently migratory child," be interpreted to include "crew leaders" who assume responsibility for transporting children to agricultural work sites or processing plants, arranging for their employment at those sites, and supervising them while they are there.

Response. No change has been made. The recommendation has not been adopted for the same reason cited in the preamble to the interim final regulations (42 FR 36077). "Crew leaders" who have custody of children for the primary purpose of supervising their employment are not considered to be persons standing in the place of a parent. Furthermore, to include persons other than those already included in the definition of "guardian" could result in counting and serving children not considered to be within the category of children that Congress intended to cover. For example, children of nonfarm families who join "crew leaders" only for summer agricultural employment could be counted.

However, the fact that a child is accompanied by a "crew leader" and not by a parent or guardian will not disqualify him or her if it is shown that the child's parent or guardian, as defined, is a migratory agricultural worker or migratory fisher, or that the child has been eligible to be served (under the primary definition of "currently migratory child") and has continued to migrate annually without the parent or guardian.

Comment. Three commenters recommended that a guardian should not be required to present a legal document certifying his or her guardianship status.

Response. No change has been made. The regulations do not require the presentation of a legal guardianship document.

Comment. Three commenters recommended that an individual who serves in a temporary parental capacity should be considered a guardian.

Response. No change has been made. The definition of "guardian" already includes a "person standing in the place of a parent to the child."

Comment. Three commenters recommended that "day haul" agricultural workers be included under the definition of "migratory agricultural worker."

Response. No change has been made. "Day haul" agricultural workers maintain a residence to which they return daily. Because they do not actually "move" across school district lines in the sense of establishing a new residence, they are not considered migratory.

Comment. One commenter requested a clarification of the term "personal subsistence," as used in the definition of "fishing activity."

Response. No change has been made. However, for clarification, "personal subsistence" means that the fish or shellfish are caught for direct consumption by the fisher or his or her family, rather than caught for wages or other income. A similar definition applies to "personal subsistence," as used in the revised definition of "agricultural activity.

Comment. Two commenters recommended that the definitions of "migratory fisher" and "currently migratory child" include those fishers and children who move from a school district to international waters and return to the same school district.

Response. No change has been made for the same reason cited in the preamble to the interim final regulations (42 FR 36078). The Commissioner interprets the law as not covering these fishers and their children. The legislative history of Pub. L. 93-380 indicates that only those fishers and their children who migrate from one school district to another school district are considered migratory (Conference Report No. 93-1026, 93d Cong., 2d Sess. 142-143).

Comment. Two commenters recommended a clarification of the definition of "project area."

Response. A change has been made. The definition of "formerly migratory child" now includes language to clarify "area served by a title I migrant education project." That language explains that the "area served by a title I migrant education project" is any area within the boundaries of an LEA, or a combination of LEA's, where there are migratory children who are receiving title I migrant education program services or who will receive these services within the current program period.

§ 116d.3 *State applications.*

Comment. Two commenters recommended that the standard application form be revised. One of these commenters recommended reducing the form's requirements for information. The other commenter recommended an application form that would require more information.

Response. No change has been made. The standard application form is prescribed by Attachment M of OMB Circular No. A-102 of September 12, 1977 (Uniform Administrative Requirements for Grants-In-Aid to State and Local Governments).

Comment. One commenter recommended that annual State applications not be required.

Response. No change has been made. The requirement for an annual State application is statutory.

Comment. One commenter recommended that the budget format of the standard application form be revised to parallel the budget format used by State and local educational agencies.

Response. No change has been made. The budget format is standard, as prescribed by Attachment M of OMB Circular No. A-102. However, the Commissioner is authorized by that circular to eliminate any requirements for budget entries that are not needed for program management. SEA's have been notified of these deletions.

Comment. Two commenters recommended that applicants be strictly required to submit all information with the initial application, including an identification of all operating agencies.

Response. No change has been made. Although an SEA is required to submit all the required information that is available at the time of submission of the application, it is permitted to amend its application "as soon as any information becomes available that is required by these regulations, but was not previously submitted * * *." (§ 116d.8(b).) Because of the unpredictable movement patterns of migrants, it would be unreasonable to enforce a stricter requirement regarding the inclusion of information in the State application.

Comment. Two commenters recommended a specific reference to the requirement for applicant agencies to comply with title VI of the Civil Rights Act of 1964.

Response. No change has been made. The regulations indicate that title I migrant education programs are also subject to the provisions of the Office of Education General Provisions Regulations. Section 100b.262 of those regulations requires compliance with the provisions of title VI of the Civil Rights Act of 1964 and 45 CFR Part 80 (Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health, Education, and Welfare Effectuation of title VI of the Civil Rights Act of 1964). It is not the intent of the title I migrant education program regulations to repeat general requirements that are found in the General Provisions Regulations. Furthermore, the standard application form prescribed by Attachment M of OMB Circular No. A-102 requires an assurance that the applicant will comply with title VI.

Comment. Six commenters recommended a specific reference to the requirement for providing migratory children with access to State and local facilities and services.

Response. No change has been made. Section 116d.36(a) of the final regulations already requires each SEA to provide an assurance that it will not conduct the State program through an LEA "that does not provide migratory children with access to State and locally funded educational facilities and services comparable to those ordinarily provided to nonmigratory children * * *."

§ 116d.6 *Participation of operating agencies.*

Comment. Three commenters recommended that SEA's not be required to submit the approved applications of operating agencies.

Response. A change has been made. The requirement in § 116d.6(b) of the interim final regulations that SEA's routinely forward copies of the applications of operating agencies has been deleted. Section 116d.6(b) now requires SEA's to forward only those applications that are requested by the Commissioner.

