AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

7-20-79
Vol. 44 No. 141
Pages 42653-42956

federal register

Friday
July 20, 1979

Highlights

42653 **Foreign Service Retirement and Disability System** Executive order

42655 **Federal Legal Resources** Executive order

42744 **School Breakfast Program** USDA/FNS sets the national average payment for 7–1 through 12–31–79; effective 7–1–79

42744 **School Lunch Programs** USDA/FNS adjusts the average payment for 7–1 through 12–31–79; effective 7–18–79

42743 **Child Care Food Program** USDA/FNS announces national average payment factors and food cost factors for 7–1 through 12–31–79; effective 7–1–79

42920 **Federally Funded Grants and Agreements** Labor adds new rules which provide minimum standards; effective 7–20–79 (Part V of this issue)

42745 **Nutrition Education** USDA/FNS announces School Breakfast Program expansion

42661 **Alternative Work Schedules** OPM requires establishment of a Master Plan containing guidelines and criteria; effective 7–20–79; comment by 9–18–79

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies of 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Area Code 202–523–5240

Highlights

42685 **Home Health Services** HEW/PHS requires demonstration grants for training of personnel; effective 7–20–79

42719 **Offshore Oil Pollution Compensation Fund** Treasury/IRS proposes rules for collecting fees for funding; comments and hearing requests by 9–17–79

42709 **Sea Grant Colleges and Regional Consortia** Commerce/NOAA proposes guideline procedures; comments by 8–20–79

42681 **Pooled Income Funds and Individual Trusts** Treasury/IRS finalizes rules regarding certain valuation dates; effective 7–31–69 and 12–31–78

42680 **Tax Treatment** Treasury/IRS provides regulations on certain option income of exempt organizations

42775 **Drinking Water** HEW/FDA and EPA implement a plan for controlling direct and indirect additives

42717 **Accounting Inventory Method** Treasury/IRS proposes amendments to the financial reporting conformity requirement; comments by 9–17–79

42672 **Prevention of Air Quality Deterioration** EPA proposes to amend deadlines for "commencing" construction; comments by 8–20–79

42755 **Subsidization of Motor Fuel Marketing** DOE solicits comments concerning the study until 10–5–79

42677 **Small-arms Ammunition** CPSC deletes labeling requirements; effective 7–20–79

42683 **Labor Disputes** Federal Mediation and Conciliation Service provides options to parties connected with the statutory Board of Inquiry fact-finding procedure; effective 8–1–79

42778 **Official Employee Time** Federal Labor Relations Authority clarifies interpretations of agency payment for travel and per diem expenses; comments by 8–24–79

42673 **Investment Activities** NCUA restricts activities of Federal credit unions; effective 7–20–79

42840 **Sunshine Act Meetings**

Separate Parts of This Issue

42844 **Part II, Labor/ESA**
42910 **Part III, Interior/FWS**
42914 **Part IV, HEW/NIH**
42920 **Part V, Labor**

Contents

Federal Register
Vol. 44, No. 141
Friday, July 20, 1979

The President
EXECUTIVE ORDERS
42653 Foreign Service Retirement and Disability System (EO 12145)
42655 Legal resources, Federal, management (EO 12146)

Executive Agencies

Agricultural Marketing Service
RULES
42669 Lemons grown in Calif. and Ariz

Agricultural Stabilization and Conservation Service
NOTICES
42741 Corn, grain sorghum, and soybean; 1980 program determination; inquiry

Agriculture Department
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Food and Nutrition Service; Rural Electrification Administration; Soil Conservation Service.

Air Force Department
NOTICES
Meetings:
42755 Community College Advisory Committee
42755 Scientific Advisory Board

Animal and Plant Health Inspection Service
RULES
Animal and poultry import restrictions:
42670 Birds, pet; importation
Animal exports:
42669 Ports of embarkation; deletion and addition

Blind and Other Severely Handicapped, Committee for Purchase from
NOTICES
42754 Procurement list, 1979; additions and deletions (2 documents)

Civil Aeronautics Board
NOTICES
42749 Certificates of public convenience and necessity; applications
Hearings, etc.:
42749 Former large irregular air service investigation
42750 Salt Lake City-Colorado Springs, etc. non-stop route authority
42840 Meetings; Sunshine Act

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
42750 Minnesota

Commerce Department
See also National Bureau of Standards; National Oceanic and Atmospheric Administration.
NOTICES
Meetings:
42754 Commerce Technical Advisory Board

Community Planning and Development, Office of Assistant Secretary
NOTICES
Community development block grants:
42787 Financial settlement applications; submission deadlines
42787 Small cities program; preapplications submission deadline

Consumer Product Safety Commission
RULES
Hazardous substances and articles:
42677 Ammunition labeling; revocation

Customs Service
NOTICES
Countervailing duty petitions and preliminary determinations:
42834 Textiles and textile products form Pakistan

Defense Department
See Air Force Department.

Drug Enforcement Administration
NOTICES
Schedules of controlled substances; production quotas:
42799 Hydromorphone

Economic Regulatory Administration
NOTICES
Powerplant and industrial fuel use; exemption requests:
42756, 42759 Central Power & Light Co. et al. (2 documents)
Transitional facilities; classification requests:
42758 Occidental Chemical Co.

Employment and Training Administration
NOTICES
42799 Employment transfer and business competition determinations; financial assistance applications

Employment Standards Administration
NOTICES
42844 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Fla.; La.; Md.; Mich.; Miss.; N.Y.; Okla.; Pa.; Wash. & W. Va.)
42908 Minimum Wages for Federal and federally-assisted construction; general wage determiantion decisions, modifications, and supersedeas decisions (Ga. and Tex.); correction

Energy Department
See also Economic Regulatory Administration; Hearings and Appeals Office, Energy Department.
NOTICES
42755 Petroleum Marketing Practices Act; subsidization of motor fuel marketing, etc.; study plan; inquiry and hearings

Environmental Protection Agency
RULES
Air quality control regions; criteria and control techniques:
42685 Title change of CFR part
PROPOSED RULES
Air quality control regions, criteria, and control techniques:
42726 Attainment status designations (Colo.)
Air quality implementation plans; approval and promulgation; various States:
42726 Alaska; advance notice
Air quality implementation plans; preparation, adoption, and submittal:
42672 Prevention of significant air quality deterioration (PSD)
Toxic substances:
42727 Polychlorinated biphenyls; manufacturing exemptions; extension of time
NOTICES
42775 Drinking water additives and substances; control; memorandum of understanding with FDA
Environmental statements; availability, etc.:
42768 Agency statements; review and comment
Meetings:
42773 Drinking Water National Advisory Council
Pesticides; temporary tolerances:
42774 O,O-Dimethyl O-(4-nitro-m-tolyl) phosphorothioate
Pesticides; tolerances in animal feeds and human foods:
42773 ICI Americas Inc. et al.
Water pollution; discharge of pollutants:
42774 Wisconsin

Equal Employment Opportunity Commission
PROPOSED RULES
Procedural regulations:
42721 Charges deferred to appropriate State and local agencies; designated 706 agencies
NOTICES
42840 Meetings; Sunshine Act

Federal Communications Commission
RULES
Radio stations, table of assignments:
42691 Alabama
42692 Louisiana
42694 Tennessee
Television stations; table of assignments:
42693 Georgia
42693 Missouri
PROPOSED RULES
Common carrier services:
42731 Provision of communications between United States mainland and Offshore points of Hawaii, etc.; rates and services, integration
Radio broadcasting:
42734 FM Quadraphonic broadcasting; extension of time
Radio stations; table of assignments:
42732 California
42734, 42735 Florida
42734 Nebraska
Television stations; table of assngiments:
42731 Michigan
NOTICES
42778 FM broadcast applications ready and available for processing

Federal Emergency Management Agency
NOTICES
Flood insurance; communities eligible for sale:
42689 Illinois et al.

Federal Labor Relations Authority
NOTICES
42778 Official time during collective bargaining negotiations; entitlement to payments from agencies for travel and per diem expenses

Federal Maritime Commission
NOTICES
42840 Meetings; Sunshine Act

Federal Mediation and Conciliation Service
RULES
42683 Health care industry collective bargaining disputes; boards of inquiry

Federal Prevailing Rate Advisory Committee
NOTICES
42779 Meetings

Federal Trade Commission
PROPOSED RULES
Procedures and practice rules:
42712 National Environmental Policy Act; implementation procedures

Fine Arts Commission
PROPOSED RULES
42728 Functions and organization

Fish and Wildlife Service
RULES
Endangered and threatened species:
42911 Alligator, American; correction
42910 Manatee, West African
42798 Endangered and threatened species permits; applications
Endangered Species Convention:
42798 U.S. delegation to conference; availability of report
Environmental statements; availability, etc.:
42792 Federal aid in fish and wildlife restoration programs

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
42679, 42680 Diethylstilbestrol (DES) (2 documents)

Food additives:
42678 *n*-Alkylsulfonate
PROPOSED RULES
Animal drugs, feeds, and related products:
42714 Minor use new animal drugs; safety and effectiveness data supporting approval
Human drugs:
42714 Hypoglycemic durgs, oral; labeling; extension of time
NOTICES
Animal drugs, feeds, and related products:
42781 Diethylstilbestrol (DES); approval withdrawn; stay of effective date
Committees; establishment, renewals, terminations, etc.:
42780 Science Advisory Board; request for nominations for nonvoting representative of consumer interests
42775 Drinking water additives and substances; control; memorandum of understanding with EPA
Food additives, petitions filed or withdrawn:
42781 Mitsui Petrochemical Industries, Ltd.
42779 Good laboratory practices; standards or guidelines for nonclinical laboratories; memorandum of understanding with Sweden
Meetings:
42779, 42781 Consumer participation; information exchange (2 documents)

Food and Nutrition Service
NOTICES
Child nutrition programs:
42743 Child care food program; payment and food cost factors, National average (July–December, 1979)
42744 School breakfast program; payment factors, National average (July–December, 1979)
42744 School lunch program; payment factors, National average (July–December, 1979)
42745 Nutrition education demonstration and development projects; school breakfast expansion program; solicitation of grants applications
42741 Special milk program; rate of reimbursement for period July 1, 1979 to June 30, 1980

Health, Education, and Welfare Department
See also Food and Drug Administration; National Institutes of Health; Public Health Service; Social Security Administration.
PROPOSED RULES
42727 Conduct and traffic on National Institutes of Health Reservation, Md.; intent to amend regulations
NOTICES
42783, 42785 Privacy Act; systems of records (2 documents)

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
42761 Cases filed

Housing and Urban Development Department
See Community Planning and Development, Office of Assistant Secretary.

Indian Affairs Bureau
RULES
Irrigation projects; operation and maintenance charges:
42680 St. Ignatius, Mont.
NOTICES
Irrigation projects, operation and maintenance charges:
42787 Flathead Project, Mont.

Interior Department
See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.
PROPOSED RULES
Improving Government regulations:
42701 Regulatory agenda

Internal Revenue Service
RULES
Income taxes:
42680 Exempt organizations; option income, tax treatment
Income taxes:
42681 Trusts, successive interests; applicability of separate share rule and pooled income funds; valuation date
PROPOSED RULES
Income taxes:
42717 Inventory accounting; LIFO conformity requirement for financial reporting
42719 Offshore oil pollution compensation fund; collection of fees
NOTICES
Authority delegations:
42835 Chief, Collection Branch, Compliance Division; levy on wages, salaries, etc.

International Trade Commission
NOTICES
42840 Meetings; Sunshine Act

Interstate Commerce Commission
RULES
Railroad car service orders; various companies:
42698 Bath and Hammondsport Railroad Co.
42699 Brillion & Forest Junction Railroad Co.
42696 Chesapeake & Ohio Railway Co.
42697 Chicago, Milwaukee, St. Paul & Pacific Railroad Co.
42697 Chicago, Rock Island & Pacific Railroad Co.
42698 Indiana Interstate Railway Co., Inc.
42698 Missouri-Kansas-Texas Railroad Co.
42669, 42700 Missouri Pacific Railroad Co. (2 documents)
42700 South Central Tennessee Railroad Co.
PROPOSED RULES
Motor carriers:
42737 Air terminal zones, expansion
NOTICES
Motor carriers:
42835 Blair Cartage, Inc., authority application extension
42836 Caravan Refrigeration Cargo, Inc.; authority application extension
42838 Intercorporate hauling; proposed policy statement

Railroad car service orders; various companies:
42838 Chicago, Rock Island & Pacific Railroad Co.
42837, 42838 Railroad car service, rules mandatory; exemptions (2 documents)
Railroad operation, acquisition, construction, etc.:
42837 Atchison, Tokepa & Santa Fe Railway Co.
Rerouting of traffic:
42836 All railroads
42838 Middletown and Hummelstown Railroad Co.

Justice Department
See Drug Enforcement Administration.

Labor Department
See also Employment and Training Administration; Employment Standards Administration; Pension and Welfare Benefit Programs Office.
RULES
Procurement:
42920 Grants and agreements to State and local Governments, Indian and native American entities, etc.; administrative requirements
NOTICES
Adjustment assistance:
42800 American Biltrite, Inc.
42800 Arkay Pants Co.
42800 Arno Moccasin Co.
42801 Beacon Tex Print Ltd. et al.
42801 Beaunit Corp.
42802 Bleeker Street et al.
42802 Brierwood Shoe Corp. et al.
42803 Carmen J., Inc.
42803 Charmose, Inc.
42804 Eagle Clothes, Inc.
42804 England & Compton Construction Co.
42805 Good Luck Glove Co.
42805 Gould, Inc.
42805 Gould Mines, Inc.
42806 Graceline Optical Corp.
42806 Green Valley Mining Corp.
42806 Hobet Mining & Construction Co.
42807 Hoover-NSK Bearing Co.
42807 Irving Sclan & Sons, Inc.
42808 Lucy-Ann Fashions, Inc.
42808 M. Bell Co.
42808 Martil Clothing Co.
42809 Michele Dress, Inc.
42809 Mullins Coal Co., Inc.
42809 Quaker Shoe Corp.
42810 R & R Cedar Products
42810 Royal China
42811 Style Setter Fashions
42811 Tobin Hamilton Co., Inc.
42811 U and I, Inc. (2 documents)
42812 Universal Sportswear, Inc.
42812 Webster County Coal Co.
42813 Weldon Manufacturing Co.
42813 Westforth Manufacturing Co., Inc.
42813 Whitesville A & S Coal Co., Inc., et al.
42814 Wilson-Tek Corp.

Land Management Bureau
RULES
Public land orders:
42689 Arkansas
NOTICES
Coal leases; expressions of interest:
42790 Wyoming
Coal management program:
42788 Coal leasing; call for expressions of interest
Environmental statements; availability, etc.:
42789 Livestock grazing management; Central Wyo. Rawlins District, Wyo.
Opening of public lands:
42789 Oregon
Outer Continental Shelf:
42790 Oil and gas lease sales; Gulf of Mexico; correction
Sale of public lands:
42788 Idaho

Legal Service Corporation
NOTICES
42817 Grants and contracts; applications

Libraries and Information Science, National Commission
NOTICES
42841 Meetings; Sunshine Act

National Aeronautics and Space Administration
NOTICES
Meetings:
42817 Advisory committees, closed meetings; reports, availability

National Bureau of Standards
NOTICES
Information processing standards, Federal:
42750 FORTRAN
42752 Minimal BASIC

National Credit Union Administration
RULES
Federal credit unions:
42673 Investment activities

National Institutes of Health
NOTICES
Carcinogenesis bioassay reports; availability:
42782 Butylated hydroxytoluene (BHT)
42782 Ethyl tellurac
42782 N-Nitrosodiphenylamine
42782 Tetraethylthiuram disulfide
Meetings:
42783 Cancer Panel, President's; cancellation
42914 Recombinant DNA research; actions under guidelines

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fishery conservation and management:
42738 Groundfish, Gulf of Alaska
42709 Sea grant colleges and regional consortia; guidelines
NOTICES
Fishery conservation and management:
42753 Anchovy fishery, northern; optimum yield and quotas

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
42827 Pacific Gas & Electric Co. (2 documents)

Environmental statements; availability, etc.:
42828 Uranium milling; extension of time
Meetings:
42827 Reactor Safeguards Advisory Committee
42841 Meetings; Sunshine Act
Regulatory authority; relinquishment to States:
42818 Rhode Island; availability of staff assessment; republication

Panama Canal
NOTICES
42828 Privacy Act; systems of records

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans:
42814–42816 Prohibition on transactions; exemption proceedings, applications, hearings, etc. (3 documents)

Pension Policy, President's Commission
NOTICES
42831 Meetings

Personnel Management Office
RULES
42661 Alternative work schedules experiment; interim master plan
Health benefits, Federal employees:
42668 Health plans, discontinued; contingency reserves disposition
PROPOSED RULES
Political participation by Federal employees in local elections; designations:
42708 Manassas, Va.

Postal Rate Commission
NOTICES
Post office closing; petitions for appeal:
42830 Clinchport, Va.

Public Health Service
RULES
Grants:
42685 Home health services; professionals and paraprofessionals; training

Rural Electrification Administration
RULES
42669 Bulletins; contractor's bond (Form 168c)
NOTICES
Loan guarantees, proposed:
42748 Brazos Electric Power Cooperative, Inc.
42748 Tri-State Generation and Transmission Association, Inc.

Securities and Exchange Commission
NOTICES
42841 Meetings; Sunshine Act

Small Business Administration
NOTICES
Applications, etc.:
42832 Advent Capital Corp., et al.
42832 Enerpex Capital Corp.
42833 Pines Venture Capital, Corp.
42833 Vermont Investment Capital, Inc.
42832 Minority group consideration; Asian Pacific Americans; eligibility

Social Security Administration
NOTICES
Meetings:
42786 Advisory Council

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
42749 Fox Creek Watershed, Ky.
42748 Little River Watershed Project, Iowa

Treasury Department
See Customs Service; Internal Revenue Service.

Unemployment Compensation National Commission
NOTICES
42817 Meetings

Western Area Power Administration
NOTICES
Power rate adjustments:
42767 Central Valley Project; hearing and inquiry

MEETINGS ANNOUNCED IN THIS ISSUE

CIVIL RIGHTS COMMISSION
42750 Minnesota Advisory Committee, 9–20 and 9–21–79

COMMERCE DEPARTMENT
Secretary—
42754 Commerce Technical Advisory Board, 7–31 and 8–1–79

DEFENSE DEPARTMENT
Air Force—
42755 Community College of the Air Force Advisory Committee, 8–10–79
42755 Scientific Advisory Board 8–6 and 8–7–79

ENVIRONMENTAL PROTECTION AGENCY
42773 National Drinking Water Advisory Council, 8–13 and 8–14–79

FEDERAL PREVAILING RATE ADVISORY COMMITTEE
42779 Advisory Committee, 8–9, 8–16, 8–23 and 8–30–79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Food and Drug Administration—
42779, 42781 Consumer Exchange, 7–26 and 8–9–79 (2 documents)
Social Security Administration—
42786 Advisory Council, 8–10 and 8–11–79

PRESIDENT'S COMMISSION ON PENSION POLICY
42831 Study Group on Present and Future Income Needs of the Retired and Disabled Population, 8–21–79

UNEMPLOYMENT COMPENSATION, NATIONAL COMMISSION
42817 Unemployment Insurance, 7–26 through 7–28–79

3–040000 0005(00)(19–JUL–79–20:11:26)
F4708

CANCELLED MEETING

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
National Institutes of Health—
42783 President's Cancer Panel, 7–25–79

CHANGED MEETING

NUCLEAR REGULATORY COMMISSION
42827 Reactor Safeguards Advisory Committee, Ad Hoc Subcommittee on the Three Mile Island, Unit 2 Accident Implications Re Nuclear Power Plant Design, 7–27–79

HEARINGS

ENERGY DEPARTMENT
42755 Subsidization of Motor Fuel Marketing, 8–21, 8–28 and 9–18–79
Western Area Power Administration—
42767 Central Valley Project, 8–7–79

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Executive Orders:

11952 (Revoked by EO 12145)..... 42653
12145..... 42653
12146..... 42657

5 CFR

620..... 42661
890..... 42668

Proposed Rules:

733..... 42708

7 CFR

910..... 42669
1701..... 42669

9 CFR

91..... 42669
92..... 42670

12 CFR

703..... 42673

15 CFR

Proposed Rules:

918..... 42709

16 CFR

1500..... 42677

Proposed Rules:

1..... 42712

18 CFR

Proposed Rules:

Ch. IV..... 42701

21 CFR

176..... 42678
178..... 42678
522..... 42679
556..... 42680
558..... 42679

Proposed Rules:

310..... 42714
514..... 42714

25 CFR

221..... 42680

Proposed Rules:

Ch. I..... 42701

26 CFR

1 (2 documents)..... 42680, 42681

Proposed Rules:

1..... 42717
301..... 42719

29 CFR

1420..... 42683

Proposed Rules:

1601..... 42721

30 CFR

Proposed Rules:

Ch. II..... 42701
Ch. IV..... 42701
Ch. VII..... 42701

36 CFR

Proposed Rules:

Ch. I..... 42701
Ch. XII..... 42701

40 CFR

81..... 42685

Proposed Rules:

51..... 42722
52 (2 documents)..... 42722, 42726
81..... 42726
761..... 42727

41 CFR

29–70..... 42920

Proposed Rules:

Ch. 14H..... 42701
Ch. 14R..... 42701

42 CFR

51e..... 42685

43 CFR

Public Land Orders:

5668..... 42689

Proposed Rules:

Subtitle A..... 42701
Ch. I..... 42701
Ch. II..... 42701

44 CFR

64..... 42689

45 CFR

Proposed Rules:

3..... 42727
2101..... 42728
2102..... 42728
2103..... 42728

47 CFR

73 (5 documents)..... 42691–42694

Proposed Rules:

67..... 42731
73 (6 documents)..... 42731–42735

49 CFR

1033 (10 documents)..... 42696–42700

Proposed Rules:

1047..... 42737

50 CFR

17 (2 documents)..... 42910, 42911

Proposed Rules:

Ch. I..... 42701
Ch. IV..... 42701
611..... 42738
672..... 42738

Federal Register
Vol. 44, No. 141
Friday, July 20, 1979

Presidential Documents

Title 3—

The President

Executive Order 12145 of July 18, 1979

Foreign Service Retirement and Disability System

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 805 of the Foreign Service Act of 1946, as added by Section 503 of Public Law 94–350 (90 Stat. 835; 22 U.S.C. 1065), in order to conform the Foreign Service Retirement and Disability System to certain amendments to the Civil Service Retirement and Disability System, it is hereby ordered as follows:

1–101. (a) The enactment (after January 1, 1974) of certain laws has affected a number of provisions of general applicability in the Civil Service Retirement and Disability System (subchapter III, Chapter 83 of Title 5 of the United States Code) or otherwise affected current or former participants, annuitants, or survivors under that System which, immediately prior to the enactment of such laws, had been substantially identical to corresponding provisions of law affecting participants, former participants, annuitants or surivivors under the Foreign Service Retirement and Disability System. Those laws are set forth at Annex I, attached hereto and made a part hereof.

(b) The provisions of the laws referred to in subsection (a) above are extended, as provided by Section 805 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1065), to the Foreign Service Retirement and Disability System in accordance with the provisions of this Order, which provisions shall modify, supersede, or render inapplicable all inconsistent prior provisions of law.

1–102. In accord with Section 1 of Public Law 93–260, Section 804(2) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1064(2)), is deemed to be amended by striking out "two years" wherever it appears and inserting in lieu thereof "one year". This amendment shall apply only in the cases of participants, former participants, or annuitants who died on or after April 9, 1974 but no annuity shall be paid or recomputed, by virtue of this amendment, for any period prior to May 1, 1974.

1–103. In accord with Section 1(b) of Public Law 95–382, Section 811 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1071), shall be deemed to be amended to provide that, "No contribution shall be required for any period for which credit is allowed to persons of Japanese ancestry for being interned or otherwise detained during World War II, as described in Section 1(a) of Public Law 95–382.".

1–104. In accord with Section 1 of Public Law 93–273, and notwithstanding any other provision of Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), said Section 821 shall be deemed to be amended to provide for the payment of a minimum annuity as set forth at Section 821–1 of Annex II attached hereto and made a part hereof.

1–105. In accord with Section 2 of Public Law 93–273, Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), shall be deemed to be amended to provide an increase in annuities, which have been computed on the highest five consecutive years of service, as set forth at Section 821–2 of Annex II, attached hereto and made a part hereof.

1–106. In accord with Sections 1(a) and 4 of Public Law 95–317, Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), shall be deemed to be amended to provide for the recomputation of annuities for nonmarried

annuitants as set forth at Section 821–3 of Annex II, attached hereto and made a part hereof.

1–107. (a) In accord with Section 1(c) of Public Law 95–317, the last sentence of Section 821(g) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076(g)), shall be deemed to be amended to read as follows: "The annuity reduction or recomputation shall be effective the first day of the first month beginning one year after the date of marriage."

(b) The amendment made by paragraph (a) above shall apply with respect to survivor elections received by the Secretary on or after October 1, 1978.

1–108. (a) In accord with Section 2 of Public Law 95–317, Section 821(f) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076(f)), shall be deemed to be amended by adding at the end thereof the following: "An annuity which is reduced under this subsection or any similar prior provisions of law shall, effective the first day of the month following the death of the beneficiary named under this subsection, be recomputed and paid as if the annuity had not been so reduced.".

(b) The amendment made by paragraph (a) above shall apply with respect to annuities which commence before, on, or after October 1, 1978, but no monetary benefit by reason of such amendment shall accrue for any period before October 1, 1978.

1–109. In accord with Section 3 of Public Law 95–317, Section 821 of the Foreign Service Act, as amended (22 U.S.C. 1076), shall be deemed to be amended to provide a requirement for annual notice to participants, as set forth at Section 821–4 of Annex II, attached hereto and made a part hereof.

1–110. In accord with subsection (c) and (d) of Section 2 of Public Law 95–382, Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), shall be deemed to be amended to provide World War II Internment annuity credit as set forth at Section 821–5 of Annex II, attached hereto and made a part hereof.

1–111. In accord with Sections 1(a) and 2(a) and (b) of Public Law 95–382, Section 851 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1091), shall be deemed to be amended to provide additional creditable service as set forth at Section 851–1 at Annex III attached hereto and made a part hereof.

1–112. In accord with Public Law 94–166 and Public Law 95–366, Section 864 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1104), shall be deemed to be amended to read as set forth at Annex IV, attached hereto and made a part hereof.

1–113. Because the provisions of Executive Order No. 11952 of January 7, 1977, have been incorporated into this Order or its Annexes, Executive Order No. 11952 is revoked.

Jimmy Carter

THE WHITE HOUSE,
July 18, 1979.

ANNEX I

1–101. Section 1 of Public Law 93–260, approved April 9, 1974 (88 Stat. 76).

1–102. Public Law 93–273, approved April 26, 1974 (88 Stat. 93).

1–103. Public Law 94–166, approved December 23, 1975 (89 Stat. 1002).

1–104. Public Law 95–317, approved July 10, 1978 (92 Stat. 382).

1–105. Public Law 95–366, approved September 15, 1978 (92 Stat. 600).

1–106. Public Law 95–382, approved September 22, 1978 (92 Stat. 727).

ANNEX II

Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), shall be deemed to be amended to provide:

821–1. *Payment of Minimum Annuity.*

821–101. The monthly rate of an annuity payable, under Section 821 of the Foreign Service Act of 1946, as amended, to an annuitant, or to a survivor annuitant other than a child, shall not be less than the smallest primary insurance amount, including any cost of living increase added to that amount, authorized to be paid from time to time under Title II of the Social Security Act (42 U.S.C. 401 *et seq.*).

821–102. The monthly rate of an annuity payable, under said Section 821, to a surviving child shall not be less than the smallest primary insurance amount, including any cost of living increase added to that amount, authorized to be paid from time to time under Title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or three times such primary insurance amount divided by the number of surviving children entitled to an annuity, whichever is the lesser.

821–103. The provisions of this Section 821–1 shall not apply to an annuitant or to a survivor who is or becomes entitled to receive from the United States an annuity or retired pay under any other civilian or military retirement system, benefits under Title II of the Social Security Act (42 U.S.C. 401 *et seq.*), a pension, veterans' compensation, or any other periodic payment of a similiar nature, when the monthly rate thereof is equal to or greater than the smallest primary insurance amount, including any cost of living increase added to that amount, authorized to be paid from time to time under Title II of the Social Security act (42 U.S.C. 401 *et seq.*).

821–104. The provisions of this Section 821–1 apply to all annuities, whether commenced before, on, or after August 1, 1974, but no increase in any annuity shall be paid or recomputed under this subsection for any period prior to August 1, 1974.

821–2. *Increase in Annuities.*

821–201. An annuity payable to a former participant which is based on a separation occurring prior to October 20, 1969, is increased by $240.00.

821–202. In lieu of any increase based on an increase under subsection 201, an annuity to the surviving spouse of a participant or annuitant which is based on a separation occurring prior to October 20, 1969, is increased by $132.00.

821–203. The provisions of this Section 821–2 shall not apply to annuities payable under Section 523(c) of Public Law 94–350 (90 Stat. 847, 22 U.S.C. 1076 note), or any similar prior provision of law, to the surviving spouse of a participant or annuitant.

821–204. The monthly rate of an annuity resulting from an increase under this Section 821–2 shall be considered as the monthly rate of annuity payable under Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), for purposes of computing the minimum annuity as provided in Section 821–1 of this Annex.

821–205. The provisions of this subsection apply to all annuities, whether commenced before, on, or after August 1, 1974, but no increase in any annuity shall be paid or recomputed under this Section 821–2 for any period prior to August 1, 1974.

821–3. *Recomputation of Annuities for Nonmarried Annuitants.*

821–301. An annuity which is reduced under Section 821(b)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076 (b)(1)), or any similar prior provision of law shall, for each full month during which a retired participant is not married (or is remarried if there is no election in effect under the following sentence), be recomputed and paid as if the annuity had not been so reduced. Upon remarriage the retired participant may irrevocably elect during such marriage, in a signed writing received in the Department of State within one year after such remarriage, a reduction in the participant's annuity for the purpose of allowing an annuity for the participant's spouse in the event such spouse survives the participant. Such reduction shall be equal to the reduction in effect immediately before the dissolution of the previous marriage, and shall be effective the first day of the first month beginning one year after the date of the remarriage.

821–302. Except as provided in subsection 303 below, the provisions of subsection 301 above shall apply with respect to annuities which commence before, on, or after October 1, 1978, but no monetary benefit by reason of such provision shall accrue for any period before October 1, 1978.

821–303. The provisions in subsection 301 above shall not affect the eligibility of any individual to a survivor annuity under Section 821 of the Foreign Service Act of 1946, as amended, or the reduction therefor, in the case of an annuitant who remarried before October 1, 1978, unless the annuitant notifies the Department of State in a signed writing received in the Department within one year after October 1, 1978, that such annuitant does not desire the spouse of the annuitant to receive a survivor annuity in the event of the annuitant's death. Such notification shall take effect the first day of the first month after it is received in the Department.

821–4. *Annual Notice to Participants.*

The Secretary shall, on an annual basis, inform each participant of such participant's right of election under Section 821–3 of this Annex and under Section 821(g) of the Foreign Service Act of 1946, as amended by Section 1–107 of this Executive Order.

821–5. *World War II Internment Annuity Credit.*

821–501. An annuity or survivor annuity based upon the service of a participant who is of Japanese ancestry and who was interned or otherwise detained during World War II, as described in Section 851–1 of Annex III of this Executive Order, shall, upon application to the

Secretary, be recomputed to provide creditable service for such period of internment or detention, as provided in that Section 851–1 of Annex III of this Executive Order. Any such recomputation of an annuity shall apply with respect to months beginning more than 30 days after the date on which application for such recomputation is received by the Secretary.

821–502. The Secretary shall take such action as may be necessary and appropriate to inform individuals entitled to have any service credited by reason of internment or detention, or to have any annuity recomputed under this subsection of their entitlement to such credit or recomputation.

821–503. The Secretary shall, on request, assist any individual referred to in this Section 821–5 in obtaining from any department, agency or other instrumentality of the United States, such information possessed by such instrumentality as may be necessary to verify the entitlement of such individual to have any service credited by reason of internment or detention or to have any annuity recomputed under this Section.

821–504. Any department, agency, or other instrumentality of the United States which possesses any information with respect to any such internment or other detention of any participant shall, at the request of the Secretary, furnish such information to the Secretary.

ANNEX III

Section 851 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1091), shall be deemed to be amended to provide:

851–1. *Additional Creditable Service.*

851–101. A participant who is of Japanese ancestry and who, while a citizen of the United States or an alien lawfully admitted to the United States for permanent residence, was interned or otherwise detained at any time during World War II in any camp, installation, or other facility in the United States, or in any territory or possession of the United States, under any policy or program of the United States respecting individuals of Japanese ancestry which was established during World War II in the interests of national security pursuant to:

(A) Executive Order Numbered 9066, dated February 19, 1942;

(B) Section 67 of the Act entitled 'An Act to provide a government for the Territory of Hawaii', approved April 30, 1900 (chapter 339, Fifth-sixth Congress; 31 Stat. 153);

(C) Executive Order Numbered 9489, dated October 18, 1944;

(D) Sections 4067 through 4070 of the Revised Statutes of the United States; or

(E) Any other statute, rule, regulation, or order; shall be allowed credit (as civilian service) for any period during which such participant was so interned or otherwise detained after such employee became 18 years of age.

851–102. For the purpose of this Section 851–1, 'World War II' means the period beginning on December 7, 1941, and ending on December 31, 1946.

851–103. The provisions of this Section 851–1 shall apply with respect to annuities which commence before, on, or after October 1, 1978, but no monetary benefit by reason of such amendments shall accrue for any period before October 1, 1978.

ANNEX IV

Section 864 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1104), shall be deemed to be amended to read:

Sec. 864(a) An individual entitled to an annuity from the Fund may make allotments or assignments of amounts from such annuity for such purposes as the Secretary in his sole discretion considers appropriate.

(b)(1) Payments under this title which would otherwise be made to a participant or annuitant based upon his service shall be paid (in whole or in part) by the Secretary to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation. Any payment under this paragraph to a person bars recovery by any other person.

(2) Paragraph (1) shall only apply to payments made under this title after the date of receipt by the Secretary of written notice of such decree, order, or agreement, and such additional information and documentation as the Secretary may prescribe.

(3) As used in this subsection 'court' means any court of any State or the District of Columbia.

(c) None of the moneys mentioned in this title shall be assignable, either in law or equity, except under the provisions of subsections (a) and (b) of this Section, or Section 634(c), or subject to execution, levy, attachment, garnishment, or other legal process, except as otherwise may be provided by Federal laws.

[FR Doc. 79–22705
Filed 7–18–79; 4:29 pm]
Billing code 3195–01–M

Presidential Documents

Executive Order 12146 of July 18, 1979

Management of Federal Legal Resources

By the authority vested in me as President by the Constitution and statutes of the United States of America, it is hereby ordered as follows:

1.1. *Establishment of the Federal Legal Council.*

1–101. There is hereby established the Federal Legal Council, which shall be composed of the Attorney General and the representatives of not more than 15 other agencies. The agency representative shall be designated by the head of the agency.

1–102. The initial membership of the Council, in addition to the Attorney General, shall consist of representatives designated by the heads of the following agencies:

(a) The Department of Commerce.

(b) The Department of Defense.

(c) The Department of Energy.

(d) The Environmental Protection Agency.

(e) The Equal Employment Opportunity Commission.

(f) The Federal Trade Commission.

(g) The Department of Health, Education, and Welfare.

(h) The Interstate Commerce Commission.

(i) The Department of Labor.

(j) The National Labor Relations Board.

(k) The Securities and Exchange Commission.

(l) The Department of State.

(m) The Department of the Treasury.

(n) The United States Postal Service and

(o) the Veterans Administration.

1–103. The initial members of the Council shall serve for a term of two years. Thereafter, the agencies which compose the membership shall be designated annually by the Council and at least five positions on the Council, other than that held by the Attorney General, shall rotate annually.

1–104. In addition to the above members, the Directors of the Office of Management and Budget and the Office of Personnel Management, or their designees, shall be advisory members of the Council.

1–105. The Attorney General shall chair the Council and provide staff for its operation. Representatives of agencies that are not members of the Council may serve on or chair subcommittees of the Council.

1–2. *Functions of the Council.*

1–201. The Council shall promote:

(a) coordination and communication among Federal legal offices;

(b) improved management of Federal lawyers, associated support personnel, and information systems;

(c) improvements in the training provided to Federal lawyers;

(d) the facilitation of the personal donation of *pro bono* legal services by Federal attorneys;

(e) the use of joint or shared legal facilities in field offices; and

(f) the delegation of legal work to field offices.

1–202. The Council shall study and seek to resolve problems in the efficient and effective management of Federal legal resources that are beyond the capacity or authority of individual agencies to resolve.

1–203. The Council shall develop recommendations for legislation and other actions: (a) to increase the efficient and effective operation and management of Federal legal resources, including those matters specified in Section 1–201, and (b) to avoid inconsistent or unnecessary litigation by agencies.

1–3. *Litigation Notice System.*

1–301. The Attorney General shall establish and maintain a litigation notice system that provides timely information about all civil litigation pending in the courts in which the Federal Government is a party or has a significant interest.

1–302. The Attorney General shall issue rules to govern operation of the notice system. The rules shall include the following requirement:

(a) All agencies with authority to litigate cases in court shall promptly notify the Attorney General about those cases that fall in classes or categories designated from time to time by the Attorney General.

(b) The Attorney General shall provide all agencies reasonable access to the information collected in the litigation notice system.

1–4. *Resolution of Interagency Legal Disputes.*

1–401. Whenever two or more Executive agencies are unable to resolve a legal dispute between them, including the question of which has jurisdiction to administer a particular program or to regulate a particular activity, each agency is encouraged to submit the dispute to the Attorney General.

1–402. Whenever two or more Executive agencies whose heads serve at the pleasure of the President are unable to resolve such a legal dispute, the agencies shall submit the dispute to the Attorney General prior to proceeding in any court, except where there is specific statutory vesting of responsibility for a resolution elsewhere.

1–5. *Access to Legal Opinions.*

1–501. In addition to the disclosure now required by law, all agencies are encouraged to make available for public inspection and copying other opinions of their legal officers that are statements of policy or interpretation that have been adopted by the agency, unless the agency determines that disclosure would result in demonstrable harm.

1–502. All agencies are encouraged to make available on request other legal opinions, when the agency determines that disclosure would not be harmful.

1–6. *Automated Legal Research and Information Systems.*

1–601. The Attorney General, in coordination with the Secretary of Defense and other agency heads, shall provide for a computerized legal research system that will be available to all Federal law offices on a reimbursable basis. The system may include in its data base such Federal regulations, case briefs, and legal opinions, as the Attorney General deems appropriate.

1–602. The Federal Legal Council shall provide leadership for all Federal legal offices in establishing appropriate word processing and management information systems.

1–7. *Responsibilities of the Agencies.*

1–701. Each agency shall (a) review the management and operation of its legal activities and report in one year to the Federal Legal Council all steps being taken to improve those operations, and (b) cooperate with the Federal Legal Council and the Attorney General in the performance of the functions provided by this Order.

1–702. To the extent permitted by law, each agency shall furnish the Federal Legal Council and the Attorney General with reports, information and assistance as requested to carry out the provisions of this Order.

Jimmy Carter

THE WHITE HOUSE,
July 18, 1979.

[FR Doc. 79–22727
Filed 7–19–79; 10:40 am]
Billing code 3195–01–M

Rules and Regulations

Federal Register
Vol. 44, No. 141
Friday, July 20, 1979

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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 620

Alternative Work Schedules Experiment

AGENCY: Office of Personnel Management.

ACTION: Interim Master Plan for the Alternative Work Schedules Experimental Program (AWS).

SUMMARY: Pub. L. 95–390 (the "Federal Employees Flexible and Compressed Work Schedules Act of 1978") requires the Office of Personnel Management (OPM) to establish a Master Plan by June 27, 1979, containing the guidelines and criteria by which alternative work schedule experiments in the Federal Government will be evaluated. In order to comply with this statutory requirement, the interim Master Plan is published below.

DATE: Effective date: July 20, 1979 and until a final Master Plan is issued. Comment date: Written comments will be considered if received no later than September 17, 1979.

ADDRESS: Send written comments to Mr. Raymond C. Weissenborn, Director, Compensation Division, Office of Personnel Management, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Dr. Raymond J. Kirk (202) 632–5604.

SUPPLEMENTARY INFORMATION: Public Law 95–390 mandates a 3-year period of controlled experimentation with the use of flexible and compressed work schedules for employees of agencies in the executive branch of the Federal Government. The Office of Personnel Management is charged with the responsibility for establishing the program within which these experiments will be conducted. Upon completion of the 3-year period, OPM must make a report to the President and the Congress containing recommendations concerning legislation or administrative actions which should be taken, if any, based upon the results of the experiments. The proposed interim Master Plan developed by OPM sets forth the guidelines and criteria by which the program will be directed.

Proposed OPM regulations for the Alternative Work Schedules Experimental Program were published for comment in the **Federal Register** on May 22, 1979 (44 FR 29673).

Accordingly, the Office of Personnel Management is establishing an interim Master Plan, as set forth below:

Note.—The master plan will be reprinted as an appendix to 5 CFR Part 620 when Part 620 is adopted as a final rule.

Master Plan for the Alternative Work Schedules Experimental Program

Table of Contents

I. Background

I–A. General Introduction.
I–B. Pub. L. 95–390.

II. Research Questions

II–A. Efficiency of Government Operations.
II–B. Mass Transit Facilities and Traffic.
II–C. Levels of Energy Consumption.
II–D. Service to the Public.
II–E. Opportunities for Full-time and Part-time Employment.
II–F. Quality of Life for Individuals and Families.

III. Conduct of the Evaluation

III–A. Design.
III–B. Sample.
III–C. Experimental Control.
III–D. Implementation.
III–E. Data Collection.
III–F. Analytic Methodology.
III–G. Reports.

Master Plan for the Alternative Work Schedules Experimental Program

The Federal Employees Flexible and Compressed Work Schedules Act of 1978 requires the Office of Personnel Management to establish a program to provide an adequate basis on which to evaluate the effectiveness of alternative work schedules. This Master Plan outlines the research questions, the experimental design, the data collection procedures, and the analytic techniques which will be used for evaluating the impact of alternative work schedules on the Federal work force.

I. Background

A. *General Introduction.* The 5-day, 40-hour workweek with fixed starting and ending times has remained the dominant work schedule for the past 40 years. It is only in the past 12 years that organizations have begun to experiment with alternative work schedules, that is, work schedules which allow some flexibility in selection of starting times or which compress the workweek into some period shorter than the traditional 5 days.

The two general categories of alternative work schedules are flexitime and compressed workweeks. Flexitime is a schedule which allows an employee to vary, within constraints set by the organization, the times he or she reports for duty and departs from work. A compressed workweek is one which compresses the 40-hour workweek into less than 5 days, or alternatively the 80-hour biweekly pay period into less than 10 working days. The most common compressed workweek is four, 10-hour days.

In 1967, Messerschmitt-Boelhow-Blohm, an aerospace company in Munich, West Germany, became the first major industrial plant in the world to adopt a flexible working hours arrangement for its 2,000 employees. The impetus behind this first experiment with flexitime was the severe traffic bottleneck around the factory, caused by several thousand workers all starting and leaving work at the same time.

Within 15 months the experiment was judged a success, and flexitime was made permanent. At first slowly, and then later at an increasing pace, other European business firms began trying a variety of scheduling arrangements involving flexible hours.

Although first introduced in the United States in 1971, by 1977 there were an estimated 2.5 to 3.5 million employees (approximately 6 percent of the working population) on flexible schedules, not counting those professionals, managers, salespeople, and self-employed workers who had long set their own work schedules. Additionally, there were 2.1 million

workers on compressed workweeks in 1977.

In a recent review of the empirical literature on flexible hours, Golembiewski and Proehl (Robert I. Golembiewski and Carl W. Proehl, Jr., "A Survey of the Empirical Literature on Flexible Workhours: Character and Consequences of a Major Innovation," *Academy of Management Review*, October 1978, pp. 837–853) found that there is widespread interest in and enthusiasm for these schedules *even though* an empirical basis for adopting them is, for the most part, lacking. Hitherto, there has not been sufficient study—either in numbers, or in rigor to attribute specific differences in results to various ways of structuring or administering such schedules. Few studies used control or comparison groups; few provided a longitudinal perspective or any sort of statistical treatment. Another deficiency of previous studies is that most of these studies were conducted in clerical, white-collar contexts. Furthermore, these studies tended to overlook the impact of alternative work schedules on performance and productivity. Finally, past studies have not been sophisticated enough to take into account the variability that may result from the differences between union and non-union settings.

In summary, previous studies on alternative work schedules have been narrow and limited. In addition to the deficiencies discussed above, they have tended to focus largely on employees' attitudes about such schedules and on macro-behavioral variables, such as effects on the use of vacation time and on tardiness. Conversely, they have paid little attention to managers' attitudes and changes in these attitudes as affected by such schedules.

B. *Pub. L. 95–390.* The President and the Congress have found the evidence on alternative work schedules to be sufficiently encouraging to warrant the enactment of the Federal Employees Flexible and Compressed Work Schedules Act of 1978. Pub. L. 95–390 mandates a 3-year period of controlled experimentation with the use of flexible and compressed work schedules for employees of agencies in the executive branch of the United States Government. The purpose of the experimentation is to determine the impacts—both positive and negative—which these alternatives to traditional work schedules may have on: (1) Efficiency of Government operations; (2) service to the public; (3) mass transit facilities; (4) energy consumption; (5) increased job opportunities; and (6) the quality of life for individuals and families.

The experimentation is made possible by the temporary modification of certain premium pay and scheduling provisions of: (1) Title 5, United States Code, and (2) the overtime pay provisions of the Fair Labor Standards Act (FLSA). This modification is applicable only to those agencies or work units participating in a test program; all permanent provisions of title 5 and the FLSA remain in effect for nonparticipating agency activities and employees.

Pub. L. 95–390 further requires that the OPM develop and conduct an experimental program of sufficient depth and diversity to:

> * * * provide an adequate basis on which to evaluate the effectiveness and desirability of permanently maintaining flexible or compressed work schedules within the executive branch. (Section 4(a)(1) of Pub. L. 95–390.)

II. Research Questions

This section presents the research questions which the program will address in order to carry out the required evaluation of the impact of alternative work schedules on the Federal work force. While few previous studies have systematically examined the effects of alternative work schedules, there has been a sufficient number of studies, and the pattern of results has been consistent enough to suggest a set of variables for the present research project.

General systems theory provides a heuristic model for examining the interrelationships among the variables. Variables may be classified into one of three types: Inputs, processes, and outputs. A model for the present project is shown in Figure 1. Input variables are those factors which are outside the direct control of the work unit—i.e., they are inputs to the work unit. In the present project, such variables as mission, location and work schedule are examples of inputs. Process variables are those variables which are internal to the work unit and affect the functioning of the work unit—e.g., the organizational climate, the implementation of the alternative work schedule, and the supervisor's behavior. The outputs are the end products, the results of the work unit's activities. In the model presented in Figure 1, the six impact areas specified in Pub. L. 95–390 are conceptualized as the outputs. The general systems model suggests that there is no simple single answer to the question, "What is the effect of alternative work schedule *X*?" The variables are all highly interactive, and the effects of a given schedule will be influenced, or moderated, by the specific inputs and processes operating in the system. For this reason, a series of research questions has been formulated for the present evaluation of alternative schedules in Federal agencies. The specific research questions intended to address the six impact areas are listed below.

Figure 1

Input

Alternative Work Schedule.
Flexitime.
Compressed workweek.
Organizational Characteristics.
Geographic location.
Size of work unit.
Function and technology of work unit.
Presence or absence of bargaining unit.
Transportation Facilities.
Workers' Characteristics.
Labor Market Conditions.

Process

Organizational Climate.
Supervisor Behavior.
Job Satisfaction.
Implementation of AWS.
Abuses of System.
Scheduling.

Output

Efficiency of Government Operations.
Mass Transit and Traffic.
Energy Consumption.
Service to Public.
Employment Opportunities.
Quality of Life.

A. Efficiency of Government Operations.

1. What changes occur in mission accomplishment and work unit costs?

2. How are managment tasks affected? What problems develop and how are they solved?

3. What are the effects on organizational climate resulting from AWS?

4. Are efficiency and productivity affected by the type of AWS used, the technology of the work unit, or characteristics of the work force?

B. Mass Transit Facilities and Traffic.

1. Is there a transportation advantage from AWS for either individuals or public transit authorities?

2. What effects do AWS have on the choice of commuters' transportation and on commuting time?

3. What are the effects on car pools and van pool programs?

4. What is the effect on rush hour congestion?

5. Is there a change in recreational travel?

C. Levels of Energy Consumption.

1. Do energy savings result from the effects of AWS on transportaton?

2. Is there an increase in energy consumption from building and equipment use as a result of AWS?

3. What is the net energy impact of AWS from transportation and building consumption effects?

D. Service to the Public.

1. Is service to the public increased or decreased in quality or quantity?

2. To what extent is the change in service affected by the AWS, work unit's function, size or location?

E. Opportunities for Full-time and Part-time Employment.

1. What are the labor supply effects of AWS?

2. Will there be new labor force entrants?

3. Is there a shift from part-time to full-time employment?

4. Does moonlighting increase?

5. What types of jobs are best suited for AWS?

6. Do the effects on employment vary with AWS, technology of work units, job performance effects, local labor market conditions, or labor union presence?

7. How do AWS affect the employment opportunities for women and for the handicapped?

F. Quality of Life for Individuals and Families.

1. How is the quality of work life affected?

2. How is the quality of personal and nonwork life affected?

3. Do social, educational, or civic activities change?

4. Do family relationships and child care change?

5. Do the effects on quality of life vary with the AWS used, the personal characteristics of the worker, or the characteristics of the organization?

III. Conduct of the Evaluation

A. *Design.* The effects of alternative work schedules on the impact areas will be analyzed by two types of studies. These are: (1) The broad based, longitudinal and cross-sectional study to which all organizations participating in the experimental program will contribute, and (2) the detailed special studies in which only selected organizations will participate.

Survey data will be collected both cross-sectionally and longitudinally. Data will be cross-sectional in that it will encompass a variety of possible alternative work schedules operating in a diverse sampling of Federal activities. It will be longitudinal in that data will be collected both prior to the inception of each experiment and at specified times in the same agencies throughout the extended duration of each experiment. All work units participating in the AWS Experimental Program will be required to provide information necessary for these studies.

The first type of study will collect information in four general areas: (1) Agency characteristics, (2) diary of major organizational events, (3) additional surveys of employees in experimental work units, and (4) objective archival data. The effects upon the various impact areas, as determined by statistical analysis of the data, will be correlated with the various alternative work schedules used. Some effects may be detectable soon after the onset of the experiment (e.g., job satisfaction, commuting time, leave usage); others may take longer to appear (e.g., turnover, changes in family roles). Some effects may initially appear and then fade away (e.g., increased morale and supervision problems). The longitudinal nature of the study will permit the tracking of these various possibilities. Specific details are provided in the Data Collection and Analytic Methodology sections below.

In addition to the survey research, OPM will conduct a limited number of special intensive studies. These special, in-depth studies will be tailored to fit the structure and function of the particular organizations selected and to provide data necessary to answer particular research questions. The special studies will be specifically designed by OPM in collaboration with appropriate agency and union officials. Focusing upon the six impact areas outlined above, the special studies will attempt to determine, in a detailed way, the effects of alternative work schedules upon organizations which are considered representative of certain types of Federal work environments. In addition to gathering information on the six impact areas, these special studies will gather information that is pertinent to the successful introduction and administration of an AWS program such as the degree of employee involvement and necessary changes in time and attendance record keeping required for a work schedule change.

The two types of studies will provide a comprehensive evaluation of the AWS program. The longitudinal, cross-sectional study will provide an overview of the effects of AWS in a wide array of organizations. This study will allow general conclusions about AWS in the Federal Government. The special studies will enrich the conclusions of the longitudinal, cross-sectional study by providing detailed results on specific impact areas. For example, the longitudinal, cross-sectional study will provide results on changes in commuting habits as a function of work schedule. The intensive studies on transportation will supplement those results by providing detailed information on ridership of mass transit, traffic congestion, and changes in work and nonwork related automobile travel.

The OPM will provide data collection instruments, assistance to organizations implementing alternative work schedules, and data analysis. Each participating organization will be responsible for both the day-to-day management of the experimental program and the collection of required data. Organizations should expect to designate one or more individuals to: (1) Serve as the principal point of contact between the organization and OPM; (2) carry out the coordination, planning, and implementation of the organization's alternative work schedules experiment; (3) distribute OPM data collection forms and instruments, assure adequate collection of baseline and followup data from the organization's records and from employee surveys, and forward the raw data to OPM's research staff for analysis; and (4) maintain an organizational diary. Ordinarily, one person would have responsibility for all four tasks and functions, but in larger organizations these functions might be divided among two or more people.

B. *Sample.* Any agency that wishes to test an alternative work schedule may do so, as long as it abides by the regulations prescribed by OPM to guide the experimental program. Thus, the sample is essentially a self-selected one. However, a sufficient number of diverse organizations must participate in the alternative work schedules experimental program. For this reason, Pub. L. 95–390 gives OPM authority to require selected agencies to experiment with certain work schedules. However, it is not anticipated that this provision will need to be invoked.

To ensure that the requirement of Pub. L. 95–390 for a sample of organizations of different sizes, geographic locations, functions and activities is met, a factorial design with three levels of organizational size, three categories of functions and activities, two levels of geographic region, two levels of locale, and four types of work schedules, has been developed for the evaluation design. The design calls for three levels of organizational size, i.e., the organization has less than 50 employees,

51 to 100 employees, and greater than 100 employees. Three types of organizational functions and activities will be included. They are routine office activities, such as word processing centers, large clerical operations; professional or staff activities; and prevailing wage job activities such as print shops, building and grounds crews, electricians, etc. Two of the factors deal with geographical location. Region of the country has two levels, sunbelt with little or no severe seasonal variations and frost belt with distinct changes in the weather between summer and winter. The second geographic factor is the locale, i.e., urban vs. rural location of the work site. The last factor is schedule. The work schedule factor is divided into four general types—two variations of flexible work schedules and two variations of compressed work schedules.

This design results in 144 cells. An absolute minimum of two work units in each cell is needed but many more are expected to participate in the experimental program. These experimental work units may be part of a considerably smaller number of experimental organizations. Since effects, in many instances, are to be measured in relation to the functions and activities of a particular unit, data on most variables will be collected at the functional work unit level and aggregated as necessary to answer the different research questions. Thus, an organization might choose to experiment with all of its employees, or in only a few work units, for example, accounting, personnel, or computer center.

A work unit must have a reasonably homogeneous work technology and a single focus of function and activity. Typically it will be a unit headed by a supervisor authorized to certify time and attendance cards. For example, a work unit for purposes of this project might be a mail room, a printing plant, a data processing center, a claims group, or a policy group; however, all employees in a work unit should be on the same type schedule, with the exception of those employees excluded because of personal hardship.

C. *Experimental Control.* Due to the diversity and complexity of organizations that will be part of the research project, it is not possible to conduct a perfectly controlled experiment. However, several procedures will be used to increase the confidence in inferences made from the data.

First, to the maximum extent possible, control groups will be incorporated into the designs for intensive special studies.

A second "control" will be provided by data from two of the evaluation studies of the Civil Service Reform Act being conducted by the OPM. The first of these is a study of productivity in the Federal sector. The productivity data will be collected on an aggregated basis across organizations. While these data will not allow specific comparisons with the experimental organizations, they will provide a trend line against which changes in productivity in the experimental organizations can be compared. In addition, an attitude survey of 20,000 Federal emloyees will be conducted annually during the time period of the Alternative Work Schedules Experimental Program. This survey contains organizational climate scales in common with the employee survey which will be used in the Alternative Work Schedules Experimental Program. As with the productivity data, these common scales will provide a trend line of Federal employees' attitudes toward the work place for comparison with the attitudes of employees participating in the experiment.

A third control procedure will be a random sample of 2,000 to 3,000 Federal employees. This sample will be sent portions of the employee survey used in the Alternative Work Schedules Experimental Program which deal with commuting habits, job performance, impact of the job on family and personal life, and so forth. This will allow direct comparisons of differences between employees on alternative work schedules and the Federal work force at large.

An additional control will be the statistical controls made possible by the nature of the longitudinal design. Thus, each work unit will serve as its own control to determine changes over time.

D. *Implementation*—1. *Technical Assistance.*—(a) *Orientation sessions.* The Washington AWS program staff is conducting a series of orientation meetings. The purposes of these meetings are to confer with regional officials on plans to implement Pub. L. 95–390; to brief local agency and union representatives on opportunities provided by the legislation and requirements for participation in the experimental program; and to hold planning sessions with representatives of agencies and unions that express an early interest in an AWS experiment.

(b) *Local project and research coordinator training.* During the last half of FY 79, the Washington program staff will develop and issue two guides for agency use: An "Implementation Guide" and a "Supervisor's Guide." Also, during this period, the staff, in cooperation with regional staff, will assist in training sessions for local agency personnel who are serving as their organization's project leaders and research coordinators.

(c) *Consulting services.* The Washington AWS research and implementation staff will be available throughout the life of the program to provide telephone consulting services and some onsite consultation, if necessary. Regional program staff will also be available to provide advice and consulting services.

(d) *Public information services.* Central office staff will be available to speak before national professional gatherings, union meetings, conferences, or similar groups which desire information about the experimental program. They will also contribute to government or other publications and respond to inquiries from the press, researchers, and practitioners.

2. *Educational Materials.* A number of educational materials are available from the OPM. These include:

(a) A booklet that briefly describes the Alternative Work Schedules Program. It covers the legislative mandate, the research plan, and the steps to be taken to implement the nonresearch aspects of this mandate.

(b) A slide presentation that explains the requirements of Public Law 95–390, explains the various forms of flexible and compressed work schedules that may be tested under the law and outlines experimental agencies' data collection responsibilities.

(c) An implementation manual that describes a process agencies may follow in planning and implementing an alternative work schedule. This manual emphasizes joint labor-management planning for the experiment and employee participation in analyzing work requirements in their own units so that they may have input into the process by which systems, designed to ensure the adequacy of the work force at any given time, are formulated.

3. *Regulations and Guidance.* Regulations for the Alternative Work Schedules Program are in Part 620 of the OPM's regulations (title 5, Code of Federal Regulations). These regulations must be used in conjunction with Pub. L. 95–390. The regulations and the additional guidance for administration of alternative work schedule experimental programs is provided in Book 620 of FPM Supplement 990–2.

E. *Data Collection.* Data will be collected by each organization using the forms and surveys provided by the OPM. OPM will also provide guidance

and advice on establishing data collection procedures. The raw, unanalyzed data will be forwarded to OPM for all data reduction and analysis. All data collected will be treated in a confidential manner. No individuals will be identified. The results of the experiment will be reported as scores aggregated across work units and organizations. Organizations which terminate the experiment prior to the end of the experimental period will provide OPM with data on the reasons for termination as well as other data which may be required.

1. *Experimental Studies.* The following types of data will be collected from all work units experimenting with AWS.

(a) *Organizational/Work Unit Characteristics.* Descriptive information to be collected prior to the onset of an experiment will include:

—Number of employees in experimental work unit by age, sex, grade

—Location of work unit

—Pre-experimental work schedule and alternative work schedule planned

—Major activities or services of experimental work units (e.g., clerical, produce goods, customer contact, office or plant function)

—Work technology (e.g., machine-paced vs. worker-paced jobs, autonomous vs. interdependent job, nature of supervision and communication)

—Bargaining unit status

—Car pool programs, van pool programs, parking facilities

—Availability of public transportation to organization

(b) *Longitudinal Archival Data.* Organizations should obtain as much of the longitudinal data as possible retrospectively from existing records for the 12-month period preceding the start of the experiment. Data collection procedures should be established to record required information during the 18-month experimental period which is not routinely maintained. Data collected will include the following:

—Productivity measures, if any, currently utilized by the organization

—Turnover

—Sick leave, annual leave, and leave without pay usage (total number of hours per month and number of incidents of leave use per month)

—Number of authorized overtime hours

—Part-time/full-time employee ratio

—Accident rates

—Available utility costs

—Applicants/job openings ratio.

(c) *Employee Survey.* Some attitudinal data and information can be collected only from surveys of employees in the experimental work units (e.g., commuting habits). Four surveys of employees will be conducted. These surveys will take approximately 45 minutes to complete and will be collected prior to the start of the experimental period, 3 months, 12 months, and 18 months into the experimental period. The surveys will collect data on the following areas:

—Organizational climate and quality of working life

—Commuting habits

—Impact on family and personal life

—Job performance

—Job satisfaction

—Time utilization

—AWS utilization

—Perceived abuses of system

—Supervisor's functions

—Scheduling

—Recreational travel habits.

(d) *Diary of Significant Events.* The local Project Director will be required to keep a diary of significant events within the organization which might have an impact on the effects of AWS. Examples of such events might include a move to a new building, a flu epidemic, a change in supervisors (including top level management), changes in work flow, major snow storms, reorganization, or a critical energy shortage.

2. *Intensive Special Studies.* Because certain, limited types of data may be difficult to obtain on an overall, cross-sectional basis, and because some results may be manifest only in the presence of special factors, some effects of the use of alternative work schedules can be determined only through special studies. As stated in the design section, the intensive special studies will serve to supplement the result of the longitudinal study and provide additional explanatory detail in the final report. These special studies will differ from the major experimental studies in at least one of two ways. They will have more intensive data collection, and/or they will utilize controlled experimental or quasi-experimental designs. The AWS research staff will assist agencies in the establishment and implementation of these intensive studies; further, they will provide limited consultation on the continued administration of the studies.

Specific details of the special studies cannot be determined until the work units that will participate are identified. The special studies' objectives, site selection factors, and data requirements are listed, by impact area, below.

Note.—Agencies wishing additional information on participation in special studies should contact: Alternative Work Schedules Project, Office of Leave and Pay Administration Policy, Office of Personnel Management, 1900 E Street, N.W., Room 3554, Washington, D.C. 20415, (202) 632-5604, FTS 632-5604.

(a) Study #1: *Net efficiency of operations:*

Objectives

—To develop a quantitative estimate of the effects of alternative work schedules on productivity, labor costs, and "overhead" costs (support services);

—To determine the effects of alternative work schedules on the roles of managers and supervisors, and consequent effects upon the efficiency of the organization's operations.

Overview: Work units which participate in this study must fulfill the following criteria:

—They must produce an output which can be measured in physical or monetary units.

—They must be able to measure labor and other input.

—They must be able to measure turnover, absenteeism, tardiness, recruiting and training in "natural" units which can be converted into dollar equivalents. These costs will then be aggregated with total costs for compensation in order to determine net change in such costs, which may then be correlated with the particular alternative work schedule employed.

—If possible, they must provide measurements of costs for utilities and support services to determine what changes, if any, result from implementation of an alternative work schedule.

These measurements will be taken on a work unit basis; data will be collected both prior to the onset of the experiment and during the experimental period. A diversity of work units varying in type of alternative work schedule utilized, function of unit, and location will be included. Examples of such units include a printing shop, a vehicle renovation shop, or a claims examining office.

The AWS Research Staff has primary responsibility for data collection. In addition to the measures described above, data collection might include direct observation of work unit operations and structured interviews with managers and supervisors to determine their perceptions of their roles and functions, and how these are affected by use of an alternative work schedule.

(b) Study No. 2: *Long-run organizational change*

Objectives

—To assess the effects of alternative work schedules on quality of working life and organizational health. Organizational health is defined for this project as the ability of an organization to sustain its capacities and operations without exhausting resources and to continually accomplish its goals regardless of the nature of these goals or how they might change.

The abilities might, in turn, be affected by changes resulting from use of alternative work schedules on the following organizational activities:

—Communication patterns,

—Amount of teamwork,

—Characteristics of interpersonal interactions,

—Nature of decisionmaking,

—Reward allocation, and

—Satisfaction in the organization.

—To identify the mechanisms and conditions for maximizing the successful adoption of an alternative work schedule in an organization.

Overview: Work units which participate in this study must be willing to allow AWS Research Staff involvement during the planning and implementation of an alternative work schedule. Such work units will typically have a complex organizational structure including several organizational levels, such as an entire organization encompassing several bureaus, divisions, and so on.

The implementation of the new work schedule will be directed at improving organizational functioning in the six areas listed above in a way that is designed to meet the specific needs of the work units.

The AWS Research Staff will provide onsite consultation to participating organizations. This consultation will focus on the procedures and decision making processes involved in the implementation of an alternative work schedule. The AWS Research Staff will provide questionnaires and other instruments for the conduct of this study. Part of the data will be gathered by direct observation of the experimental work units and focus group interviews.

(c) Study No. 3: *Labor-management relations*

Objectives

—To determine the impact of the use of alternative work schedules upon labor union concerns;

—To examine the role of labor unions in implementing such schedules; and

—To determine the overall effect of alternative work schedules on labor-management relations.

Overview: Work units which participate in this study must fulfill the following criteria:

—They must have an exclusive bargaining agreement.

—They must have organizations where union and management agree to participate jointly in the implementation of alternative schedules and the planning and conduct of the special study.

The AWS Research staff will provide employee-questionnaires and will conduct detailed interviews with both labor leaders and managers. This data will be gathered both before the inception of the experiment and during the experiment. The AWS Research staff may also gather data by direct observation of the organization's operations.

(d) Study #4: *Rush hours and mass transit*

Objectives

—To estimate the extent to which alternative work schedules can reduce rush hour congestion, and

—To estimate their potential effect on mass transit ridership, revenues, and incremental costs.

Overview: Work units which participate in this study must be located where:

—A large number of workers change from a standard to an alternative work schedule.

—Those workers constitute a large proportion of all automobile transit users in that location.

—Transportation access is limited and some congestion exists.

In some of these locations there should be mass transit facilities. This will usually imply an urban location. Work units must differ by work schedule used and availability and type of mass transit, carpools, and parking, as well as by nature of location. Measurements will include traffic and passenger counts, modal split, and trip diaries kept by a sample of employees. The local mass transit authority should have use data by route. Measurements will be taken both prior to the experiment and periodically during the experiment by the AWS Research Staff.

(e) Study #5: *Energy consumption of buildings, equipment, and transportation*

Objectives

—To estimate the effects of flexible and compressed schedules on energy consumption in buildings and for equipment,

—To estimate the effects on energy consumption in transportation (from information obtained in Study #4 and the survey research),

—To determine the effects on different sources of energy, and

—To estimate the net effect on energy consumption.

Overview: Work units that participate in this study must be situated in a building such that the power usage for heating, cooling, lighting, and equipment operation can be separately metered. These work units must differ in building characteristics, climate, work technology, and work schedule used. Aggregations of work units in the same location may be used. Data will be collected monthly, from records of utility costs for a period prior to the experimental period and throughout the experimental period by the AWS Research staff.

(f) Study #6: *The quality of customer service*

Objective: To determine the effect of flexible and compressed schedules on the quality of customer service and the value of that quality change.

Overview: Work units that participate in this study must:

—Have customer service as their primary mission,

—Provide a service whose quality can be measured in physical units, or

—Be willing to conduct an opinion survey of their customers, or allow the use of pseudo-customers. Measurements will be taken at pre-experiment and two post-experimental points by the AWS Research staff. Examples of such units might include job information offices, veterans' counseling activities, or tax consultative services.

(g) Study #7: *Labor demand and supply*

Objectives

—To determine the effect of flexible and compressed schedules on increasing the supply of labor (via new entrants, switches from part-time to full-time employment, or increased moonlighting), and

—To determine the effect on the demand for labor (via substitution with other inputs and changes in output).

Overview: Work units that participate in this study must be able to take quantitative measurements on detailed characteristics of job holders and job applicants. Measurements will be taken at one pre-experiment and one or more post-experiment points by the AWS Research staff. Work units should differ

in work technology and type of work schedule used.

(h) Study #8: *Quality of nonworking life*

Objectives

—To assess the effects of alternative work schedules on family roles, and

—To identify shifts in use of nonwork time.

Overview: Work units that participate in this study must be willing to have data collected from employees within the work unit by personal interviews and questionnaires. Measurements will be needed on personal characteristics such as use of nonwork time for recreational, educational and civic activities, household tasks, family schedules, marital and family status, child care, and other variables. Data will be taken prior to the start of the experiment and periodically during the experiment by the AWS Research staff.

3. Secondary Data

(a) *Existing Information.* Previously published external information will be used to help determine the effects of alternative work schedules on mass transit and traffic, energy consumption, and employment opportunities. These data include:

Mass Transit and Traffic

—Traffic counts on major access routes

—Mass transit service availability

—Mass transit ridership and revenue by route

—Marginal cost of mass transit service

—Modal split.

Energy Consumption

Relationship of energy consumption to

—Changes in hours of operating

—Building type

—Climate and location

—Commuting time and mode.

Relationship between end use of energy (heating, cooling, lighting, equipment operation) to source of energy (oil, gas, coal, water, solar)

Employment Opportunities

—Labor market conditions

—Unemployment rates by age, sex, race, occupation

—Labor force participation rates by age, sex, race, marital and family status

—Characteristics of the labor force: Age, sex, race, marital and family status, part-time employment.

(b) *Existing Research.* Research which has previously been conducted on AWS within both the public and private sectors has been reviewed. The results will be used as collateral validation of the results from the present research project.

F. *Analytic Methodology.* This section provides an overview of the strategies and techniques which will be used for statistical analyses of the data collected. The purpose of any process of data analysis is to condense information contained in the body of data into a form which can be easily comprehended and interpreted. This is particularly critical to the AWS project, since the purpose of the research is to provide a basis for policy decisions and legislative action.

Sometimes this analytic process is simply used to describe a body of empirical data. In the present project, it is important to go beyond that and search for meaningful patterns of relationships among sets of variables, that is, to build a comprehensive picture of the impact of AWS on the Federal work force. Three types of procedures will be used to analyze the data collected. They are descriptive statistics, trend analysis, and multiple regression.

The descriptive analysis of the data will examine the characteristics of the distribution of each of the independent and dependent variables under investigation. This will be accomplished by using measures of central tendency (e.g., mean, median) and distributions and frequencies, such as the cross-tabulation of two variables. Proportions will be used to describe the data for discrete category variables.

A second type of analysis, trend analysis, will consist of plotting the data points of relevant variables over the time period of the experiment and identifying patterns in the data. Patterns which might be revealed are effects of experience with AWS, patterns of use which vary by the season of the year, and so on.

The third analytical procedure to be used is multiple regression, to include analysis of variance. Multiple regression allows the researcher to study the linear relationships between a set of independent variables and a dependent variable while taking into account the interrelationships among the independent variables. The basic goal of multiple regression is to produce a linear combination of independent variables which will correlate as highly as possible with the dependent variable. This linear combination can then be used to "predict" values of the dependent variable, and the importance of each of the independent variables, in that prediction can be assessed. Using multiple regression it will be possible to determine the most important factors which influence the success or failure of an AWS program in an organization.

The analytic method and independent and dependent variables are given below for each of the research questions.

For most analyses the level of analysis is the work unit, i.e., data will be aggregated within a work unit and that score will be used to represent the work unit. When a different level of analysis will be used it is indicated below.

1. *Efficiency of Government Operations.*

(a) What changes occur in mission accomplishment and work unit costs?

—Descriptive statistics and trend analysis of productivity measures, turnover rates, leave usage, accident rates and cost data.

(b) How are management tasks affected? What problems develop and how are they solved?

—Descriptive statistics and trend analysis of survey data, analysis of diaries.

—Analysis of special studies on organizational change.

(c) What are the effects on organizational climate resulting from AWS?

—Regression analysis of change scores for organizational climate and job satisfaction with work schedule used and organizational characteristics as the predictors.

—Descriptive statistics and trend analysis of organizational climate.

—Analysis of special studies on organizational change.

(d) Are efficiency and productivity affected by the type of AWS used, the technology of the work unit, or characteristics of the work force?

—Descriptive statistics of efficiency and productivity measures as a function of (1) work schedule, (2) work unit technology, and (3) work force characteristics.

—Regression analysis of outcome measures with work schedule, work unit technology and work force characteristics as predictors.

2. *Mass Transit Facilities and Traffic.*

(a) Is there a transportation advantage from AWS for either individuals or public transit authorities?

—Analysis of special studies on rush hours and mass transit.

—Descriptive statistics of survey data on commuting habits. (Level of analysis: individual)

(b) What effects do AWS have on choice of commuting transportation and on commuting time?

—Descriptive statistics of survey data on commuting habits as a function of

AWS and organizational characteristics. (Level of analysis: individual)

3. *Levels of Energy Consumption.*

(a) Are there energy savings from transportation effects of AWS?

—Regression predictions of reduced use of automobiles with type of AWS as a predictor.

(b) Is there an increase in energy consumption from building and equipment use as a result of AWS?

—Analysis of special studies on energy consumption.

(c) What is the net energy impact of AWS from transportation (a, above) and building (b, above) effects?

—Projections of the energy costs and savings as a function of a particular AWS, and organization characteristics (particularly geographic location and technology).

4. *Service to the Public.*

(a) Is service to the public increased or decreased in quality or quantity? How much is the gain or loss worth?

—Analysis of special studies on quality of customer service.

(b) How much is the change in service affected by the AWS, work unit's function, size, or location?

—Descriptive statistics of level of customer service as a function of AWS, work unit function, size, and location.

5. *Opportunites for Full-time and Part-time Employment.*

(a) What are the labor supply effects of AWS?

—Descriptive statistics of applicants/job openings ratio.

—Analysis of special studies on labor demand and supply.

—Descriptive statistics of secondary data from Bureau of Labor Statistics.

(b) Will there be new labor force entrants?

—Analysis of special studies on labor demand and supply.

(c) Is there a shift from part-time to full-time employment?

—Trend analysis of part-time/full-time employee ratio as a function of AWS.

(d) Does moonlighting increase?

—Descriptive statistics of survey data on moonlighting. (Level of analysis: Individual)

—Trend analysis of survey data as a function of AWS.

(e) What types of jobs are best suited for AWS?

—Descriptive statistics of job characteristics by AWS, where outcome measures (e.g., productivity, leave usage, etc.) and employee satisfaction are chief variables.

(f) Do the effects on employment vary with AWS, technology of work unit, job performance effects, local labor market conditions, or labor union presence?

—Regression analysis of employment opportunities with AWS, work unit technology, job performance effects, local labor market conditions, and labor union presence as predictors.

(g) How do AWS affect the employment opportunities for women and the handicapped?

—Descriptive statistics of employment and turnover rates by sex and by physical and mental handicap.

—Descriptive statistics of survey data on utilization of AWS, and attitudes toward AWS by sex and by physical and mental handicap.

6. *Quality of Life for Individuals and Families.*

(a) How is the quality of work life affected? What features of work life are affected?

—Descriptive statistics and trend analysis of survey data on organizational climate, job satisfaction and performance. (Level of analysis: individual)

(b) How is the quality of personal and nonwork life affected?

—Descriptive statistics and trend analysis of survey data on impact on family and personal life.

—Analysis of special studies of family roles.

(c) Do social, educational, or civic activities change?

—Descriptive statistics and trend analysis of survey data on impact on family and personal life.

(d) Do family relationships and child care patterns change?

—Descriptive statistics and trend analysis of survey data on impact on family and personal life.

—Analysis of special studies of family roles.

(e) Do the effects on quality of life vary with the AWS used, the personal characteristics of the worker, or the characteristics of the organization?

—Regression analysis of quality of life factors with AWS, worker characteristics, and organization characteristics as predictors.

G. *Reports.* As required by Pub. L. 95-390, an interim report containing recommendations pertaining to the legislative or administrative action, if any, which should be taken as a result of the AWS Experimental Program will be completed by September 29, 1981. A final report summarizing the results of the AWS Experimental Program will be prepared by the OPM and submitted to the President, the Speaker of the House, and the President pro tempore of the Senate by March 29, 1982.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

July 16, 1979.

[FR Doc. 79-22530 Filed 7-19-79; 8:45 am]

BILLING CODE 6325-01-M

---

5 CFR Part 890

Federal Employees Health Benefits Program; Disposition of Contingency Reserves Upon Reorganization or Merger of Plans

AGENCY: Office of Personnel Management.

ACTION: Final rulemaking.

SUMMARY: The purpose of this rule is to provide for the disposition of the contingency reserves of discontinued health plans in cases where a successor organization remains, and of parent plans from which one or more plans become severed, in a manner equitable to the continuing enrollees remaining in the successor or severed plans. This regulation will clarify 5 U.S.C. 8909 (d) and (e) and will enable the groups that contribute to the accumulation of the contingency reserves (and special reserves, for experience—rated plans) to benefit from them.

EFFECTIVE DATE: July 20, 1979.

FOR FURTHER INFORMATION CONTACT: Craig B. Pettibone, Chief, Office of Policy Development and Technical Services, Compensation Group, Office of Personnel Management (202-632-4682).

SUPPLEMENTAL INFORMATION: On August 8, 1978, proposed rulemaking was published in the **Federal Register** (43 FR 35047). Thirteen written comments were received from Federal agencies and FEHB carriers in support of the proposed rulemaking. No unfavorable comments were received.

Accordingly, a new § 890.504 is added to Subpart E of Part 890, Title 5, Code of Federal Regulations, as set out below:

§ 890.504 Disposition of contingency reserves upon reorganization or merger of plans.

Upon reorganization or merger of a plan, the surviving plan shall have credited to it the reserves of the reorganized or merged plan provided, however, if more than one plan survives, the reserves shall be divided among the surviving plans in proportion to the employees and annuitants continuing to subscribe to the surviving plans.

(5 U.S.C. 8913)

Office of Personnel Management.

Beverly M. Jones,

Issuance Systems Manager.

[FR Doc. 79-22077 Filed 7-19-79; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 208]

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 July 22–28, 1979. 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: July 22, 1979.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under 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. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The committee met on July 17, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is very strong.

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.

Further, the emergency nature of this regulation warrants publication without opportunity for further public comment, in accord with emergency procedures in Executive Order 12044. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An impact analysis is available from Malvin E. McGaha, 202–447–5975.

§ 910.508 Lemon Regulation 208.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period July 22, 1979, through July 28, 1979, is established at 300,000 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: July 18, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-22748 Filed 7-19-79; 11:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletin

AGENCY: Rural Electrification Administration.

ACTION: Final rule.

SUMMARY: REA hereby amends Appendix A—REA Bulletins to include a supplement to REA Bulletin 40–2:340–5 providing for the use of a new REA Form 168c, Contractor's Bond. The Small Business Administration (SBA) administers a guarantee program (Catalog of Federal Domestic Assistance No. 59.016) to encourage surety companies to take more risk and provide construction bonds for small contractors unable to obtain a bond without a guarantee. The new REA form, which is designed to meet SBA requirements, will help minimize the task of small contractors in obtaining surety bonding, thus permitting them to bid competitively on REA-financed construction projects that do not exceed $1,000,000.

EFFECTIVE DATE: June 20, 1979.

ADDRESS: Written comments may be addressed to Chief, Borrower's Insurance Staff, Office of Program Development and Analysis, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: John Montague, (202) 447–2800.

SUPPLEMENTARY INFORMATION: In that the material contained herein is a matter relating to the loan program of the Rural Electrification Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments to REA. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Mr. John V. Montague, Chief, Borrowers' Insurance Staff, Office of Program Development and Analysis, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated: July 13, 1979.

Robert W. Feragen,

Administrator.

[FR Doc. 79-22562 Filed 7-19-79; 8:45 am]

BILLING CODE 3510-15-M

Animal and Plant Health Inspection Service

9 CFR Part 91

Inspection and Handling of livestock for Exportation; Deletion and Addition to Lists of Ports of Embarkation for Animals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to add the port of Los Angeles, California, and to delete the port of San Francisco, California, from the lists of airports and ocean ports designated as ports of embarkation for animals.

The intended effect of this action is to update the list of ports of embarkation through which animals may be exported.

EFFECTIVE DATE: July 20, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. H. A. Waters, USDA, APHIS, VS, Room 826, Federal Building, Hyattsville, MD 20782, 301–436–8383.

SUPPLEMENTARY INFORMATION: On January 12, 1979, there was published in the **Federal Register** (44 FR 2600) a proposed rule which would add the port of Los Angeles, California, and delete the port of San Francisco, California, from the lists of airports and ocean ports designated as ports of embarkation for animals.

Two comments were received. One respondent supported the addition of the port of Los Angeles because of the convenience of that port to its animal export activity. The other respondent objected to the revocation of the port of San Francisco as a port of embarkation because of the convenience of San Francisco to its animal export activity. This comment was not directed to the statement in the proposed rule that the export inspection facilities at the port of San Francisco were found not to be in compliance with the standards for approved export inspection facilities designated in § 91.3(c).

After due consideration of all relevant information available, including that submitted in connection with the proposed rule published January 12, 1979, (44 FR 2600), 9 CFR 91.3(a)(1)(i) and (a)(2)(i) are amended to read as follows:

§ 91.3 Ports of embarkation and export inspection facilities.

(a) * * *

(1) *Airports.* (i) Chicago, Illinois; Harrisburg, Pennsylvania; Helena, Montana; Richmond, Virginia; Miami, St. Petersburg, and Tampa, Florida; New Iberia, Louisiana; Brownsville and Houston, Texas; Los Angeles, California; Moses Lake, Washington; and Newburgh, New York.

* * * * *

(2) *Ocean ports.* (i) Richmond, Virginia; Miami and Tampa, Florida; Brownsville and Houston, Texas; and Los Angeles, California.

* * * * *

(Secs. 4, 5, 23 Stat. 32, as amended; sec. 1, 32 Stat. 791, as amended; sec. 10, 26 Stat. 417; secs. 1, 2, 26 Stat. 833, as amended; secs. 12, 13, 14, 18, 34 Stat. 1263, as amended; 81 Stat. 584, 588, 592; secs. 3 and 11, 76 Stat. 130, 132; sec. 1109, 72 Stat. 799, as amended; (21 U.S.C. 105, 112, 113, 120, 121, 134b, 134f, 612, 613, 614, 618; 46 U.S.C. 466a, 466b); 49 U.S.C. 1509(d); 37 FR 28464, 28477; 38 FR 19141)

This amendment should be implemented immediately, since the export inspection facilities at the Port of San Francisco no longer meet standards adequate to insure that the health status of animals inspected and tested there may be accurately determined.

Further, since San Francisco was the only ocean port designated as a port of embarkation on the West Coast of the United States, and one of only two such airports, the port of Los Angeles should be added immediately as a port of exportation in order to avoid unnecessary restrictions on the exportation of animals.

It does not appear that further 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, good cause is found for making the amendment effective less than 30 days after publication in the **Federal Register.**

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "improving Government Regulations," and has been classified "significant." An Approved Final Impact Statement is available from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD. 20782, 301–436–8695.

Done at Washington, D.C., this 16th day of July 1979.

Pierre A. Chaloux,

Deputy Administrator, Veterinary Services.

[FR Doc. 79–22661 Filed 7–19–79; 8:45 am]

BILLING CODE 3410–34–M

---

9 CFR Part 92

Importation of Pet Birds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations (9 CFR 92) concerning the importation of pet birds into the United States and requires importers to reimburse Veterinary Services for all costs incurred which are associated with the importation of such birds. The present regulations are very difficult to administer and have been found to be inadequate to protect poultry in the United States from the introduction and spread of exotic Newcastle disease from pet birds. The intended effect of this action is to revise the manner in which pet birds are imported into the United States sufficient to prevent the undue risk of spread of disease, and to provide for the recovery of costs incurred by Veterinary Services in providing services required by the importer which are associated with the importation of such birds.

EFFECTIVE DATE: January 15, 1980, except for amendment to § 92.2(a) which is effective August 20, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. E. C. Sharman, USDA, APHIS, VS, Import-Export Staff, Room 817, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION: On January 5, 1979, there was published in the **Federal Register** (44 FR 1552–1556), a proposed amendment to the regulations (9 CFR 92) which in general would (1) require pet birds imported into the United States to be accompanied by a veterinary health certificate, (2) require that a request for quarantine space be made by the importer and accompanied by a reservation fee prior to the importation of the birds, (3) require that a 30-day quarantine period at the owners expense be completed at a USDA quarantine facility located at specifically designated ports of entry, and (4) would provide for the re-entry of pet birds of United States origin which have not been out of the country for more than 60 days, when such birds are accompanied by a United States veterinary health certificate issued prior to their departure from the United States and they are identified in a manner to confirm that they are the same birds that left the United States within the previous 60 days. Further, pet birds from Canada would continue to be imported under existing requirements of the regulations for the importation of pet birds; and finally, the Deputy Administrator would also be authorized, upon request in specific cases, to permit all types of birds to be brought into or through the United States under such conditions as he may prescribe, when he determines in the specific case that such action will not endanger the livestock or poultry of the United States.

The 60-day period for receipt of comments concerning the proposed amendments to the regulations expired March 6, 1979. A total of 32 comments were received by the Department. Seventeen of these comments opposed

the proposal for one or more reasons; twelve comments supported the proposal; and three comments neither supported nor opposed the proposal, but made suggestions or expressed concerns regarding the importation of birds in general, which were not relevant to the proposed rule.

Twelve of the comments received opposed the proposal to quarantine pet birds in USDA quarantine facilities at the expense of the importer because of the costs involved and the 30-day quarantine period required before the pet birds can be released. The Department has considered both the cost to importers and the quarantine time requirement proposed. However, after careful consideration, the determination has been made that it is essential to quarantine pet birds being imported for the 30-day period proposed in order to allow time for the collection and testing of samples for virus isolation studies and to ascertain that the birds are free of exotic Newcastle disease in order to protect the poultry of the United States from exotic Newcastle disease. The Department has determined that the actual cost for the importation of pet birds should be borne by the importer because pet birds are imported for the benefit and enjoyment of the individual owner and not for the benefit of the general public.

One comment objected to the limitation of two pet birds which may be imported as being arbitrary and questions the Department's right to decide how many pet birds a household should own. The Department has no limitation on the number of birds which may be owned, but the Public Health Service limits the number of pet psittacine birds which may be imported into the United States to two pet psittacine birds per family per year. Therefore, the regulations have been rewritten so that it is clear that the restriction on the number of pet psittacine birds is conditioned upon the regulations of the Public Health Service which restrict the entry of pet birds which are psittacines, to two pet birds per year.

Three comments objected to the advance reservation requirement and the payment of an advance reservation fee on the basis that it is unnecessary, cumbersome, problematic and obnoxious. After considering these comments, the Department has determined that the advance reservation procedure and the deposit of the reservation fee proposed are necessary in order to schedule importations in a manner to insure that quarantine space for pet birds is reserved in advance and will be available when the birds are presented for entry. The regulations [9 CFR 92(c)(3)(iii)] provide for the handling of pet birds without an advance reservation for space or the deposit of an advance reservation fee if quarantine space is available. However, owners who take the chance of importing pet birds without a reservation must bear the extra expense which may be involved in the movement of the birds to a quarantine facility that does have space available and the risk of space not being available anywhere, if space is not available at the port where the birds are presented for entry.

Two comments suggested that the proposed health certificate requirement for pet birds is unnecessary and should be deleted because the birds will be held in quarantine and observed for a period of 30 days. The Department believes that to require a health certificate will insure that the birds are not diseased at the time of shipment and that such birds will be exported to the United States in accordance with the laws of the country from which they are exported.

One comment objected to the designation of Brownsville, Laredo, and El Paso, Texas; Nogales, Arizona; and San Ysidro, California, as special ports of entry for the importation of pet birds because those ports are not designated by U.S. Fish and Wildlife Service as ports of entry for endangered species. The Department has not altered the final rule in this regard because approximately 71 percent of all pet birds imported into the United States in Fiscal Year 1977 were offered for entry through the nine ports designated as special ports for pet birds, and the use of these special ports is practical, economical and convenient for importers of pet birds.

Some comments indicated that leaving a bird at the port of entry would constitute a hardship on the bird owner because the bird owner would not have access to the bird for the quarantine period or that the owner would have to make arrangements to retrieve his bird at the end of the quarantine period. As noted in the proposal, the Department believes that the quarantine is necessary to prevent the entry of communicable diseases of poultry by pet birds.

One comment suggested keeping the system which is presently in effect. This has not been adopted for the reasons specified in the proposed rulemaking, namely that the present system does not provide adequate control over the birds to insure that the birds do not constitute a threat to introduce communicable diseases of poultry into the United States.

One comment suggested that the Department perform microscopic examinations of the droppings of birds to determine the presence of disease in one day. The Department does not believe that this would be a sufficiently reliable method of determining the presence of communicable disease because of the intermittent shedding nature of VVND where a bird sheds the disease virus one day and not on other days.

The remainder of the comments were either irrelevant or unintelligible.

After due consideration of all relevant comments received, the Department has decided to publish the regulation as a final rule essentially as proposed except to correct typographical errors and for other minor editorial changes. Further § 92.2(a) has been clarified to indicate that the Deputy Administrator will not use his perogative to admit animals, products, or birds into the United States in situations where such entry is expressly prohibited by the Tariff Act of 1930 (19 U.S.C. 1306). This is being done in order to remove any ambiguity regarding a potential conflict between the regulations and the statute.

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 92.2, that portion of paragraph (a) following the colon is amended to read:

Provided, That, Except as prohibited by Section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), the Deputy Administrator may upon request in specific cases permit animals or products or birds to be brought into or through the United States under such conditions as he may prescribe, when he determines in the specific case that such action will not endanger the livestock or poultry of the United States.

2. A new footnote 2a is added to read: U.S. Public Health Service Regulations (42 CFR 71.164(e)) restrict the entry of pet psittacine birds to two birds per family per year.

3. In § 92.2, the phrase "or pet birds" is added after the phrase "research birds" in the first sentence of paragraph (f) and paragraph (c) is amended to read:

§ 92.2 General prohibitions; exceptions.

* * * * *

(c)(1) Pet birds offered for entry from Canada and which are not known to be affected with or exposed to any communicable disease of poultry, which are caged (prior to release from the port of entry) and which are personal pets,

may be imported by the owner thereof at any port of entry designated in § 92.3.[2a] *Provided, That,* such birds are found upon port of entry veterinary inspection under § 92.8 to be free of poultry diseases and at the time of entry the owner signs and furnishes to the Deputy Administrator, Veterinary Services, a statement stating that the bird or birds have been in his possession for a minimum of 90 days preceding the date of importation and that during such time such birds have not been in contact with poultry or other birds (for example, association with other avian species at exhibitions or in aviaries).

(2) Pet birds which originated in the United States and have not been outside the country for more than 60 days may be offered for entry under the provisions of § 92.2(c)(1)[2a]: *Provided,* that such birds are also accompanied by a United States veterinary health certificate issued prior to the departure of the birds from the United States and the certificate shows the leg band or tattoo number affixed to the birds prior to departure, and *Provided further,* That during port of entry veterinary inspection it is determined that the leg band or tattoo on the bird is the same as the one listed on the health certificate. Lots of pet birds of United States origin which have been outside the United States for more than 60 days or which do not otherwise meet the requirements of paragraphs (c)(1) or (c)(2) of this section may be offered for entry under the provisions of paragraph (c)(3) of this section.

(3) Pet birds which are not known to be affected with or exposed to communicable diseases of poultry may be offered for entry at one of the ports of entry designated in § 92.3(e) under the following conditions:[2a]

(i) The pet birds shall be accompanied by a veterinary health certificate issued by a national government veterinary officer of the country of export stating that he personally inspected the birds listed on the health certificate and found them to be free of evidence of Newcastle disease, ornithosis, and other communicable diseases of poultry, and that the birds were being exported in compliance with the laws and regulations of the country of export. Certificates in a foreign language must be translated into English at the expense of the importer.

(ii) An advanced reservation fee as required by § 92.4(a)(4) and a request for space which has been confirmed in writing, at a USDA-operated quarantine facility shall be made with the port veterinarian[3] at the port where the birds are to be held for a minimum 30-day isolation in a biologically secure unit separate and apart from all other avian species, except, that birds arriving without an advanced reservation may be handled if an isolation unit is available, provided the reservation fee as required in § 92.4(a)(4) is paid. Pet birds offered for entry at a port of entry that has not been designated as provided, in § 92.3, or pet birds arriving without an advanced reservation at a port of entry designated in § 92.3 but at which isolation units are not available, shall be refused entry at such port. However, such pet birds may be transported at the owner's expense to another port of entry designated in § 92.3 if available quarantine space exits, if the $40 reservation fee is paid by the importer and the birds are shipped to such other port under conditions deemed sufficient by the Deputy Administrator to prevent the spread of communicable diseases of poultry.

(iii) During the isolation period, the birds shall be subjected to such tests and procedures as required by the Deputy Administrator to determine whether the birds are free from communicable diseases of poultry.

(iv) Following the isolation period, if the birds are found to be free of communicable disease of poultry, the port veterinarian shall issue an agriculture release for entry through U.S. Customs. If the birds are found during port of entry inspection or during quarantine to be infected with or exposed to a communicable disease of poultry, such birds shall be refused entry and handled in accordance with § 92.11(e) of this part.

(v) The owner of the birds is responsible for all costs which result from these procedures and shall reimburse Veterinary Services for governmental expenses in accordance with § 92.12 (b) and (c) of this part.

* * * * *

4. In § 92.3, paragraphs (e) and (f) are relettered (f) and (g) respectively, and a new paragraph (e) is added to read:

§ 92.3 Ports designated for the importation of animals.

* * * * *

(e) *Special ports for pet birds.* New York, New York; Miami, Florida; Brownsville, Laredo, and El Paso, Texas; Nogales, Arizona; San Ysidro and Los Angeles, California; and Honolulu, Hawaii, are designated as ports of entry for pet birds imported under the provisions of § 92.2(c)(3).