Comment. Three commenters recommended that SEA's be required to consult with teachers and migratory children with respect to the planning of programs and projects.

Response. No change has been made. Section 116d.37 requires each SEA to consult with parents and to consider their views in connection with planning the State program. this section also requires each SEA to establish a State parent advisory council which "shall be composed of people who know the needs of migratory children." These councils may include teachers and migratory children. Section 116d.32(g) requires each SEA to explain in its application how it will comply with § 116d.37(b).

Furthermore, §116d.37(a) also requires each operating agency to establish and consult a similar council. That council may also include teachers and migratory children.

Comment. One commenter recommended that applicants be required to assure the "size, scope, and quality" of projects.

Response. No change has been made. Section 116d.39(b) of these regulations provides that a State application will be approved only if the Commissioner determines that "projects to be funded are of sufficient size, scope, and quality to hold reasonable promise of making substantial progress toward meeting the special educational needs of the migratory children to be served * * *."

Comment. One commenter recommended that the information required in the application of an SEA and an operating agency be similar.

Response. A change has been made. Section 116d.6(a) regarding the contents of operating agency applications and § 116d.32 regarding the contents of State applications now share a number of common requirements. There are some differences, however, because of the different roles played by SEA's and operating agencies in the title I migrant education program.

Comment. One commenter recommended permitting an operating agency to carry over funds from one year to another rather than requiring the return to the SEA of all unobligated funds.

Response. No change has been made. Section 412 of the General Education Provisions Act (20 U.S.C. 1226) permits an SEA to carry funds over for 1 year after the fiscal year for which they were appropriated. However, Section 434(b) of the General Education Provisions Act (20 U.S.C. 1232c(b)) and 45 CFR 100b.18(b)—as well as § 116d.3(a)(4) of these regulations—require an SEA to, in effect, reapply with respect to the use of carryover funds.

The title I migrant education program is a State-operated program. Each year the SEA conducts a statewide needs assessment and designs a State program to meet those needs. However, because the children to be served are migratory, the needs of particular areas in the State may vary greatly from year to year. LEA's are not entitled to receive title I migrant education funds. Rather, an LEA is selected to participate in the State program solely because the SEA has determined that, through the participation of the LEA, the current needs of the State's migratory children may be most effectively met.

§ 116d.8 *Amendments to applications.*

Comment. One commenter recommended that amendments to applications not be permitted because they weaken the application procedure.

Response. No change has been made. It would be unreasonable, because of the mobility of the eligible migratory children, to expect a State never to have need to revise its program plan. The provisions for amending applications in § 116d.8 of the final regulations do not weaken the application procedure. In fact, all amendments undergo the same review process as initial applications.

§ 116d.9 *Title and control of property.*

Comment. One commenter recommended a stronger requirement with respect to the maintenance of an equipment inventory by the SEA.

Response. No change has been made. Property management is regulated by the Office of Education General Provisions Regulations and 45 CFR 116.42. Under 45 CFR 100b.215(d), an SEA that receives title I migrant education funds is required to maintain accurate property records and to conduct physical inventories of all nonexpendable personal property at least every 2

years. "Nonexpendable personal property" is defined in 45 CFR 100.1 as "tangible personal property, including equipment, having a useful life of more than 1 year and an acquisition cost of $300 or more per unit."

Comment. Four commenters recommended permitting the use of program-purchased equipment by nonmigratory children.

Response. No change has been made. Title I migrant education program funds may be used to purchase equipment essential to the effective implementation of this program only. Although nonmigratory children may happen to be present when services involving the use of migrant education program equipment are being provided to migratory children, any benefits that the nonproject children derive from these services must be incidental. Program-purchased equipment may not be used directly with non-migratory children, however. If program-purchased equipment is used for non-title I purposes, that equipment was either not needed for the title I project, or it should have been purchased with State or local funds.

§ 116d.10 *Sources of funds for State administration* (formerly, *Allocation of funds to administrative and program functions*).

Comment. Two commenters recommended an increase in the amount of funds provided under section 143(b) of title I of the Act for State administration.

Response. No change has been made. The amount of funds provided for State administration is statutory. However, the statute does not specify what portion of the funds authorized under section 143(b) is to be used for each of the various title I programs. Because the SEA both administers and carries out its program for migratory children, it may also perform a number of administrative-type activities, such as those listed in § 116d.10(b), that are performed by local educational agencies (LEA's) under part 116a or by State agencies under part 116b and 116c. These activities may be charged to program funds even though they are "administrative" in nature.

Comment. Six commenters requested a clarification of the division of "administrative" and "program" functions.

Response. A change has been made. Section 116d.10 has been revised to provide clearer guidance on this matter. However, the regulations retain the basic criteria for determining which activities are to be charged to section 143(b) funds and which are to be charged to migrant education program funds.

Section 116d.10 no longer refers to the two types of activities as "administrative" functions and "program" functions. All of the functions are in some sense "administrative." However, some functions are to be charged to State title I administrative funds; others are to be charged to migrant education program funds. A full discussion of this issue may be found in the preamble to the interim final regulations (42 FR 36077-8, July 13, 1977).

Comment. One commenter recommended including parents under § 116d.10(b) with respect to the use of program funds for inservice training.

Response. A change has been made. Inservice training is no longer listed as an "administrative" function to be charged to program funds. Instead, inservice training is regulated by § 116.36 of the general title I regulations. Parents who serve on an advisory council or who volunteer to provide a service to the project are eligible for inservice training paid for with migrant education program funds.

Comment. Two commenters recommended setting minimum and maximum amounts of funds to be used to support each administrative-type function.

Response. No change has been made. An SEA must adequately perform, according to its needs, each necessary administrative function. Furthermore, an SEA must use these funds reasonably, in accordance with part 100b, subpart G ("Cost Principles"), of the Office of Education General Provisions Regulations.

§ 116d.12 *Child eligibility* (formerly *Child eligibility and evidence of child eligibility*).

Comment. Twenty-one commenters contested the authority of the Office of Education to require a migratory child or his or her parent or guardian to provide sufficient documentation to establish the child's eligibility as migratory.

Response. A change has been made. Section 116d.12 has been revised to clarify that a migratory child or his or her parent or guardian is not required to provide documentary proof of the child's eligibility. It is the responsibility of the SEA or the operating agency to determine that a child is either a currently or formerly migratory child, as defined under § 116d.2, and to make a written record upon which the child's eligibility is determined. In determining eligibility, an SEA or an operating agency may rely on credible information provided by the child or his or her parent or guardian.

Comment. Six commenters recommended that the regulations clearly state that proof of American citizenship or legal alien status is not required of a migratory child or his or her parent or guardian.

Response. A change has been made. Section 116d.12 now states that an SEA or an operating agency is not required to obtain documentary proof of the child's civil status from either the child or his or her parent or guardian.

§ 116d.21 *Total amount available for grants.*

Comment. Two commenters requested a clarification of the formula that is used to determine the total amount of the title I migrant education grant for which an SEA may apply.

Response. No change has been made. Section 116d.21 provides a general explanation of how the total grant amount available to an SEA is determined. However, for clarification, a more detailed explanation of how State grant amounts are determined is provided here.

(1) A State accumulates one residency day for each day (during the calendar year period) that a migratory child resides in that State. Residency days for each migratory child are determined on the basis of that child's enrollment data in the migrant student record transfer system.

(2) A State's total of accumulated residency days is divided by 365 (each group of 365 accumulated residency days equals one full-time equivalent (FTE) migratory child).

(3) A State's total FTE of migratory children is then multiplied by 40 percent of the State's per pupil expenditure rate (adjusted to not less than 40 percent of 80 percent nor more than 40 percent of 120 percent of the national average per pupil expenditure rate).

The computed amount becomes the total amount available to that State for its title I migrant education grant, unless that State's computed amount results in an amount less than the State received in the prior fiscal year. Section 125 of title I of the Act provides that no State agency program shall receive in any fiscal year less than 100 percent of the amount that it received in the prior fiscal year.

Furthermore, the Commissioner is authorized by section 122(a)(2) of title I of the Act to use all or part of the amount available to an SEA to make special arrangements with other agencies for services to migratory children. Since fiscal year 1969, the Commissioner has withheld a proportionate amount of each State's entitlement to fund the migrant student record transfer system. The remaining amount is then made available to each SEA.

Comment. Fifty commenters recommended that the funding formula be expanded with respect to the age range of migratory children who are eligible to be counted.

Response. No change has been made. The funding formula (including the counting of only those migratory children aged 5–17) is statutory.

Comment. Four commenters recommended maintaining the full-funding for the migrant education program "off-the-top" of the total title I appropriation.

Response. No change has been made. Under Section 144 of the title I statute, all title I State agency programs (including the migrant education program) are fully-funded "off-the-top" of the total title I appropriation.

Comment. Two commenters recommended that the formula used in determining the grant amount to be made available to a SEA should use the child count from the same year as the grant award, and not the child count for the prior calendar year period.

Response. No change has been made. Because the title I program is "advance-funded"—i.e., funds are appropriated in 1 fiscal year for obligation by the Federal Government and use by the recipient in the following fiscal year—it is impossible to calculate the grant amount available to a State under the title I migrant education program on the child count from the same year as the grant award period.

However, the formula does use the child count from the most recent full calendar year period that is available. Thus, the size of a grant made available to a State for fiscal year 1979 is determined on the basis of the count of migratory children in that State during the period of January 1–December 31, 1977.

Comment. One commenter recommended the use of a "block grant" to State and local educational agencies instead of categorical aid for programs such as the title I migrant education program.

Response. No change has been made. The Act requires that title I migrant education funds be used for services to migratory children only.

Comment. Three commenters recommended that the Commissioner develop a procedure through which a State would be permitted to use a certain portion of "prospective" grant funds while final negotiations were being carried out with the Office of Education regarding the approval of its application.

Response. No change has been made. The obligation of funds by a grantee is regulated by the Office of Education General Provisions Regulations. Section 100b.35(d) states that funds shall not be obligated prior to the effective date of the approved State application. Section 116d.6(d) of the final regulations clarifies that an operating agency may not obligate funds before the effective date of the SEA's approved application or the date on which the operating agency's application is submitted to the SEA in substantially approvable form, whichever occurs later.

§ 116d.24 *Special arrangements with the State educational agency and § 116d.25 Special arrangements with the Commissioner* (formerly, *Special arrangements by the Commissioner to conduct migrant programs*).

Comment. A number of commenters made recommendations concerning special arrangements for services on the part of the Office of Education and participating SEAs. Eight commenters recommended that individuals and public and nonprofit private agencies be provided with a specific mechanism to petition the Office of Education for a special arrangement for services. Similarly, two commenters recommended that the regulations provide a specific procedure by which individuals and public and nonprofit private agencies may petition an SEA for a special arrangement for services.

In addition, five commenters specifically suggested that the regulations provide a procedure by which migratory parents could petition an SEA or the Office of Education for a special arrangement.