5. In § 92.4, the section heading, the first sentence of paragraph (a)(1), that portion of paragraph (a)(3) preceding the colon, the first sentence of pargraph (a)(4), and the third and fourth sentences of paragraph (b) are amended to read:

§ 92.4 Import permits for ruminants, swine, horses from countries affected with CEM, poultry, poultry semen, animal semen, birds, and for animal specimens for diagnostic purposes,[5] and special permits for cattle entering Harry S. Truman Animal Import Center.

(a) *Application for permit; reservation required.* (1) For ruminants, swine, horses from countries listed in § 92.2(i)(1) of the regulations, poultry, poultry semen, animal semen, pet birds, commercial birds, research birds, zoological birds, and performing or theatrical birds and animal test specimens for diagnostic screening purposes, intended for importation from any part of the world, except as otherwise provided for in §§ 92.2(b) and (c), 92.19, 92.27, and 92.31, the importer shall first apply for and obtain from Veterinary Services an import permit. * * *

* * * * *

(3) An application for permit to import ruminants, swine, horses from countries listed in § 92.2(i)(1) of the regulations, poultry, poultry semen, animal semen, pet birds, commercial birds, research birds, zoological birds, and performing or theatrical birds, may also be denied because of: * * *

* * * * *

(4) For each lot of poultry or birds which are to be quarantined in facilities maintained by Veterinary Services, a reservation fee of $40 shall be paid by the importer or his agent at the time the permit or reservation for quarantine space is applied for. * * *

(b) *Permit.* * * * Animals and animal semen and animal test specimens for diagnostic screening purposes for animals intended for importation into the Unted States for which a permit has been issued, will be received at the specified port of entry within the time prescribed in the permit which shall not exceed 14 days from the first day that the permit is effective for all permits, except that the time prescribed in permits for the importation of pet birds, commercial birds, zoological birds, poultry, or research birds, shall not exceed 30 days, and for

[2a] U.S. Public Health Service Regulations (42 CFR 71.164(e)) restrict the entry of pet psittacine birds to two birds per family per year.

[3] The names and addresses of the port veterinarians, as well as a fee schedule for quarantine charges, are available from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782.

performing or theatrical birds or poultry shall not exceed 90 days.

Ruminants, swine, horses from countries listed in § 92.2(i)(1) of the regulations, poultry, poultry semen, animal semen, animal test specimens, and birds for which a permit is required by these regulations will not be eligible for entry if a permit has not been issued; if unaccompanied by such a permit; if shipment is from any port other than the one designated in the permit; if arrival in the United States is at any port other than the one designated in the permit; if the animals (including poultry and birds) or animal semen, or animal test specimens offered for entry differ from those described in the permit; if the animals or animal semen, or animal test specimens are not handled as outlined in the application for the permit and as specified in the permit issued; or in the case of ruminants and swine, if ruminants or swine other than those covered by import permits are aboard the transporting carrier.

* * * * *

6. In § 92.5, the section heading is amended to insert, "pet birds," between poultry and commercial birds, and the first sentence of paragraph (c) is amended to add "pet birds, except as provided for in paragraphs 92.2 (b) and (c)", between the words All and commercial.

7. In § 92.8, a new paragraph (c) is added to read:

§ 92.8 Inspection at the port of entry.

* * * * *

(c) All pet birds imported from any part of the world, except pet birds from Canada and pet birds meeting the provisions of § 92.2(c)(2), shall be subjected to inspection at the Customs port of entry by a veterinary inspector of Veterinary Services and such birds shall be permitted entry only at the ports listed in § 92.3(e). Pet birds of Canadian origin and those birds meeting the provisions of § 92.2(c)(2) shall be subject to veterinary inspection at any of the ports of entry listed in § 92.3.

8. In § 92.11, in paragraph (e) the phrase "pet birds, except as provided in § 92.2(c)," is inserted before the words "commercial birds,".

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132 (21 U.S.C. 111, 134a, 134b, 134c, and 134f); 37 FR 28464, 28477; 38 FR 19141.)

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782. 301–436–8695.

Done at Washington, D.C., this 12th day of July 1979.

Pierre A. Chaloux,

Deputy Administrator, Veterinary Services.

[FR. Doc. 79–22350 Filed 7–19–79; 8:45 am]

BILLING CODE 3410–34–M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 703

Investments and Deposits

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: This rule amends Part 703 by adding a new section 703.3 that restricts the investment activities of Federal credit unions based upon the Administration's determination that certain activities are unauthorized or otherwise unsafe or unsound. The rule prohibits the use of standby commitments, adjusted trading and short sales, sets forth limitations on the purchase and sale of securities, cash forwards, repurchase transactions, reverse repurchase transactions, and future contracts. The purpose of the rule is to prohibit or limit certain types of investment activities that have resulted in substantial financial losses to Federal credit unions that may cause a reduction or loss of dividends to members or otherwise jeopardize the interests of members and may present a potential loss to the National Credit Union Share Insurance Fund.

EFFECTIVE DATE: July 20, 1979.

ADDRESS: National Credit Union Administration, 2025 M Street, N.W., Washington, D.C., 20456.

FOR FURTHER INFORMATION CONTACT: Robert F. Schafer, Office of Examination and Insurance, or Frederick S. Lipton, Office of General Counsel, at the above address. Telephone: (202) 254–8760 (Mr. Schafer) or (202) 632–4870 (Mr. Lipton).

SUPPLEMENTARY INFORMATION: On October 17, 1978, the Administration published a proposed regulation (43 FR 47731) that would restrict Federal credit union involvement in certain investment activities that the Administration believes are unauthorized or otherwise unsafe and unsound. Public comment was invited, to be received on or before December 15, 1978. In response to several comments received, the official comment period was extended to March 15, 1979. Upon review of all comments received and after a thorough reconsideration of the proposed regulation by the Administration, certain changes, as set forth below, have been made. Analysis of Changes:

1. Definitions

Several definitions have been added to those contained in the proposed regulations. Terms such as "trade date", "settlement date" and "maturity date" have been added for clarification purposes. Other terms such as "adjusted trading" and "short sales" have been added for substantive reasons and are discussed below under appropriate headings. For the most part, these definitions agree with those contained in the Analysis and Report on Alternative Approaches to Regulating the Trading of GNMA Securities released by the Government National Mortgage Association (November 7, 1978).

The term "agreement" as used in conjunction with repurchase and reverse repurchase activities, defined in sections 703.3(a)(4) and (5), has been replaced by the term "transaction" since these activities represent financial transactions and the term more accurately describes these activities when they involve borrowing and lending by Federal credit unions. Several commenters suggested that the definitions of repurchase and reverse repurchase transactions are written from the standpoint of a broker or other vendor of securities. The Administration agrees that the above definition describes a transaction with a Federal credit union from the point of view of the party dealing with the credit union. However, for several reasons the Administration has in substance retained the definitions set out in the proposed regulation. Repo's and reverse repo's are often referred to by certain Government agencies and securities brokers in the same manner as set out in the proposed regulation. Further, the Administration has previously issued accounting procedures to all Federal credit unions based upon the terminology set out in the proposed regulation. For these reasons the Administration believes that it would be less confusing for Federal credit unions to retain the definitions of a repurchase and reverse repurchase transaction set out in the proposed regulation.

2. 5-Day Settlement Date

Many commenters objected to the limitation in the proposed regulation that Federal credit unions purchase or sell securities only when the purchase or sale is to be completed within 5

business days after the agreement of purchase or sale is made. The proposed limitation would have generally restricted investments to immediate cash settlement transactions. Ordinarily, however, a settlement period, i.e., a delivery period of up to 30 days, is required in order to facilitate the purchase or sale of U.S. Government and Federal agency securities. Therefore, the 5 business days requirement has been deleted from section 703.3(b)(1) of the final rule, which now provides that the security is to be delivered within 30 days from the trade date.

Some commenters suggested that certain types of securities, e.g., Small Business Administration guaranteed loans, be exempted from any requirement for a limited settlement period due to the irregular issuance or guarantee of these securities. The Administration believes that a 30 day delivery period encompasses the time limits for settlement when such securities are obtained on a "when issued" basis. However, for those securities that may not be capable of settlement within the 30 day period, the final regulation relaxes the originally proposed prohibition on cash forward agreements as discussed below under Cash Forward Agreements.

3. Market Price

"Market price" is defined in section 703.3(a)(13) as the last established price at which a security is sold. Section 703.3(b)(10) of the final rule provides all cash transactions under section 703.3(b)(1) and all cash forward transactions under section 703.3(b)(3) must be at the market price. In the case of an immediate cash purchase or sale of a security, there is no legitimate reason for a Federal credit union to pay a purchase price either above or below the market price. The purchase or sale of a security above its market price is in most cases due to an attempt to hide or defer investment losses, practices not in accord with the "full and fair disclosure" requirement of section 702.3 of the rules and regulations or the Accounting Principles and Standards for Federal Credit Unions. A vendor ordinarily expects a Federal credit union to enter into an offsetting sale or trade in return for selling it a security below market price. Such transactions usually result in a loss for the Federal credit union. Further, the sale of a security below its market price by a Federal credit union results in an immediate loss. Thus, the Administration considers that it is an unsafe and unsound practice for a Federal credit union to enter into a cash transaction for the immediate purchase or sale of a security either above or below its market price.

The purchase or sale of a security off the market price by a cash forward agreement is unsafe and unsound for the same reasons as are applicable to an immediate cash purchase. Under the final rule the primary purpose of allowing a cash forward agreement is to provide for the purchase of U.S. Government and Federal agency securities. Such purchases when made at the market price avoid speculation and potential losses on the part of a Federal credit union. In addition, the standard of requiring these trades to be at market price is followed by other financial regulatory agencies.

As was suggested by one commenter, the final rule also requires that the purchase price of a security obtained under a repurchase transaction must be at the market price. This change, contained in section 703.3(b)(4), is also adopted for the same reasons that the purchase price of a security obtained by a cash purchase or a cash forward agreement is required to be at the market price.

4. Forward Placement Contracts

Under the proposed regulation, Federal credit unions were prohibited from engaging in both types of forward placement contracts, i.e., standby commitments and cash forward agreements. The final rule also prohibits Federal credit unions from engaging in standby commitments, but permits the purchase and sale of authorized securities by means of a cash forward agreement, as explained below.

a. Standby Commitments

Section 703.3(b)(2) of the proposed regulation contained a general ban on Federal credit unions engaging in standby commitments to purchase or sell securities. Some commenters suggested that Federal credit unions should be permitted to engage in buying and selling standby commitments for authorized securities as a means of hedging against potential losses incurred in the making of real estate loans. The Administration believes that the informal and unorganized nature of the market in standby commitments argues against its use as a hedging device by Federal credit unions.

Since the Administration does not believe that hedging by means of buying and selling standby commitments for authorized securities is necessary to make real estate loans, the final rule contains the same general ban on standby commitments. However, it does not prohibit a Federal credit union from selling its real estate loans by use of a standby commitment in order to facilitate the making of such loans. This has been accomplished by defining the term "security" as not to include loans to members or residential real estate loans authorized under subsections 701.21–6 and 701.21–8 of Part 701 of the National Credit Union Administration rules and regulations. Such activity would be incidental to the exercise of a Federal credit union's real estate lending authority.

b. Cash Forward Agreements (Forwards)

Some commenters suggested that Federal credit unions be allowed to participate in forwards for the purchase or sale of securities. Comments were also received stating that forwards play an important part in the sale of certain Government securities representing pools of mortgages secured by real estate. Other commenters supported the position of the Administration set out in the proposed regulation that numerous abuses can presently be found in the forwards market and that until such abuses are corrected, Federal credit unions should be prohibited from engaging in any forward transactions.

The Administration has determined that Federal credit unions should be permitted to engage in cash forward agreements. As stated above, commenters have noted that cash forward transactions would support the market for Government securities representing pools of mortgages. The Administration believes that a cash forward agreement for a settlement period not exceeding 120 days from the trade date to the settlement date in the case of a purchase of authorized securities will assist in the sale of mortgage loans secured by real estate and will not subject Federal credit unions to an undue or excessive market risk. Additionally, the Administration is cognizant of the steps taken by the securities industry to implement a scheme of self-regulation of brokers and dealers engaged in the purchase or sale of U.S. Government and Federal agency securities. Should the concept of self-regulation not become a reality and abuses continue, the Administration will necessarily be required to reconsider its position in regard to permitting cash forward agreements.

Therefore, under section 703.3(b)(3) of the final rule, a Federal credit union may enter into a cash forward agreement to purchase a security when delivery is to be made up to 120 days from the trade date. When the delivery of the security is to be made beyond the 30 day period

under section 703.3(b)(1) of the final rule, a Federal credit union will be required to prepare a written cash flow projection evidencing its ability to purchase the security. The accounting procedures for such a purchase will be set out in an NCUA Interpretive Ruling and Policy Statement. This Statement will require that in cases where settlement for the purchase of authorized securities is over 30 days, the mark to the lower cost or market accounting procedure must be applied. Thus, those U.S. Government and Federal agency securities such as SBA guaranteed loans, that cannot be settled within 30 days are not prohibited, but rather are subject to the requirements set out in section 703.3(b)(3) of the final rule.

A cash forward agreement to sell a security is not subject to the 120 day limitation, but a Federal credit union cannot enter into such an agreement unless it presently owns the security. As a further safeguard, and as suggested by many commenters, the final rule imposes a requirement that all cash forward agreements must be settled in cash and, thus, may not be extended or "rolled over" into new contracts that would extend the original settlement date.

5. Repurchase Transaction (Repo)

Some commenters suggested that the proposed regulation was unnecessarily restrictive in prohibiting Federal credit unions from entering into loan-type repurchase transactions with financial institutions other than credit unions. The prohibition in the proposed regulation was based upon section 107(5) of the Federal Credit Union Act ("the Act") (12 U.S.C. 1757(5)), which provides, in part, that a Federal credit union may make loans to its members, other credit unions and credit union organizations. In view of this statutory authority, the prohibition against engaging in loan-type repurchase transactions with other financial institutions has been retained in the final rule.

One commenter suggested that the requirements for delivery of a security purchased under an investment-type repurchase agreement could be best accomplished by utilizing the concept of "delivery" under section 8–313 of the Uniform Commercial Code. The Administration agrees. In order to conform to a "delivery" under section 8–313, the requirement of obtaining a confirmation of the purchase of the security has been added to subsection 703.3(a)(4)(A)(i) of the final rule. Section 8–313 implies that this confirmation be in writing, and such a requirement has also been added to the above referenced section of the final rule.

Further, the requirement in the proposed regulation that securities sold under an investment-type repurchase transaction be held by the Federal credit union or in a custodial or safekeeping account in a bank or other financial institution has been changed. the final rule requires that there be a written "bailment for hire contract" with the bank or other financial institution. The proposed regulation, by requiring that a bank or other financial institution hold the securities in a custodial or safekeeping account, imposed a bailment for hire contract by operation of law.

Section 703.3(a)(4) of the proposed rule on repurchase transactions has been revised to require that, in the case of an investment-type repurchase transaction, there must be an unrestricted transfer of ownership of the security by the vendor to the Federal credit union or its agent. The proposed regulation had required that the Federal credit union must assume the risk of market fluctuation and must receive the coupon or stated interest, yield or dividend rate. The requirement for an unrestricted transfer of ownership will encompass both of the proposed requirements. Thus, reference to those requirements were deleted as suggested by one commenter. Under the final rule the essential elements of a permissible purchase of a security from a vendor, rather than those of a prohibited loan to a vendor, will be present.

6. Reverse Repurchase Transactions (Reverse Repo's)

Under a reverse repurchase transaction a Federal credit union obtains the use of funds for a fixed period and pledges securities owned by it as collateral. Thus, as set out in section 703.3(b)(6) of the proposed regulation, section 703.3(a)(5) of the final rule defines this activity as a borrowing that is subject to the limitations set out in section 107(9) of the Act (12 U.S.C. 1757(9)) that a Federal credit union may not borrow an aggregate amount exceeding 50 percent of its paid-in and unimpaired capital and surplus.

One commenter suggested that a Federal credit union should exercise care in choosing a securities firm with which to enter into a reverse repo. The commenter also correctly pointed out that if a securities firm is insolvent on the date the reverse repo matures, the credit union may not recover its collateral. Since less than the full amount of the collateral is usually loaned to a credit union in a reverse repo, the credit union can experience a substantial loss when that collateral is not returned. An NCUA Interpretive Ruling and Policy Statement, to be issued shortly, will provide guidance for Federal credit unions in dealing with securities firms.

Under the proposed regulation, section 703.3(b)(6), a Federal credit union could not enter into a reverse repo with the intent of using the funds so obtained to purchase securities authorized under sections 107(7)(B), (D), (E), (F), (I) or 107(8) of the Act (12 U.S.C. 1757(7)(B), (D), (E), (F), (I) or 12 U.S.C. 1757(8)). (The proposed regulation did not contain a prohibition on investments authorized under 12 U.S.C. 1757(7)(G) and 1757(7)(H). No comments were received in this regard and the Administration finds no basis for excluding such investments from the restrictions contained in the final regulation. In addition, certain sections referred to in the proposed regulation as investments can be deemed to be deposits, i.e., 12 U.S.C. 1757(7)(D) and 1757(8).)

Several commenters suggested that this prohibition not be adopted. Instead, it was suggested that the regulation permit the investment of the obtained funds in certificates of deposit or approved common trust funds. Most of these commenters expressed the opinion that a prohibition against purchasing securities with funds obtained by means of reverse repurchase agreements would deny Federal credit unions the opportunity to maximize the return on their investments.

The Administration believes that the practice of investing funds borrowed by means of a reverse repurchase transaction in new long term securities that may fluctuate in value without using presently held securities that mature prior to the reverse repo date as collateral for the reverse repurchase agreement, is an unsafe and unsound practice. The final rule maintains the prohibition against such a practice, i.e., investment in new long term securities without adequate short term safeguards. The Administration has determined, however, that the blanket prohibition contained in the proposed regulation can be relaxed without compromising the Administration's position on safe and sound operation. This has been accomplished in the final rule by limiting the amount and maturity of investments purchased with reverse repo funds as explained below.

First, either the investments or deposits made with funds obtained through a reverse repurchase transaction or securities collateralizing

that transaction must have a maturity date not later than the settlement date for the reverse repurchase transaction. Second, the amount of funds obtained by means of a reverse repo for investment or deposit purposes is limited to a maximum of 10 percent of the paid-in and unimpaired capital and surplus of the Federal credit union. In other words, under the final regulation, a Federal credit union can borrow funds by means of a reverse repurchase transaction and invest or deposit those funds, up to the 10 percent limitation, in authorized investments or deposits that mature prior to the reverse repo settlement date. Under the proposed regulation, those funds could not have been reinvested in other investments or deposits. Alternatively, under the final regulation, a Federal credit union can borrow funds and make investments that mature after the reverse repo date provided the securities used as collateral on the reverse repo mature prior to the settlement date of the reverse repo. The final regulation does not include investments in service organizations under section 107(7)(I) of the Act. This has been done because those investments are not readily marketable, due to uncertainty as to maturity date, if any, and because the investment in such organizations is designed for capitalization rather than return on investment.

7. Adjusted Trading

The Administration has noted that some Federal credit unions have engaged in certain practices in order to hide or defer losses that have resulted mostly from their overcommitments to purchase securities. Such practices are known as "adjusted trading" or "overtrading" and violate section 702.3 of the rules and regulations, in that the Federal credit union engaged in such practices does not provide "full and fair disclosure" of its financial condition to its members, its creditors, or the Administration. Additionally, adjusted trading violates the Accounting Principles and Standards for Federal Credit Unions in that losses are not recorded during the accounting period when they are incurred. Accordingly, the final rule in the new section 703.3(b)(8) prohibits Federal credit unions from engaging in adjusted trading. Descriptions of various types of adjusted trading will be contained in an NCUA Interpretive Ruling and Policy Statement.

8. Short Sale

The final regulation contains a prohibition against a Federal credit union engaging in a short sale in section 703.3(b)(9). A short sale is defined in section 703.3(a)(12) as the sale of a security not owned by the seller. A short sale requires the seller to borrow or purchase securities in order to make delivery to the purchaser. The Federal Credit Union Act does not provide the authority for Federal credit unions to sell securities that are not presently owned by them. In addition, engaging in short sales constitutes an unsafe and unsound practice.

9. Accounting Procedures

Numerous comments were received regarding the accounting procedures discussed in the preamble to the proposed regulation. These comments and accounting procedures will be addressed in an NCUA Interpretive Ruling and Policy Statement.

10. Futures Markets

The proposed regulation limited Federal credit union participation in a futures market to the purchase or sale of a futures contract as a hedging device incident to the assembly of a pool of mortgages for sale in the secondary market. The Administration will issue a proposed regulation on that subject. Until that regulation is published in final form, Federal credit unions may not participate in any futures trading.

11. Application to Federally Insured Credit Unions

This Administration has received several comments requesting that the final regulation on investment activities of Federal credit unions also be made applicable to federally insured State chartered credit unions. The Administration has chosen not to take such action at this time. It has been determined that in order to do so, notice of such action would be required in proposed form. Due to the fact that the proposed regulation made no mention of possible expansion of the applicability of the final regulation, federally insured State chartered credit unions and their respective supervisory agencies were not provided with the necessary opportunity for comment. The Administration intends, instead, to rely on the individual state supervisory agencies to appropriately regulate the institutions that fall within their jurisdiction in light of the investment authority contained in state credit union statutes. Where it is determined that necessary regulatory or corrective action is not being pursued at the State level, the Administration will, on a case by case basis, exercise its administrative action authority. The Administration will, however, as the need arises, review and re-evaluate its position on this issue.

12. Effective Date

Some commenters expressed concern over whether the final rule would be applicable to the transactions entered into before its effective date. The final rule is not retroactive and, therefore, does not affect transactions entered into prior to the effective date.

Federal credit unions that, prior to the effective date of the final rule, have made commitments to purchase securities or have borrowed funds via reverse repurchase transactions should begin to wind-down those activities in a safe and orderly manner.

As a general rule, those Federal credit unions that have previously entered into a suitable commitment to purchase a security even if the commitment is not authorized under the final rule, should meet that commitment. Also, those Federal credit unions that have engaged in reverse repurchase transactions to purchase securities and are unable to repay the borrowed funds may extend the terms of those borrowings, provided, however, that the amount of the borrowings does not exceed the limitations of section 107(9) of the Federal Credit Union Act (12 U.S.C. 1757(9)) and that future borrowings do not violate the new section 703.3(b)(6) of the rules and regulations.

If as a result of their investment activities Federal credit unions have impaired either the liquidity or earnings, they should contact their NCUA Regional Office for guidance in resolving their problems.

Because the final rule relates to the safety and soundness of Federal credit unions and these institutions are insured by this Administration, it is in the public interest that the final rule become effective without delay. Further, the final rule has no retroactive effect; thus, an immediate effective date will not impose a financial burden on Federal credit unions. Therefore, the Administration finds that publication of the final rule for the 30 days specified in 5 U.S.C. 553(d) prior to its effective date is unnecessary, and the final rule shall become effective July 20, 1979.

Accordingly, 12 C.F.R. 703 is amended by adding a new § 703.3 as set forth below.

Lawrence Connell,

Chairman.

July 17, 1979.

Authority: Sec. 107, 91 Stat. 49 (12 U.S.C. 1757), Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).

§ 703.3 Investment activities.

(a) *Definitions.* (1) "Security" means any investment or deposit authorized for a Federal credit union pursuant to sections 107(7) and 107(8) of the Act. For the purpose of this section, the definition of a security shall not mean loans to members or loans authorized under §§ 701.21–6 and 701.21–8 of the rules and regulations.

(2) "Standby commitment" means an agreement to purchase or sell a security at a future date, whereby the buyer is required to accept delivery of the security at the option of the seller.

(3) "Cash forward agreement" means an agreement to purchase or sell a security, at a future date, that requires mandatory delivery and acceptance. The contract for the purchase or sale of a security for which delivery of the security is made in excess of thirty (30) days but not exceeding one hundred and twenty (120) days from the trade date shall be considered to be a cash forward agreement.

(4) "Repurchase transaction" means a transaction in which a Federal credit union agrees to purchase a security from a vendor and to resell a security to that vendor at a later date. A repurchase transaction may be of two types:

(i) "Investment-type repurchase transaction" means a repurchase transaction where:

(A) The Federal credit union purchasing the security takes physical possession of the security, or receives written confirmation of the purchase and a custodial or safekeeping receipt from a third party bank or other financial institution under a written bailment for hire contract identifying a specific security in its possession as owned by the Federal credit union;

(B) There is no restriction on the transfer of the security purchased by the Federal credit union; and

(C) The Federal credit union is not required to deliver the identical security to the vendor upon resale.

(ii) "Loan-type repurchase transaction" means any repurchase transaction that does not qualify as an investment-type repurchase transaction. A loan-type repurchase transaction represents a lending transaction and is subject to the limitations of section 107(5) of the Act.

(5) "Reverse repurchase transaction" means a transaction whereby a Federal credit union agrees to sell a security to a purchaser and to repurchase the same security from that purchaser at a future date, irrespective of the amount of consideration paid by the Federal credit union or the purchaser. A reverse repurchase transaction represents a borrowing transaction and is subject to the limitations of section 107(9) of the Act.

(6) "Futures contract" means a standardized contract for the future delivery of commodities, including certain government securities, sold on designated commodities exchanges.

(7) "Trade date" means the date a Federal credit union originally agreed, whether verbally or in writing, to enter into the purchase or sale of a security with a vendor.

(8) "Settlement date" means the date originally agreed to by a Federal credit union and a vendor for settlement of the purchase or sale of a security, without any modification or extension of that date.

(9) "Maturity date" means the date on which a security matures, and shall not mean the call date or the average life of the security.

(10) "Adjusted trading" means any method or transaction used to defer a loss whereby a Federal credit union sells a security to a vendor at a price above its current market price and simultaneously purchases or commits to purchase from that vendor another security above its current market price.

(11) "Bailment for hire contract" means a contract whereby a third party bank or other financial institution for a fee agrees to exercise ordinary care in protecting the securities held in safekeeping for its customers.

(12) "Short sale" means the sale of a security not owned by the seller.

(13) "Market price" means the last established price at which a security is sold.

(b) *Limitations.* (1) A Federal credit union may contract for the purchase or sale of a security authorized by section 107(7) of the Act, provided that the delivery of the security is to be made within thirty (30) days from the trade date.

(2) A Federal credit union may not enter into a standby commitment to purchase or sell a security.

(3) A Federal credit union may enter into a cash forward agreement to purchase a security provided that the period from the trade date to the settlement date does not exceed one hundred and twenty (120) days and the credit union has written cash flow projections evidencing its ability to purchase the underlying security. A Federal credit union may not enter into a cash forward agreement to sell a security unless it presently owns the security. All cash forward agreements must be settled on a cash basis at the settlement date.

(4) A Federal credit union may not enter into an investment-type repurchase transaction unless all the conditions cited in § 703.3(a)(4)(A) are met. Any repurchase transaction that does not meet such requirements constitutes a loan-type repurchase transaction subject to the limitations of § 703.3(b)(5). The purchase price of a security obtained under an investment-type repurchase transaction must be at the market price.

(5) A Federal credit union may enter into a loan-type repurchase transaction only with its own members, other credit unions, or approved credit union organizations that are defined in § 701.27–2 of the rules and regulations.

(6) A Federal credit union may enter into a reverse repurchase transaction, provided that the funds obtained are not invested under section 107(7)(I) of the Act. Furthermore, either any investment or deposit made under sections 107(7)(B), (D), (E), (F), (G), (H) or 107(8) of the Act or any security collateralizing the reverse repurchase transaction must have a maturity date not later than the settlement date for the reverse repurchase transaction. The maximum amount of funds that may be borrowed under a reverse repurchase transaction for investment or deposit is 10 percent of paid-in and unimpaired capital and surplus.

(7) A Federal credit union may not buy or sell a futures contract unless the purchase or sale is specifically authorized by a regulation issued by the Administration.

(8) A Federal credit union may not engage in adjusted trading as defined in § 703.3(a)(10).

(9) A Federal credit union may not engage in a short sale as defined in § 703.3(a)(12).

(10) All purchases and sales of securities by a Federal credit union by means of a cash transaction under § 703.3(b)(1) or a cash forward agreement under § 703.3(b)(3) must be at the market price.

[FR Doc. 79-22809 Filed 7-19-79; 8:45 am]
BILLING CODE 7535-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Hazardous Substances and Articles Administration and Enforcement Regulations; Revocation of Ammunition Labeling Provisions

AGENCY: Consumer Product Safety Commission.

ACTION: Revocation of rule.

SUMMARY: Since Congress has specifically withdrawn from the Commission any authority to regulate ammunition, the Commission is deleting from its regulations the labeling requirement that was previously applicable to small-arms ammunition.

EFFECTIVE DATE: The requirement, which has not been enforced since May 11, 1976, is officially deleted as of July 20, 1979.

FOR MORE INFORMATION CONTACT: Alan Shakin, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207; (202) 634–7770.

SUPPLEMENTARY INFORMATION: In 1973 the Consumer Product Safety Commission acquired all functions that the Food and Drug Administration (FDA) had performed under the Federal Hazardous Substances Act (FHSA, 15 U.S.C. 1261 *et seq.;* see 15 U.S.C. 2079(a)). Soon after, the Commission recodified the FDA's existing regulations under the FHSA (38 FR 27012, September 27, 1973).

One of the existing regulations concerned small-arms ammunition packaged in retail containers (16 CFR 1500.83(a)(6)). This regulatory provision exempted such ammunition from the statutory labeling requirements of section 2(p)(1) of the FHSA (15 U.S.C. 1261(p)(1)) as long as it contained specified alternative labeling. Since ammunition "generates pressure" and "may cause substantial personal injury," it was a "hazardous substance" subject to the labeling and other provisions of the FHSA (15 U.S.C. 1261(f)(1)(A)).

In May 1976 the Consumer Product Safety Commission Improvements Act became effective. A provision in that legislation amended the Consumer Product Safety Act so that the Commission would have no authority under the FHSA to regulate specified products, including shells and cartridges (15 U.S.C. 2052(a)(1) and see 26 U.S.C. 4181–82, 4221). In addition, the Improvements Act prohibited the Commission from making any "ruling or order that restricts the manufacture or sale of firearms, firearms ammunition, or components of firearms ammunition . . ." (section 3(e) of Improvements Act, Pub. L. 94–284).

Since the Commission now unambiguously lacks regulatory authority over small-arms ammunition, the alternate labeling requirement at 16 CFR 1500.83(a)(6) can have no effect. Accordingly, pursuant to the Federal Hazardous Substances Act (secs. 2(f,p), 3(a–c), 10; 74 Stat. 372, 374, 375, as amended; 15 U.S.C 1261(f,p), 1262(a–c), 1269), the Commission amends Title 16, Chapter II of the Code of Federal Regulations by deleting paragraph (a)(6) of Subchapter C, Part 1500, § 1500.83.

In view of its lack of statutory authority for small-arms ammunition regulation, the Commission finds for good cause that neither the opportunity for public comment nor a delayed effective date is necessary. Therefore, the deletion is effective immediately.

EFFECTIVE DATE: The requirement, which has not been enforced since May 11, 1976, is officially deleted as of July 20, 1979.

Dated: July 13, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79–22557 Filed 7–19–79; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Parts 176 and 178

[Docket No. 78F–0145]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Paper and Paperboard Components; Emulsifiers and/or Surface-Active Agents

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The food additive regulations are amended to extend the safe use of *n*-alkylsulfonate, an emulsifier, to include vinylidene chloride (VDC) polymer coatings and to increase its use level from that already permitted in components of paper and paperboard in contact with aqueous and fatty foods under certain prescribed conditions.

DATES: Effective July 20, 1979. Objections by August 20, 1979.

ADDRESS: Written objections to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF–334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: A notice published in the **Federal Register** of June 9, 1978 (43 FR 25192) announced that a food additive petition (7B3274) had been filed by Solvay American Corp., 609 Fifth Ave., New York, NY 10017, proposing to amend § 178.3400 *Emulsifiers and/or surface active agents* (21 CFR 178.3400) to provide for the use of *n*-alkylsulfonate (NAS) as an emulsifier for vinylidene chloride copolymer coatings containing a maximum of 2.6 percent by weight of coating solids. The petition further requested that these coatings be regulated for use with any substrate. Only the coating surface would be used to contact all types of food except distilled spirits. The petition also requested that the use level of NAS currently regulated at 2 percent in VDC copolymer coatings under § 176.170. *Components of paper and paperboard in contact with aqueous and fatty foods* be increased to 2.6 percent by weight of coating solids for those food types and use conditions supported by the current petition.

Having evaluated data in the petition and other relevant material, the Food and Drug Administration has concluded that §§ 176.170 and 178.3400 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 176 and 178 are amended as follows:

1. Part 176 is amended in § 176.170 by revising the entry for *n*-alkylsulfonate in the list in paragraph (b)(2) to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *

(2) * * *

List of substances	*Limitations*
* * * * * * *	
n-alkylsulfonate (alkyl group is in the range C_{12}–C_{18} with not less than 50 percent C_{14}–C_{16}).	For use only: 1. As an emulsifier for vinylidene chloride copolymer coatings and limited to use at a level not to exceed 2 percent by weight of the coating solids.

List of substances	Limitations
	2. As a emulsifier for vinylidene chloride copolymer or homopolymer coatings at levels not to exceed a total of 2.6 percent by weight of coating solids. The finished polymer contacts food only of types identified in paragraph (c) of this section, table 1, under types I, II, III, IV, V, VIA, VIB, VII, VIII, and IX and under conditions of use E, F and G described in table 2 of paragraph (c) of this section.
* * * * * * *	

2. Part 178 is amended in § 178.3400 by adding to the limitations for *n*-alkylsulfonate in the list in paragraph (c) the following item:

§ 178.3400 Emulsifiers and/or surface-active agents.

* * * * * * *

(c) * * *

List of substances	Limitations
* * * * * * *	
n-alkylsulfonate (alkyl group is in the range C_{12}–C_{18} with not less than 50 percent C_{14}–C_{16}).	For use only: 1. * * * 2. * * * 3. As an emulsifier in vinylidene chloride copolymer or homopolymer coatings at levels not to exceed a total of 2.6 percent by weight of coating solids. The finished polymer contacts food only of the types I, II, III, IV, V, VIA, VIB, VII, VIII, and IX as identified in table 1 of § 176.170(c) of this chapter and limited to conditions of use E, F and G described in table 2 of § 176.170 of this chapter.
* * * * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 20, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objections is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and anylsis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective on July 20, 1979.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: July 13, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-22419 Filed 7-19-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 522 and 558

[Docket No. 76N-0002]

Diethylstilbestrol (DES) in Edible Tissues of Cattle and Sheep; Revocations; Partial Stay of Effective Dates

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is staying the July 20, 1979 effective date of the revocation of the animal drug regulations that provide information about new animal drug applications (NADA's) for the use of DES animal drugs in cattle and sheep and for the manufacture, shipment, and use of feed containing DES. This action is based on the partial stay of the effective dates for the withdrawal of approval of NADA's for DES that appears elsewhere in this issue of the **Federal Register.**

EFFECTIVE DATE: July 20, 1979.

FOR FURTHER INFORMATION CONTACT: Constantine Zervos, Scientific Liaison and Intelligence Staff (HFY–31), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4490.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 6, 1979 (44 FR 39618), FDA announced the withdrawal, after an evidentiary hearing, of the approval of NADA's 10421, 10964, 11295, 11485, 12553, 15274, 31446, 34916, 44344, 45981, and 45982. These NADA's are for DES implants and liquid and dry feed premixes for use in cattle and sheep.

Concurrently, in the **Federal Register** of July 6, 1979 (44 FR 39387), FDA issued a final rule pursuant to 21 U.S.C. 360b(i) amending Chapter I of Title 21 of the Code of Federal Regulations in Part 522 by revoking § 522.640 *Diethylstilbestrol;* and in Part 558 by deleting paragraph (e)(3)(v) in § 558.76 *Bacitracin methylene disalicylate;* by deleting paragraph (e)(3)(iv) in § 558.78 *Bacitracin, zinc;* and by revoking § 558.225 *Diethylstilbestrol.*

The effective date of the rule was set forth as follows:

> Effective date: this rule is effective with respect to the manufacture and shipment of DES animal drugs on July 13, 1979; it is effective with respect to the use of DES animal drugs and the manufacture, shipment, and use of feed containing DES on July 20, 1979; it will not be made effective with respect to the edible products of animals treated with DES solely before the effective date for use of DES animal drugs and DES-treated animal feeds.

Elsewhere in this issue of the **Federal Register,** FDA is announcing the stay, until August 3, 1979, of the July 20, 1979 effective date for the withdrawal of approval of the NADA's for DES listed above. Accordingly, notice is hereby given that the July 20, 1979 effective date for the amendments of Parts 522 and 558 listed above is stayed until August 3, 1979.

(Secs. 512, 82 Stat. 343–351 (21 U.S.C. 360b).)

Dated: July 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-22806 Filed 7-18-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 556

[Docket No. 76N-0002]

Diethylstilbestrol (DES) In Edible Tissues of Cattle and Sheep; Revocation of Test Methods Regulation; Partial Stay of Effective Dates

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is staying the July 20, 1979 effective date of the revocation of the animal drug regulation that sets forth the methods of analysis approved for the detection of residues of DES in the edible tissues of cattle and sheep treated with DES. This action is based on the partial stay of effective dates for the withdrawal of approval of NADA's for DES that appears elsewhere in this tissue of the Federal Register.

EFFECTIVE DATE: July 20, 1979.

FOR FURTHER INFORMATION CONTACT: Constantine Zervos, Scientific Liaison and Intelligence Staff (HFY-31), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4490.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 6, 1979 (44 FR 39618), FDA announced the withdrawal, after an evidentiary hearing, of the approval of NADA's 10421, 10964, 11295, 11485, 12553, 15274, 31446, 34916, 44344, 45981, and 45982. These NADA's are for DES implants and liquid and dry feed premixes for use in cattle and sheep.

Concurrently, in the Federal Register of July 6, 1979 (44 FR 39388), FDA issued a final rule revoking § 556.190 *Diethylstilbestrol* (21 CFR 556.190), which sets forth the methods of analysis approved for the detection of residues of DES in the edible tissues of cattle and sheep treated with DES.

The effective date of the rule was set forth as follows:

> Effective date: This rule is effective with respect to the manufacture and shipment of DES animal drugs on July 13, 1979; it is effective with respect to the use of DES animal drugs and the manufacture, shipment, and use of feed containing DES on July 20, 1979; it will not be made effective with respect to the edible products of animals treated with DES solely before the effective date for use of DES animal drugs and DES-treated animal feeds.

Elsewhere in this issue of the Federal Register, FDA is announcing the stay, until August 3, 1979, of the July 20, 1979 effective date for the withdrawal of approval of the NADA's for DES listed above. Accordingly, notice is hereby given that the July 20, 1979 effective date for the revocation of § 556.190 is stayed until August 3, 1979.

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

Dated: July 17, 1979.

William F. Randolph,

Acting Associate Commissioner Regulatory Affairs.

[FR Doc. 79-22505 Filed 7-18-79; 10:55 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 221

Flathead Irrigation Project; Operations and Maintenance Charges; Deletion of Unnecessary Regulations

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Final rule.

SUMMARY: This document removes provisions related to the operation and maintenance charges on the Irrigation Districts, Flathead Irrigation Project, St. Ignatius, Montana. This action is necessary to reflect amendments providing the Officer-in-Charge with greater flexibility in the day-to-day operation of the Project. The action taken will affect a fair market level of return for the economic benefit of the lessors of the land.

EFFECTIVE DATE: This action shall become effective on July 20, 1979.

FOR FURTHER INFORMATION CONTACT: George L. Moon, Telephone (406) 745-2661.

SUPPLEMENTARY INFORMATION: In the June 14, 1977 Federal Register (42 FR 30361) there was published a notice of final rule on new general regulations governing the operation and maintenance of Indian Irrigation projects. The revision consolidated the regulations for all Indian Irrigation Projects in a new Part 191 of Title 25 of the Code of Federal Regulations the updated provisions provided for the Area Director to publish the annual operation and maintenance rates and related information by general notice document in the Federal Register, and as new rates are announced the corresponding sections in Part 221 of Title 25 of the Code of Federal Regulations would be deleted. The latest notice of water charges and related information of the Flathead Irrigation Project shall be published as a general notice in the Federal Register on the same date as this Final Rule.

Therefore, 25 CFR Part 221 is amended by deleting the following sections:

Flathead Irrigation Project, Montana

Sections 221.15, 221.16, 221.17, 221.18, 221.19, 221.20, 221.21, 221.22, 221.24, 221.25, 221.25a, 221.26, 221.27, 221.27a, 221.28, 221.29 and 221.29a.

Dated: July 13, 1979.

George L. Moon,

Project Engineer, Flathead Irrigation Project.

[FR Doc. 79-22525 Filed 7-19-79; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7632; EE-172-78]

Tax Treatment of Certain Option Income of Exempt Organizations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the tax treatment of certain option income of exempt organizations. Changes to the applicable tax law were made by the Act of September 3, 1976. The regulations apply to most, but not all, exempt organizations. They provide exempt organizations with guidance needed to determine their unrelated business taxable income.

DATE: The amendments are effective for options which lapse or terminate on or after January 1, 1976.

FOR FURTHER INFORMATION CONTACT: Margie Glass of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3544) (not a toll free number).

SUPPLEMENTARY INFORMATION:

Background

On November 29, 1978, proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 512(b) of the Internal Revenue Code of 1954 were published in the Federal Register (43 FR 55796). The amendments were proposed to conform the regulations to section 1 of the Act of September 3, 1976 (90 Stat. 1201) and sections 1901(b)(8)(F) and 1951(b)(8)(A)

of the Tax Reform Act of 1976 (90 Stat. 1794, 1839). No comments were received and no public hearing was requested or held. The Treasury decision adopts the proposed amendments with minor clarifying revisions.

Explanation of Regulations

The amendment to section 512(b)(5) provides that gain from the lapse or termination of options occurring after December 31, 1975, will not constitute unrelated business taxable income to exempt organizations if it is in connection with the investment activities of such organizations. However, the amendment does not apply to organizations described in sections 501(c)(7) or 501(c)(9), or certain organizations described in section 501(c)(2). The amendment conforms the regulations to the amendments to section 512(b)(5) and defines what is meant by termination of an option. The amendment also conforms the regulations to reflect changes made to section 512(b) by the Tax Reform Act of 1976.

Drafting Information

The principal author of these regulations is Margie Glass of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Adoption of amendments to the Regulations

Accordingly, the proposed amendments to 26 CFR Part 1 are adopted, except that paragraph (d)(2) of § 1.512(b)–1, as set forth in paragraph 3 of the notice of proposed rulemaking, is changed.

§ 1.511 [Deleted]

Paragraph 1. Section 1.511 is deleted.

§ 1.511–2 [Amended]

Par. 1A. Paragraph (a)(3)(iii) of § 1.511–2 is amended by deleting "section 512 (b)(16)", and inserting in lieu thereof "section 512(b)(14)".

§ 1.512 [Amended]

Par. 2. Section 1.512(b) is deleted.

Par. 3. Section 1.512(b)–1 is amended as follows:

1. Paragraph "(d)" is redesignated "(d)(1)" and paragraph (d)(2) is added as set forth below.

2. Paragraph (j)(1) is amended by deleting "educational institution (as defined in section 151(e)(4))" and inserting in lieu thereof "educational organization described in section 170(b)(1)(A)(ii))".

§ 1.511 [Deleted]

3. Paragraph (j)(1)(iii) is amended by deleting "section 512(b)(17)" and inserting in lieu thereof "section 512(b)(15)".

4. Paragraph (1)(5) is amended by deleting "section 512(b)(15)" each place that it appears, and inserting in lieu thereof "section 512(b)(13)."

§ 1.512(b)–1 Modifications.

* * * * *

(d) *Gains and loses from the sale, etc. of property.* (1) * * *

(2) There shall be excluded from the computation of unrelated business taxable income any gain from the lapse or termination after December 31, 1975, of options to buy or sell securities (as that term is defined in section 1236 (c)). An option is considered terminated when the organization's obligation under the option ceases by any means other than by reason of the exercise or lapse of such option. If the exclusion is otherwise available it will apply whether or not the organization owns the securities upon which the option is written, that is, whether or not the option is "covered." However, income from the lapse or termination of an option is excludable only if the option is written in connection with the organization's investment activities. Thus, for example, if the securities upon which the options are written are held by the organization as inventory or for sale to customers in the ordinary course of a trade or business, the income from the lapse or termination will not be excludable under the provisions of this paragraph. Similarly, if an organization is engaged in the trade or business of writing options (whether or not such options are covered) the exclusion will not be available.

* * * * *

§ 1.514 [Amended]

Par. 4. Section 1.514(b) is deleted.

§ 1.514(b)–1 [Amended]

Par. 5. Paragraphs (b)(2)(ii) and example (3) of (b)(3) of § 1.514(b)–1 are amended by deleting "section 512(b)(15)" each place that it appears and inserting in lieu thereof "section 512(b)(13)".

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: July 5, 1979.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 79–22434 Filed 7–19–79; 8:45 am]

BILLING CODE 4830–01–M

---

26 CFR Part 1

[T.D. 7633; LR–1350]

Valuation Date for Pooled Income Funds and Applicability of Separate Share Rule to Successive Interests in Trusts

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations regarding certain valuation dates under section 642(c) of the Internal Revenue Code of 1954. It also contains an amendment eliminating the application of the separate share rule of section 663(c) of the Code to successive interests in point of time. The regulation limits the application of the separate share rule to those concurrent trust interests where distributions closely parallel a distribution pattern that could occur if separate trusts had been created. The amendments affect certain pooled income funds and certain individuals receiving income from non-discretionary, multibeneficiary trusts.

DATES: The regulations dealing with pooled income funds are effective for transfers in trust made after July 31, 1969. The regulations involving separate shares apply in the case of taxable years ending after December 31, 1978.

FOR FURTHER INFORMATION CONTACT: Fred E. Grundeman of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: GG:LR:T, 202–566–3295 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On August 29, 1978, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 642(c) and 663(c) of the Internal Revenue Code of 1954 (43 FR 38601). No public hearing was requested or held on the proposed amendments.

This regulation does not meet the Treasury Department criteria for a significant regulation.

Pooled Income Funds

To qualify as a pooled income fund, a trust's assets must be valued periodically. In 1975, the regulations were amended to provide that, where the normal valuation date falls on a Saturday, Sunday, or legal holiday, the valuation may be made on the next succeeding day which is not a Saturday, Sunday, or legal holiday. The amendment to the regulations allows this valuation to be made on the next preceding day which is not a Saturday, Sunday, or legal holiday, provided that the selected practice is followed consistently when applicable. No comments were received on this amendment.

Separate Share Rule

Section 663(c) provides a rule for purposes of applying sections 661 and 662 (relating to income and deductions of "complex" trusts). In the case of a single trust having more than one beneficiary, substantially separate and independent shares of different beneficiaries are treated as separate trusts. The regulations state that the applicability of the separate share rule will generally depend upon whether distributions of the trust are to be made in substantially the same manner as if separate trusts have been created. [§ 1.663(c)–3.] However, paragraph (e) of § 1.663(c)–3 states that the separate share rule may also apply to successive interests in point of time, as for instance in the case of a trust providing for a life estate to *A*, remainder to *B*. In that case, in the taxable year of a trust in which the beneficiary dies, items of income and deduction properly allocable under trust accounting principles to the period before the beneficiary's death are attributed to one share and those allocable to the period after the beneficiary's death are attributed to the other share.

Under this rule, in the year of termination, the portion of gross income attributable to the remainderman will be reduced or eliminated by the allocation of all termination expenses to that share. Any excess termination expenses are not allocable against that portion of gross income attributable to the life income beneficiary. Under section 642(h) of the Code, however, the remainderman may carryover only those deductions in excess of the trust's total gross income for the entire year. This results in lost deductions in any case where termination expenses exceed that portion of gross income attributable to the remainderman.

Three comments were received indicating divided opinions on the deletion of the separate share rule for successive interest.

Those in favor of deletion point out that there is nothing expressly in the statute or legislative history of section 663 to indicate the rule should be applied to other than concurrent interests. Further, the rule is a complication that is little understood and rarely followed and, contrary to the general approach of Subchapter J, increases the probability of wasted deductions.

Those opposed point out that the present rule produces an equitable result and, having been in effect for many years without a change in section 663, should not now be abandoned.

The Treasurey Department believes the existing rule creates needless confusion and complexity. Further the Department believes than any potential inequity created by the elimination of the rule can usually be avoided by careful timing of trust transactions. After consideration of all comments regarding the proposed amendments, those amendments are adopted by this Treasury decision except that they are now effective for taxable years ending after December 31, 1978.

Deletion of Sections Merely Reproducing Statutory Material

As part of the effort to reduce the bulk of the Code of Federal Regulations several sections of the regulations which merely reproduce provisions of the Internal Revenue Code are being deleted.

Drafting Information

The principal author of these amendments is Fred E. Grundeman of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, the proposed amendments to 26 CFR Part 1 as set forth in the notice of proposed rulemaking published August 29, 1978 (43 FR 38601) are adopted with the following change:

Section 1.663(c)–3 as set forth in paragraph 3 of the notice of proposed rulemaking is amended by deleting the date "December 31, 1978" and inserting in its place the date "January 1, 1979".

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: June 26, 1979.

Donald C. Lubick,

Assistant Secretary of the Treasury.

June 26, 1979.

§ 1.642(c)–5 Definition of pooled income fund.

(vi) The term "determination date" means each day within the taxable year of a pooled income fund on which a valuation is made of the property in the fund. The property in the fund shall be valued on the first day of the taxable year of the fund and on at least 3 other days within the taxable year. The period between any two consecutive determination dates within the taxable year shall not be greater than 3 calendar months. In the case of a taxable year of less than 12 months, the property in the fund shall be valued on the first day of such taxable year and on such other days within such year as occur at successive intervals of no greater than 3 calendar months. Where a valuation date falls on a Saturday, Sunday, or legal holiday (as defined in section 7503 and the regulations thereunder), the valuation may be made on either the next preceding day which is not a Saturday, Sunday, or legal holiday or the next succeeding day which is not a Saturday, Sunday, or legal holiday, so long as the next such preceding day or next such succeeding day is consistently used where the valuation date falls on a Saturday, Sunday, or legal holiday.

§ 1.663(c)–3 Applicability of separate share rule.

(e) For taxable years ending before December 31, 1978, the separate share rule may also be applicable to successive interests in point of time, as for instance in the case of a trust providing for a life estate to A and a second life estate or outright remainder to B. In such a case, in the taxable year of a trust in which a beneficiary dies items of income and deduction properly allocable under trust accounting principles to the period before a beneficiary's death are attributed to one share, and those allocable to the period after the beneficiary's death are attributed to the other share. Separate share treatment is not available to a succeeding interest, however, with respect to distributions which would otherwise be deemed distributed in a taxable year of the earlier interest under

the throwback provisions of subpart D (section 665 and following), part I, subchapter J, chapter 1 of the Code. The application of this paragraph may be illustrated by the following example:

Example. A trust instrument directs that the income of a trust is to be paid to A for her life. After her death income may be distributed to B or accumulated. A dies on June 1, 1956. The trust keeps its books on the basis of the calendar year. The trust instrument permits invasions of corpus for the benefit of A and B, and an invasion of corpus was in fact made for A's benefit in 1956. In determining the distributable net income of the trust for the purpose of determining the amounts includible in A's income, income and deductions properly allocable to the period before A's death are treated as income and deductions of a separate share; and for that purpose no account is taken of income and deductions allocable to the period after A's death.

[FR Doc. 79-22432 Filed 7-19-79; 8:45 am]

BILLING CODE 4830-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Part 1420

FMCS Services in Health Care Industry, Labor Disputes

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Promulgation of Final Regulations.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS) promulgates Part 1420 of Title 29, CFR, governing FMCS services in health care industry labor disputes. This notice contains the text of the new regulations. The regulations are designed primarily to provide additional options to the parties in connection with the statutory Board of Inquiry factfinding procedure. The regulations provide an option for the parties to have some input to the selection of the individual(s) who may serve as the Board of Inquiry if one is appointed. The regulations also establish a deferral policy under which FMCS will decline to appoint a Board of Inquiry if the parties have their own factfinding or interest arbitration procedure which meets certain conditions.

EFFECTIVE DATE: August 1, 1979.

FOR FURTHER INFORMATION CONTACT: Scott Kruse, General Counsel, Federal Mediation and Conciliation Service, Washington, D.C., 20427, (202) 653-5305, FTS 653-5305.

SUPPLEMENTARY INFORMATION: On March 13, 1979, An Advance Notice of Proposed Rulemaking was published in the **Federal Register** (44 FR 14577) proposing to establish regulations governing optional input by the parties into the Board of the Inquiry selection process and to establish an FMCS policy of deferral to the parties' own factfinding or interest arbitration procedures under certain conditions. The basic concept of these two ideas was set forth. Interested persons were invited to submit comments on these proposals. Numerous oral comments were received from both labor and management representatives, all favoring these proposals.

On this basis, on May 4, 1979, Proposed Regulations were published in the **Federal Register** (44 FR 26128), setting forth the actual regulations to implement these proposals. Interested persons were again invited to submit comments on these regulations. All comments received were again in favor of the adoption of the regulations. No comments were received regarding the actual language of the proposed regulations. Therefore, no changes have been made in the language of the regulations.

The applicable provisions of Executive Order 12044 have been complied with.

Accordingly, 29 CFR Part 1420 is promulgated as set forth below.

EFFECTIVE DATE: These regulations shall become effective on August 1, 1979.

Adopted by the Federal Mediation and Conciliation Service at its office in Washington, D.C. on the 16th day of July 1979.

Wayne L. Horvitz,

Director.

29 CFR Part 1420 is added to read as follows:

PART 1420—FEDERAL MEDIATION AND CONCILIATION SERVICE—ASSISTANCE IN THE HEALTH CARE INDUSTRY

Sec.

1420.1 Functions of the Service in Health Care Industry Bargaining under the Labor-Management Relations Act, as amended (hereinafter "the Act").
1420.2–1420.4 [Reserved]
1420.5 Optional Input of Parties to Board of Inquiry Selection.
1420.6–1420.7 [Reserved]
1420.8 FMCS Deferral to Parties' Own Private Factfinding Procedures.
1420.9 FMCS Deferral to Parties' Own Private Interest Arbitration Procedures.

Authority: Secs. 8(d), 201, 203, 204, and 213 of the Labor Management Relations Act, as amended in 1974 (29 U.S.C. 158(d), 171, 173, 174 and 183).

§ 1420.1 Functions of the Service in health care industry bargaining under the Labor-Management Relations Act, as amended (hereinafter "the Act").

(a) *Dispute Mediation.* Whenever a collective bargaining dispute involves employees of a health care institution, either party to such collective bargaining must give certain statutory notices to the Federal Mediation and Conciliation Service (hereinafter "the Service") before resorting to strike or lockout and before terminating or modifying any existing collective bargaining agreement. Thereafter, the Service will promptly communicate with the parties and use its best efforts, by mediation and conciliation, to bring them to agreement. The parties shall participate fully and promptly in such meetings as may be called by the Service for the purpose of aiding in a settlement of the dispute. (29 U.S.C. Sections 158(d) and 158(g).).

(b) *Boards of Inquiry.* If, in the opinion of the Director of the Service a threatened or actual strike or lockout affecting a health care institution will substantially interrupt the delivery of health care in the locality concerned, the Director may establish within certain statutory time periods an impartial Board of Inquiry. The Board of Inquiry will investigate the issues involved in the dispute and make a written report, containing the findings of fact and the Board's non-binding recommendations for settling the dispute, to the parties within 15 days after the establishment of such a Board. (29 U.S.C. 183.)

§ 1420.2–1420.4 [Reserved]

§ 1420.5 Optional input of parties to Board of Inquiry selection.

The Act gives the Director of the Service the authority to select the individual(s) who will serve as the Board of Inquiry if the Director decides to establish a Board of Inquiry in a particular health care industry bargaining dispute (29 U.S.C. 183). If the parties to collective bargaining involving a health care institution(s) desire to have some input to the Service's selection of an individual(s) to serve as a Board of Inquiry (hereinafter "BoI"), they may jointly exercise the following optional procedure: (a) At any time at least 90 days prior to the expiration date of a collective bargaining agreement in a contract renewal dispute, or at any time prior to the notice required under clause (B) of Section 8(d) of the Act (29 U.S.C. 158(d)) in an initial contract dispute, the employer(s) and the union(s) in the dispute may jointly submit to the Service a list of arbitrators or other impartial individuals who would be

acceptable BoI members both to the employer(s) and to the union(s). Such list submission must identify the dispute(s) involved and must include addresses and telephone numbers of the individuals listed and any information available to the parties as to current and past employment of the individuals listed. The parties may jointly rank the individuals in order of preference if they desire to do so.

(b) The Service will make every effort to select any BoI that might be appointed from that jointly submitted list. However, the Service cannot promise that it will select a BoI from such list. The chances of the Service finding one or more individuals on such list available to serve as the BoI will be increased if the list contains a sufficiently large number of names and if it is submitted at as early a date as possible. Nevertheless, the parties can even preselect and submit jointly to the Service one specific individual if that individual agrees to be available for the particular BoI time period. Again the Service will not be bound to appoint that individual, but will be receptive to such a submission by the parties.

(c) The jointly submitted list may be worked out and agreed to by (1) A particular set of parties in contemplation of a particular upcoming negotiation dispute between them, or (2) a particular set of parties for use in all future disputes between that set of parties, or (3) a group of various health care institutions and unions in a certain community or geographic area for use in all disputes between any two or more of those parties

(d) Submission or receipt of any such list will not in any way constitute an admission of the appropriateness of appointment of a BoI nor an expression of the desirability of a BoI by any party or by the Service.

(e) This joint submission procedure is a purely optional one to provide the parties with an opportunity to have input into the selection of a BoI if they so desire.

(f) Such jointly submitted lists should be sent jointly by the employer(s) and the union(s) to the appropriate regional office of the Service. The regional offices of the Service are as follows:

Region 1, Federal Building, Room 2937, 26 Federal Plaza, New York, NY 10007.
Region 2, Mall Building, Room 401, Fourth and Chestnut Streets, Philadephia, PA 19106.
Region 3, Suite 400, 1422 West Peachtree Street, N.W., Atlanta, GA 30309.
Region 4, Superior Building, Room 1525, 815 Superior Avenue, N.E., Cleveland, OH 44114.
Region 5, Insurance Exchange Building, 16th Floor, 175 West Jackson Boulevard, Chicago, IL 60604.
Region 6, Chromalloy Plaza, Fifth Floor, 120 South Central Street, St. Louis, MO 63105.
Region 7, Francisco Bay Building, Suite 235, 50 Francisco Street, San Francisco, CA 94133.
Region 8, Fourth and Vine Building, Room 444, 2615 Fourth Avenue, Seattle, WA 98121.

§ 1420.6–1420.7 [Reserved]

§ 1420.8 FMCS deferral to parties' own private factfinding procedures.

(a) The Service will defer to the parties' own privately agreed to factfinding procedure and decline to appoint a Board of Inquiry (BoI) as long as the parties' own procedure meets certain conditions so as to satisfy the Service's responsibilities under the Act. The Service will decline to appoint a BoI and leave the selection and appointment of a factfinder to the parties to a dispute if both the parties have agreed in writing to their own factfinding procedure which meets the following conditions:

(1) The factfinding procedure must be invoked automatically at a specified time (for example, at contract expiration if no agreement is reached).

(2) It must provide a fixed and determinate method for selecting the impartial factfinder(s).

(3) It must provide that there can be no strike or lockout and no changes in conditions of employment (except by mutual agreement) prior to or during the factfinding procedure and for a period of at least seven days after the factfinding is completed.

(4) It must provide that the factfinder(s) will make a written report to the parties, containing the findings of fact and the recommendations of the factfinder(s) for settling the dispute, a copy of which is sent to the Service.

The parties to a dispute who have agreed to such a factfinding procedure should jointly submit a copy of such agreed upon procedure to the appropriate regional office of the Service at as early a date as possible, but in any event prior to the appointment of a BoI by the Service. See § 1420.5(f) for the addresses of the regional offices.

(b) Since the Service does not appoint the factfinder under paragraph (a) of this section, the Service cannot pay for such factfinder. In this respect, such deferral by the Service to the parties' own factfinding procedure is different from the use of stipulation agreements between the parties which give to the Service the authority to select and appoint a factfinder at a later date than the date by which a BoI would have to be appointed under the Act. Under such stipulation agreements by which the parties give the Service authority to appoint a factfinder at a later date, the Service can pay for the factfinder. However, in the deferral to the parties' own factfinding procedure, the parties choose their own factfinder and they pay for the factfinder.

§ 1420.9 FMCS deferral to parties' own private interest arbitration procedures.

(a) The Service will defer to the parties' own privately agreed to interest arbitration procedure and decline to appoint a Board of Inquiry (BoI) as long as the parties' own procedure meets certain conditions so as to satisfy the Service's responsibilities under the Act. The Service will decline to appoint BoI if the parties to a dispute have agreed in writing to their own interest arbitration procedure which meets the following conditions:

(1) The interest arbitration procedure must provide that there can be no strike or lockout and no changes in conditions of employment (except by mutual agreement) during the contract negotiation covered by the interest arbitration procedure and the period of any subsequent interest arbitration proceedings.

(2) It must provide that the award of the arbitrator(s) under the interest arbitration procedure is final and binding on both parties.

(3) It must provide a fixed and determinate method for selecting the impartial interest arbitrator(s).

(4) The interest arbitration procedure must provide for a written award by the interest arbitrator(s).

(b) The parties to a dispute who have agreed to such an interest arbitration procedure should jointly submit a copy of their agreed upon procedure to the appropriate regional office of the Service at as early a date as possible, but in any event prior to the appointment of BoI by the Service. See § 1420.5(f) for the addresses of regional offices.

These new regulations are a part of the Service's overall approach to implementing the health care amendments of 1974 in a manner consistent with the Congressional intent of promoting peaceful settlements of labor disputes at our vital health care facilities. The Service will work with the parties in every way possible to be flexible and to tailor its approach so as to accommodate the needs of the parties in the interest of settling the dispute. This was the motivating principle behind these new regulations which

permit input by the parties to the Board of Inquiry selection and allow the parties to set up their own factfinding or arbitration procedures in lieu of the Board of Inquiry procedure. We encourage the parties, both unions and management, to take advantage of these and other options and to work with the Service to tailor their approach and procedures to fit the needs of their bargaining situations.

[FR Doc. 79-22566 Filed 7-19-79; 8:45 am]

BILLING CODE 6732-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL 1276-6]

Air Quality Control Regions, Criteria, and Control Techniques; Change of Title

AGENCY: Environmental Protection Agency.

ACTION: Administrative revision—change of title of Part 81.

SUMMARY: The current title of Part 81, "Air Quality Control Regions, Criteria, and Control Techniques," gives an incorrect description of its contents. Part 81 includes no criteria or control techniques. This action changes the title of Part 81 to the following: "Designation of Areas for Air Quality Planning Purposes."

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Sableski, Chief, Plans Guidelines Section, Control Programs Development Division (MD-15), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711 (919-541-5437).

EFFECTIVE DATE: July 20, 1979.

SUPPLEMENTARY INFORMATION

Presidential Order 12044 requires government agencies to review existing regulations and determine how to improve such regulations. EPA reviewed the Part 81 regulation and concluded that no language changes are needed in the text, but that the title of the Part should be revised. Part 81, now entitled, "Air Quality Control Regions, Criteria, and Control Techniques," includes no criteria or control techniques, but is composed of three separate lists of air quality planning areas as follows: air quality control regions; areas designated as nonattainment; and the proposed visibility problem areas. Thus, the new title of Part 81 will be, "Designation of Areas for Air Quality Planning Purposes." This action falls within the exception of 5 U.S.C. 553 which allows an agency to dispense with the notice of proposed rulemaking when taking public comment is impractical or unnecessary. Due to the minor nature of this action, EPA feels that providing opportunity for public comment is unnecessary.

Authority: Section 301(a), Clean Air Act, as amended (42 U.S.C. 7601).

Dated: July 14, 1979.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

EPA revises Title 40, Chapter I, Subchapter C by changing the title of Part 81 to read as follows:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

* * * * *

[FR Doc. 79-22436 Filed 7-19-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Part 51e

Grants for Demonstrating the Training of Personnel to Provide Home Health Services

AGENCY: Public Health Service, HEW.

ACTION: Final rule.

SUMMARY: This document establishes a regulation which contains the requirements for receiving demonstration grants for the training of personnel to provide home health services. The program is designed to improve the training of these personnel to assure a high quality of health care provided in the home setting.

EFFECTIVE DATE: July 20, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Harold Dame, Director, Home Health Service Programs, Bureau of Community Health Services, Room 7A-42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301-443-2270).

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking to implement the program of grants for demonstrating the training of home health professionals and paraprofessionals under section 602(b) of Public Law 94-63 (42 U.S.C. 1395x note, extended by Public Laws 94-460 and 95-83) appeared in the Federal Register on June 20, 1978, with public comment invited (43 FR 26443). Section 207 of the Health Services and Centers Amendments of 1978, Public Law 95-626, amended the Public Health Service Act by revising section 339 (42 U.S.C. 255) to include the authorization for home health services and home health training grants, previously authorized by Section 602 of Public Law 94-63. Summaries of the substantive comments received, the Department's responses to these comments, and the changes to the proposed regulation follow:

1. Section 51e.202 defines those "personnel" who would be eligible for training as persons who are current employees of home health agencies or home health organizations, or persons who have a written assurance of employment upon completion of training in one of these types of agencies. One respondent requested deletion of the requirement for providing an assurance of employment. The comment indicated that, although in all probability trainees would be employed upon completion of training, he understood that an assurance of a job would mean that the minimum hourly wage must be paid, in accordance with the Fair Labor Standards Act.

The Department of Labor has advised that the requirement that a potential trainee has a written assurance of a job would not mean that the minimum hourly wage would need to be paid under the Fair Labor Standards Act during the training period, for one or more of the following reasons:

(a) An independent training facility, such as an educational or training institution, would not be an employer with respect to the trainees being trained for other organizations, since no employer-employee relationship exists between those being trained and the institution providing the training.

(b) The monetary provisions of the Act would not apply to any city, county, or State health department providing the training, even if the trainees are, or will be, employees of these agencies.

(c) There would be no coverage under the Act for trainees employed or to be employed by a private nonprofit organization, where the training will not be "on-the-job" or "in-service" training.

(d) In those instances where the training organization is a private home health agency and where the training will not be in the nature of "on-the-job" training or "in-service" training, but is similar to that provided by an educational institution, and there are no services provided or work done by the trainees, the Department of Labor will not assert that these trainees would be employees within the meaning of the Fair Labor Standards Act.

Consequently, the Department has concluded that to require personnel, who are not current employees of home health agencies or organizations, to have a written assurance of employment, would not mean that the minimum wage would have to be paid these persons while in training. Therefore, it is not necessary that this requirement be deleted in order to eliminate an anticipated deterrent to the full use of the training program authorized by the statute and this regulation.

2. One commenter recommended that, although the statute limits eligibility for grants to public or nonprofit private entities, the preamble to this regulation states that trainees may come from any certified home health agency or home health organization, regardless of its tax status, i.e., from a private for-profit, as well as from a private nonprofit, entity. When a training project grantee makes training available to trainees of other organizations, the commenter recommended that the grantee be required to provide an assurance that training will not be denied on the basis of the tax status of an employer, that is, on the basis of whether the employer is a private for-profit or a private nonprofit entity.

Through the definition of "personnel" which may be trained (see § 51e.202), this regulation provides for the training of personnel of home health agencies, home health organizations, or of entities under contract with one of these agencies or organizations to provide home health services. Home health agencies are defined as entities which have provider agreements under 42 CFR 405.602. Home health organizations are defined as those entities which intend to become home health agencies. Private (for-profit) entities, if licensed under State law to provide home health services, may have, or intend to have, provider agreements, and hence their employees would be eligible for training under this subpart. In addition, employees of private (for-profit) entities would be eligible for training under this subpart if the entities have contracts with home health agencies or organizations to provide home health services.

The request that an assurance be required from the training project that it will not discriminate against potential trainees on the basis of the employer's tax status has not been accepted. The statute limits the provision of training to those individuals who are or will be employed by home health agencies, or by organizations which are about to become certified as home health agencies. Private for-profit organizations in certain States are not eligible for certification. Thus, employees from these organizations would not be eligible for training as "home health personnel," unless they are under contract with a home health agency to provide home health services. Furthermore, there is no evidence or experience in any similar health training program to show that there is discrimination among eligible recipients on the basis of the employer's tax status. In the absence of any showing that discrimination on this basis exists, a special provision is not warranted. It is not the purpose of this regulation to presuppose potential discrimination.

3. One respondent recommended that the demographic data relating to the proposed project area, required to be provided by proposed § 51e.204(a)(3)(ii), also include the estimated percentage of handicapped and severely disabled persons in the proposed service area. The Department has reconsidered the requirement that data relating to the total population of the area, the number and percentage of persons aged 65 years and older, and the number and percentage of recipients under Title XIX of the Social Security Act be included in the application, and has concluded that these data are not needed to evaluate the applications. The consideration of these data is more appropriate with respect to the award of grants for home health services under section 339(a) of the Act, as amended, rather than with respect to home health training grants. The number of home health agencies in the area and the number and types of individuals needing training are more appropriate as indicators of the need for these training grants. Consequently, the requirement for provision of the demographic data, which was included in the proposed regulation at § 51e.204(a)(3)(ii), has been deleted. For these reasons, the request that additional data regarding handicapped and disabled persons be provided has been rejected.

4. Four commenters were concerned with the curriculum requirements in proposed § 51e.205(b) (now § 51e.206(b)). One commenter recommended that management training for directors and supervisory personnel be added. This commenter pointed out that a study in HEW Region II had identified management deficiencies as an important obstacle to the expansion of home health services. The Department recognizes that management training for directors and supervisory personnel is needed. However, considering the availability of resources and the other priorities (*See*, § 51e.206(b)), management training will not be supported at this time.

Another respondent recommended that projects for the training of home health aides be required to address patients' psychological needs, personal values and attitudes, and emotional problems, which are particularly significant in the care of the terminally ill and are essential to quality health care. These aspects of training are recognized as important, and were required in the proposed regulation to be included in the curriculum for home health aide training. *See* proposed § 51e.205(b)(2)(i), now § 51e.206(b)(2)(i), which requires that the curriculum be designed to give trainees proficiency with respect to meeting the "needs of people under stress." Therefore, the regulation has not been revised.

A third commenter recommended that the specific requirements for training of supervisory nurses be expanded to include "other comparable professional health personnel," specifically, physical therapists and occupational therapists. This was considered important due to the scarcity of supervisory nurses and the availability of physical therapists in rural areas.

The Department has concluded that, when a preference in funding is announced for training nurses and other health professionals who supervise home health personnel, the training curricula which will be developed by the grantee for these categories of personnel can be based upon the general requirements set forth in this regulation, without the need to meet additional special requirements. Consequently, § 51e.205(b)(3), "*Specific requirements for projects for training supervisory nurses in rehabilitation nursing techniques,*" has been deleted. Since the Department has determined that specific curricula requirements are unnecessary for these categories of supervisory personnel, it is obviously unnecessary to expand the regulation as recommended by this commenter.

The rationale for elimination of these specific requirements, while retaining specific requirements for home health aides, is based upon the fact that all of the other professionals providing home health services are either covered by a licensure law, accredited by a certifying body, or have to meet specific educational requirements under the conditions of participation for Medicare reimbursement. On the other hand, home health aides, with the exception of a few States, do not have to meet similar proficiency requirements.

A fourth respondent suggested that the regulation require that the home health aide training curriculum recommended by the National Council for Homemaker Home Health Aide Services, including practicums, be used by home health training grantees. The Health Services Administration, DHEW, entered into a contract with the National Council for Homemaker Home Health Aide Services to develop a detailed curriculum to serve as a guide to applicants and grantees for developing and conducting a course of training for home health aides. This curriculum meets all of the requirements of the regulation. The guide, entitled *The Model Curriculum and Teaching Guide for Instruction of Homemaker/Home Health Aides*, is available from the DHEW Regional Offices and is highly recommended as minimum course content.

However, the guide is *recommended* rather than required because requiring that the guide be followed in all its detail would result in undesirable rigidity in the training program. This would prevent the use of professional judgment in meeting the unique needs of home health agencies in training home health aides. Thus, the comment has not been accepted insofar as it calls for a *requirement* that this guide be followed exactly.

5. Three commenters objected to the priorities listed in proposed § 51e.206(b), now § 51e.207(b), for the evaluation and award of grants. Two objected to "limiting" grants to geographic areas with a population of at least one million people. It was thought that this number was arbitrary and that its use would fail to meet the need of rural populations. These objections are based on a misunderstanding of proposed § 51e.206, now § 51e.207, which states the factors which will be considered in making an award under this subpart. The section states that *preference* will be given to applicants whose proposed project areas consist of an entire State or a geographic area with a population of at least one million people. This "preference" in funding does not preclude awarding a grant to a project which would serve a significant need in other areas, including rural areas. As pointed out in the preamble to the proposed regulation, however, the preference for projects serving an entire State or a geographic area with at least one million persons is considered realistic, considering available funding. These minimum service areas provide a reasonable base from which potential trainees can be identified and through which economies of scales can be achieved.

Another commenter expressed confusion about what future preference categories would be established, and whether these would be in addition to grants for training for home health aides and supervisory nurses. The commenter recommended that the final regulation not mention home health aides or supervisory nurses when defining these preferences.

Section 51e.206(b) of the proposed regulation (now § 51e.207(b)) stated that "preference will be given to applicants for grants under this subpart who propose to train a particular category (or categories) of home health personnel, *such as* home health aides or supervisory nurses * * *" (Emphasis supplied). Including these two categories of personnel in this subsection was intended to be illustrative rather than inclusive. However, since some confusion has resulted, reference to these two categories of personnel in this subsection has been deleted. It should be noted that this is consistent with the deletion of § 51e.205(b)(3), as discussed in item 4, above. Preferences established for categories of personnel in addition to home health aides will be announced in the **Federal Register** in sufficient time to provide guidance to applicants for funds available in fiscal year 1979, and thereafter.

6. One commenter considered allocation of grant funds to the 10 DHEW regional offices (proposed in § 51e.209) to be inefficient and recommended awarding grant funds to the 50 State departments of public health for direct support of the training projects or for the State health departments to select a provider of training. The statute authorizes the Secretary to make grants to public and nonprofit private entities. The Department concludes that to limit grant awards to the 50 State health departments would not be in accord with the intent of Congress, and that nonprofit private entities should have the right to equal consideration in applying for funds under this authority. As a result, this recommendation has not been accepted.

7. Since the authorization for home health training grants is now included in the Public Health Service Act (see section 207 of Public Law 95–626), proposed grants for home health training are now subject to review and approval or disapproval by health system agencies under section 1513(e) of the Act.

8. In addition to the above revisions which were made in response to comments, minor technical changes have been made, several to simplify the text in accordance with Executive Order 12044.

The Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, hereby redesignates Part 51e as Subpart A of that Part and adds a new Subpart B, to read as set forth below.

Dated: April 2, 1979.

Julius B. Richmond,

Assistant Secretary for Health.

Approved: June 30, 1979.

Hale Champion,

Acting Secretary.

PART 51e—GRANTS FOR HOME HEALTH SERVICES AND TRAINING

1. Part 51e of 42 CFR is redesignated as part 51e, Subpart A.

2. A new Subpart B is added to 42 CFR Part 51e, to read as follows:

Subpart B—Grants for Demonstrating the Training of Personnel To Provide Home Health Services

Sec.

51e.201 To what do these regulations apply?
51e.202 Definitions.
51e.203 Who is eligible to apply for a home health training grant?
51e.204 How does one apply for a home health training grant?
51e.205 What health planning requirements apply?
51e.206 What requirements must be met by a home health training project?
51e.207 What criteria will HEW use to decide which projects to fund?
51e.208 For what purposes may grant funds be used?
51e.209 How will grant funds be allocated among regions?
51e.210 What additional information should an applicant or grantee have about a home health training grant?

Authority: Sec. 215, Public Health Service Act, 8 Stat. 690, as amended 63 stat. 35 (42 U.S.C. 216). Sec. 339(b), Public Health Service Act (42 U.S.C. 255(b)).

Subpart B—Grants for Demonstrating the Training of Personnel To Provide Home Health Services

§ 51e.201 To whom do these regulations apply?

The regulations of this subpart apply to grants authorized by Section 339(b), Public Health Service Act (42 U.S.C. 255 (b)) to demonstrate the training of professional and paraprofessional personnel to provide home health services.

§ 51e.202 Definitions.

As used in this part:

"Act" means Public Health Service Act.

"Applicant" means a public or nonprofit private entity which applies for a grant under this subpart.

"Home health agency" means an entity which has a provider agreement with the Secretary under 20 CFR Part 405, Subpart F.

"Home health organization" means an entity which intends to become a home health agency but which does not, at the time of application for a grant under this subpart, have a provider agreement with the Secretary.

"Home health services" are those items and services listed in Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) provided by a home health agency.

"Nonprofit," as applied to any private agency, institution, or organization, means an entity no part of the net earnings of which benefits, or may lawfully benefit, any private shareholder or individual.

"Personnel" means persons (1) who are employees of home health agencies or home health organizations, (2) who are employees of an entity under contract with a home health agency or a home health organization to provide home health services, or (3) who have written assurance of employment upon completion of training from one of the agencies or entities described in subparagraphs (1) or (2) of this definition.

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

"State" means one of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Marianas or the Trust Territory of the Pacific Islands.

"State agency" means the agency of a State which has an agreement with the Secretary under Section 1864(a) of the Social Security Act to certify agencies as home health agencies as defined in Section 1861(o) of that Act.

§ 51e.203 Who is eligible to apply for a home health training grant?

Any public or nonprofit private entity is eligible to apply for a grant under this subpart.

§ 51e.204 How does one apply for a home health training grant?

An application for a grant under this subpart must be submitted to the Secretary at the time and in the manner the Secretary may require. The application must contain the following:

(a) A full and adequate description of the proposed project and of the manner in which the applicant intends to conduct the project and meet the requirements of § 51e.206, including a description of plans and criteria for enrolling trainees.

(b) A budget and justification of the amount of grant funds requested.

(c) A description of the precise boundaries of the proposed project area.

(d) Information, with a description of the source or methodology on which it is based, concerning the need for the proposed project, including:

(1) The number of home health agencies and home health organizations located in the area proposed to be served;

(2) An estimate of the number and types of individuals needing training; and

(3) An estimate of the number of trainees proposed to be trained in each training program during the project period.

(e) Copies of position descriptions of key project personnel, the qualifications of these individuals, and justification of the need for the positions.

(f) A plan and methodology for evaluating the training program(s).

(g) A description of the applicant's organizational structure, any ongoing and past training activities, and any experience in home health and/or other health or health-related activities.

§ 51e.205 What health planning requirements apply?

The requirements of section 1513(e) of the Act and applicable regulations, with respect to review and approval by the appropriate health systems agency, apply to grants made under this subpart.

§ 51e.206 What requirements must be met by a home health training project?

(a) *General requirements.* A project for demonstrating the training of professional and paraprofessional personnel to provide home health services supported under this subpart must:

(1) Provide the training in accordance with the description of the proposed project submitted in the application under the requirements of § 51e.204(a).

(2) Provide the training using curricula which meet the requirements of paragraph (b) of this section.

(3) Assure that staff professionals and paraprofessionals meet all applicable licensure, certification, and other legal requirements for the practice of their professions.

(4) Provide training without charge to trainees or to the organizations employing trainees.

(5) Provide for clinical experience, where appropriate to the training.

(6) Have available adequate facilities, staff, and equipment to provide the training.

(7) Provide the successful students with a statement of satisfactory completion of the course.

(b) *Curriculum requirements.*

(1) *General requirements.* In addition to the requirements of paragraph (a) of this section, projects for the training of home health personnel must also meet the following general requirements, and the specific requirements of paragraph (b)(2) of this section, as applicable:

(i) each curriculum must present a sound theoretical framework with well-defined objectives;

(ii) each curriculum must provide adequate coverage of all topics pertinent to the particular catergory of home health personnel. These topics must be presented in a systematic and orderly manner; and

(iii) each curriculum must include a schedule of clinical practice exercises and study activities, where appropriate for the particular program.

(2) *Specific requirements for projects for the training of home health aides.* A curriculum for the training of home health aides must be designed to give trainees proficiency in the following areas:

(i) Personal care, care of the sick, needs of people under stress, the body and its functions, grooming;

(ii) Care and maintenance of the home and personal belongings, home accident prevention, family spending;

(iii) Nutrition, meal planning, food storage, marketing;

(iv) Dealing with children in the family; and

(v) Understanding the home health agency, its roles, and other related services available to the community.

§ 51e.207 What critieria will HEW use to decide which projects to fund?

(a) *General.* Within the limits of funds determined by the Secretary to be available for this purpose, the Secretary may award grants under this subpart to those applicants for projects which will,

in his judgment, best promote the purposes of Section 339(b) of the Act, and the applicable regulations of this subpart, taking into consideration:

(1) The extent to which the project would provide for the elements set forth in § 51e.205;

(2) The potential of the project for the development of effective methods of home health services training;

(3) The administrative and management capability of the applicant;

(4) The soundness of the fiscal plan for assuring effective use of grant funds; and

(5) The extent to which the applicant proposes to enroll, or has been successful in enrolling, trainees from minority groups.

(b) *Preferences.* (1) Preference will be given to applicants for grants under this subpart who propose to train a particular category (or categories) of home health personnel, which the Secretary determines will best promote the purposes of Section 602(b) of the Act and the applicable regulations of this subpart in any fiscal year, taking into account:

(i) The availability of funds;

(ii) The need for training of this category of home health personnel;

(iii) The number of personnel who may benefit from training;

(iv) Changes in requirements under applicable provisions of the Social Security Act, or regulations issued under the Act; and

(v) Administrative practicality (availability of teaching guides, evaluation methodology, and prospective number of grantees).

Preferences established by the Secretary as a result of an evaluation of the factors listed in subparagraphs (i) through (v) of this paragraph will be announced in the **Federal Register.**

(2) Preference will be given to applicants within each category given preference under subparagraph (1) of this paragraph whose project area will include an entire State or a geographic area with a population of at least one million people.

§ 51e.208 For what purposes may grant funds be used?

(a) Project funds awarded under this subpart may be used for, but need not be limited to, the following costs:

(1) Employment of personnel to conduct the project;

(2) Clerical staff to support project personnel;

(3) Costs necessary for the conduct of the project associated with the travel of the training staff;

(4) Training support costs, such as supplies, equipment, teaching aides, rental of meeting facilities; and

(5) Training personnel.

(b) Project funds may *not* be used for trainee expenses, such as costs of travel and room and board.

§ 51e.209 How will grant funds be allocated among regions?

Funds appropriated to carry out Section 339(b) of the Act will be allocated to the ten regions of the Department of Health, Education, and Welfare, as set forth in § 1.30(A), 35 Fed. Reg. 14334 (1970), on the basis of the size of the population of each region; however:

(a) A minimum amount as may be determined by the Secretary shall be allocated to each region; and

(b) Where the Secretary determines that there will not be enough applications which meet the requirements of § 51e.205 within a region to use the funds allocated to it, he may reallocate these excess funds to regions which he determines have approvable applications under this subpart which otherwise would not be funded.

§ 51e.210 What additional information should an applicant or grantee have about a home health training grant?

(a) *Applicability of HEW Department-wide regulations.*

Attention is drawn to the following HEW Department-wide regulations which apply to grants under this subpart:

45 CFR Part 16—Department Grant Appeals Process.

45 CFR Part 74—Administration of Grants.

45 CFR Part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health, Education, and Welfare's implementation of Title VI of the Civil Rights Act of 1964.

45 CFR Part 84—Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance.

(b) *Additional conditions.*

The Secretary may with respect to any grant impose additional conditions prior to or at the time of any award when in his judgment these conditions are necessary to assure or protect advancement of the approved program, the interests of public health, or the proper use of grant funds.

[FR Doc. 79-21935 Filed 7-19-79; 8:45 am]

BILLING CODE 4110-84-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5668

[ES-4012]

Arkansas; Addition To National Forest; Public Land Order No. 5631; Correction

AGENCY: Bureau of Land Management (Interior).

ACTION: Final rule.

SUMMARY: This document will correct Public Land Order No. 5631 of March 10, 1978, to add one section which was inadvertently omitted.

EFFECTIVE DATE: July 20, 1979.

FOR FURTHER INFORMATION CONTACT: Lowell, J. Udy, 301-427-7500.

Public Land Order No. 5631 of March 10, 1978, appearing at page 11992 in the **Federal Register** of March 23, 1978, is hereby corrected to include the following described lands which were inadvertently omitted:

Ozark National Forest

Fifth Principal Meridian

T. 11 N., R. 33 W.,
Sec. 24.

Guy R. Martin,

Assistant Secretary of the Interior.

July 11, 1979.

[FR Doc. 79-22420 Filed 7-19-79; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-5664]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294
Bethesda, Maryland 20034
Phone: (800) 638-6620

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Eligible Communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Illinois	Greene	Greenfield, city of	170252-A	July 5, 1979, emergency.	Feb. 22, 1974 and July 16, 1976.
Alabama	Walker	Unincorporated areas	010301-A	July 2, 1979, emergency.	June 9, 1978.
Arkansas	Mississippi	do	050452-B	July 6, 1979, emergency.	Oct. 18, 1977 and May 29, 1979.
North Carolina	Columbus	do	370305-A	do	June 16, 1978.
Pennsylvania	Butler	Brady, township of	422241-A	do	Oct. 25, 1974 and Sept. 3, 1976.
Do	Lackawanna	Elmhurst, township of	421752-A	do	Oct. 18, 1974 and Apr. 30, 1976.
Do	Greene	Monongahela, township of	421673	do	July 11, 1975.
Do	Snyder	West Beaver, township of	422507	do	Jan. 24, 1975.
Alabama	Limestone	Ardmore, town of	010306	July 9, 1979, emergency.	Dec. 17, 1976.
Minnesota	Washington	Birchwood village, city of	270720-New	do	
Pennsylvania	Erie	Conneaut, township of	421219-A	do	Dec. 13, 1974.
Do	Butler	Parker, township of	421219-A	do	Sept. 20, 1974 and July 16, 1976.
Do	Carbon	Penn Forest, township of	421457	do	Aug. 12, 1977.
Connecticut	Middlesex	*Fenwick, borough of	090187	July 10, 1979 regular	July 26, 1974 and July 3, 1978.
Illinois	Cook	Harwood Heights, village of	170101	July 11, 1979, emergency.	
Texas	Menard	Unincorporated areas	481238	do	
Wisconsin	Rush	do	550374-A	do	Sept. 6, 1974.
North Carolina	Stanly	do	370361	July 12, 1979, emergency.	June 9, 1978.
Washington	Whitman	Farmington, town of	530295	do	Nov. 19, 1976.
Kentucky	Fulton	Hickman, city of	210077-A	July 13, 1979, emergency.	June 28, 1974 and June 4, 1976.
Kentucky	Hickman	Clinton, city of	210111-A	do	May 17, 1974 and Sept. 24, 1976.
Texas	Lavaca	Moulton, city of	480433-A	do	Apr. 5, 1974 and Mar. 5, 1976.
Alabama	Choctaw	Pennington, town of	010035	July 16, 1979, emergency.	Mar. 3, 1978.
Utah	Koosharem	Koosharem, town of	490128	do	Dec. 24, 1976.
Idaho	Shoshone	Kellogg, city of	160131-B	July 2, 1979, suspension withdrawn.	Jan. 9, 1974 and Jan. 23, 1976.
Do	do	Pinehurst, city of	160200-A	do	Jan. 31, 1975.
Do	do	Wallace, city of	160118-B	do	June 7, 1974 and Jan. 16, 1976.
Louisiana	East Baton Rouge Parish	Unincorporated areas	220058-A	do	Nov. 22, 1974.
Maryland	Montgomery	do	240049-B	do	July 18, 1975 and Apr. 2, 1976.
Massachusetts	Worcester	Millbury, town of	250318-B	do	Feb. 22, 1974 and Mar. 4, 1977.
Do	Hampshire	Westhampton, town of	250173-B	do	June 28, 1974 and July 16, 1976.
Michigan	Saginaw	Saginaw, township of	260190-B	do	Sept. 13, 1974 and July 9, 1976.
Do	do	Zilwaukee, city of	260285-B	do	May 17, 1974.
Minnesota	Washington	Lake Elmo, city of	270505-B	do	May 17, 1974 and June 4, 1976.
Mississippi	Hinds	Unincorporated areas	280070-B	do	Oct. 18, 1974 and Feb. 24, 1978.
Do	Attala	Kosciusko, city of	280007-B	do	Jan. 23, 1974 and June 18, 1976.
Montana	Lincoln	Libby, city of	300042-B	do	May 31, 1974.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
New Hampshire	Hillsborough	Amherst, town of	330081-B	do	May 28, 1974.
Do	Carroll	Jackson, town of	330014-B	do	Aug. 30, 1974 and Nov. 5, 1976.
New Jersey	Bergen	Allendale, borough of	340019-A	do	Mar. 16, 1973.
Do	Monmouth	Keyport, Borough of	340304-B	do	Jan. 23, 1974 and Feb. 6, 1976.
Do	Burlington	Riverside, township of	340113-B	do	Feb. 11, 1977.
Do	do	Willingboro, township of	340119-B	do	Nov. 30, 1973 and Oct. 8, 1976.
New York	Erie	Colden, town of	360233-B	do	May 31, 1974 and July 2, 1976.
Do	do	Lancaster, village of	360248-C	do	Apr. 12, 1974, May 14, 1976 and Mar. 4, 1977.
Pennsylvania	Montgomery	Lower Providence, township of	420703-A	do	Dec. 28, 1973.
Rhode Island	Providence	Burrillville, town of	440013-B	do	Sept. 13, 1974 and Aug. 2, 1977.
Texas	Tarrant	Benbrook, city of	480586-B	do	May 3, 1974 and Mar. 4, 1977.
Do	Mason	Mason, city of	480467-B	do	May 10, 1974 and Apr. 16, 1976.
Vermont	Windsor	Hartford, town of	500148-A	do	Nov. 22, 1974.
Virginia		Fredericksburg, city of	510065-B	do	June 21, 1974 and Oct. 31, 1975.
Washington	Whitman	Colton, town of	530244-A	do	May 2, 1975.
Do	Kitsap	Poulsbo, city of	530241-B	do	Dec. 6, 1974 and Feb. 20, 1976.

*Note.—The Borough of Fenwick, CT is shown on the FIRM for Old Saybrook, CT, dated July 3, 1978 and will use this FIRM for insurance and flood plain management purposes.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: July 12, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-22300 Filed 7-19-79; 8:45 am]

BILLING CODE 4210-23-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 79-61; RM-3230]

FM Broadcast Station in Reform, Ala.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a Class A FM channel to Reform, Alabama, in response to a petition filed by REGO Broadcasting Company. The assigned channel can be used to provide a first local aural broadcast service to the community.

EFFECTIVE DATE: August 22, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 9, 1979; released: July 13, 1979.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations; (Reform, Alabama); *Report and Order;* (Proceeding Terminated).

By the Chief, Broadcast Bureau:

1. The Commission has before it a *Notice of Proposed Rule Making,* adopted March 22, 1979, 44 FR 19000, in response to a petition filed by REGO Broadcasting Company ("petitioner"), requesting the assignment of FM Channel 269A to Reform, Alabama, as its first FM assignment. No oppositions to the proposal were received. Supporting comments were filed by petitioner reaffirming its intention to apply for the channel, if assigned.

2. Reform (pop. 1,863), in Pickens County (pop. 20,326) [1], is located approximately 140 kilometers (87 miles) northwest of Montgomery, Alabama, and 113 kilometers (70 miles) southwest of Birmingham, Alabama. There is no local aural broadcast service in Reform.

3. Petitioner asserts that because of the extension of Reform's city limits, its population is now over 2,500 as compared to the 1970 U.S. Census figure of 1,863. Petitioner has submitted persuasive information with respect to Reform and its need for a first FM assignment.

4. We believe the public interest would be served by assigning FM Channel 269A to Reform, Alabama. A station on the proposed channel would provide the community with a first local aural broadcast service.

5. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

6. Accordingly, IT IS ORDERED, That effective August 22, 1979, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, IS AMENDED as follows for the community listed below:

City and Channel No.
Reform, Ala.; 269A.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

[1] Population figures are taken from the 1970 U.S. Census.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-22454 Filed 7-19-79; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 78-367; RM-3162]

FM Broadcast Station in Clinton, La.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a Class A FM channel to Clinton, Louisiana, as its first FM assignment. Petitioner, Feliciana Broadcasting Company, states the assigned channel could provide a first local aural broadcast service for the community.

EFFECTIVE DATE: August 22, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 9, 1979; Released: July 13, 1979.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Clinton, La.); Report and Order; (Proceeding Terminated).

By the Chief, Broadcast Bureau:

(1) The Commission herein considers the *Notice of Proposed Rule Making*, adopted November 7, 1978, 43 FR 54110, inviting comments on a proposal to assign FM Channel 224A to Clinton, Louisiana, as its first FM assignment. The proceeding was instituted in response to a petition filed by Feliciana Broadcasting Company ("petitioner"). Supporting comments [1] were filed by the petitioner reaffirming its intention to file for the channel, if assigned. An opposition was filed by Western Mississippi Broadcasters, Inc. ("Western"), licensee of Station WZZB-FM (Channel 285A), Centreville, Mississippi. Reply comments were filed by petitioner and Western.