Response. A change has been made. Section 116d.24 has been rewritten to clarify that an SEA may make special arrangements with public or nonprofit private agencies to carry out a project. Section 116d.25 describes the Commissioner's authority to make special arrangements to carry out the purposes of section 122 of the Act. The conditions under which an SEA may make a special arrangement are essentially identical to those under which the Commissioner may make a special arrangement, and they follow the language of section 122(a)(2) of the Act.

Also, Section 116d.26 (*Complaint procedures*) has been rewritten. It makes clear that a participating SEA must establish a procedure by which it will resolve the complaints (alleging statutory or regulatory violations of the title I migrant education program) of parents and other individuals and organizations within an appropriate period of time, not normally to exceed 60 days. Moreover, § 116d.26(b) provides that the Commissioner may review an SEA's resolution of a complaint and take appropriate steps, including "implement[ing] a special arrangement under § 116d.25."

The Commissioner does not believe that the creation of distinct and possibly restrictive petition procedures are warranted. The existing complaint procedure is flexible enough to serve as an effective means by which a request for a special arrangement may be made.

Comment. Ten commenters requested that the regulations be more specific in terms of the conditions under which an SEA or the Commissioner may employ a special arrangement.

Response. No change has been made. The three conditions stated in § 116d.25, as those under which the Commissioner may make a special arrangement, follow the statutory language of section 122(a)(2) of the Act. Corresponding conditions in § 116d.24 govern an SEA's discretion to make a special arrangement. The language of the Act indicates that Congress intended to allow the Commissioner and each SEA considerable discretion in evaluating the need for a special arrangement.

§ 116d.31 *Use of program funds* (formerly titled *Use of funds*).

Comment. Five commenters recommended that the regulations permit a more liberal use of program funds for projects that involve a capital outlay, such as the construction of school facilities.

Response. No change has been made. The regulations permit appropriate use of Title I migrant education funds for construction; § 116d.39(a) provides that these funds may be used for the construction of school facilities "where necessary." This restrictive standard is imposed by section 122(a)(1)(A) of the Act. In addition, § 116.32, which is applicable to all title I programs, contains more specific guidance on the use of program funds for construction.

Comment. Three commenters requested that the regulations clarify the requirement that title I migrant education funds be used to supplement and not to supplant State and local funds.

Response. No change has been made. Section 141(a)(3) of the Act and § 116.40(a) require that title I funds be "used to supplement, and to the extent practical, increase the level of State and local funds that would, in the absence of such Federal funds be made available * * * [and] will not be used to supplant State and local funds * * *." (At the present time, the Office of Education is preparing additional interpretive guidance on these provisions.)

Comment. Three commenters requested a clarification of the phrase "imprudent, wasteful, or extravagant" as used in § 116d.11.

Response. No change has been made. These regulations (§ 116d.11) require that each SEA that "receives a title I migrant education grant shall issue to operating agencies a set of rules that prohibits the imprudent, wasteful, or extravagant expenditure of these funds."

As noted in the preamble to the interim final regulations (42 FR 36078), this standard is regarded as workable. Given the numerous possible circumstances, it is not possible to define more precisely what expenditures are reasonable and appropriate.

Comment. Seven commenters recommended permitting the use of title I migrant education funds as stipends to encourage school attendance.

Response. No change has been made. Section 122(a)(1) provides that title I migrant education funds must be used "to establish or improve * * * programs of education for migratory children * * *." Section 122(a)(1)(A) requires that these programs be "designed to meet the special educational needs of migratory children * * *." Standing alone, of course, the payment of money to a migratory child has no educational content and does not directly address his or her educational needs. To be permitted, any payment would have to be integrally related to a program of educational services—such as a work/study project—designed to meet the child's special educational needs. In this case, the payment of money may be said to have educative content in its own right.

In addition, any payment would have to be "necessary to enable eligible migratory children to participate effectively in instructional services," and would be subject to the requirement that the expenditure be "necessary and reasonable" within the meaning of part 1(C)(a) of appendix B ("Cost Principles for State and Local Governments"), which applies to the title I migrant education program under 45 CFR 100b.81. Under these standards, for example, title I funds could not be used to pay stipends to migratory children to encourage them to attend educational programs that they are required to attend under State law.

Comment. Two commenters requested a more liberal use of funds for professional conferences, workshops, and in-service training.

Response. No change has been made. Depending upon the needs in an individual State, these activities may be supported with title I migrant education funds. Section 116.36 provides guidance concerning the appropriate use of these funds for pre-service and in-service training. These expenditures are also subject to the cost principles stated in Appendix B to 45 CFR Part 100, including the requirement that expenditures from program funds be "necessary and reasonable."

Comment. Two commenters recommended that the regulations encourage stronger fiscal and fund accounting controls.

Response. No change has been made. The present requirements assure effective fiscal control at the SEA and operating agency levels without imposing unnecessary burdens upon participating agencies. For example, § 116d.6(a)(5) requires an operating agency to describe each service it will provide and the estimated cost in its annual application to the SEA. Section 116d.6(c) requires an operating agency to maintain records of all financial transactions relating to a title I migrant education project for a period generally of 5 years and to provide timely financial reports to the SEA.

Section 116d.11 requires each SEA to issue to its operating agencies rules that prohibit the "imprudent, wasteful, or extravagant" expenditure of title I funds and requires operating agencies to reflect in their financial reports adjustments made to their subgrants.

Section 116d.34 provides that a State application must be accompanied by a budget "including the estimated cost of each service" to be provided as part of the State program. In addition, § 116d.10(a) provides that an SEA may use funds made available under section 143(b) of the Act to maintain "fiscal control and fund accounting" with respect to the State program.