2. Clinton (pop. 1,884), seat of East Feliciana Parish (pop. 17,657) [2], is located approximately 48 kilometers (30 miles) north of Baton Rouge, Louisiana. It has no local aural broadcast service.

3. Petitioner argued in favor of the proposal as necessary to bring a first local service to Clinton. Petitioner also pointed to the lack of local service in two neighboring parishes.

4. In opposition, Western alleges that the distance between the Clinton Post Office and FM Station WCKW, La Place, Louisiana, does not meet the spacing requirements. Therefore, it notes, petitioner has chosen a Clinton transmitter site 14 kilometers (9 miles) from Centreville where Western's station operates. Western claims that the establishment of a new FM facility this distance from Centreville will not only cut into WZZB-FM's revenues from Clinton, but will reduce income received from Centreville and its environs. It argues that the Centreville station serves Clinton and East Feliciana Parish with news, agriculture reports, public service announcements and police department reports. It asserts that additional broadcast service to Clinton from stations in other cities is more than adequate. Western contends that establishment of a new station in Clinton would be disruptive of the public interest and would result in deterioration of public service and public affairs programming throughout the area.

5. In reply [3], petitioner states that Western's allegation of economic harm should more appropriately be discussed at the application stage. Petitioner contends that Clinton is without a daily newspaper and without a local broadcast outlet devoted solely to its needs. It states that the only nighttime service to Clinton is provided by two or three stations licensed to Baton Rouge located more than thirty miles away and a New Orleans station located about 112 miles distant. Petitioner argues that the proposed station would be the first local nighttime service for Clinton. It asserts that Western's allegation that a new station in Clinton would disrupt the public service and result in deterioration of programming is without foundation.

6. We believe that it is in the public interest to assign Channel 224A to Clinton, Louisiana. The argument made by Western that a new station in Clinton would take away revenues from Station WBBZ-FM is a matter properly deferred for resolution at the application stage rather than in a rule making context. [4] It should be noted that in establishing the FM Table of Assignments we gave high priority to providing each community with at least one FM broadcast station, especially if the community lacked local aural service. Even if nearby stations do provide coverage of Clinton and even if they offer some programming directed to Clinton, this is not a basis for refusing to provide a community with a first broadcast outlet for local expression. An FM channel assignment here would provide for a local station which could broadcast programs directed to meeting the special needs, interests and problems of Clinton and the surrounding area. No station, owing its primary obligation to another locality, could be expected to provide the equivalent of such local service.

7. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

8. In view of the foregoing, IT IS ORDERED, That effective August 22, 1979, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, IS AMENDED to read as follows:

City and Channel No.
Clinton, La.: 224A.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-22457 Filed 7-19-79; 8:45 am]

BILLING CODE 6712-01-M

---

[1] Petitioner's comments were late-filed. However, since they did nothing more than express a continuing interest in the proposed channel and raised no arguments pertaining to the merits of the proceeding, no harm will result from our acceptance of this filing. Therefore, they will be accepted.

[2] Population figures are taken from the 1970 U.S. Census.

[3] Petitioner notes that in a petition filed by Donald G. Manuel, proposing the assignment of an FM channel to Port Gibson, Mississippi, Manuel requested that the Clinton and Port Gibson petitions be consolidated. Manuel asserts that if the proposed channels are assigned to Port Gibson and Clinton, two Mississippi communities would be precluded from ever obtaining a channel. No interest has been expressed in a channel at either location and the Manuel petition is not a counterproposal warranting consolidation. Accordingly, it will be acted on in turn separately.

[4] See *Carroll Broadcasting Co.* v. *F.C.C.*, 258 F. 2d 440 (D.C. Cir. 1958).

47 CFR Part 73

[BC Docket No. 79-42; RM-3287]

Television Broadcast Stations in Royston and Warm Springs, Ga; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein reassigns noncommercial educational television Channel *22 from Warm Springs, Georgia, to Royston, Georgia. Action was taken in response to a petition filed by the Georgia State Board of Education. The channel could be used at Royston to serve an area which is not now receiving noncommercial educational television service.

EFFECTIVE DATE: August 22, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcaast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 9, 1979; released: July 13, 1979.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Royston and Warm Springs, Ga.); Report and Order; (Proceeding Terminated).

By the Chief, Broadcast Bureau:

1. The Commission has before it the *Notice of Proposed Rule Making*, adopted March 12, 1979, 44 FR 16459, in response to a petition filed by the Georgia State Board of Education ("petitioner"), requesting the reassignment of noncommerical educational television Channel *22 from Warm Springs, Georgia, to Royston, Georgia. No oppositions to the proposal have been received. Comments were filed by petitioner in which it reaffirmed its intention to file for the channel, if assigned.

2. Royston (pop. 2,428), is located on the border of three counties (Franklin, pop. 12,784; Hart, pop. 15,814; and Marion, pop. 13,517),[1] and is located approximately 45 kilometers (25 miles) northeast of Athens, Georgia. There are no television assignments in Royston. Warm Springs (pop. 523), in Meriweather County (pop. 19,461), is located approximately 50 kilometers (30 miles) northeast of Columbus, Georgia. Channel *22 is the only television channel assigned to Warm Springs. It is unoccupied and unapplied for.

3. The petitioner states it is an agency of the State of Georgia which has sought to employ educational television as one of the means of providing high quality intructional programming to the State of Georgia. It has applied for and constructed eight noncommerical educational television stations througout the State so as to provide service to as much of Georgia as possible. It notes that Warm Springs is already receiving noncommerical educational television service from nearby Station WJSP (Channel *28),[2] supplemented by translator Station W48AB, Columbus, Georgia. Petitioner claims that Channel *22 is the only channel that will fit into the Royston area consistent with the Commission's spacing requirements. It points out that the proposed channel could be used to provide noncommerical educational television service to approximately 16,000 people that lack such service.

4. In view of the fact that Channel *22 could be used to extend noncommercial educational television service to an area now unserved, the Commission believes that the public interest would be served by making this assignment.

5. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(l), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, IT IS ORDERED, That effective August 22, 1979, the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) IS AMENDED with regard to the communities listed below:

City	Channel No.
Royston, Ga	*22+
Warm Springs, Ga	—

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-22455 Filed 7-19-79; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

[2] The station, licensed to serve Columbus, Georgia, broadcasts from a site just outside of Warm Springs.

47 CFR Part 73

[Docket No. 20902; RM-2642]

Television Broadcast Station in St. Louis, Mo.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a third noncommercial educational television channel to St. Louis, Missouri, in response to a petition filed by Double Helix Corporation. The assigned channel could bring additional noncommercial educational television service to a growing area.

EFFECTIVE DATE: August 22, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 9, 1979.

Released: July 13, 1979.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (St. Louis, Missouri); Report and Order (Proceeding Terminated).

By the Chief, Broadcast Bureau:

1. The Commission has before it the *Notice of Proposed Rule Making*, adopted September 1, 1976, 41 FR 38521, in response to a petition filed by Double Helix Corporation ("petitioner"), requesting the assignment of UHF television Channel No. 46 to St. Louis, Missouri. Supporting comments were filed by petitioner. No oppositions to the proposal were received.

2. Petitioner states that St. Louis (pop. 622,236), is the twelfth largest television market in the United States and the tenth largest Standard Metropolitan Statistical Area with a population of 2,362,900. This figure, it says, represents an increase of 12.3% over the 1960 figure. St. Louis is presently served by five commercial television stations (KTVI, Channel 2; KMOX-TV, Channel 4; KSD-TV, Channel 5; KPLR-TV, Channel 11; and KDNL-TV, Channel 30). It is also served by one noncommercial educational television station (KETC, Channel No. 9). In addition, there are two competing applicants for noncommercial educational Channel No. 40 (BPET-497, filed by Double Helix Corporation, and BPET-505, filed by the Channel No. 9 licensee, St. Louis

Educational Television Commission),[1] and a commercial application is pending (BPCT–4826) on Channel 24. Petitioner states that if Channel No. 46 is assigned to St. Louis, it will apply for it.

3. Petitioner asserts that although it may prevail in a comparative hearing for a grant of a construction permit for Channel No. 40 in St. Louis, it believes the city needs a third noncommercial educational assignment to serve the area's growing problems. Petitioner states that a third noncommercial educational channel could revitalize the cultural and social life of St. Louis by giving exposure and publicity to local artists and local cultural institutions. It points out that the added channel would provide a needed diversity of voices, especially among the noncommercial broadcasters.

4. In our *Notice*, we requested more information to show that there is a real need for a third noncommercial educational television station in St. Louis. Petitioner submitted numerous letters from individuals in the educational field expressing their support and interest for an additional channel. Petitioner stressed the need for a third noncommercial educational station in St. Louis, indicating that it would focus on the affairs of the community with an emphasis on community access.

5. In Docket No. 78–165, the Commission is considering whether to apply multiple ownership restrictions to noncommercial educational stations. Because St. Louis Regional already is licensee of a public TV station in St. Louis, action on its application is being withheld pending the outcome of the rule making proceeding. Although the two applications could be designated for comparative hearing, this would be costly to all concerned and would serve no useful purpose. Since only one channel is now available at St. Louis, this means that action on petitioner's application also is being withheld even though there is no independent reason for withholding action. To avoid this problem we can assign the proposed channel for use by petitioner and later deal with the St. Louis Regional application separately when the multiple ownership issue is resolved. We think this approach is preferable to the one originally set forth in paragraph 6 of the *Notice*.

6. In view of the foregoing, we believe it would be in the public interest to make this assignment to St. Louis, Missouri. It would provide an additional noncommercial educational television service to a growing area in which an expression of interest has been shown.

7. Accordingly, it is ordered, that effective August 22, 1979, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended with regard to the city listed below as follows:

City	Channel No.
St. Louis, Mo	2, 4−, 5−, *9, 11−, 24+, 30+, *40−, *46

8. Authority for the action taken herein is found in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

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

10. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 5, 303; 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79–22453 Filed 7–19–79; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[Docket No. 21211; RM–2715 and RM–2906]

FM Broadcast Stations in Cleveland, Clinton, LaFollette, Oneida, and Sweetwater, Tenn.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: This action denies a proposal to add a fourth commercial FM channel (282) to Knoxville, Tennessee. A mutually exclusive counterproposal to assign Class A Channel 285 to LaFollette, Tennessee, as that community's first local full-time service, is approved instead.

EFFECTIVE DATE: August 22, 1979.

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

FOR FURTHER INFORMATION CONTACT: Stanley P. Wiggins, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION: Report and Order—(Proceeding Termination)

Adopted: July 9, 1979.

Released: July 13, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Knoxville, Clinton, Sweetwater, Cleveland, LaFollette and Oneida,[1] Tennessee), Docket No. 21211, RM–2715, RM–2906.

1. In response to a petition filed by James F. Stair, II and Hillery K. Duckett, II ("S&D"), the Commission issued the *Notice of Proposed Rule Making* in this proceeding, proposing the assignment of Class C FM Channel 282 as a fourth assignment to Knoxville, Tennessee, 42 FR 21822 (1977). The Commission noted that the proposed action was consistent with the applicable population guidelines for channel assignments, but the Commission did point to the need to resolve two issues. One was the possible preclusion of a channel in LaFollette, Tennessee, and the other was the required substitution of one unoccupied and two occupied FM channels in other communities. In issuing the *Notice*, the Commission stated that the separation requirements for the only suitable area for a Knoxville transmitter site must be met.[2] In addition, the Commission ordered the licensees of two existing FM stations in Clinton and Sweetwater, Tennessee, to show cause why they should not have their licenses modified to specify new FM channels in order to meet the spacing requirements.

2. Parties filing comments consisted of the petitioners (S&D), Clinton Broadcasters, Inc. ("Clinton"), licensee of WYSH(AM) and WYSH(FM), Clinton, Tennessee, and Campbell County Broadcasting Corporation ("Campbell"), licensee of WLAF(AM), LaFollette, Tennessee. Campbell's comments included a counterproposal for the assignment of Channel 285A to LaFollette. Reply comments were filed by these parties and by South Central Broadcasting Corporation ("South Central"), licensee of WEZK(FM), Knoxville, Tennessee. Separately, Ernest O. Sutton filed a petition for rule making to assign Channel 285A to LaFollette.[3] South Central filed supplemental reply comments with a

---

[1] The corporate name was changed to St. Louis Regional Educational and Public Television Commission ("St. Louis Regional").

[1] Public Notice (Report No. 1053) was given on June 15, 1977, of the petition filed by Campbell County Broadcasting Corporation stating that the petition would be treated as a counterproposal in this proceeding. It has been added to the caption.

[2] Petitions had expressed a preference for a short-spaced site with arguably greater coverage potential. The Commission, however, concluded that no showing had been made to justify a departure from the separation requirements. Despite the extensive discussion of this matter in comments, no new factual considerations have been submitted which support a different conclusion.

[3] Although Sutton's filing was too late for consideration as a counterproposal, it has been treated as a reply comment in support of the already filed counterproposal to the same effect.

motion for their acceptance. In so doing, South Central noted that petitioners S&D clearly had foreknowledge of Sutton's reply pleading as evidenced by their own simultaneously filed reply pleading—which responded to Sutton's LaFollette proposal with a third potential transmitter site for the alternative assignment of Channel 244A to LaFollette. Because South Central's supplemental reply comments are limited to an evaluation of the Channel 244A site analysis submitted by petitioners and were prepared expeditiously, we believe full exploration of the preclusion issue will be furthered by accepting them.

3. Before discussing the specific conflicting proposals before us, some comments are necessary on the show cause orders requiring the Clinton and Sweetwater stations to change channels if Channel 282 or 285A were assigned to LaFollette. One of the affected parties, Sweetwater Radio, Inc., licensee of WDEH(FM), Sweetwater, did not respond. The second, Clinton, licensee of WYSH(FM), Clinton, asserted generally that such an involuntary reassignment requires an unusually compelling public interest showing which it contends was not made by the petitioner's proposal. Similarly, the Channel 285A LaFollette counterproposal by Campbell County—which also would require the Clinton station to shift channels—is assailed, in part because it allegedly ignores the disruptive effects of the necessary channel reshuffling.[4] Alternatively, Clinton urges that if such an assignment is granted, the Commission should (i) require applicants to specify maximum facilities; (ii) defer the effective date of any necessary channel reassignment until after actual issuance of a construction permit for a Knoxville facility; and (iii) require the eventual permittee of Channel 282 to reimburse fully stations required to shift channels. In reply comments, petitioners reiterate their belief that a need for additional FM service in Knoxville has been established, and they assert there is no broad disruption which in other situations has necessitated a compelling showing from an advocate of assignment. S&D also suggest that the eventual licensee at Knoxville should not be held responsible for a channel shift at Cleveland, Tennessee, where the competing applicants have already applied for vacant Channel 252A. Finally, S&D concede the general applicability of *Circleville, supra,* in determining the proper scope of reimbursable expenditures.

4. The Commission's belief that equitable considerations call for compensation for such channel shifts by the benefited party is well established. *Kenton and Bellefontaine, Ohio, et al.,* 3 F.C.C. 2d 598, 605 (1966). In fact, this practice is so well established that we do not consider it necessary to hold this proceeding in abeyance pending receipt of such assurances. Nonetheless, our decision is subject to reconsideration if there is any dispute on this point.

5. Contrary to the assertions made in objection to modifications here, the Commission does not normally require a showing of extraordinary circumstances to justify channel shifts of this nature. Rather, we have recognized that congestion in the FM band dictates such modifications if needed services are to be provided. The question then becomes one of establishing the existence of such a need for service to Knoxville or LaFollette.

6. This brings us to the second question: preclusion to LaFollette. Thanks to the filing of the LaFollette counterproposal, what began as an issue regarding preclusion to LaFollette has been superseded by the need to choose between assignments at Knoxville and LaFollette. The choice is necessary because there is no alternative channel that can be assigned to LaFollette.

7. Petitioners argued that they had located an acceptable transmitter site which would permit an FM assignment to LaFollette on Channel 244A, thereby permitting both assignments. Engineering studies submitted as part of the Sutton reply comments, however, were said to eliminate Channels 237A and 244A from consideration due to an inability to provide a city-grade signal over the community of LaFollette. Petitioners do not dispute this conclusion as regards Channel 237A, but assert in reply comments that Channel 244A could be assigned if a transmitter site were located eight miles southeast of the community. A second transmitter site 7.16 miles south-southeast of the community is also asserted by Stair and Duckett to comply with requirements of Rules § 73.315. They argue that the station's 3.16mV/m signal would extend for nine miles on the principal city radial. However, both South Central's misgivings regarding the effects of irregular terrain in this area and Sutton's contention of errors in petitioners' contour mileages are supported by Commission staff analysis. This analysis, based on Stair and Duckett's antenna height figure, indicates that the 3.16 mV/m contour would barely reach the community's boundary on the near side. In addition, there does appear to be a substantial prospect of shadow loss due to such obstacles as Turkey Ridge, some three miles southeast of LaFollette, which is some 400 feet higher than the community and 300 feet higher than the transmitter site. Further, even if a taller tower of 1,000 feet were erected to overcome shadowing problems,[5] the required compensatory decrease in effective radiated power would mean that the 3.16 mV/m contour would still not extend beyond the marginal contact with the near side of LaFollette's boundaries. Thus, while this approach might help with shadowing problems, it does nothing to enhance city coverage. Accordingly, we must elect to assign Channel 282 to Knoxville or Channel 285A to LaFollette.

8. LaFollette and the contiguous county seat, and Campbell County as a whole, contain only one operating broadcast facility—WLAF(AM), licensed to LaFollette. A LaFollette station would bring service to the 26,045 persons who reside in the county (1970 Census) and their need for a fulltime local broadcast service is apparent and unquestioned. The competing need of Knoxville (1970 population 276,293), as the metropolitan hub of East Tennessee, is apparent both from the population standards in the Commission's assignment guidelines and Knoxville's broad importance to the surrounding region. Our assignment guidelines, however, also generally place a higher priority on the provision of a first fulltime service to all areas of the country than on meeting standards for the number of channels to be assigned a community on the basis of population. Under the Commission's established

[4] Clinton also asserts that Campbell County's counterproposal was defective because it failed to recognize that channel reassignments would be necessary for its realization, and failed to offer assurances that licensees would be reimbursed for the costs of channel shifts as required by established Commission practice. The former contention is answered by the terms of the Commission's own *Notice of Proposed Rule Making*, which described the existing stations facing reassignment as a result of Stair and Duckett's proposal—including Clinton's facility. While Campbell County did not explicitly note the channel substitutions required to implement its counterproposal, this need was apparent from the exposition of the preclusion issue in the *Notice* and was cured by an errata filed eight days later. Also, the *Notice* pointed out that reimbursement for channel substitutions would be expected from the grantee of a new FM assignment.

[5] It is not necessary to have line-of-sight transmission to all parts of a community of license, and the prospect of some shadow loss from Stair and Duckett's proposed transmitter site for Channel 244A does not preclude its consideration. *Richlands, Va.*, 42 F.C.C. 2d 727 (1973). Rather, the failure to cover the community of license with a 3.16 mV/m signal is of primary importance; any terrain factors indicating possible further losses from shadowing simply add an additional element of pessimism regarding coverage of the community of license.

policy on requests for additional FM assignments,[6] preference cannot be given to the assignment of another FM channel to Knoxville, which is already served by nine AM stations, three commercial FM and two noncommercial FM stations, in addition to television stations and two daily newspapers, at the expense of a first FM assignment to a significant community in a rural county. Petitioner's points regarding local ownership and diversity of opinion are not relevant at the assignment stage because the eventual occupant of a channel is unknown. In any event, here we are faced with an entire county which lacks any fulltime broadcast facility. We recognize both Knoxville's general need for additional aural services and petitioners' particular contention that outside reception services are not a substitute for local service. The same logic, however, more forcefully favors LaFollette and the surrounding county.

9. Based on the equitable distribution requirements of 47 U.S.C. 307(b), Channel 285A must be assigned to LaFollette. There are no other substantial questions raised by the pleadings which run counter to our conclusion. In particular, the disruption to existing operations complained of by Clinton does not outweigh the public interest value of providing a first FM service to LaFollette and the surrounding county. Further, Clinton's AM facility will ameliorate any such disruption.[7] In keeping with past practice, successful applicants for a construction permit will be required to compensate the Clinton and Sweetwater stations for their reasonable costs of changing channels.

10. Accordingly, it is ordered, That the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, IS AMENDED as follows for the below named communities:

City (all in Tennessee)	Channel No.
Cleveland	[1]237A
Clinton	237A
LaFollette	285A
Oneida	288A
Sweetwater	252A

[1] Applicants for Channel 252A in Cleveland will be allowed to amend their applications to conform to the revised Table of Assignments.

11. It is further ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license of Clinton Broadcasters, Inc. for Station WYSH(FM) is modified, effective August 22, 1979, to specify operation on Class A FM Channel 237 instead of on Class A FM Channel 285. The licensee shall inform the Commission in writing by no later than August 22, 1979, of its acceptance of this modification. Station WYSH(FM) may continue to operate on Channel 285A for one year from the effective date of this action or until it is ready to operate on Channel 237A, whichever is earlier, unless the Commission directs otherwise. In addition, the following information shall be provided:

(a) At least 30 days before commencing operation on Channel 237A, the licensee of Station WYSH(FM) shall submit to the Commission the technical information normally required of an applicant for the channel, including that connected with a change in the transmitter site.

(b) At least 10 days prior to commencing operation on Channel 237A, the licensee of Station WYSH(FM) shall submit the measurement data required of an applicant for a broadcast station license; and

(c) The licensee of Station WYSH(FM) shall not commence operation on Channel 237A without prior Commission authorization.

12. It is further ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license of Sweetwater Radio, Inc. for Station WDEH(FM) is modified, effective August 22, 1979, to specify operation on Class A FM Channel 252 instead of on Class A FM Channel 237. The licensee shall inform the Commission in writing by no later than August 22, 1979, of its acceptance of this modification. Station WDEH(FM) may continue to operate on Channel 237 for one year from the effective date of this action or until it is ready to operate on Channel 252, whichever is earlier, unless the Commission directs otherwise. In addition, the following information shall be provided:

(a) At least 30 days before commencing operation on Channel 252, the licensee of Station WDEH(FM) shall submit to the Commission the technical information normally required of an applicant for the channel, including that connected with a change in the transmitter site.

(b) At least 10 days prior to commencing operation on Channel 252, the licensee of Station WDEH(FM) shall submit the measurement data required of an applicant for a broadcast station license; and

(c) The licensee of Station WDEH(FM) shall not commence operation on Channel 252 without prior Commission authorization.

13. *It is further ordered*, That copies of this *Report and Order* shall be mailed by certified mail, return receipt requested, to Sweetwater Radio, Inc., licensee of Station WDEH(FM), c/o R.L. Sherlin, Main Street, Sweetwater, Tennessee, 37874, and Clinton Broadcasters, Inc., licensee of Station WYSH(FM), c/o George R. Guertin, P.O. Box 70, Morristown, Tennessee 37814.

14. Authority for the adoption of the amendments contained herein appears in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

15. Accordingly, it is ordered, That effective August 22, 1979, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended as it pertains to the communities listed above.

16. It is further ordered, That the petition for rule making filed by Stair and Duckett (RM–2715) IS DENIED.

17. It is further ordered, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303).)

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79–22458 Filed 7–19–79; 8:45 am]

BILLING CODE 6712–01–M

[6] Public Notice FCC 67–577, "Policy to Govern Requests for Additional FM Assignments," May 12, 1967.

[7] Clinton asserted that it had just completed a major change in its FM operations which significantly expanded its signal coverage and it urges that this should not be followed by a frequency change which could disrupt and confuse listening patterns. It also suggested that there might be slight interference to a Channel 237A facility at Clinton, from a second adjacent channel operating at Greenville, Tenn., even in the absence of short-spacing. The rules, however, provide no protection beyond that provided by the spacing requirements. The contention that such channel substitutions require a demonstration of compelling circumstances applies only where wholesale channel substitutions are required, which is patently not the case here even if some problems might temporarily ensue.

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order No. 1270; Amdt. No. 4]

Chesapeake & Ohio Railway Co. Authorized To Operate Over Tracks Abandoned by Grand Trunk Western Railroad Co.

Decided: July 13, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order; Amendment No. 4 to Service Order No. 1270.

SUMMARY: Service Order No. 1270 authorizes The Chesapeake and Ohio Railway Company to operate over approximately 0.6 miles of track authorized to be abandoned by the Grand Trunk Western Railroad, between Ferrysburg, Michigan, and Grand Haven, Michigan, and over an additional 0.2 miles of track abandoned by the Grand Trunk Western in order to provide continued rail service to a shipper located adjacent to those tracks.

DATES: Effective 11:59 p.m., July 15, 1979, and continuing until further order of this Commission.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Upon further consideration of Service Order No. 1270 (42 FR 38379; 43 FR 2725, 36639; and 44 FR 3716), and good cause appearing therefor:

It is ordered, that § *1033.1270 The Chesapeake and Ohio Railway Company authorized to operate over tracks abandoned by Grand Trunk Western Railroad Company,* Service Order No. 1270 is amended by substituting the following paragraph (c) for paragraph (c) thereof:

(c) *Expiration date.* The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 15, 1979.

(49 U.S.C. (10304–10305 and 11121–11126))

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–22476 Filed 7–19–79; 8:45 am]

BILLING CODE 7035–01–M

49 CFR Part 1033

[Service Order No. 1084; Amdt. No. 15]

Chicago, Rock Island & Pacific Railroad Co., W. M. Gibbons, Trustee, Authorized To Operate Over Tracks of Chicago & North Western Transportation Co.

Decided: July 13, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order; Amendment No. 15 to Service Order No. 1084.

SUMMARY: Service Order No. 1084 authorizes the Chicago, Rock Island and Pacific to operate over a track abandoned by the Chicago and North Western Transportation Company at McClelland, Iowa, for the purpose of continuing railroad service to a shipper located adjacent to that track.

DATES: Effective 11:59 p.m., July 15, 1979, and continuing until further order of this Commission.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

SUPPLEMENTARY INFORMATION: Upon further consideration of Service Order No. 1084 (36 FR 22063; 37 FR 12726, 28059; 38 FR 20840; 39 FR 3827, 27672; 40 FR 5162, 31939; 41 FR 4929, 31381; 42 FR 6371, 38572; 43 FR 4431, 34147; and 44 FR 6731), and good cause appearing therefor:

It is ordered:

§ *1033.1084 Chicago, Rock Island and Pacific Railroad Company, W. M. Gibbons, Trustee, Authorized to Operate over tracks of Chicago and North Western Transportation Company.*

Service Order No. 1084 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall remain in effect until modified or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 15, 1979.

(49 U.S.C. (10304–10305 and 11121–11126))

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–22478 Filed 7–19–79; 8:45 am]

BILLING CODE 7035–01–M

49 CFR Part 1033

[Service Order No. 1339; Amdt. No. 2]

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

Decided: July 13, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order; Amendment No. 2 to Service Order No. 1339.

SUMMARY: Service Order No. 1339 authorizes Chicago, Milwaukee, St. Paul and Pacific Railroad Company to operate over tracks of the Union Pacific Railroad Company between Blakeslee Junction Interlocker, Washington, and Helsing Junction, Washington.

DATES: Effective 11:59 p.m., July 15, 1979, and continuing in effect until further order of this Commission.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

Upon further consideration of Service Order No. 1339 (43 FR 43719 and 44 FR 3712), and good cause appearing therefor:

It is ordered that § *1033.1339 Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over tracks of Union Pacific Railroad Company;* Service Order No. 1339 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 15, 1979.

(49 U.S.C. (10304–10305 and 11121–11126))

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment

shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, Members Joel E. Burns, Robert S. Turkington, and John R. Michael. Member John R. Michael not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-22477 Filed 7-19-79; 8:45 am]

BILLING CODE 7035-01-M

---

49 CFR Part 1033

[Service Order No. 1294; Amdt. No. 3]

Indiana Interstate Railway Co., Inc., Authorized To Operate Over Tracks Owned by the City of Bicknell, Ind.

Decided: July 13, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order Amendment No. 3 to Service Order No. 1294.

SUMMARY: Service Order No. 1294 authorizes the Indiana Interstate Railway Company, Inc., to operate over 1.1 miles of track leased from the City of Bicknell, Indiana, in order to provide essential railroad service to industries served by that track.

DATES: Effective 11:59 p.m., July 15, 1979, and continuing until further order of this Commission.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, Chief, (202) 275-7840.

SUPPLEMENTARY INFORMATION: Upon further consideration of Service Order No. 1294 (43 FR 1092, 29007, and 44 FR 3713), and good cause appearing therefor:

It is ordered, § *1033.1294 Indiana Interstate Railway Company, Inc., authorized to operate over tracks owned by the City of Bicknell, Indiana.*

Service Order No. 1294 is amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 15, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-22479 Filed 7-19-79; 8:45 am]

BILLING CODE 7035-01-M

---

49 CFR Part 1033

[Service Order No. 1336; Amdt. 2]

Missouri-Kansas-Texas Railroad Co. Authorized To Operate Over Tracks of St. Louis-San Francisco Railway Co.

Decided: July 13, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order—Amendment No. 2 to Service Order No. 1336.

SUMMARY: Service Order No. 1336 authorizes Missouri-Kansas-Texas Railroad Company to operate over tracks of the St. Louis-San Francisco Railway Company between Oswego, Kansas, and Columbus, Kansas.

DATES: Effective 11:59 p.m., July 15, 1979, and continuing in effect until further order of this Commission.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

Upon further consideration of Service Order No. 1336 (43 FR 40020 and 44 FR 3713), and good cause appearing therefor:

It is ordered: § *1033.1336 Missouri-Kansas-Texas Railroad Company Authorized to Operate over Tracks of St. Louis-San Francisco Railway Company.*

Service Order No. 1336 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 15, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-22480 Filed 7-19-79; 8:45 am]

BILLING CODE 7035-01-M

---

49 CFR Part 1033

[Service Order No. 1247; Amendment No. 6]

Bath and Hammondsport Railroad Co. Authorized To Operate Over Tracks of Consolidated Rail Corporation

July 13, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order Amendment No. 6 to Service Order No. 1247.

SUMMARY: Service Order No. 1247 authorizes the Bath and Hammondsport to operate over Consolidated Rail Corporation trackage between Kanona and Wayland, New York.

DATES: Effective 11:59 p.m., July 15, 1979, and continuing until further order of this Commission.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

SUPPLEMENTARY INFORMATION: Upon further consideration of Service Order No. 1247 (41 FR 29819; 42 FR 6370, 39389; 43 FR 4617, 34148; and 44 FR 6729), and good cause appearing therefor:

It it ordered: § *1033.1247 Service Order 1247, Bath and Hammondsport Railroad Company authorized to operate over tracks of Consolidated Rail Corporation.*

Service Order No. 1247 is amended by substituting the following paragraph (d) for paragraph (d) therof:

* * * * *

(d) *Expiration date.* The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 15, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, Members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-22482 Filed 7-19-79; 8:45 am]

BILLING CODE 7035-01-M

---

49 CFR Part 1033

[Service Order No. 1327; Amendment No. 2]

Brillion & Forest Junction Railroad Co. Authorized To Operate Over Tracks Abandoned by Chicago & North Western Transportation Co.

July 13, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order Amendment No. 2 to Service Order No. 1327.

SUMMARY: Service Order No. 1327 authorizes the Brillion and Forest Junction to operate in order to provide uninterrupted rail service to shippers located at Brillion, Wisconsin.

DATES: Effective 11:59 p.m., July 15, 1979, and continuing in effect until further order of this Commission.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

SUPPLEMENTARY INFORMATION: Upon further consideration of Service Order No. 1327 (43 FR 22212; and 44 FR 3711), and good cause appearing therefor:

It is ordered: § *1033.1327 Service Order 1327, Brillion & Forest Junction Railroad Company authorized to operate over tracks abandoned by Chicago and North Western Transportation Company.*

Service Order No. 1327 is amended by substituting the following paragraph (f) for paragraph (f) thereof:

* * * * *

(f) *Expiration date.* This provisions of this order shall remain in effect until modified or vacated by order of this Commission.

Effective date. The amendment shall become effective at 11:59 p.m., July 15, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

This amendment shall be served upon the Association of American Railroads, Car Service Divsion, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

Agatha L. Mergenovich,

Secretary.

[FR. Doc. 79-22475 Filed 7-19-79; 8:45 am]

BILLING CODE 7035-01-M

---

49 CFR Part 1033

[Service Order No. 1387]

Missouri Pacific Railroad Co. Authorized To Operate Over Tracks of Missouri-Kansas-Texas Railroad Co.

July 12, 1979

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1387.

SUMMARY: The Missouri Pacific Railroad Company is authorized to operate over tracks of the Missouri-Kansas-Texas Railroad Company between Waco Junction, Texas, and Taylor, Texas.

EFFECTIVE DATE: 11:59 p.m., July 15, 1979, until further order of this Commission.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

SUPPLEMENTARY INFORMATION:

The Missouri Pacific Railroad Company (MP) operates its trains between Waco Junction, Texas, and Taylor, Texas, over MP tracks via Valley Junction, Texas, a distance of approximately 116 miles. There is an alternate route available over Missouri-Kansas-Texas Railroad Company (MKT) tracks between Waco Junction and Taylor, via Temple, a distance of approximately 76.8 miles. Movement of the MP trains over its present route causes train delay and the use of an excessive amount of fuel. MKT has agreed to use by MP of its tracks between Waco Junction and Taylor.

Use of these MKT tracks by MP will result in considerable fuel savings, more efficient operations, and improved car utilization. MP will continue to serve all of its shippers.

MP will file an application with the Commission for trackage rights over these tracks of the MKT. MP will be permitted to use these trackage rights for bridge rights only and will not perform any local freight service at any point on this trackage.

It is the opinion of the Commission that an emergency exists requiring operation of MP trains over these tracks of MKT in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, § *1033.1387 Service Order 1387. Missouri Pacific Railroad Company authorized to operate over tracks of Missouri-Kansas-Texas Railroad Company.*

(a) The Missouri Pacific Railroad Company (MP) is authorized to operate over tracks of Missouri-Kansas-Texas Railroad Company (MKT) between Waco Junction, Texas, and Taylor, Texas, a distance of approximately 76.8 miles.

MP is authorized to use these trackage rights only as bridge rights and is not authorized to perform any local freight service at any point on this trackage.

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

(c) Nothing herein shall be considered as a prejudgment of the application of MP seeking authority to operate over these tracks.

(d) *Effective date.* This order shall become effective at 11:59 p.m., July 15, 1979.

(e) *Expiration.* The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

(49 U.S.C. (10304-10305 and 11121-11126).)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S.

Turkington and John R. Michael. Member John R. Michael not participating.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-22481 Filed 7-19-79; 8:45 am]

BILLING CODE 7035-01-M

---

49 CFR Part 1033

[Service Order No. 1331; Amendment No. 2]

South Central Tennessee Railroad Co. Authorized To Operate Over Tracks Abandoned by Louisville & Nashville Railroad Co.

July 13, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order Amendment No. 2 to Service Order No. 1331.

SUMMARY: Service Order No. 1331 authorizes the South Central Tennessee Railroad Company to operate in order to provide uninterrupted rail service to shippers located between Colesburg and Hohenwald, Tennessee.

DATES: Effective 11:59 p.m., July 15, 1979, and continuing until further order of this Commission.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Upon further consideration of Service Order No. 1331 (43 FR 29126, and 44 FR 3712), and good cause appearing therefor:

It is ordered: § *1033.1331 Service Order 1331, South Central Tennessee Railroad Company authorized to operate over tracks abandoned by Louisville and Nashville Railroad Company.*

Service Order No. 1331 is amended by substituting the following paragraph (f) for paragraph (f) thereof:

* * * * *

(f) *Expiration date.* The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 15, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the **Federal Register.**

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-22483 Filed 7-19-79; 8:45 am]

BILLING CODE 7035-01-M

---

49 CFR Part 1033

[S. O. No. 1200-A]

Car Service; Missouri Pacific Railroad Co. Authorized To Operate Over Tracks of Union Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order, Service Order No. 1200-A.

SUMMARY: Since an emergency no longer exists, Service Order No. 1200 is vacated.

EFFECTIVE DATE: 11:59 p.m., July 15, 1979.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275-7840.

DECIDED: July 13, 1979.

Upon further consideration of Service Order No. 1200 (39 FR 38103; 40 FR 2990, 30268; 41 FR 2644, 29387; 42 FR 3309, 31163, 63788; 43 FR 26446, 59074; and 44 FR 36185), and good cause appearing therefor:

It is ordered: § 1033.1200 Service Order No. 1200 (Missouri Pacific Railroad Company authorized to operate over tracks of Union Pacific Railroad Company) is vacated effective 11:59 p.m., July 15, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

A copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreeement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-22573 Filed 7-19-79; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 44, No. 141
Friday, July 20, 1979

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.

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[18 CFR Ch. IV]

[25 CFR Ch. I]

[30 CFR Chs. II, VI, and VII]

[36 CFR Chs. I, and XII]

[41 CFR Chs. 14H, and 14R]

[43 CFR Subtitle A, Chs. I-II]

[50 CFR Chs. I, and IV]

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Department of the Interior.

ACTION: Semiannual Agenda of Rules Scheduled for Review or Development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between July and December 1979, and the status of rules previously scheduled. A semiannual agenda is required by Executive Order 12044 and 43 CFR 14.8.

ADDRESSES: Unless otherwise indicated, all Knowledgeable Officials are located at the Department of the Interior, 1800 C Street, NW, Washington, D.C. 20240, Area Code 202.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the appropriate Knowledgeable Official.

Dated: July 12, 1979.

Cecil D. Andrus,
Secretary.

Agenda of Rules Scheduled for Review or Development: July-December 1979

CFR citation	Subject	Purpose of review/development	Significant	Regulatory analysis	Expected date(s) of publication (if known)	Knowledgeable official
OFFICE OF HEARINGS AND APPEALS, 4015 WILSON BLVD., ARLINGTON, VA. 22203 (AREA CODE 703)						
43 CFR Part 4, Subpart G	Special Rules Applicable to Other Appeals and Hearings.	To revise existing procedural rules and provide additional rules for appeals which do not fall within the appellate review jurisdiction of established appeals boards of the Office.	No	No	Proposed Rule July 1979. Final Rule September 1979.	Philip Horton 557-1400
43 CFR Part 4, Subpart M	Special Rules Applicable to Fish and Wildlife Civil Penalty Proceedings.	To provide specific rules concerning fish and wildlife civil penalty proceedings; will require transfer of certain regulations presently appearing in 50 CFR Part 11, Subpart C; clarification of the authority of the administrative law judge; inclusion of relevant general regulations presently appearing in Subparts B and G.	No	No	Proposed Rule August 1979. Final Rule October 1979.	James Burski 557-9040
OFFICE OF YOUTH PROGRAMS						
43 CFR Part 32	Young Adult Conservation Corps (YACC) State Grant Program.	Revision of regulations based on changes to reflect new Departmental policy.	No	No	Final Rule October 1979.	Doyle Hughes 343-4148
BUREAU OF LAND MANAGEMENT						
43 CFR Subpart 1881	Payments in Lieu of Taxes	Revise regulations to incorporate changes made by the Act of October 17, 1978.	No	No	Proposed rule, Summer 1979. Final rule, Fall 1979.	Edward P. Greenberg 343-3607 Eleanor R. Schwartz 343-8735
43 CFR Part 3300	Outer Continental Shelf Minerals and Rights-of-way Management.	Revise regulations to incorporate changes made by the Outer Continental Shelf Lands Act Amendments of 1978.	No	No	Final rule, June 29, 1979.	William Quinn 343-8457 Robert C. Bruce 343-8735
43 CFR Part 3500	Leasing of Minerals other than Oil and Gas.	Revise regulations to update and delete Coal provisions which have been moved to another part.	No	No	Proposed rule, Fall 1979.	David M. Carty 343-7753 Robert C. Bruce 343-8735
43 CFR Part 4700	Wild Free-Roaming Horse and Burro Protection, Management and Control.	Revise regulations to incorporate changes made by the Public Rangelands Improvement Act.	No	No	Final rule, late Summer 1979.	Robert J. Springer 343-6011 Cecil Feeney 343-8735
43 CFR Part 7100	Protection of Endangered Plants	Prepare regulations to provide protection for endangered plants on public lands.	No	No	Proposed rule, Fall 1979.	Richard J. Vernimem 343-6188 George B. Hollis 343-8735
43 CFR Part 2650	Alaska Native Selections	Revise regulations to incorporate changes to carry out Secretarial decisions.	No	No	Proposed rule, Fall 1979.	Beaumont McClure 343-6511 Robert C. Bruce 343-8735

Agenda of Rules Scheduled for Review or Development: July–December 1979 (Continued)

CFR citation	Subject	Purpose of review/development	Significant	Regulatory analysis	Expected date(s) of publication (if known)	Knowledgeable official
NATIONAL PARK SERVICE						
36 CFR Parts 1–4	Miscellaneous provisions, public use and recreation boating and vehicles and traffic safety.	Special amendments to existing rules are proposed to comply with revised National Park Service policy which should reduce the number of special regulations contained in 36 CFR Part 7.	No	No	Proposed rule, Fall 1979.	Michael Finley 343–5607
36 CFR Part 7	Special Regulations of the National Park Service.	Proposed rules which address particular problems in individual parks will be published. The number and frequency of these regulations cannot be determined at this time since they are published on an as needed basis.	No	No		Michael Finley 343–5607
36 CFR Part 13	Alaska National Monuments	Rules are being proposed for publication on June 28, 1979, for public use and recreation, subsistence and special Alaska provisions. A 90 day public comment period is planned.	No	No	Proposed rule, June 28, 1979.	Michael Finley 343–5607
36 CFR Part 14	Concession Contracts and Permits.	Promulgation of administrative rules for Concession contracts and permits.	No	No	Final rule, Summer 1979.	Buddy Surles 343–8953
36 CFR Part 50	National Capital Parks	To review and develop rules for demonstrations and printed material distribution.	No	No	Proposed rule, Fall 1979.	Rick Robbins 343–4338
U.S. FISH AND WILDLIFE SERVICE						
50 CFR 20 Subpart K	Annual Season, Limit, and Shooting Hour Schedules.	To announce intent to develop rules establishing 1980–81 annual seasons, limits, and shooting hours schedules for migratory birds.	No	No	November, 1979.	John P. Rogers 254–3207
		To announce intent to develop rules establishing non-toxic shot areas and to propose specific areas for the 1980–81 season.	No	No	December, 1979.	Robert I. Smith 254–3207
50 CFR 17	Endangered species listing procedures.	To revise the listing procedures to ensure conformance to the Endangered Species Act Amendments of 1978.	No	No	June/July, 1979	John Spinks 703–235–2771
50 CFR 402	Endangered species, interagency cooperation.	To revise the listing procedures to ensure conformance to the Endangered Species Act Amendments of 1978. The determination of significance and the decision on preparation of a regulatory analysis have not been made at this time.				John Spinks 703–235–2771
50 CFR 96–106	National Wildlife Monuments	To develop comprehensive regulations for the management of the Becharof and Yukon National Wildlife Monuments in Alaska.	No	No	Proposed Rule, June 28, 1979.	Clay Hardy 1101 E. Tudor Rd., Anchorage, AK 99507 907–276–3800
HERITAGE CONSERVATION AND RECREATION SERVICE, 440 G STREET, NW., WASHINGTON, D.C. 20243 (AREA CODE 202)						
36 CFR Pt. 1202	National Register of Historic Places.	To amend existing regulation to provide for fuller public participation in the nomination process at the state level and to expedite the review process at the Federal level, and to transfer from 36 CFR Part 60.	No	No	November 1979	Lucy Franklin 343–6401
36 CFR Pt. 1204	Determinations of Eligibility for Inclusion in the National Register of Historic Places.	To publish interim rule as a final rule with editorial corrections and to transfer from 36 CFR Part 63.	No	No	Final Rule August 1979.	Sarah Bridges 343–6401
36 CFR Pt. 1206	Historic Preservation Fund: Grants Administration Procedures.	To provide a general presentation on the Historic Preservation Fund Grants Administration Procedures.	No	No	Notice of Intent July 1979.	Stephan Newman 343–4941
36 CFR Pt. 1208	Historic Preservation Certifications pursuant to the Tax Reform Act of 1976.	To change existing regulations because of technical corrections in the Revenue Act of 1978 and to transfer from 36 CFR Part 67.	No	No		H. Ward Jandl 343–6384 Sally Oldham 343–6401
36 CFR Pt. 1213	Procedures for Identification and Protection of Archeological, Architectural, Historic, and Scientific Properties.	To implement the provisions of 36 CFR Part 800 as published in the Federal Register on January 30, 1979, by the Advisory Commission on Historic Preservation.	No	No	Proposed Rule July 1979.	Roy Reaves 343–7105

Agenda of Rules Scheduled for Review or Development: July–December 1979 (Continued)

CFR citation	Subject	Purpose of review/development	Significant	Regulatory analysis	Expected date(s) of publication (if known)	Knowledgeable official
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT						
30 CFR 723	Civil Penalties	Conform interim to permanent regulations and adjust penalties in certain cases.	No	No		Harriet Marple 343–5384
30 CFR 722	Enforcement Procedures	Minor adjustments in enforcement procedures (minesite review and service of notices and orders).	No	No		Harriet Marple 343–5384
30 CFR 705	Definition of Employee	Revise and increase the restrictions on members of boards and commissions to prevent industry members from taking actions which affect their own interests.	No	No		Arthur Abbs 343–5351
30 CFR 850	Blasting Programs	To repropose blasting programs for blasters and members of blasting crews and certification programs for blasters.	No	No	Proposed rule was published on June 29, 1979.	David Maneval 343–4264
30 CFR 716	Prime Farmlands	To reissue those sections which were enjoined and remanded by the U.S. District Court. This was published as a proposed rule on June 11, 1979.	No	No	Final Rule Fall 1979.	David Maneval 343–4264
30 CFR 770	Permit Requirements	To incorporate NPDES (National Pollution Discharge Elimination System) permit requirements. The determination of significance and the decision on preparation of a regulatory analysis have not been made at this time.				David Maneval 343–4264
30 CFR Subchapter J	Bonding	Petition being reviewed to determine if permanent program bonding regulations need to be revised. The determination of significance and the decision on preparation of a regulatory analysis have not been made at this time.				David Maneval 343–4264
GEOLOGICAL SURVEY, NATIONAL CENTER, RESTON, VA. 22092 (AREA CODE 703)						
30 CFR 250	Oil and Gas and Sulfur Operations in the OCS.	To conform to Pub. L. 95–372	No	No	June 1979	Gerald Rhodes 860–7531
BUREAU OF INDIAN AFFAIRS						
25 CFR 131	Leasing and Permitting	This Part is scheduled for review as required by the Department's procedures in 43 CFR 14.	No	No		Robert Schoewe Minneapolis Area Office 831 2nd Avenue, S. Minneapolis, MN 55402, 612–725–2914
25 CFR	Contracting for Education Services under 638 or Regular Services.	These rules are being developed to provide an alternative means of education for Indian students. As of this date, a Part number has not been assigned.	No	No	Proposed Rule July 1979.	George Scott 343–2669
25 CFR 177	Surface Exploration, Mining and Reclamation of Lands.	This Part is to be revised to implement Section 710(d) of Pub. L. 95–85, Surface Mining Control and Reclamation Act. Revisions are being developed in coordination with the Office of Surface Mining Reclamation and Enforcement. The determination of significance and the decision on preparation of a regulatory analysis have not been made at this time.	No	No		Richard Wilson 343–3722
25 CFR 52	Tribes Organized Under Section 16 of the Indian Reorganization Act.	To provide a single set of regulations that will govern Secretarial elections in Oklahoma and Alaska.	No	No	Proposed Rule July 10, 1979.	Robert Farring 343–2511
25 CFR 53	Tribes Organized Under Section 16 of the Indian Reorganization Act and Other Organized Tribes.	To clarify language with regard to the signing of petitions and to extend existing procedures previously limited to requests for constitutional actions.	No	No	Proposed Rule July 10, 1979.	Robert Farring 343–2511

Status of Rules Previously Scheduled for Review or Development

Review period	CFR citation	Subject	Status	Knowledgeable official
		OFFICE OF THE SOLICITOR		
1/79–6/79	41 CFR 14R–9	Inventions and patents: Data	This was published as a proposed rule on July 5, 1979.	Gersten Sadowsky 343–4471
5/78–12/78	43 CFR pt. 1	Practices Before the Department of the Interior.	Revision of this Part is deferred pending revision of 43 CFR Part 20 by the Office of Inspector General.	John D. Trezise 343–5216
5/78–12/78	43 CFR pt. 6	Patent Regulations	Revision of this Part is deferred pending Congressional action on patent policy legislation.	D.A. Gardiner 343–4471 Gersten Sadowsky 343–4471
		OFFICE OF INSPECTOR GENERAL		
1/79–6/79	43 CFR pt. 20	Employee Responsibilities and Conduct.	Changes, appendix updates and other revisions and miscellaneous amendments were published as final rules on January 19, 1979 (44 FR 4320). A department task force is currently working on a major revision of this part which will implement provisions of Pub. L. 95–521. Expected date of publication is October, 1979.	Gabe Paone 343–3932
1/79–6/79	43 CFR pt. 7	Employees: Interest in Lands and Resources.	A department task force is currently working on language to eliminate the contradiction between provisions in this part and provisions in 43 CFR pt. 20.	Gabe Paone 343–3932
		OFFICE OF HEARINGS AND APPEALS, 4015 WILSON BLVD., ARLINGTON, VA. 22203 (AREA CODE 703)		
1/79–6/79	43 CFR pt.4, Subpart B	General Rules Relating to Procedures and Practice.	Proposed rule is under development	James Burski 557–9040
1/79–6/79	43 CFR pt. 4, Subpart C	Special Rules Applicable to Contract Appeals.	Action has been suspended pending the resolution of rules authority by the Office of Federal Procurement Policy.	Russell C. Lynch 557–1450
1/79–6/79	43 CFR pt. 4, Subpart D	Special Rules Applicable to Proceedings in Indian Probate, Including Hearings and Appeals; Tribal Purchase of Interests Under Special Statutes, Including Hearings and Appeals; and, Administrative Appeals in Indian Affairs Generally.	Proposed rule should be published in December, 1979.	Laurie K. Luoma 557–9200
1/79–6/79	43 CFR pt. 4, Supart E	Special Rules Applicable to Public Land Hearings and Appeals.	Proposed rule should be published in October, 1979, and the final rule should be published in December, 1979.	James Burski 557–9040
1/79–6/79	43 CFR pt. 4, Subpart J	Special Rules Applicable to the Alaska Native Claims Settlement Act Hearings and Appeals.	Proposed rule was published on February 8, 1979 (44 FR 7983). Final rule should be published in July, 1979.	Judith M. Brady Chairman, Alaska Native Claims Appeal Board P.O. Box 2433) Anchorage, AK 99051 907–265–5356
5/78–12/78	43 CFR pt. 4, Subpart L	Special Rules Applicable to Surface Coal Mining Hearings and Appeals.	Proposed rule should be published in July, 1979, and the final rule should be published in September, 1979.	Bruce Harris 557–9037
		OFFICE FOR EQUAL OPPORTUNITY		
1/79–6/79	43 CFR 17, Subpart C	Nondiscrimination on the Basis of Age.	The proposed rulemaking document should be published in November 1979.	James Poole 343–4331
1/79–6/79	43 CFR 17, Subpart B	Nondiscrimination on the Basis of Handicap.	The advance notice of proposed rulemaking was published April 13, 1979.	James Poole 343–4331
1/79–6/79	43 CFR 34	Nondiscrimination in Activities Conducted Under and Authorized by Pub. L. 94–586; Alaska Gas Pipeline.	The final rule should be published by October 1, 1979.	Sharon White, Office of the Solicitor 343–5431
		OFFICE OF WATER RESEARCH AND TECHNOLOGY		
5/78–12/78	18 CFR Chapter IV	Office of Water Resources Research, Department of Interior.	Action on revising this Chapter has been suspended until such time it is determined that regulations are needed to implement Pub. L. 95–467.	F.W. Koop 343–4607 George Cassaday 343–4607

Status of Rules Previously Scheduled for Review or Development (Continued)

Review period	CFR citation	Subject	Status	Knowledgeable official
		BUREAU OF LAND MANAGEMENT		
5/78-12/78	43 CFR Group 2900	Land use, occupancy and development.	Pre-proposed rulemaking has been returned to the Bureau from Departmental review for further study and changes.	Mathew Millenbach 343-8731 Robert C. Bruce 343-8735
5/78-12/78	43 CFR Group 2700	Land disposals (sales)	Pre-proposed rulemaking has been returned to the Bureau from Departmental review for further study and changes.	Stephen Spector 343-8731 Robert C. Bruce 343-8735
5/78-12/78	43 CFR Group 3800	Recordation of mining claims	Final rulemaking was published on February 14, 1979.	Gene Carlat 343-7722 Robert C. Bruce 343-8735
1/79-6/79	43 CFR Part 1600	Planning, programming and budgeting.	Final rulemaking is being drafted in the Bureau	Robert Jones 343-5682 Robert C. Bruce 343-8735
1/79-6/79	43 CFR Part 1700	Advisory Councils	Proposed rulemaking is being drafted in the Bureau and the Secretary has some policy issues under study.	Lee Laitala 343-5629 Cecil Feeney 343-8735
1/79-6/79	43 CFR Part 2200	Exchange of public lands	Pre-proposed rulemaking has some issues raised by Departmental review under study in the Bureau.	David Hemstreet 343-8731 Robert C. Bruce 343-8735
1/79-6/79	43 CFR Part 2300	Withdrawal of public lands	Proposed rulemaking has been drafted and is being reviewed by the Bureau.	Louis B. Bellisi 343-8731 Robert C. Bruce 343-8735
1/79-6/79	43 CFR Parts 2540, 2740 and 9180.	Color-of-title and Omitted lands	Final rulemaking is currently under review in the Department and should be published in July 1979.	Stephen Spector 343-8731 Robert C. Bruce 343-8735
1/79-6/79	43 CFR Part 2610	Carey Act grants	Final rulemaking is currently being reviewed by the Department.	Mathew Millenbach 343-8731 Robert C. Bruce 343-8735
1/79-6/79	43 CFR Part 2740	Recreation and Public Purposes Act.	Final rulemaking should be published in July 1979. This was published as a proposed rule on January 12, 1979.	Mathew Millenbach 343-8731 Robert C. Bruce 343-8735
1/79-6/79	43 CFR Part 2800	Rights-of-way; principles and procedure.	Proposed rulemaking is currently being reviewed by the Department.	Robert Mollohan 343-5537 Robert C. Bruce 343-8735
1/79-6/79	43 CFR Part 2880	Rights-of-way under the Mineral Leasing Act.	Final rulemaking was published on June 29, 1979	Robert Mollohan 343-5537 Robert C. Bruce 343-8735
1/79-6/79	43 CFR Part 3802	Surface protection—wilderness	Final rulemaking being drafted in the Bureau for publication in June 1979. This was published as a proposed rule on January 12, 1979.	Robert Andersen 343-7733 Robert C. Bruce 343-8735
1/79-6/79	43 CFR Part 3809	Surface management of unpatented mining claims located on public lands.	A second proposed rulemaking is being finalized in the Bureau.	Robert Andersen 343-7733 Robert C. Bruce 343-8735
1/79-6/79	43 CFR Part 3828	Surface management of unpatented mining claims in the California Desert.	This rulemaking has been dropped because the California Desert Conservation Area will be covered by Part 3809.	Robert Andersen 343-7733 Robert C. Bruce 343-8735
1/79-6/79	43 CFR Part	Amendments to the Grazing Administration and Trespass Regulations.	Proposed rulemaking being drafted in the Bureau	David Little 343-6011 Robert C. Bruce 343-8735
1/79-6/79	43 CFR Part 4130	Amend the Grazing Administration and Trespass Regulations as they relate to grazing fee.	Final rulemaking published on February 8, 1979	Ronald J. Younger 343-6011 Robert C. Bruce 343-8735
1/79-6/79	43 CFR Part 8340	Management of the use of off-road vehicles on the public lands.	Final rulemaking published on June 15, 1979	Larry R. Young 343-9353 Cecil Feeney 343-8735
1/79-6/79	43 CFR Part 3400	Coal Management	Final rulemaking now being drafted in the Bureau. This was published as a proposed rule on March 19, 1979.	Don Mitchell 343-4537 Robert C. Bruce 343-8735
		BUREAU OF RECLAMATION		
1/79-6/79	43 CFR Part 21	Cabin Sites	Initial review warrants further analysis scheduled in second half of 1979.	T. G. Cooper 343-5204
1/79-6/79	43 CFR Part 401	Entry of Reclamation Land	Initial review warrants further analysis scheduled in second half of 1979.	T. G. Cooper 343-5204
1/79-6/79	43 CFR Part 402	Sale of Small Tracts	Regulations found to be adequate as written	T. G. Cooper 343-5204
1/79-6/79	43 CFR Part 403	Unproductive Land	Initial review warrants further analysis scheduled in second half of 1979.	T. G. Cooper 343-5204
1/79-6/79	43 CFR Part 418	Truckee-Carson River System for Use by Newlands Irrigation Project and Washo Project.	Regulations found to be adequate as written	Roy boyd 343-5471
1/79-6/79	43 CFR Part 406	Exchange/Amendment of Farm Units.	Initial review warrants further analysis scheduled in second half of 1979.	T. G. Cooper 343-5204
1/79-6/79	43 CFR Part 420	Off-Road Vehicles	Final amendments were published on June 15, 1979	T. G. Cooper 343-5204
1/79-6/79	43 CFR Part 416	Reclassification of Highland Columbia Project.	Regulations found to be adequate as written	T. G. Cooper 343-5204
1/79-6/79	43 CFR Part 417	Means for Conserving Colorado River Water.	Regulations found to be adequate as written	Roy Boyd 343-5471
5/78-12/78	43 CFR 405	Certain Lands Sought to be Covered by Recordable Contracts: Columbia Basin Project.	This Part was removed from the CFR on February 1, 1979.	Vernon Cooper 343-2148
5/78-12/78	43 CFR 409	Leasing and Utilization of Lands in Page, AZ.	This Part was removed from the CFR on April 25, 1979.	David Williamson 343-5204

Status of Rules Previously Scheduled for Review or Development (Continued)

Review period	CFR citation	Subject	Status	Knowledgeable official
		OFFICE OF THE SOLICITOR		
		NATIONAL PARK SERVICE		
5/78–12/78	36 CFR Parts 1–4	Miscellaneous provisions, public use and recreation, boating, vehicle and traffic safety.	Proposed revisions were reviewed and are scheduled for publication as proposed rules during the Fall of 1979.	Michael Finley 343–5607
5/78–12/78	36 CFR Part 3	Boating	These regualtions are scheduled for revision; a date has not been set.	James Carrico 343–5607
5/78–12/78	36 CFR Part 5	Commercial and Private Operations.	Proposed revisions were reviewed and revisions for Yellowstone are scheduled.	Don Roush 523–5322
1/79–6/79	36 CFR Part 7	Special Regulations of the National Park Service.	New rules for Cape Cod were published in 44 FR 26073 for oversand vehicles. Proposed rules for Big Cypress and Fire Island were published in 44 FR 5680, 16021 and 17758. Proposed rules for fishing in Yellowstone were published in 44 FR 18995.	Michael Finley 343–5607
1/79–6/79	36 CFR Parts 2 and 7	Public Use and Recreation Special Regulations of the National Park Service.	It was determined that revisions to these parts in order to comply with Public Law 94–341 would be deferred pending National Park Service policy formulation.	George Gowans 343–7456
		HERITAGE CONSERVATION AND RECREATION SERVICE, 440 G STREET, NW, WASHINGTON, D.C. 20243 (AREA CODE 202)		
5/78–12/78	36 CFR Pt. 61	Criteria for comprehensive Statewide Historic Surveys and plans.	This part was published in September 1977. Revisions reflecting comments and other changes will be prepared by October 1, 1979. Part will be transferred to 36 CFR Pt. 1201.	Larry E. Aten 343–6221
5/78–12/78	43 CFR Pt 31	Grants and allocations for Recreation and conservation use of abandoned Railroad Rights-of-Way.	Expected date of transfer to 36 CFR Pt. 1226 moved to August 1979.	Rowland T. Bowers 343–7801
1/79–6/79	36 CFR Pt. 1230	Land and Water Conservation Fund State Assistance Program.	Expected date of publication of proposed rule moved to August 1979.	Rowland T. Bowers 343–7801, Jim Lyons 343–4317
1/79–6/79	36 CFR Pt. 1205	National Historic Landmarks	Publication of proposed Rule moved to December 1979 to permit adequate agency review.	George P. Emery 343–6404
1/79–6/79	36 CFR Pt 1210	Recovery of Scientific prehistoric, Historic and Archeological Data: Procedures for Notification, Reporting and Data Recovery.	Exigencies precluded review and publication of this regulation during the period from January to June 1979. Publication and transfer form 36 CFR Pt. 66 scheduled for August 1979.	Larry E. Aten 343–6221
1/79–6/79	36 CFR Pt. 1228 Appendicies A & B.	Urban Park & Recreation Recovery Program: Criteria for Eligibility and List of Eligible Jurisdictions.	Interim rule was published in FEDERAL REGISTER on March 14, 1979.	Sam L. Hall 343–5971
1/79–6/79	36 CFR pt. 1228 Subpart B	Urban Park and Recreation Recovery Program: Local Recovery Action Program.	This rule is still in the process of being developed by the Service. An interim rule should be published in July 1979.	Sam Hall 343–5971
1/79–6/79	36 CFR pt. 1228 Subparts C and D.	Urban Park and Recreation Recovery Program Grants Procedures.	This rule is still in the process of being developed by the Service. An interim rule should be published in July 1979.	Sam Hall 343–5971
		U.S. FISH AND WILDLIFE SERVICE		
5/78–12/78	50 CFR 17	Endangered and Threatened Wildlife and Plants.	March 6, 1979—published notice that certain species previously proposed to be listed as endangered or threatened were withdrawn. May 21, 1979—published notice of review of the status of species listed as endangered or threatened prior to 1975. May 23, 1979—published proposed rule to lessen the paperwork burden for members of the public engaged in captive wildlife propagation. Remaining portions of Part 17 are still under review to ensure conformity with the 1978 Endangered Species Act Amendments.	John Spinks (703) 235–2771 Clark Bavin 343–9242 Richard Parsons (703) 235–1937
5/78–12/78	50 CFR 18, Subpart C	Marine mammals—General Exceptions.	Still under review	Clark Bavin 343–9242
5/78–12/78	50 CFR 20	Migratory bird hunting	December 18, 1978—published proposal to eliminate publication of annual seasons, limits, and shooting hours schedules in the CFR. The final rule was published on February 6, 1979.	John P. Rogers 254–3207
5/78–12/78	50 CFR 21	Migratory bird permits	Raptor propagation permit rules still under review	Clark Bavin 343–9242
5/78–12/78	50 CFR 22	Eagle permits—acts protecting bald and golden eagles.	Rules still under review	Clark Bavin 343–9242
5/78–12/78	50 CFR 25	National Wildlife Refuge System—administrative provisions.	Final rule to be published July, 1979	Ronald Fowler 343–4305
1/79–6/79	50 CFR 17	Marine mammals—Manatee Protection Areas.	March 23, 1979—Proposed procedures for designating manatee protection areas. (This was previously scheduled as 50 CFR 18).	John Spinks (703) 235–2771

Status of Rules Previously Scheduled for Review or Development (Continued)

Review period	CFR citation	Subject	Status	Knowledgeable official
		U.S. Fish and Wildlife Service —Continued		
1/79–6/79	50 CFR 20, Subpart K	Annual Season, Limit, and Shooting Hour Schedules.	Notice of intent and initial proposed rulemaking were published on February 15, 1979 (44 FR 9928). Supplemental proposed rulemaking should be published in early June. Supplemental proposed regulations frameworks for 1979–80 early seasons on certain migratory game birds scheduled for publication on June 28, 1979. Final regulations frameworks for Alaska, Puerto Rico and the Virgin Islands scheduled for publication on June 28, 1979.	John P. Rogers 254–3207
1/79–6/79	50 CFR 26	National Wildlife Refuge System—public entry and use.	Draft update and corrections has been prepared and will be published in the near future.	Marcus Nelson 343–4791
1/79–6/79	50 CFR 32	Hunting on National Wildlife refuge areas.	Draft update and corrections has been prepared and will be published in the near future.	Marcus Nelson 343–4791
1/79–6/79	50 CFR 33	Sport fishing on National Wildlife refuge areas.	Draft update and corrections has been prepared and will be published in the near future.	Marcus Nelson 343–4791
1/79–6/79	50 CFR 80	Federal aid to States in fish and wildlife restoration.	Due to recent litigation and council for Environmental Quality rules, this part is still under review.	Charles Phenicle (703) 235–1526
1/79–6/79	50 CFR 410	Fish and Wildlife Coordination Act	Published as proposed rules on May 18, 1979. (This was previously scheduled as 50 CFR Part 403).	Karl F. Stutzman 343–4767
		Office of Surface Mining Reclamation and Enforcement		
1/79–6/79	30 CFR 875	Abandoned Mine Land Performance Standards.	Notice of Intent should be published in July 1979, and the proposed rule should be published in October 1979.	Richard Nalbandian 343–4057
		Geological Survey, National Center, Reston, Va. 22092 (Area Code 703)		
5/78–12/78	30 CFR Part 211	Coal mining operating regulations.	Proposed rule, Summer 1979	Tom Leshendok 860–7506
5/78–12/78	30 CFR Part 221	Oil and gas operating regulations.	Final rule, September 1979	Eddie Wyatt 860–7535
5/78–12/78	30 CFR Part 250	Oil and Gas and Sulfur Operations in the Outer Continental Shelf.	Published as proposed rule on March 12, 1979	Gerald Rhodes 860–7531
5/78–12/78	30 CFR Part 270	Geothermal resources operations on public acquired and withdrawn lands.	Published as final rule on June 27, 1979	Eddie Wyatt 860–7535
1/79–6/79	30 CFR Part 241	Leasing and acquisition of water wells.	Proposed rule, December 1979	Charles Sours 860–7521
1/79–6/79	30 CFR Part 251	G&G exploration of the Outer Continental Shelf.	Published as proposed rule on February 9, 1979	Gordon Burton 860–7564
1/79–6/79	30 CFR Part 252	Oil and Gas Information Program.	Published as proposed rule on January 17, 1979. Final rule, July 1979.	Gerald Rhodes 860–7531
		Bureau of Mines, 2401 E Street, NW, Washington, D.C. 20241 (Area Code 202)		
1/79–6/79	30 CFR 601	Sales of Helium by and Rental of Containers from Bureau of Mines.	The proposed publication of a new schedule of helium prices and charges has been postponed. A bill is being drafted to cancel the helium debt and eliminate the helium revolving fund. Should this bill be approved and become law, the whole system of prices and charges will of necessity be reviewed and revised as conditions warrant..	Ray D. Munnerlyn 634–4734
		Bureau of Indian Affairs		
1/79–6/79	25 CFR 41	Preparation of Rolls of Indians—Qualifications for Enrollment and Deadlines for Filing.	The Bureau has determined that this Part is current and no revision is necessary.	Janet Parks 703–235–8275
1/79–6/79	25 CFR 42	Enrollment Appeals	Proposed amendment is still under consideration	Janet Parks 703–235–8275
1/79–6/79	25 CFR 43g	Preparation of a Roll to serve as the basis for the Distribution of Judgment Funds Awarded to the Pembina Band of Chippewa Indians.	The Bureau has determined that this Part is current and no revision is necessary.	Janet Parks 703–235–8275
1/79–6/79	25 CFR 43h	Preparation of a Roll of Alaska Natives.	The Bureau has determined that this Part is current and no revision is necessary.	Janet Parks 703–235–8275
1/79–6/79	25 CFR 43i	Preparation of a Roll to serve as the basis for the distribution of Judgment Funds Awarded certain Warm Springs Indians.	The Bureau has determined that this Part is current and no revision is necessary.	Janet Parks 703–235–8275
1/79–6/79	25 CFR 43n	Preparation of a Roll for distribution of Grand River, Ottawa Judgment Funds.	The Bureau has determined that this Part is current and no revision is necessary.	Janet Parks 703–235–8275
1/79–6/79	25 CFR 43p	Revision of Membership Roll of Confederated Tribes of Siletz Indians of Oregon.	The Bureau has determined that this Part is current and no revision is necessary.	Janet Parks 703–235–8275
1/79–6/79	25 CFR 46	Enrollment of Indians of the Rincon, San Luiseno Band of Mission Indians in California.	The Bureau has determined that this Part is current and no revision is necessary.	Janet Parks 703–235–8275
1/79–6/79	25 CFR 47	Revision of the Membership Roll of the Eastern Band of Cherokee Indians, North Caroline.	The Bureau has determined that this Part is current and no revision is necessary.	Janet Parks 703–235–8275

Status of Rules Previously Scheduled for Review or Development (Continued)

Review period	CFR citation	Subject	Status	Knowledgeable official
		BUREAU OF INDIAN AFFAIRS—Continued		
1/79–6/79	25 CFR 48	Enrollment of Indians of the San Pasqual Band of Mission Indians in California.	The Bureau has determined that this Part is current and no revision is necessary.	Janet Parks 703–235–8275
1/79–6/79	25 CFR 91	Loans to Indians from the Revolving Loan Fund.	The Bureau has determined that this Part is current and no revision is necessary.	Elsie Maldonado 343–5805
1/79–6/79	25 CFR 20	Financial Assistance and Social Services Program.	This Part is scheduled for review as required by 43 CFR 14.	Ray Butler 703–235–2756
1/79–6/79	25 CFR 120a	Land Acquisition	Proposed rule was published on July 26, 1978, and is still being reviewed by the Bureau.	Raymond Jackson, Phoenix Area Office, P.O. Box 7707, Phoenix, AZ 85011 602–261–4195
1/79–6/79	25 CFR 121	Issuance of Patents in Fee, Certificates of Competency, Removal of Restrictions, and Sale of Certain Indian Lands.	This Part is still under review and will continue during the July–December 1979 review period.	Wilfred Bowker, Portland Area Office, P.O. Box 3785, Portland, OR 97208 509–429–6714
1/79–6/79	25 CFR 182	Oil and Gas Contracts	This part is still under review and will continue during the July-December 1979 review period.	Dick Wilson 343–9433
1/79–6/79	41 CFR 14H	Buy Indian Act Contracting	This part is still under review and will continue during the July-December 1979 review period.	Donald Asbra 703–235–8061
1/79–6/79	25 CFR 163	Establishment of Roadless and Wild Areas on Indian Reservations.	This Bureau has determined that this Part is current and no revision is necessary.	Robert Fleak 343–9433
1/79–6/79	25 CFR 252	Business Practices on the Navajo, Hopi and Zuni Reservations.	A proposed rule should be published in August 1979	Eugene Suarez 343–5786
1/79–6/79	25 CFR 31a,b,g,h,i	Indian Education Amendments	Proposed rules were published on May 22, 1979. Final rules should be published in July 1979.	Elizabeth Holmgren 343–3151
1/79–6/79	25 CFR 33	Grants for Tribally Controlled Community Colleges and Navajo Community.	Proposed rules were published on May 22, 1979. Final rules should be published in July 1979.	Leroy Falling 343–7367
1/79–6/79	25 CFR	Education of the Exceptional Child in Bureau Schools.	Proposed rule is being developed to implement Pub. L. 94–142, which should be completed by September 1979. As of this date, a Part number has not been assigned.	Kathleen Brady 343–5517
5/78–12/78	25 CFR 34	Vocational Training for Adult Indians.	Proposed rule was published on October 14, 1977. Final rule should be published by August 1979.	Bob Delaware 703–235–8355
5/78–12/78	25 CFR 80	Indian Business Development Program.	The Bureau has determined that this Part is current and no revision is necessary.	Bob Selvey 343–5804
5/78–12/78	25 CFR 21	Arrangement of States, Territories or other Agencies for Relief of Distress and Social Welfare of Indians.	The Bureau has determined that this Part is current and no revision is necessary.	Ray Butler 703–235–2756
5/78–12/78	25 CFR 171	Leasing of Tribal Lands for Mining.	Proposed rule was published on April 5, 1978. Final rule should be published in July 1979.	Richard Wilson 343–3722
5/78–12/78	25 CFR 177	Plans for Prospecting and Mining on Indian Mineral Lands: Reclamation of Non-Mineral Resources.	Proposed rule was published on April 5, 1978. Final rule should be published in July 1979.	Richard Wilson 343–3722
5/78–12/78	25 CFR 161	Rights-of-way over Indian Lands	This part is still under review and will continue during the July-December 1979 review period.	Richard McDermot Palm Springs Area Field Office 587 S. Palm Canyon Dr. Palm Springs, CA 92262 714–325–2163
5/78–12/78	25 CFR 104	Individual Indian Money Accounts	This part is still under review and will continue during the July-December 1979 review period.	William Bucholz 343–2963
5/78–12/78	25 CFR 141	General Forest Contracts	This part is still under review and will continue during the July-December 1979 review period.	George Smith 343–6067
5/78–12/78	25 CFR 174	Leasing of Restricted Lands of Members of five Civilized Tribes, OK for Mining.	This part is still under review and will continue during the July-December 1979 review period.	Dick Wilson 343–3722
5/78–12/78	25 CFR 22	Care of Indian Children in Contract Schools.	The Bureau has determined that this Part is current and no revision is necessary.	Ray Butler 703–235–2756
5/78–12/78	25 CFR 274	School Construction Contracts or Services for Tribally Operated Previously Private Schools.	This Part is still under review and will continue during the July-December 1979 review period.	Elizabeth Holmgren 343–3151
5/78–12/78	25 CFR 277	School Construction Contracts for Public Schools.	This Part is still under review and will continue during the July-December 1979 review period.	Elizabeth Holmgren 343–3151
5/78–12/78	25 CFR 105	Deposit of Indian Funds in Banks.	This Part is still under review and will continue during the July-December 1979 review period.	John Vale Investments Unit P.O. Box 886 Albuquerque, NM 87103 505–474–2600
5/78–12/78	25 CFR 273	Education Contracts under Johnson-O'Malley Act.	Proposed rule should be published in September 1979.	Elizabeth Holmgren 343–3151

[FR Doc. 79–22298 Filed 7–19–79; 8:45 am]
BILLING CODE 4310–01–M

OFFICE OF PERSONNEL MANAGEMENT

[5 CFR Part 733]

Political Participation by U.S. Government Employees in Local Elections in the City of Manassas

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: In response to a request from the Mayor of the City of Manassas, OPM proposes to designate that municipality as one where Government employees may participate in local elections subject to the limitations established by OPM, pursuant to the political activity restrictions of 5 U.S.C. 7324.

DATE: Written comments will be considered if on or before September 18, 1979.

ADDRESS: Submit written comments to Office of the General Counsel, Office of Personnel Management, Room 5H30, 1900 E Street, N.W. Washington, D.C. 20415. All comments received on this proposed rule will be available for public inspection at the above address on business days between 9 a.m. and 5:30 p.m.

FOR FURTHER INFORMATION CONTACT: Ann Wilson, 202–632–5524.

SUPPLEMENTARY INFORMATION: The Hatch Act at 5 U.S.C. 7321 *et seq.* controls the political activity of Federal employees and individuals employed by the District of Columbia. 5 U.S.C. 7324 generally prohibits Government employees from taking an active part in political campaigns. 5 U.S.C. 7327, however, authorizes OPM to prescribe regulations permitting Government employees to be politically active to the extent OPM considers it to be in their domestic interest.

Under the authority of 5 U.S.C. 7327, OPM can allow Government employees to participate in political campaigns involving the municipality where they reside when two conditions exist. One condition is met if the municipality is in Maryland or Virginia and is in the immediate vicinity of the District of Columbia. The second condition is met if OPM determines that the domestic interest of employees is served by permitting their political participation in accordance with regulations prescribed by OPM.

In regulations at 5 CFR 733.124(b) OPM has designated municipalities and political subdivisions in which Government employees may participate in local elections. At 5 CFR 733.124(c) OPM has established the following limitations on political participation by employees residing in designated municipalities and subdivisions:

(1) Participation in politics shall be as an independent candidate or on behalf of, or in opposition to, an independent candidate.

(2) Candidacy for, and service in, and elective office shall not result in neglect of or interference with the performance of the duties of the employee or create a conflict, or apparent conflict, of interests.

This proposal reflects OPM's determination that it is in the domestic interest of Government employees residing in the City of Manassas to permit their local political participation in connection with independent candidacies. This determination is based on evidence developed during an OPM investigation of the eligibility of the City of Manassas for a partial exemption from political activity restrictions.

The OPM investigation included inspection of voter registration and election records of the City of Manassas, interviews of City officials, and consultation with officials of local political organizations. Principal factors leading to OPM's determination are the proximity of the City of Manassas to the District of Columbia, the substantial proportion of City residents who are Federal Government employees, and the history of vigorous nonpartisan elections in the municipality.

A copy of this notice will be published in local news papers serving the City of Manassas.

If this proposed rule is adopted, OPM will revise 5 CFR 733.124(b) to add the City of Manassas to the list of designated Virginia municipalities and political subdivisions in which Federal Government employees may participate in local elections.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

July 17, 1979.

[FR Doc. 79-22545 filed 7-19-79; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[15 CFR 918]

Guidelines for Sea Grant Colleges and Regional Consortia

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Proposed rule.

SUMMARY: The following guidelines, evolved over a dozen years of program experience, outline the procedures which will be followed in the designation of Sea Grant Colleges and Regional Consortia and the responsibilities of the organizations so designated. Sea Grant Colleges are institutions of higher education, or confederations of such institutions, that have been designated by the Secretary of Commerce as having the purpose of understanding, assessing, developing, utilizing, and conserving oceans, Great Lakes, and coastal resources through research, advisory service, education, and training. Sea Grant Regional Consortia are alliances of two or more organizations, so designated by the Secretary of Commerce, having the purpose of providing a vehicle whereby the organizations may combine their capabilities into a single program to conduct more adequate research, advisory service, education, and training in fields related to ocean, Great Lakes, and coastal resources on a regional basis.

DATE: Deadline for submission of written comments: August 20, 1979.

FOR FURTHER INFORMATION, CONTACT: Dr. Ned A. Ostenso, Office of Sea Grant, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852, [202–443–8923].

Dated: July 12, 1979.

M. P. Snider,

Assistant Administrator for Administration.

SUPPLEMENTARY INFORMATION:

Introduction. Pursuant to Section 207 of the National Sea Grant College Program Act, as amended (Pub. L. 94–461, 33 U.S.C. 1121 et seq.), herein referred to as the Act, the following guidelines establish the procedures by which organizations can qualify for designation as Sea Grant Colleges or Sea Grant Regional Consortia, and the responsibilities required of organizations so designated. Accordingly, it is proposed to amend Chapter IX, Title 15 of the Code of Federal Regulations, by adding a new Part 918 to read as follows:

PART 918—SEA GRANTS

Sec.

918.2 Definitions.
918.3 Eligibility, qualifications, and responsibility of a Sea Grant College.
918.4 Duration of Sea Grant College designation.
918.5 Eligibility, qualifications, and responsibilities—Sea Grant Regional Consortia.
918.6 Duration of Sea Grant Regional Consortium designation.
918.7 Application for designation.

Authority: Sec. 207, National Sea Grant College Program Act, as amended (Pub. L. 94–461, 33 U.S.C. 1121, et seq.).

§ 918.2 Definitions.

(a) *Marine Environment.* The term "Marine Environment" means any or all of the following: the coastal zone, as defined in Section 304(1) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(1)); the seabed, subsoil and waters of the territorial sea of the United States, including the Great Lakes; the waters of any zone over which the United States asserts exclusive fishery management authority; the waters of the high seas; and the seabed and subsoil of and beyond the Outer Continental Shelf.

(b) *Ocean, Great Lakes, and Coastal Resources.* The term "Ocean, Great Lakes, and Coastal Resources" means any resource (whether living, nonliving, manmade, tangible, intangible, actual, or potential) which is located in, derived from, or traceable to, the marine environment. Such term includes the habitat of any such living resource, the

coastal space, the ecosystems, the nutrient-rich areas, and the other components of the marine environment which contribute to or provide (or which are capable of contributing to or providing) recreational, scenic, aesthetic, biological, habitational, commercial, economic, or conservation values. Living resources include natural and cultured plant life, fish, shellfish, marine mammals, and wildlife. Nonliving resources include energy sources, minerals, and chemical substances.

(c) *Person.* The term "Person" means any public or private corporation, partnership, or other association or entity (including any Sea Grant College, Sea Grant Regional Consortium, institution of higher education, institute, or laboratory); or any State, political subdivision of a State, or agency or officer thereof.

(d) *Sea Grant College.* The term "Sea Grant College" means any public or private institution of higher education or confederation of such institutions which is designated as such by the Secretary under Section 207 of the National Sea Grant Program Act. Included in this term are all campuses (or other administrative entities) of a designated Sea Grant College, working through the established management structure of the Sea Grant College.

(e) *Sea Grant Program. The term "Sea Grant Program" means any program which:*

(1) Is administered by a Sea Grant College, Sea Grant Regional Consortium, institution of higher education, institute, laboratory, or State or local agency; and

(2) Includes two or more Sea Grant projects involving one or more of the following activities in fields related to ocean, Great Lakes, and coastal resources:

(i) Research,

(ii) Education and training, and

(iii) Advisory services.

(f) *Sea Grant project.* A Sea Grant project is any separately described activity which has been proposed to the National Sea Grant College Program, and has subsequently been approved.

(g) *Sea Grant Regional Consortium.* The term "Sea Grant Regional Consortium" means any association or other alliance of two or more persons as defined above (other than individuals) established for the purpose of pursuing programs in marine research, education, training, and advisory services on a regional basis (i.e., beyond the boundaries of a single state) and which is designated as a consortium by the Secretary under Section 207 of the National Sea Grant Program Act.

(h) *Field Related to Ocean, Great Lakes, and Coastal Resources.* The term "Field Related to Ocean, Great Lakes, and Coastal Resources" means any discipline or field (including marine sciences and the physical, natural, and biological sciences, and engineering, included therein, marine technology, education, economics, sociology, communications, planning law, international affairs, public administration, humanities, and the arts) which is concerned with, or likely to improve the understanding, assessment, development, utilization, or conservation of, ocean, Great Lakes, and coastal resources.

§ 918.3 Eligibility, qualifications, and responsibility of a Sea Grant College.

(a) To be eligible for designation as a Sea Grant College, the institution of higher education or confederation of such institutions must have demonstrated a capability to maintain a high quality and balanced program of research, education, training, and advisory services in fields related to ocean, Great Lakes, and coastal resources for a minimum of three years, and have received financial assistance as an Institutional program under either Section 205 of the National Sea Grant College Program Act or under Section 204(c) of the earlier National Sea Grant College and Program Act of 1966.

(b) To be eligible for designation as a Sea Grant College, the candidate institution or confederation of institutions must meet the qualifications set forth above as evaluated by a site review team composed of members of the Sea Grant Review Panel, NOAA's Office of Sea Grant, and other experts named by NOAA. As a result of this review, the candidate must be rated highly in all of the following qualifying areas:

(1) *Leadership.* The Sea Grant College candidate must have achieved recognition as an intellectual and practical leader in marine science, engineering, education, and advisory service in its state and region.

(2) *Organization.* The Sea Grant College candidate must have created the management organization to carry on a viable and productive Sea Grant Program, and must have the backing of its administration at a sufficiently high level to fulfill its multidisciplinary and multifaceted mandate.

(3) *Relevance.* The Sea Grant College candidate's program must be relevant to local, State, regional, or National opportunities and problems in the marine environment. Important factors in evaluating relevance are the need for marine resource emphasis and the extent to which capabilities have been developed to be responsive to that need.

(4) *Programmed Team Approach.* The Sea Grant College candidate must have a programmed team approach to the solution of marine problems which includes relevant, high quality, multidisciplinary research with associated educational and advisory services capable of producing identifiable results.

(5) *Education and Training.* Education and training must be clearly relevant to National, regional, State and local needs in fields related to ocean, Great Lakes, and coastal resources. As appropriate, education may include pre-college, college, post-graduate, public and adult levels.

(6) *Advisory Services.* The Sea Grant College candidate must have a strong program through which information, techniques, and research results from any reliable source, domestic or international, may be communicated to and utilized by user communities. In addition to the educational and information dissemination role, the advisory service program must aid in the identification and communication of user communities' research and educational needs.

(7) *Relationships.* The Sea Grant College candidate must have close ties with Federal agencies, State agencies and administrations, local authorities, business and industry, and other educational institutions. These ties are: (1) To ensure the relevance of its programs, (2) To give assistance to the broadest possible audience, (3) To involve a broad pool of talent in providing this assistance (including universities and other administrative entities outside the Sea Grant College), and (4) To assist others in developing research and management competence. The extent and quality of an institution's relationships are critical factors in evaluating the institutional program.

(8) *Productivity.* The Sea Grant College candidate must have demonstrated the degree of productivity (of research results, reports, employed students, service to State agencies and industry, etc.) commensurate with the length of its Sea Grant operations and the level of funding under which it has worked.

(9) *Support.* The Sea Grant College candidate must have the ability to obtain matching funds from non-Federal sources, such as state legislatures, university management, state agencies, business, and industry. A diversity of matching fund sources is encouraged as a sign of program vitality and the ability

to meet the Sea Grant requirement that funds for the general programs be matched with at least one non-Federal dollar for every two Federal dollars.

(c) Finally, it must be found that the Sea Grant College candidate will act in accordance with the following standards relating to its continuing responsibilities if it should be designated a Sea Grant College:

(1) Continue pursuit of excellence and high performance in marine research, education, training, and advisory services.

(2) Provide leadership in marine activities including coordinated planning and cooperative work with local, state, regional, and Federal agencies, other Sea Grant Programs, and non-Sea Grant universities.

(3) Maintain an effective management framework and application of institutional resources to the achievement of Sea Grant objectives.

(4) Develop and implement long-term plans for research, education, training, and advisory services consistent with Sea Grant goals and objectives.

(5) Advocate and further the Sea Grant concept and the full development of its potential within the institution and the state.

(6) Provide adequate and stable matching financial support for the program from non-Federal sources.

(7) Establish and operate an effective system to control the quality of its Sea Grant programs.

§ 918.4 Duration of Sea Grant College designation.

Designation will be made on the basis of merit and the determination by the Secretary of Commerce that such a designation is consistent with the goals of the Act. Continuation of the Sea Grant College designation is contingent upon the institution's ability to maintain a high quality performance consistent with the requirments outlined above. The Secretary may, for cause and after an opportunity for hearing, suspend or terminate a disignation as a Sea Grant College.

§ 918.5 Eligibility, qualifications, and responsibilities—Sea Grant Regional Consortia.

(a) To be eligible for designation as a Sea Grant Regional Consortium, the candidate association or alliance of organizations must provide, in significant breadth and quality, one or more services in the areas of research, education, and training, or advisory service in fields related to ocean, Great Lakes, and coastal resources. Further, it is essential that the candidate Sea Grant Consortium be required to provide all three services as soon as possible after designation. Further, such association or alliance must demonstrate that:

(1) It has been established for the purpose of sharing expertise, research, educational facilities, or training facilities, and other capabilities in order to facilitate research, education, training, and advisory services in any field related to ocean, Great Lakes, and coastal resources; and

(2) It will encourage and follow a regional multi-State approach to solving problems or meeting needs relating to ocean, Great Lakes, and coastal resources, in cooperation with appropriate Sea Grant Colleges, Sea Grant Programs and other persons in the region.

(b) Although it is recognized that the distribution of effort between research, education, training, and advisory services to achieve appropriate balance in a Sea Grant Regional Consortium may differ from a Sea Grant College, sustained effort in all of these areas is, nonetheless, an essential requirement for retention of such designation. To be eligible for designation as a Sea Grant Regional Consortium, the candidate association or alliance of organizations must meet the qualifications set forth above as evaluated by a site review team composed of members of the Sea Grant Review Panel, the Office of Sea Grant, and other experts. Futher, the candidate must be rated highly in all of the following qualifying areas which are pertinent to the Consortium's program:

(1) *Leadership.* The Sea Grant Regional Consortium candidate must have achieved recognition as an intellectual and practical leader in marine science, engineering, education, and advisory service in its region.

(2) *Organization.* The Sea Grant Regional Consortium candidate must have created the management organization to carry on a viable and productive multidisciplinary Sea Grant Program and have the backing of the administrations of its component organizations at a sufficiently high level to fulfill its multidisciplinary and multifaceted mandate.

(3) *Relevance.* The Sea Grant Regional Consortium candidate's Sea Grant Program must be relevant to regional opportunities and problems in the marine environment. Important factors in evaluating relevance are the extent and depth of the need of a region for a focused marine resoure emphasis and the degree to which the candidate has developed its capability to be responsive to that need.

(4) *Education and Training.* Education and training must be clearly relevant to regional needs and must be of high quality in fields related to ocean, Great Lakes, and coastal resources. As appropriate, education may include pre-college, college, post-graduate, public and adult levels.

(5) *Advisory Services.* The Sea Grant Regional Consortium candidate must have a strong program through which information techniques, and research results from any reliable source, domestic or international, may be communicated to and utilized by user communities. In addition to the educational and information dissemination role, the advisory service program must aid in the identification and communication of user communities' research and educational needs.

(6) *Relationships.* The Sea Grant Regional Consortium candidate must have close ties with Federal agencies, state agencies and administrations, regional authorities, regional business and industry, and other regional educational institutions. These regional ties are: (1) To ensure the relevance of programs, (2) To generate requests for such assistance as the consortium may offer, and (3) To assist others in developing research and management competence. The extent and quality of a candidate's relationships are critical factors in evaluating the proposed designation.

(7) *Productivity.* The Sea Grant Regional Consortium candidate must have demonstrated a degree of productivity (of research results, reports, employed students, service to regional agencies, industry, etc.) commensurate with the length of its Sea Grant operations and the level of funding under which it has worked.

(8) *Support.* The Sea Grant Regional Consortium candidate must have the ability to obtain matching funds from non-Federal sources, such as State legislatures, university management, State agencies, and business and industry. A diversity of matching funds sources is encouraged as a sign of program vitality and the ability to meet the Sea Grant requirement that funds for the general programs be matched with at least one non-Federal dollar for every two Federal dollars.

(c) Finally, it must be found that the Sea Grant Regional Consortium candidate will act in accordance with the following standards relating to its continuing responsibilities as a Sea Grant Regional Consortium:

(1) Continue pursuit of excellence and high performance in marine research,

education, training, and advisory services.

(2) Provide regional leadership in marine activities including coordinated planning and cooperative work with local, State, regional, and Federal agencies, other Sea Grant Programs, and non-Sea Grant organizations.

(3) Maintain an effective management framework and application of organizational resources to the achievement of Sea Grant objectives.

(4) Develop and implement long-term plans for research, education, training, and advisory services consistent with Sea Grant goals and objectives.

(5) Advocate and further the Sea Grant concept and the full development of its potential within the consortium and the region.

(6) Provide adequate and stable matching financial support for the program from non-Federal sources.

(7) Establish and operate an effective system to control the quality of its Sea Grant program.

§ 918.6 Duration of Sea Grant Regional Consortium designation.

Designation will be made on the basis of merit and the determination by the Secretary of Commerce that such a designation is consistent with the goals of the Act. Continuation of the Sea Grant Regional Consortium designation is contingent upon the alliance's ability to maintain a high quality performance consistent with the standards outlined above. The Secretary may, for cause and after an opportunity for hearing, suspend or terminate the designation as a Sea Grant Regional Consortium.

§ 918.7 Application for designation.

(a) All applications for initial designation as a Sea Grant College should be addressed to the Secretary of Commerce and submitted to the Director, National Sea Grant College Program, National Oceanic and Atmospheric Administration. The application should contain an outline of the capabilities of the applicant and the reasons why the applicant believes that it merits designation under the guidelines contained in this regulation. Upon receipt of the application, the Director will present the institution's case to the Sea Grant Review Panel for evaluation. The Panel's recommendation will be forwarded to the Secretary for final action.

(b) An existing Sea Grant College may also apply as in (a) above for a change in the scope of designation to include or exclude other administrative entities of the institution. If approved by the Secretary such included (excluded) administrative entities shall share (lose) the full rights and responsibilities of a Sea Grant College.

[FR Doc. 79-22608 filed 7-19-79; 8:45 am]
BILLING CODE 3510-22-M

FEDERAL TRADE COMMISSION

[16 CFR Part 1]

Procedures for Implementation of the National Environmental Policy Act of 1969

AGENCY: Federal Trade Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Trade Commission is proposing to adopt new rules for implementing the procedural provisions of the National Environmental Policy Act. The proposed rules provide that it is the Commission's policy to comply with the Council on Environmental Quality regulations (40 CFR Parts 1500–1508). The proposed rules set forth supplementary definitions and procedures to be applied in conjunction with the Council's regulations. Public comments are invited on the proposed rules.

DATE: Comment closing date: August 20, 1979.

ADDRESS: Written comments should reference this Notice and be addressed to the Secretary, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, NW., Washington, D.C. 20580. Comments received will be available for public inspection in Room 130 at the above address during the business hours of 8:30 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Clarence R. Laing, Jr., Office of the General Counsel, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, NW., Washington, D.C. 20580, (202–523–3533).

The revised rules are proposed under the authority of 15 U.S.C. 46(g) and 42 U.S.C. 4371 *et seq.*

In consideration of the foregoing, it is proposed that Part 1 of 16 CFR Chapter I, Subpart I, be revised to read in its entirety as follows:

PART 1—GENERAL PROCEDURES

Subpart I—Procedures for Implementation of the National Environmental Policy Act of 1969

Sec.