Comment. Eight commenters suggested that a portion of each State's allocation of title I migrant education funds be earmarked for identification and recruitment of eligible migratory children, or, alternatively, that the regulations require an SEA to conduct recruitment efforts. Ten commenters recommended that the regulations require that all identified eligible migratory children in the State receive program services.

Response. A change has been made. Section 116d.39(g) of these regulations provides that a State application may not be approved by the Commissioner unless it demonstrates that "the SEA has made every reasonable effort to identify and recruit all eligible currently and formerly migratory children." Section 116d.32(b) requires an SEA to describe its recruitment efforts in its State application. In addition, as under the interim final regulations, § 116d.10(b) provides that an SEA may use program funds to identify and recruit eligible migratory children.

On the other hand, it is neither realistic nor appropriate to require that an SEA serve every identified eligible migratory child in the State. Some children may not exhibit special educational needs. Some may be served appropriately by other supplementary programs. And, it may not be feasible for the SEA to serve some children, especially those living in very remote areas.

However, § 116d.32(c) requires that if an SEA expects to serve fewer eligible school-aged migratory children than the number it has identified in its State application, it must explain why. Section 116d.6(a)(4) imposes a similar requirement on operating agencies.

Comment. A commenter recommended that these regulations more clearly indicate that in the title I migrant education program, the grantees are State, not local, educational agencies.

Response. A change has been made. Section 116d.1 clearly states that grants are awarded to SEA's. As § 116d.5 indicates, an SEA may conduct programs and projects directly, may make subgrants to one or more LEA's, or may enter into special arrangements with one or more public or nonprofit private agencies.

The definition of "operating agency" in § 116d.2 further clarifies that an LEA participates in the program as a subgrantee.

§ 116d.32 *Contents of State applications* (formerly § 116d.31(b) *Information in State applications*, and § 116d.39 *Criteria for approval of State applications*).

Comment. Five commenters recommended that these regulations require an individualized educational plan for each participating migratory child.

Response. No change has been made. Section 141(b) of the Act does not authorize the Commissioner to require an individualized written educational plan for each child. However, § 116.47 provides that "a State educational agency shall encourage where feasible applicant agencies * * * to provide for the development for each child participating in an approved program or project under * * * title I, an individualized written educational plan * * * agreed upon jointly by the applicant agency, a parent or guardian of the child, and when appropriate, the child."

Comment. Two commenters suggested requiring programs to include activities—beyond basic instructional programs—such as nutrition education, guidance counseling, or home-school coordination. Another commenter said these regulations should encourage the provision of enrichment, and not just compensatory services to migrant children. Still another suggested emphasizing specific disciplines such as language skills, mathematics, science, and music.

Response. No change has been made. The title I migrant education program is a supplementary, compensatory educational program intended to address the special educational needs of participating migratory children. If the eligible migratory children exhibit special needs in the basic academic

subjects, title I services must be fashioned to meet those needs.

Section 116d.39(b) provides that projects must be "of sufficient size, scope, and quality to hold reasonable promise of making substantial progress toward meeting the special educational needs of the migratory children to be served, particularly any need for improvement in the basic academic subjects." Of course, the determination of the special educational needs of the migratory children who will participate is a responsibility of each SEA (see § 116d.32(d)), as is the design of the programs and projects to meet those needs.

Comment. One commenter recommended that the concept of basic skills as used in § 116d.39(b) be amplified by the words "readiness, developmental, and remedial."

Response. No change has been made. As the preamble to the interim final regulations noted (at 42 FR 36079), the Office of Education lacks the authority to require all of these concepts to be implemented in every State program.

Comment. Two commenters requested a clarification of the requirement that projects show "reasonable promise" of meeting the "special educational needs" of the participating migratory children. Several other commenters requested examples of "special educational needs."

Response. No change has been made. Under § 116d.39(b), the Commissioner determines that projects to be funded are of "sufficient size, scope, and quality to hold reasonable promise of making substantial progress toward meeting the special educational needs of the migratory children to be served * * *."

This provision implements section 141(a)(1)(B) of the Act, and although it is rewritten, it does not alter the substance of § 116d.39(b) of the interim final regulations.

The terms "reasonable promise" and "special educational needs" are statutory and are not otherwise defined in the Act. Still, the Commissioner believes that these terms are sufficiently clear in the regulations to provide the needed guidance and that a more detailed definition might unnecessarily restrict their application. Congress evidently intended the concept of "special educational needs" to have a broad applicability. This is consistent with the statutory framework that places responsibility on the SEA for diagnosing the particular needs of migratory children and for designing effective compensatory projects.

Comment. Six commenters recommended that these regulations encourage the provision of "summer-term" projects.

Response. No change has been made. The title I statute and these regulations make clear that each SEA is charged with the responsibility to determine the special educational needs of the eligible migratory children and to design appropriate programs and projects to meet those needs.

Section 122(a)(3) of the Act and § 116d.35 of these regulations establish a service priority that places currently migratory children before formerly migratory children. In some instances this may necessitate the use of summer-term projects.

Comment. One commenter suggested that each operating agency should be required to state its project objectives by "grade" as opposed to "grade group."

Response. No change has been made. As the preamble to the interim final regulations noted (42 FR 36077), uncertainties may exist as to the migratory children who will actually be present when a project is conducted. Reporting by grade group rather than by grade recognizes this uncertainty and is intended to provide flexibility to operating agencies.

Comment. A number of commenters recommended that bilingual and multicultural instructional services be required by the regulations when the linguistic circumstances of the children to be served warrant these services.

More specifically, 14 commenters said that bilingual or multicultural instruction should be required; two commenters recommended requiring classroom use of bilingual instructional materials; 9 commenters recommended requiring staff development activities to include bilingual and multicultural instructional program training; and 22 commenters recommended that the regulations require the employment of bilingual or multicultural teachers and other staff members.

Response. A change has been made. Section 116d.32(d) of these regulations requires a State application to demonstrate "that the SEA has obtained an accurate assessment of the cultural and linguistic backgrounds of (the eligible migratory children living or expected to live in the State)." It also requires each SEA to include in its application "a description of the measures that the SEA will take to assure that a migratory child is not prevented from benefiting fully from the services provided by the title I migrant education program because he or she does not speak English or has limited English language skills."

Similarly, § 116d.6(a)(8) requires an operating agency application to contain "a description of how the operating agency assures that eligible migratory children will benefit fully from the project's services even if they do not speak English or have limited English language skills."

The Act, however, does not authorize, and section 432 of the General Education Provisions Act (20 U.S.C. 1232a) forbids the Office of Education to require any particular type of curriculum, program of instruction, or staff. Certainly, bilingual or multicultural modes of instruction may be appropriate when the children to be served have particular linguistic needs; however, other curricular responses may also be appropriate.

It is an SEA's responsibility under § 116d.32(d) to evaluate the linguistic needs of the children to be served and to devise an educational program appropriate to those needs.

Comment. Six commenters recommended that the Office of Education closely regulate the minimum qualifications of migrant educators. Two commenters said these regulations should require the use of community outreach workers. Another commenter said these regulations should require that a minimum percentage of staff aides be migrants themselves.

Response. No change has been made. The Office of Education has no authority to regulate the qualifications of migrant educators, or the type or composition of the staff connected with a State program. It is the responsibility of an SEA to develop a State program appropriate to the needs of the migratory children living or expected to live in the State.

Comment. Two commenters requested that teachers paid with title I migrant education funds be permitted to participate in regular supervisory activities that benefit the entire school population. Another commenter suggested that teachers should be permitted to work with migrant children within the regular classroom setting.

Response. No change has been made. Neither the Act nor these regulations permit the use of title I migrant education funds to provide services to children other than those who are eligible to receive them. However, neither the Act nor these regulations prohibit an SEA or operating agency from providing title I-funded services to eligible migratory children while sharing an institutional setting with other, noneligible children. The requirement is that the services be sharply focused on, and tailored to, the needs of the eligible migratory children.

Reason requires, of course, that genuinely trivial variations from these principles, which do not diminish the effectiveness of program services to eligible migratory children, be permitted.

Comment. Sixteen commenters recommended encouraging services at the secondary school level with an emphasis on dropout prevention. Similarly,

three other commenters requested a secondary school emphasis specifically in the areas of career and vocational education.

Response. No change has been made. It is the responsibility of an SEA to design a State program that meets the needs of the migratory children living in the State.

Comment. Twelve commenters said the regulations should require extensive interagency coordination at the operating agency level with other programs providing services to migratory children. One commenter requested specific criteria for evaluating the extent of interagency program coordination.

Response. No change has been made. Section 116d.10(b) provides that an SEA may use funds made available under section 122 of the Act to "coordinat[e] * * * programs and projects with other public and private agencies." Section 116d.39(e) provides that before a State application may be approved, the Commissioner must determine that "in planning the State program, the SEA has consulted with other SEA's that conduct title I programs for migratory children and with other agencies that provide services for migratory children and that are knowledgeable of their needs." Both of these provisions are contained in the interim final regulations (see §§ 116d.10(b)(2) and 116d.39(e)) although worded slightly differently.

In addition, § 116.41(a) provides, in part, that "each application by (an SEA) for a grant under title I shall demonstrate that, in the development of such application, the applicant has taken into consideration benefits which are or may be available through other public and private agencies * * *. Such applications shall also demonstrate that the applicant has considered suggestions and offers of assistance which have been timely made by such agencies and which may aid in carrying out or making more effective the program or project for which application is made."

Additional regulations, such as the prescribing of criteria, applicable in all situations, are not warranted.

Comment. Eight commenters said these regulations should clearly require participation in and use of the migrant student record transfer system, including specifying the minimum health and education information that must be entered for each participating migrant child.

Response. A change has been made. Like the interim final regulations, § 116d.39(f) of the final regulations requires, as a condition of approval of a State application, that the SEA, in carrying out the State program, "utiliz[e] fully the migrant student record transfer system."

However, the following phrase has been added in the final regulations in order to clarify this requirement: "including the transfer of the most current academic and health information available for the children served."

In addition, § 116d.32(h) requires an SEA to include in its application "a description of the information about the migratory children that the SEA will pass on to other SEA's, other than through the migrant student record transfer system."

Comment. Nine commenters made general recommendations to foster improvement in the exchange among title I programs of general information and information about exemplary projects. Six commenters said these regulations should require that all migrant parents be fully informed concerning the State program, including the dissemination of bilingual program information, if necessary. Another suggested that all program documents be available to the public.

Response. No change has been made. Section 116d.32(j) requires that a State application contain a description of how the SEA proposes to comply with 45 CFR 116.45. Section 116.45 provides, in part, that an SEA must develop plans for "disseminating information concerning the provisions of title I, and the (SEA's) past and present title I programs—including evaluations of such programs—to parents and to the general public." It also requires each SEA to make available "such * * * documents as may be reasonably necessary to meet the needs of * * * parents or other members of the public for information related to the comprehensive planning, implementation, and evaluation of the title I program, but not including information relating to the performance of identified children and teachers."

Under this "reasonably necessary" standard, of course, SEA's are required to accommodate the needs of parents and others who possess limited English language skills.