1.81 Authority and incorpration of CEQ Regulations.
1.82 Declaration of Policy.
1.83 Whether to commence the process for an environmental impact statement.
1.84 Draft environmental impact statements: Availability and comments.
1.85 Final environmental impact statements.
1.86 Supplemental statements.
1.87 NEPA and Agency decisionmaking.
1.88 Implementing procedures.
1.89 Effect on prior actions.

Authority: 15 U.S.C. 46(g) and 42 U.S.C. 4371 et seq.

Subpart I—Procedures for Implementation of the National Environmental Policy Act of 1969

§ 1.81 Authority and incorporation of CEQ regulations.

This Subpart is issued pursuant to section 102(2) of the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4371 *et seq.*). Pursuant to Executive Order 11514 (March 5, 1970, as amended by Executive Order 11991, May 24, 1977) the Council on Environmental Quality (CEQ) has issued comprehensive regulations for implementing the procedural provisions of NEPA (43 FR 55978–56007) ("CEQ Regulations"). Although it is the Commission's position that these regulations are not binding on it, the Commission's policy is to comply fully with the CEQ Regulations unless it determines in a particular instance or for a category of actions that compliance would not be consistent with the requirements of law. With this caveat, the Commission incorporates into this Subpart the CEQ Regulations. The following are supplementary definitions and procedures to be applied in conjunction with the CEQ Regulations.

§ 1.82 Declaration of policy.

(a) Except for actions which are not subject to the requirements of section 102(2)(C) of NEPA, no Commission proposal for a major action significantly affecting the quality of the human environment will be instituted unless an environmental impact statement has been prepared for consideration in the decisionmaking. "Major actions, significantly affecting the quality of the human environment" referred in this Subpart "do not include bringing judicial or administrative civil or criminal enforcement actions" (CEQ Regulation § 1508.18(a)). Nor should these rules be construed as stating or implying that section 102(2)(C) of NEPA applies to any investigation made by the Commission for law enforcement purposes or any process or order issued by the Commission in connection with any type of investigation or law enforcement adjudication.

(b) No Commission proposal for legislation significantly affecting the quality of the human environment and concerning a subject matter in which the Commission has primary responsibility will be submitted to Congress without an accompanying enviromental impact statement.

(c) An environmental impact statement will not be prepared when the Commission finds that emergency action is necessary. In such instance, the Commission will consult with CEQ and develop a statement promptly after the action in accordance with CEQ Regulation § 1506.11.

§ 1.83 Whether to commence the process for an environmental impact statement.

(a) The Bureau responsible for submitting a proposal to the Commission for agency action shall, after consultation with the Office of the General Counsel, initially determine whether or not a proposal is one which requires an environmental impact statement. Except for matters where the environmental effects, if any, would appear to be either (1) clearly significant and therefore the decision is made to prepare an environmental impact statement, or (2) so diverse that environmental analysis would be based on speculation, the Bureau should normally prepare an "environmental assessment" (CEQ Regulation § 1508.9) for purposes of providing sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact. The Bureau should involve environmental agencies to the extent practicable in preparing an assessment. An environmental assessment shall be made available to the public when the proposed action is made public along with any ensuing environmental impact statement or finding of no significant impact.

(b) If the Bureau determines that the proposal is one which requires an environmental impact statement, it shall commence the "scoping process" (CEQ Regulation § 1501.7) except that the impact statement which is part of a proposal for legislation need not go through a scoping process but shall conform to CEQ Regulation § 1506.8.

(c) If, on the basis of an environmental assessment, the determination is made not to prepare a statement, a finding of "no significant impact" shall be made which shall be made available to the public as specified in CEQ Regulation § 1506.6.

§ 1.84 Draft environmental impact statements: availability and comment.

Except for proposals for legislation, environmental impact statements shall be prepared in two stages: draft statement and final statement.

(a) *Proposed rules or guides.* (1) An environmental impact statement, if deemed necessary, shall be in draft form at the time a proposed rule or guide is published in the **Federal Register** and shall accompany the proposal throughout the decisionmaking process.

(2) The major decision points with respect to rules and guides are:

(i) Preliminary formulation of a staff proposal;

(ii) The time the proposal is initially published in the **Federal Register** as a Commission proposal;

(iii) Presiding officer's report (in trade regulation rule proceedings);

(iv) Submission to the Commission of the staff report or recommendation for final action on the proposed guide or rule;

(v) Final decision by the Commission.

The decision on whether or not to prepare an environmental impact statement should occur at point (i). The publication of any draft impact statement should occur at point (ii). The publication of the final environmental impact statement should occur at point (iv).

(b) *Legislative proposals.* In legislative matters, a legislative environmental impact statement should be prepared in accordance with CEQ Regulation § 1506.8.

(c) In rule or guide proceedings the draft environmental impact statement will be placed in the public record to which it pertains; in legislative matters, the legislative impact statement will be placed in a public record to be established, containing the legislative report to which it pertains; these will be available to the public through the Office of the Secretary and will be published in full with the appropriate proposed rule, guide, or legislative report; such statements will also be filed with the Environmental Protection Agency's (EPA) Office of Federal Activities (CEQ Regulation § 1506.9) for listing in the weekly **Federal Register** Notice of draft environmental impact statements, and shall be circulated, in accordance with CEQ Regulations §§ 1502.19, 1506.6 to appropriate federal, state and local agencies.

(d) Forty-five (45) days will be allowed for comment on the draft environmental impact statement, calculated from the date of publication in the EPA's weekly **Federal Register** list of draft environmental impact statements. The Commission may in its discretion grant such longer period as the complexity of the issues may warrant.

§ 1.85 Final environmental impact statements.

(a) After the close of the comment period, the Bureau responsible for the matter will consider the comments received on the draft environmental impact statement and will put the draft statement into final form, attaching the comments received (or summaries if response was exceptionally voluminous).

(b) Upon Bureau approval of the final environmental impact statement the final statement will be:

(1) Filed with the EPA;

(2) Forwarded to all parties which commented on the draft environmental impact statement and to other interested parties, if practicable;

(3) Placed in the public record of the proposed rule or guide proceeding or legislative matter to which it pertains;

(4) Distributed in any other way which the Bureau in consultation with CEQ deems appropriate;

(c) In rule and guide proceedings, at least thirty (30) days will be allowed for comment on the final environmental impact statement, calculated from the date of publication in the EPA's weekly **Federal Register** list of final environmental impact statements. In no event will a final rule or guide be promulgated prior to ninety (90) days after notice of the draft environmental impact statement, except where emergency action makes such time period impossible.

§ 1.86 Supplemental statements.

Except for proposals for legislation, the Commission shall publish supplements to either draft or final environmental statements if: (a) The Commission makes substantial changes in the proposed action that are relevant to environmental concerns; or (b) there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action and its impacts. In the course of a trade regulation rule proceeding, the supplement will be placed in the rulemaking record.

§ 1.87 NEPA and agency decisionmaking.

In its final decision on the proposed action or, if appropriate, in its recommendation to Congress, the Commission shall prepare a concise statement which shall:

(a) Identify all alternatives considered by the Commission in reaching its decision or recommendation, specifying the alternatives or which were considered to be environmentally preferable;

(b) State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not.

§ 1.88 Implementing procedures.

(a) The General Counsel is designated the official responsible for coordinating the Commission's efforts to improve environmental quality. He will provide assistance to the staff in determining when an environmental impact statement is needed and in its preparation.

(b) The Commission will determine finally whether an action complies with NEPA.

(c) The Directors of the Bureaus of Consumer Protection and Competition will supplement these procedures for their bureaus to assure that every proposed rule and guide is reviewed to assess the need for an environmental impact statement and that, where need exists, an environmental impact statement is developed to assure timely consideration of environmental factors.

(d) The General Counsel will establish procedures to assure that every legislative proposal on a matter for which the Commission has primary responsibility is reviewed to assess the need for an environmental impact statement and that, where need exists, an environmental impact statement is developed to assure timely consideration of environmental factors.

(e) Parties seeking information or status reports on environmental impact statements and other elements of the NEPA process, should contact the Assistant General Counsel for Litigation and Environmental Affairs.

§ 1.89 Effect on prior actions.

It is the policy of the Commission to apply these procedures to the fullest extent possible to proceedings which are already in progress.

By direction of the Commission dated July 16, 1979.

Carol M. Thomas,

Secretary.

[FR Doc. 79-22527 Filed 7-19-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 310]

[Docket No. 75N-0062]

Oral Hypoglycemic Drugs; Availability of Agency Analysis and Reopening of Comment Period on Proposed Labeling Requirements; Further Extension

AGENCY: Food and Drug Adminsitration.

ACTION: Further Extension of Comment Period on Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) further extends the comment period on its analysis of the University Group Diabetes Program (UGDP) study and on the proposed labeling requirements for oral hypoglycemic drugs. This action is being taken to allow more time to review the extensive material made available as part of FDA's analysis. The current comment period would have expired July 16, 1979.

DATE: Comments by September 14, 1979.

ADDRESSES: Written comments to the Hearing Clerk (HFA-305), Food and Drug Adminsitration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert D. Bradley, Bureau of Drugs (HFD-30), Food and Drug Adminsitration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6490.

SUPPLEMENTARY INFORMATION: In the Federal Register of November 14, 1978 (43 FR 52732), FDA announced the availability of its analysis of the UGDP study and reopened, until January 15, 1979, the comment period on the labeling changes proposed in the Federal Register of July 7, 1975 (40 FR 28587). Comments on FDA's analysis of the UGDP were also invited.

A summary of FDA's analysis is in the November 14, 1978 Federal Register notice. The analysis consists of a 121-page report and over 2,200 pages of records that were obtained from the UGDP or generated by FDA.

In the Federal Register of January 19, 1979 (44 FR 3994), the agency extended the comment period on the proposed rule to March 16, 1979 in response to requests received from the Upjohn Company and the American Diabetes Association. In the Federal Register of March 23, 1979 (44 FR 17720), the agency further extended the comment period to July 16, 1979 in response to a request by the American Diabetes Association. The Agency has now received a further request from the American Medical Association (AMA) to extend for a additional 60 days the comment period on the proposed oral hypoglycemic labeling. The basis for the requested extension is to permit an advisory panel on oral hypoglycemic drugs recently established by the AMA Council on Scientific Affairs to formulate certain guidelines for the use of oral hypoglycemics. The panel believes that recent criticism of the UGDP study, the complexity of the material involved, recent availability of new information, and the input of the proposed labeling change on the practice of medicine justify an extension of the comment period.

The agency has considered this request and finds, for the reasons stated, that a further 60-day extension is justified.

Accordingly, the comment period is extended to September 14, 1979. Comments may be seen in the office of the FDA Hearing Clerk at the address noted above, between 9 a.m. and 4 p.m. Monday through Friday.

Dated: July 12, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-22078 Filed 7-19-79; 8:45 am]

BILLING CODE 4110-03-M

[21 CFR Part 514]

[Docket No. 79N-0019]

Safety and Effectiveness Data Supporting the Approval of Minor Use New Animal Drugs

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The agency is proposing to allow, where scientifically appropriate, the use of animal models and the extrapolation of data from one species to another to support the approval of applications for (1) new animal drugs for use in minor species of animals and for (2) new animal drugs for the control of diseases that occur infrequently and in limited geographic areas. This action is being taken in the interest of the public health to encourage the submission of applications for needed new animal drugs.

DATE: Comments by September 18, 1979.

ADDRESSES: Written comments to the Hearing Clerk (HFA-305), Rm. 4-65, Food and Drug Administration, 5600

Fishers Lane, Rockville, MD 20857; copies of proposed guidelines are available from the Industry Information Branch (HFV-226), Bureau of Veterinary Medicine, Food and Drug Administration (same address).

FOR FURTHER INFORMATION CONTACT: Thomas V. Raines, Bureau of Veterinary Medicine (HFV-149), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) has received numerous recommendations from professional societies and industry that the agency provide guidance to the public on the type of data required to support the approval of drugs used in minor species. These recommendations have been justified on the basis that there exist few approved drugs for control of diseases occurring in minor species. Those providing recommendations have recognized that the responsibility for and expense of collecting adequate data are, by law, properly upon the drug sponsor.

There is little or no economic incentive for developing the data necessary for approval of drugs for minor species. Because only a few drugs are approved for use in minor species, producers of minor species are forced or tempted to use unapproved drugs. Thus, in minor species of animals, drugs are being used without any assurance that the drugs are safe and effective.

If diseases in minor species are left untreated, there may be severe injury to the target animals and serious public health hazards to man. For example, ornithosis in turkeys can cause an atypical pneumonia in man. Also, Salmonellosis in game birds can cause food poisoning in man. Even if a disease were not transmissible to man, food products of diseased animals would be unwholesome for human consumers.

Therefore, based on the recommendations made by professional societies and industry and in an effort to ensure the safe and effective use of animal drugs in minor species, FDA is proposing to allow, where scientifically appropriate, the use of animal models and the extrapolation of data regarding one species to another species to support the approval of applications for the "minor use" (as defined in the proposed regulation) of new animal drugs. The proposed regulation would amend § 514.1 of the new animal drug regulations (21 CFR 514.1) to include the types of data and information on the "minor use" of new animal drugs that may be sufficient to satisfy the safety and effectiveness requirements of section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b). Draft guidelines setting forth the minimum requirements for establishing the animal safety and effectiveness of certain minor uses of new animal drugs are made available with this proposal.

New Animal Drugs Subject to the Proposal

The new animal drugs that are the primary subject of this proposal are new animal drugs intended for use in minor species of animals. "Minor species" of animals is defined as species other than the major species: cattle, horses, swine, chickens, turkeys, dogs, and cats. Sheep are considered a minor species with respect to effectiveness and animal safety requirements, but are considered a major species with respect to human safety requirements relating to drug residues in food.

In minor species of animals, there are many disease conditions for which no drugs are approved by FDA. Examples of these disease conditions include:

(1) Gapeworms, paratyphoid, and fowl cholera in game birds;

(2) *Pasteurella anatipestifer* infections in ducks;

(3) Bacterial gill disease in trout and salmon;

(4) ICH (a protozoan disease) of all food fish;

(5) Mastitis, liver flukes, and respiratory diseases of goats;

(6) Coccidiosis of sheep;

(7) Coccidiosis, mucoid enteritis, and pasteurellosis of rabbits.

The proposal also applies to new animal drugs for treatment in both major and minor species of animals of disease conditions which (1) break out infrequently and (2) are limited to small geographic areas of the country. Few FDA approved drugs are available for these "localized" disease conditions; in fact, for many "localized" disease conditions no FDA approved drugs are available. The fact that a "localized" disease condition breaks out infrequently ensures that no segment of the population will be exposed to long-term ingestion of residues of drugs used to treat the disease condition.

Accordingly, the term "minor use" in the regulations refers to two types of uses for new animal drugs: (1) use in minor species and (2) use for "localized" disease conditions.

Animal Safety and Effectiveness Data

With the publication of this document, FDA is making available draft guidelines for the preparation of the type of "minor use" data needed to satisfy the animal safety and effectiveness requirements of section 512 of the act for the approval of new animal drugs. The guidelines set forth standards tailored to the special nature of drugs intended for minor species, including game birds, sheep, goats, rabbits, and food fish. Where the guidelines do not specifically provide for a particular "minor use," the Bureau of Veterinary Medicine, upon request, will advise interested persons on the effectiveness and animal safety data regarding the "minor use" that will be needed to satisfy the requirements of section 512 of the act. If scientifically appropriate, the Bureau of Veterinary medicine will allow the use of animal models and the extrapolation of data from one species—major or minor—to a "minor use" species to satisfy the requirements of the act. FDA believes that many applications for the "minor use" of new animal drugs will be for drugs that are already approved for use in a major species. The guidelines permit, where scientifically appropriate, the use of animal models and the extrapolation of data from one species to another. For example, the guidelines allow the extrapolation of data derived from studies on a drug for respiratory diseases and mastitis in cattle to support the use of the drug for the same disease conditions in goats. Likewise, the guidelines permit the extrapolation of data derived from studies on a drug for controlling disease conditions in one species of fish to support the use of the drug for the same disease conditions in other species of the same family of fish.

The guidelines contain specific requirements for effectiveness and animal safety studies for diseases in game birds and in domestic ducks as well as for coccidiosis in rabbits. Also, the guidelines provide information on the requirements for demonstrating the animal safety and effectiveness of anthelmintic drugs for use in sheep and goats. For example, assuming adequate safety and effectiveness data are available for drugs against helminth parasites in cattle, only one rather than two controlled effectiveness experiments in sheep and goats is required to demonstrate substantial evidence of effectiveness. If in the effectiveness trial the removal of the more difficult parasites is tested, and if comparable effectiveness is observed, extrapolation to other internal parasites of sheep and goats is permitted.

That a disease condition is "localized" does not affect the data required to satisfy the animal safety and effectiveness requirements of the act.

Accordingly, no guidelines for animal safety or effectiveness requirements pertaining to "localized" disease conditions are available or contemplated.

Human Safety Data

Guidelines are not available for determining the type of data that will be necessary to establish that the use of drugs in "minor use" species will be safe to humans consuming the edible parts of animals administered "minor use" drugs. The following general principles will be applied, however, when the agency is petitioned for an approval of a drug for a "minor use":

(1) Toxicity data must be submitted that establish human safety, if toxicity data supporting the drug's use in a major species exist, it is possible that these same data may be applied to support a minor use.

(2) When it can be demonstrated that there will be no increase in human exposure to residues of the drug because of its use in a minor species, the agency will set a tolerance for the safe level of drug residues in the edible products of a minor use species at the level of the tolerance already established for the most closely related major species. An evaluation of the total residue resulting in the edible tissues from use of the "minor use" drug will be necessary to demonstrate whether there is an increase in human exposure to residues of the drug.

(3) Drug metabolism in a "minor use" species may be determined on the basis of a comparison of certain kinds of data on the "minor use" species with data available on the most closely related species for which the drug is approved, e.g., comparison of excretion rates, total drug residue depletion rates in tissue, and chromatographic patterns of residues. If there is an apparant difference in metabolism between the species compared, the sponsor of a "minor use" drug will be required to collect additional data on drug metabolism and will be required to develop a reliable and practicable analytical method for the identification and measurement of drug residues. The sponsor may be required to provide additional toxicity data to support the tolerance.

(4) If metabolism data are similar between a "minor use" species and the most closely related species for which the drug is approved, the most reliable approved method of analysis for drug residues in the major species may be adequate for analyzing for drug residues in the "minor use" species. By necessity, the adequacy of methods of analysis will be evaluated on a case-by-case basis. A withdrawal period will be established on the basis of a method of analysis deemed adequate for regulatory use.

(5) When raising game or sport fish, a producer can use medications so far in advance of slaughter or harvest that drug residues are unlikely to remain in animal tissue. Therefore, minimum residue depletion data may be all that are necessary to demonstrate the absence of unsafe levels of drug residues in the tissue of game or sport animals slaughtered our harvested for food.

(6) Approval for use in a "minor use" species of a drug for which no use is approved in a major species will require toxicity studies, a metabolism study (or studies) to establish a market residue and target tissue, and a method of analysis to monitor drug residues; the information from these studies will be avaluated by current scientific standards and will be used to establish a withdrawal time to ensure that there is no significant human exposure to drug residues.

(7) A person would not be expected to eat a full portion of the edible products of the most closely related edible major species (e.g., chickens) and a full portion of the edible products of the related "minor use" species during the same day. Thus, there would not be a significant increase in exposure of consumers to drug residues when a consumer eats the food products of a "minor use" animal instead of the food products of a closely related major species animal. Accordingly, where it can be demonstrated that there will be no increase in human risk from exposure to the new animal drug, the agency will not be required to complete a review of the underlying data in the NADA for the most closely related species. Therefore, the position of a major species drug in FDA's Bureau of Foods prioritized cyclic review of the human safety data will not be interrupted by the application to a "minor use" drug of the underlying safety data for the major species drug. Where the approval of a "minor use" drug would result in an increase in human risk of exposure, the adequacy of all underlying safety data supporting the drug will be investigated. This approach is consistent with that employed by the agency in its supplemental new animal drug policy (see 41 FR 50003, November 12, 1976 and 42 FR 64367, December 23, 1977).

Conclusion

The proposed regulation allows for the use of data establishing the safety and effectiveness of a drug approved for use in a major species to support the approval of a "minor use" of the drug. The agency recognizes, however, that it will not always be scientifically appropriate to use data demonstrating the safety and effectiveness of drugs in major species to demonstrate the safety and effectiveness of drugs for "minor uses." Furthermore, the agency emphasizes that approval of any new animal drug application must meet all the requirements of section 512 of the act.

Representatives from the Animal Health Institute (AHI) have offered to cooperate in obtaining section 512 approval of "minor use" drugs and to encourage holders of approved NADA's to authorize the release of confidential data for use by the "minor use" sponsor in securing approval of "minor use" drugs. Several drug firms have also indicated that they will assist in securing section 512 approval of "minor use" drugs.

This proposed regulation will have no environmental impact per se. New Animal drug applications submitted under the provisions of this proposed regulation are individually subject to environmental impact assessment pursuant to 21 CFR 25.1(b), unless for an exempted drug to the extent provided under 21 CFR 25.1(f).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–351 (21 U.S.C. 360b, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), it is proposed that Part 514 be amended in § 514.1 by adding new paragraph (d) to read as follows:

§ 514.1 Applications.

* * * * *

(d) Applications for minor use of new animal drugs:

(1) For the purpose of this section:

(i) "Minor use" of new animal drugs means the use of (*a*) new animal drugs in minor species of animals or (*b*) new animal drugs in any animal species for the control of a disease which (*1*) breaks out infreqently and (*2*) is limited to small geographic areas of the country.

(ii) "Minor species" of animals means species other than the major species, i.e., cattle, horses, swine, chickens, turkeys, dogs, and cats. Sheep are considered a minir species with respect to effectiveness and animal safety requirements; sheep are considered a major species with respect to human safety requirements relating to drug residues in food.

(2) Guidelines for the preparation and submission of data to satisfy the requirements of section 512 of the act regarding effectiveness and animal safety for new animal drugs intended for a "minor use" (as defined in paragraph (d)(1)(i) of this section) are available from the Industry Information Branch (HFV–226), Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Where the guidelines do not specifically provide for a particular "minor use," the Bureau of Veterinary Medicine, upon request, will advise interested persons on the effectiveness and animal safety data regarding the minor use that will be needed to satisfy the requirements of section 512 of the act. Where scientifically appropriate, the Bureau of Veterinary Medicine will allow the use of animal models and the extrapolation of data from one species to a "minor use" species to satisfy the requirements of the act.

(3) Applications for a "minor use" of new animal drugs for use in food-producing animals must also satisfy the human safety requirements of section 512 of the act. As with any new animal drug application for use in food-producing animals, the application must contain basic residue and toxicological data establishing human safety. However, if available data support drug use in a major species, these same data may, if scientifically justified, be applied to support a "minor use." Regarding any such extrapolation from a major species use to a "minor use," information on the following points is required:

(i) The total residue of the minor use drug in the edible tissues of animals treated with the drug;

(ii) A comparison of the metabolism of the drug in the "minor use" species and in the approved use species;

(iii) If the metabolism comparison shows that the safety information regarding an approved use is appropriate for extrapolation to the minor use, data to verify the reliability and practicability of the method of analysis in identifying and measuring "minor use" drug residues in the edible tissues of animals administered the drug;

(iv) A withdrawal period established on the basis of a method of analysis deemed adequate for regulatory use.

In all instances, human safety of the "minor use" of a new animal drug for use in food-producing animals shall be supported by field data collected under drug use conditions. These data are required to demonstrate, employing the appropriate method of analysis, the rate of depletion of the drug residue to levels demonstrated to be safe.

Copies of all proposed guidelines are available upon request from the Industry Information Branch (HFV–226), Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. The guidelines are expected to be made final after a review of comments received on this proposal. A notice of availability of the final guidelines will be published in the **Federal Register.**

Interested persons may, on or before September 18, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: July 12, 1979.

Sherwin Gardner,

Acting Commissioner of Food and Drugs.

[FR Doc. 79-22418 Filed 7-19-79; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR 84-77]

LIFO Conformity Requirement

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to the regulations relating to the financial reporting conformity requirement incident to the use of the last-in, first-out (LIFO) method of inventory accounting. The proposed amendments would provide the public with guidance needed to comply with that requirement and would affect taxpayers using the LIFO method for Federal income tax purposes.

DATES: Written comments and requests for a public hearing must be mailed or delivered by September 17, 1979. Except as otherwise provided, the amendments are proposed to be effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC: LR:T, (LR–84–77), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Geoffrey B. Lanning of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3909, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 472 of the Internal Revenue Code of 1954. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Explanation of Proposed Regulations

Section 472 provides taxpayers with an election to account for inventories on the last-in, first-out (LIFO) method of inventory accounting. Section 472 (c) and (e) generally provide that taxpayers using the LIFO method for Federal income tax purposes must not use any other inventory method for purposes of reporting income, profit, or loss in credit statements or financial reports to shareholders, partners, other proprietors, or beneficiaries. This requirement is the so-called LIFO conformity requirement.

The proposed amendments to the regulations would provide that supplemental or explanatory financial disclosures issued after the proposed amendments are filed by the **Federal Register** do not violate the LIFO conformity requirement. The proposed amendements would provide rules for determining whether a disclosure is supplemental or explanatory.

Section 1.472–2 (e) of the Income Tax Regulations currently provides that the LIFO conformity requirement is not violated if a taxpayer uses market value rather than cost for financial reporting purposes or issues reports or credit

statements that cover a period of operations less than the whole of a taxable year.

The proposed amendments to the regulations would provide that the use of market value in lieu of cost for financial reporting purposes is not a violation of the LIFO conformity requirement only if the market value used is less than the LIFO cost of the inventory items.

The proposed regulations would also provide that credit statements or financial reports that cover a one-year period of operations overlapping two taxable years are subject to the conformity requirement.

The proposed amendments to the regulations would also provide that internal management reports are not reports to shareholders within the meaning of section 472 (c) and (e) and are not subject to the LIFO conformity requirement. In addition, the proposed amendments would provide that balance sheet reports of the value of taxpayers' inventories on hand are not reports of income, profit, or loss and are not subject to the LIFO conformity requirement.

Reliance on Proposals

Pending the adoption of final regulations, tax-payers may rely on these proposed rules in preparing financial reports, credit statements, or other reports. If any provisions of the final regulations are less favorable to taxpayers than these proposed rules, those provisions will be effective only after the date of adoption.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments (preferable six copies) that are submitted to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is to be held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

The principal author of these proposed regulations is Geoffrey B. Lanning of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

Section 1.472–2(e) is revised to read as follows:

§ 1.472–2 Requirements incident to the adoption and use of LIFO inventory method.

* * * * *

(e) *LIFO conformity requirement*—(1) *In general.* The taxpayer must establish to the satisfaction of the Commissioner that the taxpayer, in ascertaining the income, profit, or loss for the taxable year for which the LIFO inventory method is first used or for any subsequent taxable year, for credit purposes or for purposes of reports to shareholders, partners, or other proprietors, or to beneficiaries, has not used any inventory method other than that referred to in § 1.472–1 or at variance with the requirement referred to in § 1.472–2(c). For this purpose, the following are not considered at variance with the requirement of this paragraph:

(i) The taxpayer's use of an inventory method for purposes of ascertaining information reported after July 17, 1979, as a supplement to or explanation of the taxpayer's primary presentation in financial statements of the taxpayer's income, profit or loss for a taxable year. See paragraph (e)(2) of this section for rules relating to the reporting of supplemental and explanatory information ascertained by the use of an inventory method.

(ii) The taxpayer's use of an inventory method to ascertain the value of taxpayer's inventory of specified goods on hand for purposes of reporting such value on the taxpayer's balance sheet.

(iii) The taxpayer's use of an inventory method for purposes of ascertaining information reported in internal management reports.

(iv) The taxpayer's issuance of reports or credit statements covering a single continuous period of operations that is both less than the whole of a taxable year and less than twelve months. See paragraph (e)(3) of this section for rules relating to a series of interim reports.

(v) The taxpayer's use of market value each year in lieu of LIFO cost assigned to the items of inventory for Federal income tax purposes, where market value is less than such LIFO cost.

(2) *Supplemental and explanatory information*—(i) *Face of the income statement.* Information reported on the face of a taxpayer's financial income statement for a taxable year is not considered a supplement to or explanation of the taxpayer's primary presentation in financial statements of the taxpayer's income, profit, or loss for the taxable year. For example, information reported in a parenthetical statement on the face of a taxpayer's income statement is not considered supplemental or explanatory for purposes of this paragraph. For purposes of paragraph (e)(2) of this section, the face of an income statement does not include footnotes to the statement.

(ii) *Notes to the income statement.* Information reported in notes to a taxpayer's financial income statement for a taxable year is considered a supplement to or explanation of the taxpayer's primary presentation of income, profit, or loss for the taxable year if the notes accompany the income statement in a single report. If notes to an income statement are issued in a report that does not include the income statement, the question of whether the information reported therein is supplemental or explanatory is determined under the rules in paragraph (e)(2)(iv) of this section.

(iii) *Appendices and supplements to the income statement.* Information reported in an appendix or supplement to a taxpayer's financial income statement for a taxable year is considered a supplement to or explanation of the taxpayer's primary presentation of income, profit, or loss for the taxable year if the appendix or supplement accompanies the income statement in a single report and the information reported in the appendix or supplement is clearly identified as a supplement to or explanation of the taxpayer's primary presentation of income, profit, or loss for the taxable year as reported on the face of the taxpayer's income statement. If an appendix or supplement to an income statement is issued in a report that does not include the income statement, the question of whether the information reported therein is supplemental or explanatory is determined under the rules in paragraph (e)(2)(iv) of this section.

(iv) *Other reports.* Information reported in a news release, letter to shareholders, letter to creditors, or other report (other than a taxpayer's income statement or accompanying notes, appendices, or supplements) is considered a supplement to or explanation of the taxpayer's primary presentation of income, profit, or loss for the taxable year if the supplemental or explanatory information is clearly identified as a supplement to or

explanation of the taxpayer's primary presentation of income, profit, or loss for the taxable year as reported on the face of taxpayer's income statement for the taxable year and the specific item of information being explained or supplemented, such as the cost of goods sold, net income, or earnings per share, ascertained using the LIFO method, is also reported in the news release, letter, or other report.

(3) *Series of interim reports.* For purposes of paragraph (e)(1)(iv), a series of credit statements or financial reports is considered a single statement or report covering a single continuous period of operations if the statements or reports in the series are prepared using a single inventory method and can be combined to disclose the income, profit, or loss for the continuous period.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 79-22405 Filed 7-17-79; 10:35 am]

BILLING CODE 4830-01-M

[26 CFR Part 301]

[LR-12-79]

Offshore Oil Pollution Compensation Fund

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This document contains proposed regulations relating to the collection of fees for the purpose of funding an Offshore Oil Pollution Compensation Fund. Changes to the applicable law were made by the Outer Continental Shelf Lands Act Amendments of 1978. The regulation would provide the public with the guidance needed to comply with that portion of the Act relating to the collection of fees and would affect all owners of oil obtained from the Outer Continental Shelf. The owner of oil is the person in whom is vested ownership of the oil as it is produced at the wellhead.

DATES: Written comments and requests for a public hearing must be delivered or mailed by September 17, 1979. The amendments generally are proposed to be effective on March 17, 1979. However, under section 313(c) of the Outer Continental Shelf Lands Act Amendments of 1978 this date is effective only if so provided in an appropriation Act enacted after September 18, 1978.

ADDRESS: Send comments and requests for a public hearing to Commissioner of Internal Revenue, Attention: CC:LR:T, LR-12-79, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Kyllikki Kusma of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3287, not toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the regulations on procedure and administration (26 CFR 301). These amendments are proposed to conform the regulations to section 302(d) of the Outer Continental Shelf Lands Act Amendments of 1978 (92 Stat. 672) and are to be issued under the authority contained in section 302(d) of the Act and in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Explanation of the Regulations

Section 302 of the Outer Continental Shelf Lands Act Amendments of 1978 establishes an Offshore Oil Pollution Compensation Fund. Under section 302 (d) of the Act, this fund consists of money generated by a fee of not more than 3 cents per barrel imposed on oil obtained from the Outer Continental Shelf, and is to be paid by the owner of the oil as defined in § 301.9001-1(a)(2) of these regulations. Failure to pay the fee subjects the owner of the oil to civil penalty. The regulations describe the collection procedure which is to be used in collecting this fee. The regulations generally adopt a procedure similar to that currently used for the collection of manufacturers and retailers excise taxes.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Kyllikki Kusma of the Legislation and Regulations Division of the Office of Chief Counsel. Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service, Treasury Department and the Coast Guard participated developing the regulation, both on matters of substance and style.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 301 are as follows:

Paragraph 1. The following new sections are inserted to follow § 301.9000-1:

§ 301.9001 Statutory provisions; Outer Continental Shelf Lands Act Amendments of 1978.

Section 302 of the Outer Continental Shelf Lands Act Amendments of 1978 (92 Stat. 629) provides as follows:

Sec. 302. (a) There is hereby established in the Treasury of the United states an Offshore Oil Pollution Compensation Fund in an amount not to exceed $200,000,000, except that such limitation shall be increased to the extent necessary to permit any moneys recovered or collected which are referred to in subsection (b)(2) of this section to be paid into the Fund. The Fund shall be administered by the Secretary [1] and the Secretary of the Treasury as specified in this title. The Fund may sue and be sued in its own name.

(b) The Fund shall be composed of—

(1) All fees collected pursuant to subsection (d) of this section; and

(2) All other moneys recovered or collected on behalf of the Fund under section 308 or any other provision of this title.

(c) The Fund shall be immediately available for—

(1) Removal costs described in section 301 (22);

(2) The processing and settlement of claims under section 307 of this title (including the costs of assessing injury to, or destruction of, natural resources); and

(3) Subject to such amounts as are provided in appropriation Acts, all administrative and personnel costs of the Federal Government incident to the administration of this title, including, but not limited to, the claims settlement activities and adjudicatory and judicial proceedings, whether or not such costs are recoverable under section 308 of this title.

The Secretary is authorized to promulgate regulations designating the person or persons who may obligate available money in the Fund for such purposes.

(d)(1) The Secretary shall levy and the Secretary of the Treasury shall collect a fee of not to exceed 3 cents per barrel on oil obtained from the Outer Continental Shelf, which shall be imposed on the owner of the oil when such oil is produced.

(2) The Secretary of the Treasury, after consulting with the Secretary, may promulgate reasonable regulations relating to

[1] Secretary wherever used in this section means the Secretary of Transportation.

the collection of the fees authorized by paragraph (1) of this subsection and, from time to time, the modification thereof. Any modification shall become effective on the date specified in the regulation making such modification, but no earlier than the ninetieth day following the date such regulation is published in the **Federal Register**. Any modification of the fee shall be designed to insure that the Fund is maintained at a level of not less than $100,000,000 and not more than $200,000,000. No regulation that sets or modifies fees, whether or not in effect, may be stayed by any court pending completion of judicial review of such regulation.

(3)(A) Any person who fails to collect or pay any fee as required by any regulation promulgated under paragraph (2) of this subsection shall be liable for a civil penalty not to exceed $10,000, to be assessed by the Secretary of the Treasury, in addition to the fee required to be collected or paid and the interest on such fee at the rate such fee would have earned if collected or paid when due and invested in special obligations of the United States in accordance with subsection (e)(2) of this section. Upon the failure of any person so liable to pay any penalty, fee, or interest upon demand, the Attorney General may, at the request of the Secretary of the Treasury, bring an action in the name of the Fund against that person for such amount.

(B) Any person who falsifies records or documents required to be maintained under any regulation promulgated under this subsection shall be subject to prosecution for a violation of section 1001 of title 18, United States Code.

(4) The Secretary of the Treasury may, by regulation, designate the reasonably necessary records and documents to be kept by persons from whom fees are to be collected pursuant to paragraph (1) of this subsection, and the Secretary of the Treasury and the Comptroller General of the United States shall have access to such records and documents for the purpose of audit and examination.

(e)(1) The Secretary shall determine the level of funding required for immediate access in order to meet potential obligations of the Fund.

(2) The Secretary of the Treasury may invest any excess in the Fund, above the level determined under paragraph (1) of this subsection, in interest-bearing special obligations of the United States. Such special obligations may be redeemed at any time in accordance with the terms of the special issue and pursuant to regulations promulgated by the Secretary of the Treasury. The interest on, and the proceeds from the sale of, any obligations held in the Fund shall be deposited in and credited to the Fund.

(f) If at any time the moneys available in the Fund are insufficient to meet the obligations of the Fund, the Secretary shall issue to the Secretary of the Treasury notes or other obligations in the forms and denominations, bearing the interest rates and maturities, and subject to such terms and conditions as may be prescribed by the Secretary of the Treasury. Redemption of such notes or other obligations shall be made by the Secretary from moneys in the Fund. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of comparable maturity. The Secretary of the Treasury shall purchase any notes or other obligations issued under this subsection and, for that propose, he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act. The purpose for which securities may be issued under that Act are extended to include any purchase of such notes or other obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

§ 301.9001–1 Collection of fee.

(a) *Imposition of fee*—(1) *In general.* Under section 302(d) of the Outer Continental Shelf Lands Act Amendments of 1978 (Act), the Internal Revenue Service is authorized to collect a fee of not more than 3 cents per barrel on oil that is obtained from the Outer Continental Shelf. This fee is established by the Commandant, United States Coast Guard, and is imposed on the owner of the oil as defined in paragraph (a)(2) of this section. For the purpose of computing this fee, the owner of the oil shall measure the Outer Continental Shelf oil production by employing the criteria of the U.S. Geological Survey contained in 30 CFR 250.60 and Outer Continental Shelf Order 13. No reduction in the amount due will be permitted by reason of theoretical or actual oil lost in transit. To ensure that the Fund is maintained at a level of not less than $100,000,000 and not more than $200,000,000, the Commandant, United States Coast Guard, may modify the amount of this fee.

(2) *Owner of oil.* For the purposes of these regulations, the owner of oil is the person in whom is vested ownership of the oil as it is produced at the wellhead without regard to the existence of contractual arrangements for the sale or other disposition of the oil between such a person and third parties. Under this rule, the Federal government entitlement to royalty oil does not constitute ownership of oil by the Federal government at the time of production.

(3) *Example.* The provisions of paragraph (a)(2) of this section may be illustrated by the following example:

Example. X is the owner of oil produced on the Outer Continental Shelf. During one reporting period, 10,000 barrels of oil were obtained from this location. X will use a portion of this oil to make a royalty payment to the United States government. X also has a contract with Y to sell Y the remaining barrels of oil. For the purpose of the Act, X is the owner of the oil and must pay a fee of 3 cents per barrel on all 10,000 barrels of oil.

(4) *Cross-references.* See § 301.9001–2(a) for the definition of barrel, § 301.9001–2(b) for the definition of oil, and § 301.9001–2(c) for the definition of person.

(5) *Effective Date.* [Reserved]

(b) *Collection of fee.* The Internal Revenue Service shall collect the fee imposed by section 302(d) of the Act. Administrative procedures for the collection of this fee shall be prescribed from time to time by the Commissioner. The Commissioner may designate the reasonably necessary records and documents to be kept by the person or persons from whom the fee is collected. See also the regulations under 33 CFR 135.103 for additional rules relating to the implementation of the Act.

(c) *Time and place for payment of the fee*—(1) *In general.* Payment of the fee shall be made in accordance with the rules established in paragraph (c) (2), (3) and (4) of this section. When a deposit is required by these rules, it must be filed with the Internal Revenue Service Center, Austin, Texas 73301 using Form 6008, Fee Deposit for Offshore Oil. Adjustments required in the amount paid during the calendar quarter to reflect the actual amount due for the quarter shall be made on Form 6009, Quarterly Report of Fees Due. Form 6009 must be filed on or before the last day of the month following the end of the calendar quarter with the Austin Service Center. The rules under section 7502, relating to the treatment of timely mailing as timely filing and paying, and section 7503, relating to the time for performance of acts where the last day falls on Saturday, Sunday, or legal holiday are applicable to the filing of Form 6009.

(2) *$100 or less of fees.* If the owner of oil is liable in any calendar quarter for $100 or less of fees, the owner may either deposit this amount or pay the full amount of the fee when Form 6009 is filed.

(3) *More than $100 of fees.* If the owner of oil is liable in the first or second month of the calendar quarter for more than $100 of fees and is not required to make a semimonthly deposit (see paragraph (c)(4) of this section), the owner must deposit the amount on or before the last day of the following month.

(4) *More than $2000 of fees.* The owner of oil who is liable for more than

$2000 of fees for any month of a calendar quarter must deposit fees for the following quarter (regardless of amount) on a semimonthly basis. The deposit must be made on or before the ninth day following the semimonthly period for which it is reportable. The first deposit for a month may be reasonably estimated when an accounting of oil production is normally done by the month. Under these circumstances, the second for that month deposit should be adjusted to reflect the total barrels produced in that month.

(d) *Responsibility for payment of fee*—(1) *In General.* Form 6009, Quarterly Report of Fees Due, must be filed and the fee must be paid either by the owner of the oil (§ 301.9001–1 (a)(2)) or by a person authorized to act for the owner of the oil under an acceptable power of attorney filed with the Austin Service Center.

(2) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. W, X, Y, and Z are oil companies that own equal interests in oil produced on the Outer Continental Shelf. W was selected to be the operator of the offshore facility. Additionally, X, Y, and Z authorized W to file Form 6009 and to pay the fee imposed by section 302(d) of the Act on the oil produced at this facility. Pursuant to this authorization, W paid a fee of $16,600. Since the ownership of the oil is divided equally among W, X, Y, and Z, each company's share of the fee is $4,150.

(e) *Penalty and Interest.* Failure to collect or pay the fee shall result in a civil penalty assessed by the Secretary of the Treasury. The amount of the penalty is not to exceed $10,000 in addition to the fee and the interest on the unpaid fee that would have been earned if paid when due and invested in the special Treasury securities which are to be purchased by the fund. The computation of the rate of interest to be levied on underpayment of fees shall be based on the average interest rate earned by the interest-bearing special obligations of the United States in the fund for each calendar quarter for which there is underpayment. Unless it can be shown that the failure to collect or pay the fee is due to reasonable cause and not due to willful neglect, the amount of the penalty is the lesser of—

(1) $10,000 or

(2) The amount of the fee.

§ 301.9001–2 Definitions.

The terms enumerated in this section are to be defined for the purposes of these regulations in the following manner:

(a) "Barrel" means 42 United States gallons at 60 degrees Fahrenheit.

(b) "Oil" means petroleum, including crude oil or any fraction or residue therefrom, and natural gas condensate, except that the term does not include natural gas.

(c) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, or governmental entity.

(d) "Outer Continental Shelf" means all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 1301 of title 43 and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control;

§ 301.9001–3 Cross reference.

See the Coast Guard regulations under 33 CFR Parts 135 and 136 for rules relating to the implementation of the Act.

Note.—This notice of proposed rulemaking is to be issued under the authority contained in section 302(d) of the Outer Continental Shelf Lands Act Amendments of 1978 (92 Stat. 672) and in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 79–22433 Filed 7–19–79; 8:45 am]

BILLING CODE 4830–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 Agencies; Proposed Designations

AGENCY: Equal Employment Opportuntiy Commission.

ACTION: Proposed Rule.

SUMMARY: The Equal Employment Opportunity Commission proposes to amend its regulations on designation of certain State and local agencies so that they may handle employment discrimination charges filed with the Commission. Proposed are agencies that requested deferral designation as provided under the authority of Title VII of the Civil Rights Act of 1964, as amended. The proposal would authorize the agencies to process charges deferred to them by the Commission.

DATES: Comments must be received by August 3, 1979.

ADDRESS: Comments should be sent to Equal Employment Opportunity Commission, Office of Field Services (State and Local), 2401 E Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Dorothy D. Howze, telephone 202–634–6894, Equal Employment Opportunity Commission (State and Local), 2401 E Street, N.W., Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: Pursuant to 1601.71 Title 29, Chapter XIV of the Code of Federal Regulations as revised and published in the **Federal Register**, 42 FR 55388, October 14, 1977, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes that the agencies listed below be designated as a "706 Agency," § 1601.70(a).

The purposes for such designation are as follows: First, that the agencies receive charges deferred by the Commission pursuant to Section 706 (c) and (d) of Title VII of the Civil Rights Act of 1964, as amended; second, that the Commission accord "substantial weight" to the final findings and orders of the agencies pursuant to Section 706 of Title VII of the Civil Rights Act of 1964, as amended. The propdsed designation of the agencies listed below is hereby published to provide any person or organization not less than 15 days within which to file written comments with the Commission as provided for under § 1601.71(a). At the expiration of the 15 day period, the Commission may effect designation of the agencies by publication of an amendment to § 1601.74(a).

The proposed "706 Agencies" are as follows:

City of St. Petersburg (Fla.) Office of Human Relations.[1]
Clearwater (Fla.) Office of Community Relations.
St. Louis (Mo.) Civil Rights Enforcement Agency.

Written comments pursuant to this notice must be filed with the Commission on or before August 3, 1979.

Signed at Washington, D.C. this 17th day of July, 1979.

For the Commission.

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

[FR Doc. 79–22440 Filed 7–19–79; 8:45 am]

BILLING CODE 6570–06–M

[1] On June 1, 1979, the St. Petersburg Office of Human Relations was designated a 706 Agency for all charges except those charges alleging retaliation under 704(a) of Title VII. Accordingly, it was deemed a "Notice Agency," pursuant to 29 CFR 1601.71(e). See 44 FR 31638. On May 23, 1979, an ordinance amended the St. Petersburg, Fla. Human Relations law to include charges of retaliation. Therefore, retaliation charges will be deferred to that agency effective immediately.

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 51 and 52]

[FRL 1276-5]

Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Approval and Promulgation of State Implementation Plans; Prevention of Significant Air Quality Deterioration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: EPA proposes to amend the deadlines for "commencing" construction in the grandfather provisions of the regulations for the prevention of significant air quality deterioration ("PSD") which appear at 40 CFR 52.21 (1978). Under the proposed amendments, a permittee would in general have to "commence" construction by either the applicable existing deadline or the date nine months from the issuance of the last of certain necessary federal authorizations, whichever date is later. EPA also proposes to amend the provision in 40 CFR 52.21 which governs the extension and expiration of PSD permits, so as to make it clear that an extension may operate retroactively. EPA proposes, finally to exempt from PSD review switches to refuse derived fuel by excluding them from the definition of "major modification" in the PSD regulations appearing at 40 CFR 51.24 and 52.21 (1978)

DATES: The deadline for submitting written comments is August 20, 1979.

ADDRESSES: *Comments.* Comments should be sent (in duplicate, if possible) to Central Docket Section (A-130), Environmental Protection Agency, Room 2903B, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460, Attention: Docket No. A-79-23.

Docket: In accordance with section 307(d) of the Clean Air Act, 42 USC 7607(d), EPA has established a docket for this rulemaking. It bears Docket No. A-79-23. The docket is an organized and complete file of all significant information submitted to or otherwise considered by EPA during this rulemaking. The contents of the docket will serve as the record in the case of judicial review under Section 307(b) of the Act, 42 USC 7607(b). The docket is available for public inspection and copying between 8 a.m. and 4 p.m., Monday through Friday, at EPA's Central Docket Section. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Peter H. Wyckoff, Attorney, Office of General Counsel, 401 M Street, S.W., Washington, D.C. 20460, 202-755-0756.

SUPPLEMENTARY INFORMATION:

A. Amendments to PSD Grandfathering Rules

EPA is proposing to amend the deadlines for "commencing" construction in the grandfather provisions of its PSD regulations in response to requests for relief from those deadlines. This discussion describes the background to those requests, the requests themselves, the proposed amendments and the rationale for them.

1. Background

In the Clean Air Act Amendments of 1977, Congress established requirements for PSD preconstruction review that were more elaborate and in some ways more stringent than those in the PSD regulations in effect at the time. *Compare* Pub. L. No. 95-95, § 127(a), 91 Stat. 685, 731 (August 7, 1977), *with* 40 CFR 52.21 (1977). Although Congress plainly intended that the new requirements were to come into effect at some point, it left standing irreconcilably contradictory indications as to just when. On the one hand, Section 168 of the Clean Air Act, 42 U.S.C. 7478, provides in effect that the new requirements are to come into effect in a particular area only after the applicable state implementation plan ("SIP") has been revised to include them, an event requiring lengthy rulemaking. See also Pub. L. No. 95-95, §§ 406 (b) and (c), 91 Stat. 685, 795-96. On the other hand, Section 165(a), 42 U.S.C. 7475(a), strongly implies that the new requirements were to apply as of the date of their enactment, August 7, 1977. Faced with that contradiction, EPA decided to fashion through rulemaking a transition program which would strike a reasonable balance between the goals behind Sections 165 and 168. *See* 42 FR 57459, 57479 (November 3, 1977).

On June 19, 1978, EPA promulgated comprehensive amendments to the old regulations which incorporated into them the new PSD requirements. 43 FR 26388. Among the new provisions were three rules for the grandfathering of sources. *Id.* at 26406. Those rules embody EPA's attempt to harmonize Sections 165 and 168. The first provides in pertinent part that any major stationary source or major modification [hereinafter, "major source"] which was subject to the old regulations would escape the new requirements if the owner or operator in effect obtained a permit under the old regulations by March 1, 1978, and "commenced" construction on the source by March 19, 1979. 40 CFR 52.21(i)(2) (1978). In order to "commence" construction, one has to obtain each air quality permit that the applicable SIP requires and either begin a continuous program of on-site construction or enter into contracts for such a program which could not be cancelled or modified without substantial loss. *Id.* 52.21(b)(8). The next grandfather rule provides that any major source which was *not* subject to the old regulations would escape the new requirements if the owner or operator obtained each of the permits required by the SIP by March 1, 1978, and "commenced" construction by March 19, 1979. *Id.* 52.21(i)(3). The last rule (hereinafter, the "special exception") provides that the March 1 permit deadline would not apply to any major source whose application for a permit under the old regulations would have been evaluated by March 1, 1978, but for an extension of the public comment period. *Id.* 52.21(i)(4).

On March 27, 1979, the United States Court of Appeals for the District of Columbia Circuit upheld those grandfather provisions against challenges from both environmental and industrial groups. *Citizens to Save Spencer County* v. *EPA*, 12 EPC 1961. It concluded that Sections 165 and 168 were irreconcilably contradictory and that EPA had authority to fashion a compromise between them through rulemaking. *Id.* at 1970-71, 1981. It also concluded that the compromise ultimately struck was not arbitrary or capricious, since EPA "had given more than adequate consideration" to the goals behind those two sections and had "afforded each of [the goals] adequate expression in the final rules." *Id.* at 1994. Behind Section 168, the court identified two goals: (1) "minimization of economic dislocation and loss as a result of * * * enhanced protection" of air quality and (2) "facilitation of an efficient administrative transition" from the old to the new PSD requirements. *Id.* Behind Section 165, on the other hand, the court perceived the goals of enhanced protection of air quality and heightened involvement of the states in preventing significant deterioration. *Id.* As for the special exception, the court concluded that it was "a reasonable attempt by EPA to reconcile the various contending interests affected by implementation of the new preconstruction requirements . . . ." *Id.* at 1993.

2. Request of the Pittston Co.

While the Court of Appeals was considering the grandfather provisions of the new PSD regulations, The Pittston Company asked EPA for an interpretation of the special exception. Pittston had applied for a PSD permit for an oil refinery and marine terminal to be located at Eastport, Maine. In accordance with the special exception, EPA had issued a permit for the project under the old regulations on August 18, 1978. 43 FR 40056 (September 8, 1978). Noting that the exception itself expresses no deadline for "commencing" construction, Pittston wanted to know what, if any, absolute deadline did apply. In a response dated October 31, 1978, the Assistant Administrator for Air, Noise and Radiation, construing the grandfather provisions as a whole, stated that Pittston would have to "commence" construction within the same amount of time that the regulations made available to a person who would have obtained a PSD permit just before March 1, 1978, namely, one year and eighteen days. 43 FR 58188 (December 13, 1978). Given the August 18, 1978 permit date, this meant that Pittston would have until September 5, 1979, to "commence" construction on the refinery and marine terminal. *Id.*

By letters dated November 30, 1978, December 14, 1978, and January 3, 1979, Pittston petitioned the Administrator to reconsider and revise the interpretation of the Assistant Administrator, or else amend the grandfather provisions, so as to provide Pittston relief from the September 5, 1979 deadline. Pittston argued that the interpretation ran against the literal language of the special exception. It also argued that to require it to get a new PSD permit, if it failed to meet the deadline, would be unfair, because the federal government would have caused the failure. As Pittston pointed out, EPA had yet to take final action on Pittston's application for a wastewater discharge permit under the Clean Water Act, 33 U.S.C. 1251 *et seq.*, even though Pittston had submitted the application at least two and a half years earlier.

On January 17, 1979, EPA Region I denied the discharge permit, primarily on the basis of a determination by the Fish and Wildlife Service of the Department of the Interior that the refinery and marine terminal were likely to jeopardize the continued existence of the bald eagle, an endangered species. In denying the discharge permit, Region I specifically acknowledged the petition for relief and indicated that an administrative appeal of the denial would probably not be completed by September 5, 1979. Pittston is seeking to have the denial and the bald eagle determination reversed.

Since the denial of the discharge permit, two other material events have occurred. First, in March 1979 in litigation before the United States Court of Appeals for the First Circuit, Pittston entered into an agreement not to "commence" construction on the refinery and marine terminal "until the conclusion of [that] Court's review of the PSD permit and until the conclusion of the administrative appeal from the denial of the [discharge] permit." In that litigation, certain parties are challenging the grant of the PSD permit. Second, Pittston recently requested the Regional Administrator for Region I to extend the PSD permit eighteen months beyond the deadline that Section 52.21(s)(2) of the new regulations would impose. That section provides in part that a PSD permit expires after eighteen months, unless the Administrator extends it upon a showing of good cause. 40 CFR 52.21(s)(2) (1978).

3. Request of the Hampton Roads Energy Co.

The Hampton Road Energy Company proposes to construct an oil refinery at Portsmouth, Virginia. EPA issued a PSD permit for the refinery under the old regulations on July 25, 1977. Under § 52.21(e)(3) of those regulations, now § 52.21(s)(2), the permit was to expire on January 25, 1979. By a letter dated November 21, 1978, to EPA Region III, Hampton Roads requested an extension of the permit to January 25, 1980. In support, it stated that the federal government had yet to issue the remaining authorizations necessary to the lawful construction and operation of the refinery. Specifically, Hampton Roads noted that the Army Corps of Engineers had still not acted on an application filed in 1975 for authorization for channel dredging and for construction of a marine terminal. It also noted that EPA had yet to approve a revision to the Virginia SIP that would establish emission reduction large enough to offset the hydrocarbon emissions from the refinery. The revision was needed in order to satisfy the Offset Interpretive Ruling, 41 FR 55524 (December 21, 1976), and in turn a condition of the Virginia air quality permit requiring satisfaction of that ruling.

By a letter dated January 25, 1979, the Regional Administrator for Region III granted an extension, but only to March 19, 1979. He explained that the Office of General Counsel was determining whether, in view of the March 19 deadline for "commencing" construction in § 52.21(i)(2) of the new PSD regulations, he had authority to grant an extension beyond that date.

Early in February 1979, Hampton Roads submitted three futher requests. It asked the Regional Administrator for an extension of the PSD permit to May 25, 1980. In addition, it sought from the General Counsel an interpretive ruling that EPA had authority under the new regulations to extend the permit beyond March 19, 1979. Finally, it requested that, if the General Counsel concluded that the new regulations would bar any further extension, the Administrator enter into rulemaking to lift that bar. In support, Hampton Roads argued that it had never had a chance to "commence" construction for want of the necessary federal authorizations, that EPA had in fact never intended the deadline to undercut someone who had had no such chance, and that in any event to apply the deadline to such a person would be unfair.

In a supplemental letter dated February 15, 1979, Hampton Roads renewed its requests and provided a detailed chronology of its attempts to get the necessary governmental authorizations. The letter underscored the point that Hampton Roads had never had a chance to "commence" construction by observing that the PSD permit itself was conditioned on satisfaction of the Offset Interpretive Ruling and that the SIP revision to satisfy the condition was still pending before EPA.

By a letter dated March 19, 1979, the Regional Administrator responded to the request for an extension. He concluded that an extension was warranted, but granted one only until July 25, 1979, and "on the condition that the Administrator either determine that § 52.21(i) does not preclude such an extension or else amend that section to allow for such an extension." He specifically stated that the purpose of the conditional extension was "to prevent the PSD permit from expiring during the time EPA is considering [Hampton Roads'] various requests."

It should be noted finally that Hampton Roads filed an application for a PSD permit under the new regulations on June 28, 1978, that EPA has not yet approved the Virginia SIP revision and that the Army Corps has not yet issued its permit. Action is expected on each of those matters in the near future.

4. The Proposed Amendments

EPA has concluded that it would be unfair to hold either Pittston or Hampton Roads to the applicable deadline for "commencing" construction in the new regulations, since each has failed or will fail to meet that deadline because the federal government has not yet issued the necessary authorizations. EPA is proposing primarily for that reason to amend the deadline for "commencing" construction so as to provide Pittston, Hampton Roads and anyone else in similar circumstances some relief.

The amendments would make four changes to the existing grandfather provisions. First, they would substitute for the date of March 19, 1979, in both §§ 52.21(i)(2)(ii) and 52.21(i)(3)(ii) the later of that date or the date nine months from the issuance of those federal authorizations which were necessary to begin construction or operation lawfully and which were requested before June 19, 1978. Second, they would add to the special exception from the March 1 permit deadline, which is found in § 52.21(i)(4), a requirement that the owner or operator "commence" construction within one year and eighteen days from the issuance of the PSD permit or within nine months from the issuance of the last of the federal authorizations described above, whichever period would end later. Finally, the amendments would add a new subparagraph (8) to § 52.21(i). It would state that, if one or more stays of any of the authorizations were granted in litigation and were in effect after the issuance of the last of the authorizations, the nine-month periods set in § 52.21(i)(2)(ii), (3)(ii), and (4) would run from the termination of the last such stay.

These amendments, while tailored to give Pittston and Hampton Roads relief, would retain as many of the basic concepts of the existing grandfather provisions as possible. In particular, they would impose a deadline for "commencing" construction which like the March 19 deadline could be extended only through further rulemaking. In addition, the amendments would not affect the requirements for "commencing" construction that now exist independently under § 52.21(s)(2) of the regulations. Hampton Roads, for example, would have to continue periodically to obtain extensions of its PSD permit up until the new deadline for "commencing" construction for grandfathering purposes. The purpose of § 52.21(s)(2) is to ensure that no source retains a share of the PSD increment for which it has no use. Finally, EPA has retained nine months as the period within which a permittee must "commence" construction. In the existing provisions, that period runs from their announcement on June 19, 1978. In the new provisions, it would in general run from the issuance of the last of the specified federal authorizations. The agency originally adopted a period of nine months partly because it thought that the period would afford "ample opportunity" to "commence" construction. 43 FR 26391. EPA still believes that in general the period would afford that opportunity.

Other aspects of the proposed amendments should be explained. First, in proposing to limit the class of federal authorizations to those requested before June 19, federal authorizations to those requested before June 19, 1978, EPA is attempting to limit relief to those persons who, like Pittston and Hampton Roads, were actively striving to obtain all of the necessary permits when EPA announced its final grandfather rules. Any person who filed an application for a vital federal authorization as late as June 19, 1978, would seem to have little claim to equitable relief. Second, proposed § 52.21(i)(8) takes into account Pittston's stipulation before the Court of Appeals for the First Circuit not to "commence" construction until the conclusion of the court's review and certain administrative appeals. The proposed section is just as necessary to the relief EPA seeks to provide as are the other proposed amendments, since a stay would have the same practical effect as the failure of the government to issue the authorization in the first place.

Recently, the United States Court of Appeals for the District of Columbia Circuit ruled on numerous petitions from environmental and industrial groups for review of the substantive provisions of the PSD regulations. *Alabama Power Company* v. *EPA*, No. 78–1006 and consolidated cases (June 18, 1979). The court remanded some of those provisions and affirmed others. By an order dated June 18, 1979, it stayed its mandate pending disposition of any petitions for rehearing. The remands and any supplemental opinions may well require a change in the form or the content of the amendments proposed here. Nevertheless, EPA is proceeding with this rulemaking in order to avoid any loss of time should no material changes be required.

5. Rationale

In *Citizens to Save Spencer County* v. *EPA*, the Court of Appeals observed that one could imagine "equally reasonable accommodations" of the competing policy concerns behind Sections 165 and 168 other than the one EPA adopted. 12 ERC at 1995. EPA believes that the proposed amendments would produce such an accommodation.

The amendments would significantly further the purposes behind Section 168. They would minimize economic dislocation and loss by allowing those who othewise would have had to file another application for a PSD permit to turn their attention instead to "commencing" construction by the new deadline. PSD permit applications require substantial expenditures for computer modeling, air quality monitoring and other analyzes. *See* 43 FR 26392–93 (June 19, 1978). They also carry the potential of substantial delay. The amendments would therefore save a limited number of permittees substantial time and expense. In addition, the amendments would facilitate "an efficient administrative transition" from the old to the new PSD requirements by increasing the fairness of the governing rules. 12 ERC at 1994.

The amendments, on the other hand, would not further the purposes behind Section 165. They would increase to some unknown extent the number of sources which would have only the controls that the applicable standards of performance (40 CFR Part 60) would require, instead of best available control technology (BACT), with the result that those sources would consume more of the available PSD increments than they would have. For an explanation of this point, see 43 FR 26390. That means, however, only that the amendments would diminish to some extent whatever value the States would find in being able to allocate those extra portions of the increments which BACT would preserve. It would not mean that air quality would deteriorate beyond those increments, since EPA has established that the States must cure any exceedance of an increment. 40 CFR 51.24(a)(3) (1978), *aff'd, Alabama Power Company* v. *EPA*, slip opinion at 22.23.

The choice, therefore, is between making the grandfather rules fairer and saving some sources time and expense, on the one hand, and preserving flexibility for the States, on the other. In EPA's judgment, the value of increased fairness and decreased cost outweights the value of preserved flexibility for the States.

EPA decided against undertaking a detailed quantitative analysis of the advantages and disadvantages of the proposed amendments. Such an analysis might determine how many sources would escape the new PSD

requirements, the extra amount of increment they would consume, and the costs they would incur as a result of reapplications. But it could never quantify the significance of making the rules fairer or of preserving extra increment for the states. That requires an exercise of judgment informed by public comment. In addition, an analysis of the advantages and disadvantages of the amendments would be extraordinarily time-consuming and expensive. Just to quantify how much extra increment would be consumed would require investigations far beyond the files of the agency, determinations as to whether sources entered into the necessary construction contracts, control technology assessments and computer modeling.

B. Amendment to Provision Governing Permit Expiration

EPA is also proposing to amend § 52.21(s)(2) of the new regulations. The first sentence of that section provides in pertinent part that a PSD permit "shall become invalid if construction is not commenced within 18 months after receipt * * *." 40 CFR 52.21(s)(2) (1978). The second sentence adds that the "Administrator may extend the 18-month period upon a satisfactory showing that an extension is justified." *Id.* The amendment EPA proposes would insert the phrase "at any time" between "may" and "extend" in the second sentence, thereby making it clear that an extension may operate retroactively.

EPA is concerned that some PSD permittees who would find relief in the proposed amendments to § 52.21(i) may have allowed their permits to expire because they believed that they could not meet the applicable deadlines for "commencing" construction and that EPA would not change them. EPA believes that it has the power under Section 52.21(s)(2) now to resuscitate those permits by extending them retroactively. The proposed amendment to that section would merely make that power explicit. A permittee would of course have to apply for such an extension and show good cause for it.

C. Amendment to the Definitions of "Major Modification"

EPA is proposing finally to amend the definitions of "major modification" in 40 CFR 52.21 and 51.24, so as to exclude from that category any switch to fuel derived from municipal refuse. If excluded, any such switch would not be subject to PSD preconstruction review, although it would consume the applicable PSD increments. The purpose of the amendments is to conform the way the PSD regulations treat such switches to the way they are treated by the new Emission Offset Interpretative Ruling, 44 FR 3274, 3282 (January 16, 1979) (§ II(A) (5)), and the new standards of performance for electric utility steam generating units, 44 FR 33580, 33613 (June 11, 1979) (40 CFR 60.40a(c)). Since the court in *Alabama Power Company* v. *Costle has overturned certain aspects of the PSD definition of "major modification," the form, but not the content, of this proposed amendment may have to be changed.*

D. Miscellaneous

Executive Order 12044, 43 FR 12661 (March 24, 1978), requires executive branch agencies to prepare a regulatory analysis of any regulation that may have major economic consequences. The proposed amendments would not have such consequences. Therefore, EPA has not prepared, and does not intend to prepare, such an analysis of them.

Section 317 of the Clean Air Act, 42 USC 7617, requires EPA to prepare an economic impact assessment of any revisions of the PSD regulations which it determines to be substantial. EPA has determined that the proposed revisions are not substantial. Therefore, it has not prepared, and does not intend to prepare, such an assessment of them.

This rulemaking is undertaken under Section 307(d) of the Act, 42 USC 7607(d). EPA solicits written comments on the proposed amendments. The period for comment ends 30 days from the date this notice appears in the **Federal Register.** Comments should be sent, in duplicate if possible, to the Central Docket Section, EPA, Room 2903B, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460, Attention: Docket No. A–79–23. Any person wishing to present any comment orally should direct a request for a hearing to the Administrator, in care of the Central Docket Section. Such a request should be made as soon as possible and should explain why a hearing is warranted. The comments, and other relevant documents, will be available for public inspection and copying between 8 a.m. and 4 p.m., Monday through Friday, in the Central Docket Section.

(Sections 101(b)(1), 110, 160–69 and 301(a) of the Clean Air Act, as amended (42 USC 7401(b)(1), 7410, 7470–79 and 7601(a)).)

Dated: July 16, 1979.

Douglas M. Costle,

Administrator.

Sections 52.21 and 51.24 of Title 40 of the Code of Federal Regulations is proposed to be amended as followed:

§ 52.21 [Amended]

1. Section 52.21(i)(2)(ii) and 52.21(i)(3)(ii) are revised to read as follows:

* * * * *

(i) * * *

(2) and (3) * * *

(ii) Commenced construction before March 19, 1979, or the date nine months from the issuance of the last authorization from the federal government which was necessary to begin construction or operation lawfully and which was requested before June 19, 1978, whichever date is later; and

* * * * *

2. Section 52.21(i)(4) is amended by adding the following as the last sentence:

* * * * *

(i) * * *

(4) * * *

The exemption of the two preceding sentences shall apply only if the owner or operator commenced construction on the source or modification within one year and eighteen days from the issuance of an approval under 40 CFR 52.21 as in effect prior to March 1, 1978, or within nine months from the issuance of the last authorization from the federal government which was necessary to begin construction or operation lawfully and which was requested before June 19, 1978, whichever period ends later.

* * * * *

3. Section 52.21(i) is amended by adding the following as the last subparagraph:

* * * * *

(i) * * *

(8) If a stay of any of the authorizations described in paragraphs (i)(2)(ii), (i)(3)(ii) and (4) of this section occurs in litigation and is in effect after the issuance of the last of those authorizations, the nine-month period described in those sections shall run from the end of the stay. If more than one such stay occurs, the nine-month period shall run frm the end of the stay that ends last.

* * * * *

4. The second sentence of Section 52.21(s)(2) is revised to read as follows:

* * * * *

(s) * * *

(2) * * *

The Administrator may at any time extend the 18-month period upon a satisfactory showing that an extension is justified. * * *

§ 51.24 [Amended]

5. Section 51.24(b)(2)(ii) is amended as follows:

a. By deleting the "or" at the end of subparagraph (*d*);

b. By putting a semi-colon in the place of the period at the end of subparagraph (*e*);

c. By putting "; or" in the place of the period at the end of subparagraph (f); and

d. By adding the following new subparagraph at the end: (*g*) Use of refuse derived fuel generated from municipal solid waste.

§ 52.21 [Amended]

6. Section 52.21(b)(2)(ii) is amended as follows:

a. By deleting the "or" at the end of subparagraph (*d*);

b. By putting "; or" in the place of the period at the end of subparagraph (f); and

c. By adding the following new subparagraph at the end:

* * * * *

(*g*) Use of refuse derived fuel generated from municipal solid waste.

[FR Doc. 79-22437 Filed 7-19-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1278-1]

Availability of Implementation Plan Revision for State of Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability and Advance Notice of Proposed Rulemaking.

SUMMARY: EPA announces today that the State of Alaska Implementation Plan revision due for submittal by January 1, 1979 under the Clean Air Act Amendments of 1977 has been received and is available for public inspection. The public is invited to submit written comments to the record which will be held open for the receipt of public comments for a period of thirty (30) days. A Notice of Proposed Rulemaking describing the Plan and the action that EPA intends to take regarding the proposed revisions will be published in the **Federal Register** after the initial thirty (30) day public comment period has closed. A second period for the submittal of written comments will extend for thirty (30) days after the publication of the Notice of Proposed Rulemaking.

DATE: Comments are due by August 20, 1979.

ADDRESSES: The Alaska submittal may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460.

Library, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101.

State of Alaska, Department of Environmental Conservation, 3220 Hospital Drive, Juneau, AK 99811.

Environmental Protection Agency, Alaska Operations Office, Federal Building, Room E 535, 701 C Street, P.O. Box 19, Anchorage, AK 99513.

COMMENTS SHOULD BE ADDRESSED TO: Clark L. Gaulding, Chief, Air Programs Branch, M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Richard F. White, Air Programs Branch, M/S 625, Environmental Protection Agency, Telephone No. (206) 442-1226, (FTS 399-1226).

SUPPLEMENTAL INFORMATION: Section 172 of the Clean Air Act, as amended in August 1977, requires that States submit revisions to their implementation plans by January 1, 1979 to provide for the attainment of the national ambient air quality standards (NAAQS) in areas designated non-attainment.

On March 3, 1978 (43 FR 8962) EPA designated certain areas in Alaska as non-attainment. Subsequently, on April 4, 1979 EPA published in the **Federal Register** the General Preamble for Proposed Rulemaking on Approval of Plan Revisions for non-attainment Areas (44 FR 20372). The General Preamble is hereby incorporated into this Advance Notice of Proposed Rulemaking.

The State has responded by preparing implementation plan revisions as required by the Act for the non-attainment designation referred to above. The purpose of this notice is to call the public's attention to the fact that this revision has been formally submitted to EPA and is available for public inspection at the locations noted above. The public is encouraged to submit written comments regarding the proposed revisions and thus participate in this rulemaking activity.

Those interested may wish to first read the General Preamble for proposed rulemaking published by the EPA on April 4, 1979 (44 FR 20372) which identifies the major considerations that will guide EPA's evaluation of SIP revisions. A more detailed description of the Alaska revision will be published in the **Federal Register** at a later date as part of a Notice of Proposed Rulemaking.

(Secs. 110, and 172, Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: July 11, 1979.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 79-22569 Filed 7-19-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 81]

[FRL 1276-8]

Air Quality Control Regions, Criteria, and Control Techniques; Section 107—Attainment Status Designations—Colorado

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: This proposed rulemaking changes the attainment status of the Larimer-Weld designated area by redesignating certain portions of this area. The cities of Fort Collins and Greeley are redesignated to attainment of the primary standard for total suspended particulates and non-attainment of the secondary standard. The other areas are redesignated to attainment based on EPA's Rural Fugitive Dust Policy.

DATES: Comments due August 20, 1979.

ADDRESSES: Comments on this redesignation should be directed to: Mr. Robert R. DeSpain, Chief, Air Programs Branch, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

Copies of the materials submitted by the Colorado Air Pollution Control Commission and comments received on this proposal, may be examined during normal business hours at:

Environmental Protection Agency, Region VIII Library, 1860 Lincoln Street, Denver, Colorado 80295.

Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Robert R. DeSpain, Chief, Air Programs Branch, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295. (303) 837-3471, (FTS) 327-3471.

SUPPLEMENTARY INFORMATION: In the March 3, 1978, **Federal Register** (40 CFR 81.306) the Larimer-Weld designated area was designated as not attaining the primary standard for total suspended particulates (TSP). On February 22, March 22, and April 26, 1979, public hearings were held by the Colorado Air Pollution Control Commission to consider the redesignation of certain portions of Larimer and Weld counties to attainment.

On April 30, 1979, Governor Lamm requested Alan Merson, Administrator, Region VIII, to designate the cities of Fort Collins and Greeley as nonattainment of the secondary standard for total suspended particulates, and the remaining areas of Larimer and Weld counties, outside the city limits of Fort Collins and Greeley, to be attainment.

On June 4, 1979, hi volume particulate sample data for 1977 and 1978, and population estimates for 1970 and 1976, were submitted to EPA, based on this additional information, no primary standard violations occurred in Fort Collins and Greely, while the secondary standard is still violated. It is EPA's policy to redesignate areas when two years of monitoring data show attainment.

A number of monitors is small towns in Larimer and Weld countries have shown violations of the primary and secondary standards. However, these small towns are defined by EPA's Rural Fugitive Dust Policy as being rural. A rural area is defined by the following:

1. The lack of major industrial development or absence of significant industrial particulate emissions.

2. Low urbanized populations (less than 25,000 to 50,000).

The following table shows the Key statistics for the communities where violations have been recorded:

City	County	Industrial emissions tons/year	Population
Loveland	Larimer	109	26,254
Estes Park	Larimer	0	2,399
Johnstown	Weld	29	1,621
LaSalle	Weld	0	1,885
Platteville	Weld	0	1,026
Erie	Weld	0	1,938

As shown in this table, these towns meet EPA's criteria for being rural.

Since particulate matter found in rural areas without the impact of manmade sources is typically native soil which for various reasons becomes airborne, these rural areas are redesignated to attainment of the standards for total suspended particulate matter.

This notice of proposed rulemaking is issued under the authority of Section 107 of the Clean Air Act as amended.

Dated: July 9, 1979.

Roger Williams,

Acting Regional Administrator.

[FR Doc. 79-22575 filed 7-19-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 761]

[FRL 1278-4]

Proposed Rulemaking for Polychlorinated Biphenyls (PCB's); Manufacturing Exemptions

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule; Notice of Receipt of Additional Manufacturing Petitions and Extension of Reply Comment Period.

SUMMARY: As a result of receiving additional petitions for PCB manufacturing exemptions, EPA is extending the period for reply comments by two weeks.

DATE: Reply comments are due on August 1, 1979.

ADDRESS: Send reply comments to Ms. Linda Thomson, TSCA Hearing Clerk, Office of Toxic Substances [TS-794], U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Attention: Docket Number OTS/066001 (PCB/ME).

FOR FURTHER INFORMATION CONTACT: John Ritch, Jr., Director, Office of Industry Assistance, Office of Toxic Substances (TS-799), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Call the toll free number (800) 424-9065, or in Washington, D.C., call 554-1404.

SUPPLEMENTARY INFORMATION: At the informal hearing on the PCB manufacturing exemption petitions held on July 9-11, 1979, EPA announced that it had received additional petitions for manufacturing exemptions to the PCB regulation (44 FR 31514, May 31, 1979). Those exemption petitions are as follows:

American Cyanamid,[1] Organic Chemicals Division, Bound Brook, N.J. 08805.
Analabs, Inc.,[3] 80 Republic Drive, North Haven, Connecticut 06473.
Apollo Colors, Inc.,[1] 1550 Mound Road, Rockdale, Illinois 60436
Galaxie Chemical Corp.,[1] P.O. Box 443, River Street Station, Paterson, New Jersey 07524.
Olin Corporation,[3] 120 Long Ridge Road, Stamford, Connecticut 06904.
RFR Corporation,[2] One Main Street, Hope, Rhode Island 02831.
Stauffer Chemical Company,[4, 5] Westport, Connecticut 06880.

[1] Requests an exemption to manufacture pigments.
[2] Requests an exemption to manufacture small quantities of PCBs for research and development.
[3] Requests an exemption to manufacture an intermediate chemical subsequent used to produce technical grade Pentachloronitrobenzene (PCNB) fungicide.
[4] Requests an exemption to manufacture carbon tetrachloride and perchloroethylene.

The Agency is accepting the late filings listed above and is according them equal status with those manufacturing petitions previously received. Accordingly, these late petitioners will be allowed to continue the manufacturing activity for which exemption is sought until EPA has ruled on their individual petitions.

As announced at the hearing on July 9, 1979, EPA is extending the reply comment period by two weeks to August 1, 1979 to give commenters an opportunity to file comments on these newly-accepted petitions and, specifically, to comment on whether the petitions should be granted by EPA. As the Agency stated on May 31, 1979 (44 FR 31564), the decision on whether to accept further petitions will be made on a case-by-case basis. Accordingly, commenters should telephone Ms. Joni Repasch, the TSCA Record Clerk, at 202-755-2973 to determine if additional manufacturing exemption petitions have been accepted. Comments may be filed as to any of the pending manufacturing exemptions petitions, including those previously announced (44 FR 31564, May 31, 1979), during the extended comment period which ends on August 1, 1979.

Dated: July 17, 1979.

Steven D. Jellinek,

Assistant Administrator for Toxic Substances.

[FR Doc. 79-22568 Filed 7-19-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 3]

Conduct and Traffic on the National Institutes of Health Reservation, Bethesda, Md.

AGENCY: PHS, National Institutes of Health.

ACTION: Proposed Amendments to Regulations.

SUMMARY: As part of the Department of Health, Education, and Welfare's effort to review and recodify its regulations, the Assistant Secretary for Health is proposing to amend the regulations governing conduct and traffic on the National Institutes of Health Reservation, Bethesda, Maryland. The purpose of the revision is to bring up to date these regulations which were last revised in 1970, to make minor additions, to improve readability, and to extend coverage to the PHS Hospital,

Staten Island, over which the United States has exclusive or concurrent jurisdiction.

FOR FURTHER INFORMATION CONTACT:
Mr. Lowell D. Peart, Regulations Officer, National Institutes of Health, Bethesda, MD 20205, (301) 496–4606.

Dated: May 23, 1979.

Julius B. Richmond,
Assistant Secretary for Health.

[FR Doc. 79–22538 Filed 7–19–79; 8:45 am]

BILLING CODE 4110–08–M

COMMISSION OF FINE ARTS

[45 CFR Parts 2101, 2102, and 2103]

Rules and Regulations

AGENCY: The Commission of Fine Arts.

ACTION: Proposed Rule.

SUMMARY: As established by Congress in 1910, the Commission of Fine Arts is a small independent advisory body made up of seven Presidentially appointed "well qualified judges of the arts" whose primary role is architectural review of designs for buildings, parks, monuments and memorials erected by the government in the District of Columbia. In addition to architectural review, the Commission considers and advises on the designs for coins, medals and foreign U.S. memorials. The Commission also advises the District of Columbia Government on private building projects within the Georgetown Historic District, the Rock Creek Park perimeter and the Monumental Core area. As such, the Commission advises the Congress, President and federal agencies on the general subjects of design, historic preservation and on orderly planning on matters within its jurisdiction. These regulations are intended to facilitate and clarify the relationship of the Commission and its staff with those parties subject to the Commission's jurisdiction.

DATES: Comments should be received on or before August 6, 1979.

ADDRESS: Questions and comments on these regulations regarding the operations, procedures and records of the Commission should be addressed to the Secretary, Commission of Fine Arts, 708 Jackson Place, NW., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT:
Mr. Charles H. Atherton, (202) 566–1066.

Accordingly, it is proposed to establish a new Chapter XXI, Commission of Fine Arts, Rules and Regulations, in 45 Code of Federal Regulations consisting at this time of Parts 2101, 2102 and 2103 as set forth below.

PART 2101—FUNCTIONS AND ORGANIZATION

Subpart A—Functions and Responsibilities of the Commission

Sec.

2101.1 Statutory and Executive order authority.
2101.2 Relationships of Commission's functions to responsibilities of other government units.

Subpart B—General Organization

2101.10 The Commission.
2101.11 Secretary to the Commission.
2101.12 Georgetown Board of Review.

Subpart A—Functions and Responsibilities of the Commission

§ 2101.1 Statutory and Executive Order Authority.

The Commission of Fine Arts (referred to as the "Commission") functions pursuant to statutes of the United States and Executive Orders of Presidents, as follows:

(a) *United States government buildings, other structures, and parklands.* (1) For public buildings to be erected in the District of Columbia by executive departments of the federal government and for other structures to be so erected which are important to the appearance of the city, the Commission comments and advises on the plans and on the merits of the designs before final approval or action;

(2) For statues, fountains and monuments to be erected in the District of Columbia under authority of the federal government, the Commission advises upon their location in public squares, streets, and parks, upon the selection of models and upon the merits of the designs;

(3) For monuments to be erected at any location pursuant to the American Battle Monuments Act, the Commission approves the designs and materials before they are accepted by the Monuments Commission;

(4) For parks within the District of Columbia, when plans of importance are under consideration, the Commission advises upon the merits of the designs; and

(5) For the selection by the National Capital Planning Commission of lands suitable for development of the National Capital park, parkway, and playground system in the District of Columbia, Maryland, and Virginia, the Commission provides advice.

(36 Stat. 371 (40 U.S.C. 104) as amended by 74 Stat. 128 (40 U.S.C. 106); Executive Order (E.O.) 1259 of October 25, 1910; E.O. 1862 of November 28, 1913; and E.O. 3524 of July 28, 1921; 60 Stat. 317 (36 U.S.C. 124); and 66 Stat. 781 (40 U.S.C. 72)).

(b) *Private buildings bordering certain public areas in Washington, D.C.* For buildings to be erected or altered [1] in locations which border the Capitol, the White House, the intermediate portion of Pennsylvania Avenue, the Mall, Lafayette Park, the Zoological Park, Rock Creek Part or Parkway, or Potomac Park or Parkway, the Commission reviews the plans as they relate to height and appearance and to color and texture of the exteriors, and makes recommendations to the government of the District of Columbia, including ones for changes as in the judgement of the Commission are necessary to prevent reasonably avoidable impairment of the public values represented by the areas along which the buildings border.

(The Shipstead-Luce Act, 46 Stat. 366 as amended (40 U.S.C. 121; D.C. Code 5–410))

(c) *Georgetown buildings.* For buildings to be constructed, altered, reconstructed, or razed within the area of the District of Columbia known as "Old Georgetown." The Commission reviews and reports to the District of Columbia Government on proposed exterior architectural features, height, appearance, color, and texture of exterior materials as would be seen from public view; and the Commission makes recommendations to such government as to the effect of the plans on the preservation and protection of places and areas that have historic interest or that manifest exemplary features and types of architecture, including recommendations for any changes in plans necessary in the judgement of the Commission to preserve the historic value of Old Georgetown, and takes any such actions as in the judgement of the Commission are right or proper in the circumstances.

(Old Georgetown Act, 64 Stat. 903 (D.C. Code 5–801)).

(d) *United States medals, insignia, and coins.* On medals, insignia, and coins to be produced by an executive department of the United States, the Commission advises as to the merits of their designs; and if requested to do so, the Commission advises the Heraldic Branch, Quartermaster Corps, Department of the Army, on merits of designs it proposes for medals, insignia, seals, and the like.

(E.O. 3254 of July 28, 1921 and 71 Stat. 589 (10 U.S.C. 4954)).

[1] Alteration does not include razing of a building (*Commissioner of the District of Columbia* v. *Bennenson*, D.C. Ct. of App., 1974, 329 A. 2d 437). Partial demolition, however, is viewed as an alteration (The Committee to Preserve Rhodes Tavern and the National Processional Route v. Oliver T. Carr Company, et al., U.S. Ct. of App. for D.C. Cir., 1979, 79–1457, Dept. Justice Brief for Fed. Appellee).

(e) *Questions of art with which the federal government is concerned.* When required to do so by the President or by either House of Congress, the Commission advises generally on questions of art, and whenever questions of such nature are submitted to it by an officer or department of the federal government the Commission advises and comments.

(36 Stat. 371 (40 U.S.C. 104) and E.O. 1862 of Nov. 28, 1913)

§ 2101.2 Relationships of Commission's functions to responsibilities of other government units.

(a) *Projects involving the Capitol building and the Library of Congress.* Plans concerning the Capitol building and the buildings of the Library of Congress are outside the purview of the Commission except as to questions on which the Congress requires the Commission to advise.

(b) *Executive Branch projects.* Officers and departments of the executive branch of the United States Government responsible for finally approving or acting upon proposed projects within the purview of the Commission's functions as described in § 2101.1 (a) and (d) are required first to submit plans or designs for such projects to the Commission and obtain its advice and comments.

(c) *Projects within the jurisdiction of the District of Columbia Government.* The District of Columbia seeks Commission advice on exterior alteration or new construction of public buildings or major public works within its boundaries. The District of Columbia Government also shall seek Commission advice on certain private construction requiring building or demolition permits from the D.C. Permit Branch (D.C. Law 5–422). These include certain actions by the District of Columbia Government pursuant to either D.C. Law 5–422 or D.C. Law 2–144 within areas subject to the Shipstead-Luce or Old Georgetown Acts (§ 2101.1 (b) and (c)) prior to the issuance of a permit.[2] Lot subdivision, alteration of buildings, demolition, or new construction at individually designated landmarks or within historic districts are further subject to the permit requirements of the Historic Landmark and Historic District Protection Act of 1978 (D.C. Law 2–144).[3]

[2] Provisions of the Shipstead-Luce Act (§ 2101.1(b)) do not include full demolition, though partial demolition is viewed as an alteration.

[3] The Historic Sites Subdivision Amendment of 1976 (D.C. Law 1–80) purported to give the Commission advisory authority over subdivision permits within the areas covered by the Shipstead-Luce Act and the Old Georgetown Act, but the law was repealed by the 1978 Act (D.C. Law 2–144).

Subpart B—General Organization

Authority: 36 Stat. 371 as amended (40 U.S.C. 104 and 106); sec. 3, 64 Stat. 903 (D.C. Code 5–801)

§ 2101.10 The Commission.

The Commission is composed of seven members, each of whom is appointed by the President and serves for a period of four years or until his or her successor is appointed and qualifies. The Chairman is elected by the members. The Commission is assisted by a staff as authorized by the Commission and appointed by it.

§ 2101.11 Secretary to the Commission.

Subject to the direction of the Chairman, the Secretary to the Commission is responsible for providing secretarial and record-keeping services by the staff to support the functions of the Commission; for preparing the agenda of Commission meetings; for organizing the presentation before the Commission of plans, designs, or questions upon which it is to advise, comment, or respond; for interpreting the Commission's conclusions, advice, or recommendations on each matter submitted to it; and for maintaining custody of the Commission's records. The Assistant Secretary of the Commission shall carry out duties delegated to him by the Secretary and shall act in place of the Secretary during his absence or disability.

§ 2101.12 Georgetown Board of Review.

To assist the Commission in carrying out the purposes of the Old Georgetown Act (§ 2101.1 (c)), a committee of three architects appointed by the Commission serves as the Georgetown Board of Review without expense to the United States. This committee advises the Commission regarding designs and plans referred to it.

PART 2102—MEETINGS AND PROCEDURES OF THE COMMISSION

Subpart A—Commission Meetings

Sec.

2102.1 Times and places of meetings.
2102.2 Actions outside of meetings.
2102.3 Public notice of meetings.
2102.4 Public attendance and participation.
2102.5 Records and minutes; public inspection.

Subpart B—Procedures on Submissions of Plans or Designs

2102.10 Timing, scope and content of submissions for proposed projects involving land, buildings or other structures.
2102.11 Scope and content of submissions for proposed medals, insignia, coins, seals, and the like.

Sec.

2102.12 Responses of Commission to submissions.

Authority: Sec. 10, 86 Stat. 770 as amended (5 U.S.C., App. i, Federal Advisory Committee Act 10); OMB Circular No. A–63 (38 FR 2306, January 23, 1973) as amended.

Subpart A—Commission meetings.

§ 2102.1 Times and places of meetings.

Regular meetings of the Commission, open to the public, are held monthly on the fourth Tuesday of the month, beginning at 10:00 o'clock a.m., in its offices at 708 Jackson Place, NW., Washington, D.C. 20006, except that by action of the Commission a regular meeting in any particular month may be omitted or it may be held on another day or at a different time or place. A special meeting, open to the public, may be held in the interval between regular meetings upon call of the Chairman and five days' written notice of the time and place mailed to each member who does not in writing waive such notice. On all matters of official business, the Commission shall conduct its deliberations and reach its conclusions at such open meetings except as stated in § 2101.12 provided, however, that Commission members may receive staff briefings or may have informal background discussions among themselves and the staff outside of such meetings.

§ 2102.2 Actions outside of meetings.

Between meetings in situations of emergency, the Commission may act through a canvas by the Secretary of individual members, provided that any action so taken is brought up and ratified at the next meeting. In addition, the Commission members may convene away from the Commission's offices to make inspections at the site of a proposed project or at the location of a mock-up for the project and may then and there reach its conclusions respecting such project which shall be recorded in the minutes of the meeting held on the same day or, if none was then held, in the minutes of the next meeting.

§ 2102.3 Public notice of meetings.

Notice of each meeting of the Commission shall be made at least one week in advance by posting in the lower lobby of the Commission's offices and by submission for publication in the **Federal Register.**

§ 2102.4 Public attendance and participation.

Interested persons are permitted to attend meetings of the Commission, to file statements with the Commission at

or before a meeting, and to appear before the Commission when it is in meeting, provided that an appearance will be permitted only if it is germane to the functions and policies of the Commission and to the matter or issues then before the Commission and only if the presentation or argument is made in a concise manner with reasonable time limits and it avoids duplicating information or views already before the Commission. A decision of the Chairman as to the order of appearances and as to compliance with these regulations by any person shall be final unless the Commission determines otherwise.

§ 2102.5 Records and minutes; public inspection.

A detailed record of each meeting shall be made and kept which shall contain names of persons who appeared before the Commission, information or arguments presented orally, discussions held and conclusions reached, together with copies of all written, printed, or graphic materials presented. The Secretary shall also prepare minutes of each meeting which shall state the time and place it was held and attendance by Commission members and staff and which shall contain a complete summary of matters discussed and conclusions reached and an explanation of the extent of public participation, including names of persons who presented oral or written statements and an estimate of the number of members of the public who attended; and he shall send a copy to each member of the Commission. The accuracy of all such minutes and any completed reports, studies, agenda or other documents made available to, or prepared for or by, the Commission shall be available for public inspection and, at the requesting party's expense, for copying at the offices of the Commission.

Subpart B—Procedures on Submissions of Plans or Designs

§ 2102.10 Timing, scope and content of submissions for proposed projects involving land, buildings, or other structures.

(a) A party proposing a project which is within the purview of the Commission's functions under § 2101.1 (a), (b), or (c) should make a submission when preliminary plans for the project are ready but before detailed plans and specifications or working drawings are prepared. In order to assure that a submission will be considered at the next scheduled meeting of the Commission, it should be delivered to the Commission's offices not later than five (5) days before the meeting; if it is a project subject to review first by the Georgetown Board, not later than three (3) days before the Georgetown Board meeting. The Commission will attempt to consider a submission which is not made in conformity with this schedule, but it reserves the right to postpone consideration until its next subsequent meeting.

(b) Each submission should state or disclose (1) the nature, location, and justification of the project, including any relevant historical information about a building or other structure to be altered or razed, (2) the identity of the owner or developer (or for public buildings, the governmental unit with authority to approve or act upon the plans) and of the architect, (3) the function, uses, and purpose of the project, and (4) other information to the extent it is relevant, such as area studies, site plans, building and landscape schematics, renderings, models, depictions or samples of exterior materials and components, and photographs of existing conditions to be affected by the project. Alternative proposals may be included within one submission. The information submitted shall be sufficiently complete, detailed, and accurate as will enable the Commission to judge the ultimate character, siting, height, bulk, and appearance of the project, in its entirety, including the grounds within the scope of the project, its setting and environs, and its effect upon existing conditions and upon historical and prevailing architectural values.

(c) If a project consists of a first or intermediate phase of a contemplated larger program of construction, similar information about the eventual plans should accompany the submission. Even though a submission relates only to approval for razing or removal of a building or other structure, the project will be regarded as part of phased development, and the submission is subject to such requirement.

(d) If the project involves a statute, fountain or a monument within the purview of the Commission under § 2101.1 (a)(2), partial submissions should be made as appropriate to permit the Commission to advise on each aspect of the project starting with the selection of any artist to be employed.

(e) The Commission staff will advise owners and architects concerning the scope and content of particular submissions. Material relevant to the functions and policies of the Commission varies greatly depending upon the nature, size, and importance of the project to be reviewed by the Commission. Also, it is the policy of the Commission not to impose unnecessary burdens or delay on persons who make submissions to the Commission. However, the Commission at any meeting may decline to reach a conclusion about a proposed project if it deems the submission inadequate for its purposes, or it may condition its conclusions on the submission of further information to it at a later meeting or, in its discretion, to the staff of the Commission only.

(f) The Commission staff, members of the Georgetown Board, interested members of the public, or the submitting party may augment any submission by additional relevant information made available to the Commission before or at the meeting where the submission is considered. The Commission staff should also make available to the Commission at the meeting where a submission is considered information concerning prior considerations or conclusions of the Commission concerning the same project or earlier versions of it.

§ 2102.11 Scope and content of submissions for proposed medals, insignia, coins, seals, and the like.

Each submission of the design for a proposed item which is within the Commission's purview under § 2101.1 (d) should identify the sponsoring government unit and disclosure the uses and purposes of the item, the size and forms in which it will be produced, and the materials and finishes to be used, including colors if any, along with a sketch, model, or prototype.

§ 2102.12 Responses of Commission to submissions.