Also, 45 CFR 116.44 provides, in part, that a State application must contain a description of the methods the SEA will employ "for reviewing, selecting, and disseminating to teachers and educational administrators significant information on the latest developments and most recent experiments in education so that such information will be available for use in program planning and operation. These methods may include * * * reports on the organization, operation, and outcome of projects under title I."

Furthermore, under § 116d.10(a)(8), an SEA may use administrative funds to support the dissemination of such information.

Comment. Nine commenters said these regulations should require each SEA to establish a separate complaint procedure for its title I migrant education program. Two commenters suggested that a private agency should be able to register a complaint.

Response. A change has been made. Section 116d.26 ("Complaint resolution procedures") specifically incorporates 116.6(b), which requires each SEA to establish procedures for investigating and resolving the complaints of "parents and other individuals and organizations" alleging violations of the title I Act or regulations.

Recognizing that title I migrant education projects are frequently of short duration, the final regulations call for an "appropriate accelerated procedure for resolving complaints regarding * * * projects that operate for fewer than 60 days."

Comment. A number of commenters made recommendations concerning the provision of services to preschool children. Twenty-two commenters said these regulations should encourage States to provide program services at the preschool level. Two commenters expressed concern because the definition of "preschool" varies from State to State. One commenter requested a clarification of the difference between "instructional" and "custodial" services.

Response. No change has been made. As in the interim final regulations, § 116d.39(c)—which provides, in part, that "projects designed to meet the special educational needs of preschool migratory children will be provided only if, considering the amount of funds available, these projects will not detract from the operation of projects for school-aged migratory children"—establishes a service priority in favor of school-aged migratory children. This follows the priority stated in section 122(a)(1)(D) of the Act.

In addition, as the preamble to the interim final regulations indicated (42 FR 36079), because preschool children do not generally generate funds under the statutory formula, school-aged migratory children are considered to take priority over preschool children.

Each State, of course, is free to establish the age at which free public education commences. The Act does not define the term "preschool"; however, 45 CFR 100.1 defines the term as "the educational level from a child's birth to the time at which elementary education is provided as determined under State law."

With respect to the distinction between "instructional" and "custodial" services for preschool children, § 116d.33(b), as did the interim final regulations, defines preschool instructional services as "comprised primarily of activities designed to increase the children's readiness for instruction in the basic academic skills, and not pri-

marily designed for custodial purposes." This definition is believed to be sufficiently precise.

§ 116d.35 *Services to formerly migratory children.*

Comment. A number of commenters objected to the secondary service priority of formerly migratory children. Some commenters said formerly migratory children should not be required to live in a project area in order to receive services.

Response. No change has been made. Section 116d.35 provides that a "formerly migratory child may participate in a project * * * provided that the participation of formerly migratory children in the State program will not prevent the participation of currently migratory children or dilute the effectiveness of the State program for currently migratory children." This secondary priority is required by section 122(a)(3) of the Act, which provides that currently migratory children "shall be given priority in consideration of programs and activities contained in (State application)."

Similarly, § 116d.2, which includes as part of the definition of a formerly migratory child that he or she "lives in an area served by a title I migrant education project," merely follows the statutory definition of such a child as stated in section 122(a)(3) of the Act: A "migratory child * * * shall be deemed to continue to be such a child for a period, not in excess of 5 years, during which he resides in the area served by the agency carrying on a program or project * * *."

Comment. Two commenters indicated that parental concurrence should not be required to establish a child's eligibility as a formerly migratory child. Five commenters said the regulations should not require the signature of a parent as evidence of concurrence. Two commenters objected to the interim final regulations' requirement of an annual parent signature as evidence of concurrence.

Response. A change has been made. Section 122(a)(3) of the Act requires parental concurrence as a condition of a child's eligibility as a formerly migratory child. Therefore, the definition of formerly migratory child in § 116d.2 requires "the concurrence of (the child's) parent or guardian to continue to be considered a migratory child."

However, § 116d.35 no longer requires the SEA or an operating agency to obtain the signature of a parent or guardian as evidence of concurrence. Of course, under § 116d.12 of the final regulations, an SEA or operating agency must still make for each child counted or served "a written record of the basis on which the child's eligibility was determined." As part of this written record, it may require a parental signature as evidence of concurrence.

§ 116d.37 *Parental involvement.*

Comment. A number of commenters suggested that these regulations should enlarge the scope of parental involvement in the title I migrant education program. Twenty-five commenters specifically recommended that parent advisory councils be required at the operating agency level. One commenter said the Office of Education should not approve a State application that fails to document council establishment.

Response. A change has been made. Section 116d.37 now requires parent advisory councils to be established and consulted at both the SEA and operating agency levels. These councils, which are to be consulted by the SEA and the operating agencies, must be composed of people "who know the needs of migratory children." Furthermore a majority of the members of the advisory councils at both the State and operating agency levels must be parents.

Comment. Sixteen commenters suggested that program funds should be provided for parent council activities. Five commenters said the regulations should include a detailed list of reimbursable parent council activities.

Response. No change has been made. As noted in the preamble to part 116 (41 FR 42896) and in the preamble to the interim final regulations for part 116d (42 FR 36079), the applicable standards for determining which parent council expenditures may be paid from program funds are stated in appendix B to part 100 of this chapter. (See 45 CFR 100b.81.)

Comment. Numerous commenters said the Office of Education should regulate extensively with respect to the composition, functioning, and duties of parent councils. Nine commenters said the councils should have "sign-off" authority on applications. Six commenters said parents should be permitted to appoint representatives when absent from meetings. three commenters said migratory children should be required within the membership of parent councils.

Two commenters recommended that parents of currently migratory children be given preference as members. Four commenters said the regulations should require direct communications between parent councils and the SEA. Four commenters said communication to parents on these councils should be bilingual, if necessary.