(a) The Commission before disposing of any project presented to it may ask for the proposed plans or designs to be changed in certain particulars and resubmitted or for the opportunity to review plans, designs, specifications in certain particulars at a later stage in their development and to see samples or mock-ups of materials or components; and when appropriate in the matter of a statue or other object of art, the Commission may ask for the opportunity to see a larger or full-scale model. All conclusions, advice or comments of the Commission which lead to further development of plans, designs, and specifications or to actual carrying out of the project are made in contemplation that such steps will conform in all substantial respects with the plans or designs submitted to the Commission including only such changes as the Commission may have recommended; and any other changes in plans or

designs require further submission to the Commission.

(b) In the case of plans for a project subject to the Old Georgetown Act (§ 2101.1(c)), if the Commission does not respond with a report on such plans within forty-five days after their submission, its approval shall be assumed and a permit may be issued by the government of the District of Columbia.

PART 2103—STATEMENTS OF POLICY

Sec.

2103.1 General approaches to review of plans by the Commission.

§ 2103.1 General approaches to review of plans by the Commission.

The Commission functions relate to the appearance of proposed projects within its purview as they may be seen from public view. These functions are to serve the purpose of conserving and enhancing the visual assets which contribute significantly to the character and quality of Washington as the nation's capital and which meaningfully reflect the history and features of its development over nearly two centuries. Where existing conditions detract from the overall appearance of official Washington or historic Georgetown—such as conditions caused by temporary, deteriorated, or abandoned buildings of little or no historical or architectural value, by interrupted developments, or by vacant lots not devoted to public use as parks or squares—the Commission will favor suitable corrections to these conditions. When changes or additions are proposed in other circumstances, the Commission may consider whether the public need or value of the project or the private interests to be served thereby justify making any change or addition, and it will consider whether the project can be accomplished in reasonable harmony with the nearby area, with a minimum loss of attractive features of the existing building or site, with due deference to the historical and architectural values affected, and without creating an anomalous or disturbing element in the public view of the city.

(36 Stat. 371, 40 U.S.C. 104, as amended by 74 Stat. 128, 40 U.S.C. 106; Executive Order, (E.O.) 1259 of Oct. 25, 1910; E.O. 1862 of Nov. 28, 1913; E.O. 3524 of July 28, 1921; 46 Stat. 366, 40 U.S.C. 121, as amended by 53 Stat. 1144, 40 U.S.C. 121; 64 Stat. 903, D.C. Code 5-801; 66 Stat. 781, 40 U.S.C. 72)

Dated: June 26, 1979.

Charles H. Atherton,

Secretary.

[FR Doc. 79-22430 Filed 7-19-79; 8:45 am]

BILLING CODE 6330-01-M

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 67]

[Docket No. 21263; FCC 79-417]

Integration of Rates and Services for the Provision of Communications by Authorized Common Carriers Between the U.S. Mainland and the Offshore Points of Hawaii, Alaska, and Puerto Rico/Virgin Islands

AGENCY: Federal Communications Commission.

ACTION: Order, Docket 21263.

SUMMARY: The commission accepts the nominations of the National Association of Regulatory Commissioners to fill two vacancies on the Federal-State Joint Board convened in this proceeding. Commissioners Richard D. Gravelle, California PUC, and Katherine Eriksson Sasseville, Minnesota PSC are appointed to the Joint Board.

EFFECTIVE DATE: Appointments effective immediately.

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

FOR FURTHER INFORMATION CONTACT: Francis L. Young, Common Carrier Bureau, Room 530, (202) 632-7084.

Order

Adopted: July 10, 1979.

Released: July 11, 1979.

In the matter of Integration of Rates and Services for the Provision of Communications by Authorized Common Carriers between the United States Mainland and the offshore points of Hawaii, Alaska, and Puerto Rico/Virgin Islands, Docket No. 21263.[1]

1. Two state commissioners previously appointed to the Federal-State Joint Board covened in this proceeding have departed their respective state commissions, thus creating two vacancies on the Joint Board. The National Association of Regulatory Utility Commissioners (NARUC), pursuant to Section 410(c) of the Communications Act of 1934, as amended, 47 U.S.C. 410(c), has submitted nominations to fill these vacancies. NARUC has nominated Richard D. Gravelle, Commissioner, California Public Utilities Commission to replace William Symons, Jr., Commissioner, California Public Utilities Commission, and Katherine Eriksson Sasseville, Chairman, Minnesota Public Service Commission, to replace Edward R. Lundborg, Chairman, Colorado Public Utilities Commission. By this Order the Commission accepts the nominations of NARUC and appoints the nominees to the Federal-State Joint Board.

2. Accordingly, it is ordered, That Richard D. Gravelle, California Public Utilities Commission, and Katherine Eriksson Sasseville, Minnesota Public Service Commission, ARE APPOINTED members of the Federal-State Joint Board instituted in this proceeding.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-22466 Filed 7-19-79; 8:45 am]

BILLING CODE 6712-01-M

[1] See 43 FR 55803, November 29, 1979.

[47 CFR Part 73]

[BC Docket No. 79-170; RM-3321]

Television Broadcast Station in Kalamazoo, Mich.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a UHF television channel to Kalamazoo, Michigan, in response to a petition filed by Thomas E. Pace. The proposal would provide for a second commerical television station in Kalamazoo.

DATES: Comments must be filed on or before September 7, 1979, and reply comments must be filed on or before September 27, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 9, 1979.

Released: July 13, 1979.

In the matter of amendment of § 73.606(b), *Table of Assignments*, Television Broadcast Stations. (Kalamazoo, Michigan), BC Docket No. 79-170, RM-3321.

1. Before the Commission is a petition for rule making (Public Notice No. 1164, issued February 16, 1979), submitted by Thomas E. Pace ("petitioner"). The petition seeks amendment of § 73.606(b)

of the Commission's rules, the Television table of Assignments, by removing the reservation of Channel *52 at Kalamazoo, Michigan, which limits it to noncommerical educational use only. Public Broadcasting Service ("PBS") opposed the proposal and petitioner responded.

2. Kalamazoo (pop. 85,555), seat of Kalamazoo County (pop. 201,550),[1] is located in southwest Michigan, approximately 210 kilometers (130 miles) west of Detroit. Kalamazoo is currently assigned Channel 3 (WKZO–TV) and Channel *52 (unoccupied and unapplied for).

3. Petitioner argued in favor of deleting the reservation on this channel so that a commerical independent service could be offered on this assignment. He states that the channel could be used to provide a new and diversified source of television programming to a large area and population which would not otherwise receive such service.

4. We believe that petitioner's proposal to bring a first independent television service to Kalamazoo is worth exploring. However, we do not need to consider whether the public interest would be served by deleting the educational reservation of the present assignment since another channel can be assigned. Because of the availability of Channel 64 to Kalamazoo,[2] there is no need to discuss further the argument between petitioner and Public Broadcasting Service.

5. Since Kalamazoo is located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment of Channel 64 to Kalamazoo, Michigan, requires coordination with the Canadian Government before it can be adopted.

6. Comments are invited on the following proposal to amend § 73.606(b), the Television Table of Assignments, with regard to the city of Kalamazoo, Michigan:

City	Channel No.	
	Present	Proposed
Kalamazoo, Mich.	3–, *52+	3–, *52+, 64

7. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

[1] Population figures are taken from the 1970 U.S. Census.

[2] A transmitter site for Channel 64 at Kalamazoo would have to be located at least 0.8 kilometers (0.5 miles) northwest of the city.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before September 7, 1979, and reply comments on or before September 27, 1979.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Apendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever question are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See§ 1.420(a), (b) and (c) or the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Steet, NW, Washington, D.C.

[FR Doc. 79–22459 Filed 7–19–79; 8:45 am]
BILLING CODE 6712–01–M

[47 CFR Part 73]

[BC Docket No. 79–171; RM–2948]

FM Broadcast Station in Santa Barbara, Calif.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of noncommercial educational FM Channel 204B to Santa Barbara, California, in response to a petition filed by Classical Radio of Santa Barbara. The proposed channel could be used to bring additional noncommercial educational broadcasting to Santa Barbara and surrounding areas.

DATES: Comments must be filed on or before September 7, 1979, and reply comments must be filed on or before September 27, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 9, 1979.

Released: July 13, 1979.

In the matter of amendment of § 73.504, *Table of Assignments*, FM Broadcast Stations. (Santa Barbara, California), BC Docket No. 79–171, RM–2948.

1. The Commission here considers a petition for rule making,[1] filed on behalf of Classical Radio of Santa Barbara ("petitioner"), which seeks the assignment of noncommercial educational FM Channel 204B to Santa Barbara, California. No responses to the petition were received.

2. Santa Barbara (pop. 70,215), in Santa Barbara County (pop. 264,324),[2] is located approximately 130 kilometers (80 miles) northwest of Los Angeles, California. Santa Barbara is served locally by non-commercial educational station KCSB–FM (Channel 218); four commercial FM stations (KDB–FM, Channel 229); (KRUZ–FM, Channel 277); (KTMS–FM, Channel 248); and (KTYD–FM, Channel 260); and six AM stations (KDB, KKIO, KTMS, KTYD, KBLS and KIST).

3. Petitioner states the proposed channel would provide Santa Barbara, as well as the surrounding communities of Goleta, Montecito, Summerland and Carpinteria, with high-quality noncommercial programming. It points out that Station KCSB–FM, operating on Channel 218 and assigned to Santa Barbara, is a low power station operating from distant Broadcast Peak near Goleta. Petitioner asserts that a major shadow area exists in Santa Barbara and that as a result Station KCSB–FM cannot be received in many areas of the city. It asserts that the Class B channel assignment it proposes would provide effective Santa Barbara service and would permit the extension of service to the Ventura-Oxnard area which currently receives only spotty reception from Station KPFK, Los Angeles.

4. Petitioner claims that no significant preclusion would result from the assignment of Channel 204B to Santa Barbara. It asserts that the areas where the proposed assignment would most limit the availability of noncommercial channels (Santa Barbara, Ventura-Oxnard, Carpinteria) are those areas which would benefit most from the service from Channel 204B. It adds that those areas in which few or no channels were previously available are not affected.

5. Since Santa Barbara is located within 320 kilometers (199 Miles) of the U.S.-Mexico border, the proposed assignment requires the concurrence of the Mexican Government.

6. In view of the foregoing, we propose to amend the Table of Assignments for noncommercial educational FM channels (§ 73.504 of the Commission's Rules), with regard to the community listed below: [3]

City	Channel No.	
	Present	Proposed
Santa Barbara, Calif.	218	204,218

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before September 7, 1979, and reply comments on or before September 27, 1979.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments.

An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Section 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.504 of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D. C.

[FR Doc. 79–22460 Filed 7–19–79; 8:45 am]

BILLING CODE 6712–01–M

[1] Public Notice of the petition was given on September 13, 1977, Report No. 1074.

[2] Population figures are taken from the 1970 U.S. Census.

[3] In Docket No. 20735 the Commission is continuing to consider various changes in the allocations policy affecting noncommercial educational FM. The parties should be aware that future actions taken in that proceeding may have a bearing on the outcome of individual educational FM assignment cases or the use of the channels assigned. In the meantime, action on assignment proceedings is not being withheld.

[47 CFR Part 73]

[Docket No. 21310; RM-1847, RM-1984, and RM-2742]

FM Quadraphonic Broadcasting; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding concerning FM quadraphonic broadcasting. Petitioner, Muzak, states that the additional time is needed in order to review technical data in preparation of reply comments.

DATE: Reply comments must be filed on or before August 10, 1979.

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

FOR FURTHER INFORMATION CONTACT: Al Jarratt, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

[44 FR 30128, May 24, 1979]

Order Extending Time for Filing Reply Comments,

Adopted: July 10, 1979.

Released: July 12, 1979.

In the matter of FM Quadraphonic Broadcasting, Docket No. 21310, RM-1847, RM-1984, RM-2742.

1. On January 2, 1979, the Commission adopted a *Further Notice of Inquiry*, 44 FR 3732, in the above-captioned proceeding. The date for filing comments has expired and the date for filing reply comments is presently July 11, 1979.

2. On June 28, 1979, counsel for Muzak filed a request for an extension of time for filing reply comments to and including August 10, 1979. Counsel notes that on May 16, 1979 (the date comments were due), the Commission granted an extension of time to June 11, and as a result numerous significant comments were not filed until that date. Counsel states that because of prior commitments by Muzak's consulting engineer to other clients he has not had an opportunity to review the extensive technical data filed by commenting parties on June 11.

3. Since the Commission believes it would be in the public interest to have all material available to it in arriving at a decision in this proceeding, we are granting the additional time requested.

4. Accordingly, it is ordered, that the above motion for an extension of time filed by Muzak is granted and the date for filing reply comments is extended to and including August 10, 1979.

5. This action is taken pursuant to Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-22461 Filed 7-19-79; 8:45 am]

BILLING CODE 6712-01-M

[47 CFR Part 73]

[BC Docket No. 79-114; RM-3169]

FM Broadcast Station in North Platte, Nebr.; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding involving the proposed assignment of an FM channel to North Platte, Nebraska. Petitioner, Tri-State Broadcasting Association, Inc., states that the additional time is needed to prepare its comments.

DATES: Comments must be filed on or before August 8, 1979, and reply comments on or before August 29, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Comments and Reply Comments

Adopted: July 9, 1979.

Released: July 12, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (North Platte, Nebraska), BC Docket No. 79-114, RM-3169.

1. On May 9, 1979, the Commission adopted a *Notice of Proposed Rule Making*, 44 FR 29126, in the above-entitled proceeding. The present dates for filing comments and reply comments are July 9, and July 30, 1979, respectively.

2. On July 3, 1979, counsel for Tri-State Broadcasting Association, Inc., filed a request seeking the extension of time for filing comments and reply comments to and including August 8, and August 29, 1979, respectively. Counsel states that because of the combination of mail delays, office vacation disruption and jury duty requirement, additional time is needed to prepare comments.

3. We are of the view that the public interest would be served by this extension so that Tri-State Broadcasting Association, Inc. may file any information which might be helpful to the Commission in reaching a decision in this proceeding.

4. Accordingly, it is ordered, that the dates for filing comments and reply comments in BC Docket No. 79-114 (RM-3169), are extended to and including August 8, and August 29, 1979, respectively.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-22462 Filed 7-19-79; 8:45 am]

BILLING CODE 6712-01-M

[47 CFR Part 73]

[Docket No. 21239; RM-2803; RM-2927]

FM Broadcast Stations in Bonita Springs, and Homestead, Fla.; Petition for Rule Making Denied

AGENCY: Federal Communications Commission.

ACTION: First Report and Order.

SUMMARY: Substitution of FM Channel 241 for Channel 240A at Bonita Springs, Florida, denied. Petitioner, Gold Coast Broadcasting Corporation, elected to withdraw its petition rather than face comparative proceedings.

EFFECTIVE DATE: Non-Applicable.

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

FOR FURTHER INFORMATION CONTACT: Stanley P. Wiggins, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

First Report and Order

[42 FR 40454, August 10, 1977]

Adopted: July 9, 1979.

Released: July 13, 1979.

In the matter of Amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Bonita Springs and Homestead, Florida), Docket No. 21239 RM-2803 RM-2927.

1. Before the Commission is a proposal by Gold Coast Broadcasting Corporation ("Gold Coast") to substitute Class C FM Channel 241 for Channel

240A, on which petitioner's station operates in Bonita Springs, Florida. Three channel substitutions would be required as a part of the Gold Coast proposal. The *Notice of Proposed Rule Making* in this proceeding, 42 FR 26232 (1977), generated several comments including a proposal by Radio South Dade, Inc. ("RSD") for assignment of Class C Channel 239 at Homestead, Florida.[1] That proposal is the subject of a *Further Notice of Proposed Rule Making*.

2. Comments on the Bonita Springs proposal were submitted by petitioner; Palmer Broadcasting Company, licensee of WNOG(AM) and WCVU(FM) in Naples; Radio South Dade, Inc., licensee of WQDI(AM), in Homestead; Lee County FM, Inc., licensee of WSWF(FM) in Lehigh Acres; Bartell Broadcasting of Florida, Inc., licensee of WMJX(FM) in Miami; Miami Valley Broadcasting Corporation, licensee of WAIA(FM) in Miami, Key West Broadcasting, permittee of WIAB(FM) in Key West; Radio Broward, Inc., licensee of WCKO(FM) in Jensen Beach; Lighthouse Broadcasting, Inc., licensee of WRYZ(FM) in Jupiter; and Richard I. Street. Because of the manner in which this proceeding is resolved, the substantive comments filed are not covered, including those submitted by licensees asked to show cause why their channel should not be substituted.[2] It can be noted, however, that Street and Lee County expressed their interest in applying for Channel 241 if it were assigned to Bonita Springs.

3. The *Notice* requested comment on the general appropriateness of assigning a high-power Class C channel to such a relatively small community as Bonita Springs (1970 pop, 1,932), and on the second aural service benefits which might accrue from it.[3] The *Notice*, however, also pointed out that expression of an appropriate interest in the proposed assignment by other parties would necessitate a comparative evaluation of all aplications submitted. This view derived from a decision in the *Cheyenne, Wyoming*, FM proceeding, 62 F.C.C. 2d 63 (1976), where the Commission announced a policy on the handling of such cases.

4. Petitioner asserts that such a requirement is unjustified and inappropriate where it puts an incumbent licensee in "ultimate jeopardy" by exposing a proposal to expand radio service to an uncertain outcome on comparative evaluation. In any event, petitioner contends that the *Cheyenne* policy is not applicable. Rather, petitioner asserts that it was designed to apply where the assignment of a Class C channel did not necessitate termination of operations on the pre-existing Class A channel. Petitioner argues that it should not be extended to the situation posed in Bonita Springs, where the incumbent licensee must necessarily abandon its Class A operation if a Class C channel on an adjacent frequency is approved. Further, petitioner reads *Cheyenne* itself as recognizing the possibility of using a different approach in other circumstances. According to petitioner's reading, this case is one which departs sufficiently from prior actions as to fall outside the scope of the authority delegated to the staff. If we disagree, it would withdraw.

5. As noted in *Cheyenne*, a licensee can seek, and the Commission can grant, modification of a station's operating authority to specify a new channel in the absence of other interest in the channel. Also see *Endicott, New York*, 51 F.C.C. 2d 50 (1975). It is not only in staff documents but also in those adopted by the Commission that the view was expressed that modification of license to a higher-power Class C facility would be premised on the absence of conflicting expressions of interest. *Mitchell, South Dakota*, 62 F.C.C. 2d 70 (1976); *Fort Walton Beach, Florida, and Crestview, Florida*, 62 F.C.C. 2d 76 (1976). The question, then, is what happens if another interest is expressed. In such cases, modification in this fashion is not possible. The Commission's authority to modify a license is not unrestricted. Rather, it is subject to the broad holding of *Ashbacker v. U.S.*, 326 U.S. 327 (1945), that one party's application for a new frequency cannot be properly granted without comparative consideration of other mutually exclusive proposals. Licensee status does not confer immunity from such consideration any more than incumbency justifies renewal without consideration of an application filed in conflict with it. Such an opportunity to file (and hence to obtain comparative consideration) arises here with the assignment of the Class C channel. While the precise situation in Bonita Springs has not arisen before, we see no basis for a departure from our understanding of *Ashbacker* and the statute. The *Ashbacker* aspect is quite unrelated to whether the proponents present channel is to be retained. It is the first time availability of the channel that is the determinant, a point of view expressed in various contexts, FM and TV. See, for example, *Television Table of Assignments (San Francisco and San Mateo), recon. den.*, 68 F.C.C. 2d 860 (1978). There, as here, the governing consideration is the presence of other interested parties. With the examples of the various cases before us we cannot agree that the issue here is a new or unique one requiring action by the Commission. Nor can we agree with petitioner's assertions about the view to take. Accordingly, we have concluded that the action should be taken by delegated authority and that it should affirm the need for comparative consideration as a result of the timely expression of anothe interest in the frequency.

6. Nonetheless, especially where a petitioner could lose its license (not simply be unsuccessful in obtaining the new frequency), we agree that a party should be able to withdraw its proposal in the face of an expression of other interest. Such is the case here. Since petitioner has withdrawn rather than face the uncertainties of a comparative evaluation, we need not address the merits of the specific proposal and will not do so.

7. Accordingly, for the reasons set forth above, the petition for rule making filed by Gold Coast Broadcasting Corporation, RM-2803, is denied.

8. For further information concerning this proceeding, contact Stanley Wiggins, Broadcast Bureau, (202) 632-7792.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-22463 Filed 7-19-79; 8:45 am]

BILLING CODE 6712-01-M

[1] While submitted and accepted for filing as a counterproposal because it involved the same three channel substitutions, the Homestead assignment does not conflict with the petitioner's request for the substitution at Bonita Springs. As a result of our decision not to assign the channel to Bonita Springs, there is no longer any reason to consider these two proposals together.

[2] These views will be considered in connection with the Homestead proposal, as it might involve such channel changes.

[3] As pointed out in the *Notice*, we would not ordinarily assign a Class C channel to such a small community, so that second service showings are particularly important. *Anamosa and Iowa City, Iowa*, 46 F.C.C. 2d 520 (1974).

[47 CFR Part 73]

[BC Docket No. 79-169; RM-3270]

FM Broadcast Station in Camden, Maine; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This action proposes to assign FM Channel 273 to Camden, Maine, as its first FM channel

assignment. The Class B channel which is proposed could be used to bring substantial first and second FM service to remote areas.

DATES: Comments must be filed on or before September 7, 1979, and reply comments on or before September 27, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 9, 1979.

Released: July 13, 1979.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Camden, Maine); Notice of Proposed Rulemaking.

By the Chief, Broadcast Bureau:

1. *Petitioner, Proposal, Comments:*

(a) Penobscot Bay Broadcasting Co. ("petitioner") filed a petition [1] proposing the assignment of Channel 273 to Camden, Maine.

(b) Channel 273 could be assigned to Camden in compliance with the minimum distance separation requirements.

(c) Since Camden is situated within 250 miles of the Canadian border, it will be necessary to obtain Canadian concurrence.

2. *Community data:*

(a) *Population:* Camden—4,115; Knox County—29,013.[2]

(b) *Location:* Camden is located on the coastal portion of Maine, approximately 120 kilometers (75 miles) northeast of Portland and 56 kilometers (35 miles) east of Augusta.

(c) *Local broadcast service:* Camden has no local broadcast stations. The nearest radio stations (WRKD(AM) and WRKD–FM) are located about 12 kilometers (8 miles) away in Rockland, Maine, the seat of Knox County.

3. *Economic data:* Petitioner describes Camden as a popular resort location and estimates that during some periods of the year the local population almost doubles. There are also a significant number of retired persons according to petitioner. Camden has light manufacturing and offers many recreational activities including those connected with its harbor.

4. *Preclusion:* Preclusion would occur on four channels affecting 7 communities with populations of 1,000 or more. There are alternate available channels to all of the precluded communities.

5. *Additional consideration:* Petitioner has requested a Class B channel for Camden, which, based on its population, would ordinarily be assigned a Class A channel. In support of its request for a higher powered station, it asserts that there are numerous isolated islands and rural areas in need of broadcast service. Some of these places are accessible only by ferry and are cut off from the mainland during emergencies such as storms.

6. The petitioner has submitted a *Roanoke Rapids* showing which demonstrates that its proposed station (operating with maximum facilities of 50 kW power and antenna height of 152 meters (500 feet) above average terrain) would provide a first FM service to 2,837 persons in an area of 130 square kilometers (50 square miles) and a second FM service to 30,123 persons in an area of 1,295 square kilometers (500 square miles). Several islands make up a portion of the unserved and underserved areas and population. It would appear that the only real expectation for service to these remote areas would come from a high powered station of the sort proposed here.

7. In view of the showing of service to unserved and underserved areas as well as the character of these areas, the Commission is persuaded to propose the following amendment to the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) for the listed city:

City and Channel No.
Camden, Maine; Present:—; Proposed: 273.

8. Authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before September 7, 1979, and reply comments on or before September 27, 1979.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rulemaking other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an

[1] Public Notice was given on December 6, 1978, Report No. 1154.

[2] Population figures are taken from the 1970 U.S. Census.

original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 79-22456 Filed 7-19-79; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1047]

[MC-C-3437 (Sub-8)]

Specified Air Terminal Zones

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This document proposes the expansion of air terminal zones at specified airports to allow exempt motor carrier operations [conducted pursuant to the "incidental to transportation by aircraft" exemption set forth in section 10526(a)(8) of the Revised Interstate Commerce Act] to be performed at points previously named in air cargo pickup and delivery tariffs which were properly filed with the Civil Aeronautics Board, but which are outside the geographical scope of the zones as presently defined in 49 CFR 1047.40.

DATES: Comments must be filed with the Commission on or before August 20, 1979.

ADDRESS: An original and 11 copies (when possible) of each submission should be forwarded to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., 202 275-7972, or Frederick Stocker, 202 633-6982.

SUPPLEMENTARY INFORMATION: Our recent decision in *Motor Transportation of Property Incidental to Transportation by Aircraft*, 131 M.C.C. 87 (1978), adopted regulations (effective June 26, 1979, 44 FR 3295, 6102, 33684) which redefined and generally expanded air terminal zones [the areas within which certain motor carrier transportation of property is incidental to transportation by aircraft, and, therefore, within the ambit of the partial exemption from economic regulation set forth in 49 U.S.C. § 10526(a)(8)]. The air terminal zone at any particular airport was defined as a geographical area within 35 miles of the airport boundary, as well as the area within 35 miles of the corporate limits of any municipality, any part of whose commercial zone falls within 35 miles of the boundary of the pertinent airport.

In our decision, we noted the possibility that our action would reduce the size of the terminal areas of air carriers at certain points, because certain air carriers may have had tariffs on file with the Civil Aeronautics Board (CAB) which provided for motor carrier pickup and delivery service at points beyond the scope of the air terminals as defined in the new rules. This possibility was considered to be remote in light of the significant expansion of the air terminal areas accomplished by the new rules. It has come to our attention, however, that the possibility we perceived is, in fact, a reality.[1]

Our decision in the *Air Terminal* case, *supra*, provided that persons interested in seeking an expansion of an air terminal area at a particular airport should use the special procedure for individual determination of exempt zones provided for in the new rules set forth in 49 CFR § 1047.40(b)(1). We required that, in petitions seeking individual determinations, interested persons should present evidence clearly identifying the location(s) they seek to have included in a particular exempt zone, and setting forth economic data and other supportive facts. Importantly, we also noted that, in proceedings instituted under these special procedures, equitable consideration would be afforded evidence that the concerned location was included at one time in a pickup and delivery tariff properly filed with the CAB.

Equity would seem to dictate that those points which were properly listed in pickup and delivery tariffs be included in the exempt zones of the airports over which the air freight traffic to and from the points has previously moved. The shippers and receivers of air freight should not be deprived of a service upon which they have come to rely. Upon reevaluation, we believe that a limited rulemaking proceeding would be a more appropriate and expeditious method of addressing this problem. Moreover, in keeping with the spirit of the healthy competition stimulated by our general expansion of air terminal areas, we believe that these points should be open to bona fide incidental-to-air operations, on air cargo traffic moving over specified airports, performed by any person or firm which complies with the specifics of the involved regulations. This proceeding has been instituted to accomplish this result.

Those parties participating in this proceeding should identify the points which were named in pickup and delivery tariffs filed with the CAB; present copies of relevant portions of the CAB tariffs; and identify the airport over which this traffic has moved. At this time, we envision promulgating a rule which states that, in addition to operations conducted within a particular airport's exempt zone, as defined in 49 CFR § 1047.40(a)(4), the motor carrier transportation of air cargo moving over that airport, to or from named points, is also exempt, provided that the specifics of subsection (a) parts (1), (2), and (3) of that rule are met. The new rule, identifying the concerned airports and points, would be listed as an exception to the pertinent air terminal zone regulation and labeled 49 CFR § 1047.40(b)(1). Those parts of subsection (b) of the present regulation labeled (1) and (2) would be renumbered parts (2) and (3).

In conclusion, we point out that this proceeding is designed exclusively to address the issue of whether points previously named in pickup and delivery tariffs which were properly filed with the CAB, which are now outside the scope of the air terminal zone of the airport over which the exempt air cargo to or from such points moved, should be included in the new exempt zones. *Evidence will not be entertained in this proceeding concerning the expansion of air terminal zones to include points which were not previously named in CAB tariffs.* Persons seeking expansion of the air exempt zone at a particular airport to a point or area not previously included in a pickup and delivery tariff which was filed with the CAB must file an appropriate petition in the manner prescribed in our prior decision in the *Air Terminal* case, *supra*.

Procedural Matter: Oral hearings do not appear to be necessary at this time and none is contemplated. Anyone wishing to present views and evidence, either in support of or in opposition to

[1] In a petition dated May 15, 1979, Emery Air Freight Corporation, an air freight forwarder, noted that two points (Goleta and Santa Barbara, CA) named in its Airfreight Pickup and Delivery Tariff No. 16, CAB No. 65, which had been properly filed with the CAB, served over the airport city of Los Angeles, CA, are excluded "from the air terminal zone of Los Angeles, CA." Emery is advised that air terminal zones are indigenous to airports and *not* airport cities. By this petition, Emery sought expansion of the air terminal zone at Los Angeles (the specific airport the traffic moves over was not identified) to allow continued service at these two points. In light of the action taken here, this petition will not be specifically disposed of. Similarly, other petitions of this nature will not be entertained. Emery is further advised to resubmit evidence in conformance with the instructions contained in this notice.

this proposal is invited to submit written data, views, or arguments. An original and 11 copies (wherever possible) shall be filed with the Commission on or before August 20, 1979.

Written materials submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C., during regular business hours.

Notice to the general public of this matter will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection, and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp, and Christian. Commissioner Stafford concurring in the result.

Decided: July 12, 1979.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-22574 Filed 7-19-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Parts 611 and 672]

Gulf of Alaska Groundfish; Fishery Management Plan Amendment; Proposed Implementing Regulations

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Notice of approval of an amendment to the Fishery Management Plan (FMP) for Gulf of Alaska Groundfish; proposed regulations.

SUMMARY: An amendment to the FMP for Gulf of Alaska Groundfish is approved. This amendment establishes an optimum yield (OY), domestic annual harvest (DAH), and total allowable level of foreign fishing (TALFF) for fish of the genus *Coryphaenoides*. Revised regulations to implement the amendment are proposed.

DATE: Comments are invited until August 31, 1979.

ADDRESS: Comments should be submitted to: Denton R. Moore, Acting Chief, Permits and Regulations Division, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, Post Office Box 1668, Juneau, Alaska 99802, Telephone: (907) 586-7221.

SUPPLEMENTARY INFORMATION: Species of the genus *Coryphaenoides* such as rattails (grenadiers) are commonly caught in association with sablefish. The catch of rattails by foreign fishermen may exceed two-thirds of the sablefish catch. American fishermen estimate the catch of rattails at one-third of their sablefish catch, the difference in catch rates being attributed to domestic fishermen fishing in shallower water than foreign fishermen. Since the species are of no commercial value and are routinely discarded, this magnitude of harvests was unknown when the FMP was prepared.

Regulations implementing the FMP included rattails in the "other species" category. Thus, catches of rattails could have prematurely filled the "other species" allocations causing closure of the fisheries for target species. This oversight was corrected in an errata to the implementing regulations which excluded rattails from the "other species" category (44 FR 37937, June 29, 1979).

However, since there is a surplus of rattails available for harvest by foreign nations, the North Pacific Fishery Managment Council submitted an amendment creating a rattail (grenadier) category with specifications of OY, DAH, and TALFF. This amendment permits vessels of a foreign nation with an allocation to retain rattails if they wish. The TALFF, however, is not expected to prematurely close directed fisheries for other species, principally sablefish.

The average rattail catch for the last 12 years is calculated to be 13,200 m.t. For the purpose of this amendment, this value is assumed to be the minimal estimate of maximum sustainable yield (MSY). Since the rattail population was not considered in the development of OY for "other species", the creation of this new species category does not require any adjustment of the OY for "other species". Based on the incidental catch rates described above and sablefish allocations, DAH is specified as 1332 m.t. and TALFF as 11,868 m.t. For clarity, the specifications have been made by the three regulatory areas which have been approved as an amendment to the FMP and for which proposed regulations have been published (see 44 FR 40099, July 9, 1979). If the three-area proposal is not adopted, the specifications for rattails will be apportioned to five fishing areas.

The Assistant Administrator for Fisheries approved this amendment on July 2, 1979. The Assistant Administrator has made an initial determination that the amendment (1) is consistent with the National Standards and other provisions of the Act; and (2) does not constitute a significant action requiring the preparation of a regulatory analysis under Executive Order 12044. A declaration of negative envrionmental impact of this action has been filed with the Environmental Protection Agency.

Signed in Washington, D.C. this 16th day of July, 1979.

Authority: 16 U.S.C. 1801 *et seq.*

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

A. The FMP for Gulf of Alaska Groundfish, as published on April 21, 1978, (43 FR 17242) is amended as follows:

1. Page 17308, Table 58, add entries for rattails and footnote 6 as follows:

Exploitable biomass		Western	Central	Eastern	Total
	Rattails		-Unknown-		
MSY					
	Rattails	3.3	7.1	2.8	13.2
EY					
	Rattails				N.A.
ABC					
	Rattails 6/	3.3	7.1	2.8	13.2
OY					
	Rattails	3.3	7.1	2.8	13.2

2. Page 17310, Sec. 4.7.10 is redesignated Sec. 4.7.11 and a new Sec. 4.7.10 is added as follows:

4.7.10 Rattails, Grenadiers (genus *Coryphaenoides)*

4.7.10.1 Maximum Sustainable Yield (MSY)

Unpublished reports of survey and commercial fishing operations indicate this genus is common throughout the northeastern Pacific Ocean at depths of 200–1,000 fathoms. The only known published report which specifically refers to rattails [1] confirms those observations and states that in the Gulf of Alaska "They dominated groundfish catches from deep water (greater than 199 fathoms) * * *."

[1] 1964. Alverson, D. L., A. T Pruter and L. L. Renholt. *A Study of Demersal Fishes and Fisheries of the Northeastern Pacific Ocean.* H. R. MacMillan lectures in fisheries. Inst. of Fisheries, Univ. British Columbia.

Although rattails are caught incidentally by trawls and longlines, no specific records of catch or catch rate have been kept. The largest catch of this genus appears to be incidental to the longline catch of sablefish. Data collected by U.S. observers aboard foreign vessels during 1978 indicate a total foreign catch of rattails of about 4,700 m.t., of which 97 percent were taken by Japanese longliners. The foreign rattail catch in 1978 was 66 percent of the total foreign sablefish catch in the Gulf of Alaska.

The annual sablefish catch for the last 12 years of complete record (1966–77) was: 0.66x20,000=13,200 m.t. This value is assumed to be a minimal estimate of MSY.

4.7.10.2. Equilibrium Yield (EY).

Not applicable—MSY attainable.

3. Page 17315, Table 62, add entries for rattails as follows:

Species	OY	Reserve[1]	DAH	TALFF
Rattails	13.2	0	1.332	11.868

4. Page 17315, Table 63, add entries for rattails as follows:

Species	Western	Central	Eastern	Total
Rattails	25.0	54.0	21.0	100

5. Page 17316, Table 64, add entries for rattails as follows:

Species		Western	Central	Eastern	Total
Rattails	OY	3.3	7.1	2.8	19.2
	Reserve	0	0	0	0
	DAH	.033	0.33	1.266	1.332
	TALFF	3.267	7.067	1.534	11.868

B. It is proposed to amend 50 CFR 611 as follows:

1. Section 611.9, Appendix I B, Pacific Ocean Fishes, add under Finfishes the following:

§ 611.9 [Amended]

* * * * *

Code	Common English name	Scientific name
315	Rattails (grendiers)	Coryphaenoides spp.

* * * * *

2. Section 611.20(c), Table I, add under Gulf of Alaska Groundfish the following;

§ 611.20 [Amended]

* * * * *

Fishery	Species	Species code	TALFF
Gulf of Alaska Groundfish	Rattails	315	[1] 11,868

* * * * *

3. Section 611.22(b), add the following average ex-vessel values per metric ton:

§ 611.22 [Amended]

* * * * *

Species	Values
Rattails	0

* * * * *

4. Section 611.92(b)(1), Table I, delete from footnote 5 the phrase "fish of the genus Coryphaenoides," and add the following entries:

611.92 [Amended]

* * * * *

Species		Western	Central	Eastern	total
Rattails	TALFF	3,267	7,067	1,534	11,868
	Reserve	0	0	0	0

* * * * *

C. It is proposed to amend 50 CFR 672 as follows:

1. Section 672.2, add the following new definition:

§ 672.2 Definitions.

* * * * *

Rattails (grenadiers) means *Coryphaenoides* (genus) not specifically defined.

* * * * *

2. Section 672.20(a)(1), Table I, add entries for rattails between "Squid" and "Other Species" and amend the footnote to read as follows:

§ 672.20 [Amended]

* * * * *

Species		Western	Central	Eastern	Total
Rattails	OY	3,300	7,100	2,800	13,200
	Reserve	0	0	0	0

* * * * *

* Includes all stocks of finfish excedpt: (1) those listed above and (2) salmon, steelhead trout, and Pacific halibut.

[FR Doc. 79-22438 Filed 7-19-79; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 44, No. 141
Friday, July 20, 1979

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.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Special Milk Program; Rate of Reimbursement for the Period July 1, 1979 to June 30, 1980

Pursuant to section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1772) and § 215.8 of the regulations governing the Special Milk Program for Children (7 CFR Part 215), notice is hereby given that the rate of reimbursement per half pint (236 ml) of milk, purchased and served to all children, except needy children in pricing programs operated by School Food Authorities and institutions which elect to provide free milk, shall be 7.75 cents for the period July 1, 1979 to June 30, 1980. This rate was derived by applying the percentage increase in the Producer Price Index for Fresh Processed Milk during the 12-month period May 1978 to May 1979 (from 148.1 in May 1978 to 167.3 in May 1979) to the unrounded rate of reimbursement prescribed for the period July 1, 1978 to June 30, 1979, adjusted to the nearest one-fourth cent.

(Catalog of Federal Domestic Assistance Program No. 10.556)

Effective date: This notice shall be effective as of July 1, 1979.

Dated: July 19, 1979.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 79-22732 Filed 7-19-79; 10:45 am]

BILLING CODE 3410-30-M

Agricultural Stabilization and Conservation Service

1980 Corn, Grain Sorghum and Soybean Programs; Proposed Determinations

AGENCY: Agricultural Stabilization and Conservation Service.

ACTION: Proposed determination.

SUMMARY: The Secretary of Agriculture proposes to make the following determinations with respect to the 1980 crops of corn and grain sorghum: (a) The amount of the 1980 national program acreages; (b) the reduction from previous year's harvested acreage required, if any, to guarantee established (target) price protection on the total 1980 planted acreage; (c) whether there should be a set-aside requirement and, if so, the extent of such set-aside; (d) whether there should be a land diversion program and, if so, the extent of such diversion and the level of payment; (e) whether a limitation should be placed on planted acreage; and (f) the established (target) prices. In addition the following determinations will be made with respect to the 1980 crops of corn, grain sorghum and soybeans: (1) the loan and purchase levels, including county loan rates and premiums and discounts for grades, classes and other qualities; and (2) other related provisions. Most of the above determinations are required to be made by the Secretary on or before November 15, 1979, in accordance with provisions in section 105A of the Agricultural Act of 1949, as amended, and section 1001 of the Food and Agriculture Act of 1977, as amended. This notice invites written comments on the proposed determinations.

DATES: Comments must be received on or before September 18, 1979.

ADDRESS: Mr. Jeffress A. Wells, Director, Production Adjustment Division, ASCS, USDA, Room 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Orville I. Overboe (ASCS), 202/447-7987, or Lois Moe (ASCS), 202/447-8373.

SUPPLEMENTARY INFORMATION: The following determinations with respect to the 1980 crops of corn and grain sorghum are to be made pursuant to section 105A of the Agricultural Act of 1949, as amended (hereafter referred to as the "1949 Act") and section 1001 of the Food and Agriculture Act of 1977 (Pub. L. 95-113) as amended, and with respect to the 1980 crop of soybeans pursuant to section 201 of the "1949 Act".

a. *1980 National Program Acreage:* Section 105A(d)(1) of the 1949 Act requires the Secretary to proclaim a national program acreage for each of the 1978 through 1981 crops of corn and grain sorghum. The proclamation shall be made not later than November 15 of each calendar year. The national program acreage for corn and grain sorghum shall be the number of harvested acres the Secretary determines (on the basis of the national weighted average farm program payment yields) that will produce the quantity (less imports) that he estimates will be utilized domestically and for export during the 1980-81 marketing year. The national program acreage may be adjusted by an amount the Secretary determines will accomplish a desired increase or decrease in carryover stocks. The Secretary may adjust the national program acreage first proclaimed, if he determines it necessary based upon the latest information.

The U.S. feed grain stock objective is set at 5.7 percent of estimated world feed grain consumption, an amount judged to be our "fair" share of world feed grain stocks. Using this formula, the 1980-81 ending stock objective is approximately 42 million metric tons (1,650 million bushels corn equivalent) for feed grains. Views on the appropriate levels of the national program acreages for the 1980 program year are requested from interested persons together with appropriate explanatory material. Comments on the appropriate level of feed grain stocks are also requested.

b. *Voluntary reduction from previous year's harvested acreage:* Section 105A(d)(3) of the 1949 Act provides that the 1980 acreage eligible for payments shall not be reduced by application of an allocation factor (not less than 80 percent nor more than 100 percent) if producers reduce the acreages of corn and grain sorghum planted for harvest on the farm from the previous year by at least the percentages recommended by the Secretary in his proclamation of the national program acreages.

The previous year's (1979) acreage will include the acreage actually harvested plus acreage considered harvested which includes (1) prevented planting acreage and (2) the larger of (a) the amount by which the prior year's acreage was reduced by the recommended percentage reduction (i.e.,

10 percent for corn and 10 percent for grain sorghum) or (b) the amount of the 1979 set-aside and diversion acreage credited to the crop.

The determination of the 1980 national program acreages simultaneously determines the percentage reduction in acreage from 1979 to 1980 that will be required, if any, for a producer to qualify for target price protection with respect to the entire acreage planted to the commodity in 1980.

c. *Whether there should be a set-aside for 1980, and if so, the percentage of acreage to be set-aside.* Section 105A(f)(1) of the 1949 Act provides that the Secretary shall provide for a set-aside of cropland if he determines that the total supply of feed grains will, in the absence of set-aside, likely be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. The Secretary is required to announce a set-aside program not later than November 15, 1979, for the 1980 corn and grain sorghum crops. If a set-aside of cropland is in effect, producers must as a condition of eligibility for loans, purchases, and payments, set-aside and devote to conservation uses an acreage of cropland equal to specified percentages of the acreage of corn and grain sorghum planted for harvest in 1980.

Carryover corn stocks at the end of the 1978–79 marketing year (September 30, 1979) are estimated to be near 1,300 million bushels, up about 19 percent from a year earlier. Grain sorghum carryover stocks are estimated at around 165 million bushels, down about 9 percent from a year erarlier. Average farm prices for the 1978–79 season for both corn and grain sorghum are expected to be about 15 to 20 cents per bushel higher than for 1977–78, primarily based on a 10 percent increase in total use of feed grains. Participation in the 1979 set-aside program is expected to be down from the 1978 level because of continued strong demand for feed grains and stronger grain prices. A 1979–80 corn crop based on most likely weather conditions could result in a corn production around 600 million bushels less than projected demand, reducing carryover stocks by about the same amount. Grain sorghum stocks could be reduced about 75 million bushels and total feed grains by around 21 million metric tons. This assessment is, however, subject to considerable uncertainty.

The 1979 world corn and grain sorghum crops are at an early stage and weather conditions throughout the season could have a significant impact on the final outcome. Assuming favorable worldwide conditions, ending corn stocks in the U.S. as of September 30, 1980, could remain close to the expected 1978–79 carryover level of around 1,300 million bushels, while with unfavorable conditions U.S. corn stocks might decline to around 500 million bushels. Grain sorghum stocks, with favorable weather conditions, would probably decrease arouund 15 million bushels to a carryout of 150 million bushels, while with unfavorable weather conditions stocks would probably fall to 80 million to 90 million bushels. Therefore, the need for a 1980 set-aside is highly dependent upon developments in the 1979 U.S. and world crops and demand prospects during the next few months. Interested persons are encouraged to advise the Secretary on the need for a 1980 corn and grain sorghum set-aside program and the appropriate percentage of acreage to be set-aside, if deemed necessary, taking into account the above factors.

d. *Determination of whether there should be a land diversion program and, if so, the extent of such diversion and level of payment:* Section 105A(f)(2) of the 1949 Act authorizes the Secretary to make land diversion payments to producers of corn and grain sorghum, whether or not a set-aside is in effect. Land diversion payments may be made if the Secretary determines they are necessary to assist in adjusting the total national acreage of corn and grain sorghum to desired goals. If land diversion payments are made, producers will be required to devote to approved conservation uses an acrage of cropland equal to the amount of such land diversion. Land diversion payment levels and administrative provisions will be determined by the Secretary.

Land diversion payments may be established at a flat offer rate (specific rate per bushel times farm program yield) or through the submission of bids by producers. If it is determined necessary to make land diversion payments in 1980, such payments will likely be established at an offer rate rather than through the submission of bids.

Interested persons are encouraged to address the need for a land diversion program either in place of or in combination with a set-aside program for 1980 and the appropriate terms and conditions of such a program.

e. *Limitation on planted acreage:* Section 105A(f)(1) of the 1949 Act authorizes the Secretary to limit acreage planted to corn and grain sorghum. Such limitation is required to be applied on a uniform basis to all farms which are participating in the announced programs and are producing corn and grain sorghum.

Interested persons are invited to comment on the pros and cons of limiting planted acreage.

f. *Established "Target" Price.* Section 105A(b)(1) of the 1949 Act provides that the Secretary shall make available to producers payments for the 1980 crops of corn and grain sorghum based on established (target) prices. The 1979 corn established (target) price as specified by statute was computed to be $2.06 per bushel; however, that level was increased to $2.20 per bushel under authority of the Wheat, Feed Grains and Upland Cotton, Emergency Assistance Act of May 15, 1978 (hereafter referred to as the 1978 Act) to compensate producers for participation in the 1979 set-aside program. The 1979 grain sorghum established (target) price as specified by statute was computed to be $2.34 per bushel. This level was not increased because adequate participation in the set-aside program was expected with the $2.34 per bushel target level. The 1980 established (target) price for corn and grain sorghum shall be the 1979 target price ($2.06 per bushel for corn and $2.34 per bushel for grain sorghum) adjusted to reflect any change in (i) the average adjusted cost of production for the crop years 1978 and 1979 from (ii) the average adjusted cost of production for the crop years 1977 and 1978. The adjusted cost of production for each of the years shall be determined by the Secretary and shall be limited to (a) variable costs, (b) machinery ownership costs, and (c) general farm overhead costs.

The established (target) prices for the 1980 crops of corn and grain sorghum are largely dependent upon national average yields per planted acre for the 1979 crops. Based on preliminary cost of production estimates and an estimated 1979 corn yield per planted acre of 93.2 bushels, the 1980 established (target) price for corn would be $2.12 per bushel. Based on preliminary cost of production estimates and an estimated 1979 grain sorghum yield per planted acre of 50.8 bushels, the 1980 established (target) price for grain sorghum would be $2.56 per bushel. However, if a set-aside is announced, the established (target) price could be increased under authority of the 1978 Act to compensate producers for participation in such set-aside.

Comments on the appropriate target levels for the 1980 crops of corn and grain sorghum, taking into account the above factors, are requested.

g. *Loan and purchase levels:* (1) *Corn.* Section 105A(a)(1) of the 1949 Act requires the Secretary to make available to producers loans and purchases at not less than $2.00 per bushel for the 1980 crop of corn, as the Secretary determines will encourage the export of feed grains and not result in excessive total stocks of feed grains. However, if the Secretary determines that the average price of corn received by producers in any marketing year is not more than 105 percent of the level of loans and purchases for such marketing year, the Secretary may reduce the level of loans and purchases for the next marketing year. The amount of any such reduction may be that which the Secretary determines necessary to maintain domestic and export markets for grain, except that the level of loans and purchases shall not be reduced by more than 10 percent in any year, nor below $1.75 per bushel. Loan and purchase levels for the 1978 and 1979 crops of corn were established at $2.00 per bushel.

(2) *Grain Sorghum.* Section 105A(a) (2) of the 1949 Act requires the Secretary to make available to producers loans and purchases on the 1980 crop of grain sorghum, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value and average transportation costs to market of grain sorghum in relation to corn and other factors specified in section 401 (b) of the 1949 Act. These factors are (1) the supply of the commodity in relation to demand, (2) the price levels at which other commodities are being supported, (3) the availability of funds, (4) the perishability of the commodity, (5) the importance of the commodity to agriculture and the national economy, (6) the ability to dispose of stocks acquired through a price support operation, (7) the need for offsetting temporary losses of export markets and (8) the ability and willingness of producers to keep supplies in line with demand.

Loan and purchase levels for the 1978 and 1979 crops of grain sorghum were established at $1.90 per bushel ($3.39 per cwt.).

(3) *Soybeans.* Section 201(e) of the 1949 Act requires the Secretary to make available to producers loans and purchases on the 1980 crop of soybeans, at such level as the Secretary determines appropriate in relation to competing commodities and taking into consideration domestic and foreign supply and demand factors.

Comments are requested on the appropriate loan and purchase levels for the 1980 crops of corn, grain sorghum, and soybeans, taking into account the above factors, and the establishment of county loan rates.

h. *Other related provisions.* The Act also requires a number of other determinations in order to implement the corn, grain sorghum and soybean loan and purchase programs such as (1) CCC minimum sales price, (2) commodity eligibility, (3) storage requirements, and (4) premiums and discounts, for grades, classes and other qualities, and (5) such other provisions as may be necessary to carry out the programs.

Prior to determining the provisions of the 1980 corn and grain sorghum programs, and the 1980 soybean program, consideration will be given to any data, views, and recommendations that may be received relating to the above items.

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

This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant". An Approved Draft Impact Analysis is available from Orville I. Overboe (ASCS) 202/447-7987 or Lois Moe (ASCS) 202/447-8373.

Signed at Washington, D.C. on July 13, 1979.

John W. Goodwin,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-22389 Filed 7-19-79; 8:45 am]

BILLING CODE 3410-05-M

Food and Nutrition Service

Child Care Food Program; National Average Payment Factors and Food Cost Factors for the Period July 1-December 31, 1979

Pursuant to Section 17 of the National School Lunch Act, as amended by Pub. L. 95-627, and § 226.4 and § 226.12(h) of the regulations governing the Child Care Food Program (7 CFR Part 226), notice is hereby given that the national average payment factors and food cost factors for meals served to children attending institutions which participate in the Child Care Food Program during the period July 1-December 31, 1979, shall be as follows:

The food cost factor for breakfasts served in the Program in family and group day care homes is 30.00 cents. The food cost factor for lunches and suppers served in the Program in family and group day care homes is 53.50 cents. The food cost factor for supplements served in the Program in family and group day care homes is 18.25 cents.

National average payments for breakfasts served in the Program: (a) 13.50 cents for each breakfast served; (b) an additional 25.50 cents, making a total of 39.00 cents, for each breakfast served to children from families whose incomes meet the eligibility criteria for reduced-price school meals; and (c) an additional 33.75 cents, making a total of 47.25 cents, for each breakfast served to children from families whose incomes meet the eligibility criteria for free school meals.

National average payments for lunches and suppers served in the Program: (a) 17.00 cents for each lunch and supper served; (b) an additional 66.25 cents, making a total of 83.25 cents, for each lunch and supper served to children from families whose incomes meet the eligibility criteria for reduced price school meals; and (c) an additional 76.25 cents, making a total of 93.25 cents, for each lunch or supper to children from families whose incomes meet the eligibility criteria for free school meals.

For supplements served in the Program the national average payment factors will be: (a) 7.00 cents for each supplement served to children from families whose incomes do not meet the eligibility criteria for free or reduced-price school meals; (b) 21.25 cents for each supplement served to children from families whose incomes meet the eligibility criteria for reduced-price school meals; and (c) 28.00 cents for each supplement served to children from families whose incomes meet the eligibility criteria for free school meals.

The above factors represent a 6.73 percent increase in the factors prescribed for the period January 1-June 30, 1979. This represents the percentage of increase during the six-month period November 1978-May 1979 (from 225.9 in November 1978 to 241.1 in May 1979) in the Food Away From Home Series of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

The total amount of payments for distribution to Program participants to be made to each State Agency from the sums appropriated for the Program shall be based upon these national average payment factors and the number of meals of each type served.

Pursuant to Section 10(a) of Pub. L. 95-627, the Department is considering making adjustments to these national

average payment factors and food cost factors for meals served in States outside the contiguous States. Available data which are relevant to such adjustments are being evaluated. Any adjustments which are determined to be appropriate will be announced in a separate notice.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the Child Care Food Program (7 CFR Part 226).

(Catalog of Federal Domestic Assistance Program No. 10.558)

Effective date: This notice shall be effective as of July 1, 1979.

Dated: July 18, 1979.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 79-22599 Filed 7-19-79; 8:45 am]

BILLING CODE 3410-30-M

National School Lunch Program; National Average Payment for the Period July 1–December 31, 1979

Pursuant to Section 11 of the National School Lunch Act (42 U.S.C. 1759a) and § 210.4 and § 210.11 of the regulations governing the National School Lunch Program (7 CFR Part 210), notice is hereby given of adjustments in the national average factors for payment for lunches and the maximum rates of reimbursements. The national average factors for payment for lunches served during the six-month period July 1–December 31, 1979, to children participating in the National School Lunch Program are as follows: (a) 17.0 cents from general cash-for-food assistance funds for each lunch; (b) an additional 56.25 cents from special cash assistance funds for each reduced-price lunch, and (c) an additional 76.25 cents from special cash assistance funds for each free lunch. If in any State a maximum charge to students of less than 20 cents is established for reduced-price lunches, the special assistance factor prescribed for reduced-price lunches in such State shall be the lesser of (a) the special assistance factor for free lunches minus the maximum reduced price charge established by the State, or (b) the special assistance factor for free lunches minus 10 cents.

The total amount of general cash-for-food assistance payments and special cash assistance payments to be made to each State agency from the sums appropriated therefor, shall be based upon such national average factors.

The above factors represent a 6.68 percent increase in the factors prescribed for the period January 1–June 30, 1979. This represents the percent of increase during the six-month period November 1978–May 1979 (from 226.0 in November 1978 to 241.1 in May 1979) in the series for food away from home of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

For the six-month period July 1–December 31, 1979, (a) the maximum rate of reimbursement from general cash-for-food assistance funds shall be 23.0 cents per lunch served; (b) the maximum per lunch reimbursement (from a combination of general cash-for-food assistance and special cash assistance funds) shall be 108.25 cents for a free lunch and 88.25 cents for a reduced-price lunch. If in any State a maximum charge to students of less than 20 cents is established for reduced-price lunches, the maximum per lunch reimbursement prescribed for reduced-price lunches in such State shall be the lesser of (a) the maximum per lunch reinbursement for free lunches minus the maximum reduced price charge established by the State, or (b) the maximum per lunch reimbursement for free lunches minus 10 cents.

Pursuant to Section 10 of Public Law 95–627, consideration is being given to appropriate adjustments to these national average payment factors for lunches served in the noncontiguous states and outlying territories. The Department is currently evaluating available data which would justify any adjustments to the rates set forth in this notice. Any adjustments considered appropriate by the Department in light of such data shall be announced in a separate notice.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the National School Lunch Program (7 CFR Part 210) and the regulations for Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools (7 CFR Part 245).

(Catalog of Federal Domestic Assistance Program No. 10.555)

Effective date: This notice shall be effective as of July 1, 1979.

Dated: July 18, 1979.

Carol Tucker Forman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 79-22598 Filed 7-19-79; 8:45 am]

BILLING CODE 3410-30-M

School Breakfast Program; National Average Payment for the Period July 1–December 31, 1979

Pursuant to Section 11 of the National School Lunch Act (42 U.S.C. 1759a) and § 220.4 and § 220.9 of the regulations governing the School Breakfast Program (7 CFR Part 220), notice is hereby given that the national average payment factors for breakfasts served during the six-month period July 1–December 31, 1979, to children participating in the School Breakfast Program shall be: (a) 13.5 cents for all breakfasts; (b) an additional 25.5 cents for each reduced-price breakfast, and (c) an additional 33.75 cents for each free breakfast. The total amount of breakfast assistance payments to be made to each State agency from the sums appropriated therefor, shall be based upon such national average factors: *Provided, however,* that additional payments shall be made in such amounts as are needed to finance reimbursement rates assigned for especially needy schools under § 220.9.

The above factors represent a 6.68 percent increase in the factors prescribed for the period January 1–June 30, 1979. This represents the percent of increase during the six-month period November 1978–May 1979 (from 226.0 in November 1978 to 241.1 in May 1979) in the series for food away from home of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

For non-especially needy schools, the maximum rates of reimbursement for paid breakfasts, for reduced-price breakfasts, and for free breakfasts shall be equal to the respective factors set out above.

For especially needy schools, the maximum rates of reimbursement are established pursuant to Section 4(b) of the Child Nutrition Act of 1966, as amended. This law requires that these rates be computed using two methods and that the method yielding the higher rates be used. Accordingly, for especially needy schools, the maximum rate of reimbursement for paid breakfasts shall be equal to the national average factor for all breakfasts, and the maximum rate of reimbursement for reduced-price and free breakfasts shall be 52.25 and 57.25 cents, respectively.

Pursuant to Section 10 of Public Law 95–627, consideration is being given to appropriate adjustments to these national average payment factors for breakfasts served in the noncontiguous States and outlying territories. The Department is currently evaluating

available data which would justify any adjustments to the rates set forth in this notice. Any adjustments considered appropriate by the Department in light of such data shall be announced in a separate notice.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the School Breakfast Program (7 CFR Part 220) and the regulations for Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools (7 CFR Part 245).

(Catalog of Federal Domestic Assistance Program No. 10.533)

Effective date: This notice shall be effective as of July 1, 1979.

Dated: July 18, 1979.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 79-22597 Filed 7-19-79; 8:45 am]

BILLING CODE 3410-30-M

Nutrition Education Demonstration and Development Project

The March 16, 1979 **Federal Register** (44 FR 16027) included a Notice announcing that the Food and Nutrition Service (FNS) of the U.S. Department of Agriculture planned "* * * to provide funds pursuant to Section 18 of the Child Nutrition Act of 1966 (CNA) as amended by Public Law 94-105, 89 Stat. 528 (42 U.S.C. 1787)." Section B of the March 16, 1979 Federal Notice—Contracts or Cooperative Agreements with States, Nonprofit Organizations, Universities and Commercial Firms—stated, in part, that funds would "* * * be made available for research and development projects carried out through cooperative agreements or other contractual arrangements with State agencies, nonprofit organizations, universities and commercial firms * * *" in several project areas, including "* * * outreach activities to expand the benefits of the School Breakfast Program to additional children, including the development of various techniques and methods of teaching the nutritional value of breakfast and the importance of the principles of good nutrition to health."

The March 16, 1979 **Federal Register** Notice further stated that "bids and technical proposals to perform projects under Part B of this notice in accord with specifications established by FNS will be solicited through Requests for Proposals."

This Notice serves to correct the March 16, 1979 **Federal Register** Notice as far as "* * * outreach activities to expand the benefits of the School Breakfast Program to additional children, including the development of various techniques and methods of teaching the nutritional value of breakfast and the importance of the principles of good nutrition to health * * *" are concerned. Funds to carry out breakfast outreach activities, as described above, will be provided through cash grants to State governmental agencies (including agencies that do not administer any of the Child Nutrition Programs), universities, and public and private nonprofit organizations that operate on a Statewide, multi-State or national basis. Bids and technical proposals will not be solicited through Requests for Proposals.

This Notice also announces the terms and conditions under which these grants in the total amount of approximately $230,000 will be awarded and solicits applications for these funds.

Supplementary Information

Public Law 95-627, enacted November 10, 1978, included several administrative and financial incentives for increased breakfast participation referred to as the School Breakfast Expansion Program. The enactment of a School Breakfast Expansion Program reflected the growing concern of Congress that the School Breakfast Program should be made accessible to more of our nation's school children, thus narrowing the gap between school lunch and breakfast participation. Presently approximately 94,000 schools and institutions participate in the National School Lunch Program, while only approximately 30,000 participate in the School Breakfast Program.

Senator Leahy (Vermont), a nutrition subcommittee member, expressed his concern for breakfast program expansion as follows, "Although the national School Breakfast Program was first established in 1966, and made permanent in 1972, expansion benefits have been disappointingly slow, and many children whose nutrition and educational development would benefit by participation do not have access to the program. Incentives, encouragement, exhortation, and past legislative requirements have not been effective in bringing about meaningful expansion."

Senator McGovern (South Dakota), the nutrition subcommittee chairman, stated, "It is my hope that the Agriculture Department will do everything in its power to educate local school administrators as to the benefits of a nutritional breakfast and encourage them to make use of the financial incentives contained in this bill."

These grants represent one part of FNS' efforts to address these concerns and are intended to support the expansion of the School Breakfast Program by providing for the conduct of a variety of breakfast outreach activities, including the development of various techniques and methods of teaching the nutritional value of breakfast and the importance of the principles of good nutrition to health.

FNS recognizes that a wide variety of types of outreach activities may be undertaken to successfully expand participation in the School Breakfast Program. Thus, FNS is requesting that prospective grantees carefully examine the needs and conditions in the geographic area or areas where they propose to operate and propose breakfast outreach activities specifically designed to address these needs and conditions.

At the same time FNS is interested in breakfast outreach activities that are innovative and can be used as models for future outreach activities at the national, State or local levels, such as using the communications media to inform the public about the existence of the School Breakfast Program as well as to publicize the nutritional value of breakfast and informing prospective support groups about the School Breakfast Program as well as stimulating them to work for School Breakfast Program expansion in their local communities.

The breakfast outreach activities FNS is soliciting through this announcement may be designed to increase the number of schools participating in the School Breakfast Program or to increase participation in schools which already have the School Breakfast Program, or both.

In addition, each prospective grantee's proposed series of breakfast outreach activities, i.e. their breakfast outreach campaign, must incorporate the development of techniques and methods of teaching the nutritional value of breakfast and the importance of the principles of good nutrition to health.

Prospective grantees should attempt to coordinate their proposed breakfast outreach activities with the ongoing breakfast outreach efforts of the national and Regional offices of FNS, the State educational agencies and other public and private nonprofit organizations in the geographic area or areas they are proposing to work in.

FNS is now implementing special outreach plans in conjunction with State educational agencies in 19 States—Alabama, Connecticut, Florida, Georgia, Indiana, Kentucky, Louisiana, Minnesota, Mississippi, Nebraska, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, and Washington. These outreach plans cover a variety of breakfast outreach activities that go beyond the plans of the affected State Educational agencies as reflected in their State Plans of Child Nutrition Program Operations. These plans are being jointly implemented by each of the 19 State educational agencies and the applicable FNS Regional office and will extend into Federal fiscal year 1980. In order to avoid clear cases of duplication of effort prospective grantees should contact the appropriate Regional Office for the details of these outreach plans in its State or States prior to developing its breakfast outreach campaign. Appendix A includes a list of FNS Regional offices and contact persons.

Prospective grantees may subcontract for the conduct of a portion of their proposed breakfast outreach activities. In addition to subcontracting with State governmental agencies, universities, and public and private nonprofit organizations with Statewide, multi-state or national scope, prospective grantees may also subcontract with local public and private nonprofit organizations.

Requirements

All State governmental agencies, universities and eligible public and private nonprofit organizations interested in applying for these funds are required to submit an application signed by the appropriate official not later than August 24, 1979. A copy of the application—Application for Federal Assistance (Non-Construction Programs) AD–623 may be obtained by writing or telephoning: Contracting Officer, Administrative Services Division, Food and Nutrition Service, U.S. Department of Agriculture, Room 790, Washington, D.C. 20250, 202–447–8179. Completed applications should be returned to the same address.

All parts of the application must be completed in accordance with the instructions contained in AD–623, except Part IV (Program Narrative) which is superseded by the requirement to develop and submit a project plan as described below. Each prospective grantee will be required to certify compliance with applicable provisions of the law and administrative regulations described in Form AD–623.

Project plans should be attached to the application and include:

1. A complete description of the broad outreach approach (or approaches) selected and the specific breakfast outreach activities the prospective grantee proposes to undertake to expand the School Breakfast Program.

Examples of broad outreach and approaches are: initiating and/or supporting local community efforts to expand school breakfast participation, and developing and implementing innovative public information campaigns emphasizing the need for and nutritional value of breakfast. Examples of specific breakfast outreach activities are: organizing and/or participating in community meetings on the School Breakfast Program; assisting community organizations or groups in making presentations on the merits of the School Breakfast Program to local school boards; assisting in the design, execution and/or review of local school breakfast feasibility studies; establishing and publicizing "Hotlines" for the purpose of disseminating information on the School Breakfast Program, including information on the need for and nutritional value of breakfast; organizing and conducting school breakfast training workshops for prospective school breakfast "support groups," such as, Chambers of Commerce, church affiliated groups, Community Action Agencies, Community Education Associations, Education and Teacher Associations, Girl Scouts' organizations, Head Start Parent Councils, labor unions, Leagues of Women Voters, Legal Services Corporations, NAACPs, Parent and Teacher Associations and Organizations, School Administrator's Associations, School Food Service Associations, School Food Service Directors, Title I district wide Advisory Councils and Parent Advisory Councils, Urban Leagues, Welfare Rights Organizations and WIC Program Coordinators.

2. An explanation as to why the particular outreach approach (or approaches), as described in number one, was selected.

3. A timetable delineating the chronological order the proposed breakfast outreach activities will follow as well as the approximate dates when each activity will occur.

4. An explanation of how the proposed breakfast outreach activities will include and/or incorporate the development of various techniques and methods of teaching the nutritional value of breakfast and the importance of the principles of good nutrition to health. Include a description of any innovative materials and techniques that will be developed and used in the proposed breakfast outreach activities.

5. An assessment of the need for additional breakfast outreach activities in the geographic area the prospective grantee proposes to work in. This assessment should include, at a minimum, an explanation of why the planned or ongoing breakfast outreach activities of the State educational agency, FNS (that is, the joint FNS—State educational agency outreach projects in 19 States described earlier) and other national, State and local organizations will not be sufficient to address the need for breakfast program expansion in the geographic area or areas the prospective grantee proposes to work in.

6. A description of the staffing plan for carrying out the proposed breakfast outreach activities. Include, for each individual with substantial responsibility for implementing the proposed breakfast outreach activities, the following information: name (if the person is presently employed by the prospective grantee), job title, a description of their responsibilities, an estimate of the percentage of their time they will spend on the proposed breakfast outreach activities, and a description of their relevant experience. For individuals who are not presently employed by the prospective grantee include a description of the relevant experience each prospective employee must have in order to be hired.

7. An organizational chart depicting the administrative relationship between the individuals carrying out the proposed breakfast outreach activities and the prospective grantee.

8. A description of the prospective grantee's relevant organizational experience, including:

a. A description of any successful outreach campaigns organized and conducted by the prospective grantee since January 1, 1977. Additional successful outreach campaigns may also be described if the prospective grantee feels that such descriptions are essential to FNS' understanding of the breadth of the prospective grantee's outreach experience. Each description should clearly indicate the terms on which the outreach campaign was determined to be successful.

b. A description of any current contracts or grants to conduct outreach activities, including for each grant or contract: the source of funding, the term, the amount, the geographic area served and a brief description of the specific outreach activities funded.

c. A description of any other factors or experience that demonstrate the prospective grantee's ability to carry out its proposed breakfast outreach activities.

d. If a prospective grantee does not have any experience conducting outreach campaigns, describe in detail any relevant, recent experience that demonstrates the ability of the prospective grantee to carry out its proposed breakfast outreach activities. These accounts should emphasize how the particular experience described is relevant to carrying out the proposed breakfast outreach activities.

9. A description of any subcontracting arrangements including for each subcontractor: its name and address, its staffing plan (following the guidelines set out in number 6), an organizational chart depicting the administrative relationship between the individuals carrying out the subcontractor's proposed breakfast outreach activities and the subcontractor, a description of its relevant organizational experience, and an explanation of the prospective grantee's basis for selecting the subcontractor.

10. A description of specifically what the prospective grantee intends to accomplish through the conduct of its proposed breakfast outreach activities, including:

a. An account of the impact the proposed breakfast outreach activities will have on participation in the School Breakfast Program. For example, how many additional schools will start breakfast programs and how many additional children will participate in the breakfast program as the result of the proposed breakfast outreach activities.

b. A description of any other accomplishments the prospective grantee expects from its proposed breakfast outreach activities.

Applications will be considered for funding if they meet at least one of the following three conditions:

1. The proposed breakfast outreach activities will expand ongoing outreach activities, e.g. local community organizing efforts will be expanding from 2 to 4 communities in a particular area.

2. The proposed breakfast outreach activities will support ongoing outreach activities for which present financial support will no longer be available after the beginning of the grant period. In other words, these funds may not simply be used to replace existing sources of funds for ongoing outreach activities.

3. The proposed breakfast outreach activities are completely new activities, in the geographic area or areas the prospective grantee proposes to work in, i.e. they are activities in addition to those which expand or extend ongoing outreach activities.

The term of the grant may not exceed 15 months. These grants will be administered under the provisions of OMB Circular A-102. Prospective grantees should give particular attention to the following areas in the circular:

a. Attachment A—cash depositories.

b. Attachment C—standards for grantee financial management system.

c. Attachment O—procurement standards.

Subcontracting arrangements shall be conducted pursuant to the procurement standards prescribed in Attachment O to OMB Circular A-102.

The subject grant program is listed in the Appendix I of the Catalog of Federal Domestic Assistance.

Applications received will be rated and ranked according to the evaluation criteria set out in Appendix B. The point totals for each criterion indicate the relative importance of each criterion. Announcements of grant awards will be made on or about September 28, 1979.

Office of Management and Budget approval of the "reporting burden" associated with these grants has been requested.

Carol Tucker Foreman,

Assistant Secretary.

July 13, 1979.

Appendix A

Food and Nutrition Service Regional Offices

New England Regional Office, FNS, USDA, 33 North Avenue, Burlington, Massachusetts 01803, Harold T. McLean, Administrator, (617) 272-4272. Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

Mid-Atlantic Regional Office, FNS, USDA, One Vahlsing Center, Robbinsville, New Jersey 08691, William G. Boling, Acting Administrator, (609) 259-3041. Delaware, Maryland, New Jersey, New York, Pennsylvania, Washington, D.C., Virginia, West Virginia, Puerto Rico and the Virgin Islands.

Southeast Regional Office, FNS, USDA, 1100 Spring Street, N.W., Atlanta, Georgia 30309, David B. Alspach, Administrator, (404) 881-4131. Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee.

Midwest Regional Office, FNS, USDA, 536 South Clark Street, Chicago, Illinois 60605, Monroe Woods, Administrator, (312) 353-6664. Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.

Southwest Regional Office, FNS, USDA, 110 Commerce Street, Dallas, Texas 75242, Wallace F. Warren, Administrator, (214) 749-2877. Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

Mountain Plains Regional Office, FNS, USDA, 2420 W. 26th Avenue, Suite 415-D, Denver, Colorado 80211, Billy Woods, Administrator, (303) 837-5330. Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming.

Western Regional Office, FNS, USDA, 550 Kearney Street, San Francisco, California 94108, R. Hicks Elmore, Administrator, (415) 556-4950. Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territories and Washington.

Appendix B.—Evaluation Criteria

Weighting—40

1. The probable effectiveness of the prospective grantee's proposal to achieve the project objective as demonstrated by:

a. The description of the broad outreach approach (or approaches) and the specific outreach activities the prospective grantee proposes to undertake. For example, how well does the description address the specific needs for additional breakfast outreach activities identified in the needs assessment?

b. The timetable for carrying out the proposed breakfast outreach activities.

c. The description of how the proposed breakfast outreach activities will include and/or incorporate the development of various techniques and methods of teaching the nutritional value of breakfast and the importance of the principles of good nutrition to health.

d. The prospective grantee's staffing plan, including the staffing plans of any subcontractors, for carrying out the proposed breakfast outreach activities. For example, is the prospective grantee's proposed staffing adequate for the proposed breakfast outreach activities?

Weighting—20

2. The need for additional breakfast outreach activities in the geographic area or areas the prospective grantee proposes to work in as demonstrated by the prospective grantee's needs assessment.

40–*Weighting*

3. The capability of the prospective grantee to carry out its proposed breakfast outreach activities as demonstrated by:

a. The prospective grantee's relevant organizational experience.

b. The qualifications and experience of the staff, including any subcontractor's staffs, that will be carrying out the prospective grantee's proposed breakfast outreach activities.

[FR Doc. 79-22233 Filed 7-19-79; 8:45 am]

BILLING CODE 3410-30-M

Rural Electrification Administration

Brazos Electric Power Cooperative, Inc., Waco, Tex.; Proposed Loan Guarantee

Under the authority of Public Law 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $97,504,000 to Brazos Electric Power Cooperative, Inc., of Waco, Texas. These loan funds will be used to finance a 3.8 percent undivided ownership interest in the Comanche Peak Nuclear Steam Electric Station, Units 1 and 2, and an approximate 50.7 percent undivided ownership interest in the 14.4 mile Comanche Peak to De Cordova Bend 345 kV transmission line.

Legally organized lending agencies capable of making, holding, and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. James E. Monahan, Manager, Brazos Electric Power Cooperative, Inc., P.O. Box 6296, Waco, Texas 76706.

In order to be considered, proposals must be submitted on or before August 20, 1979 to Mr. Monahan. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received as Brazos and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electricification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Information Services Division, Rural Electrification Administration, Washington, D.C. 20250.

Dated at Washington, D.C., this 11th day of July, 1979.

Robert W. Feragen,

Administrator, Rural Electrification Administration.

[FR Doc. 79-22115 Filed 7-19-79; 8:45 am]

BILLING CODE 3510-15-M

Tri-State Generation & Transmission Association, Inc., Thornton, Colo.; Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) and conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider (a) providing a guarantee supported by the full faith and credit of the United States of American for a loan in the approximate amount of $22,565,000 to Tri-State Generation and Transmission Association, Inc., of Thornton, Colorado, and (b) supplementing such a loan with an insured REA loan at 5 percent interest in the approximate amount of $2,245,000 of this cooperative. These loan funds will be used to finance a project consisting of approximately 116 miles of 115 kV transmission line, 12 miles of 230 kV transmission line and other system improvements.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. William Mickey, Manager, Tri-State Generation and Transmission Association, Inc., 12076 Grant Street, Thornton, Colorado 80241.

In order to be considered, proposals must be submitted on or before August 20, 1979 to Mr. Mickey. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Tri-State Generation and Transmission Association, Inc. and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C. this 12th day of July, 1979.

Robert W. Feragen,

Administrator, Rural Electrification Administration.

[FR Doc. 79-22114 Filed 7-19-79; 8:45 am]

BILLING CODE 3510-15-M

Soil Conservation Service

Little River Watershed Project, Iowa; Intent To Not Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the modification of Little River Watershed, Decatur County, Iowa. Little River Watershed Plan and Environmental Impact Statement were approved in December 1977.

The environmental assessment of this federally-assisted action indicates this modification will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. William J. Brune, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this modification.

The modification will increase the pool volume of Site M–1 by 2,029 acre-feet to be used as other agricultural water supply and add the Southern Iowa Rural Water Association as sponsors of the project.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, 515–284–4260. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact

appraisal is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until August 20, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 U.S.C. 1001-1008.)

Dated: July 12, 1979.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Services.

[FR Doc. 79-22409 Filed 7-19-79; 8:45 am]

BILLING CODE 3410-16-M

Fox Creek Watershed, Kentucky; Intent To Not Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for floodwater retarding structure No. 2 (FRS-2) of the Fox Creek Watershed project, Fleming County, Kentucky.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Glen Murray, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The Fox Creek project concerns a plan for watershed protection, flood prevention, and nonagricultural water management. The original plan and supplements were for construction of four floodwater retarding structures, one multiple-purpose structure that included recreation, and 7.3 miles of channel work.

The multiple-purpose structure and three floodwater retarding structures have been completed. The channel work has been deleted due to adverse environmental and economic reasons. One structure, FRS-2, remains to be completed.

FRS-2 is to be located in Brushy Fork Creek, the northwest Fork Creek. FRS-2 is primarily for floodwater protection of downstream agricultural lands. The Fox Creek project does provide some floodwater protection for a national historical site "Ringo's Mill Covered Bridge," located downstream from all the structures.

FRS-2 earthen dam will be 41 feet high and will impound 136 acres of land as sediment and floodwater pool area. The dam and spillway will ocupy about 12 acres.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Glen E. Murray, State Conservationist, Soil Conservation Service, Lexington, Kentucky 40504, telephone 606-233-2749. An environmental impact appraisal has been prepared and sent to various Federal, State, local agencies, and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until August 20, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904 Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 U.S.C. 1001-1008).

Dated: July 12, 1979.

Joseph W. Haas,

Assistant Administrator for Water Resource, Soil Conservation Service.

[FR Doc. 79-22410 Filed 7-19-79; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Notice is hereby given that, during the week ended July 13, 1979 CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other than restriction removals) are due 28 days after the filing of the application. Answers to conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

Subpart Q Applications

Date filed	Docket No.	Description
July 9, 1979	36077	Texas International Airlines, Inc., Box 12788, Houston, Texas 77017. Application of Texas International Airlines, Inc. for amendment of its certificate of public convenience and necessity for route 82 so as to include one new segment as follows: Between the terminal point Amarillo, Texas, and the terminal point Albuquerque, New Mexico. By removing the one-stop restriction in the Amarillo-Albuquerque market. Answers due July 23, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22538 Filed 7-19-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket 33363]

Former Large Irregular Air Service Investigation; Continuance and Cancellation of Hearings

1. The hearing heretofore set on the application of Sundance International is continued to 30 August at the same place and time.

2. The hearing heretofore set on the application of International Travel Arrangers is continued to 29 November 1979.

3. The hearing on the application of World Air Leasing is cancelled.

Dated at Washington, D.C., 16 July 1979.

Rudolf Sobernheim,

Administrative Law Judge.

[FR Doc. 79-22539 Filed 7-19-79; 8:45 am]

BILLING CODE 6320-01-M

Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (Order 79-7-73).

SUMMARY: The Board is proposing to grant the applications of Air California (Docket 35882), Delta (Docket 35504), Republic Airlines (Docket 35505), Pacific Southwest Airlines (Docket 33562) and United Air Lines (Docket 35497) and any other applicants whose fitness can be established by officially noticeable data as well, to the extent they request nonstop authority to serve the Salt Lake City-Colorado Springs, Fresno, Stockton, Las Vegas and Oakland markets.

DATES: All interested persons having objections to the Board issuing and order making final the tentative findings and conclusions shall file by August 17, 1979, a statement of objections together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings shall be served upon all parties listed below.

ADDRESSES: Objections to issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 36121, which we have entitled the *Salt Lake City Show-Cause Proceeding, Phase 2.*

In addition, copies of such filings should be served on American Airlines, Braniff Airways, Continental Air Lines, Delta Air Lines, Hughes Airwest, Frontier Airlines, National Airlines, Republic Airlines, Pacific Southwest Airlines, Texas International Airlines, Trans World Airlines, United Air Lines, Western Air Lines, Air California, Air Pacific, Sky West Aviation, Executive Director, Dallas/Fort Worth Regional Airport, Mayors of Dallas and Fort Worth, Texas, Mayors of Fresno and Stockton, California, Manager, Fresno Air Terminal, Manager, Stockton Metropolitan Airport, Mayor of San Antonio, Texas, Manager, San Antonio International Airport, Mayor of Las Vegas, Nevada, Manager, Las Vegas McCarran Field, Mayor of Salt Lake City, Utah, Manager, Salt Lake City International Airport, Mayor of Oakland, California, Manager, Oakland International Airport, Rocky Moutain Airways, Mayor of Colorado Springs, Colorado, and Manager, Colorado Springs Peterson Airport.

FOR FURTHER INFORMATION CONTACT: Joseph Bolognesi, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5057.

SUPPLEMENTARY INFORMATION: The complete text of Order 79-7-73 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-7-73 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 12, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22537 Filed 7-19-79; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Minnesota 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 factfinding meeting of the Minnesota Advisory Committee (SAC) of the Commission will convene at 8:30 am and will end at 9:00 pm on September 20, 1979 and will convene at 8:30 am and will end at 5:00 pm on September 21, 1979, at the Hennepin County Government Center, 300 South 6 Street, Minneapolis, Minnesota 55487.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is for an open meeting on police/community relations in Minneapolis, Minnesota.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 16, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-22532 Filed 7-19-79; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

National Bureau of Standards

Fortran; Proposed Federal Information Processing Standards

Under the provisions of Public Law 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce is authorized to establish uniform Federal ADP Standards. A proposed Federal Information Processing Standards—FORTRAN is being proposed for Federal use. It is based on the Federal adoption of the voluntary industry standard developed by the American National Standards Institute. With this standard, there is now a family of Federal Standard Languages including FORTRAN, BASIC, and COBOL.

Prior to the submission of a final endorsement of this proposal to the Secretary of Commerce for review and approval, it is essential to assure that consideration is given to the views of manufacturers, the public and state and local governments. The purpose of this notice is to solicit such views.

The proposed Federal Information Processing Standard contains two portions: (1) An announcement portion which provides information concerning the applicability, implementation, and maintenance of the standard, is provided in its entirety in this notice; and (2) a specification portion which deals with the technical requirements of the standard, American National Standard FORTRAN, X3.9-1978.

Interested parties may obtain a copy of the technical specifications from the American National Standards Institute, 1430 Broadway, New York, New York 10018. Comments are invited and may be submitted in writing to the Office of ADP Standards Administration, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. To be considered, comments on this proposed standard must be received on or before September 18, 1979.

Written comments received in response to this notice plus written comments obtained from Federal departments and independent agencies will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, Constitution Avenue and E Street, NW., Washington, D.C. 20230.

Dated: July 16, 1979.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication; 1979; Announcing the Standard for FORTRAN

Federal Information Processing Standards Publications (FIPS PUB) are issued by the National Bureau of Standards pursuant to the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations (CFR).

1. Name of Standard. FORTRAN. (FIPS PUB).

2. Category of Standard. Software Standard, Programming Language.

3. Explanation. This publication announces the adoption of American National Standard FORTRAN, X3.9–1978, as a Federal Standard. The American National Standard FORTRAN, X3.9–1978, specifies the form and establishes the interpretation of programs expressed in the FORTRAN Programming Language. The standard consists of a full language, FORTRAN, and a subset language, Subset FORTRAN. The purpose of the standard is to promote portability of FORTRAN programs for use on a variety of data processing systems. The standard is used by implementors as the reference authority in developing compilers, interpreters, or other forms of high level language processors and by users for writing programs in FORTRAN. This Federal Standard specifies the features that must be supported by a language processor designated as FORTRAN.

4. Approving Authority. Secretary of Commerce.

5. Maintenance Agency. Department of Commerce, National Bureau of Standards. (Institute for Computer Sciences and Technology).

6. Cross Index. American National Standard X3.9–1978, FORTRAN.

7. Related Document. Federal Property Management Regulation 101–36.1305—Implementation of Federal Information Processing and Federal Telecommunications Standards into Solicitation Documents. Software Standards.

8. Objectives. The basic objectives in applying Federal standard programming languages are: (1) to achieve the advantages that are inherent in the use of higher level languages, e.g., the simplification of program development and the production of more easily maintainable source code, and (2) to minimize data processing costs by making it easier and less expensive to transfer programs among different computer systems, including replacement systems.

Government-wide attainment of the above objectives, depends upon the widespread availability and use of comprehensive and precise language specifications. Further, the availability of standard languages provides substantially better economy and efficiency in computer utilization. Federal Standard FORTRAN is for use by all Federal agencies for programming applications, particularly scientific or numeric computations, and for use by those who develop or acquire FORTRAN programs for government use.

9. Applicability.

a. Federal Standard FORTRAN is hereby designated as one of the high level programing languages, standardized and approved for Government-wide use. The use of high level programming languages shall be limited to those which have been standardized and approved.

b. Every Federal department that establishes a requirement for FORTRAN must use Federal Standard FORTRAN as the basis for specification.

c. Every Federal department and agency shall establish specific criteria and procedures for the adoption and use of Federal Standard FORTRAN.

d. Every Federal department and agency should recognize that Federal Standard FORTRAN is a general-purpose computer programming language that is suited for:

Solving numeric, scientific, or engineering problems;

Efficient computation on a wide range of computing equipment of varying power and structure;

Programs that are to be interchanged among processors.

e. Exceptions to the applicability of Federal Standard FORTRAN may be obtained through the waiver process, as described below in (12).

10. Specifications. Federal Standard FORTRAN specifications are the language specifications contained in American National Standard FORTRAN, X3.9–1978. The FORTRAN standard describes two levels of the FORTRAN language. FORTRAN refers to the full language and Subset FORTRAN refers to the subset of the full language.

The ANS FORTRAN document specifies the form of a program written in the FORTRAN language, semantic rules for program and data interpretation, and formats of data for input and output.

The ANS FORTRAN document does not specify limits on the size or complexity of programs, the range or precision of numeric quantities or the method of rounding of numeric results, the results when the rules of the standard fail to establish an interpretation, the minimum automatic data processing requirements, the means of supervisory control of programs, or the means of transforming programs internally for processing.

Additional requirements for Federal Standard FORTRAN are defined in paragraph 11.

11. Implementation. The implementation of Federal Standard FORTRAN involves four areas of consideration: acquisition of FORTRAN processors, conformance to this standard, interpretation of FORTRAN, and use of FORTRAN.

11.1 Acquisition of FORTRAN processors. The provisions of this publication are effective (the date of approval of this document). All FORTRAN implementations specified for Federal use after this date must implement Federal Standard FORTRAN. The requirements set forth in this paragraph are applicable to FORTRAN processors developed in-house, acquired as part of an ADP system procurement, or acquired by separate procurement or used under an ADP leasing arrangement.

A transition period will provide time for industry to produce FORTRAN processors conforming to the standard. The transition period will begin (the date of approval) and will continue for eighteen (18) months thereafter. The policies for the acquisition of FORTRAN processors during the transition period are:

a. The provisions of this FIPS PUB will not apply to FORTRAN language processors and computing services ordered before the effective date.

b. The provisions of this FIPS PUB will apply to orders placed after the effective date; however, a FORTRAN language processor not conforming to this FIPS PUB may be acquired for use during the transition period. The Standard language processor must be delivered by the end of the transition period (eighteen (18) months from the date of approval of this document).

11.2 Conformance to Federal Standard FORTRAN. An implementation that conforms to Federal Standard FORTRAN must satisfy at least the following requirements: (1) The implementation must include all of the language elements of one of the two levels of American National Standard FORTRAN, X3.9–1978. (2) The implementation must satisfy all of the requirements defined in American National Standard FORTRAN, X3.9–1978, section 1.4 and section 1.4.1 as relevant, on the conformance of an implementation to American National Standard FORTRAN. (3) The implementation must provide a facility that allows a FORTRAN source program to be analyzed with respect to Federal Standard FORTRAN. Any statement appearing in the source program that does not conform syntactically to the specifications of Federal Standard FORTRAN shall be explicitly identified. Strict adherence to the standard will enable the Federal government to gain the benefits in portability and maintainability of computer programs.

11.3 Interpretation of Federal Standard FORTRAN. NBS will provide for the resolution of questions regarding Federal Standard FORTRAN specifications, and will issue official interpretations of the specifications and requirements. All questions arising about the interpretation of Federal Standard FORTRAN should be addressed to:

Office of ADP Standards Administration, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234.

11.4 Use of FORTRAN. Federal Standard FORTRAN must be used as determined according to paragraph 9, Applicability. Programs, whether developed internally or on contract (including purchased or leased) should be limited to the elements of Federal Standard FORTRAN. It should be recognized that the use of non-standard language elements may compromise interchange of programs and complicate future conversion to a replacement system or processor.

12. Waiver Process. Heads of agencies may request that the requirements for the

acquisition of FORTRAN processors or the applicability of the standardized and approved high level programming languages be waived. Waivers may be requested where it can be clearly demonstrated that waiving specific requirements would be in the best interests of the Federal government and that appreciable performance or cost advantages are to be gained. Such waiver request will be reviewed by and are subject to the approval of the Secretary of Commerce. The waiver request must address the criteria stated above, as the justification for the waiver.

Forty five days should be allowed for review and response by the Secretary of Commerce. Waiver requests shall be submitted to the Secretary of Commerce, Washington, D.C. 20230, and labeled as a Request for a Waiver to a Federal Information Processing Standard. No action will be taken by the agency to deviate from the standard prior to the receipt of a waiver approval from the Secretary of Commerce. No agency shall begin any process of implementation or acquisition of a non-conforming FORTRAN processor nor shall it make use of any non-standard language unless it has already obtained such approval.

13. Where to Obtain Copies of the Specifications of the Standard. Copies of this publication are available for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161. (Sale of the included specifications document is by arrangement with the American National Standards Institute). When ordering, refer to Federal Information Processing Standards Publication —— (NBS–FIPS–PUB– ——), and title. Payment may be made by check, money order, or deposit account. Information concerning current prices and other related standards may be obtained from the NBS Office of ADP Standards Administration, Washington, D.C. 20234.

[FR Doc. 79–20421 Filed 7–19–79; 8:45 am]

BILLING CODE 3510–13–M

Minimal Basic; Proposed Federal Information Processing Standard

Under the provisions of Public Law 89–306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce is authorized to establish uniform Federal ADP Standards. A proposed Federal Information Processing Standard—Minimal BASIC is being proposed for Federal use. It is based on the Federal adoption of the voluntary industry standard developed by the American National Standards Institute. With this standard there is now a family of Federal Standard Languages, including Minimal BASIC, FORTRAN, and COBOL.

Prior to the submission of a final endorsement of this proposal to the Secretary of Commerce for review and approval, it is essential to assure that consideration is given to the views of manufacturers, the public and state and local governments. The purpose of this notice is to solicit such views.

The proposed Federal Information processing Standard contains two portions: (1) An announcement portion, which provides information concerning the applicability, implementation, and maintenance of the standard, is provided in its entirety in this notice; and (2) a specification portion which deals with the technical requirements of the standard, American National Standard for Minimal BASIC, X3.60–1978.

Interested parties may obtain a copy of the technical specifications from the American National Standards Institute, 1430 Broadway, New York, New York 10018. Comments are invited and may be submitted in writing to the Office of ADP Standards Administration, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. To be considered, comments on this proposed standard must be received on or before September 18, 1979.

Written comments received in response to this notice plus writen comments obtained from Federal departments and independent agencies will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, Constitution Avenue and E Street, NW., Washington, D.C. 20230.

Dated: July 17, 1979.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication—1979

Announcing the Standard for Minimal BASIC

Federal Information Processing Standards Publications (FIPS PUBs) are issued by the National Bureau of Standards pursuant to the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations (CFR).

1. Name of Standard. Minimal BASIC. (FIPS PUB).

2. Category of Standard. Software Standard, programming Language.

3. Explanation. This publication announces the adoption of American National Standard for Minimal BASIC X3.60–1978, as a Federal Standard. The American National Standard defines the syntax of the Minimal BASIC Programming Language and the semantics for its interpretation. The standard is used by implementors as the reference authority in developing compilers, interpreters, or other forms of high level language processors and by users for writing programs in Minimal BASIC. This Federal Standard specifies the set of features that must be supported by a language processor designated as BASIC.

4. Approving authority. Secretary of Commerce.

5. Maintenance Agency. Department of Commerce, National Bureau of Standards, (Institute for Computer Sciences and Technology).

6. Cross Index. American National Standard X3.60–1978, Minimal BASIC.

7. Related Document. Federal Property Management Regulation 101–36.1305– . Impementation of Federal Information processing and Federal Telecommunications Standards into Solicitation Documents, Software Standards.

8. Objectives. The Federal standardization of BASIC has two objectives: (1) to improve the programming productivity of BASIC users (many of whom are not professional programmers as such) by making it sufficient to learn only one set of rules in order to program successfully on different computer systems, and (2) to reduce software costs by making it easier to transfer programs written in BASIC among different computer systems, including replacement systems. The first objective is especially important in view of BASIC's traditional role as a language whose use should incur only a small investment of learning time.

The availability and widespread use of comprehensive and precise specifications which define a language directly support the attainment of these objectives and so contribute to the overall goal of economy and efficiency in Federal computer utilization.

9. Applicability.

a. Federal Standard Minimal BASIC is hereby designated as one of the high level programming languages standardized and approved for government-wide use. The use of high level programming languages shall be limited to those which have been standardized and approved.

b. Every Federal department that establishes a requirement for BASIC must use Federal Standard Minimal BASIC as the basis for specification.

c. Every Federal department and agency shall establish specific guidelines for the implementation and use of this standard.

d. Every Federal department and agency should recognize that Federal Standard Minimal BASIC is a general-purpose computer programming language that is suited for:

Fast creation of computer programs to solve small nonrecurring problems, particularly on computers providing time-shared or interactive service;

Nonprofessional as well as professional programmers, when ease of learning and casual use are most important.

e. Exceptions to the applicability of Federal Standard Minimal BASIC may be obtained through the waiver process, as described in (12).

10. Specifications. Federal Standard Minimal BASIC specifications are the language specifications contained in American National Standard for Minimal BASIC, X3.60–1978.

This ANSI document specifies program syntax, formats of data for input and output,

minimal precision and range of numeric representations for input and output, semantic rules for program interpretation, and errors and exceptional circumstances that must be detected by a standard-conforming BASIC language processor. The document does not specify limits on the size of programs, minimum automatic data processing requirements, means of supervisory control of programs, or the means of transforming programs internally for processing. Although Minimal BASIC is primarily and interactive language, this standard does not restrict implementations to the interactive mode.

11. Implementation. The implementation of Federal Standard Minimal BASIC involves four areas of consideration: acquisition of Minimal BASIC processors, conformance to this standard, interpretation of Minimal BASIC, and use of Minimal BASIC.

11.1 Acquisition of Minimal BASIC processors. The provisions of this publications are effective (the date of approval of this document). All BASIC processors specified for Federal use after this date must conform to Federal Standard Minimal BASIC. The requirements set forth in this paragraph are applicable to processors developed internally, acquired as part of an ADP system procurement, acquired by separate procurement, or used under an ADP leasing arrangement.

A transition period will provide time for industry to produce BASIC processors conforming to the standard. The transition period will begin on the effective date and will continue for eighteen (18) months thereafter. The policies for the acquisition of BASIC processors during the transition period are:

a. The provisions of this FIPS PUB will not apply to orders for BASIC language processors or computing services which are placed before the effective date.

b. The provisions of this FIPS PUB will apply to orders placed on or after the effective date; however, a BASIC language processor not conforming to this FIPS PUB may be acquired for interim use during the transition period. The standard-conforming processor must be delivered by the end of the transition period (eighteen (18) months from the approval date).

11.2 Conformance to Federal Standard Minimal BASIC. A BASIC processor or BASIC software that conforms to Federal Standard Minimal BASIC must satisfy all of the requirements defined in American National Standard for Minimal BASIC, X3.60–1978. The term "BASIC software" includes any program maintained by the Government in BASIC source form. Special notice should be taken of section 1.4 of that document, which deals with conformance rules for programs and processors.

The current ANSI Standard for Minimal BASIC contain certain sections which might raise questions of interpretation. The following list of modifications to the ANSI Standard specifies the interpretation of these sections:

a. Section 2.6 second paragraph. Add this sentence to the end of the paragraph: "If a specified procedure is given, and if there are no restrictions imposed by the hardware or operating environment which make its impossible to follow the given procedures, then the specified procedure must be followed."

b. Section 2.6, third paragraph. Replace the third paragraph with the following: "When two or more exceptions occur during execution of a single statement, this standard does not specify the order in which these exceptions must be detected or processed. An exception may be detected, reported and processed prior to execution of the program, but if it is not, it must be detected, reported and processed when it is encountered in the course of execution."

c. Section 5.4, second paragraph. Change the sentence beginning with "Numeric constants" to the following: "Numeric constants can also have an arbitary number of digits in the exrad, although constants whose magnitude exceeds the upper bound of an implementation-defined range will be treated as exceptions."

11.3 Interpretation of Federal Standard Minimal BASIC. NBS will provide for the resolution of any questions regarding specifications and requirements of Federal Standard Minimal BASIC and will issue official interpretations as required. All questions arisng about the interpretation of Federal Standard Minimal BASIC should be addressed to: Office of ADP Standards Administration, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234.

11.4 Use of Minimal BASIC. Federal Standard Minimal BASIC should be used as determined according to paragraph 9, Applicability. BASIC source programs used by the Government, whether developed internally or on contract (including purchased or leased), should be limited to the elements of Federal Standard Minimal BASIC. Non-standard language features should be used only when the needed operation or function cannot reasonably be implemented with the standard features alone. It should be recognized that the use of non-standard language elements may make interchange of programs and future conversion to a replacement system or processor more difficult and costly.

12 Waiver process. Heads of agencies may request that any of the requirements for the acquistion of BASIC processors or for the applicability of standardized and approved high level programming languages be waived in instances where it can be clearly demonstrated that there are appreciable performance or cost advantages to be gained and that the overall interests of the Federal Government are best served by granting the requested waiver. Such waiver requests will be reviewed by and are subject to the approval of the Secretary of Commerce. The waiver request must address the criteria stated above as the justification for the waiver.

Forty-five days should be allowed for the review and response by the Secretary of Commerce. Waiver requests shall be submitted to the Secretary of Commerce, Washington, D.C. 20230, and labeled as a Request for a Waiver to a Federal Information Processing Standard. No agency shall take any action to deviate from the standard prior to the receipt of a waiver approval from the Secretary of Commerce. No agency shall begin any process of implementation or acquisition of a non-conforming BASIC processor nor shall it make use of any non-standard language unless it has already obtained such approval.

13. Where to Obtain Copies of the specifications of the Standard. Copies of this publication are available for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161. (Sale of the included specifications document is by arrangement with the American National Standards Institute). When ordering, refer to Federal Information Processing Standards Publication ——— (NBS–FIPS–PUB ——), and title. Payment may be made by check, money order, or deposit account. Information concerning current prices and other related standards may be obtained from the NBS Office of ADP Standards Administration. Washington, D.C. 20234.

[FR Doc. 79–22342 Filed 7–19–79; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

Northern Anchovy Fishery; Optimum Yield and Quotas

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Notice of Optimum Yield and Harvest Quotas for 1979–80 Season.

SUMMARY: This notice revises the limits on harvest of northern anchovy (*Engraulis mordax*) in the U.S. fishery conservation zone (FCZ) for the 1979–80 fishing season pursuant to the fishery management plan (FMP) for the northern anchovy. The limits on total harvest and on harvests by different sectors of the fishery have been determined in accordance with the formulas in the FMP.

EFFECTIVE DATE: August 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald V. Howard, Regional Director, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213–548–2575.

SUPPLEMENTARY INFORMATION: The Regional Director has determined that the spawning biomass of northern anchovy (central subpopulation) is estimated to be 1,723,000 short tons. Applying the formulas in the FMP for the northern anchovy to calculate optimum yield (OY), harvest quotas, expected processing levels for various sectors of the domestic anchovy fishery, and total allowable level of foreign fishing (TALFF), the National Marine Fisheries

Service has determined for the 1979–80 fishing season that:

1. OY will be 168,700 short tons;

2. The portion of the OY reserved for non-reduction fisheries is 12,600 short tons; however non-reduction fishing may exceed 12,600 short tons provided the OY harvest is not achieved;

3. The total limit on harvest for reduction purposes is 156,100 short tons; of this total, 10,000 short tons are reserved for fishing north, and 146,100 short tons are reserved for fishing south, of Pt. Buchon, California;

4. The extent to which U.S. vessels are capable of harvesting and will harvest anchovies is estimated to be 168,700 short tons, including 8,500 short tons for live bait which is not processed;

5. The extent to which U.S. firms are capable of and intend to process anchovies is 160,200 short tons; and

6. The TALFF for the anchovy fishery is zero (0). This announcement is made to provide an opportunity for respective sectors of the fishery to plan their activities during 1979–80 season, which begins August 1, 1979.

Note.—The Assistant Administrator for Fisheries has determined that these regulations are not significant under Executive Order 12044. An environmental impact statement for the northern anchovy FMP is on file with the Environmental Protection Agency.

(16 U.S.C. 1801 *et seq.*)

Signed in Washington, D.C., this the 16th day of July, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-22439 Filed 7-19-79; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Commerce Technical Advisory Board; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976) notice is hereby given that the Commerce Technical Advisory Board will hold a meeting on Tuesday, July 31, 1979 from 9:00 A.M. until 5:00 P.M. and on Wednesday, August 1, 1979 from 9:00 A.M. until 12 o'clock Noon at the National Academy of Sciences Summer Studies Center, Woods Hole, Massachusetts.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community.

Tentative agenda items include:

1. Development of Human Resources for Technological Innovation.
2. Report on CTAB Study of Scientific and Technical Information Policies.
3. Domestic Policy Review of Industrial Innovation.
4. Development of a U.S. Industrial Policy.
5. Report on Cooperative Technology Industrial Workshops.

The meeting will be open to public observation. The public may submit written statements or inquiries to the Chairman before or after the meeting. A limited number of seats will be available to the public and to the press on a first-come, first served basis.

Copies of minutes and materials distributed will be made available for reproduction following certification by the Chairman, in accordance with the Federal Advisory Committee Act, in Room 3867, U.S. Department of Commerce, Washington, D.C. 20230.

Further information may be obtained from Mrs. Florence S. Feinberg, Admininstrator, Room 3867, U.S. Department of Commerce, Washington, D.C. 20230. Telephone (202) 377–5065.

Dated: July 9, 1979.

Jordan J. Baruch,

Assistant Secretary for Science and Technology.

[FR Doc. 79-22411 7-19-79; 8:45 am]

BILLING CODE 3510-17-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1979; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1979 commodities to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: July 20, 1979.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On December 29, 1978 and March 16, 1979 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (43 FR 60987 and 44 FR 16030) of proposed additions to Procurement List 1979, November 15, 1978 (43 FR 53151).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities are hereby added to Procurement List 1979:

Class 7105

Picture Frame, Wooden
- 7105–00–465–6199
- 7105–00–149–1277
- 7105–00–297–3398
- 7105–00–903–1842
- 7105–00–903–1843
- 7105–00–149–1282
- 7105–00–149–1281
- 7105–00–641–4385
- 7105–00–986–7356
- 7105–00–297–3397
- 7105–00–052–8696
- 7105–00–149–1276

Class 7210

Mattress, Innerspring (Felted Cotton Padding) with Vinyl/Nylon Laminated Ticking 36" × 75"

(Requirements for the Veterans Administration only)

The above for all requirements which are not furnished by Federal Prison Industries.

C. W. Fletcher,

Executive Director.

[FR Doc. 79-22467 filed 7-19-79; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1979; 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 1979 commodities to be produced by and service to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: August 22, 1979.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 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 service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and service to Procurement

List 1979, November 15, 1978 (43 FR 53151):

No NSN

Plastic ID Marker
Postal Service Item No. 01036
Postal Service Item No. 01036A
Postal Service Item No. 01036B
Postal Service Item No. 01036C
Postal Service Item No. 01036D
Postal Service Item No. 01036E
Postal Service Item No. 01036F

Class 5140

Tool Box
5140-00-289-8910
5140-00-289-8911

Class 5440

Stepladder, Wood
5440-00-171-9836
5440-00-227-1593
5440-00-227-1595
5440-00-531-2589
5440-00-227-1592
5440-00-227-1594
5440-00-227-1596

Sic 7331

Mailing Service
U.S. Postal Service
Western Region
850 Cherry Avenue
San Bruno, California

C. W. Fletcher,

Executive Director.

[FR Doc. 79-22468 Filed 7-19-79; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Community College of the Air Force (CCAF) Advisory Committee; Meeting

July 16, 1979.

The Community College of the Air Force Advisory Committee will hold a meeting on August 10, 1979 at 8:30 a.m. in the Conference Room, Number 121, Building 836, located at Maxwell Air Force Base, Montgomery, Alabama.

The meeting is open to the public.

Agenda items include: State of the College, Catalog, Public Relations Activities, Accreditation Efforts, In-Service Training.

For further information contact Lt. Col. Thomas C. Padgett, 205-293-7937, Community College of the Air Force, Maxwell AFB, Alabama 36112.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 79-22425 Filed 7-19-79; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting.

July 11, 1979.

The USAF Scientific Advisory Board Ad Hoc Committee on Herbicide Orange Study Design will meet on August 6 and 7, 1979 in the Pentagon from 8:30 a.m. to 5:00 p.m. each day.

The Committee will meet to review and study the scientific and technical aspects of the proposed Herbicide Orange Study Design. The meeting will be closed to the public in accordance with Section 552b(c), Title 5, United States Code, specifically subparagraph (2).

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8404.

Carol M. Rose,

Air Force Federal Register Liaison Officer

[FR Doc. 22424 Filed 7-19-79; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Subsidization of Motor Fuel Marketing: Hearings Related to Title III of the Petroleum Marketing Practices Act

AGENCY: Office of Competition, Department of Energy.

ACTION: Notice of Public Hearings and Opportunity for Written Comments.

SUMMARY: The Office of Competition of the Department of Energy gives notice of a public hearing and opportunity for submission of written comments concerning the study required by Title III of the Petroleum Marketing Practices Act (Public Law 95-297). An outline of this study was published in the **Federal Register** January 17, 1979. The outline indicated that a series of regional hearings would be held across the nation. The general purpose of these hearings is to present interested parties with an opportunity to express their views regarding subsidization of motor fuel marketing in their specific market area. A hearing was held in Los Angeles on July 17, 1979. The purpose of this notice is to announce that public hearings will be held in Fort Wayne, Indiana; Atlanta, Georgia; Houston, Texas; and Boston, Massachusetts. Additional hearings may be scheduled in other sites later this year.

DATES: (1) Fort Wayne, Indiana: (1) Requests to speak on or before August 6th at 4:30 p.m. Oral statements due on August 21st at 8:00 a.m. Hearings on August 21st at 9:30 a.m.

(2) Atlanta, Georgia: Requests to speak on or before August 6th at 4:30 p.m. Oral statements due on August 28th at 8:00 a.m. Hearings on August 28th at 9:30 a.m.

(3) Houston, Texas: Requests to speak on or before September 10th at 4:30 p.m. Oral statements due on September 18th at 8:00 a.m. Hearings on September 18th at 9:30 a.m.

(4) Boston, Massachusetts: Requests to speak on or before September 10th at 4:30 p.m. Oral statements due on September 25th at 8:00 a.m. Hearings on September 25th at 9:30 a.m.

ADDRESSES: (1) Fort Wayne, Indiana—Send request to speak to: Department of Energy: Region V; 175 West Jackson Boulevard; Attention Lou Brownlee; Chicago, Illinois 60604. Hearing Location: Ramada Inn, 1212 Magnavox Way, Fort Wayne, Indiana.

(2) Atlanta, Georgia—Send request to speak to: Department of Energy; Region IV; 1655 Peachtree Street; Attention Betty Camp; Atlanta, Georgia 30309. Hearing Location: Atlanta Civic Center, Room 201, 395 Piedmont N.E., Atlanta, Georgia.

(3) Houston, Texas—Send request to speak to: Department of Energy; Region VI; 2626 West Mockingbird Lane; P.O. Box 352228; Attention Mac L. Lacefield; Dallas, Texas 75235. Hearing Location: Federal Building and Courthouse, Courtroom 7006, 515 Rusk Avenue, Houston, Texas.

(4) Boston, Massachusetts—Send request to speak to: Department of Energy; Region I; 150 Causeway Street, Room 700; Attention Kathy Healy, Boston, Massachusetts 02114. Hearing Location: J.W. McCormack Post Office and Courthouse Building, Room 208, Post Office Square, Boston, Massachusetts.

WRITTEN COMMENTS: Anyone may submit written comments concerning the Title III Study. Send written comments to: Office of Public Hearing Management, Department of Energy, Room 2313, Box XH, 2000 M Street, N.W., Washington, D.C. 20461. Written comments should be submitted on or before October 5th.

FOR FURTHER INFORMATION CONTACT:

James Delaney, Robert Fenili, Office of Competition, Department of Energy, 12th & Pennsylvania Avenue, N.W., Room 4115, Washington, D.C. 20461, 202-633-9191.

Robert C. Gillette, Hearing Procedures, Department of Energy, 2000 M Street, N.W., Room 2214B, Washington, D.C. 20461, 202-254-5201.

SUPPLEMENTARY INFORMATION:

I. Background
II. Specific Comments Requested
III. Public Hearing and Comment Procedures
A. Written Comments
B. Public Hearing

I. Background

On January 17, 1979, in the **Federal Register**, the Office of Competition indicated that it would adopt a regional approach to the Title III Study on subsidization in the marketing of motor fuel. A multifaceted plan was outlined in that notice. The plan included a retail outlet survey of five selected areas, a refiner and wholesaler survey, a functional profitability survey of major refiners and a subpoena of internal planning and marketing documents of nine companies. Since January 1979, staff members of the Office of Competition have met with various participants in the five regional markets. In addition, a regional hearing was held in Los Angeles on July 17, 1979.

As part of its effort to afford interested parties an opportunity to present written and oral data, views, and arguments concerning the study, the Office of Competition will conduct a series of regional hearings. These hearings will supplement the statistical analysis mentioned above. In addition to these hearings, five other hearings will likely be scheduled throughout the year.

In the event that an insufficient number of speakers are scheduled for each hearing, some hearings may be consolidated.

II. Specific Comments Requested

The Office of Competition is interested in receiving comments on the interrelated issues of subsidization of motor fuel sales, profitability of marketing at wholesale and retail, and the competitive viability of various groups in regional markets. In particular, we would like to receive comments on the following matters:

(1) The extent of subsidization in the area, including documentation, if possible.

(2) The effect of subsidization on competition in the area;

(3) The role of refiner-and wholesaler-operations at retail and the impact of DOE regulations, or other important institutional factors, on competition in the area; and

(4) Proposed remedies, if any, for insuring the long-term consumer interests as related to motor fuel marketing.

III. Public Hearing and Comment Procedures

A. Written Comments

You are invited to submit written views, data, or arguments with respect to the areas listed above. Comments should be submitted to the address indicated in the WRITTEN COMMENTS section of this notice and should be identified on the outside envelope with the designation "Title III Study". Fifteen copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room 2107, Federal Building, 12th & Pennsylvania Avenue, NW., between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday.

Identify separately any information or data you consider to be confidential and submit it in writing, one copy only. The DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. Public Hearing

1. Request Procedure: The time and place of the public hearing are indicated in the DATES and ADDRESSES sections of this notice. If necessary to present all testimony, the hearing will be continued to 9:30 a.m. of the day following the date of the hearing. You may make an oral presentation at the hearing. Since it may be necessary to limit the number of persons making such presentations, you should be prepared to describe your interest in this proceeding, if appropriate, why you are a proper representative of a group or class of persons that has such an interest, and to give a concise summary of your proposed oral presentation.

The DOE will notify each person selected to be heard for the Fort Wayne and Atlanta hearings before 4:30 p.m. on August 8th. For the Houston and Boston hearings, notification of selection will be made before 4:30 p.m. on September 13th. Persons selected to be heard should bring 25 copies of their statement to the hearing location on the date of the hearing.

2. Conduct of the Hearing: The Office of Competition reserves the rights to select the persons to be heard at this hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearing. Representatives of the Federal Trade Commission and the Attorney General have been invited to be members of the hearing panel. This will not be a judicial or evidentiary type hearing. Only those conducting the hearing may ask questions, and there will be no cross-examination of persons presenting statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit quesions to be asked of any person making a statement at the hearing to the address indicated above for requests to speak before 4:30 p.m. on July 13th. You may also submit any questions in writing, to the presiding officer at the time of the hearing. The Office of Competition or, if the question is submitted at the hearing, the presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made, and the DOE will retain the entire record of the hearings, including the transcript, which will be made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th & Pennsylvania Avenue, N.W., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday. You may purchase a copy of the transcript from the reporter.

In the event that it becomes necessary for the DOE to cancel the hearing, every effort will be made to publish advance notice in the **Federal Register** of such cancellation. Moreover, DOE will notify all persons scheduled to testify at the hearing. However, it is not possible for DOE to give actual notice of cancellations or changes to persons not identified to DOE as a participant. Accordingly, if you wish to attend the hearing, you should contact the DOE on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

Issued in Washington, D.C., *July 16, 1979.*

Alvin L. Alm,

Assistant Secretary, Policy and Evaluation.

[FR Doc. 79-22528 Filed 7-19-79; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Receipt of Petitions for Temporary Public Interest Exemptions for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978 and Proposed Order Granting the Petitions for Temporary Exemptions.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Petitions and Proposed Orders.

SUMMARY: A number of petitions have been received and filed with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for temporary public interest exemptions for the use of natural gas as a primary energy source. Such exemptions are authorized by Section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq. November 9, 1978 (FUA or the Act). The owners/operators of the powerplants have provided the following information.

Petitioner's name/generating station	Unit identification	Maximum quantity of oil displaced [1]	Type of oil displaced	Maximum quantity of coal displaced (tons)
Central Power & Light Company (La Palma)	GT-1	65	Distillate	0
Illinois Power Company (Wood River)	#1	250	Distillate	0
	#2			
	#3			
Union Electric Company (Venice)	#1	1,040	Distillate	0
	#2			
	#3			
	#4			
	#5			
	#6			
City of Minden (Municipal Plant)	#1	50	Distillate	0
	#2			
City of Worthington, Minnesota (Worthington)	#2	50	Distillate	0
	#3			
City of Fairbury, Nebraska (Fairbury)	#1	50	Distillate	0
	#2			
	#3			
	#4			
Atlantic City Electric Company (Deepwater)	#6	755	Residual	0
	CT "A"	96	Distillate	0
Central Nebraska Public Power & Irrigation District (Canaday)	#1	442	Residual	0
Nevada Power Company:				
Clark	#1	1,351	Residual	0
	#2			
	#3			
	CT 4	163	Distillate	0
	CT 5			
	CT 6			
Sunrise	#1	126	Distillate	0
	CT 2	793	Residual	0
Southwestern Electric Power Company:				
Knox Lee	#5	165	Residual	0
Lieberman	#3	97	Residual	0
	#4			
Sleepy Eye Municipal Utility (Sleepy Eye)	#2	8	Residual	0
Jonesboro City Water & Light (Water and Light Plant)	#5	58	Residual	0
	#6			
Marshall Municipal Utilities (Marshall)	#5	103	Distillate	0
Gulf States Utilities Company (Willow Glen)	#1	162	Distillate	0
City of Mount Carmel (Mt. Carmel)	#5	24	Distillate	0
Iowa-Illinois Gas & Electric Company:				
Coralville	CT 1	.4	Distillate	0
	CT 2	.4	Distillate	0
	CT 3	.4	Distillate	0
	CT 4	.4	Distillate	0
Moline	#5	9	Distillate	0
	#6	9	Distillate	0
	#7	9	Distillate	0
	CC 8	33	Distillate	
Columbia Water & Light Department (Municipal Powerplant)	#8	28	Distillate	0
City Public Service Board:	CT 1	15	Distillate	0
Sommers	#1	33	Residual	0
	#2			
Leon Creek	#3	5	Residual	0
	#4			
Mission Road	#3	3	Residual	0
Tuttle	#1	2	Residual	0
	#2			
	#3			
	#4			
Braunig	#1	456	Residual	0
	#2			
	#3			
Southern California Edison Company (Long Beach)	#8	475	Distillate	0
	#9	475	Distillate	0
	#10	30	Residual	0
	#11	30	Residual	0
Metropolitan Edison:				
Titus	CT 4	5	Distillate	0
Portland	CT 3	2	Distillate	0
	CT 4	9	Distillate	0
Marshfield Electric & Water Department (Wildwood)	#2	7	Distillate	0
	#3	27	Distillate	0
University of Illinois (Abbott)	#2	64	Distillate	0
	#3	64	Distillate	0
	#4	64	Distillate	0
City of Ottawa (Ottawa)	CC 5	34	Distillate	0

[1] Thousands of barrels.

FUA became effective May 8, 1979. FUA prohibits the use of natural gas as a primary energy source in certain existing powerplants and also authorizes an exemptions procedure in regard to that and other prohibitions.

ERA issued on July 17, 1979 proposed orders which would grant temporary public interest exemptions to all of the petitioners enumerated above. Those proposed orders would grant a temporary exemption from the prohibition against natural gas use, contained in Section 301(a) (2) and (3) of FUA, to the subject powerplants. Those proposed orders to grant temporary public interest exemptions were issued under the authority of Section 311(e) of FUA and 10 CFR 508, published by ERA on April 9, 1979 (44 FR 21230).

ERA is publishing this notice of petitions filed and its proposed order to grant these exemptions, to invite interested persons to submit written comments pursuant to the requirements of FUA. In addition, any interested person may request that a public hearing be convened in regard to these petitions under the provisions of Section 701(d) of FUA.

DATES: Written comments relating to these petitions and the proposed order are due on or before September 5, 1979. Requests for a public hearing are also due on or before September 5, 1979.

ADDRESSES: Requests for a public hearing and/or 10 copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 634-2170.

Elmer Lee (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, Room 7219-F, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-5436.

Robert L. Davies (Office of Fuels Conversion), Economic Regultory Administration, Department of Energy, Room 3128, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-7442.

James H. Heffernan (Office of General Counsel), Department of Energy, Room 7134, 12th & Pennsylvania Avenue, N.W. Washington, D.C. 20461, (202) 633-8820.

SUPPLEMENTARY INFORMATION: On April 9, 1979, ERA issued a final rule implementing the authority granted to DOE by Section 311(e) of FUA. This final rule, set forth in 10 CFR Part 508,

establishes the policy ERA has adopted in implementing its authority under Section 311(e) of FUA and the eligibility criteria, which petitioners for a temporary public interest exemption for use of natural gas must demonstrate. This temporary exemption will allow certain existing electric powerplants to use natural gas as a primary energy source in excess of the amounts which are mandated by Section 301(a)(2) and (3) of FUA.

The use of natural gas, permitted under these temporary exemptions, will allow existing electric powerplants to displace distillate and residual fuel oils as their primary energy source.

The expanded use of natural gas in these powerplants will be a significant step towards reducing our short term oil consumption and will help the United States in meeting its goals to reduce its demand for imported oil, protect the Nation from the effects of any oil shortages, and will serve to cushion the impact of increasing world oil prices.

The above listed owners/operators have filed petitions with ERA to request a temporary public interest exemption for their existing electric powerplants. ERA has reviewed their petitions and has found that the powerplants meet the eligibility criteria established in Part 508.2 of the final rule (44 FR 21230).

ERA intends by its proposed orders to grant temporary public interest exemptions for the above listed powerplants.

This is not the final notice of petitions and proposed orders under the rule issued April 9, 1979. ERA will continue to comply with the requirements of Section 701(c) of FUA and will publish further notices as petitions are received.

Issued in Washington, D.C., on July 16, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-22529 Filed 7-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-79-002; OFC Case No. 65003-9033-01-77]

Swift Creek Chemical Complex, Boiler Unit S/N 99726; Occidental Chemical Co.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of request for classification.

SUMMARY: On April 26, 1979, Occidental Chemical Company (Occidental) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify as existing a shop fabricated packaged boiler to be located at its Swift Creek Chemical Complex, Hamilton County, Florida pursuant to § 515.13 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Interim Rule) issued by ERA on March 15, 1979 (44 FR 17464, March 21, 1979) and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620 (FUA). FUA, which was effective May 8, 1979, imposes certain statutory prohibitions against the use of natural gas and petroleum by new major fuel burning installations (MFBI). The prohibitions that apply to new major fuel burning installations do not apply to major fuel burning installations that are classified as existing. The purpose of this Notice is to invite interested persons to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with § 515.26 of the Revised Interim Rule, no public hearings will be held.

DATES: Written comments are due on or before August 13, 1979.

ADDRESSES: Ten copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461. Docket Number ERA-FC-79-002 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, Phone (202) 634-2170.

Robert L. Davies, Acting Assistant Administrator for Fuels Conversion, Department of Energy, 2000 M Street, N.W., Room 3128-L, Washington, D.C. 20461, (202) 254-7442.

James H. Heffernan (Office of the General Counsel), Department of Energy, 12th and Pennsylvania Avenue, N.W., Room 7134, Washington, D.C. 20461, (202) 633-8814.

SUPPLEMENTARY INFORMATION:

Occidental Chemical Company (Occidental) is a part of Hooker Chemical Company, a corporation organized under the laws of the State of California, and a wholly-owned subsidiary of Occidental Petroleum Corporation (OPC) also organized under the laws of California. Occidental mines phosphate rocks from which it manufactures fertilizers and fertilizer intermediates in north Florida near White Springs.

Occidental stated that, due to its participation in a global agreement to buy and sell certain fertilizer materials between Occidental and the Ministry of Foreign Trade of the U.S.S.R. it was necessary to expand their operations in northern Florida including building the Swift Creek Chemical Complex in Hamilton County. The construction of the complex is scheduled for completion in October 1979. Occidental states that the Swift Creek complex will manufacture Superphosphoric Acid (SPA) to be sold to the Russians under a reciprocal trade agreement. After phosphate ore is upgraded in a beneficiation plant it is treated with sulfuric acid to make phosphoric acid. Sulfuric acid is made there by burning sulfur. Heat produced by burning sulfur is used to generate steam used in the phosphoric acid concentrating process. Occidental states that the oil-fired boiler is necessary to start the process and to produce supplemental steam to balance the system when sufficient steam is not available from the sulfuric acid plants.

On September 11, 1978, Occidental executed a contract for the purchase of a 200 million BTU's per hour of heat input, package auxiliary boiler identified by serial number 99726 capable of burning No. 2 or No. 6 oil. The boiler was shipped from the manufacturer in Erie, Pennsylvania on March 31, 1979.

On Tuesday, April 17, 1979, at a conference of record pursuant to the Interim Rule, Occidental requested that ERA classify the boiler unit at the Swift Creek Chemical Complex as existing. Another conference was held on Thursday, April 26, 1979, at which time Occidental presented its request for classification of the Swift Creek plant together with more complete information and data in support of its request pursuant to the provisions of § 515.13 of the Interim Rule.

In accordance with the provisions of § 515.13 ERA will classify an eligible installation as existing if it is demonstrated to the satisfaction of ERA that the cancellation, rescheduling, or modification of the construction or the acquisition of the installation would result in a substantial financial penalty or a significant operational detriment.

Occidental supported its request for classification by providing evidence in support of their claim that they would

suffer both a substantial financial penalty and a significant operational detriment if the Swift Creek Unit were not permitted to proceed as an oil burning facility.

A summary of the evidence requirements and Occidental's response to those requirements follows:

(a) *Substantial financial penalty*—Pursuant to § 515.13(a) of the Interim Rule, ERA will classify a facility as existing upon a satisfactory demonstration that at least 25 percent of the total projected cost of the project as of November 9, 1978, was expended in nonrecoverable outlays as of that date.

In response to the evidence requirements set forth in § 515.15(b)(1) of the Interim Rule, Occidental provided the following information:

(1) Total projected cost of the boiler facility on 11/9/78 was—$781,000

(2) Total expenditures for boiler on 11/9/78—0

(3) The itemized total financial penalties incurred by cancelling or terminating contracts for the facility signed as of 11/9/78: (i) Boiler contract cancellation penalty—$109,575

(4) The itemized total of recoverable expenditures for the project; on 11/9/78—0

(5) The total of the nonrecoverable outlays for the boiler—$547,877

(6) Occidental also furnished the following additional information relating to the factors listed in § 515.13(a):

They claim that a modification of the construction or acquisition of the boiler unit as of 11/9/78 would have added, at a minimum, 4 months delay to the completion of the complex scheduled for 10/1/79.

Such a delay would cause the following penalties arising from other contractual obligations existing on 11/9/79:

(i) Claimed contractual penalty costs on nondeliveries due to 4 months lost production—$1,199,992

(ii) Claimed nonrecoverable interest expense on project construction loan for 4 months lost production—$6,680,000

(iii) Claimed nonrecoverable taxes and insurance charges for 4 months lost production—$28,524

(b) *Significant operational detriment*—Pursuant to § 515.13(b) of the Interim Rule, ERA will classify a facility as existing upon a satisfactory demonstration of a significant operational detriment incurred if the installation had been cancelled, rescheduled, or modified to burn an alternate fuel or fuel mixture at 11/9/78.

Occidental's response in support of its request under this section is summarized as follows:

(1) The chemical complex project was begun in 1977 and is scheduled for startup on October 1, 1979. The contractual obligation for the boiler dated 9/11/79—$547,877

(2) Potential impact on employment in area; 350 permanent jobs in 1980 not needed and not absorbed elsewhere in Occidental. Estimated direct and indirect income impact—$15,000,000

(3) Potential loss of training and related costs if October lay off is required—$1,500,000

(4) The anticipated annual capacity utilization factor of the unit is estimated at 10 percent.

Occidental furnished additional statements with respect to the impact of international implications due to the non-fulfillment of their contractual commitments with the U.S.S.R. and contractual penalties imposed by existing commitments for transporting products expected to be produced at this plant. Further they state that the planned system balancing function of the oil-fired boiler in its use to start the process and for auxiliary steam generation would be more fuel efficient than a coal-fired unit.

ERA hereby invites all interested persons to submit written comments on this matter. The public file containing Occidental's request for classification, supporting materials and transcripts of the April 17 and April 26, 1979 conferences is available for inspection upon request at: ERA, Room 3128–L, 2000 M St., N.W., Washington, D.C. 20461, Monday–Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C. on July 16, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-22534 Filed 7-19-79; 8:45 am]

BILLING CODE 6450-01-M

Proposed Order Granting Special Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy (DOD) hereby sets forth its Order proposing to grant a special temporary public interest exemption from the prohibitions of Section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.*, pursuant to Section 31(e) of FUA, 10 CFR 501.73, and 10 CFR 508, to the following powerplant(s):

Case control No.	Petitioner's name	Generating station	Unit ident.	Location
50496-3442-21-41	Central Power and Light Company.	La Palma	GT-1	San Benito, Cameron County, Texas
52385-0898-01-41	Illinois Power Company	Wood River	#1	East Alton, Illinois
52385-0898-02-41			#2	
52385-0898-03-41			#3	
52997-0913-01-41	Union Electric Company	Venice	#1	Madison County, Illinois
52997-0913-02-41			#2	
52997-0913-03-41			#3	
52997-0913-04-41			#4	
52997-0913-05-41			#5	
52997-0913-06-41			#6	
51873-9058-01-41	City of Minden	Municipal Plant	#1	Minden, Louisiana
51873-9058-02-41			#2	
53355-2024-02-41	City of Worthington Minnesota	Worthington	#2	Worthington, Minnesota
53355-2024-03-41			#3	
50938-2236-01-41	City of Fairbury, Nebraska	Fairbury	#1	Fairbury, Nebraska
50938-2236-02-41			#2	
50938-2236-03-41			#3	
50938-2236-04-41			#4	
50126-9062-06-41	Atlantic City Electric Company	Deepwater	#6	Pennsgrove, New Jersey
50126-9062-21-41			CT "A"	
50494-2226-01-41	Central Nebraska Public Power and Irrigation District.	Canaday	#1	Lexington, Nebraska
51998-2322-01-41	Nevada Power Company	Clark	#1	East Las Vegas, Nevada
51998-2322-02-41			#2	
51998-2322-03-41			#3	
51998-2322-24-41			CT 4	
51998-2322-25-41			CT 5	
51998-2322-26-41			CT 6	
51998-2326-01-41		Sunrise	#1	Las Vegas, Nevada
51998-2326-22-41			CT 2	
52744-3476-05-41	Southwestern Electric Power Company.	Knox Lee	#5	Easton, Gregg County, Texas
52744-1417-03-41		Lieberman	#3	Mooringsport, Caddo Parish, Louisiana
52744-1417-04-41			#4	
52674-2011-02-41	Sleepy Eye Municipal Utility	Sleepy Eye	#2	Sleepy Eye, Minnesota
51461-0190-05-41	Jonesboro City Water and Light	Water and Light Plant.	#5	Jonesboro, Arkansas
51461-0190-06-41			#6	
51783-1993-05-41	Marshall Municipal Utilities	Marshall	#5	Marshall, Minnesota
51209-1394-01-41	Gulf States Utilities Company	Willow Glen	#1	St. Gabriel, Iberville Parish, Louisiana

Case control No.	Petitioner's name	Generating station	Unit ident.	Location
51948-0900-05-41	City of Mount Carmel	Mt. Carmel	#5	Mt. Carmel, Illinois
51406-1079-21-41	Iowa-Illinois Gas and Electric Company.	Coralville	CT 1	Johnson County, Coralville, Iowa
51406-1079-22-41			CT 2	
51406-1079-23-41			CT 3	
51406-1079-24-41			CT 4	
51406-0899-05-41		Moline	#5	Rock Island County, Moline, Illinois
51406-0899-06-41			#6	
51406-0899-07-41			#7	
51406-0899-58-41			CC 8	
50631-2123-08-41	Columbia Water and Light Department.	Municipal Powerplant.	#8	Columbia, Missouri
50631-2123-21-41			CT 1	
52567-3611-01-41	City Public Service Board	Sommers	#1	San Antonio, Texas
52567-3611-02-41			#2	
52567-3609-03-41		Leon Creek	#3	San Antonio, Texas
52567-3609-04-41			#4	
52567-3610-03-41		Mission Road	#3	San Antonio, Texas
52567-3613-01-41		Tuttle	#1	San Antonio, Texas
52567-3613-02-41			#2	
52567-3613-03-41			#3	
52567-3613-04-41			#4	
52567-3612-01-41		Braunig	#1	San Antonio, Texas
52567-3612-02-41			#2	
52567-3612-03-41			#3	
52721-0341-08-41	Southern California Edison Company.	Long Beach	#8	Long Beach, California
52721-0341-09-41			#9	
52721-0341-10-41			#10	
52721-0341-11-41			#11	
54020-3115-24-41	Metropolitan Edison	Titus	CT 4	Cumru Township, Berks County, Pennsylvania
54020-3113-23-41		Portland	CT 3	Upper Mt. Bethel Township, Pennsylvania
54020-3113-24-41			CT 4	
51786-9056-02-41	Marshfield Electric & Water Department.	Wildwood	#2	Marshfield, Wisconsin
51786-9056-03-41			#3	
53010-0970-02-41	University of Illinois	Abbott	#2	Champaign, Illinois
53010-0970-03-41			#3	
53010-0970-04-41			#4	
52204-1316-55-41	City of Ottawa	Ottawa	CC 5	Ottawa, Kansas

1. The above listed powerplants are prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source, or are prohibited from using natural gas as a primary energy source in excess of the average base year quantities allowed in Section 301(a)(3) of the Act.

II. Eligibility

The existing powerplants listed above have submitted petitions to ERA for a Special Temporary Public Interest Exemption and have asserted that:

(a) Each existing powerplant is:

(1) Prohibited on May 8, 1979 from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or

(2) Prohibited from using natural gas in excess of the average base year quantities allowed in Section 301 (a)(3) of FUA.

(b) The proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA:

(1) Will displace consumption of middle distillate or residual fuel oil; and

(2) Will not displace the use of coal or any other alternate fuel in any facility of the owner/operator utility system, including the powerplant for which the exemption was submitted.

III. Rationale

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The expanded use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption. This increased use of natural gas will help the United States meet its commitment to reduce its demand for imported petroleum products, protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have had a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that this increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency. This is in keeping with purposes of FUA and is in the public interest.

Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria established in § 508.2 of the Special Rule (April 9, 1979, 44 FR 21230), ERA proposes to grant the exemptions.

IV. Duration

ERA proposes to grant these temporary public interest exemptions generally for a period of two years and may extend them from one to three additional years. Certain petitioners have requested that they be granted exemptions for a period of greater than two years but less than five years, the maximum period allowed under FUA, and to the extent that these requests are in the public interest ERA will consider them.

These proposed exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

V. Terms and Conditions

Pursuant to the authority of Section 314 of FUA and 10 CFR 508.6, ERA will require the order recipient upon issuance of a final order to: (1) Complete a Form ERA 316 (Temporary Public Interest Exemption for Use of Natural Gas by Existing Powerplants Form), (2) report the actual monthly volumes of natural gas used in each exempted powerplant and the estimated number of barrels of each type of fuel oil displaced during the exemption period, (3) submit a system-wide fuel conservation plan to include the five-year period covered by the temporary exemption, and (4) submit annually to ERA a report on progress achieved in implementing the system-wide fuel conservation plan.

Issued in Washington, D.C., on July 16, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conservation, Economic Regulatory Administration.

[FR Doc. 79-22533 Filed 7-19-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed Week of April 20 Through April 27, 1979

Notice is hereby given that during the week of April 20, 1979 through April 27, 1979 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: July 10, 1979.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of April 20 through April 27, 1979]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 20, 1979	Office of Special Counsel, Washington, D.C.	DFF-0003	Request for Refund Procedures. If granted: The Office of Hearings and Appeals would implement the Special Refund Procedures pursuant to 10 CFR, Part 205, concerning Foremost Petroleum Company and M&A Petroleum Company.
Apr. 20, 1979	United Refining Company, Washington, D.C.	DEA-0386	Appeal of ERA Decision and Order. If granted: The Economic Regulatory Administration's Decision and Order of March 23, 1979 regarding United Refining Company's request for an emergency crude oil allocation pursuant to 10 CFR. Section 211.65 for the month of March 1979 would be modified.
Apr. 23, 1979	Acomi Corporation, Marblehead, Massachusetts	DEA-0373 and DES-0373.	Appeal to Region I Order of April 10, 1979, Request for Stay. If granted: The Economic Regulatory Administration's Order of April 10, 1979 (Case No. 01-010965) issued by the Region I Office of Fuels Regulation, would be modified. A Stay would be granted pending the decision.
Apr. 23, 1979	Kern County Refining, Inc., Bakersfield, California	DMR-0047	Request for Modification. If granted: The April 13, 1979, Decision and Order issued to UCO Oil Company (Case No. DES-2487) would be modified with respect to the supply of motor gasoline.
Apr. 23, 1979	Michaelson Producing Company, Regan County, Texas.	DRX-0159	Supplemental Order. If granted: The DOE Region VI would be granted additional time within which to issue a revised Proposed Remedial Order.
Apr. 23, 1979	Mobil Oil Corporation, Washington, D.C.	DEA-0387	Appeal of ERA Allocation Notice. If granted: The Economic Regulatory Administration's Allocation Notice of March 22, 1979 regarding the Canadian Crude Oil Allocation Program, 10 CFR Part 214, for the allocation period commencing April 1, 1979, would be modified.
Apr. 23, 1979	Publix Oil Company, Washington, D.C.	DEA-0388	Appeal of DOE Region IV Temporary Assignment Order. If granted: The Temporary Assignment Order of April 12, 1979 issued by DOE Region IV to Amoco Oil Company for the months of April and May, 1979 would be modified.
Apr. 23, 1979	Shell Oil Company, Houston, Texas	DEA-0389	Appeal of ERA Decision and Order. If granted: The Economic Regulatory Administration's Decision and Order of March 23, 1979 directing Shell Oil Company to sell crude oil to United Refining Company would be rescinded.
April 23, 1979	Timothy T. Thut, Los Angeles, California	DFA-0372	Appeal of an Information Request Denial. If granted: The March 16, 1979, Information Request Denial would be rescinded and Timothy T. Thut would receive access to certain DOE data.
April 24, 1979	Exxon Company, U.S.A., Houston, Texas	DES-0367 and DST-0367.	Request for Stay and Temporary Stay. If granted: Exxon Company, U.S.A. would receive a stay and temporary stay of the Redirection Order issued by DOE Region IX on April 6, 1979, regarding Exxon's supply obligations to Pacific Refining Company.
April 24, 1979	Exxon Company, U.S.A., Houston, Texas	DEA-0367	Appeal of a Redirection Order. If granted: The Order for Redirection of Product issued by DOE Region IX on April 6, 1979, regarding Exxon's requirement to supply Pacific Refining Company with motor gasoline for the month of April would be rescinded.
April 24, 1979	Good Hope Refineries, Good Hope, Louisiana	DEA-0390	Appeal of Office of Refinery Operations Order. If granted: The DOE Office of Refinery Operations Order issued on July 27, 1978, regarding the approved plant capacity of the good Hope Refineries refinery would be modified.
April 24, 1979	Gulf Oil Company, Houston, Texas	DEA-0379	Appeal of ERA Redirection Order. If granted: The Economic Regulatory Administration's Redirection Order of Product of March 23, 1979, issued to Gulf Oil Company would be modified.
April 24, 1979	Hardell Corporation, Hagerstown, Maryland	DEE-4499	Exception to the Reporting Requirements. If granted: The Hardell Corporation would not be required to file form EIA-9.
April 24, 1979	Kansas-Nebraska Natural Gas Co., Inc., Washington, D.C.	DEE-4485	Price Exception (Sections 212.162, 212.167(a) and (b).) If granted: The Kansas-Nebraska Natural Gas Co., Inc., would receive an exception from the Mandatory Petroleum Price Regulations (10 C.F.R., Part 212, Subpart K) with regard to the calculation of increased natural gas shrinkage costs.
April 24, 1979	L & M Operating Co., Canton, Ohio	DEE-4439	Price Exception (Section 212.73). If Granted: L & M Operating Co. would be permitted to retroactively certify the crude oil produced from its Watkins #3 well located in Carroll County, Ohio, as stripper well crude oil.
April 24, 1979	McAlester Fuel Company, Magnolia, Arkansas	DEE-4345	Price Exception (Section 212.73). If granted: McAlester Fuel Company would be permitted to sell the crude oil produced from the L. L. Tidwell "C" Lease located in Ouachita County, Arkansas at upper tier ceiling prices.
April 24, 1979	Texaco, Inc., White Plains, New York	DEA-0404	Appeal of ERA Redirection Order. If granted: The Economic Regulatory Administration's Redirection of Product Order of March 20, 1979, issued to Farmland Industries, Inc. would be modified.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of April 20 through April 27, 1979]

Date	Name and location of applicant	Case No.	Type of submission
April 24, 1979	Wayne Operating Service, Waynesboro, Mississippi.	DXE-4509	Extension of relief granted in *Wayne Operating Service*, 2 DOE Par. —— (December 18, 1978). If granted: Wayne Operating Service would be permitted to continue selling crude oil produced from the T. F. Hodge Well #1, located in Wayne County, Mississippi, at upper tier ceiling prices.
April 24, 1979	Western Crude Oil Inc., Denver, Colorado	DES-0200 and DSG-0051.	Request for Special Redress and Request for Stay. If granted: The Office of Hearings and Appeals would review the denial by DOE Region VIII of the Application to Quash a Subpoena submitted by Western Crude Oil Inc. A stay of the Subpoena would be approved pending a determination on Western's Petition for Special Redress Relief.
April 25, 1979	Exxon Company U.S.A., Washington, D.C.	DFA-0378	Appeal of Information Request Denial. If granted: Exxon Company U.S.A. would receive access to certain DOE data.
April 25, 1979	Miller & Chevalier, Washington, D.C.	DFA-0377	Information Request Denial Appeal. If granted: Miller & Chevalier would receive access to certain DOE data.
April 25, 1979	Simmons Oil Corporation, Scottsdale, Arizona	DMR-0048	Request for Modification. If granted: The DOE's April 13, 1979, Decision and Order (Case No. DES-2487) would be modified with respect to allocation calculations.
April 25, 1979	UCO Oil Company, Whittier, California	DMR-0049	Request for Modification/Rescission. If granted: The DOE's April 13, 1979, Decision and Order (Case No. DES-2487) would be modified with respect to allocation computations.
April 25, 1979	Amoco Oil Company, Chicago, Illinois	DEA-0402	Appeal of ERA Redirection Order. If granted: The Economic Regulatory Administration's Redirection of Product Order of March 24, 1979, issued to Land-O-Lakes would be modified.
April 26, 1979	Mobil Oil Corporation, Los Angeles, California	DEA-0400 and DES-0400.	Appeal of Assignment Order and Request for Stay. If granted: The Assignment Order issued by Region IX Office of Enforcement would be rescinded and Mobil Oil Corporation would be granted a stay pending a final determination on its Appeal.
April 26, 1979	R. W. Tyson Producing Co., Inc., Jackson, Mississippi.	DEE-4500 through DEE-4505.	Price Exception (Section 212.73). If granted: R. W. Tyson Producing Co., Inc., would be permitted to sell the crude oil produced from the Major #1-A, Major #15, Major #6, Major #16, Shows #3 and Shows #4 Wells located in the Ovett Field, Jones County, Mississippi at stripper well prices.
April 27, 1979	Chevron U.S.A., Inc., San Francisco, California	DEE-4506 through DEE-4508.	Price Exception (Section 212.73). If granted: Chevron U.S.A., Inc., would be permitted to sell the crude oil produced from the Marlow Burns, Vickers #1 and Vickers #2 properties, Inglewood Field, located in Los Angeles County, California at upper tier ceiling prices.
April 27, 1979	Exxon Company, U.S.A., Washington, D.C.	DEA-0401, DES-0401 and DST-0401.	Appeal of Temporary Assignment Orders, Request for Stay and Temporary Stay. If granted: The Temporary Assignment Orders issued by DOE Region VI between April 19 and April 26, 1979, regarding Exxon's requirement to supply certain specified jobbers with motor gasoline for the months of April and May would be rescinded.

Notices of Objection Received

Date	Name and location of applicant	Case No.
Apr. 23, 1979	Husky Oil Company, Denver, Colorado	DEE-1434 and DEE-1443
Apr. 23, 1979	Shoals Creek Chevron, Florence, Alabama	DEE-2476
Apr. 24, 1979	Edward H. Wolf & Sons, Inc., Slinger, Wisconsin	DEE-2913
Apr. 25, 1979	Getty Oil Company, Bakersfield, California	DXE-2199 and DXE-2200
Apr. 26, 1979	John E. Jones Oil Co., Kansas	DEE-2766
Apr. 26, 1979	Publix Oil Company, Tennessee	DEE-2254

Proposed Remedial Orders

Apr. 23, 1979	L. E. Jones Production Co., Duncan, Oklahoma	DRO-0203
Apr. 25, 1979	Brock Exploration Company, Washington, D.C.	DRO-0210
Apr. 26, 1979	Triangle J Oil Company, Denver, Colorado	DRO-0206

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of April 20 Through April 27, 1979]

If granted: The following firms would receive an exception from the activation of the standby petroleum product allocation regulations with respect to motor gasoline.

April 20, 1979

Bland's Gulf	DEE-4238	04/20/79	Georgia
Bob Wong's Chevron Service	DEE-4246	04/20/79	California
Brog, James M	DEE-240	04/20/79	California
C & M Oil Company Inc	DEE-4244	04/20/79	Florida
C.B. Shell	DEE-4254	04/20/79	California
Cameron, J. W	DEE-4220	04/20/79	Florida

Chittick Oil Co	DEE-4241	04/20/79	Michigan
Chromalloy	DEE-4245	04/20/79	California
Cone Oil Co., Inc	DEE-4256	04/20/79	District of Columbia
Currie Bros. Inc	DEE-4217	04/20/79	California
D-Co Oil Co	DEE-4223	04/20/79	Illinois
Deckers Amoco	DEE-4236	04/20/79	Virginia
Don's Texaco	DEE-4255	04/20/79	Indiana
Getty Refining & Marketing Co	DEE-2098	04/20/79	Oklahoma
Hamilton's Grocery	DEE-4239	04/20/79	California
Hollywood Car Wash	DEE-4227	04/20/79	Florida
Interstate 40 Fina	DEE-4233	04/20/79	Arkansas
Jackson, Cyrus	DEE-4232	04/20/79	Oklahoma
Jim Walter Oil Company	DEE-4215	04/20/79	Texas
Kellogg-Moore Oil Co., Inc	DEE-4250	04/20/79	Louisiana
Kernersville Sunoco	DEE-4222	04/20/79	North Carolina
Lincoln Oil Company	DEE-3954	04/20/79	Nebraska
M & S Oil Company	DEE-4242	04/20/79	North Carolina
McAdams Pipe & Supply Co	DEE-4219	04/20/79	Oklahoma
Metze Amoco Service Center	DEE-4249	04/20/79	Georgia
Midwest Oil Co	DEE-4229	04/20/79	South Dakota
Moore Oil of Florida	DEE-4251	04/20/79	Louisiana
Moss-Dennis Oil Co., Inc	DEE-4228	04/20/79	Virginia
Mutual Oil Co., Inc	DEE-4220	04/20/79	Massachusetts
Orbit Stations, Inc	DEE-4237	04/20/79	California
Reed, Arbe L	DEE-4230	04/20/79	Louisiana
S & S Oil Co	DEE-4099	04/20/79	Kansas
Seitz, Norman	DEE-4097	04/20/79	Maryland
Smith, Mike	DEE-4226	04/20/79	Arkansas
Tri-Con Petroleum, Inc	DEE-4253	04/20/79	California
Tunnies Service Station	DEE-4224	04/20/79	North Carolina
Valley Cab Co	DEE-4231	04/20/79	California
Wallisch, Robert	DEE-4243	04/20/79	California
Watts, Ordie A	DEE-4225	04/20/79	Arkansas
Webb & Sons	DEE-4216	04/20/79	California
Weeks, Harold R	DEE-4221	04/20/79	Alabama
Wright Industries, Inc	DEE-4252	04/20/79	District of Columbia

April 23, 1979

A. M. Massoumi Union	DEE-4357	04/23/79	California
Airport Shell	DEE-4258	04/23/79	Louisiana
Auto Row Texaco	DEE-4290	04/23/79	California
Basic Properties	DEE-4259	04/23/79	California
Bateman Oil Co	DEE-4260	04/23/79	North Carolina
California-Fresno Oil Co	DEE-4261	04/23/79	California
Carlson, William H	DEE-4262	04/23/79	Arizona
Colesville Amoco	DEE-4264	04/23/79	Maryland
Collins Texaco	DEE-4265	04/23/79	California
E. N. Hershberger Company, Inc	DEE-4266	04/23/79	Virginia
Falls Church Amoco	DEE-4267	04/23/79	Virginia
Fergy's Texaco	DEE-4268	04/23/79	California
Gaithersburg Square Amoco	DEE-4269	04/23/79	Maryland
Greenwood Petroleum Co., Inc	DEE-4052	04/23/79	South Carolina
Hanley Co	DEE-4270	04/23/79	Ohio
Helen Nash Fina Station	DEE-4271	04/23/79	Arkansas
Hilton, Paul W	DEE-4272	04/23/79	Arizona
Independent Oil & Tire Co	DEE-4273	04/23/79	Ohio
Kerman Car Wash	DEE-4291	04/23/79	California
Kern County Refinery, Inc	DEE-3951	04/23/79	California
Lowe, Wayne	DEE-4274	04/23/79	California
McGrady, Michael	DEE-4275	04/23/79	Maryland
Midland Cooperatives, Inc	DEE-3928	04/23/79	District of Columbia
Mike's Sun City Union	DEE-4276	04/23/79	Arizona
Ocean Shell Service	DEE-4277	04/23/79	California
Pacesetter No. 36	DEE-4459	04/23/79	Texas
Plaza Chevron Service	DEE-4292	04/23/79	California
Rex's Casa Blanca Exxon	DEE-4615	04/23/79	Arizona
Ridenour, H. Joseph	DEE-4278	04/23/79	Ohio
Roberts Exxon Service Station	DEE-4279	04/23/79	Virginia
Schaal's Mini-Market	DEE-4280	04/23/79	Pennsylvania
Schroeder Fuel Co	DEE-4281	04/23/79	Washington
Shelter Bay Exxon	DEE-4282	04/23/79	California
Spritzer, G. H	DEE-4283	04/23/79	Texas
Tom Cary Chevron Service	DEE-4293	04/23/79	California
Tucker's Exxon Service	DEE-4285	04/23/79	North Carolina
Union Petrochem	DEE-4286	04/23/79	Texas
Van Meter, George	DEE-4287	04/23/79	California
Woody's Amoco	DEE-4288	04/23/79	Virginia
Young, Robert	DEE-4289	04/23/79	Wisconsin

April 24, 1979

A. A. Ross	DEE-4434	04/24/79	Oklahoma
Abernathy's Exxon Service	DEE-4327	04/24/79	Georgia
Adkins, Cecil	DEE-4408	04/24/79	California
Alexander's Mobil	DEE-4329	04/24/79	California
Appollo Mobil	DEE-4330	04/24/79	Connecticut
Archway Gulf	DEE-4331	04/24/79	Florida
Arlington Citgo	DEE-4365	04/24/79	Massachusetts
Auberry General Store	DEE-4386	04/24/79	California
Aubrey Hancock	DEE-4364	04/24/79	Texas
Baca, Aurelio, Jr	DEE-4435	04/24/79	Arizona
Bazell Oil Co., Inc	DEE-4490	04/24/79	Ohio
Beer World	DEE-4371	04/24/79	Virginia
Berner, G. R	DEE-4332	04/24/79	Florida
Bill Morrow's Shell	DEE-4361	04/24/79	California
Bill's Village Union (76)	DEE-4421	04/24/79	California
Bob's Gas	DEE-4416	04/24/79	Nevada
Boland Oil Company	DEE-4333	04/24/79	Connecticut
Brandywine Exxon Servicenter	DEE-4425	04/24/79	Delaware
Brice, Robert	DEE-4384	04/24/79	Arizona
Brison, Dewwy	DEE-4433	04/24/79	Oklahoma
Brookfield Mobil	DEE-4334	04/24/79	Connecticut
Brown, Oden R	DEE-4467	04/24/79	Oklahoma
Bulshey, Thomas	DEE-4335	04/24/79	Massachusetts
Burns Service Center	DEE-4430	04/24/79	Massachusetts
C. B. Clay Service Station	DEE-4336	04/24/79	Kentucky
Cannon, Walter	DEE-4407	04/24/79	Oklahoma
Capital Services, Inc	DEE-4397	04/24/79	Virginia
Carlton, Elzie	DEE-4450	04/24/79	Arkansas
Chilton, Don	DEE-4454	04/24/79	Oklahoma
Cliff's Mobil	DEE-4328	04/24/79	Connecticut
Convenience Petroleum Company	DEE-4495	04/24/79	Texas
Cooper's Plumbing & Heating	DEE-4389	04/24/79	California
Corvo Car Care Center	DEE-4461	04/24/79	New Jersey
Crew Distributing Co	DEE-4373	04/24/79	Alabama
Crosby's Service Station	DEE-4337	04/24/79	Vermont
Davila, Angel M	DEE-4338	04/24/79	New Jersey
Davis, Douglas	DEE-4452	04/24/79	Missouri
Derl's Exxon Service	DEE-4414	04/24/79	Pennsylvania
Desermoir, Arthur	DEE-4339	04/24/79	Massachusetts
Dubois Citgo	DEE-4340	04/24/79	Vermont
Eargood, A. B	DEE-4457	04/24/79	Kentucky
Ed's Exxon	DEE-4428	04/24/79	Florida
Engelson & Van Liere, Inc	DEE-4432	04/24/79	New York
Enterprise Shell Service	DEE-4341	04/24/79	California
F & T Union 76	DEE-4342	04/24/79	California
Farmers's Co-op Elevator Co	DEE-4404	04/24/79	Michigan
Feltz, Jack	DEE-4473	04/24/79	Missouri
Filbert's Chevron Service	DEE-4376	04/24/79	California
Forest Grove Texaco	DEE-4483	04/24/79	Michigan
Frank's Union 76	DEE-4372	04/24/79	Florida
Frank's Orrin	DEE-4491	04/24/79	Arkansas
Freeway Mobil Service	DEE-4379	04/24/79	Arizona
Gianelli Mini Market	DEE-4487	04/24/79	California
Gibble Oil Company	DEE-4343	04/24/79	Oklahoma
Griddeon, Don	DEE-4411	04/24/79	Oklahoma
Gillispie, Charles	DEE-4465	04/24/79	Texas
Glenns Exxon	DEE-4424	04/24/79	Texas
Gold Oil Company	DEE-4344	04/24/79	Illinois
Griffith, Duane	DEE-4448	04/24/79	Oklahoma
Grove St. Mobil	DEE-4402	04/24/79	California
Guerrero, Andres	DEE-4475	04/24/79	Oklahoma
H. & H. Service Station	DEE-4346	04/24/79	Georgia
Hagen's Gulf Service Station	DEE-4347	04/24/79	Georgia
Hancock Service Company	DEE-4423	04/24/79	Illinois
Harris, Howard	DEE-4449	04/24/79	Oklahoma
Haynes, Homer	DEE-4429	04/24/79	Michigan
Haywood, J. C	DEE-4480	04/24/79	Oklahoma
Helms Howard	DEE-4474	04/24/79	Missouri
Herald, Jim	DEE-4472	04/24/79	Oklahoma
Hill's Dale Service Station	DEE-4357	04/24/79	Connecticut
Hilltop Gulf	DEE-4348	04/24/79	Arkansas
Hoff's Services Inc	DEE-4349	04/24/79	Massachusetts
Hollis, James P	DEE-4453	04/24/79	
Horath, Jack	DEE-4455	04/24/79	Oklahoma
Hudson's 66 Station	DEE-4350	04/24/79	Texas
Hunters Exxon	DEE-4470	04/24/79	Virginia
Import Dealers Service Corp	DEE-4484	04/24/79	California
Indian River Oil Company	DEE-5110	04/24/79	Florida
Interstate Fina Service Station	DEE-4494	04/24/79	Arkansas
J & M Inc	DEE-4351	04/24/79	Connecticut

April 24, 1979—Continued

J. L. G. Standard	DEE-4374	04/24/79	Wisconsin
J. L. Jones Oil Co	DEE-4409	04/24/79	
J. Lawson Gilbert Dist., Inc	DEE-4492	04/24/79	Maryland
Jacobs Gulf Service	DEE-4352	04/24/79	Georgia
Jep's Gulf	DEE-4353	04/24/79	Vermont
Jimmy's Chevron Station	DEE-4436	04/24/79	Kentucky
Joe Hood's Texaco	DEE-4354	04/24/79	Missouri
Joe's Gulf	DEE-4355	04/24/79	New Hampshire
Jones, Don	DEE-4471	04/24/79	Texas
Jones, Keith	DEE-4463	04/24/79	Texas
Jones, Paul	DEE-4403	04/24/79	California
Keefer Oil Company	DEE-4356	04/24/79	Texas
King, Richard	DEE-4458	04/24/79	Oklahoma
Knox Crow Mobil	DEE-4358	04/24/79	California
Koger, Gerald	DEE-4359	04/24/79	Tennessee
Landmark 66 Service	DEE-4394	04/24/79	Virginia
Lay Brothers	DEE-4420	04/24/79	Georgia
Lichenberg, Joseph	DEE-4360	04/24/79	Connecticut
Lynwood 66 Service	DEE-4393	04/24/79	Virginia
Mannion, Richard	DEE-4294	04/24/79	New Hampshire
Marcoin Management Services	DEE-4295	04/24/79	Indiana
Maritime Energy	DEE-4369	04/24/79	Maine
Mayo, Paul	DEE-4486	04/24/79	California
McCain's Chevron	DEE-4553	04/24/79	California
McCard, Bobby	DEE-4296	04/24/79	Georgia
McLoon Farms-Newcastle	DEE-4297	04/24/79	Maine
McLoon Oil Company	DEE-4298	04/24/79	Maine
Meramec Valley Oil Co	DEE-4390	04/24/79	Missouri
Midway Mobil Service	DEE-4377	04/24/79	California
Milliken, Melvin Ray	DEE-4456	04/24/79	Oklahoma
Monahan, Mike	DEE-4380	04/24/79	California
Montgomery Oil Company	DEE-4299	04/24/79	California
Navy Exchange Service Station	DEE-4301	04/24/79	Maine
Nevada City Market & Gas	DEE-4422	04/24/79	California
Newgate 66 Service	DEE-4400	04/24/79	Virginia
Newspaper Printing Corp	DEE-4370	04/24/79	Tennessee
Nichols, Mike	DEE-4426	04/24/79	Oklahoma
Norcomay, Luther	DEE-4446	04/24/79	Oklahoma
Oakton Service Center	DEE-4392	04/24/79	Virginia
Ocean Mobil	DEE-4375	04/24/79	California
Oliver, Ernest S	DEE-4303	04/24/79	Rhode Island
Owens, Arnold	DEE-4362	04/24/79	Florida
Page Mill Chevron	DEE-4387	04/24/79	California
Pasch, Paul	DEE-4413	04/24/79	Oklahoma
Pettway Oil Company	DEE-4305	04/24/79	Tennessee
Placerville Drive Shell	DEE-4419	04/24/79	California
Potomac Oil Company	DEE-4391	04/24/79	Virginia
Powers & Alexander Distributing	DEE-4306	04/24/79	Montana
Prather Gulf	DEE-4445	04/24/79	Texas
Prendergast Brothers	DEE-4383	04/24/79	Arizona
Pride Oil Company, Inc	DEE-4102	04/24/79	Ohio
R & R Gulf Service	DEE-4307	04/24/79	Georgia
Ralph E. Webb Mobil	DEE-4308	04/24/79	California
Randolph's Kerr-McGee Station	DEE-4462	04/24/79	Texas
Ray Harold	DEE-4468	04/24/79	Oklahoma
Reed, Charley	DEE-4447	04/24/79	Arkansas
Remote Services Inc	DEE-4309	04/24/79	Kentucky
Rhoads, Virginia	DEE-4388	04/24/79	California
Richmond-Scheuer Oil Co	DEE-4310	04/24/79	Kentucky
River Exxon Service Center	DEE-4311	04/24/79	Connecticut
Robert Slade Shell Service	DEE-4312	04/24/79	California
Rogers, Thorton	DEE-4410	04/24/79	Florida
Ruben Villanueva	DEE-4382	04/24/79	California
Rusty Auto Parts Inc	DEE-4469	04/24/79	Florida
S. M. Shapiro	DEE-4315	04/24/79	Virginia
Sadler's Automotive Service	DEE-4313	04/24/79	Wisconsin
Sanders Kerr McGee Station	DEE-4464	04/24/79	Oklahoma
Sandy Hook Automotive	DEE-4314	04/24/79	Connecticut
Saratoga "66"	DEE-4401	04/24/79	Virginia
Sharp, A. H	DEE-4438	04/24/79	Oklahoma
Shinkard, Larry	DEE-4476	04/24/79	Oklahoma
Shockley, Tom	DEE-4437	04/24/79	Oklahoma
Sierra Army Depot	DEE-4363	04/24/79	California
Sirum Brothers Inc	DEE-4317	04/24/79	Massachusetts
Sleeper, Kenneth H	DEE-4381	04/24/79	California
Smith, Alexis	DEE-4489	04/24/79	Wisconsin
Smitty's Arco Mini Market	DEE-4488	04/24/79	California
Snyder Exxon	DEE-4318	04/24/79	California
Southeast Petroleum Corp. et al	DEE-4442	04/24/79	Wisconsin
Southeast Petroleum Corp. et al	DEE-4443	04/24/79	Wisconsin
Southeast Petroleum Corp. et al	DEE-4444	04/24/79	Wisconsin
Southern Coal & Oil Co	DEE-4417	04/24/79	South Carolina
Sparrow's Resort	DEE-4405	04/24/79	California
Springfield Phillips 66, Inc	DEE-4396	04/24/79	Virginia
St. Cyr Norman. D	DEE-4302	04/24/79	Connecticut
Stark, Jack	DEE-4477	04/24/79	Missouri
Stephenson, Lucile	DEE-4481	04/24/79	Florida
Stereo Equipment Sales Inc	DEE-4415	04/24/79	Maryland
Summerton Exxon	DEE-4368	04/24/79	District of Columbia
Swidorski Oil Company, Inc	DEE-4366	04/24/79	Michigan
T. J's Service Station	DEE-4319	04/24/79	Florida

April 24, 1979—Continued

Tanner, Leroy	DEE-4479	04/24/79	Texas
Taylor, Dave	DEE-4451	04/24/79	Oklahoma
Ted's Service Station	DEE-4441	04/24/79	Connecticut
Tranbarger & Dykes	DEE-4320	04/24/79	Tennessee
Troy's Garage	DEE-4321	04/24/79	Massachusetts
Tyson, Linnon	DEE-4431	04/24/79	Michigan
Valencia Chevron	DEE-4412	04/24/79	California
Valentine, J. T	DEE-4466	04/24/79	Oklahoma
Wakefield Service	DEE-4323	04/24/79	Connecticut
Walnut Hills Conoco	DEE-4427	04/24/79	Colorado
Warrington Auto Service	DEE-4324	04/24/79	California
Watking, B. K	DEE-4478	04/24/79	Oklahoma
Webber Oil Company	DEE-4325	04/24/79	Maine
Wes Walters Shell	DEE-4378	04/24/79	California
Western Produce Co., Inc	DEE-4385	04/24/79	Arizona
Westgate Service Center	DEE-4326	04/24/79	Maine
White's Chevron Service	DEE-4498	04/24/79	Georgia
Will Mart Shell	DEE-4367	04/24/79	Louisiana
Yorktown 66 Service Station	DEE-4399	04/24/79	Virginia
Zali Cisk Texaco	DEE-4418	04/24/79	California

April 25, 1979

Allen, R. E	DEE-4511	04/25/79	South Carolina
Automotive Testing Labs, Inc	DEE-4530	04/25/79	Colorado
Baguette, Bertie	DEE-4512	04/25/79	South Carolina
Bills One Stop	DEE-4519	04/25/79	Arizona
Brent-West Carwash	DEE-4531	04/25/79	
Brown & Root, Inc	DEE-4532	04/25/79	Texas
C & B Exxon	DEE-4520	04/25/79	Alabama
Carter Hill Chevron	DEE-4521	04/25/79	Alabama
Colonial Market	DEE-4533	04/25/79	Maine
Dave's Arco	DEE-4523	04/25/79	Pennsylvania
Eastern Exxon Service Center	DEE-4524	04/25/79	Maryland
Edelene's Shell Service	DEE-4535	04/25/79	California
Eichelberger, S. G	DEE-4525	04/25/79	Washington
Fairgrove Service Center	DEE-4536	04/25/79	North Carolina
FS Service, Inc	DEE-4263	04/25/79	Illinois
G. M. Petroleum Distributors	DEE-4513	04/25/79	Montana
Globe Oil Co	DEE-4537	04/25/79	Georgia
Gonzales Exxon Station	DEE-4538	04/25/79	Texas
Greene, Raymond	DEE-4539	04/25/79	Oklahoma
Happy Hour Workshop	DEE-4540	04/25/79	Georgia
Hawgley, Tom	DEE-4542	04/25/79	Arkansas
Hillcrest Mobil	DEE-4543	04/25/79	Texas
Hillsboro Inlet Marine Corp	DEE-4514	04/25/79	Florida
Home Oil, Inc	DEE-4544	04/25/79	Wisconsin
Howard's Self Serv Oil Co	DEE-4545	04/25/79	Minnesota
I. V. Cole Petroleum Co., Inc	DEE-4546	04/25/79	Iowa
Ingram Creek Service	DEE-4547	04/25/79	California
J. R. Hellon Phillips 66	DEE-4548	04/25/79	Texas
Jersey Crown Dairy	DEE-4549	04/25/79	California
John's Place	DEE-4460	04/25/79	Massachusetts
Lasseter's Chevron	DEE-4550	04/25/79	Florida
Lay Brothers, Inc	DEE-4551	04/25/79	Georgia
Lucky 11 Car Wash	DEE-4552	04/25/79	New York
Lulof & Ward	DEE-4515	04/25/79	Michigan
Maplewood Auto Service	DEE-4526	04/25/79	Minnesota
Munford Inc	DEE-4516	04/25/79	Georgia
New Gate Phillips 66	DEE-4554	04/25/79	Virginia
Nick & Paul's Auto Service	DEE-4527	04/25/79	Nevada
Ocean, Inc	DEE-4555	04/25/79	Maryland
Pak's Gas & Grocery Store	DEE-4528	04/25/79	Virginia
Quik Service Inc	DEE-4517	04/25/79	Virginia
Saddleback Self Service	DEE-4556	04/25/79	California
Stevens Creek Exxon	DEE-4518	04/25/79	California
Stever, Ervin	DEE-4529	04/25/79	Pennsylvania
Suburban Oil Co., Inc	DEE-4612	04/25/79	Michigan
Terry's Exxon Service Center	DEE-4558	04/25/79	North Carolina
Tucker, Cecil	DEE-4559	04/25/79	Oklahoma
U-Needa Car Wash, Inc	DEE-4560	04/25/79	Pennsylvania
Whitcomb's Arco	DEE-4561	04/25/79	Pennsylvania
Yorktown 66 Service Station	DEE-4562	04/25/79	Virginia

April 26, 1979

Cho's Self-Service Gasoline	DEE-4564	04/26/79	California
Florence Boulevard Chevron	DEE-4567	04/26/79	Alabama
Foster, Bob	DEE-4603	04/26/79	California
Heberer Shell	DEE-4406	04/26/79	Missouri
Lantz Texaco	DEE-4539	04/26/79	Arizona
Mani Guerami	DEE-4568	04/26/79	California
Miller's Shell	DEE-4570	04/26/79	California
Mills General Merchandise	DEE-4557	04/26/79	Alabama

April 26, 1979—Continued

Old Fort Exxon	DEE-4571	04/26/79	North Carolina
Saveway Oil Company	DEE-4572	04/26/79	Missouri
Sunrise Market	DEE-4585	04/26/79	
United Oil Industries, Inc.	DEE-4586	04/26/79	Georgia
Wo Wo Wash	DEE-4573	04/26/79	California

April 27, 1979

Arts Mobil Service	DEE-4580	04/27/79	California
Augy's Gulf Service	DEE-5403	04/27/79	Massachusetts
Barnick's Gulf	DEE-5402	04/27/79	Connecticut
Bell Haven Sunoco	DEE-4581	04/27/79	Virginia
Bob's Texaco	DEE-4582	04/27/79	California
Boomtown, Inc.	DEE-4583	04/27/79	Nevada
Bouquet Canyon Chevron	DEE-4584	04/27/79	California
Brennan Petroleum Products Co.	DEE-4585	04/27/79	Arizona
Builders Mart of Catawba Cnty.	DEE-4586	04/27/79	North Carolina
By-Rite Oil Company	DEE-4587	04/27/79	Michigan
Calaveras Pine's Garage	DEE-4588	04/27/79	California
Certified Roofing Systems, Inc.	DEE-4589	04/27/79	Arizona
Chance, Frank	DEE-4590	04/27/79	California
Christensen Oil Co., Inc.	DEE-4578	04/27/79	Wisconsin
Chuck Smith Chevron	DEE-4591	04/27/79	California
Cola Bottling of S.E. New Eng.	DEE-5406	04/27/79	Connecticut
Colony West Gulf	DEE-4579	04/27/79	Arkansas
Columbia "20" Union Auto/Truck	DEE-4592	04/27/79	South Carolina
Cremmen, Joseph	DEE-5401	04/27/79	Massachusetts
Cut Rate Grocery	DEE-4593	04/27/79	North Carolina
Dan's Amoco	DEE-4594	04/27/79	Ohio
Davis, James H.	DEE-4595	04/27/79	Oklahoma
Delk, Donald R.	DEE-4596	04/27/79	Arkansas
Dinkins Gulf Service	DEE-4598	04/27/79	Georgia
E-Z Shop, Inc.	DEE-4599	04/27/79	Oklahoma
Edgefield Amoco	DEE-4610	04/27/79	Ohio
Ellis & Larry's Shell	DEE-4600	04/27/79	California
Fairchild, Lyle	DEE-4601	04/27/79	Arizona
Fairlington Sunoco	DEE-4602	04/27/79	Virginia
Frito Lay	DEE-4604	04/27/79	California
H. S. & L., Inc.	DEE-4574	04/27/79	District of Columbia
Handi-Car, Inc.	DEE-4605	04/27/79	Arizona
Honda & Hari	DEE-4606	04/27/79	California
Jet Check #2	DEE-4608	04/27/79	North Carolina
Joe's Gas House	DEE-4609	04/27/79	California
Kawell Service Station	DEE-4611	04/27/79	Wisconsin
Krutzik, Merlin	DEE-4613	04/27/79	Wisconsin
Liberty Amoco, Inc.	DEE-4614	04/27/79	Maryland
Lugo, Richard	DEE-4616	04/27/79	California
McColl's Dairy Products Co.	DEE-4617	04/27/79	California
Mike's Shell Service	DEE-4618	04/27/79	California
Moffett Northside Shell Service	DEE-4619	04/27/79	Indiana
Norm's Fina	DEE-4576	04/27/79	Arkansas
Phillips & Son, Inc.	DEE-4620	04/27/79	California
Prather	DEE-4621	04/27/79	Ohio
Reid's Standard Service	DEE-4622	04/27/79	Florida
Richland Farm Bureau Co-op	DEE-4577	04/27/79	Ohio
Rosetta, James	DEE-4623	04/27/79	Ohio
S. & H. Gulf Service	DEE-4624	04/27/79	California
Sabbah, Basem	DEE-4625	04/27/79	California
Sav-Way Auto Leasing & Rental	DEE-4627	04/27/79	Arizona
Seabrook Sunoco	DEE-4830	04/27/79	New Hampshire
Shell Oil Col	DEE-4640	04/27/79	Arizona
Simmon's Truck Oasis, Inc.	DEE-4633	04/27/79	Utah
T. & D. Transfer & Storage	DEE-4628	04/27/79	California
Tara's Shell	DEE-3955	04/27/79	Connecticut
Texaco, Inc.	DEE-4629	04/27/79	Arizona
Tillack, Jack A.	DEE-4631	04/27/79	Florida
Tripp's Service Center	DEE-4632	04/27/79	California
Vann's Service Station	DEE-4634	04/27/79	Georgia
Vito's Chevron	DEE-4635	04/27/79	California
W. Don Morris Gulf	DEE-4636	04/27/79	Texas
Westown Chevron Service	DEE-4637	04/27/79	Arizona
Wright Yucca Mobil	DEE-4638	04/27/79	Arizona
Ye Olde Family Inn & Service	DEE-4639	04/27/79	Ohio
Yerby Oil Company	DEE-4575	04/27/79	Texas

Items Retrieved 402

[FR Doc. 79-22445 Filed 7-19-79; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Central Valley Project; Hearing on Proposed Rate Order

AGENCY: Western Area Power Administration (WAPA), Department of Energy.

ACTION: Notice of hearing for oral presentation on proposed rate order by interested parties.

SUMMARY: The purpose of the hearing is to provide an opportunity for interested parties to present oral views, data, and arguments concerning the proposed order by the Assistant Secretary for Resource Applications, confirming, approving, and placing in effect increased rates for the Central Valley Project (CVP) on an interim basis. The proposed order was published in the **Federal Register** on July 9, 1979, at 44 FR 40118.

DATE: The hearing will be held on August 7, 1979, at 9:30 a.m.

ADDRESS: The hearing will be held at the Sacramento Inn, Comstock Rooms 2 and 3, 1401 Arden Way, Sacramento, California 95815.

FOR FURTHER INFORMATION CONTACT:

Gordon R. Estes, Area Manager, Sacramento Area Office, Western Area Power Administration, Department of Energy, 2800 Cottage Way, Sacramento, Calif. 95825 (916) 484–4251

James A. Braxdale, Office of Power Marketing Coordination, Resource Applications, Department of Energy, 12th & Pennsylvania Avenue, NW., Washington, DC 20461 (202) 633–8338

SUPPLEMENTARY INFORMATION: The WAPA procedures, published in the **Federal Register** on February 7, 1979, at 44 FR 7795, indicated that an opportunity for oral presentation of views, data, and arguments on any proposed rate order by the Assistant Secretary for Resource Applications would be afforded interested persons upon request. The proposed rate order on CVP was published in the **Federal Register** on July 9, 1979, at 44 FR 40118. Subsequently, a request was received for oral presentation by an interested party.

Since this will not be judicial- or evidentiary-type hearing, questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made, and the entire record of the hearing, including the transcript, will be made available for inspection at the Office of Power Marketing Coordination, Resource Applications, Department of Energy, Room 3349, 12th & Pennsylvania Avenue, NW., Washington, DC 20461, between the hours of 9 a.m. and 5 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, DC, July 15, 1979.

George S. McIsaac,

Assistance Secretary, Resource Applications.

[FR. Doc. 79-22556 Filed 7-19-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1278-3]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review, Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of July 9 to 13, 1979.

REVIEW PERIODS: The 45–day review period for draft EIS's listed in this Notice is calculated from July 20, and will end on September 3, 1979. The 30–day wait period for final EIS's will be computed from the date of receipt by EPA and commenting parties.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the Notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Kathi Weaver Wilson, Office of Environmental Review A–104, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755–0780.

SUMMARY OF NOTICE: Appendix I sets forth a list of EIS's filed with EPA during the week of July 9 to 13, 1979 the Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number if available. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the **Federal Register** and the extended date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agencies.

Appendix V sets forth a list of reports or additional supplemental information on previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: July 17, 1979.

William N. Hedeman, Jr.,

Director, Office of Environmental Review.

Appendix I—EIS's Filed With EPA During the Week of July 9 to 13, 1979

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 412A, Washington, D.C. 20250, (202) 447–3965

Forest Service

Draft

Los Pinos River Wild/Scenic River Study, San Juan NF, Hinsdale County, Colo., July 13: Proposed is the inclusion of the Los Pinos River and several of its tributaries in the National Wild and Scenic River System. The river and the tributaries proposed for inclusion are located within the Weminuche wilderness of the San Juan NF in Hinsdale County, Colorado. The tributaries are Lake Creek, Flint Creek, Rincon La Osa, Rincon La Vaca, Snowslide and Sierra Vandera. The alternatives considered include: (1) no inclusion, (2) inclusion of all segments, and (3) inclusion of all segments except Lake Creek. (EIS Order No. 90714.)

Final

Jefferson N.F. Timber Plan, Virginia, Kentucky, and West Virginia, July 9: Proposed is a timber plan for the Jefferson National Forest located in parts of Virginia, West Virginia, and Kentucky. The plan proposes even-aged management for 239,000 acres of the forest which are suitable for sustained yield timber production and on 162,000 acres which are suitable for wildlife habitat diversity. Uneven-aged management is proposed for 3,200 acres of northern hardwoods on the Mount Rogers National Recreation Area. (USDA–FS–R8–FES–ADM–78–03.) Comments made by: EPA, DOC, USDA, DOI, State and local agencies, groups, individuals and businesses. (EIS Order No. 90689.)

Rural Electrification Administration

Draft

Colorado-Ute Coal-Fired Powerplant, Craig Unit 3, Moffat County, Colo., July 10:

Proposed is the awarding of a loan guarantee for the construction of a 400-MW coal-fired steam-electric generating unit, to be known as Craig Unit 3, located at Craig Station on the Yampa River, in Moffat County, Colorado. The unit will produce approximately 400 MW of power with fuel being supplied from local coal reserves and water from the Yampa River. Some transmission system modifications will be made to an existing line. (USDA–REA–EIS–(ADM)–79–10–D.) (EIS Order No. 90695.)

Escalante Electric Generating Station, McKinley County, N. Mex., July 13: Proposed is the awarding of a guaranteed loan for the construction and operation of the Escalante 233MW coal-fired unit to be located at Prewitt, McKinley County, New Mexico. The project will include associated transmission, water pipeline, and rail spur facilities. The 2720 acre site is planned to support up to 1000MW of electric generating capacity. The transmission facilities will include two 11.5 mile 115kV lines from the Escalante Station to the Ambrosia Lake Substation and a 6 mile 115kV transmission line to an existing 115kV line. (USDA–REA–EIS–(ADM)–76–6–D.) (EIS Order No. 90715.)

Soil Conservation Service

Draft

Lower Pine Creek Watershed, flood protection, Contra Costa County, Calif., July 11: Proposed is a watershed protection and flood prevention plan for the lower Pine Creek Watershed located in Contra Costa County, California. The project will consist of: (1) Excavation of a 47-acre storm-water detention basin and construction of a control structure and other appurtenant structures, and (2) disposal of approximately 1,000,000 cubic yards of excavation spoil immediately adjacent to the basin site. (EIS Order No. 90702.)

Draft

East Side Green River Watershed Protection, King County, Wash., July 10: Proposed is a watershed protection and flood prevention plan for the east side of the Green River in King County, Washington. The remaining measures include: (1) An accelerated land treatment program, (2) enlarge and/or realign approximately 11.1 miles of existing man-altered stream channels and (3) locally-adopted comprehensively land-use plans. All the alternatives, except no action, include accelerated land treatment and vary with the following: (1) Nonstructural measures, (2) additional channels, (3) upland detention, or (4) channels plus bottom-land detention. (USDA–SCS–ES–WS–(ADM)–79–1(F)–WA.) (EIS Order No. 90697.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 377–4335.

National Oceanic and Atmospheric Administration

Final

Delaware Coastal Zone Management Program (CZM), State of Delaware, July 12: Proposed is a coastal zone management program for the State of Delaware. The program addresses the issues of port development, maintenance dredging, offshore OCS development, oil spills, shoreline erosion, recreation and protection of fragile coastal resources. The program will condition, restrict or prohibit some uses in parts of the coastal zone, while encouraging development and other uses in other parts. (1003–79–01–03). Comments made by: EPA, FERC, GSA, USDA, DOC, DOD, DOT, NRC, DOE, State and local agencies, groups and businesses. (EIS order No. 90710.)

Army Corps of Engineers

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272–0121.

Draft

Waiehu Beach Shore Protection, Maui, Maui County, Hawaii, July 12: Proposed is a shore protection plan for Waiehu Beach on the island of Maui in Maui County, Hawaii. The alternatives consider: 1) a nonstructural shoreline management plan, 2) the construction of a shoreline stone revetment, 3) an offshore breakwater, and 4) a protective beach plan. (South Pacific Division.) (EIS order No. 90708.)

Final

West Des Moines-Des Moines Flood Protection, Polk County, Iowa, July 12: This statement proposes a plan for flood protection for the cities of West Des Moines and Des Moines, near the confluence of the Raccoon River and Walnut Creek in Polk County, Iowa. The project will protect an area of approximately 927 acres from the standard project flood of these watercourses. Project elements include refurbishment of existing levees and construction of new levees along the north bank of Jordon Creek. The original draft, #50416, filed 3–25–75, was replaced by revised draft #61241, filed 8–23–76. (Rock Island District). Comments made by: EPA, DOI, USDA, DOT, HUD, AHP, HEW, State and local agencies, groups and businesses. (EIS order No. 90556.)

The above FEIS was originally filed with EPA June 4, 1979 and was retracted for incomplete distribution in **Federal Register** June 29, 1979.

Department of Defense, Army

Contact: Col. Charles F. Sell, Chief of the Environmental Office, Headquarters DAEN-ZCE, Office of the Assistant Chief of Engineers, Department of the Army, Room 1E676, Pentagon, Washington, D.C. 20310, (202) 694–4269.

Draft

Fort Wainwright, Land Withdrawal, State of Alaska, July 10: Proposed is the continuation of the withdrawal from public domain 249,552 acres, known as the Yukon Maneuver Area, of the Fort Wainwright military reservation, Alaska for use by the 172nd Infantry Brigade for military maneuver and training purposes. Some of the alternatives considered are: 1) no action; 2) relocation of training activities at Fort Wainwright, Fort Greely, or Fort Richardson; 3) relocation of training activities to non-military lands; 4) curtailment of training activities on Yokum Maneuver Area lands; 5) state selection and management of portions of the lands; and 6) renew the withdrawal with joint army and BLM management of the lands. (EIS order No. 90698.)

Fort Greely, Land Withdrawal, State of Alaska, July 11: Proposed is the continuation of withdrawal of 624,225 acres from public domain located at Fort Greely, Alaska. These lands would be used for testing experimental military equipment, vehicles and weapons for airdrops; and for military maneuvers and training exercises. The period of withdrawal would be 15 years, with provision for an additional 10 year extension. Some of the alternatives consider: 1) no action; 2) relocation of training activities at another area of Fort Greely; 3) relocation of training activities to Fort Greely, Fort Richardson or non-military land; 4) curtailing training activities at Fort Greely; and 5) state selection and management of portions of the lands. (EIS order No. 90699.)

Final

Fort Richardson, Land Withdrawal, State of Alaska, July 11: Proposed is the continuation of withdrawal from public domain 3,340 acres of the Fort Richardson Military Reservation in Alaska for use by the 172nd Infantry Brigade for military maneuver and training purposes. The alternatives considered are: 1) No action; 2) relocation of training activities to another area of Fort Richardson; 3) relocation of training activities at Fort Wainwright, Fort Greely, or on non-military lands; 4) curtailing training activities on Fort Richardson lands; 5) State selection and management of portions of the lands; and 6) renew the withdrawal with joint Army and BLM Management of the Lands. (EIS order No. 90700.)

Fort Bliss, Ongoing Mission, El Paso County, Tex., July 11: Proposed is the continuation of the ongoing mission at Fort Bliss, El Paso County, Texas. The activities include field training exercises employing troops, equipment and vehicles in tactical situations, missile and artillery firing, aerial gunnery training, air support operations and other related activities. In addition to training activities, this action involves the testing of military weapons systems and day-to-day activities associated with the support of training and the operation of the installation. (EIS order No. 90701.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Clinton Spotts, Region 6, Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, Texas 75270, (214) 767–2716.

Draft

Bleached Kraft Market Pulp Mill, NPDES Permit, Newton County, Tex., July 9: Proposed is the issuance of an NPDES permit for the discharge of treated wastewater into the Sabine River resulting from the proposed construction of a 650 ton/day bleached Kraft Market Pulp Mill to be located near Bon Weir in Newton County, Texas. The alternatives consider build and no-build. Within the Build alternative two types of processing are considered: 1) Conventional five stage bleaching, and 2) the addition of oxygen delignification to the bleaching process. Provisions are also made for the management of solid wastes. (EIS order No. 90693.)

FEDERAL ENERGY REGULATORY COMMISSION

Contact: Dr. Jack M. Heinemann, Advisor on Environmental Quality, Room 3000, S–22, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 275–4150.

Final

Prattsville, Pumped Storage Project No. 2729, Delaware, Greene, Schoharie Counties, N.Y., July 13: Proposed is the issuance of a license for the construction, operation, and maintenance of the Prattsville pumped storage project to be located in the counties of Delaware, Greene, and Schoharie, New York. The project would consist of: The existing 1,145-acre Schoharie reservoir which is formed by Gilboa Dam, across Schoharie Creek; a rolled earthfill dam which would impound a 500-acre upper reservoir; a system of shafts and tunnels connecting the two reservoirs via the powerhouse; an underground powerhouse containing four reservoirs pumping-generating units; three 345KV transmission circuits approximately 5.6 miles in length; a haul road; and recreational facilities. (FERC/EIS–0003.) Comments made by: AHP, NRC, HUD, USDA, DOI, COE, EPA, State and local agencies, groups, individuals and businesses. (EIS order No. 90719.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, 202–755–6306.

Draft

Concord Planned Development in Montbello, Denver, Denver County, Colorado, July 13: Proposed is the issuance of HUD Home Mortgage Insurance for the Concord Planned Development in Montbello in the city and county of Denver, Colorado. The completed development will contain 6,565 single family units and 4,000 multifamily units. At this time 2,234 single family units and 2,820 multifamily units remain to be constructed. (HUD–RO8–EIS–79–XVD) (EIS Order No. 90717.)

Lake Mandarin Subdivision, Jacksonville, Duval County, Florida, July 11: Proposed is the issuance of HUD Home Mortgage Insurance for the Lake Mandarin Subdivision located in Jacksonville, Duval County, Florida. The project encompasses 260 acres of land. Included in the subdivision will be: Single family detached homes, patio homes, multi-family attached housing, a model center, an amenities center, and a commercial area. The plan also includes a 30.4 acre lake for recreation and stormwater retention and 27 acres of open space. (HUD–RO4–EIS–77–08) (EIS Order No. 90703.)

Burke Center, Mortgage Insurance, Fairfax County, Virginia, July 13: Proposed is the issuance of HUD Home Mortgage Insurance for the Burke center located in Fairfax County, Virginia. The uncompleted portion covers the development of approximately 2,945 units over the next year. At completion of the total development, it will contain 300 acres of park and open space, 123 acres of commercial and industrial uses and 1,026 acres of residential uses and streets. (EIS Order No. 90716.)

Final

Sky Lake South Subdivision, Orlando, Orange County, Florida, July 12: Proposed is the issuance of HUD Home Mortgage Insurance for the Sky Lake South Subdivision located in Orlando, Orange County, Florida. The development is on a 320-acre tract and will contain approximately 1,200 dwelling units. Sky Lake South is part of a 4,500 acre area designated for single family planned unit developments. (HUD–RO4–EIS–77–21) Comments made by: USDA, USAF, DOC, DOE, EPA, HEW, DOI, DLAB, DOT, VA, State, and local agencies (EIS Order No. 90709.)

Section 104(h)

The following are Community Block Development Grants Statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Draft

Woodlawn Drainage System (CDBG), Schenectady, Schenectady County, New York, July 12: Proposed is the awarding of CDBG funds for the Woodlawn Drainage Project located in the city and county of Schenectady, New York. The project consists of the construction and reconstruction of piping and ditching of a branch of the Lisha Kill. The purpose of the project is to improve drainage in the area by lowering groundwater levels in the Woodlawn Reserve and increasing pipe capacity in the collection system. Features of the project are: (1) construction of an open ditch, a 1.5-acre holding pond, a 13 acre holding pond, a 90" diameter reinforced concrete pipe, and a 54" diameter pipe; and (2) reconstruction of an existing open ditch. (EIS Order No. 90712.)

DEPARTMENT OF LAND MANAGEMENT

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240, 202–343–3891.

Bureau of Land Management

Draft

Oil Shale Resource Development, Land Exchange, Rio Blanc County, Colorado, July 12: Proposed is a land exchange between BLM and the Superior Oil Company and the revoking of the oil shale withdrawal by the Secretary of DOI. With the exchange, an economical mining unit would be formed and oil shale resources developed. The development will include the construction of an underground mine and a processing plant; the above ground facilities will occupy about 320 acres. The alternatives considered are no action, product transportation by rail or pipe, and expanded resource development. This project is located in Rio Blanc County, Colorado. (DES–79–40) (EIS Order No. 90706.)

Intermountain Power Project, Salt Wash Site, several counties in Utah, Arizona, Nevada and California, July 10: Proposed is the transfer of land, the issuance of permits, and granting of right-of-way in conjunction with the construction and operation of a 3,000 megawatt coal-fire generating station and related transmission facilities. The proposed location of the station is known as the Salt Wash Site in Wayne County, Utah. Transmission lines will transverse the states of Utah, Arizona, Nevada, and California, and will include: Two 500kv D.C. lines, one 230kv A.C. line, a 230kv line, and two 345kv lines. Another site is considered for the station near Lynndyl in Millard County, Utah. (DES–79–39) (EIS Order No. 90696.)

Geological Survey

Draft

Northern Powder River Basin Coal, Big Horn, Horn, Rosebud, and Sheridan Counties, Mont., July 13: Proposed is coal development with Northern Powder River Basin in Horn, Rosebud, and Sheridan Counties, Montana. Three mining and reclamation plans have been proposed. The mine plans include 3,828 acres of existing Federal coal leases and 540 acres of private coal leases. A total of 7,400 acres of Federal and private land would be required for the mines, related facilities, and rights-of-way. Volume I of this EIS analyzes the cumulative impacts of the proposed developments. Volume II is a site-specific analysis of the Pearl Mine. (DES–79–41.) (EIS Order No. 90713.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4357.