Response. A change has been made. As noted previously, § 116d.37 requires "effective parental involvement throughout the State program." In addition, § 116d.37 (a) and (b) require the establishment of parent advisory councils at both the SEA and operating agency levels. These councils which are consulted by the SEA and the operating agencies, must have parents as a majority of their members. Furthermore, these councils must be composed of people "who know the needs of migratory children."

However, the types of parental involvement and the design and operation of the parent advisory council are left to the SEA and the operating agencies which can best evaluate the particular needs of that State's or a local area's migrant population and structure an appropriate mechanism for parental participation.

It is expected, of course, that the views of these councils will be given serious consideration. These regulations require effective parental involvement. If this cannot be achieved without the use of bilingual communications, they must be employed.

Comment. Five commenters recommended a national parent advisory council.

Response. No change has been made. Title I migrant education grants are awarded to State educational agencies for programs designed at that level.

§ 116d.38 *Supporting services.*

Comment. Eight commenters requested a clarification of the circumstances under which support services may be provided.

Response. No change has been made. As under the interim final regulations, § 116d.38(a) provides that, in general, "health, welfare, or other supporting services [may be provided] with title I migrant education funds, but only if these services are necessary to enable eligible migratory children to participate effectively in instructional services." The instructional services referred to need not be funded by title I.

However, the more restrictive conditions under which title I migrant education funds may be used to support day care services are stated in § 116d.38(b).

The Commissioner believes that § 116d.38(a) establishes a simple, workable standard. It is not possible to describe every circumstance in which title I-funded support services may be provided.

Comment. Eight commenters said these regulations should permit a more liberal use of title I funds to support day care services.

Response. No change has been made. As the preamble to the interim final regulations noted (42 FR 36079), the title I statute establishes the migrant program as an "educational" program, which the Office of Education interprets as a program of instruction. Therefore, support services, including day care services, are permitted only

to the extent that they are necessary to support attendance in an instructional program. In the case of day care services, the instructional services must be supported by title I.

Section 116d.38(b) does not alter the conditions under which title I supported day care services may be provided. However, these final regulations delete § 116d.38(c) of the interim final regulations. Given the criteria stated in § 116d.38(b), the types of information which an SEA must provide in its State application are self-evident.

§ 116d.40 *Cooperative programs.*

Comment. Thirty-two commenters recommended strengthening the requirement for interstate coordination of programs and projects. Six commenters said the regulations should encourage the interstate exchange of academic credits. Three commenters suggested requiring SEA's to share needs assessments and other program documents. Four commenters encouraged interstate reciprocity in the certification of migrant educators. One commenter requested examples of interstate coordination.

Response. A change has been made. These final regulations contain a suggested list of interstate and intrastate cooperative efforts intended to foster continuity in the education of migratory children. Thus, § 116d.32(h)—which otherwise is substantially similar to § 116d.31(b)(7) of the interim final regulations—provides that a State application must contain an "explanation of the steps the SEA will take to assure the most continuity practicable in the education of the migratory children to be served, such as the exchange of course credits, both within and among States, and the intrastate and interstate sharing of program planning, evaluation, curriculum, and staff training materials." This explanation must also describe "the information that the SEA will pass on to other SEA's, regarding the migratory children, other than through the migrant student record transfer system."

As in the interim final regulations, § 116d.39(f) provides that one criterion for approval of a State's application is that the SEA's "plan for assuring continuity in the education of migratory children includes appropriate procedures for coordinating its State program with programs in other States. * * *" Also, § 116d.10(b) clearly indicates that the intrastate and interstate coordination of programs and projects is a permissible use of title I migrant education funds.

A program assisted by these funds is designed by an SEA in response to the special educational needs of the migratory children who live in that State. Accordingly, it is felt that each SEA is best able to devise the precise means of effectively coordinating its programs with other programs and projects so as to provide continuity in the education of migratory children.

The Office of Education has no authority to regulate with respect to the licensing or certification of migrant educators.

Comment. Seven commenters said that the regulations should contain a section on the privacy and information rights of participating children and their parents.

Response. A change has been made. Section 116d.32(k) requires that a State application contain an assurance that the SEA will "transfer the educational records of the migratory children participating in the State program in accordance with the Family Educational Rights and Privacy Act of 1974 and part 99 of this chapter (Privacy Rights of Parents and Students)."

GENERAL

Comment. One commenter recommended that these regulations include a statement of philosophy and intent for the program.

Response. No change has been made. A general statement of program philosophy would not be sufficiently precise to provide guidance and is not appropriate for regulations. The purposes of the title I migrant education program are clearly expressed in section 122 of the Act and in these regulations.

Comment. Several commenters suggested that these regulations should include the sections of the general title I regulations (part 116), the General Education Provisions Act, and the Office of Education General Provisions Regulations that apply to the title I migrant education program, or that are incorporated by these regulations.

Response. No change has been made. The purpose of part 116 and the Office of Education General Provisions Regulations is to avoid unnecessary repetition of regulatory provisions that apply to a variety of Federal education programs.

Comment. Two commenters requested that these regulations be written in simpler language. One commenter recommended that these regulations include examples, when helpful, to clarify individual requirements.

Response. A change has been made. These final regulations have been prepared according to the Department of Health, Education, and Welfare's Operation Common Sense. Where appropriate, examples have been included.

Comment. One commenter recommended that the requirement for financial and performance reports be deleted.

Response. No change has been made. The reports required by subparts P and Q of part 100b are authorized by section 434(b) of the General Education Provisions Act and OMB Circular No. A-102. They are necessary to maintain proper accountability.

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