Federal Aviation Administration

Final

Indianapolis International Airport, Indianapolis, Marion County, Ind., July 9: Proposed are developments at the Indianapolis International Airport, formerly known as the Weir-Cook Municipal Airport, located in Indianapolis, Marion County, Indiana. The action will involve: (1) reimbursement for the acquisition of 530 acres of land, (2) construction of a replacement runway, (3) construction of a

cargo building and apron, (4) expansion of the passenger terminal apron, (5) installation of an instrument landing system, (6) closure of Seerly Road and construction of 3.5 miles of new road, and (7) acquisition of an additional 1,650 acres of land. Comments made by: HUD, DOC, DOT, COE, USDA, DOI, EPA, State agencies. (EIS Order No. 90690.)

Federal Highway Administration

Draft

TN-35, Sims Road to TN-9/I-40, Sevier, Jefferson, and Cocke Counties, Tenn., July 10: Proposed is the improvement of TN-35, in Tennessee, from Sims Road east of Fair Gardens in Sevier County, extending 9.7 miles through Jefferson County to I-40 in Cocke County. The facility is divided into three sections. It is proposed that section 1 and 2 be constructed as a two-lane facility, primarily on new location, with provisions made for future expansion to four-lanes. Section 3 would be improved along the existing TN-9 location, with 4 lanes and 250 feet of right-of-way. The alternatives consider no action, and two alignment alternatives. (FHWA-TN-EIS-79-01-D.) (EIS Order No. 90694.)

Final

I-40, I-40/I-95 near Benson to Wilmington, several counties, North Carolina, July 13: Proposed is the construction of I-40 between the I-40 terminus at I-95 near Benson to Wilmington within the counties of Johnston, Sampson, Duplin, Pender and New Hanover, North Carolina. The facility would be a multi-lane highway extending for a distance of approximately 91.5 miles. This statement finalizes a portion of the project discussed in the draft EIS entitled I-40, Raleigh Beltline—I-95 and Extension, No. 90214, filed 2-28-79. Another final EIS will be issued on the portion of I-40 from Raleigh to I-95 pending final approvals. (FHWA-NC-EIS-77-02-FS.) Comments made by: DOI, EPA, COE, DOT, USDA, HEW, HUD, DOC, FERC, State and local agencies. (EIS Order No. 90720.)

Burlington Southern Connector, I-189 to Battery St., Chittenden County, Vt., Aril 9: Proposed is the construction of approximately 2.5 miles of highway known as the Southern Connector, in the city of Burlington, Chittenden County, Vermont, commencing at the interchange of I-189 and U.S. 7 extending westerly and northerly to the intersection of Battery and King Streets in the Burlington central business district. The facility will have four twelve foot travel lanes for the entire length with turning lanes where necessary. A portion of the highway will have limited access with partial control. The project also will involve modification of the Shelburne Street Interchange. (FHWA-VT-EIS-77-02-F.) Comments made by: COE, HUD, DOI, EPA, DOE, DOT, State and local agencies, groups, individuals and businesses. (EIS Order No. 90691.)

VT-127, VT-127 to Warner's Corner, Burlington, Chittenden County, Vt., April 9: Proposed is the reconstruction of approximately 3.5 miles of VT-127 in the city of Burlington and the town of Colchester, Chittenden County, Vermont, between a point on existing VT-127 in Burlington, known as section 4, and the intersection of VT-127 and Prim Road (TH 33) in Colchester. The project also includes a new bridge over the Winooski River. A 4(F) statement is included concerning possible land acquisition from Ethan Allen Park. (FHWA-VT-EIS-77-01-F.) Comments made by: HUD, USDA, DOI. (EIS Order No. 90692.)

Urban Mass Transportation Administration

Draft

Los Angeles Downtown People Mover Project, Los Angeles County, Calif., July 12: Proposed is the issuance of Federal Capital Grant Assistance for the Downtown People Mover (DPM) transit project in the central business district of the city and county of Los Angeles, California. The DPM would be a completely automated, grade-separated circulation/distribution system of approximately 3 miles in length, linking 13 stations in downtown Los Angeles. The project requires: (1) Purchase of right-of-way, (2) purchase and installation of a transit system, (3) 60 transit vehicles, and (4) a storage and maintenance facility to be constructed at Union Station. (EIS Order No. 90705.)

San Francisco Bay Area Terminal Expansion, San Francisco County, Calif., July 12: Proposed is the awarding of partial capital assistance for the expansion of the capacity of the existing Transbay Transit Terminal to provide off-street facilities in the city and county of San Francisco, California. The system would provide a combined downtown terminal for both long-haul and commuter bus operations into San Francisco, and space for special services such as Airporter and sight-seeing. The alternatives consider no build, four terminal imporvement strategies, and two joint use alternatives on the terminal site. (EIS Order No. 90707.)

U.S. Coast Guard

Final Supplement

Seadock Application Amendment, TDPA, License, Gulf of Mexico, Texas, July 12: This statement supplements a final EIS filed in December 1976 concerning the issuance of a license to Seadock Incorporated. This document covers the transfer of that license to the Texas Deepwater Port Authority (TDPA). Proposed is the construction and operation of a deepwater port in the Gulf of Mexico approximately 26 miles off the coast of Freeport, Texas. Addressed are the change in ownership, changes in the project design and new data which has become available. Comments made by: COE, DOC, EPA, DOI, TREA, State and local agencies, businesses. (EIS Order No. 90711.)

VETERANS ADMINISTRATION

Contact: Mr. Willard Sitler, Director, Environmental Affairs Office (66), Veterans Administration, 810 Vermont Avenue, Washington, D.C. 20420, (202) 389-2526.

Final

John L. McClellan Memorial Veterans' Hospital, Pulaski County, Ark., July 13: Proposed is the construction of a 505 bed medical center in Little Rock, Pulaski County, Arkansas to replace the existing Roosevelt Road Hospital which is also located in Little Rock. The replacement hospital will occupy a 23.3 acre site adjacent to the University of Arkansas approximately 3 miles northwest of the existing site. Three alternatives were considered. Comments made by: EPA, COE, DOI, DOT, local agencies, groups and businesses. (EIS Order No. 90718.)

EIS's Filed During the Week of July 9 to 13, 1979

[Statement Title Index—By State and County]

State	County	Status	Statement title	Accession No.	Date filed	Orig. Agency No.
Alaska		Draft	Fort Wainwright, Land Withdrawal	90698	07-10-79	USA.
		Draft	Fort Greely, Land Withdrawal	90699	07-11-79	USA.
		Draft	Fort Richardson, Land Withdrawal	90700	07-11-79	USA.
Arizona	Several	Draft	Intermountain Power Project, Salt Wash Site	90696	07-10-79	DOI
Arkansas	Pulaski	Final	John L. McClellan Memorial Veterans' Hospital	90718	07-13-79	VA
California	Contra Costa	Draft	Lower Pine Creek Watershed, Flood Protection	90702	07-11-79	USDA.
	Los Angeles	Draft	Los Angeles Downtown People Mover Project	90705	07-12-79	DOT.
	San Francisco	Draft	San Francisco Bay Area Terminal Expansion	90707	07-12-79	DOT.
	Several	Draft	Intermountain Power Project, Salt Wash Site	90696	07-10-79	DOI.
Colorado	Denver	Draft	Concord Planned Development in Montbello, Denver.	90717	07-13-79	HUD.
	Hinsdale	Draft	Los Pinos River Wild/Scenic River Study, San Juan NF.	90714	07-13-79	USDA.
	Moffat	Draft	Colorado-Ute Coal-Fired Powerplant, Craig Unit 3	90695	07-10-79	USDA.
	Rig Blanc	Draft	Oil Shale Resource Development, Land Exchange	90706	07-12-79	DOI.
Delaware		Final	Delaware Coastal Zone Management Program (CZM).	90710	07-12-79	DOC.
Florida	Duval	Draft	Lake Mandarin Subdivision, Jacksonville	90703	07-11-79	HUD.
	Orange	Final	Sky Lake South Subdivision, Orlando	90709	07-12-79	HUD.

EIS's Filed During the Week of July 9 to 13, 1979 —Continued

(Statement Title Index—By State and County)

State	County	Status	Statement title	Accession No.	Date filed	Orig. Agency No.
Hawaii	Maui	Draft	Waiehu Beach Shore Protection, Maui	90708	07-12-79	COE.
Indiana	Marion	Final	Indianapolis International Airport, Indianapolis	90690	07-09-79	DOT.
Iowa	Polk	Final	West Des Moines-Des Moines Flood Protection	90556	07-12-79	COE.
Kentucky	Several	Final	Jefferson N. F. Timber Plan	90689	07-09-79	USDA.
Montana	Morn	Draft	Northern Powder River Basin Coal, Big Horn	90713	07-13-79	DOI.
	Rosebud	Draft	Northern Powder River Basin Coal, Big Horn	90713	07-13-79	DOI.
	Sheridan	Draft	Northern Powder River Basin Coal, Big Horn	90713	07-13-79	DOI.
Nevada	Several	Draft	Intermountain Power Project, Salt Wash Site	90696	07-10-79	DOI.
New Mexico	McKinley	Draft	Escalante Electric Generating Station	90715	07-13-79	USDA.
New York	Delaware	Final	Prattsville, Pumped Storage Project No. 2729	90719	07-13-79	PERC.
	Greene	Final	Prattsville, Pumped Storage Project No. 2729	90719	07-13-79	PERC.
	Schenectady	Draft	Woodlawn Drainage System (CDBG), Schenectady	90712	07-12-79	HUD.
	Schoharie	Final	Prattsville, Pumped Storage Project No. 2729	90719	07-13-79	FERC.
North Carolina	Several	Final	I-40, I-40/I-95 Near Benson to Wilmington	90720	07-13-79	DOT.
Tennessee	Cocke	Draft	TN-35, Sims Road to TN-9/I-40	90694	07-10-79	DOT.
	Jefferson	Draft	TN-35, Sims Road to TN-9/I-40	90694	07-10-79	DOT.
	Sevier	Draft	TN-35, Sims Road to TN-9/I-40	90694	07-10-79	DOT.
Texas	El Paso	Draft	Fort Bliss, Ongoing Mission	90701	07-11-79	USA.
	Newton	Draft	Bleached Kraft Market Pulp Mill, NPDES Permit	90693	07-09-79	EPA.
		F Suppl	Seadock Application Amendment, TDPA, License	90711	07-12-79	DOT.
Utah	Several	Draft	Intermountain Power Project, Salt Wash Site	90696	07-10-79	DOI.
Vermont	Chittenden	Final	Burlington Southern Connector, I-189 to Battery St.	90691	07-09-79	DOT.
	Chittenden	Final	VT-127, VT-127 to Warner's Corner, Burlington	90692	07-09-79	DOT.
Virginia	Several	Final	Jefferson N.F. Timber Plan	90689	07-09-79	USDA.
	Fairfax	Draft	Burke Center, Mortgage Insurance	90716	07-13-79	HUD.
Washington	King	Draft	East Side Green River Watershed Protection	90697	07-10-79	USDA.
West Virginia	Several	Final	Jefferson N.F. Timber Plan	90689	07-09-79	USDA.

Appendix II.—*Extension/Waiver of Review Periods on EIS's Filed With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Waiver/ extension	Date review terminates
DEPARTMENT OF AGRICULTURE					
Mr. Barry Flamm, Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 412A, Washington, D.C. 20250 (202) 447-3965.	Escalante Generating Plant and Related Transmission Facilities, New Mexico.	Draft 90715	7-20-79 see appendix I.	Extension	10-9-79
	Los Pinos River, Wild/Scenic River Study, San Juan National Forest, Hinsdale County, Colorado.	Draft 90714	7-20-79 see appendix I.	Extension	9-6-79

Appendix III.—*EIS's Filed With EPA Which Have been Officially Withdrawn by the Originating Agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Date of withdrawal
None.				

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status/number	Date notice published in "Federal Register"	Reason for retraction
DEPARTMENT OF TRANSPORTATION				
Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590 (202) 426-4357.	FL-525, Lakewood Circumferential Route Polk County, Florida.	Draft 90644	7-6-79	Distribution of the Draft EIS has not been completed.
	I-95/MA-128 Interchange and MA-128 Interchange and MA-128 Improvements Essex County, Massachusetts.	Draft 90587	6-22-79	Distribution of the final EIS has not been completed.

Appendix V.—*Availability of Reports/Additional Information Relating to EIS's Previously Filed With EPA*

Federal agency contact	Title of report	Date made available to EPA	Accession No.
U.S. ARMY CORPS OF ENGINEERS			
Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers 20 Massachusetts Avenue, N.W., Washington, D.C. 20314 (202) 272-0121.	Mouth of the Colorado River Navigation Features, Section 404(b) Evaluation, Texas.	7-11-79	90704

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Correction
DEPARTMENT OF TRANSPORTATION				
Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590 (202) 426-4357.	US-43, Sunflower to Leroy Washington County, Alabama.	Final Supplement 90593	6-22-79	Incorrectly filed as a final EIS. The correct status is final supplement.

[FR Doc. 79-22560 Filed 7-19-79; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1278-2]

National Drinking Water Advisory Council; Open Meeting

Under Section 10(a)(2) of Pub. L. 92-423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the National Drinking Water Advisory Council established under The Safe Drinking Water Act, as amended (42 U.S.C. S300F *et seq.*), will be held at 9:00 a.m. on August 13, 1979, and at 8:30 a.m. on August 14, 1979 in Room 2409, Mall Area, Waterside Mall, U.S. Environmental Protection Agency Headquarters, 401 M Street, SW., Washington, D.C. 20460.

The purpose of the meeting is to provide an update on EPA's regulations to control organic chemical contaminants in drinking water and to provide comment on EPA's reproposed Underground Injection Control Regulations. In addition, other items to be discussed include bottled water and who assures its safety, and EPA's drinking water research program and associated strategy.

Both days of the meeting will be open to the public. The Council encourages the hearing of outside statements and will allocate a portion of its meeting time for public participation. If a large number of parties indicate an interest in presenting an oral statement dealing with the planned agenda topics, the Council retains the option to select to hear only a few statements representing a diversity of viewpoints. Oral statements are generally limited to 15 minutes followed by a 15 minute discussion period. It is preferred that there be one presentor for each statement. Any outside parties interested in presenting an oral statement should petition the Council in writing. The petition should include the general topic of the proposed statement, the petitioner's telephone number, and should be received by the Council before August 5, 1979.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at the Council meeting and will be made part of the permanent meeting record.

Any member of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement should contact, Mr. Patrick Tobin, Executive Secretary for the National Drinking Water Advisory Council, Office of Drinking Water (WH-550), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

The telephone number is: Area Code 202/426-8877.

Thomas C. Jorling,

Assistant Administrator for Water and Waste Management.

July 17, 1979.

[FR Doc. 79-22567 Filed 7-19-79; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1272-6; PF-140]

Filing of Pesticide and Food Additive Petitions

Pursuant to sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency (EPA) gives notice that the following petitions have been submitted to the Agency for consideration.

PP 9F2207. ICI Americas Inc., Concord Pike and New Murphy Road, Wilmington, DE 19897. Proposes that 40 CFR 180.378 be amended by establishing tolerances for the insecticide permethrin [(3-phenoxyphenyl)methyl (±)-*cis, trans*-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate] in or on the following raw agricultural commodities:

Commodity	*Part(s) per million (ppm)*
Sweet corn	0.1
Milk (whole)	0.1
Meat and meat byproducts of cattle, goats, horses, and sheep	0.2
Cauliflower	0.5
Broccoli, brussels sprouts	1.0
Fat of cattle, goats, hogs, horses, and sheep	2.0
Milk fat	2.0
Corn fodder and forage	115.0

The proposed analytical method for determining residues is by gas-liquid chromatography procedure using an electron capture detector.

FAP 9H5219. ICI Americas Inc. Proposes that 21 CFR Part 193 be amended by permitting residues of the above insecticide on the commodity broccoli stalks at 5 ppm.

PP 9F2210. Shell Chemical Co., 1025 Connecticut Ave. NW, Suite 200, Washington, DC 20036. Proposes that 40 CFR 180.379 be amended by establishing tolerances for the residues of the insecticide cyano [(3-phenoxyphenyl) methyl-4-chloro-alpha-(1-methylethyl)benzeneacetate] in or on the raw agricultural commodites pears and apples at 0.02 ppm. The proposed analytical method for determining residues is by a gas-liquid chromatography procedure using an electron capture detector.

FAP 9H5222. Shell Chemical Co. Proposes that 21 CFR Part 193 be amended by permitting residues of the insecticide cyano [(3-phenoxyphenyl) methyl-4-chloro-alpha-(1-methylethyl)benzene-acetate] in or on the dried apple pomace at 0.2 ppm.

Interested persons are invited to submit written comments on these

petitions. Comments may be submitted, and inquiries directed, to Product Manager (PM) 17, Room E–341, Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M St., SW, Washington, DC 20460, telephone number 202/426–9417. Written comments should bear a notation indicating the petition number to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

Dated: July 16, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79–22570 Filed 7–19–79; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1277–5; PP 7G1900/T215]

Renewal of Temporary Tolerances for 0,0-Dimethyl 0-(4-nitro-m-tolyl) phosphorothioate

On November 30, 1978, the Environmental Protection Agency (EPA) gave notice (43 FR 56101) that in response to pesticide petition (PP 7G1900) submitted to the Agency by Stauffer Chemical Co., Western Research Center, 1200 S. 47th St., Richmond, CA 94804, temporary tolerances were established for combined residues of the insecticide *0,0*-dimethyl *0*-(4-nitro-*m*-tolyl) phosphorothioate and its metabolites *0,0*-dimethyl *0*-(4-nitro-*m*-tolyl) phosphate and 3-methyl-4-nitrophenol in or on the raw agricultural commodities fresh alfalfa, alfalfa hay, fresh pasture grass, and pasture grass hay at 10 parts per million (ppm) and in milk and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.01 ppm. These temporary tolerances expired February 16, 1979.

Stauffer Chemical Co. requested a one-year renewal of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit (476–EUP–80) that has been renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.)

The scientific data reported and all other relevant material were evaluated, and it was determined that renewal of the temporary tolerances would protect the public health. Therefore, the temporary tolerances have been renewed on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Stauffer Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire June 5, 1980. Residues not in excess of 10 ppm remaining in or on fresh alfalfa, alfalfa hay, fresh pasture grass, and pasture grass hay, and 0.01 ppm remaining in milk and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mr. William Miller, Product Manager 16, Registration Division (TS–767), Office of Pesticide Programs, 401 M St., SW, Washington, DC 20460 (202/755–9458).

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

Dated: July 16, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79–22571 Filed 7–19–79; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1277–2]

Request for Authority To Issue NPDES Permits to Federal Facilities by the State of Wisconsin

On October 18, 1972, Congress passed the Federal Water Pollution Control Act Amendments of 1972, (33 U.S.C. 1251–1376, Supp. 1973; hereinafter the "Act"). This legislation established the National Pollutant Discharge Elimination System (NPDES) permit program, under which the Administrator of the United States Environmental Protection Agency (U.S. EPA) or an approved State may issue permits to municipal, industrial, and agricultural entities to control the discharge of pollutants into navigable waters. Under Section 402(b) of the Act, and after a public hearing, Wisconsin was given authority on February 4, 1974, to issue NPDES permits to all point source dischargers except for Federal facilities. At that time, Federal law precluded States from issuing permits to Federal facilities and this responsibility was retained by U.S. EPA.

On December 27, 1977, the Act, which is now popularly known as the Clean Water Act (CWA), was amended. The recent amendments to the Act have significantly changed the regulatory relationship of States to Federal facilities. First, Section 313 of the Act was substantially amended to provide that Federal facilities must comply with substantive and procedural requirements of State law regarding the control of water pollution including State permits. Second, Federal permits to Federal agencies now require State certification under Section 401. Under the CWA Amendments, States may now be authorized to issue NPDES permits to Federal facilities. Only approved NPDES States can issue Section 402 permits. Where a nonapproved State issues a State permit to a Federal facility, the U.S. EPA will continue to issue an EPA permit in the same manner as any other NPDES permit.

Accordingl, all NPDES programs approved before the 1977 Amendments must be modified, including the Memoranda of Agreement, to reflect the States' new authority to issue and enforce Federal facilities permits. As part of this modification, the State has been asked to submit a statement that the laws of the State provide adequate authority for issuance of permits to Federal facilities and to carry out the reporting, monitoring, inspection and entry authorities of the NPDES permit program. NPDES program modifications are subject to public notice and opportunity for public comment and must be approved by the Administrator, U.S. EPA.

In a June 21, 1979, letter, Mr. Anthony S. Earl, Secretary, Wisconsin Department of Natural Resources, requested authority to issue permits to Federal facilities, and included a signed revision to the Memorandum of Agreeement worked out with the Regional Office. U.S. EPA Regional Counsel has reviewed information submitted by the State and has determined that Wisconsin has authority to issue NPDES permits to

Federal facilities. Prior to making a final recommendation to the Administrator, U.S. EPA, the Regional Administrator, Region V, is providing opportunity for public comment on the State of Wisconsin request. Any interested person may comment upon the State request by writing to the U.S. EPA, Region V Office, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: Permit Branch. Such comments will be made available to the public for inspection and copying. All comments or objections received by August 22, 1979, will be considered by U.S. EPA before taking final action on the Wisconsin request for authority to issue permits to Federal facilities.

The State's request, related documents, and all comments received are on file and may be inspected and copied (@ 20 cents/page) at the U.S. EPA, Region V Office, in Chicago.

Copies of this notice are available upon request from the Enforcement Division of U.S. EPA, Region V, by contacting Dorothy A. Price, Public Notice Clerk (312–353–2105), at the above address.

Dated: July 13, 1979.

John McGuire,

Regional Administrator.

[FR Doc. 79–22572 Filed 7–19–79; 8:45 am]

BILLING CODE 6560–01–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1275–4]

Drinking Water Technical Assistance; Implementation Plan for Control of Direct and Indirect Additives to Drinking Water and Memorandum of Understanding Between the Environmental Protection Agency and the Food and Drug Administration

AGENCY: Environmental Protection Agency and Food Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) and the Environmental Protection Agency (EPA) have executed a memorandum of understanding (MOU) with regard to the control of direct and indirect additives to and substances in drinking water. The purpose of the MOU is to avoid the possibility of overlapping jurisdiction between EPA and FDA with respect to control of drinking water additives. The agreement became effective on June 22, 1979.

ADDRESS: Submit comments to: Victor J. Kimm, Deputy Assistant Administrator for Drinking Water, Environmental Protection Agency (WH–550), Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: David W. Schnare, Ph.D., Office of Drinking Water (WH–550), Environmental Protection Agency, Washington, D.C. 20460, (202) 755–5643; or Gary Dykstra, Enforcement Policy Staff (HFC–22), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–3470.

SUPPLEMENTARY INFORMATION: In the spirit of interagency cooperation and to avoid the possibility of overlapping jurisdiction over additives and other substances in drinking water, FDA and EPA have entered into a memorandum of understanding to avoid duplicative and inconsistent regulation. In brief, the memorandum provides that EPA will have primary responsibility over direct and indirect additives and other substances in drinking water under the Safe Drinking Water Act, the Toxic Substances Control Act, and the Federal Insecticide, Fungicide and Rodenticide Act. FDA will have responsibility for water, and substances in water, used in food and for food processing and for bottled water under the Federal Food, Drug and Cosmetic Act.

Pursuant to the notice published in the **Federal Register** of October 3, 1974, (39 FR 35697) stating that future memoranda of understanding, and agreements between FDA and others would be published in the **Federal Register**, the following memorandum of understanding is issued:

Memorandum of Understanding Between the Environmental Protection Agency and the Food and Drug Administration

I. Purpose

This Memorandum of Understanding establishes an agreement between the Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA) with regard to the control of direct and indirect additives to and substances in drinking water.

EPA and FDA agree:

(1) That contamination of drinking water from the use and application of direct and indirect additives and other substances poses a potential public health problem;

(2) That the scope of the additives problem in terms of the health significance of these contaminants in drinking water is not fully known;

(3) That the possibility of overlapping jurisdiction between EPA and FDA with respect to control of drinking water additives has been the subject of Congressional as well as public concern;

(4) That the authority to control the use and application of direct and indirect additives to and substances in drinking water should be vested in a single regulatory agency to avoid duplicative and inconsistent regulation;

(5) That EPA has been mandated by Congress under the Safe Drinking Water Act (SDWA), as amended, to assure that the public is provided with safe drinking water;

(6) That EPA has been mandated by Congress under the Toxic Substances Control Act (TSCA) to protect against unreasonable risks to health and the environment from toxic substances by requiring, *inter alia*, testing and necessary restrictions on the use, manufacture, processing, distribution, and disposal of chemical substances and mixtures;

(7) That EPA has been mandated by Congress under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, to assure, *inter alia*, that when used properly, pesticides will perform their intended function without causing unreasonable adverse effects on the environment; and,

(8) That FDA has been mandated by Congress under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended, to protect the public from, *inter alia*, the adulteration of food by food additives and poisonous and deleterious substances.

It is the intent of the parties that:

(1) EPA will have responsibility for direct and indirect additives to and other substances in drinking water under the SDWA, TSCA, and FIFRA; and,

(2) FDA will have responsibility for water, and substances in water, used in food and for food processing and responsibility for bottled drinking water under the FFDCA.

II. Background

(A) *FDA Legal Authority.* "Food" means articles used for food or drink for man or other animals and components of such articles. (FFDCA § 201(f)). Under Section 402, *inter alia*, a food may not contain any added poisonous or deleterious substance that may render it injurious to health, or be prepared, packed or handled under unsanitary conditions. Tolerances may be set, under Section 406, limiting the quantity of any substance which is required for the production of food or cannot be avoided in food. FDA has the authority under Section 409 to issue food additive regulations approving, with or without conditions, or denying the use of a "food additive." That term is defined in Section 201(s) to include any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food, if such substance is not generally recognized as safe.

In the past, FDA has considered drinking water to be a food under Section 201(f). However, both parties have determined that the passage of the SDWA in 1974 implicitly repealed FDA's authority under the FFDCA over water used for drinking water purposes. Under the express provisions of Section 410

of the FFDCA, FDA retains authority over bottled drinking water. Furthermore, all water used in food remains a food and subject to the provisions of the FFDCA. Water used for food processing is subject to applicable provisions of FFDCA. Moreover, all substances in water used in food are added substances subject to the provisions of the FFDCA, but no substances added to a public drinking water system before the water enters a food processing establishment will be considered a food additive.

(B). *EPA Legal Authority.* The SDWA grants EPA the authority to control contaminants in drinking water which may have any adverse effect on the public health, through the establishment of maximum contaminant levels (MCLs) or treatment techniques, under Section 1412, which are applicable to owners and operators of public water systems. The expressed intent of the Act was to give EPA exclusive control over the safety of public water supplies. Public water systems may also be required by regulation to conduct monitoring for unregulated contaminants under Section 1445 and to issue public notification of such levels under Section 1414(c).

EPA's direct authority to control additives to drinking water apart from the existence of maximum contaminant levels or treatment techniques is limited to its emergency powers under Section 1431. However, Section 1442(b) of the act authorizes EPA to "collect and make available information pertaining to research, investigations, and demonstrations with respect to providing a dependably safe supply of drinking water together with appropriate recommendations therewith."

TSCA gives EPA authority to regulate chemical substances, mixtures and under some circumstances, articles containing such substances or mixtures. Section 4 permits EPA to require testing of a chemical substance or mixture based on possible unreasonable risk of injury to health or the environment, or on significant or substantial human or environmental exposure while Section 8 enables EPA to require submission of data showing substantial risk of injury to health or the environment, existing health and safety studies, and other data. For new chemical substances, and significant new uses of existing chemical substances, Section 5 requires manufacturers to provide EPA with premanufacturing notice. Under Section 6 the manufacture, processing, distribution, use, and disposal of a chemical substance or mixture determined to be harmful may be restricted or banned. Although Section 3(2)(B) of TSCA excludes from the definition of "chemical substance" food and food additives as defined under FFDCA, the implicit repeal by the SDWA of FDA's authority over drinking water enables EPA to regulate direct and indirect additives to drinking water as chemical substances and mixtures under TSCA.

The FIFRA requires EPA to set restrictions on the use of pesticides to assure that when used properly, they will not cause unreasonable adverse effects on the environment. EPA may require, *inter alia*, labeling which specifies how, when, and where a pesticide may be legally used. In addition, EPA has, under Section 409 of the FFDCA, required FIFRA registrants at times to obtain a food additive tolerance before using a pesticide in or around a drinking water source. Such tolerances establish further restrictions on the use of a pesticide which are enforceable against the water supplier as well as the registrant of the pesticide.

III. Terms of Agreement

(A) EPA's responsibilities are as follows:

(1) To establish appropriate regulations, and to take appropriate measures, under the SDWA and/or TSCA, and FIFRA, to control direct additives to drinking water (which encompass any substances purposely added to the water), and indirect additives (which encompass any substances which might leach from paints, coatings or other materials as an incidental result of drinking water contact), and other substances.

(2) To establish appropriate regulations under the SDWA to limit the concentrations of pesticides in drinking water; the limitations on concentrations and types of pesticides in water are presently set by EPA through tolerances under Section 409 of the FFDCA.

(3) To continue to provide technical assistance in the form of informal advisory opinions on drinking water additives under Section 1442(b) of the SDWA.

(4) To conduct and require research and monitoring and the submission of data relative to the problem of direct and indirect additives in drinking water in order to accumulate data concerning the health risks posed by the presence of these contaminants in drinking water.

(B). FDA's responsibilities are as follows:

(1) To take appropriate regulatory action under the authority of the FFDCA to control bottled drinking water and water, and substances in water, used in food and for food processing.

(2) To provide assistance to EPA to facilitate the transition of responsibilities, including:

(a) To review existing FDA approvals in order to identify their applicability to additives in drinking water.

(b) To provide a mutually agreed upon level of assistance in conducting literature searches related to toxicological decision making.

(c) To provide a senior toxicologist to help EPA devise new procedures and protocols to be used in formulating advice on direct and indirect additives to drinking water.

IV. Duration of Agreement

This Memorandum of Understanding shall continue in effect unless modified by mutual consent of both parties or terminated by either party upon thirty (30) days advance written notice to the other.

This Memorandum of Understanding will become effective on the date of the last signature.

Dated: June 13, 1979.

Douglas M. Costle,

Administrator, Environmental Protection Agency.

Dated: June 22, 1979.

Donald Kennedy,

Administrator, Food and Drug Administration.

Implementation Plan

EPA is concerned that direct and indirect additives may be adding harmful trace chemical contaminants into our Nation's drinking water during treatment, storage and distribution. Direct additives include such chemicals as chlorine, lime, alum, and coagulant aides, which are added at the water treatment plant. Although these chemicals themselves may be harmless, they may contain small amounts of harmful chemicals if their quality is not controlled. Indirect additives include those contaminants which enter drinking water through leaching, from pipes, tanks and other equipment, and their associated paints and coatings. This notice is being published in the **Federal Register** to solicit public comment on EPA's implementation plan to assess and control direct and indirect additives in drinking water.

Legal Authorities

EPA and the Food and Drug Administration (FDA) signed a Memorandum of Understanding which recognizes that regulatory control over direct and indirect additives in drinking water is placed in EPA. The two agencies agreed that the Safe Drinking Water Act's passage in 1974 implicitly repealed FDA's jurisdiction over drinking water as a 'food' under the Federal Food, Drug and Cosmetic Act (FFDCA). Under the agreement, EPA now retains exclusive jurisdiction over drinking water served by public water supplies, including any additives in such water. FDA retains jurisdiction over bottled drinking water under Section 410 of the FFDCA and over water (and substances in water) used in food or food processing once it enters the food processing establishment.

In implementing its new responsibilities, EPA may utilize a variety of statutory authorities, as appropriate. The authorities are identified in Appendix A.

Under the Safe Drinking Water Act, EPA has authority to set and enforce maximum contaminant levels and treatment techniques in drinking water for ubiquitous contaminants, to conduct research, to offer technical assistance to States and to protect against imminent

hazards should such situations arise. Under the Toxic Substances Control Act, EPA has authority to review all new chemicals proposed for use related to drinking water, to mandate toxicological testing of existing and new chemicals where there is evidence that such materials may pose an unreasonable risk to health and the environment as well as authority to limit some or all uses of harmful chemicals. Pesticide use is regulated by EPA under the Federal Insecticide, Fungicide and Rodenticide Act. Thus, EPA believes it has adequate authority to deal with additives to drinking water where they may pose a problem.

Past Actions

For more than ten years, the Public Health Service and other organizations which have become part of EPA have provided advisory opinions on the toxicological safety of a variety of additives to drinking water. These historical informal opinions reflect a variety of information provided by manufacturers and reflect changing toxicological concerns over the years. As such, they will require detailed review over the next few years.

General Approach

EPA intends to begin its responsibility over additives to drinking water with a series of analytical studies to determine the composition and significance of the health risks posed by contaminants related to direct and indirect additives to drinking water. A first step in this process will be monitoring studies of the contaminants actually getting into drinking water from generic categories of additives like bulk chemicals, paints and coatings, pipes and equipment.

In the initial six to twelve months, EPA will develop interim administrative procedures, testing protocols, and decision criteria for future toxicological advisories to the States. These will be distributed for public comment once they are developed. All existing opinions will remain in effect until a general review of past opinions can be undertaken using the new procedures. During this development phase, no new opinions will be rendered unless a proposed product can be shown to be virtually identical to a product for which an opinion has already been rendered, on the basis of chemical formulation and production process. New products or new uses of existing products which are proposed for use in drinking water will be subject to the pre-manufacture notice procedures of TSCA.

A more detailed outline of the steps to be taken by EPA follows.

1. *Problem Definition.*—EPA will contract for *in situ* monitoring to determine use patterns and the contribution of trace contaminants to drinking water from:

a. bulk chemicals.

b. generic classes of paints and coatings.

c. pipes and equipment.

d. coagulant aids.

EPA has already contracted with the National Academy of Sciences to develop a CODEX system of quality control standards for chemicals (direct additives) used in the treatment of drinking water. This effort will take about three years to complete. When finished, the CODEX system, modeled on the existing FDA-inspired CODEX system for chemicals used in processing food, will be largely self-enforcing.

For the indirect additives listed in items b and c above, considerable effort will be expended to identify the trace contaminants involved before the related health risks can be fully evaluated and appropriate recommendations for future use can be assessed.

2. *Review of Past Advisories.*—The same data base derived from *in situ* monitoring will serve as a basis for a structured reassessment of past toxicological advisories which will be conducted by generic classes of use e.g., paints, coagulant aides, etc. Past opinions will be reviewed to insure conformance with and satisfaction of new test protocols and decision criteria that will be developed.

3. *Future Toxicological Advisories.*—Once initial procedures, test protocols and decision criteria are developed, EPA will resume offering toxicological opinions to the States.

General Policy

In assessing additives to drinking water, EPA will be guided by a policy of reducing public health risks to the degree it is feasible to do so. In such determinations, EPA will evaluate the risks and benefits associated with the materials of concern and their substitutes. Economic impacts of agency actions will also be analyzed.

Notwithstanding these procedures, EPA would use its authorities to protect against any direct or indirect additive to drinking water when data and information indicate that the use of any additive may pose an undue risk to public health.

Implementation

To fulfill this program, resources from the Office of Drinking Water, the Office of Research and Development, and the Office of Toxic Substances will be used. In addition, EPA looks forward to the cooperation of FDA and other Federal regulatory bodies. EPA intends to involve interested industry groups, independent testing groups, State regulatory bodies, interested members of the public, and industry standards groups, in a continued effort to ensure the safety of the Nation's drinking water.

Finally, EPA may recommend specialized legislative authority to regulate additives to drinking water should a situation arise for which legal authorities prove inadequate.

Lead responsibility for this new Federal initiative will be in EPA's Office of Drinking Water. Public comments on any or all aspects of the proposed program are requested, and should be directed to the address given in the opening sections of this notice.

Dated: July 13, 1979.

Thomas C. Jorling,

Assistant Administrator for Water and Waste Management.

Appendix A

Safe Drinking Water Act

Section 1412—establishment of national primary drinking water regulations applicable to public water systems to control contaminants in drinking water which may have any adverse effect on human health. This may include maximum contaminant levels, treatment techniques, monitoring requirements, and quality control and testing procedures.

Section 1431—use of emergency powers where a contaminant which is present in water, or is likely to enter a public water system, may present an imminent and substantial endangerment to the health of persons.

Section 1445—establishment of monitoring and reporting requirements applicable to public water systems.

Section 1450—authority to prescribe such regulations as are necessary or appropriate to carry out the Administrator's functions under the Act.

Toxic Substances Control Act

Section 4—testing of chemical substances and mixtures.

Section 5—pre-manufacture notice required for new chemicals or significant new uses.

Section 6—regulation of hazardous chemical substances and mixtures which pose an unreasonable risk of injury to health or the environment, including restrictions on manufacture, processing, distribution, and use.

Section 7—imminent hazards authority including seizure and other relief through civil court action.

Section 8—reporting and retention of information as required by the Administrator, including health and safety studies and notice to the Administrator of substantial risks.

Section 10—research and development. Development of systems for storing, retrieving and disseminating data.

Section 11—inspections and subpenas and other enforcement and general administration provisions therein.

Federal Insecticide, Fungicide and Rodenticide Act

Section 3—registration of pesticides, including imposition of restrictions and labeling requirements.

Section 6—suspenstion and cancellation procedures.

[FR Doc. 79-22222 Filed 7-18-79; 8:45 am]

BILLING CODE 6560-01-M
BILLING CODE 4110-03-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. A-1a]

FM Broadcasting Applications Accepted for Filing and Notification of Cut-off Date; Erratum

Released: July 12, 1979.

The FM Application listed below was inadvertently included on the acceptance/cut-off notice, Report No. A-1, BC Mimeo No. 18676, released on June 25, 1979.

BPH-790108AE (New): Cresson, Pennsylvania, Sherlock-Hart Broadcasting, Inc.
Req.: 94.3 MHz, Channel #232A
ERP: 0.600 kW, HAAT: 600 feet.

Accordingly, the application is removed from the acceptance/cutoff list and the August 8, 1979, cutoff date is deleted.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-22422 Filed 7-19-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL LABOR RELATIONS AUTHORITY

Official Time of Employees Involved in Negotiating Collective Bargaining Agreements

AGENCY: Federal Labor Relations Authority.

ACTION: Notice Relating to Official Time.

SUMMARY: This notice principally relates to the interpretation of section 7131 of the Federal Service Labor-Management Relations Statute (92 Stat. 1214) on the questions of whether employees who are on official time under this section while representing an exclusive representative in the negotiation of a collective bargaining agreement are entitled to payments from agencies for their travel and per diem expenses, and whether the official time provisions of section 7131(a) of the Statute encompass all negotiations between an exclusive representative and an agency, regardless of whether such negotiations pertain to the negotiation or renegotiation of a basic collective bargaining agreement. The notice further invites interested persons to address the impact, if any, of section 7135(a)(1) of the Statute (92 Stat. 1215) on such interpretation, and to submit written comments concerning these matters.

DATE: Written comments must be submitted by the close of business on August 24, 1979, to be considered.

ADDRESS: Send written comments to the Federal Labor Relations Authority, 1900 E Street, NW., Washington, D.C. 20424.

FOR FURTHER INFORMATION CONTACT: Harold D. Kessler, Deputy Executive Director, 1900 E Street, NW., Washington, D.C. 20424, (202) 632-3920.

SUPPLEMENTARY INFORMATION: The Federal Labor Relations Authority was established by Reorganization Plan No. 2 of 1978, effective January 1, 1979 (43 FR 36037). Since January 11, 1979, the Authority has conducted its operations under the Federal Service Labor-Management Relations Statute (92 Stat. 1191).

Upon receipt of requests and consideration thereof, the Authority has determined, in accordance with 5 CFR 2410.3(a) (1978) and sections 7105 and 7135(b) of the Statute (92 Stat. 1196, 1215), that an interpretation is warranted concerning section 7131 of the Statute (92 Stat. 1214). Interested persons are invited to express their views in writing on this matter, as more fully explained in the Authority's notice set forth below:

To Heads of Agencies, Presidents of Labor Organizations and Other Interested Persons

The Authority has received a request from the American Federation of Government Employees (AFGE) for a statement of policy and guidance concerning whether employees representing an exclusive representative in the negotiation of a collective bargaining agreement are entitled to payments from agencies for their travel and per diem expenses under the official time provisions of section 7131 of the Federal Service Labor-Management Relations Statute (92 Stat. 1214). Additionally, the National Federation of Federal Employees (NFFE) has requested a major policy statement as to the application of the official time provisions of section 7131(a) of the Statute (92 Stat. 1214) to all negotiations between an exclusive representative and an agency, regardless of whether such negotiations pertain to the negotiation or renegotiation of a basic collective bargaining agreement. AFGE has raised a similar issue in its request.

The Authority hereby determines, in conformity with 5 CFR 2410.3(a) (1978) and section 7135(b) of the Statute (92 Stat. 1215), as well as section 7105 of the Statute (92 Stat. 1196), that an interpretation of the Statute is warranted on the following:

(1) Whether employees who are on official time under section 7131 of the Statute while representing an exclusive representative in the negotiation of a collective bargaining agreement are entitled to payments from agencies for their travel and per diem expenses.

(2) Whether the official time provisions of section 7131(a) of the Statute encompass all negotiations between an exclusive representative and an agency, regardless of whether such negotiations pertain to the negotiation or renegotiation of a basic collective bargaining agreement.

Before issuing an interpretation on the above, the Authority, pursuant to 5 CFR 2410.6 (1978) and section 7135(b) of the Statute (92 Stat. 1215), solicits your views in writing. You are further invited to address the impact, if any, of section 7135(a)(1) of the Statute (92 Stat. 1215) on the above matters and to submit your views as to whether oral argument should be granted. To receive consideration, such views must be submitted to the Authority by the close of business on August 24, 1979.

Issued, Washington, D.C., July 13, 1979.

Federal Labor Relations Authority.

Ronald W. Haughton,

Chairman.

Henry B. Frazier III,

Member.

[FR Doc. 79-22449 Filed 7-19-79; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, August 9, 1979.
Thursday, August 16, 1979.
Thursday, August 23, 1979.
Thursday, August 30, 1979.

The meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (P.L. 92–463) and 5 U.S.C., section 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street NW., Washington, D.C. 20415 (202–632–9710).

Jerome H. Ross,

Chairman, Federal Prevailing Rate Advisory Committee.

July 17, 1979

[FR Doc. 79–22448 Filed 7–19–79; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a consumer exchange meeting to be chaired by George R. White, Atlanta District Director, Atlanta, GA.

DATE: The meeting will be held 1:30 p.m., Thursday, July 26, 1979.

ADDRESS: The meeting will be held at the Veterans' Administration Medical Center, Tuskegee Area Health Education Center, Building 9, 1st Floor, Tuskegee, AL.

FOR FURTHER INFORMATION CONTACT: Janice Moton, Consumer Affairs Officer, Food and Drug Administration, 880 West Peachtree St. NW., Atlanta, GA 30309, 404–881–7355.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Atlanta District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: July 12, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–22070 Filed 7–19–79; 8:45 am]

BILLING CODE 4110–03–M

[FDA–225–79–4011]

Good Laboratory Practices; Memorandum of Understanding With the Swedish National Board of Health and Welfare

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the Swedish National Board of Health and Welfare. The pupose of the understanding is to set forth cooperative working arrangements to develop standards or guidelines of good laboratory practices (GLP's) for nonclinical laboratories and to establish programs of inspection to implement those standards or guidelines.

DATES: The agreement became effective May 25, 1979.

FOR FURTHER INFORMATION CONTACT: Ernest L. Brisson, Office of Regulatory Affairs (HFC–4), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2390.

SUPPLEMENTARY INFORMATION: Pursuant to the notice published in the **Federal Register** of October 3, 1974 (39 FR 35697) stating that future memorandums of understanding and agreements between FDA and others would be published in the **Federal Register** (see § 20.108(c) (21 CFR 20.108(c))), the agency is issuing the following memorandum of understanding:

Memorandum of Understanding Between the Swedish National Board of Health and Welfare and the Food and Drug Administration, U.S. Department of Health, Education, and Welfare

In a significant number of cases the bioresearch data submitted to one national authority are based on studies conducted by laboratories located in the country of another national authority. Therefore, the standards observed by all non-clinical laboratories in each country that engage in such research should be those universally recognized in the applicable research fields as good laboratory practices so that there is substantial uniformity between the two countries as to the standards observed by the non-clinical laboratories located therein. Where the bioresearch data submitted to one national authority

originate from a laboratory within the country of the other national authority, the latter should be able to provide the former with the kind of information that the former may need to be assured that the laboratory is operated in accordance with recognized good laboratory practices.

I. Purpose

This Memorandum of Understanding constitutes a statement of intent by the signatory agencies of Sweden and the United States to develop standards or guidelines of good laboratory practices (GLP's) for non-clinical laboratories with respect to drugs and to establish programs of inspection to implement those standards or guidelines. This Memorandum reflects the concern of the parties for assuring the quality and integrity of bioresearch data submitted to the two national authorities with respect to drugs.

II. Items for Futher Discussion

The overall goal of the parties to this Memorandum is to reach a position in which they will respectively establish substantially consistent GLP standards or guidelines applicable to non-clinical laboratories within their respective jurisdictions and will carry out mutually acceptable programs of inspections of such laboratories to determine compliance with such standards or guidelines. This Memorandum will serve as a framework for future negotiations concerning future memoranda between the parties to provide for reciprocal recognition of non-clinical laboratory inspection programs and reports.

Such future memoranda shall provide for the following specific matters:

(1) Adequate inspection programs by the national authorities, which would involve inspection approximately every two years of non-clinical laboratories conducting studies intended to be submitted to national authorities. Inspections shall include an assessment of laboratory procedures and operations, and also, where appropriate, audits of data from completed studies submitted to the national authorities.

(2) Procedures by which either party to this agreement can request the other to conduct an inspection or data audit of a non-clinical study.

(3) Procedures for exchange and acceptance of records and reports relating to inspections, data audits or other relevant matters. The parties understand that adequate account must be taken of the laws of each other with respect to confidentiality and Freedom of Information. (In the case of materials transmitted to the Food and Drug Administration, adequate account must be taken of the U.S. Freedom of Information Act.) The parties recognize the need to protect trade secrets.

(4) Consultation between the parties to resolve differences of views with respect to GLP compliance matters that may be occasioned by the differences in practices between the two countries.

(5) Consultation between the parties on contemplated changes in GLP standards or guidelines.

III. Inspections for Mutual Understanding and Consistency

The parties agree that it is desirable that inspections be conducted for the purpose of promoting mutual understanding of their respective inspection programs and consistency of inspection practices and assessments. The parties intend to conduct such inspections beginning in the near future.

Neither party shall initiate an inspection or data audit of a laboratory located in the other country without having first obtained the consent of the national authority of that country. Joint inspections shall be conducted under the auspices of the host country.

IV. Liaison

The parties respectively appoint the following officials to serve as liaisons for all communications regarding matters relative to this Memorandum of GLP's generally:

For the Swedish National Board of Health and Welfare: Chief Inspector Lars Gunnar Kinnander, Department of Drugs, National Board of Health and Welfare, Box 607, S–751 25 UPPSALA.

For the Food and Drug Administration: Ernest L. Brisson, Director, Bioresearch Monitoring Staff, Office of Regulatory Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

V. Duration

This Memorandum shall become effective on the date of the last signature and shall continue in effect unless modified by mutual written consent of the two parties. Any party may withdraw from this Memorandum by written notice to the other party.

Dated: April 4, 1979.

Sven Alsen,

Acting Director General, National Board of Health and Welfare.

Dated: May 25, 1979.

Sherwin Gardner,

Deputy Commissioner, Food and Drug Administration.

Effective date. This Memorandum of Understanding became effective May 25, 1979.

Dated: July 12, 1979.

William F. Randolph

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–22071 7–19–79; 8:45 am]

BILLING CODE 4110–03–M

Science Advisory Board; Request for Nominations for a Nonvoting Representative of Consumer Interests

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document requests nominations for a nonvoting consumer representative to serve on the Science Advisory Board of the National Center for Toxicological Research. Nominations will be accepted for a vacancy which will occur on March 11, 1980. The Food and Drug Administration (FDA) has a special interest in ensuring that women and minority groups are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female and minority candidates.

DATE: Nominations should be received on or before October 1, 1979, for the vacancy listed in this notice.

ADDRESS: All nominations for consumer representatives must be submitted in writing to the Special Assistant to the Commissioner for Consumer Affairs (HF–7), Office of Consumer Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Namomi Kulakow, Office of Consumer Affairs (HF–70), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5006.

SUPPLEMENTARY INFORMATION: The function of the science Advisory Board is to advise on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities. The Board meets approximately twice a year in Jefferson, Arkansas.

Any interested person may, on or before October 1, 1979, nominate one or more qualified persons as a nonvoting representative of consumer interests.

Nominations are required to state that the nominee is aware of the nomination, is willing to serve as a member of an advisory committee, and appears to have no conflict of interest. A complete curriculum vitae of each nominee is to be included. The term of office is 3 years.

The curriculum vitae for each nominee will be sent to FDA's voting consumer organizations, together with a ballot that must be filled out and returned within 30 days to the Office of Consumer Affairs (address above). Under § 14.84 (21 CFR 14.84), the selection of the consumer representative will be determined from the ballots submitted.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776, (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: July 10, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–22067 Filed 7–19–79; 8:45 am]

BILLING CODE 4110–03–M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming Consumer Exchange Meeting to be chaired by Adam J. Trujillo, Director, Orlando District Office, Orlando, FL.

DATE: The meeting will be held from 1:15 p.m. to 3:45 p.m., Thursday, August 9, 1979.

ADDRESS: The meeting will be held at the Office on Aging, Pelican Room, 330 5th St. North, St. Petersburg, FL.

FOR FURTHER INFORMATION CONTACT: Lynne C. Trauba, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, P.O. Box 118, Orlando, FL 32802, 305–855–0900.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Orlando District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: July 16, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–22428 Filed 7–19–79; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 75F–0092]

Mitsui Petrochemical Industries, Ltd.; Withdrawal of Petition for Food Additives

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the withdrawal without prejudice of the petition (FAP 3B2860) proposing to amend olefin copolymers to provide for the safe use of 4-methylpentene-1 with 1-alkenes having 2 to 10 carbon atoms and the safe use of tetrakis [methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)] methane as an adjuvent in these copolymers.

FOR FURTHER INFORMATION CONTACT: John J. McAuliffe, Bureau of Foods (HFF–334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 171.7 *Withdrawal of petition without prejudice* of the procedural food additive regulations (21 CFR 171.7), Mitsui Petrochemical Industries, Ltd., 200 Park Ave., New York, NY 10017 has withdrawn its petition (FAP 3B2860), notice of which was published in the **Federal Register** of June 20, 1975 (40 FR 26052) proposing that § 177.1520 *Olefin polymers* (21 CFR 177.1520) be amended to provide for the safe use of 4-methylpentene-1 with 1-alkenes having 2 to 10 carbon atoms as articles or components of articles intended for use in contact with food and § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to permit the use of tetrakis [methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)] methane, in copolymers of 4-methylpentene-1 with 1-alkenes having 2 to 10 carbon atoms for use in contact with food.

Dated: June 21, 1979.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 79–22429 Filed 7–19–79; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 76N–0002]

Diethylstilbestrol (DES) in Edible Tissues of Cattle and Sheep; Withdrawal of Approval of New Animal Drug Applications; Partial Stay of Effective Dates

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is staying the July 20, 1979 effective date for the withdrawal of approval of new animal drug applications for the use of DES animal drugs in cattle and sheep and for the manufacture, shipment, and use of feed containing DES. Elsewhere in this issue of the **Federal Register**, FDA is also staying the effective date of the revocation of regulations concerning the use of DES in animals.

EFFECTIVE DATE: July 20, 1979.

FOR FURTHER INFORMATION CONTACT: Constantine Zervos, Scientific Liaison and Intelligence Staff (HFY–31), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4490.

SUPPLEMENTARY INFORMATION: FDA gave notice in the **Federal Register** of July 6, 1979 (44 FR 39618) that the agency was withdrawing, after an evidentiary hearing, the approval of new animal drug applications (NADA's) 10421, 10964, 11295, 11485, 12553, 15274, 31446, 34916, 44344, 45981, and 45982. These NADA's are for DES implants and liquid and dry feed premixes for use in cattle and sheep.

The notice advised that withdrawal of approval of the NADA's would be effective with respect to the manufacture and shipment of DES animal drugs on July 13, 1979; withdrawal of approval would be effective with respect to the use of DES animal drugs and the manufacture, shipment, and use of feed containing DES on July 20, 1979. This decision would not be effective with respect to edible products of animals treated with DES before, but not after, the effective date for use of DES animal drugs and DES-treated animal feeds.

The notice further advised that petitions for stay of the effective date of the withdrawal of approval of these drugs may be filed pursuant to 21 CFR

12.139; see 21 CFR 10.35. The filing of such petitions before the effective date applicable to use of DES animal drugs and to the manufacture, shipment, and use of feed containing DES (the July 20, 1979 date) would automatically stay that date for 14 days. The filing of petitions for stay would not automatically stay the effective date applicable to the manufacture and shipment of DES animal drugs.

Several petitions for stay of the effective date of the withdrawal of approval of the NADA's for DES have been filed. Accordingly, notice is given that the effective date of July 20, 1979 applicable to use of DES animal drugs and the manufacture, shipment, and use of feed containing DES is stayed until August 3, 1979. An announcement will be made before that date whether any further stay of this effective date has been granted on the basis of the information presented by the petitions for stay.

Elsewhere in this issue of the **Federal Register**, FDA is also staying the July 20, 1979 effective date for the revocation of regulations concerning the use of DES in animals.

Dated: July 17, 1979

William F. Randolph,

Acting Associate Commissioner Regulatory Affairs.

[FR Doc. 79-22604 filed 7-18-79; 10:55 am]

BILLING CODE 4110-03-M

National Institutes of Health

Report on Bioassay of Butylated Hydroxytoluene (BHT) for Possible Carcinogenicity; Availability

Butylated hydroxytoluene (BHT) (CAS 128-37-0) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of butylated hydroxytoluene (BHT) for possible carcinogenicity was conducted by administering the test chemical in feed to F344 rats and B6C3F1 mice. Applications of the chemical include use as a food additive, preservative, and stabilizer in pesticides, gasolines, lubricants, rubber and lipsticks.

It is concluded that under the conditions of this bioassay, BHT was not carcinogenic for F344 rats or B6C3F1 mice.

Single copies of the report, Bioassay of Butylated Hydroxytoluene (BHT) for Possible Carcinogenicity (T.R. 150), are available from the Office of Cancer Communications, National Institutes of Health, Bethesda, Maryland 20205.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

Dated: July 12, 1979.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 79-22101 Filed 7-19-79; 8:45 am]

BILLING CODE 4110-08-M

Report on Bioassay of Ethyl Tellurac for Possible Carcinogenicity; Availability

Ethyl tellurac (CAS 20941-65-5 and 30145-38-1) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of technical-grade ethyl tellurac for possible carcinogenicity was conducted by administering the preparation in feed to F344 rats and B6C3F1 mice. Applications of the chemical include use as a rubber vulcanization accelerator.

It is concluded that under the conditions of this bioassay, ethyl tellurac was not carcinogenic for F344 rats or B6C3F1 mice of either sex. The incidence of mesotheliomas in dosed male rats and the incidence of adenomas of the lacrimal (harderian) gland of the eye in dosed mice of either sex provided evidence which was suggestive but under the conditions of the bioassay insufficient to establish the carcinogenicity of ethyl tellurac in these animals.

Single copies of the report, Bioassay of Ethyl Tellurac for Possible Carcinogenicity (T.R. 152), are available from the Office of Cancer Communications, National Institutes of Health, Bethesda, Maryland 20205.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

Dated: July 12, 1979.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 79-22102 Filed 7-19-79; 8:45 am]

BILLING CODE 4110-08-M

Report on Bioassay of N-Nitrosodiphenylamine for Possible Carcinogenicity; Availability

N-Nitrosodiphenylamine (CAS 86-30-6) has been tested for cancer-causing activity with rats and mice in the Carcinogensis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of N-nitrosodiphenylamine for possible carcinogencity was conducted by administering the test chemical in feed to F344 rats and B6C3F1 mice. Applications of the chemical include use as a vulcanization retarder in curing rubber and synthetic rubber products.

It is concluded that under the conditions of this bioassay, N-Nitrosodiphenylamine was carcinogenic for both sexes of F344 rats, inducing transitional-cell carcinomas of the urinary bladder, but was not carcinogenic for B6C3F1 mice of either sex.

Single copies of the report, Bioassay of N-Nitrosodiphenylamine for Possible Carcinogenicity (T.R. 164), are available from the Office of Cancer Communications, National Institutes of Health, Bethesda, Maryland 20205.

(Catologue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

Dated: July 12, 1979.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 79-22103 Filed 7-19-79; 8:45 am]

BILLING CODE 4110-08-M

Report on Bioassay of Tetraethylthiuram Disulfide for Possible Carcinogenicity; Availability

Tetraethylthiuram disulfide (CAS 97-77-8) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of technical-grade tetraethylthiuram disulfide for possible carcinogenicity was conducted by administering the test chemical in feed to F344 rats and B6C3F1 mice. Applications of the chemical include use in the rubber industry as an accelerator and vulcanizer, and use as a drug to treat alcoholism.

It is concluded that under the conditions of this bioassay, tetraethylthiuram disulfide was not carcinogenic for F344 rats or B6C3F1 mice of either sex.

Single copies of the report, Bioassay of Tetraethylthiuram Disulfide for Possible Carcinogenicity (T.R. 166), are available from the Office of Cancer Communications, National Insititutes of Health, Bethesda, Maryland 20205.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

Dated: July 12, 1979.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 79-22100 Filed 7-17-79; 8:45 am]

BILLING CODE 4110-08-M

Amended Notice of Meeting—Cancellation of President's Cancer Panel

Notice is hereby given of the cancellation of the meeting of the President's Cancer Panel, National Cancer Institute, July 25, 1979, Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland, which was published in the **Federal Register** on June 19, 1979, (44 FR 35296). For further information, please contact Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/596-5854).

Dated: July 12, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-22447 Filed 7-19-79; 8:45 am]

BILLING CODE 4110-08-M

Office of the Secretary

Privacy Act of 1974; Routine Uses and Clarifying Amendments to Notice of System of Records

AGENCY: Social Security Administration, Department of Health, Education, and Welfare.

ACTION: Notification of new and modified routine uses and minor clarifying amendments to the system of records notice State Data Exchange (SDX) System, HEW/SSA, 09-60-0114.

SUMMARY: The Social Security Administration (SSA) proposes to establish three additional new routine uses and to modify three existing routine uses applicable to the SDX under the Privacy Act. SSA also proposes to make clarifying amendments to the retrievability and safeguard sections of the notice to make it accurate and complete. SSA invites public comments on the proposed changes to this system of records.

DATES: The routine uses will become effective as proposed without further notice on August 19, 1979, unless the Department receives comments on or before August 19, 1979, which would result in a contrary determination.

ADDRESS: Address comments to Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Avenue, S.W., Washington, D.C. 20201. Comments received will be available for inspection in Room 526-F Hubert H. Humphrey, at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Toni Lenane, Acting Director, Office of Assistance Programs, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-3800.

SUPPLEMENTARY INFORMATION: The Federal Supplemental Security Income (SSI) program provides a minimum income level for aged, blind, or disabled individuals who lack insufficient income and resources to maintain a standard of living at the established minimum income level. This program, which SSA administers, provides for mandatory and optional State supplementation of the Federal payment.

The SDX system of records enables the States to administer the Medicaid program and assists in the administration of the SSI program. The proposed new and modified routine uses for the SDX contained in items a, b, e, j, k, and l will: (1) Enable the States to better carry out their billing functions under the Medicaid program by providing them with information which they can use to screen out possible third party sources of reimbursement for medical expenses (i.e., screen out those individuals who may be eligible for Medicare; (2) Enable the States to locate potentially eligible individuals and to make eligibility determinations for the extension of social services under the provisions of title XX; (3) Enable the States to locate individuals potentially eligible for food stamps and to make food stamp eligibility determinations; (4) Identify title XVI eligibles under the age 16 to State crippled children's agencies (or other agencies providing services to disabled children) for the consideration of rehabilitation services per Section 1615 of the Social Security Act; and (5) Assist the States in determining initial and continuing eligibility in their income maintenance program and for investigation or prosecution of conduct subject to criminal sanctions under these programs.

SSA is in the process of revising its current data exchange agreements with the respective States. The new agreements will require the States to account for all redisclosures they make of SDX data. The respective States cannot use the new routine uses until they enter into the new data exchange agreement with SSA.

In addition to adding new routine uses and modifying existing routine uses, SSA has also made clarifying revisions to the retrievability and safeguard sections of the notice which makes it accurate and complete.

The amount of data SSA maintains in the SDX system is the minimum necessary to perform the SDX's functions. SSA makes all disclosures from the SDX in accordance with the Privacy Act and the routine use statements published with the SDX. Therefore, we anticipate no unwarranted or untoward effect on the privacy or other personal or property rights of the individuals involved.

SSA maintains data records in the SDX on magnetic tape, microfilm, and paper listings. SSA maintains these records in a secured enclosure attended by security guards. Anyone entering or leaving this area must have security badges issued to authorized personnel only. SSA and the States also protect records released to the respective States according to agreements made between SSA and the States regarding confidentiality, use, and redisclosure.

The following sytem of records notice contains the proposed new and modified routine uses and clarifications as indicated above.

Dated: July 14, 1979.

Frederick M. Bohen,

Assistant Secretary for Management and Budget.

09-80-0114

SYSTEM NAME:

State Data Exchange System (Supplemental Security Income) HEW SSA-OPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

State Data Exchange files are maintained by all State welfare agencies. (See Appendix D, **Federal Register**, September 27, 1978, page 44450.) In addition, backup files (magnetic tape) are maintained for a limited period of time (90 days) within the Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235. Printed copies of the State Data Exchange record are located in some district and branch offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The State Data Exchange file contains a record for each *individual* who has applied for supplemental security income payments *and for each essential person associated with a supplemental security income recipient.*

CATEGORIES OF RECORDS IN THE SYSTEM:

The State Data Exchange file for each State contains data regarding eligibility, medicaid eligibility, eligibility for other benefits, alcoholism and drug addiction data *(disclosure of this information may be restricted by 21 U.S.C. 1175 and 42 U.S.C. 4582)*, income data, resources, payment amounts and living arrangements for all persons who have applied for supplemental security income payments who reside in that particular State.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1611, 1612, 1615, 1616, 1631(e), 1633, and 1634 of Title XVI of the Social Security Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To effect and report the fact of Medicaid eligibility of title XVI recipients in the jurisdiction of those States which have elected Federal Determinations of Medicaid eligibility of title XVI eligibles and to assist the States in administering the Medicaid program.

b. To identify title XVI eligibles in the jurisdiction of those States which have not elected Federal determinations of Medicaid eligibility in order to assist those States in establishing and maintaining Medicaid rolls and in administering the Medicaid program.

c. To enable States which have elected Federal administration of their supplementation programs to monitor changes in applicant/recipient income, special needs, and circumstances.

d. To enable States which have elected to administer their own supplementation programs to identify SSI eligibles in order to determine the amount of their monthly supplemental payments.

e. To enable the States to locate potentially eligible individuals and to make determinations of eligibility for the food stamp program.

f. To enable the States to assist in the effective and efficient administration of the supplemental security income program.

g. To enable those States which have an agreement with the Secretary, to carry out their functions with respect to Interim Assistance Reimbursement per Section 1631(g) of the Social Security Act.

h. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

i. In the event of litigation where one of the parties is (1) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (2) 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 (3) 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.

j. To enable the States to locate potentially eligible individuals and to make eligibility determinations for extension of social services under the provisions of title XX.

k. To identify title XVI eligibles under the age of 16 to State crippled children's agencies (or other agencies providing services to disabled children) for the consideration of rehabilitation services per Section 1615 of the Social Security Act.

l. To assist the States in determining initial and continuing eligibility in their income maintenance programs and for investigation or prosecution of conduct subject to criminal sanctions under these programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, microfilm, paper listings.

RETRIEVABILITY:

Magnetic tape, microfilm and paper listings are all indexed according to social security number. State welfare indentification number, category (aged, blind or disabled), county, or surname in order to supply information to the States in accordance with program administration agreements, and for the Social Security Administration management purposes. *The State Data Exchange file consists of eligibility and payment data obtained and generated by the Social Security Administration in the administration of the supplemental security income program. Social security district and branch offices uses the printed copy of the State Data Exchange file for reference purposes and answering inquiries.*

SAFEGUARDS:

SSA and the States protect the records according to agreements made between SSA and the respective States regarding confidentiality, use, and redisclosure. SSA and State personnel may access these records only on a need-to-know basis.

We have established system security in accordance with National Bureau of Standards guidelines and the Department's ADP System Manual, Part 6, ADP System Security.

RETENTION AND DISPOSAL:

Instructions provided to the States call for duplication by the States of files provided by the Social Security Administration. The period of retention of State Data Exchange files by the States is determined by the respective States.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Supplemental Security Income, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

Social Security District Offices and Branch Offices (see Appendix F); or contact State official (see Appendix D). An individual who requests notification of or access to a medical record shall, at the time the request is made, 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 and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) **Federal Register**, October 8, 1975, page 47411.).

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.).

CONTESTING RECORD PROCEDURES:

Contact the 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, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

The information contained on the State Data Exchange files is derived

from data on the supplemental security income master record which is obtained for the most part from applicants for supplemental security income payments. Additionally, the various States provide a limited amount of data.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 79-22522 Filed 7-19-79; 8:45 am]

BILLING CODE 4110-07-M

Privacy Act of 1974; Report of Altered System of Records

AGENCY: Social Security Administration, Department of Health, Education and Welfare.

ACTION: Notification of alteration to the system notice Initial and Continuing Disability Determination File, HEW/SSA, 09-60-0044.

SUMMARY: The Social Security Administration (SSA) proposes to make the following alterations to this system of records: (1) Expand the categories of individuals in the system to include those individuals whose claims the Disability Determination Service offices are processing; (2) Expand the categories of records in the system to cover records in addition to the Forms SSA-831 and SSA-833; and (3) Provide for automated procedures. SSA also proposes to make clarifying amendments to the system name, authority for the maintenance of the system, routine uses, storage, retrievability, and record source categories in order to make the notice more accurate and complete.

DATES: The Department filed an altered system report with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Management and Budget on July 14, 1979. The alterations to this system will become effective as proposed 60 days after the altered system filing date.

ADDRESS: Address comments to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Avenue, S.W., Washington, D.C. 20201. The Department will make comments received available for inspection in Room 526F, Hubert H. Humphrey Building, at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Rhoda M. Greenberg, Acting Director, Office of Disability Programs, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-2730.

SUPPLEMENTARY INFORMATION: The Disability Determination Service (DDS) offices maintain claims records while they perform related functions, and retain certain records when they complete this processing. Some of the processing may involve automated procedures. SSA proposes to make the following alterations to this system of records to accommodate the DSS functions:

(1) Expand the categories of individuals covered by the system to include those individuals whose claims the DDS's are processing.

(2) Expand the categories of records in the system to include records in addition to the disability determination Forms SSA-831 and SSA-833; i.e., quality assurance documentation, copies of medical records, and case control data. The DDS's will use the new data for the purposes of detecting and correcting claims processing deficiencies, preparing reports and analyses, responding to inquiries, and preparing future disability determinations.

(3) The DDS's can compile case control data by manual processing. Case control procedures serve to depict internal case location, claims status, and final disposition. In order to facilitate the compilation, storage, and timely use of this data, the DDS's could use computerization as an alternative method. This automated system will also provide for inclusion of additional processes such as medical vendor consultative examination scheduling and QA selection and reporting. Either SSA, the States or commercial vendors will operate the automated system.

SSA also proposes to make minor technical amendments to the system name, authority, storage, retrievability, and record source sections to make the notice accurate and complete, and to delete routine use number 5 which indicates that the DDS makes disclosures from this system to the Railroad Retirement Board. The DDS's do not have any basis for direct contact with the Railroad Retirement Board.

SSA and the DDS's will limit access to both manually maintained and computerized data to DDS personnel. For computerized records, SSA and the DDS's will establish system security in accordance with National Bureaus of Standards guidelines and the Department's ADP Systems Manual, Part 6, ADP Systems Security Policy. Safeguards employed will include limited access terminals, personal identifiers, hardware and software locks, a lock/unlock password system, a terminal transaction matrix and an audit trail.

This system of records has been established in accordance with the principles and requirements of the Privacy Act. The changes made to the system have also been made in accordance with provisions of the Privacy Act. SSA will continue to operate the system as it has done in the past. Therefore, we anticipate no untoward effect on the privacy or other personal or property rights of the individuals involved.

The following system of records notice contains the proposed alterations.

Dated: July 14, 1979.

Frederick M. Bohen,

Assistant Secretary for Management and Budget.

09-60-0044

System name:

Disability Determination Service Processing File.

Security Classification:

None.

System location:

Each Disability Determination Services office. The name and address for each State is shown in Appendix B.

Claimants for Disability Insurance and Black Lung benefits, and claimants for Supplemental Security Income alleging a disability for whom the Disability Determination Services processes claims.

Categories of records in the system:

Name and social security number of wage earner, claimant's name and address, date of birth, diagnosis, beginning and ending dates of disability, basis for determination, work history information, educational level, reexamination date (if applicable), date of application, names and titles of persons making or reviewing the determination, and certain administrative data. Also included could be data relative to the location of the file and the status of the claim, copies of medical reports, and data relating to the evaluation and measurement of the effectiveness of claims policies.

Authority for maintenance of the system:

5 U.S.C. 301, 30 U.S.C. 923(b) Sections 221, 1633, or 1634 of the Social Security Act provides the authority for maintenance of the system.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be to:

1. Disability Determination Services claims personnel after the claims file itself has left the possession of the Disability determination Service, for responding to subsequent inquiries from the claimant, a treating physician, or a component of the Social Security Administration.

2. State vocational Rehabilitation agency or State crippled children's service agency (or another agency providing services to disabled children) for the consideration of rehabilitation services per 42 U.S.C. 422 and 1382d.

3. State audit agencies utilizing this information for verifying proper expenditure of Federal funds by the State in support of the Disability Determination Service (DDS).

4. Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits, or verifying other information with respect thereto.

5. Congressional offices from the record of an individual response to an inquiry from the congressional office made at the request of that individual.

6. 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, if 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.

7. In response to legal process of interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The Disability Determination Services (DDS) stores records in sectionalized files or on magnetic tapes or disc packs. The method of storage vary from State to State.

Retrievability:

The DDS's index records in this system by either the individual's social security number or alphabetically by the individual's name, depending on the IDS's preference.

The DDS's uses data in this system for the purpose of making determinations of disability and case control purposes.

Safeguards:

Accessible only to Disability Determination Service personnel and subject to the restrictions on disclosures under 5 U.S.C. 552(b)(6), 21 U.S.C. 1175, 42 U.S.C. 1306.

For computerized records, SSA has established system securities in accordance with National Bureau of Standards guidelines and the Department's System Security Manual, Part 6, System Security Policy.

Retention and disposal:

May vary from State to State according to the preference, but generally each State destroys its files over a period varying from 6 months to 36 months unless held in an inactive storage under security measures for a longer period.

System manager(s) and address:

Assistant Regional Commissioner, Disability Insurance, at the address shown in Appendix B, **Federal Register**, September 20, 1976, page 41049.

Notification procedure:

Disability Determinations Services Administrator, Disability Determination Services, c/o State in which the individual resides and/or information is likely to be maintained. See Appendix B. **Federal Register**, September 20, 1976, page 41049. Requester should furnish identifying information: name and address. Although it is not mandatory that an individual furnish his social security number (SSN), it is helpful if he or she does. The SSN will expedite identification and location of the records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible respresentative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) **Federal Register**, October 8, 1975, page 47411.).

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.).

Contesting record procedures:

Contact the 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, Section 5b.7) **Federal Register**, October 8, 1975, page 47411.).

Record source categories:

The information to support factors of entitlement and/or continuing eligibility originates from claimants or those acting on their behalf, physicians, hospitals, and other sources. Also, information is received from control dat that monitors the location and status of the claim.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 79-22523 Filed 7-19-79; 8:45 am]
BILLING CODE 4110-07-M

Social Security Administration

Advisory Council on Social Security; Public Meetings

AGENCY: Advisory Council on Social Security, HEW.

ACTION: Notice is hereby given, pursuant to Public Law 92-463, that the Advisory Council on Social Security, established pursuant to section 706 of the Social Security Act, as amended, will meet on Friday, August 10, 1979, from 8:00 a.m. to 5:00 p.m. and Saturday, August 11, 1979, from 8:00 a.m. to 5:00 p.m. at the Marriott Twin Bridges Hotel, U.S. 1 and I-395, Washington, D.C. 20024. The meetings will be devoted to the topics of social security benefits and financing.

These meetings are open to the public.

Individuals and groups who wish to have their interest in the Social Security program taken into account by the Council may submit written comments, views, or suggestions to Mr. Lawrence H. Thompson.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence H. Thompson, Executive Director, Advisory Council on Social Security, P.O. Box 17054, Baltimore, Maryland 21235.

Telephone inquiries should be directed to Mr. Edward F. Moore, (301) 597–1712.

(Catalog of Federal Domestic Assistance Program Numbers 13.800–13.807 Social Security Program)

Dated: July 13, 1979.

Lawrence H. Thompson,

Executive Director, Advisory Council on Social Security.

[FR Doc. 79–22524 Filed 7–19–79; 8:45 am]

BILLING CODE 4110–07–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[Docket No. N–79–938]

Community Development Block Grant Program

AGENCY: Department of Housing and Urban Development; Assistant Secretary for Community Planning and Development.

ACTION: Notice of application submission date—Financial Settlement Applications.

FOR FURTHER INFORMATION CONTACT: Peter Rowan 202–755–1871. Pursuant to Section 570.484, Chapter V, Title 24 of the Code of Federal Regulations which requires the establishment of submission deadlines for the filing of applications for Categorical Program Settlement Grants, the Secretary is establishing the application date with respect to grants for funding the financial settlement, and to the extent feasible, the completion of projects assisted under the categorical programs terminated by Congress in 1974.

Accordingly, applications are invited from units of general local Governments in which projects assisted under the Urban Renewal Program are located which cannot be financially settled or completed, without supplemental financial assistance. To be considered for funding at this time, complete applications must be received by the appropriate HUD Area Office by close of business, August 31, 1979. For full program information see Subpart H, Part 570, Chapter V, Title 24 of the Code of Federal Regulations, which was published June 6, 1978, 43 FR 24656.

Issued at Washington, D.C. July 12, 1979.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning & Development.

[FR Doc. 79–22441 Filed 7–19–79; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–79–937]

Small Cities Discretionary Grants Under the Community Development Block Grant Program; Dates for Submission of Preapplications

AGENCY: Department of Housing and Urban Development.

ACTION: Notice.

SUMMARY: HUD is issuing a Notice of the dates for submission of preapplications to HUD Area Offices for the Small Cities Discretionary Grant Program under the Community Development Block Grant Program for Fiscal Year 1980.

Final Date for Submisson

	No earlier than	No later than
Region I:		
Massachusetts, Maine, New Hampshire, Rhode Island, Vermont.	Sept. 17, 1979.	Oct. 1, 1979.
Connecticut	Dec. 24, 1979	Jan. 7, 1979.
Region II:		
New Jersey	Oct. 1, 1979	Oct. 15, 1979.
New York	Sept. 17, 1979.	Oct. 1, 1979.
Puerto Rico	Dec. 17, 1979	Dec. 31, 1979.
Region III:		
Delaware, Pennsylvania, Virginia, West Virginia.	Oct. 1, 1979	Oct. 15, 1979.
Maryland	Nov. 19, 1979.	Dec. 3, 1979.
Region IV:		
Alabama, Kentucky, South Carolina.	Sept. 17, 1979.	Oct. 1, 1979.
Florida, Georgia, Mississippi	Oct. 1, 1979	Oct. 15, 1979.
North Carolina, Tennessee	Dec. 24, 1979	Jan. 7, 1979.
Region V:		
Minnesota	Sept. 17, 1979.	Oct. 1, 1979.
Illinois, Ohio	Oct. 1, 1979	Oct. 15, 1979.
Indiana, Wisconsin	Dec. 24, 1979	Jan. 7, 1979.
Michigan	Dec. 24, 1979	Jan. 7, 1979.
Region VI:		
Arkansas, Louisiana, New Mexico, Oklahoma, Texas.	Nov. 5, 1979	Nov. 19, 1979.
Region VII:		
Iowa, Kansas, Missouri, Nebraska.	Oct. 1, 1979	Oct. 15, 1979.
Region VIII:		
Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.	Oct. 1, 1979	Oct. 15, 1979.
Region IX:		
Arizona, California, Hawaii, Nevada.	Nov. 19, 1979.	Dec. 3, 1979.
Region X:		
Alaska, Washington	Oct. 1, 1979	Oct. 15, 1979.
Idaho, Oregon	Dec. 3, 1979	Dec. 17, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. James N. Forsberg, Small Cities Program Division, Office of Community Planning and Development, Department of Housing and Urban Development, Washington, D.C. 20410, 202–755–6322.

SUPPLEMENTAL INFORMATION: Notice is hereby given that in accordance with 24 CFR 570.420(h)(2) the Department of Housing and Urban Development (HUD) has established dates for submission of preapplications for Small Cities Discretionary Grants to be accepted by HUD for Fiscal Year 1980.

For applicants from both metropolitan and non-metropolitan areas, the earliest and latest date for submission are the dates established above for each State. Preapplications for funding under the Single Purpose and Comprehensive Grant provisions of the Small Cities Discretionary Grant program will be accepted only during the designated time period.

Applicants are hereby advised to submit their preapplications for Single Purpose Grants pursuant to 24 CFR 570.429, or their preapplication for Comprehensive Grants pursuant to 24 CFR 570.425, to the appropriate HUD Area Office serving the applicant's jurisdiction.

Issued at Washington, D.C., July 12, 1979.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[FR Doc. 79–22442 Filed 7–19–79; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Water Charges and Related Information on the Flathead Irrigation Project, Montana

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 209 DM8 and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10 BIAM 3, and by authority delegated to the Project Engineer and to the Superintendents by the Area Director in 10 BIAM 7.0, Sections 2.70–2.75. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(e).

Pursuant to final rule published on June 14, 1977, in 42 FR 30361, this notice sets forth changes to the operation and maintenance charges and related information applicable to the Flathead

Irrigation Project, St. Ignatius, Montana. These charges were proposed pursuant to the authority contained in the Acts of August 1, 1914, and March 7, 1928, (38 Stat. 583, 25 U.S.C. 385; 45 Stat. 210, 25 U.S.C. 387).

Interested persons were given 30 days in which to submit written comments, views or arguments regarding the proposed rates and related provision. No comments were received during the 30-day comment period.

In compliance with the above, the operation and maintenance charges for the lands under the Flathead Irrigation Project, Montana, for the season of 1979 and 1980 and subsequent years until further notice, are hereby fixed as follows:

For the season of 1979 for lands not included in an Irrigation District but including lands held in trust for Indians, the rate per acre for the various divisions are as follows:

Jocko	$5.84/acre
Mission Valley	$6.20/acre
Camass	$6.96/acre

For the season of 1980 for lands included in an Irrigation District, the Project charge per acre is as follows:

Jocko Valley Irrigation District	$7.66/acre
Mission Irrigation District	$6.17/acre
Flathead Irrigation District	$6.92/acre

George L. Moon,

Project Engineer, Flathead Irrigation Project.

[FR Doc. 79-22526 Filed 7-19-79; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Colorado; Call for Expressions of Leasing Interest in Coal

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Call for Expressions of Leasing Interest for Coal.

DATE: Responses to this notice may be received until August 24, 1979.

ADDRESS: Responses should be sent to: Dale Andrus, State Director, BLM, Room 700, 1600 Broadway, Denver, CO 80202.

FOR FURTHER INFORMATION CONTACT: Cecil Roberts, BLM, Room 700, 1600 Broadway, Denver, CO 80202, Telephone: (303) 837-4325.

In 44 FR 33976, published June 13, 1979, an advance notice of intent to call for expressions of interest in coal leasing was published.

This notice is to advise you that the official call for expressions of leasing interest for the area acceptable for further consideration for coal leasing on the William Fork Management Framework Plan, Craig District, is now in effect. Expressions of interest under this call may be submitted until August 24, 1979, to the Colorado State Director, Bureau of Land Management, Room 700, 1600 Broadway, Denver, CO 80202.

This call for expressions of interest is the first step in activity planning under the new coal management program. It is being made before any tract boundaries are delineated within an area found suitable for further consideration for coal leasing through the application of the final unsuitability criteria. The results of this call will provide significant information that will be employed in delineating tracts that might be put up for lease sale after they have been through the tract ranking, selection, scheduling and analysis processes that are integral parts of the new coal management program. Accordingly, a major purpose of this call for expression of interest is to integrate potential lessees' data and needs with the process of delineating the logical mining units which will be considered prior to a lease sale. BLM hopes to gain sufficient information from this call, as well as from its own site-specific analyses, to identify areas in which data are of sufficient detail to ultimately make a fair market value determination on specific tracts.

An expression of interest is not an application. The size and/or location of a proposed tract as indicated by an expression of interest may be modified or changed if there is sufficient reason to do so and the coal included in the modified or relocated tract is of approximately equal quality and tonnage to that shown in the expression of interest. The proposed tracts delineated as a result of this call will proceed into the ranking and selection process in accordance with the provisions of the 43 CFR 3400 final rulemaking, coal management.

Examples of the types of concerns that may make such action necessary include: the competitive nature of the tract, access needs, mining efficiency, future coal development potential, resource conservation and State preferences and priorities.

These expressions of leasing interest should include the following data where applicable:

1. *Quantity needs (total tonnage, average tons per year, and year during which production should commence) for both coal producers and users.*
2. *Quality needs (types and grades of coal) for both producers and users.*
3. *Location.*
   a. Tracts desired by mining companies (narrative description with delineation of a surface minerals management quad map, available for purchase from the BLM State Office).
   b. Public and private industry user facilities in region.
   c. If no location is indicated, but other specified data are provided, the expression will still be considered. In such cases the joint BLM/GS delineation team will locate the tract.
4. *Type of Mine.*
   a. Surface or underground.
   b. Technique of mining (i.e. longwall, room and pillar, dragline, etc.).
5. *Proposed Uses of Coal.*
   a. By mining companies.
   b. By public and private industries.
6. *Where coal is consumed (include extra-regional markets).*
7. *Transportation Needs (i.e., railroads, pipelines, etc.).*
   a. Existing facilities.
   b. Proposed facilities and development timing.
8. *Available Sources of Coal.*
   a. Presently operative.
   b. Contingency or other sources.
9. *Information Relating to Mineral Ownership.*
   a. Information on surface owner consents previously granted; e.g., a description of the location of the property, whether consents are transferable, etc.
   b. Commitments from fee owners of associated non-Federal coal.

Data which are considered proprietary should not be submitted as part of this expression of leasing interest.

An individual, business entity, governmental entity or public body may participate and submit expressions of leasing interest under this call.

Maps and other detailed information on the above-mentioned area found acceptable for further consideration for coal leasing may be obtained from the BLM office also listed above.

Dale R. Andrus,

State Director, Colorado.

[FR Doc. 79-22426 Filed 7-19-79; 8:45 am]

BILLING CODE 4310-84-M

[I-14782]

Realty Action—Sale; Public Lands in Lemhi County, Idaho

July 11, 1979.

The following described lands have been identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713, at no less than the appraised fair market value shown:

Legal Description, Acreage, and Value

Boise Meridian, Idaho, T. 20 N., R. 21 E., Sec. 11, lot 8, 1.96 acres, $5,200.

The sale will be held on approximately the 19th day of September, 1979. The lands are being offered as a direct non-competitive sale to Mr. Kenneth Holt, the owner of the adjoining tract and improvements on the sale tract, because of his prior occupancy and development of the tract as his homesite under the good faith but mistaken belief that he had purchased good title to the lands from his predecessors in interest. Disposal by direct sale to Mr. Holt, rather than by public auction, will legalize his occupancy of the lands, preserve his only homesite and protect his equity investment in the improvements on the lands.

The sale will resolve a complicated trespass situation. The lands have not been used and are not required for any federal purpose. They are not suitable for management by another federal department or agency. Disposal would best serve the public interest. The sale will be consistent with the Bureau of Land Management's planning for the lands. Disposal would have no present impact on local planning and zoning because local ordinances have not yet been enacted or implemented.

The terms and conditions applicable to the sale are:

1. The patent will include a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. All mineral rights will be reserved to the United States.

3. The sale of these lands will be subject to all valid existing rights.

Detailed information concerning the sale, including the planning documents, land report and environmental assessment report, is available for review at the Salmon district Office, P.O. Box 430, Salmon, Idaho 83467.

Until September 4, 1979, interested parties may submit comments to the Secretary of the Interior (LLM-320), Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary of the Interior who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become the final determination of the Department of the Interior and the required payment, plus the cost of publishing the notice, shall be requested of Mr. Kenneth Holt. Such payment, in full, shall be in accordance with 43 CFR 1822.1-2.

William L. Mathews,

State Director.

[FR Doc. 79-22412 Filed 7-19-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 13969]

Oregon; Order Providing for Opening of Public Land

July 13, 1979.

1. By Power Site Cancellation No. 337 of July 28, 1976, the U.S. Geological Survey cancelled Power Site Classification No. 421 of November 30, 1951, as to the following described land:

Willamette Meridian, Oregon

T. 15 S., R. 46 E.,
Sec. 21, NE¼SE¼;
Sec. 26, Lots 1 and 2, and NW¼ SW¼;
Sec. 27, NE¼SE¼;
Sec. 35, Lots 1 and 2.

The area described contains 230.55 acres in Malheur County.

2. At 10:00 a.m. on August 27, 1979, the land described in paragraph 1 shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

3. The land described in paragraph 1 has been and remains open to applications and offers under the mineral leasing laws and to location under the United States mining laws.

4. The State of Oregon has not exercised the preference right of applications for highway rights-of-way or material sites afforded it by Section 24 of the Federal Power Act.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-22413 Filed 7-19-79; 8:45 am]

BILLING CODE 4310-84-M

Proposed Livestock Grazing Management in the Green Mountain Area, Central Wyoming, Rawlins District, Wyoming; Intent To Prepare Environmental Statement

The Bureau of Land Management, Rawlins District Office, will be preparing a grazing environmental statement for the Green Mountain portion of the Lander Resource Area located in central Wyoming. The Bureau's proposed action to be analyzed in the statement is to implement a program of allocating vegetation to domestic livestock, wildlife, and wild horses. The action will also identify kinds of animals, their numbers, periods of use, and range improvement projects (e.g., fencing, water developments). This allocation program will be accomplished through the Bureau of Land Management's planning system on approximately 1.4 million acres of BLM administered lands.

Alternatives to the proposed action that will be analyzed include continuation of present livestock management and alternatives depicting different levels of vegetation allocations and intensities of management for livestock, wildlife, and wild horses.

A public meeting on the scope of the Green Mountain grazing management program will be held at Lander Valley High School, Lander, Wyoming, August 22, 1979, and will begin at 7:30 p.m. in conjunction with a public meeting on Bureau planning system recommendations for the area. The purpose of the public meeting is four-fold: (1) To present multiple use planning recommendations to the public; (2) to inform the public of the aspects BLM proposes to analyze in the statement (the proposed action and tentative alternatives based on existing data and knowledge of the area); (3) gather resource information from the public; and (4) consider concerns, problems, and/or issues important to the public for possible inclusion into the environmental statement and planning system decisions. Comments received at the public meeting will be used in development of the environmental statement and the resultant planning decisions.

The following individuals may be contacted about the proposed action or to receive information concerning the environmental statement: (1) Dale Brubaker, Lander Area Manager, P.O. Box 589, Lander, Wyoming 82520, phone (307) 332-4220; and (2) Mark Blakeslee, Green Mountain Team Leader, P.O. Box 670, Rawlins, Wyoming 82301, phone (307) 324-7171.

A news release regarding the start of the environmental statement process will be issued by the Rawlins District following publication of this notice.

Written comments on the planning system recommendations and the environmental statement scoping process must be received no later than close of business September 5, 1979.

Dated: July 11, 1979.

Paul D. Leonard,

Acting State Director, Wyoming.

[FR Doc. 79-22414 Filed 7-19-79; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Call for Expressions of Leasing Interest in Coal

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Call for Expressions of Leasing Interest in Coal.

DATE: Responses to this notice may be received until August 24, 1979.

ADDRESS: Responses should be sent to: Daniel P. Baker, State Director, Wyoming, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, WY 82001, Telephone (307) 778-2220.

FOR FURTHER INFORMATION CONTACT: James L. Edlefsen, Chief, Branch of Energy and Minerals, (307) 778-2220, Ext. 2413.

In 44 FR 33976 published June 13, 1979, an advance notice of intent to call for expressions of interest in coal leasing was published.

This notice is to advise you that the official call for expressions of leasing interest for the area acceptable for further consideration for coal leasing on the Red Rim/China Butte and Hanna Management Framework Plans, Wyoming, is now in effect. Expressions of interest under this call may be submitted until August 24, 1979, to the Wyoming State Director, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001. Telephone (307) 778-2220.

Maps and other detailed information on the above-mentioned areas found acceptable for further consideration for coal leasing may be obtained from the Wyoming State Office at the address given above.

This call for expressions of interest is the first step in activity planning under the new coal management program. It is being made before any tract boundaries are delineated within an area found suitable for further consideration for coal leasing through the application of the final unsuitability criteria. The results of this call will provide significant information that will be employed in delineating tracts that might be put up for lease sale after they have been through the tract ranking, selection, scheduling and analysis processes that are integral parts of the new coal management program. Accordingly, the major purpose of this call for expressions of interest is to integrate potential lessee's data and needs with the process of delineating the logical mining units which will be considered prior to a lease sale. BLM hopes to gain sufficient information from this call, as well as from its own site-specific analyses, to identify areas in which data are of sufficient detail to ultimately make a fair market value determination on specific tracts.

An expression of interest is not an application. The size and/or location of a proposed tract as indicated by an expression of interest may be modified or changed if there is sufficient reason to do so and the coal included in the modified or relocated tract is of approximately equal quality and tonnage to that shown in the expression of interest. The proposed tracts delineated as a result of this call will proceed into the ranking and selection process in accordance with the provisions of the 43 CFR 3400 Final Rulemaking, Coal Management.

Examples of the types of concerns that may make such action necessary include: The competitive nature of the tract, access needs, mining efficiency, future coal development potential, resource conservation and State preferences and priorities.

These expressions of leasing interest should include the following data where applicable.

1. *Quantity needs (total tonnage, average tons per year, year during which production should commence) for both coal producers and users.*

2. *Quality needs (types and grades of coal) for both producers and users.*

3. *Location.*

a. Tracts desired by mining companies (narrative description with delineation on a surface mineral management quad map, available for purchase from the BLM State Office).

b. Public and private industry user facilities in region.

c. If no location is indicated, but other specified data are provided, the expression will still be considered. In such cases the joint BLM/GS delineation team will locate the tract.

4. *Type of Mine.*

a. Surface or underground.

b. Technique of mining (i.e., longwall, room and pillar, dragline, etc.).

5. *Proposed Uses of Coal.*

a. By mining companies.

b. By public and private industries.

6. *Where Coal is consumed (include extra-regional markets).*

7. *Transportation Needs (i.e., railroads, pipelines, etc.).*

a. Existing facilities.

b. Proposed facilities and development timing.

8. *Available Sources of Coal.*

a. Presently operative.

b. Contingency or other sources.

9. *Information Relating to Mineral Ownership.*

a. Information on surface owner consents previously granted; e.g., a description of the location of the property, whether consents are transferable, etc.

b. Commitments from fee owners of associated non-Federal coal.

Data which are considered proprietary should not be submitted as part of this expression of leasing interest.

An individual, business entity, governmental entity, or public body may participate and submit expressions of leasing interest under this call.

Daniel P. Baker,

State Director.

[FR Doc. 79-22427 Filed 7-19-79; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf, Gulf of Mexico; Oil and Gas Lease Sale No. 58

Correction

In FR Doc. 79-19952 appearing at page 37994 in the issue for Friday, June 29, 1979, make the following changes:

1. On page 37994, third column, seventeenth line from the top, the word "or" should read "of".

2. On page 38000, third column, fourteenth line of the third paragraph, the first "or" should read "of".

3. On page 38002, second and third columns, the following two forms are being republished as set forth below:

BILLING CODE 1505-01-M

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. _____ _____ Company

Percent Interest _____ _____ Address

_____ Signature (Please type signer's name under signature)

18. Required Joint Bidders 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 _____

BILLING CODE 1505-01-C

Fish and Wildlife Service

Availability of Environmental Assessments for Fish and Wildlife Restoration Projects

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of Availability for Inspection and Public Comment.

SUMMARY: This notice provides a listing of Environmental Assessments available for public review. The Assessments and Findings of No Significant Impact were prepared on certain projects conducted by State fish and wildlife agencies under the Federal Aid in Wildlife Restoration program. The public is invited to comment, and information is provided on the locations at which the documents may be reviewed.

DATE: Comments must be received at the locations indicated by August 20, 1979.

ADDRESSES: The assessments are available for inspection at the following locations:

FWS Federal Aid Office, 1000 N. Glebe Road, Arlington, Virginia 22201
Region 1, FWS, Lloyd 500 Building, Suite 1692, 500 N.E. Multnomah Street, Portland, Oregon 97232
Region 2, FWS, 500 Gold Avenue, S.W., P.O. Box 1306, Albuquerque, New Mexico 87103
Region 3, FWS, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111
Region 4, FWS, P.O. Box 95067, Atlanta, Georgia 30347
Region 5, FWS, 1 Gateway Center, Suite 700, Newton Corners, Massachusetts 02158
Region 6, FWS, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225
Alaska Area Office, FWS, 1011 E. Tudor Road, Anchorage, Alaska 99507
Central headquarters office of the State fish and wildlife agency

Interested persons are invited to submit comments to the appropriate Regional Director at the above regional addresses within 30 days. Copies of the assessment may be obtained at these locations upon payment of reasonable reproduction costs pursuant to 43 CFR, Part 2, Appendix A. Copies of any Finding of No Significant Impact will be provided free of cost.

FOR FURTHER INFORMATION CONTACT: Mr. Charles K. Phenicie, Chief, Division of Federal Aid, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703–235–1526.

SUPPLEMENTARY INFORMATION: On June 26, 1979, the U.S. District Court for the District of Columbia issued an order dismissing Civil Action No. 78–430 involving the Federal Aid in Wildlife Restoration program. The dismissal effected an agreement by plaintiffs and defendants which included a provision that the Fish and Wildlife Service would publish in the **Federal Register** a notice of availability of certain Environmental Assessments for inspection and public comment. Pursuant to the stipulated agreement, this notice lists Environmental Assessments prepared to date and will be supplemented as other assessments are prepared.

The principal author of this notice is Dr. Robert J. Sousa, U.S. Fish and Wildlife Service, Division of Federal Aid, Washington, D.C. 20240, telephone 703–235–1526.

Notice is hereby given of availability for inspection and comment of environmental assessments for the following Federal aid projects funded in part by the U.S. Fish and Wildlife Service (FWS) under the Pittman-Robertson Federal Aid in Wildlife Restoration Act, 16 U.S.C. 669 et seq: (Activities listed are not exclusive.)

Region 1

California W–13–D

A total of 8,400 acres of marsh and farmland used for feeding and nesting by migratory and resident wildlife, and as a holding area to relieve crop depredation by waterfowl, is involved in this project on the Gray Lodge Wildlife Area in Butte and Sutter Counties.

California W–26–D

Statewide wildlife habitat development includes maintenance, development, and/or management activities on scattered parcels of State and Federal lands. Most activities on State lands involve maintenance or management of wildlife habitat developed earlier, and establishing wildlife shelter and food plots.

California W–36–D

On the Imperial Wildlife Area, 7,627 acres adjacent to the Salton Sea are involved in this project. Activities include farming, water manipulation, maintenance of buildings, levees, ditches, roads and parking lots, preservation and provision of habitat for wintering waterfowl, and to alleviate crop damage on surrounding land.

California W–38–D

The Honey Lake Wildlife Area (7,300 acres) is managed to preserve and provide habitat for wintering waterfowl and to alleviate agricultural depredation by the birds. Activities planned for this project include maintaining buildings, ditches, fences, bridges, a campground, farmlands and marshlands.

California W–40–D

This project involves 6,208 acres of marsh habitat on the Los Banos Complex, Merced County. Activities include maintenance of buildings, levees, ditches, bridges, roads, fences, parking lots, farmland and marshes, to provide food and cover for wildlife, and to alleviate waterfowl depredation.

California W–43–D

This project deals with 10,487 acres of delta marsh habitat on the Grizzly Island Wildlife Area in Solano County. Activities include maintenance of buildings, water control structures, levees, ditches, roads, farmland and marshland which provide wintering grounds for waterfowl, alleviation of crop depredation, and provision of recreational use.

California W–50–D

At the Mendota Wildlife Area in Fresno County, a total of 9,400 acres of natural marsh and contiguous uplands is involved in this project. Activities include maintenance of buildings, levees, ditches, roads, fences, parking areas, nature trails, farmland and marshland which serve as habitat for winter waterfowl, provide recreational and educational use an alleviate crop depredation.

California W–61–D

This development project involves 16,713 acres of river bottom and upland foothill terrain in Butte, Nevada, and Yuba Counties. Maintenance of buildings, roads, fences, parking lots, firebreaks, nest boxes and ditches are some activities involved in the project to preserve habitat for upland wildlife and to provide for recreational and educational use of the resources.

Hawaii W–16–D

This statewide development project encompasses 958,442 acres of State-owned lands. Activities include maintenance of buildings, roads, watering facilities and big game enclosures, planting trees and shrubs, and removing noxious vegetation for the purposes of maintaining and developing wildlife populations and protecting endangered wildlife.

Hawaii W–19–C

The purpose of this statewide coordination project is to provide supervision and direction to the Federal Aid in Wildlife Restoration Program and to insure that the project complies with Federal requirements.

Idaho W–161–D

This multi-county project encompasses six wildlife management areas (25,173 acres). For the purposes of preserving and improving habitat for waterfowl, small and big game and fish, activities proposed include maintenance of buildings, dams, dikes, levees, roads and fences and transplanting Canada geese.

Idaho W–163–D

A total of 9,725 acres is involved in this development project encompassing nine counties. Activities for the preservation and improvement of wildlife habitat include maintaining dams, dikes, levees, irrigation

canals, ponds and fences, and weed and gopher control.

Idaho W–164–D

The purpose of this multi-county project, involving approximately 32,800 acres, is to preserve and improve wildlife habitat. Work includes maintenance of dams, dikes, levees, canals, pipelines, ditches, roads and fences.

Idaho W–165–D

Maintenance of buildings, roads, fences and nest structures for the improvement of habitat on Montpelier, Portneuf and Sterling Wildlife Areas are some activities within this development project.

Idaho W–166–D

The main purposes for this wildlife land management project covering 13,729 acres are to provide areas conducive to waterfowl breeding, small game hunting and fishing. Activities consist of weed control, farming, and maintenance of buildings, dams, dikes, levees, roads and fences.

Nevada W–48–R

This statewide research project will provide population data and habitat and species plans necessary for setting season and bag limits. Some activities involved are transplanting bighorn sheep, habitat evaluation and research on mountain lion populations.

Nevada W–54–C

This statewide coordination project's purpose is to plan, supervise and administer the P–R program, assuring State eligibility and efficient use of Federal Aid funds.

Nevada W–55–D

The Nevada Wildlife Management Area is 99,403 acres of marsh, open water habitat and contiguous agricultural land used for the protection and preservation of waterfowl and other wildlife. Activities included in this statewide development project are maintaining buildings, dikes, ditches, roads, public use facilities, nesting structures, crops and watering facilities.

Oregon W–9–D

On the Summer Lake Wildlife Area, habitat is being preserved and improved for waterfowl and other wildlife and for public use of the resources. Project activities include maintaining dikes, ditches, bridges, crops and public use facilities.

Oregon W–22–D

The purpose of this project on the Sauvie Island Wildlife Area is to provide and improve habitat for waterfowl and to foster public use of the wildlife resources. Activities include maintenance of buildings, dikes, water control structures, bridges, roads, wildlife food crops and nesting structures.

Oregon W–38–D

Developing and managing the small land parcels acquired for wildlife throughout the State constitute the purpose for this statewide habitat improvement project. Planned activities include maintenance of fencing and farming, providing goose nesting structures, watering areas, transplanting elk, and providing technical assistance to landholders.

Oregon W–46–D

The Purpose of this project at the Kenneth Denman Wildlife Area is to provide and enhance habitat for all wildlife, especially upland species, and to promote public use and enjoyment of this area. Activities include maintenance of buildings, dikes, ditches, bridges, roads, trails and nesting structures and planting some food crops.

Oregon W–47–D

The Klamath Wildlife Area (3,413 acres) is managed to maintain its natural marshland for the benefit of waterfowl and other wildlife and to provide for public use of the area. Project activities include maintenance of buildings, levees, fences, parking lots and food crops.

Oregon W–55—D

This development project at the Ladd Marsh Wildlife Area is being administered to provide and enhance waterfowl habitat for nesting and wintering, and for other wildlife and public use. Maintenance of bridges, fences, food crops and meadows are some of the project activities.

Washington W–19–D

The 84,386-acre Oak Creek Wildlife Recreation Area is smanaged to protect big game and forest and rangeland wildlife habitat as well as for the improvement of wildlife and public use. Activities include planting wildlife food crops, winterfeeding deer and elk, weed control and managed grazing to maintain beneficial plant species.

Washington W–49–D

Klickitat Wildlife Recreation Area, 8,000 acres of range and forestland, is managed for public use and a deer wintering area. Project activities include maintenance of food and cover crops, springs, watering devices and fences, thinning a pine forest and controlling grazing for browse improvement.

Washington W–67–D

This development project involves the Columbia Basin Wildlife Recreation Area (135,000 acres) which protects, develops and maintains fish and wildlife habitat on land not suitable for other purposes. Maintenance of food and cover crops, irrigation systems, roads, and parking areas as well as weed control are included in the proposed project activities.

Region 2

Arizona W–53–R

This statewide bird and mammal survey project involves animal population studies to determine distribution, mortality and reproduction. Hunter surveys will also be conducted. The information obtained will be used to develop game and nongame management plans and wildlife population studies to determine seasons and bag limits. In addition, livetrapping, banding, distribution and reproduction studies will be conducted on a number of wildlife species.

Arizona W–78–R

Research investigations for this statewide project include studies of life history and ecology, population dynamics, habitat alteration effects, environmental variables of food supply and hunting impacts on deer, javelina, black bears, muledeer, pronghorn, bighorn sheep, elk and mearns quail.

Arizona W–85–D

The overall goal of this statewide development project, which affects 11 wildlife management areas, is to enhance habitat conditions for the benefit of wildlife and to increase wildlife-oriented recreation. Numerous activities will be conducted which include creating small impoundments, planting wildlife food crops, water level manipulation, construction of dikes, fences and levees, and restricting access to certain high use feeding and resting areas.

New Mexico FW–17–R

The purpose of this statewide project is to determine the status and needs of species that may be threatened or endangered. Activities include monitoring species' status and needs, performing taxonomic studies, managing critical habitat and disseminating data and technical publications.

New Mexico W–93–R

This statewide project seeks to determine population trends, sex and age classification, food supply and annual harvest on such species as deer, elk, antelope, bighorn sheep, javelina and mountain lions. Activities include transect studies, aerial counts and surveys, and hunter surveys.

Nex Mexico W–99–D

This development project provides for the maintenace and development of 6 waterfowl areas toataling 8,329 acres for the purpose of providing waterfowl winterfeeding and resting. Activities include farming and maintenance of roads, fences, ditches and buildings.

New Mexico W-124-R

This statewide research project seeks to develop life history information on mule deer, elk, mountain lions and bobcats, and to research wildlife diseases that may be eliminated to better maintain viable wildlife populations. Activities include trapping, radio tracking and tagging, and skull and tissue examination.

Oklahoma W-12-C

This statewide project provides overall coordination and administration of Federal Aid projects including the preparation of documents, work schedules, performance reports, fiscal records and program narratives, maintaining interagency liaison, budget preparation and project review and compliance.

Oklahoma W-34-D

The purpose of this project on the Spavinaw Hills Management Area in Delaware and Mayes Counties is to provide big game refuge in the western Ozark Highlands. Activities include maintenance of buildings, roads, fences and signs, planting wildlife food and cover crops, vegetation

control, construction of firebreaks and waterholes, and surveys to determine population trends and hunter use.

Oklahoma W-43-D

The Pushmataha Game Management Area (18,260 acres) is managed to improve wildlife habitat and provide wildlife-oriented recreation. Principal activities include maintenance of buildings, roads, trails, fences, camping areas, planting of trees, shrubs, grass and legumes, prescribed burning, vegetation control, and construction of firebreaks and waterholes.

Oklahoma W-54-D

Managed partially as a waterfowl refuge, the 17,963-acre Fort Gibson Game Management Area in Wagoner and Cherokee Counties provides public hunting for big game, upland game and furbearers, and resting areas for migratory waterfowl. Project activities include maintenance of roads, buildings, signs, fences, firebreaks and development of food plots.

Oklahoma W-71-D

The 205,183 acres involved in this project are located at the Ouachita Public Hunting Area and are managed under cooperative agreement with the U.S. Forest Service to create diversified wildlife habitat and to provide public benefits. Construction of wildlife openings and waterholes, planting of trees and shrubs, managing public hunts, and maintenance of buildings, roads, trails, signs and fences are some proposed activities.

Oklahoma W-77-D

The Gruber Game Management Area is managed to sustain wildlife for optimum population levels which support wildlife-oriented activities. work on this 55,515-acre area includes maintenance of buildings, roads, fences, sanitary facilities and signs, planting of shrubs and trees, creating forest openings and conducting controlled public hunts.

Oklahoma W-103-D

Involved in this development project is the Texoma Public Hunting Area (12,331 acres). Currently managed for waterfowl and wildlife-oriented public use, proposed activities for the area include plantings of wildlife crops, controlled burning and grazing, shrub and tree planting and maintaining roads, fences, signs and firebreaks.

Oklahoma W-111-D

The 43,133 acres of the Tiak Game Management Area is managed with cooperative agreement of the U.S. Forest Service. Its management objectives include the improvement of habitat conditions for upland and big game species and providing public hunting opportunities. Activities include planting food plots, controlled burning, conducting surveys, and maintaining buildings, signs and fences.

Oklahoma W-119-D

This project involves a 7,873-acre area encompassing four counties under license agreement with the Corps of Engineers. Management objectives are to provide public hunting and wildlife-oriented recreational opportunities. Activities include sharecropping and maintenance of dikes, roads, fences and signs.

Oklahoma W-120-D

The 18,120-acre Hugo Game Management Area is located in Pushmataha and Chocotaw Counties. The area will be managed under a license agreement with the Corps of Engineers for forest wildlife and waterfowl. Planned activities include maintenance of buildings, dikes, bridges, roads, fences and signs, controlled burning, mud flat seeding, hunter surveys and public hunting.

Oklahoma W-124-D

The Kaw Public Hunting Area consists of 16,254 acres located in Kay and Osage Counties and is managed under license agreement with the Corps of Engineers for habitat improvement and wildlife-oriented public use. Proposed activities include maintenance of roads, signs and fences, provisions for public hunting and producing food and forage for wildlife.

Texas W-14-C

Activities for this statewide coordination project, which provides for administration of the Federal Aid program, include document preparation and review, budgeting, compliance inspections and program planning.

Texas W-54-D

This development project in Anderson County with a 10,941—acre area is managed to provide land base and supporting facilities to conduct wildlife research. Activities include maintenance of building, levees, bridges, roads, fences, signs and firebreaks, vegetation and population control, and public hunting.

Texas W-83-D

This development project involves an 8,400-acre tract of fresh and brackish marsh located adjacent to the southwest city limits of Port Arthur in Jefferson County. Activities include marsh management, maintenance of water control structures, fences, roads and bridges, and vegetation control necessary for the provision of high quality marsh environment.

Texas W-105-D

This development project takes place on the Pat Mayse Wildlife Management Area. Approximately 8,900 acres are managed under a license agreement with the Corps of Engineers for habitat improvement and public hunting. Some activities of this project include maintenance of roads, fences, signs and rest structures, and controlled burning.

Texas W-106-R

The purpose of this statewide waterfowl project is to collect, assemble, and evaluate basic bilogical information on which to make and coordinate management recommendations. Activities include trapping, banding, aerial surveys, habitat investigations and disease studies.

Texas W-107-R

This statewide project provides overall wildlife planning including the development of a long-range strategic plan, operating plans for 1980 and 1981, EIS review, and general plans for wildlife mitigation.

Texas W-108-R

The purpose of this statewide upland game project is to conduct studies to determine the success of game bird transplants, evaluate furbearer harvest and evaluate the effectiveness of using nursery seedling stock for quail cover. Activities include live trapping, transplanting, and studying behavior and movement patterns of various wildlife species.

Texas W-109-R

The purpose of this statewide project is to conduct investigations to determine supply, demand, economic value, habitat conditions and other biological factors necessary to establish regulations for consumptive and non-consumptive utilization of big game resources. Activities include species observation and habitat studies, live trapping, marking and transplanting of big game species such as deer, javelina, elk and bighorn sheep, as well as ecological aspects of introduced species such as axis deer and blackbuck antelope.

Region 3

Illinois FW-7-D

Project activities are designed to manage those lands and waters associated with the Mississippi River Fish and Waterfowl Management Area. Programs include maintenance and improvement of waterfowl resting and feeding areas. Access will be provided, and public use will be encouraged.

Illinois W-76-D

Activities will be conducted on 37 areas for this statewide public lands habitat development project. In order to maintain, improve and develop habitat for wildlife, tree and shrub plantings, vegetation control, and the construction of small wildlife waterholes and ponds will take place.

Indiana FW-2-D

Earthen dams and levees will be constructed as part of the Tri-County Fish and Wildlife Area development project to create 15 acres of impoundments and 43 acres of marshland. Planting trees and shrubs and vegetation control are also included in this project involving a total of 3,370 acres.

Indiana W-13-D

A total of 9,600 acres on the Willow Slough Fish and Wildlife Area is involved in this project. Activities include rebuilding and repairing levees, planting herbaceous seedlings, vegetation control, water level management and wildlife banding.

Indiana FW-14-C

The purpose of this coordination project is to provide supervision of administration of the State's Federal Aid activities. Work involves maintenance of accounts and records, coordination of fish and wildlife projects, and insuring that proper care and maintenance is employed on capital improvements purchased with Federal Aid funds.

Indiana FW–16–D

The purpose of this project is to develop, maintain and operate the Pigeon River Wildlife Management Area totaling 11,200 acres. Planned activities include reconstruction of Ontario Dam, construction of Massasauga Marsh Area and maintenance of roads, trails and firebreaks.

Indiana FW–18–D

Tenant farming, construction of parking facilities and repair of the bridge crossing the Muscatatuck River are some activities being undertaken on the Crosley Fish and Wildlife Area (4,715 acres). Clearing vegetation and subsequent planting to benefit wildlife will also be performed.

Indiana FW–22–D

This majority of work items in this development project on 8 State fish and wildlife management areas (36,317 acres) involve routine operation and maintenance. Other activities undertaken include seeding, water level management, mowing, controlled burning and livetrapping and tagging of deer.

Minnesota W–27–L

The purpose of this land acquisition project is to acquire parcels of land to preserve wetlands threatened by drainage and cultivation. Other wildlife habitat will also be acquired and managed to enhance wildlife populations and the public use of these areas.

Ohio FW–12–C

This project constitutes an administrative process not affecting the quality of the human environment. It finances the administration and coordination activities of the State Federal Aid coordinator and staff administration, and coordination of the Federal Aid program in Ohio.

Ohio W–107–D

This wildlife management project in northwestern Ohio involves a total of 20,690 acres on 14 major public areas. Activities include maintenance of fences, prescribed burning and other vegetation control techniques, along with providing technical assistance, seeds, trees and shrubs to cooperating landowners.

Ohio W–108–D

Management of wildlife habitat in northwestern Ohio providing services and public access facilities on 18 public areas totaling 38,426 acrea is the major component of this project. Other activities include wetland and timber management and technical advice. Seeds, trees and shrubs are offered to cooperating landowners.

Wisconsin W–145–D

This project involves the development and operation of the Sandhill, Wood County and Meadow Valley Wildlife Areas comprising a total of 85,130 acres. Activities include timber management, tree and shrub planting, vegetation control and construction of firebreaks, fences, public use facilities, and maintenance of roads, trails, dams and dikes.

Wisconsin W–146–D

A total of 32,200 acres are involved in the development and operation of the Mead and McMillan Wildlife Areas. Project activities include upgrading access to public use facilities, construction of fences and parking lots, planting food patches, vegetation control, water level control and erecting nest structures. Some use of herbicides (tordon and 2–4 D) and the relocation of nuisance beavers are activities under consideration.

Wisconsin W–147–D

This project entails the development and operation of 57,000 acres on the Grantsburg Prairie Waterfowl Complex for the purpose of creating, improving and perpetuating wildlife habitat and managing wildlife populations. Activities include increasing and upgrading public use facilities, vegetation control, pothole construction, water level management and prescribed burning.

Wisconsin W–149–D

The purpose of this statewide forest habitat development project is to develop and maintain wildlife habitat on approximately 4.6 million acres of public forestland. Activities include construction of roads, trails and firebreaks, vegetation clearing and control, herbaceous seedings and tree and shrub plantings.

Region 4

Alabama W–8

This statewide project provided administrative and clerical services for State's Federal Aid projects. Such activities involve the development of work plans, technical direction of project employees, maintenance of project documents, reports and fiscal accounts, conducting field investigations and correlating project activities with other Federal State operations.

Alabama W–34

A total of 657,352 acres are involved in this statewide development project. Activities include the operation, management and maintenance of buildings, roads, fences and public use facilities, herbaceous planting and vegetative control, public hunting management, livetrapping and transplanting turkeys.

Arkansas FW–1

This statewide project provides administrative and clerical services for the State's Federal Aid projects. Activities normally conducted include the maintenance of records, preparation of documents and reports, field inspections and maintaining liaison with other State and Federal agencies.

Arkansas W–53

The purpose of this statewide research project is to prepare the final report on the 19-year Deer and Forest Management Research Program concluded in 1978.

Arkansas W–56

This research project involves five studies designed to gather biological data needed to manage the State's wildlife resources. Activities proposed are duck banding, collection of waterfowl population data and parasite studies.

Florida W–35

This statewide project includes the development and maintenance of buildings, water control systems, roads, bridges, fences, public use facilities, sanitary facilities and water supplies. Other activities include providing wildlife food and cover crops, managing waterfowl areas and controlling public use.

Florida W–41

Eight studies designed to gather biological data needed to manage the State's wildlife resources comprise this statewide research project. Activities proposed include monitoring turkety harvest, disease and parasiste studies, and investigations dealing with waterfowl, otters and bobcats.

Georgia W–6

This statewide project provides for the administration of Georgia's Wildlife Restoration grant-in-aid projects. Preparation of project documents and reports, maintenance of fiscal accounts and conducting field inspections are schedule activities.

Georgia W–36

Development activites associated with this statewide project will occur on 48 wildlife management areas. Maintenance of buildings, water control systems, roads, bridges, fences and public use facilities, vegetation, stocking, wildlife feeding, pothole construction, and timber and water level management are examples of proposed activities.

Georgia W–37

This statewide research project involves 16 studies in 6 research areas designed to gather biological data needed to manage the State's wildlife resources. Some investigations involve deer, turkey, waterfowl and small game.

Kentucky W–45

Construction and maintenance of buildings, water control systems, roads, bridges, fences and public use facilities are some activities proposed in this statewide development project. Others include providing wildlife food and cover plantings, controlling vegetation, restocking wildlife, providing nesting structures and various wildlife research and surveys.

Louisiana W–10

This statewide project provides for the State administration of Louisiana's Federal Aid in Wildlife Restoration projects. Preparation of project documents and reports, maintaining fiscal accounts, conducting random field investigations, and maintaining liaison with other State and Federal agencies are normal project activities.

Louisiana W–29

This statewide research project involves 23 studies designed to gather biological data needed to better manage Louisiana's wildlife resources. Studies involve deer, waterfowl, turkeys and timber thinning.

Louisiana W–30

This statewide project involves 29 wildlife management areas covering approximately 700,000 acres of State, private, school, and military lands. Activities include the development and maintenance of buildings, roads, bridges, water control structures,

canals, fences, public use facilities and vegetation control which stimulates wildlife and cover.

Mississippi W–48

Eight studies designed to gather information on the State's wildlife resources and habitats involving such activities as water fowl banding, dove hunting success, pesticide surveys and deer management comprise this statewide research project.

Mississippi W–49

This statewide project involves 23 wildlife management areas covering the development and maintenance of building, water control structures, roads, bridges, fences and public use facilities. Also included are boundary posting, vegetation control, population control and wildlife harvest programs.

Mississippi W–54

Development and maintenance of 9 waterfowl management units comprise this statewide development project. Activities include wildlife food plantings, vegetation control and water level management along with development and maintenance of buildings, water control systems, roads, fences and public use facilities.

North Carolina W–57

This statewide project involves administrative and information gathering activities needed to manage the State's wildlife resources. The project covers 14 studies involving such wildlife as turkey, woodcock, black bear, mourning dove and whitetail deer and also provided routine maintenance of project records and reports. Development activities on State Wildlife Management Area will also be conducted.

Puerto Rico FW–1

The work under this project is essential to assure orderly adminstrative planning and conduct of the Commonwealth's Federal Aid in Fish and Wildlife Restoration efforts. Activities include maintaining fiscal accounts, preparing documents and reports, attending meetings, conducting field inspections and maintaining liaison with other Commonwealth and Federal agencies.

Puerto Rico W–9

This project involves the Mona Islands (approximately 14,000 uninhabited acres and 450 acres of Boqueron Refuge). Activities include construction and maintenance of buildings, roads and public use facilities, boundary posting and wildlife harvest activities.

South Carolina W–13

This statewide project provides for the orderly and efficient coordination of wildlife research and management activities of the South Carolina Wildlife and Marine Resources Department. Preparing documents and reports, maintaining fiscal accounts, conducting field investigations and maintaining liaison with other State and Federal agencies are some project activities.

South Carolina W–30

This statewide project involves routine management of approximately 1,000,000 acres of leased and State-owned wildlife management areas. Activities include construction of roads, wildlife observation blinds and a small pole shed, planting food crops, controlled burning, developing firebreaks and restocking wild turkeys.

Tennessee W–46

This statewide project includes 20 wildlife studies to gather biological data needed to manage the State's wildlife resources. Included project activities are livetrapping and relocating deer, turkeys and Canada geese in addition to conducting surveys and research on forest game, farm game and wetland game.

Tennessee W–48

This tri-state research project includes three studies dealing with population dynamics, habitat preference and socioeconomic factors affecting black bears. The studies will be carried out in order to gather information upon which to base management decisions.

Region 5

Connecticut W–49–R

This is a statewide wildlife survey, inventory and research project designed to monitor populations of deer, beaver, turkey, waterfowl and quail. Livetrapping and transplanting of turkey and beaver will be conducted.

Connecticut W–52–L

Under this project, approximately 132.5 acres are being acquired in the floodplain of the Farmington River for use as a game management area.

Delaware FW–2–C

This statewide coordination project covers the various activities associated with the administration of Delaware's Federal Aid grant program. Work is limited to various administrative activities.

Delaware W–5–D

This is a statewide habitat development program which deals with the operation and maintenance of wildlife areas totaling approximately 28,800 acres. Preserving critical habitat and employment of various habitat enhancement techniques will be involved.

Delaware W–16–R

This is a statewide wildlife survey, inventory and research project which is designed to develop information necessary to facilitate management of the State's wildlife resources. Activities include monitoring migratory waterfowl, introduction of game birds and control of tall reed grass.

Maine W–62–R

This research project deals primarily with waterfowl. Capture, tagging and periodic relocation of individual birds will be administered to alleviate property damage and to increase breeding pairs.

Maine W–72–D

A number of activities will be conducted under this development project including relocation of nuisance beavers, creation of firebreaks, timber management, vegetation control and herbaceous seeding to promote and enhance wildlife habitat.

Maine W–73–D

This multi-faceted development project will encompass numerous activities which will result in the enhancement of wildlife habitat and public use of State wildlife management areas. Surveys and inventories, technical assistance, development of plans, timber management and some relocation of nuisance beavers will be involved.

Maine W–74–D

Some activities associated with this development project include timber management and relocation of nuisance beavers. The primary purpose of this project is to develop wildlife management areas for the benefit of wildlife and the public.

Maine W–76–D

Activities planned for this project to promote public use and to benefit wildlife include seeding of herbaceous plants, vegetation control and some relocation of nuisance beavers.

Maryland W–41–R

The purpose of this statewide research project is to investigate disease and parasite infestations of wildlife in Maryland. Various collection techniques will be employed including removal of road kills and surveying hunter-harvested animals.

Maryland W–49–R

Basic biological information will be compiled as part of this statewide research project concerning raccoon and nutria which will enable development of more effective management policies and techniques.

Massachusetts W–9–D

A total of 36 wildlife management areas in the State will be operated, maintained and, to a certain extent, developed under this project. Activities include maintenance of buildings, dams, roads and bridges, tree and shrub planting, herbaceous seeding, timber and water level management.

New Hampshire W–11–D

This statewide development project is designed to provide and maintain access to public lands and to employ vegetation control techniques for the maximum benefit of wildlife. A small parking area will be developed and mowing, herbicide treatment and controlled burning will be employed to inhibit unwanted vegetation.

New Hampshire FW–17–C

This project is intended to assist project leaders in the design and coordination of Federal Aid projects. Work is limited to various administrative activities.

New Hampshire W–21–D

The purposes of this development project are to manage and maintain existing deer yards and to hasten regrowth of those previously cut. These efforts are conducted on private, Federal and State forestland.

New Jersey W–45–R

This research project endeavors to collect and evaluate data to determine population characteristics of the State's deer herd.

Activities involving livetrapping, radio monitoring and aerial surveys will be conducted.

New Jersey FW–49–C

This coordination project is limited to State administration of the Federal Aid program. Activities such as staff work, meeting attendance, report writing and field inspections will be carried out.

New Jersey W–51–D

As part of this statewide development project, trees, shrubs and herbaceous food crops will be planted, and vegetation control will be employed to inhibit noxious and undesirable plant species.

New Jersey W–52–R

This project is a multi-faceted research program. Individual studies seek to determine population characteristics of raccoons and the effects of fire on upland game habitats. Some livetrapping and tagging of individual raccoons will be conducted.

New York W–39–R

This is a waterfowl banding project designed to assess certain characteristics of the State's waterfowl population. Individual birds will be captured, tagged and released.

New York W–124–R

This project is designed to study basic physiological processes involving energy metabolism of several animal species. Some captive animals will be fitted with radiotelemetry devices for monitoring various physiological parameters.

New York W–133–D

This development project encompasses many activities designed to enhance wildlife habitat and the public's use and enjoyment of these areas. Stocking of turkeys, creation of access and parking facilities, water level manipulation and seeding of food plots will be conducted.

New York W–136–D

This is a multi-activity development project designed to enhance wildlife habitat and the public's use and enjoyment of these areas. Vegetation control, water level management, transplanting Canada geese, tagging and banding of wildlife, access development and pothole construction are proposed activities.

New York W–137–D

This project proposes that access be maintained and developed and wildlife habitat be improved. Activities include construction of roads and trails, relocation of nuisance beavers, tagging and banding of wildlife, vegetation control and herbaceous planting.

New York W–138–D

Activities carried out under this development project are designed to enhance wildlife habitat and to improve the public's access to those areas. Pothole, trail, road and parking lot construction, water level and vegetation control, transplanting Canada geese and nuisance beavers, and planting trees, shrubs and herbaceous plants are components of this project.

New York W–139–D

This development project involves various work components to develop, maintain and operate numerous wildlife areas in the western part of the State. Activities include road, trail, parking lot and building maintenance, vegetation control, wildlife tagging and banding, and water level control.

Pennsylvania W–39–D

This statewide development project will administer the habitat restoration and enhancement program on State-owned and leased lands. Construction of roads, trails and parking lots, vegetation control, timber management, food plot establishment and tree planting are some components of the project.

Rhode Island FW–8–C

This statewide coordination project provides for the State administration of the Fish and Wildlife Service grant-in-aid programs. Activities involve purchasing supplies and materials, preparing documents and reports, maintaining fiscal accounts, and liaison with other State agencies.

Rhode Island W–22–D

This statewide development project will improve the habitat on public and private lands for the benefit of resident and migrating wildlife species. Activities include pothole construction, transplanting geese, tree and shrub planting, vegetation control and various banding activities.

Vermont FW–15–D

Road construction and maintenance, vegetation control and forest clearing are some activities involved in this statewide development project which will provide public access, improve wildlife populations and develop management plans.

Virginia W–40–R

This statewide research project will gather biological data needed to manage the State's wildlife resources. Research will be conducted covering an array of subjects relating to game, furbearers and habitat.

Virginia W–48–D

This statewide development project covers wildlife management activities on State-owned and leased lands. Project activities include maintenance of buildings, bridges, roads and public use facilities, and wildlife food and cover plantings.

West Virginia FW–2–C

Activities included in this statewide coordination project, which is limited to State administration of Fish and Wildlife Service grant-in-aid programs, are preparation of documents and reports, maintenance of fiscal accounts, developing work schedules, purchasing materials and supplies, and maintaining interagency liaison.

West Virginia W–41–D

The purpose of this statewide development project is to provide for management of game, furbearer and nongame wildlife populations on State-owned and leased lands and on national forests. Tree planting, timber management, data collection, vegetation control, and livetrapping and transplanting wildlife are among proposed activities.

West Virginia W–46–R

This research project was designed to study hunting pressure, disease, and movements and mortality of relocated raccoons imported and released by raccoon clubs.

Region 6

Colorado W–88–R

This project covers 10 studies dealing with obtaining biological and population data for waterfowl, doves, pigeons and coots. Aerial and ground surveys, nest inventories and banding operations will be conducted.

Colorado W–98–D

This project covers maintenance and operation of the Little Hills facility. Buildings, roads, grounds and fences will be maintained, and some trees will be planted.

Colorado W–112–D[1]

A 1,600-square-foot residence will be constructed on the Dry Creek Basin Wildlife Area to replace an existing structure which is no longer serviceable.

Colorado W–126–R

Colorado's big game research, involving 24 studies which deal with data collection for disease, nutrition, habitat and population characteristics, will be conducted under this project. Most of the animals utilized in this research are tame. Blood samples, grazing surveys, evaluation of plant nutrients and similar scientific activities will be performed.

Kansas W–47–D

This development project's objectives include habitat development and maintenance of the existing structures on six wildlife areas for the enhancement of wildlife populations. Among project activities are burning, vegetation control, water level management and routine maintenance of buildings, roads, fences, signs, dikes and public use facilities.

Missouri W–13–R

This statewide research project is comprised of 40 studies on such topics as population dynamics, wildlife nutrition, waterfowl crop depredation, lead/steel shot, and harvest and habitat analysis.

Missouri W–40–D

Objectives for this project involve development and manintenance of the Charles W. Green Wildlife Research Area including the planting of trees and wildlife food and cover crops as well as maintaining buildings, roads, firebreaks and fences.

Montana W–121–D

A variety of development, maintenance and operational activities will be conducted on the Kuhns (1,592 acres) and Ninepipe (3,460 acres) Wildlife Management Areas. Proposed work includes maintenance of buildings, roads, fences, dikes, canals and bridges. Other scheduled activities are digging ditches and constructing small dikes, seeding herbaceous plants, and tree and shrub plantings.

[1] Dry Creek Basin Wildlife Area Residence *only.*

Montana W–122–D

Development, maintenance and operational activities on three wildlife management areas encompassing about 63,000 acres of State and private lands comprise this project's objectives. Work includes construction of small bridges, dikes, levees, roads and fences. Herbaceous seedings, tree and shrub plantings will also be conducted.

Montana W–123–D

Development, maintenance and operational activities on wildlife management areas encompassing about 70,800 acres of State, Federal and private lands are elements of this project. Development activities on these areas include construction of primitive roads, trails and fences, herbaceous seeding, tree and shrub planting and some vegetation control.

Montana W–124–D

Five State wildlife areas comprising approximately 72,000 acres will be operated, maintained and developed as part of this project. Activities consist of fencing, waterlevel management, cultivation of preferred wildlife food crops, vegetation control, construction of trails, culverts and irrigation ditches, and maintenance of buildings, canals, dikes and roads.

Montana W–130–R

Activities conducted under this statewide project include aerial and ground surveys, trapping and marking individual animals, and collection of biological data from hunter harvest, road kills and natural mortalities.

Nebraska W–15–R

Aerial and land surveys and banding and tagging operations of various wildlife species will be conducted to determine biological and population characteristics of the State's wildlife resources.

North Dakota FW–8–C

This statewide coordination project is designed to provide efficient administration of Federal Assistance programs throughout the State. Appraisal and negotiation for land purchases and technical guidance at the administration level will also be provided.

North Dakota W–67–R

This statewide research project consists of numerous studies relating to surveys of the flora and fauna resources in North Dakota. Activities scheduled for accomplishment include disease investigations, population monitoring, animal reintroductions, evaluating impacts of land uses on fauna and development of management plans.

South Dakota W–94–D

This development project is a means by which the State provides technical assistance guidance in the activities, plans and development of other agencies which may have direct effects on the environment.

Wyoming W–53–D

Work proposed at the Sybille Game Research Unit includes maintenance of roads, buildings, fences and public use facilities. Streambank erosion control, spot treatment of noxious plants, managing livestock grazing and irrigation will also be conducted.

Alaska Area

Alaska W–19

This statewide project, consisting of 15 individual jobs, is designed to protect, maintain and enhance wildlife. Activities include aerial and ground surveys, monitoring hunter harvest, road kills and natural mortality, and monitoring vegetation on small test plots.

Alaska W–20

This project consists of coordination, planning, and statistical and laboratory services for statewide Federal Aid activities.

Alaska W–21

A total of 33 research jobs comprise this statewide research project. Banding, tagging, livetrapping and use of aerial and ground census techniques are activities which will be employed.

Dated: July 17, 1979.

Robert Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 79–22531 Filed 7–19–79; 8:45 am]

BILLING CODE 4310–55–M

Availability of Report of U.S. Delegation to Second Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

AGENCY: U.S. Fish and Wildlife Service.

ACTION: Notice of Availability of Report.

SUMMARY: The second meeting of the Conference of the Parties to CITES was held in San Jose, Costa Rica on March 19–30, 1979. CITES is a mutilateral treaty to control international trade in wild plant and animal species which are or may become threatened with extinction. The Fish and Wildlife Service announces the availability on a first-come, first-serve basis of the U.S. Delegation's report on the results of the meeting. Requests should be limited to one copy per person or organization.

ADDRESS: For copies of the report contact: U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, Washington, DC 20240 (703) 235–2418.

SUPPLEMENTARY INFORMATION: CITES provides for regular meetings of the Parties to be held at least once every two years. The first regular meeting was held in Berne, Switzerland, November 1976. The Parties met in San Jose, Costa Rica for the second regular meeting March 19–30, 1979. Representatives from 39 of the 51 Parties to CITES, and observers from 16 non-Party countries and 55 nongovernmental organizations were in attendance. Major issues addressed include

1. Funding the CITES Secretariat
2. Continuation of the Steering Committee
3. Species identification manual
4. Minimum list of parts and derivatives
5. Definition of bred in captivity and artifically propagated
6. Exemption for exchange of museum and herbaria specimens
7. Pre-Convention exemption
8. Format for species proposals
9. Extremely rare, extinct, feral and hybrid species
10. Plant and Animal shipping guidelines
11. Species proposals for 251 amendments to the appendices

This notice was prepared by Arthur Lazarowitz, Federal Wildlife Permit Office.

Dated: July 17, 1979.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 79–22558 Filed 7–19–79; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Application; Knoxville Zoological Park

Applicant: Knoxville Zoological Park, P.O. Box 6040, Knoxville, Tennessee 37914.

The applicant requests a permit to import 1 female Puerto Rican boa (*Epicrates inornatus*) from the Reptile Breeding Foundation, Picton, Ontario, Canada for propagation purposes.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2–4309. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before August 20, 1979. Please refer to the file number when submitting comments.

Dated: July 11, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79–22559 Filed 7–19–79; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Controlled Substances in Schedules I and II; Proposed 1980 Aggregate Production Quota For Hydromorphone

Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires the Attorney General to established aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On July 6, 1979, a notice of the proposed aggregate production quotas for Schedule I and II controlled substances for 1980 was published in the **Federal Register** (44 FR 39626–7). In that notice, a 1980 aggregate production quota for hydromorphone was not proposed. DEA has received indications that hydromorphone is becoming an increasingly important part of the illicit market for legitimately manufactured controlled substances. Because of this, DEA has undertaken a study to determine the extent of diversion and abuse of hydromorphone. Although the study is not yet complete, it appears that substantial amounts of this substance have been diverted from legitimate channels. Because of this, it would be inappropriate at this time to establish a quota that would allow more production in 1980 than that allowed in 1979.

Therefore, the Administrator of the Drug Enforcement Administration hereby proposes that the 1980 aggregate production quota for hydromorphone be established at 122,000 grams, expressed as anhydrous base. Pursuant to § 1303.23(c) of Title 21 of the Code of Federal Regulations, the Administrator will, in early 1980, review and adjust individual manufacturing quotas based upon 1979 year-end inventory and actual 1979 disposition data supplied by quota applicants for each basic class of Schedule I or II controlled substance. At this time, any new information on the diversion and abuse of hydromorphone will be considered indetermining if the quota for hydromorphone should be revised.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative, and must be received by August 23, 1979. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator, finds in his sole discretion, warrant an adversary-type hearing, the Administrator will cause to be published in the **Federal Register** an order for a public hearing which will summarize the issues to be heard and which will set the time for the hearing (which will not be less than 30 days after the date of the order).

Dated: July 13, 1979.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 79-22546 Filed 7-19-79; 8:45 am]

BILLING CODE 4110-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commmodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other asssistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 13th day of July 1979.

Ernest G. Green,

Assistant Secretary for Employment and Training.

Applications Received During the Week Ending July 13, 1979

Name of applicant and location of enterprise	Principal product or activity
Triangle Enterprises, Inc., Goodyear, Arizona.	Motel

[FR Doc. 79-22353 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

[TA-W-5272]

American Biltrite, Inc., Cambridge, Mass.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on April 23, 1979 in response to a worker petition received on April 17, 1979 which was filed on behalf of workers and former workers producing rubber and plastic conveyor belts, matting, packing, and hoses at the Cambridge, Massachusetts plant of American Biltrite, Incorporated. In the following determination, without regard to whether any of the criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A survey of the customers of American Biltrite, Incorporated was conducted concerning their purchases of imported hose and belting, packing, and matting. Results of the survey indicated that those customers that decreased purchases of hose and belting from American Biltrite and increased imports represented an insignificant proportion of the firms decline in sales. None of the customers surveyed reported direct imports of packing or matting. One customer reported indirect imports of packing purchases from another domestic firm but that customer increased purchases of packing from American Biltrite.

Conclusion

After careful review, I determine that all workers of the Cambridge, Massachusetts plant of American Biltrite, Incorporated 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 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-22485 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5441]

Arkay Pants Co., Fall River, Mass.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 22, 1979 in response to a worker petition received on May 18, 1979 which was filed on behalf of workers and former workers producing men's and boys' outerwear at Arkay Pants Company, Fall River, Massachusetts. The investigation revealed that the plant produces only boys' outerwear. It is concluded that all of the requirments have been met.

Imports of men's and boys' non-tailored outer jackets, a category which includes boys' outerwear produced by the Arkay Pants Company, increased both absolutely and relative to domestic production in 1978 compared to 1977. The level of imports did not change significantly in the first quarter of 1979 compared to the first quarter of 1978.

A survey was conducted of some of the major primary and secondary customers which had decreased purchases from Arkay Pants Company in 1978. All of the Cusotmers surveyed purchased imports. The survey showed that some of these customers had increased purchases of imports while decreasing purchases form Arkay. The rest of the customers surveyed had decreased purchases from both Arkay and foreign sources. However, all of these customers decreased purchases from Arkay Pants more than they decreased imports.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with boys' outerwear produced at Arkay Pants Company, Fall River, Massachusetts 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 Arkay Pants Company, Fall River, Massachusetts who became totally or partially separated from employment on or after May 10, 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 13th day of July 1979.

James F. Taylor,

Director, Office of Managment, Administration and Planning.

[FR Doc. 79-22486 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5419]

Arno Moccasin Co., Lewiston, Maine; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 18, 1979 in response to a worker petition received on May 14, 1979 which was filed by the Lewiston-Auburn Shoeworkers Protective Association on behalf of workers and former workers producing men's, women's, and some children's shoes at Arno Moccasin Company, Lewiston, Maine. The investigation revealed that the company produces leather moccasins, slippers, and other casual shoes for men, women, and children. It is concluded that all of the requirements have been met.

U.S. imports of men's nonathletic dress and casual footwear increased relative to domestic production from 1977 to 1978 before declining slightly in the first quarter of 1979 compared to the first quarter of 1978. The ratio of imports to domestic production remained between 75 and 85 percent during the January 1976–March 1979 period.

U.S. imports of women's nonrubber, nonathletic footwear increased absolutely and relative to domestic production from 1977 to 1978 and in the

first quarter of 1979 compared to the first quarter of 1978. The ratio of imports to domestic production has exceeded 130 percent since 1976.

U.S. imports of children's nonrubber, nonathletic footwear increased relative to domestic production in the first quarter of 1979 compared to the first quarter of 1978. The ratio of imports to domestic production remained between 65 and 100 percent during the January 1976–March 1979 period.

A Department survey revealed that a number of major customers reduced purchases from Arno Moccasin Company in 1978 compared to 1977, and in the period January–May 1979 compared to the period January–May 1978, and increased imports of men's, women's and children's nonrubber footwear. Together these customers accounted for an important share of the total decline in the Arno Moccasin Company's sales from 1977 to 1978 and from January–May 1978 to January–May 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with leather moccasins, slippers, and other casual shoes for men, women and children produced at Arno Moccasin Company, Lewiston, Maine, 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 Arno Moccasin Company, Lewiston, Maine, who became totally or partially separated from employment on or after November 11, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22487 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5742, et al.]

Beacon Tex Print, Ltd., et al.; 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 July 30, 1979.

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 July 30, 1979.

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, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of July, 1979.

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
Beacon Tex Print LTD (union)	Beacon, New York	7/10/79	7/6/79	TA-W-5742	Textile printer.
J. Kasliner (ILGWU)	Neptune City, New Jersey	7/10/79	7/6/79	TA-W-5743	Ladies coats, jackets and sportswear.
Laconia Shoe/Maine (workers)	Sanford, Maine	7/9/79	6/26/79	TA-W-5744	Cut and stich shoe uppers and mold soles for men's shoes.
L. E. Smith Glass Co. (AFGU)	Mt. Pleasant, Pennsylvania	7/10/79	6/21/79	TA-W-5745	Hand made glassware.
Lu-Gine Knits (workers)	Hawthorne, New Jersey	7/9/79	6/28/79	TA-W-5746	Men's shirts and men's sweaters.
Rose Coats (ILGWU)	Neptune City, New Jersey	7/10/79	7/6/79	TA-W-5747	Ladies coats, jackets, and sportswear.

[FR Doc. 79-22488 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5453]

Beaunit Corp., New York, N.Y.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 24, 1979 in response to a worker petition received on April 12, 1979 which was filed on behalf of workers and former workers at the New York, New York company headquarters and sales office of the Beaunit Corporation. In the following determination, without regard to whether any of the criteria have been

met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subsdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The ratio of imports to domestic produciton for bleached and colored cotton knit fabric and for bleached and colored man-made knit fabric has been less than one percent since 1974.

The ratio of imports to domestic production for all yarns has been less than two percent since 1974.

A Department survey was conducted of customers purchasing knit fabric, trico and yarn from Beaunit Corporation. None of the customers surveyed purchased knit fabric or tricot from foreign sources from 1976 to 1978. The survey revealed that only one customer purchased imported yarn; that customer represented an insignificant proportion of Beaunit's total sales.

Conclusion

After careful review, I determine that all workers of the New York, New York company headquarters and sales office of Beaunit Corporation 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 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22489 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5404 and TA-W-5410]

Bleeker Street and Jay El Dress Co., Philadelphia, Pa.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 16, 1979 in response to worker petitions received on May 14, 1979 which were filed by the Philadelphia Dress Joint Board of the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' dresses at Bleeker Street, Philadelphia, Pennsylvania and Jay El Dress Company, Philadelphia, Pennsylvania. The investigation revealed that Bleeker Street and Jay El Dress Company are divisions of Jonathan Logan, Incorporated. Bleeker Street and Jay El Dress Company form a single manufacturing operation. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department of Labor conducted a survey of customers of Bleeker Street who reduced purchases of women's dresses from Bleeker Street in 1978 compared to 1977. Most of the customers surveyed either reduced purchases of imported women's dresses or increased purchases of domestically made dresses by a greater amount than they increased purchases of imports. The customers who reduced purchases of domestic dresses and increased purchases of imported dresses in 1978 compared to 1977 were not a significant proportion of Bleeker Street's decline in sales.

Conclusion

After careful review, I determine that all workers of Bleeker Street, Philadelphia, Pennsylvania and Jay El Dress Company, Philadelphia, Pennsylvania, divisions of Jonathan Logan, Incorporated 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 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22490 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5576, et al.]

Brierwood Shoe Corp., Kutztown, Pa.; Certification Regarding Eligibility To Apply for Work Adjustment Assistance

In the matter of TA-W-5576, Brierwood Shoe Corporation, Kutztown, Pennsylvania; TA-W-5577, 5578, and 5579, Brierwood Shoe Corporation, Wenton Shoe Division, Kutztown, Pennsylvania, Bernville, Pennsylvania and Westminster, Maryland; and TA-W-5585, Kleinert's, Incorporated, Kutztown, Pennsylvania.

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on June 15, 1979, in response to worker petitions received on June 14, 1979, which were filed on behalf of workers and former workers of the Brierwood Shoe Corporation headquarters, Kutztown, Pennsylvania, on behalf of workers and former workers of the Kutztown, Pennsylvania, Bernville, Pennsylvania, and Westminster, Maryland plants of the Wenton Shoe Division of the Brierwood Shoe Corporation, and on behalf of workers and former workers of Kleinert's Incorporated, Kutztown, Pennsylvania. The petition stated that the Wenton Shoe Division produced men's, women's and children's shoes; however, the ivestigation revealed that Wenton produces primarily men's and boy's footwear. Kleinert's Incorporated is the parent company of the Brierwood Shoe Corporation.

U.S. imports of aggregate nonrubber footwear, a category which includes the various kinds of footwear produced by the five divisions of the Brierwood Shoe Corporation, increased absolutely and relative to domestic production in 1978 compared to 1977 and increased absolutely and relative to domestic production in the first three months of 1979 compared to the same period of 1978.

Kleinert's Incorporated is the parent company of the Brierwood Shoe Corporation and sales of footwear by Brierwood accounted for 73.5 percent of Kleinert's total sales in fiscal 1978 (ending September 30, 1978). Purchases by one customer account for the preponderant share of the sales of each division of Brierwood. Department surveys have revealed an increasing reliance on imported footwear by this customer, who has decreased its purchases of footwear from all divisions of Brierwood , including the Wenton Shoe Division, while increasing its purchases of like or directly competitive imported footwear.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with footwear produced by the Brierwood Shoe Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of the petitioning facilities. In accordance with the provisions of the Act, I make the following certifications:

All workers of the Brierwood Shoe Corporation, Kutztown, Pennsylvania and all workers of the Kutztown, Pennsylvania, Bernville, Pennsylvania and Westminster, Maryland plants of the Wenton Shoe Division of the Brierwood Shoe Corporation who became totally or partially separated from employment on or after June 13, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers of Kleinert's Incorporated, Kutztown, Pennsylvania engaged in employment related to the operations of the Brierwood Shoe Corporation who became totally or partially separated from employment on or after June 13, 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 12th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22491 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5405]

Carmen J., Inc., Philadelphia, Pa.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 16, 1979 in response to a worker petition received on May 14, 1979 which was filed by the Philadelphia Dress Joint Board, International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's sportswear at Carmen J., Incorporated, Philadelphia, Pennsylvania. The investigation revealed that the plant produces women's skirts and slacks. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's skirts increased absolutely and relative to domestic production from 1977 to 1978.

U.S. imports of women's, misses' and children's slacks and shorts increased absolutely and relative to domestic production from 1976 to 1977 and from 1977 to 1978.

A Departmental survey was conducted with manufacturers for whom Carmen J., Incorporated produced women's skirts and slacks. The survey revealed that Carmen J.'s manufacturers did not purchase imported women's skirts and slacks in 1977, 1978 or 1979.

A survey was also conducted with the customers of Carmen J.'s manufacturers. The survey revealed that customers decreased purchases from the manufacturers and increased their imports of skirts and slacks in 1978 as compared to 1977 and during the January–April period of 1979 as compared to the same period of 1978. In aggregate, the customers responding to this survey decreased purchases from domestic sources overall and increased their reliance on foreign sources to meet their demand, in the first quarter of 1979 versus the first quarter of 1978.

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 skirts and slacks produced at Carmen J., Incorporated, Philadelphia, Pennsylvania 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 Carmen J., Incorporated who became totally or partially separated from employment on or after March 28, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of July, 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22492 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5422]

Charmose, Inc., Hatboro, Pa.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligiblity to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligiblity requirements of Section 222 of the Act must be met.

The investigation was initiated on May 18, 1979 in response to a worker petition received on May 14, 1979 which was filed by the Philadelphia Dress Joint Board of the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' blouses and dresses at Charmose, Incorporated, Hatboro, Pennsylvania. The investigation revealed that the company produces girls' shirts. In the following determination, 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 blouses and shirts decline absolutely in the first quarter of 1979 when compared to the same quarter in 1978.

A Departmental investigation revealed that all girls' shirts produced by Charmose, Incorporated were marketed by H.I.P. Industries Incorporated, which is Charmose's parent firm. A survey of customers of H.I.P Industries, Incorporated revealed that customers' purchases of imported girls' shirts are small relative to purchases from domestic sources. The survey results showed that customers which decreased from H.I.P. and increased purchases of imported girls' shirts, from 1977 to 1978 and in the first quarter of 1979 compared to the same quarter in 1978, relied on imports for only a small portion of their supply. Additionally, these customers did not exert a significant influence on H.I.P.'s total sales of girls' shirts.

Conclusion

After careful review, I determine that all workers of Charmose, Incorporated,

Hatboro, Pennsylvania are denied eligiblity to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22493 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-2921]

Eagle Clothes, Inc., Brooklyn, N.Y.; Negative Determination on Reconsideration

On May 9, 1979, the Department made an Affirmative Determination Regarding Application for Reconsideration for certain former workers of Eagle Clothes, Inc., Brooklyn, New York, engaged in preparing window and store displays at retail stores. This determination was published in the **Federal Register** on May 18, 1979 (44 FR 29178).

The purpose of this reconsideration, which was granted in the context of current litigation, was to afford petitioners an opportunity to address the legal issues contained in the Department's Notice of Negative Determination Regarding Application for Reconsideration, dated January 26, 1979.

In that determination the Certifying Officer stated that the Department does not regard window trimming or retail selling as constituting production of an article within the meaning of Section 222(3) of the Trade Act of 1974, and that the retailing division of Eagle Clothes could not be regarded as an integral part of the production process (since well over half of its stock consisted of apparel of non-Eagle origin, including imports).

On June 14, 1979, counsel for petitioners submitted a legal memorandum in which he argued that as long as the petitioning workers were adversely affected by the same cause that affected the certified workers, the part of the firm from which the workers were separated should not matter. "All that a petitioner need demonstrate," according to petitioner's memorandum, "is that he was affected by what is happening to the firm or the 'appropriate subdivision' which produced the articles."

A similar argument was made recently in *Paden* v. *United States Department of Labor*, 562 F.2d 470 (C.A. 7, 1977). The petition had been filed on behalf of former employees of Motorola, Inc. who had been engaged in the manufacture of television sets. After finding that increases in imports of color television sets had contributed importantly to the separation of Motorola color television workers, the Secretary of Labor certified those workers for adjustment assistance. Former black and white television workers were not certified, even though the entire plant was closed, because imports of black and white television sets had not increased.

The court found for the Secretary for three reasons. First, "[w]hen faced with a problem of statutory construction, this court shows great deference to the interpretation given the statute by the officers or agency charged with its administration." *Id.* at 473. Second, *"[w]e find the Secretary's interpretation to be far more reasonable than petitioners'* which would in practicality destroy all distinctions between product lines when throughout the Trade Act Congress carefully limited relief to injury from articles like or directly competitive.' " [Emphasis added; *Id.* at 475.] Finally, "the Secretary's interpretation is supported expressly by [19 U.S.C. 2274] which required the Secretary upon notification of an investigation by the Trade Commission to immediately begin a study of (1) the number of workers in the domestic industry producing *the like or directly competitive article* who have been or are likely to be certified as eligible for adjustment assistance * * *" [Emphasis supplied by the court; *Id.* at 475.]

Consistent with the court's decision, the Department of Labor, in literally thousands of cases, has interpreted Section 222 of the Act to mean that the group eligibility requirements must be imposed on the economic unit (be it a firm or "appropriate subdivision") producing an article "like or directly competitive" with imported articles. If a firm manufactures three separate products, three separate determinations must in effect be made—one for each of the three groups of workers. It might be added that the U.S. International Trade Commission (then the U.S. Tariff Commission) adopted the same practice when it administered the worker adjustment assistance program under the Trade Expansion Act of 1962.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers of Eagle Clothes, Inc., engaged in preparing window and store displays at retail stores.

Signed at Washington, D.C., this 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22494 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5635]

England & Compton Construction Co., Mullens, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on June 22, 1979, in response to a worker petition received on June 12, 1979, which was filed by the United Mine Workers of America on behalf of workers and former workers of England and Compton Company, Mullens, West Virginia, engaged in hauling coal, reclaiming slate dumps, and cleaning sludge ponds. The investigation revealed that the correct name of the firm is England and Compton Construction Company.

England and Compton Construction Company is engaged in providing the service of transporting coal by truck from a customer's mine to a tipple and in other mining services.

Thus, workers of England and Compton Construction Company do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to England and Compton Construction Company by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

England and Compton Construction Company and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any other company.

All workers engaged in transporting coal by truck at England and Compton Construction Company are employed by that firm. All personnel actions and payroll transactions are controlled by England and Compton Construction Company. All employee benefits are provided and maintained by England and Compton Construction Company. Workers are not, at any time, under employment or supervision by customers of England and Compton Construction Company. Thus, England and Compton Construction Company, and not any of its customers, must be considered to be the "workers' firm."

Conclusion

After careful review, I determine that all workers of England and Compton Construction Company, Mullens, West Virginia, 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 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22495 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5409]

Good Luck Glove Co., Georgiana, Ala.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 16, 1979 in response to a worker petition received on May 14, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing work gloves at the Georgiana, Alabama plant of the Good Luck Glove Company. 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.

Value of total company sales of work gloves at Good Luck Glove increased in 1978 compared to 1977. Sales also increased during the first five months of 1979 compared to the same period of 1978. Production of cotton work gloves in quantity at the Georgiana, Alabama plant increased in 1978 compared to 1977 and during the first five months of 1979 compared to the same period in 1978.

Conclusion

After careful review, I determine that all workers of Georgiana, Alabama plant of the Good Luck Glove Company 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 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22496 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5516]

Gould, Inc., Industrial Battery Division, Trenton, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on June 7, 1979 in response to a worker petition received on May 29, 1979 which was filed by the United Electrical, Radio and Machine Workers' Union of America on behalf of workers and former workers producing stationary and motive power industrial batteries at the Trenton, New Jersey plant of Gould, Inc., Industrial Battery Division. In the following determination, at least one of the criteria 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.

Evidence developed during the course of the investigation revealed that imports of industrial batteries like or directly competitive with industrial batteries producted at the Trenton, New Jersey plant of Gould, Inc., Industrial Battery Division are negligible.

Sources indicated that due to the large size and heavy weight of industrial batteries and the correspondingly high costs of shipment, producers must be physically located close to their markets. Thus import competition in this industry is not a factor.

Conclusion

After careful review, I determine that all workers at the Trenton, New Jersey Industrial Battery Division plant of Gould, Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22497 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5252, 5253, 5254, and 5255]

Gould Mines, Inc., Greenbier County, W. Va., Gram #1 Surface Mine, Surface Mine #6, Gould #1 Surface Mine, Viking #5 Surface Mine; Negative Determination Regarding Application for Reconsideration

On June 20, 1979, the petitioning union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of former workers producing metallurgical coal at the Gram #1 Surface Mine (TA-W-5252), Surface Mine #6, (TA-W-5253), Gould #1 Surface Mine (TA-W-5254), and Viking #5 Surface Mine (TA-W-5255) of Gould Mines, Inc., Greenbrier County, West Virginia. The determination was published in the **Federal Register** on May 22, 1979 (44 FR 29752).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioning union claims that Gould Mines, Inc., lost potential customers in the domestic metallurgical market because the potential customers were buying imported metallurgical coal or coke.

The Department's review revealed that the workers at Gould Mines, Inc., were denied certification because virtually all of the metallurgical coal mined by Gould Mines since 1977 was for the export market. Consequently, increased imports of metallurgical coal or coke could not have importantly affected sales or production declines at Gould Mines, Inc. The only other product mined at Gould Mines was steam coal which amounted to about 5 percent of Gould Mines' production. However, U.S. imports of steam coal are negligible.

The loss of potential business could not be construed as "contributing importantly" to sales or production declines as that term is used in Section 222(3) of the Trade Act of 1974.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22498 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5392]

Graceline Optical Corp., Belleville, N.J.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 15, 1979 in response to a worker petition received on April 18, 1979 which was filed by the United Optical Workers on behalf of workers and former workers producing optical frames and optical cases at Graceline Optical Corporation, Belleville, New Jersey. The investigation revealed that the plant primarily produces optical frames. It is concluded that all of the requirements have been met.

U.S. imports of eyeglass frames increased absolutely and relative to domestic production and consumption in 1977 compared with 1976 and increased in 1978 compared with 1977. There exists a high level of imports relative to domestic production due to the price competitiveness of imported frames.

The Department conducted a survey of Graceline's customers. The survey respondents indicated they increased purchases of imported eyeglass frames and decreased purchases from Graceline Optical Corporation during the period of investigation.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with optical frames produced at Graceline Optical Corporation, Belleville, New Jersey 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 Graceline Optical Corporation, Belleville, New Jersey who became totally or partially separated from employment on or after April 12, 1978 and before December 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. Workers separated on or after December 1, 1978 are denied program benefits."

Signed at Washington, D.C. this 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22499 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5566]

Green Valley Mining Corp., Cool Ridge, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on June 14, 1979 in response to a worker petition received on June 7, 1979 which was filed on behalf of workers and former workers mining coal at Green Valley Mining Corporation, Pearl River, New York. The investigation revealed that Pearl River, New York is only a mailing address and that the mines are located in Cool Ridge, West Virginia. In the following determination, without regard to whether any of the criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Green Valley Mining Corporation closed in November 1978. In 1978, the Green Valley Mining Corporation sold all of its coal to another domestic coal company. This company reported that, in 1978, it did not purchase any imported metallurgical coal or coke, and that it exported almost all its coal. Therefore, imports of metallurgical coal or coke had no relevant effect on the sales and/or production, and employment at the subject firm.

Conclusion

After careful review, I determine that all workers of Green Valley Mining Corporation, Cool Ridge, West Virginia 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 12th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22500 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5601 and 5602]

Hobet Mining & Construction Co., Mine #21 and Preparation Plant, Boone County, W Va.; Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of investigations regarding certifications of eligibility to apply for worker adjustment assistance.

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 was initiated on June 18, 1979 in response to a worker petition received on June 7, 1979 which was filed on behalf of workers and former workers producing steam coal at the Mine #21 and the preparation plant of the Hobet Mining and Construction Company in Boone County, West Virginia. Company offices are located in South Charleston, West Virginia. In the following determinations, 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 apporpriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Mine #21 produces bituminous (steam grade) coal exclusively. The company also operates an on-site preparation plant which cleans, crushes and sorts the coal by size exlcusively for Mine #21. U.S. imports of bituminous coal have been consistently negligible from 1974 through the first quarter of 1979.

Conclusion

After careful review, I determine that all workers of the Hobet Mining and Construction Company's Mine #21 and preparation plant in Boone County, West Virginia 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 13th day of July 1979.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 79-22501 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5426]

Hoover-NSK Bearing Co., Wayne, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 18, 1979 in response to a worker petition received on May 14, 1979 which was filed on behalf of workers and former workers producing ball bearings at the Wayne, New Jersey plant of Hoover-NSK Bearing Company. In the following determination 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.

Evidence developed during the course of the investigation revealed that the only separations that occurred at the Wayne, New Jersey plant of Hoover-NSK Bearing were attributable to a materials shortage caused by a recent strike by tugboat workers on the East Coast.

Ball bearing parts shipped to the U.S. from Japan are assembled at the Wayne plant. All parts used at the Wayne plant have always been imported. A recent strike by tugboat workers on the East Coast has prevented ships with component bearing parts from being transported to the Wayne plant. As a result, several layoffs occurred at the Wayne plant in April 1979. No other significant total or partial separations occurred at the Wayne plant in 1978 or in 1979 prior to April.

Conclusion

After careful review, I determine that all workers of the Wayne, New Jersey plant of Hoover-NSK Bearing Company 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 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22502 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5416]

Irving Sclan & Sons, Inc., Philadelphia, Pa.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 16, 1979 in response to a worker petition received on May 14, 1979 which was filed by the Philadelphia Dress Joint Board of the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' sportswear at Irving Sclan & Son, Incorporated, Philadelphia, Pennsylvania. The investigation revealed that the plant produces juniors' slacks and skirts. The correct name of the plant is Irving Sclan & Sons, Incorporated. 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 absolutely and relative to domestic production from 1976 to 1977 and from 1977 to 1978.

U.S. imports of women's, misses', and children's skirts increased absolutely and relative to domestic production increased from 1977 to 1978.

A Departmental survey was conducted of customers of Irving Sclan & Sons, Incorporated. The survey revealed that customers increased their purchases of imported juniors' slacks and skirts and decreased their purchases from Irving Sclan & Sons in 1978 as compared to 1977 and during the first four months of 1979 as compared to the first four months of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with juniors' slacks and skirts produced at Irving Sclan & Sons, Incorporated, Philadelphia, Pennsylvania 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 Irving Sclan & Sons, Incorporated, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after January 5, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22503 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5411]

Lucy-Ann Fashions, Inc., Philadelphia, Pa.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 16, 1979 in response to a worker petition received on May 14, 1979 which was filed by the Philadelphia Dress Joint Board of the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' dresses at Lucy-Ann Fashions, Incorporated, Philadelphia, Pennsylvania. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A Departmental survey conducted with the sole manufacturer that contracted work with Lucy-Ann Fashions, Incorporated revealed that this manufacturer did not employ any foreign contractors nor did it purchase any imported ladies' dresses.

A survey was then conducted by the Department of Labor of the major customers of the manufacturer. The survey revealed that the customers did not purchase imported ladies' dresses in 1977, 1978 or during the first four months of 1979.

Conclusion

After careful review, I determine that all workers of Lucy-Ann Fashions, Incorporated, Philadelphia, Pennsylvania 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 12th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22504 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5384]

Martil Clothing Co., Philadelphia, Pa.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 14, 1979 in response to a worker petition received on May 9, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's suits and sportcoats at the Philadelphia, Pennsylvania plant of Martil Clothing Company. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' tailored dress coats and sportcoats increased both absolutely and relative to domestic production from 1977 to 1978 before declining in the first quarter of 1979 compared to the first quarter of 1978.

U.S. imports of men's and boys' tailored suits declined slightly from 1977 to 1978 and increased absolutely in the first quarter of 1979 compared to the first quarter of 1978.

A Department survey revealed that several major customers reduced purchases from Martil Clothing Company in the last half of 1978 and the first four months of 1979, and increased imports of men's suits and sportcoats.

Conclusion

Afer careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's suits and sportcoats produced at the Philadelphia, Pennsylvania plant of Martil Clothing Company 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 Philadelphia, Pennsylvania plant of Martil Clothing Company, who became totally or partially separated from employment on or after November 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 12th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22506 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5403]

M. Bell Co., Philadelphia, Pa.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 16, 1979 in response to a worker petition received on May 14, 1979 which was filed by the Philadelphia Dress Joint Board of the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' dresses at M. Bell Company in Philadelphia, Pennsylvania. The investigation revealed that the plant also produces skirts, blouses and blazers. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A Departmental survey revealed that most of M. Bell's manufacturers substantially increased their contracts with other domestic sources, from 1977 to 1978 and in the January-April period of 1979 as compared to the same period of 1978, and also increased their company sales in the first four months of 1979.

The Department of Labor conducted a survey with the retail customers of those manufacturers who had decreased contracts with M. Bell and who had also experienced declining company sales in the relevant time period. Most of these retail customers reported either that purchases of imported ladies' dresses were declining or that purchases of domestically-made dresses were increasing by an amount far greater than the amount of increase of imported dresses. Those customers who reduced purchases of dresses from domestic manufacturers and who increased purchases of imported dresses, in 1978 compared to 1977, were an insignificant proportion of the surveyed manufacturers' business.

Conclusion

After careful review, I determine that all workers of M. Bell Company, Philadelphia, Pennsylvania 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 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22505 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5412]

Michele Dress, Inc., Philadelphia, Pa.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 16, 1979 in response to a worker petition received on May 14, 1979 which was filed by the Philadelphia Dress Joint Board of the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' dresses at Michele Dress, Incorporated, Philadelphia, Pennsylvania. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A Departmental survey was conducted of those manufacturers which represented the major portion of the company's contract production and which reduced orders from Michele Dress. The manufacturers neither imported dresses nor utilized foreign contractors for production. A survey was then conducted with the retail customers of these manufacturers. Most of these retail customers reported either that purchases of imported ladies' dresses were declining or that purchases of domestically-made dresses were increasing by an amount far greater than the amount of increase of imported dresses. Those customers who reduced purchases of dresses from domestic manufacturers and who increased purchases of imported dresses, in 1978 compared to 1977, were insignificant proportion of the surveyed manufacturers' business.

Conclusion

After careful review, I determine that all workers of Michele Dress, Incorporated, Philadelphia, Pennsylvania are denied eligiblity to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22507 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5508]

Mullins Coal Co., Inc.; Chapmanville, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on June 4, 1979 in response to a worker petition received on May 29, 1979 which was filed on behalf of workers and former workers mining coal at Mullins Coal Company, Chapmanville, West Virginia. In the following determination, at least one of the criteria 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.

Evidence developed during the course of the investigation revealed that imports of coal like or directly competitive with the coal mined by Mullins Coal Company did not contribute to any decreases in sales, production and employment at the mine. For the period under investigation, none of the customers decreased purchases from the subject firm and at the same time increased purchases of imported coal or coke.

Conclusion

After careful review, I determine that all workers of Mullins Coal Company, Chapmanville, West Virginia 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 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-22508 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5397]

Quaker Shoe Corp., Allentown, Pa.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 15, 1979 in response to a worker petition received on May 14, 1979 which was filed on behalf of workers and former workers producing men's, women's, children's and boys' shoes at Quaker Shoe Corporation, Allentown, Pennsylvania. The investigation

revealed that the plant produces primarily men's and children's nonrubber, nonathletic footwear. It is concluded that all of the requirements have been met.

Decreases in sales and production of children's footwear at Quaker Shoe Corporation accounted for the firm's entire sales and production decline in the last half of 1978 and the first quarter of 1979 compared to like periods of a year earlier. All workers at Quaker Shoe Corporation are engaged in employment related to the production of both men's and children's shoes, and cannot be identified by product line.

The ratio of U.S. imports of children's nonrubber, nonathletic footwear to domestic production increased to 100.0 percent in the first quarter of 1979 compared with 80.9 percent in the same period in 1978.

Major customers which reduced purchases of children's footwear from Quaker Shoe Corporation in 1978 compared with 1977 were surveyed by the Trade Act Certification Division of the Department of Commerce. Most of these customers increased purchases of imported footwear from 1977 to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with children's nonrubber, non-athletic footwear produced at Quaker Shoe Corporation, Allentown, Pennsylvania 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 Quaker Shoe Corporation, Allentown, Pennsylvania who became totally or partially separated from employment on or August 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 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22509 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5389]

R & R Cedar Products, Cottage Grove, Oreg.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 14, 1979 in response to a worker petition received on May 10, 1979 which was filed on behalf of workers and former workers producing cedar shingles at R & R Cedar Products, Cottage Grove, Oregon. The investigation revealed that a separate group of workers at the firm produce random cedar lumber and cedar fencing. This investigation relates only to the workers producing cedar shingles. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A Department survey was conducted with the customers who purchased cedar shingles produced by R & R Cedar Products. The survey revealed that although customers did purchase significant quantities of imported cedar shingles, import purchases either decreased or remained unchanged relative to purchases from other domestic sources. Customers indicated that they would have continued to purchase cedar shingles from R & R had the firm not ceased production of the product in November 1978.

Conclusion

After careful review, I determine that all workers engaged in employment related to the production of cedar shingles at R & R Cedar Products, Cottage Grove, Oregon 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 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22510 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5428]

Royal China, Sebring, Ohio; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 18, 1979 in response to a worker petition received on May 10, 1979 which was filed on behalf of workers and former workers producing ironstone and stoneware dish sets at Royal China, Sebring, Ohio. It is concluded that all of the requirements have been met.

Imports of earthen dinnerware increased absolutely and relative to domestic shipments in 1978 compared with 1977. The ratio of imports to domestic shipments of earthen dinnerware has exceeded 100 percent in every year since 1977.

A Department survey revealed that customers of Royal China increased purchases of imported earthen dinnerware in 1978 compared with 1977 and in the first four months of 1979 compared with the like period in 1978. These customers reduced their purchases from Royal China during the same periods of comparison.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ironstone and stoneware dish sets produced at Royal China, Sebring, Ohio 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 Royal China, Sebring, Ohio who became totally or partially separated from employment on or after August 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 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22511 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5417]

Style Setter Fashions, Philadelphia, Pa; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Sectin 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 16, 1979 in response to a worker petition received on May 14, 1979 which was filed by the Philadelphia Dress Joint Board of the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' dresses and other clothing at Style Setter Fashions, Philadelphia, Pennsylvania. The investigation revealed that the plant produces primarily ladies' dresses. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A survey was conducted by the Department of Labor of the major customers of Style Setter Fashions. The survey revealed that the customers did not purchase imported ladies' dresses in 1977, 1978 or during the first four months of 1979.

Conclusion

After careful review, I determine that all workers of Style Setter Fashions, Philadelphia, Pennsylvania 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 12th day of July 1979.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 79-22512 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5463]

Tobin Hamilton Co., Inc.; Birch Tree, Mo.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 24, 1979 in response to a worker petition received on May 4, 1979 which was filed on behalf of workers and former workers engaged in the cutting and fitting of children's shoes at the Birch Tree, Missouri plant of Tobin Hamilton Company, Incorporated. The investigation revealed that the petitioners intended to file on behalf of all workers at the plant other than those producing shoe uppers.

The petitioning group of workers in this case is covered under a revised determination (TA-W-4794) issued on July 3, 1979. Since workers in the petitioning group separated, totally or partially, from employment on or after January 6, 1979 (impact date) and before July 3, 1981 (expiration date) are covered by the revised determination, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 13th day of July 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-22513 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-4571]

U and I, Inc., Idaho Falls, Idaho; Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Adjustment Assistance on February 26, 1979, applicable to all workers of the Idaho Falls, Idaho, facility of U and I, Inc., who became totally or partially separated from employment on or after January 1, 1979. The Notice of Certification was published in the **Federal Register** on March 6, 1979, (44 FR 12299).

At the request of former workers of the Idaho Falls lime quarry—a wholly-owned facility of U and I, Inc.—a further investigation was made by the Director of the Office of Trade Adjustment Assistance. The investigation revealed that several workers employed at the lime quarry were separated before the January 1, 1979, impact date and, therefore, were not covered under the original certification.

The lime quarry produced crushed lime exclusively for the Idaho Falls mill for use in the purification and refinement of sugar. Production and employment at the quarry were dependent upon production at the Idaho Falls mill.

The intent of the certification is to cover all workers at the Idaho Falls facility who were adversely affected by the decline in the production of refined sugar related to import competition. Therefore, the certification is revised providing a new impact date of November 1, 1978, for the Idaho Falls facility.

The revised certification applicable to TA-W-4571 is hereby issued as follows:

"All workers of U and I, Inc., Idaho Falls, Idaho, (including the affiliated lime quarry), who became totally or partially separated from employment on or after November 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 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22514 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5627]

U & I, Inc., Trucking Division, Toppenish, Wash.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on June 19, 1979 in response to a worker petition received on May 28, 1979 which was filed on behalf of workers and former workers engaged in the transporting of sugar beets and refined sugar at U & I, Incorporated, Trucking Division, Toppenish, Washington.

The Notice of Investigation was published in the **Federal Register** on June 26, 1979 (44 FR 37346). No public hearing was requested and none was held.

The petitioning group of workers in this case was included in a determination (TA-W-4572) issued on February 26, 1979 which certified as eligible to apply for adjustment

assistance all workers of U & I Incorporated, Toppenish, Washington.

The intent of that certification was to include workers engaged in support activities such as the transporting of sugar beets to refineries and of refined sugar from the refineries. Since all workers identified in this petition, newly separated, totally or partially, from employment on or after January 1, 1979 (impact date) and before February 26, 1981 (expiration date of the certification) are covered by an existing certification, a new investigation would serve no purpose. Therefore, this investigation is terminated.

Signed at Washington, D.C. this 9th day of July 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-22515 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5434]

Universal Sportswear, Inc.; Howell, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 18, 1979, in response to a worker petition received on May 14, 1979, which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' skirts at Universal Sportswear, Incorporated, Howell, New Jersey. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation revealed that production declines at Universal Sportswear, Incorporated are attributable to normal business fluctuations. Universal began production in May 1977. Production at the firm increased in the last seven months of 1978 compared with the same period of 1977 and in the first quarter of 1979 compared with the same period of 1978. Production declined in April and May of 1979 compared with the same months of 1978. According to a Department survey the manufacturers who accounted for Universal's decline in production decreased orders only temporarily because of either normal business fluctuations or shifts in delivery schedules. These manufacturers reported either no imports or decreased imports of skirts in recent years.

Conclusion

After careful review, I determine that all workers of Universal Sportswear, Incorporated, Howell, New Jersey 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 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22516 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5400]

Webster County Coal Co.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of Webster County Coal Company, Chestnut Ridge mine site—Nicholas County, West Virginia, Hominy Creek Mine Site—Nicholas County, West Virginia; Saxeswell Mine Site—Nicholas County, West Virginia, Tioga Mine Site—Nicholas County, West Virginia, Duo Surface Mine Site—Greenbriar County, West Virginia, and Beans Mill Mine Site—Upshire County, West Virginia.

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 15, 1979 in response to a worker petition received on April 9, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers engaged in the contract mining of coal at Webster County Coal Company, Buckhannon, West Virginia. The investigation revealed that Webster County Coal Company has operated six coal mines in West Virginia on a contract basis since 1976. The mines are located in Nicholas, Greenbriar and Upshire Counties, West Virginia. In the following determination, 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.

Webster County Coal Company operated several coal mines that are all owned by a single company. The coal from each mine is sent to a particular preparation plant of the mine owner. Coal from other mines is also sent to these same plants. The Department conducted a survey of the owner of the preparation plants and its customers.

At each of the preparation plants where domestic metallurgical coal sales constituted a significant proportion of sales, domestic metallurgical coal sales and total metallurgical coal sales increased in 1978 compared to 1977. Any decline in metallurgical coal production at the mines operated by Webster County Coal Company was offset in increasing production and sales of metallurgical coal from other domestic mines.

Conclusion

After careful review, I determine that all workers of Webster County Coal Company, mining under contract at the following mine sites, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974:

Mine site	Location
Chestnut Ridge Mine Site	Nicholas County, West Virginia.
Hominy Creek Mine Site	Nicholas County, West Virginia.
Saxeswell Mine Site	Nicholas County, West Virginia.
Tioga Mine Site	Nicholas County, West Virginia.
Duo Surface Mine Site	Greenbriar County, West Virginia.
Beans Mill Mine Site	Upshire County, West Virginia.

Signed at Washington, D.C. this 13th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22517 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5449]

Weldon Manufacturing Co., Williamsport, Pa.; Negative Determination REGarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 22, 1979 in response to a worker petition received on May 14, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing pajamas and robes at the Weldon Manufacturing Company, Williamsport, Pennsylvania. In the following determination, 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.

Evidence developed during the course of the investigation revealed that most of the customers surveyed who purchased men's robes and pajamas from the Weldon Manufacturing Company did not purchase any imports in 1977, 1978 and 1979. Although some customers did purchase imported robes and/or pajamas, imports represented an insignificant proportion of their total purchases.

Conclusion

After careful review, I determine that all workers of the Weldon Manufacturing Company, Williamsport, Pennsylvania 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 12th day of July 1979.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 79-22518 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5485]

Westforth Manufacturing Co., Inc., Williamsport, Pa.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 29, 1979 in response to a worker petition received on May 25, 1979 which was filed on behalf of workers and former workers producing men's outerwear jackets at Westforth Manufacturing Company, Inc., Williamsport, Pennsylvania.

The petitioning group of workers in this case is covered under a revised determination (TA-W-4718) issued on July 5, 1979. Since workers in the petitioning group separated, totally or partially, from employment on or after February 10, 1979 are covered by the revised determination a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 12th day of July 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-22519 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5401-5401C et al.]

Whitesville A & S Coal Co. et al.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of Whitesville A & S Coal Company, Incorported, Mabscott, Beckley, West Virginia; Westmoreland Mine Site-TA-W-5401, Boone and Logan Counties, West Virginia; Corliss Mine Site-TA-W-5401A, Fayette County, West Virginia; Indian Creek Mine Site-TA-W-5401B, Boone County, West Virginia; Cazy No. 2 Mine Site-TA-W-5401C, Boone County, West Virginia.

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 15, 1979 in response to a worker petition received on May 10, 1979 which was filed on behalf of workers and former workers producing metallurgical coal at the Whitesville A & S Coal Company, Incorporated, Mabscott, Beckley, West Virginia. The investigation revealed that Whitesville A & S Coal Company, Incorporated also mined steam coal. The investigation includes the following mine sites worked by the company: Westmoreland No. 6, Corliss, Indian Creek and Cazy No. 2.

In the following determinations, without regard to whether any of the other criteria have been met for workers producing coal at the Corliss, Cazy No. 2 and Indian Creek mine sites, 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.

1. Corliss Mine Site

Excluding the strike periods of August and December 1977, the average number of production workers and supervisors working at the Corliss mine site increased in the April through November 1978 period compared to the same period of 1977. Due to the United Mine Workers strike in January through March 1978, employment for the first quarter 1979 cannot be compared to the first quarter 1978. Average employment of production workers and supervisors in the first quarter 1979 remained relatively constant when compared to the average employment of the April through December 1978 period and when compared to the first quarter of 1977.

Monthly production data reveal that production at the Corliss mine increased in each month of 1978, except for June and July, compared to the same month of 1977. Likewise, production increased in each month of the January through April 1979 period compared to the corresponding month of 1977.

2. Cazy No. 2 Mine Site

A Departmental survey of the customer purchasing coal mined at the Cazy No. 2 site revealed that the customer was a power company. The power company purchased coal for the purpose of generating steam in the production of electrical power. This power company did not purchase any

foreign steam coal and did not purchase metallurgical coal or coke for steam coal uses.

3. Indian Creek Mine Site

A Departmental survey was conducted of the customer with whom Whitesville contracted to produce the coal at the Indian Creek mine site. The survey revealed that the customer exported all of the coal received from Whitesville.

For workers producing metallurgical coal at the *Westmoreland No. 6* mine site, all of the criteria have been met.

U.S. imports of metallurgical coal are negligible. However, coke is metallurgical coal at a later stage of processing, and is therefore "directly competitive" with metallurgical coal.

U.S. imports of coke increased absolutely and relative to domestic production from 1976 to 1977 and from 1977 to 1978.

Production by Whitesville A & S Coal Company, Incorporated at the Westmoreland No. 6 mine site declined in 1977 compared to 1976 and in the April-May 1978 period compared to the same period of 1977. Production by the Whitesville A & S Coal Company, Incorporated at this mine ceased in May 1978. Sales were equal to production.

The average number of production workers and supervisors employed by Whitesville A & S Coal Company, Incorporated at the Westmoreland No. 6 mine site declined in 1977 compared to 1976 and in the April through May 1978 period compared to the same period of 1977. Whitesville employees ceased working at the Westmoreland No. 6 mine site in May 1978.

Whitesville A & S Coal Company, Incorporated contracted work from the Westmoreland Coal Company for the coal mined at the Westmoreland No. 6 mine. The Westmoreland Coal Company closed that mine on November 24, 1978 due to poor market demand. The Department of Labor conducted a survey of the major customers purchasing metallurgical coal from the Westmoreland Coal Company. Several of these customers reduced purchases from Westmoreland and increased imports of metallurgical coal and/or coke from 1977 to 1978.

In a Notice of Determination issued on March 9, 1979 (TA–W–4685), workers employed by the Westmoreland Coal Company at the Hampton No. 6 mine (Westmoreland No. 6 mine) were certified as eligible to apply for trade adjustment assistance.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with metallurgical coal produced by the Whitesville A & S Coal Company, Incorporated of Mabscott, Beckley, West Virginia at the Westmoreland No. 6 mine site in Boone and Logan Counties, West Virginia contributed importantly to the decline in sales or production and to the total or partial separation of workers mining at that site. In accordance with the provisions of the Act, I make the following certification:

All workers of the Whitesville A & S Coal Company, Incorporated, Mabscott, Beckley, West Virginia engaged in employment related to the production of metallurgical coal at the Westmoreland No. 6 mine site in Boone and Logan Counties, West Virginia who became totally or partially separated from employment on or after May 3, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further determine that all workers of the Whitesville A & S Coal Company, Incorporated, Mabscott, Beckley, West Virginia engaged in employment related to the production of coal at the following mine sites are denied eligibility to apply for trade adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974:

Corliss Mine Site—Fayette County, West Virginia
Cazy No. 2 Mine Site—Boone County, West Virginia
Indian Creek Mine Site—Boone County, West Virginia

Signed at Washington, D.C. this 13th day of July 1979.

James F. Taylor,

Director, Office Of Management, Administration and Planning.

[FR Doc. 79-22520 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5440]

Wilson-Tek Corp., Brazil, Ind.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

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 was initiated on May 21, 1979 in response to a worker petition received on May 11, 1979 which was filed on behalf of workers and former workers producing machinery used in forming socket joints on plastic pipe at the Wilson-Tex Corporation, Brazil, Indiana. The investigation revealed that the correct name of the company is the Wilson-Tek Corporation. It is concluded that all of the requirements have been met.

Machinery used to bell plastic pipe is included in the import category "Plastic-Working Machinery and Equipment". Imports of belling equipment increased in 1978 compared to 1977 and in the first quarter of 1979 compared to the same period in 1978.

A survey of customers that accounted for a significant portion of Wilson-Tek's sales during the last five years was conducted. These customers revealed that they had recently purchased imported belling machinery in favor of belling machinery produced by the subject firm.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with plastic pipe belling machinery produced at the Wilson-Tek Corporation, Brazil, Indiana 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 Wilson-Tek Corporation, Brazil, Indiana who became totally or partially separated from employment on or after July 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 16th day of July 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-22521 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-28-M

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 79-36; Exemption Application No. D-1039]

Exemption From the Prohibitions for a Certain Transaction Involving the Restated G. L. Cornell Co. Savings and Profit Sharing Plan and Trust

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the sale of a 1.01 acre parcel of real property from the Restated G. L. Cornell Company Savings and Profit Sharing Plan and Trust (the Plan) to Mr. G. L. Cornell.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 357–0040. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 23, 1979 notice was published in the **Federal Register** (44 FR 17810) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a)(1)(A) through (D) and section 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and 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) through (E) of the Code, for a transaction described in an application filed by the Plan's Trustee. The notice set forth a summary of 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 application has been available for public inspection at the Department in Washington, D.C. The Notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department. This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted, solely by the Department because, effective December 31, 1978 section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

The Applicant has submitted the following representations since the publication of the notice of proposed exemption:

1. The sale by the Plan of the subject parcel to Mr. G. L. Cornell will not in the opinion of the Trustee, have any adverse effect on the value or potential use of the Plan's 2.83 acre parcel north of the reserved property.

2. The parcel adjacent to the subject property is currently still subject to reservation for the outer beltway. It is still expected that the reserved property will be acquired by the Maryland National Capital Park and Planning Commission (the Commission). However, the Applicant is not aware of the factors which will be considered by the Commission in determining the purchase price for the reserved property; presumably, the purchase price will be based on a fair market value standard.

3. Adolph C. Rohland, the independent appraiser who valued the subject parcel at $99,000 as of October 14, 1977, represents that he did not take into consideration any special effect that the future acquisition by the Commission of the property in reservation might have on the subject property. It is Mr. Rohland's opinion that the acquisition by the Commission of the reserved property will have no effect on the value of the subject parcel.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act 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 among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest 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 the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a 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)(3) of the Act and section 4975(c)(1)(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.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interest of the plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the plan.

The restrictions of section 406(a)(1)(A) through (D) and section 406 (b)(1) and (b)(2) of the Act, and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale of a certain 1.01 acre parcel of real property by the Plan to Mr. G. L. Cornell, for cash or a certified check, provided that the price is not less than the higher of the two independent appraisals described in the application or the current fair market value of the property at the time of the sale.

The availability of this exemption is subject to the express condition 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 this exemption.

Signed at Washington, D.C., this 5th day of July, 1979.

Ian D. Lanoff,

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

[FR Doc. 79–22564 Filed 7–19–79; 8:45 am]

BILLING CODE 4510–29–M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 79–38]

Exemption From Prohibitions for Certain Transactions Involving Operating Engineers Local 406 State of Louisiana Apprenticeship and Educational Training Program (Exemption Application No. L–1142)

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption enables the Operating Engineers Local 406 State of Louisiana Apprenticeship and Educational Training Program (the Plan) to purchase a parcel of unimproved real property (the Land) from Local 406 Realty Corporation (the Corporation), a nonprofit Louisiana corporation owned by all of the members of Local 406 of the International Union of Operating Engineers (the Local). This exemption also permits, retroactively and prospectively, the lease of the Land by the Plan from the Corporation, provided, however, that this exemption will terminate with respect to the lease 180 days after the date on which it is granted.

FOR FURTHER INFORMATION CONTACT: R. F. Nuissl of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-6916. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On May 25, 1979 notice was published in the **Federal Register** (44 FR 30492) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a)(1) (A) and (D), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) for transactions described in the application filed by the Board of Trustees of the Plan. The notice set forth a summary of 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 application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public 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 granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act. 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 among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act.

(2) This exemption does not extend to transactions prohibited under sections 406(a)(1) (B), (C) and (E), 406(a)(2) and 406(b)(3) of the Act.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interest of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Therefore, the prohibitions of sections 406(a)(1) (A) and (D), 406(b)(1) and 406(b)(2) shall not apply to the purchase by the Plan from the Corporation of a certain parcel of land located on Old Gentilly Road, New Orleans, Louisiana, containing approximately 52,251 square feet and adjoining the Local's principal office, for a purchase price not exceeding the fair market value of such property at the time of purchase. In addition, effective February 1, 1978, the restrictions of sections 406(b)(1) and 406(b)(2) of the Act shall not apply to the lease of said parcel of land to the Plan from the Corporation, provided, however, that the exemption with respect to the lease will terminate 180 days after the date on which this exemption is granted.

The availability of this exemption is subject to the express condition 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 this exemption.

Signed at Washington, D.C., this 12th day of July, 1979.

Ian D. Lanoff,

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

[FR Doc. 79-22544 Filed 7-19-79; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 79-37]

Exemption From the Prohibitions for Certain Transactions Involving the Padilla & Speer, Inc., Retirement Plan and Trust and Profit Sharing Plan and Trust (Exemption Application Nos. D-023 and D-024)

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits certain loans made to Padilla and Speer, Inc. (the Employer) from the Padilla and Speer, Inc. Retirement Plan and Trust (Pension Plan) and the Padilla and Speer, Inc. Profit Sharing Plan and Trust (Profit Sharing Plan) which were entered into before the effective date of the Employee Retirement Income Security Act of 1974 (the Act), but after July 1, 1974, the date specified in the transition rules contained in sections 414 and 2003 of the Act.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, (202) 523-8530. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On June 5, 1979 notice was published in the **Federal Register** (44 FR 32309) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and 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) through (E) of the Code, for transactions described in the application filed by a Trustee of the Pension Plan and the Profit Sharing Plan. The notice set forth a summary of 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 application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested

exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act 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 among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest 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 the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a 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)(3) of the Act and section 4975(c)(1)(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.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interest of the plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the plan.

The restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act, and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply, effective January 1, 1975, to the loan agreements entered into on August 7, 1974, in which the Pension Plan loaned $16,000 to the Employer, and the Profit Sharing Plan loaned $8,000 to the Employer.

The availability of this exemption is subject to the express condition 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 this exemption.

Signed at Washington, D.C., this 13th day of July 1979.

Ian D. Lanoff,

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

[FR Doc. 79-22543 filed 7-19-79; 8:45 am]

BILLING CODE 4510-29-M

LEGAL SERVICES CORPORATION

Grants and Contracts

July 17, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

North Louisiana Legal Assistance Corporation in Monroe, Louisiana to serve Tensas, Caldwell and Lincoln Parishes.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street NE., 9th Floor, Atlanta, Georgia 30308.

Dan J. Bradley,

President.

[FR Doc. 79-22563 Filed 7-19-79; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 79-66]

CY 1978 Report of Closed Meeting Activities of Advisory Committee; Public Availability of Reports

Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463, the NASA advisory committees that held closed or partially closed meetings in 1978, consistent with the policy of 5 U.S.C. 552b(c), have prepared reports on the activities of these meetings. Copies of the reports have been filed and are available for public inspection at the Library of Congress, Federal Advisory Committee Desk, Washington, DC 20540, and the National Aeronautics and Space Administration, Headquarters Information Center, Washington, DC 20546.

The names of the advisory committees are:

Applications Steering Committee, Supporting Research and Technology Ad Hoc Advisory Subcommittee;
NASA Advisory Council;
NASA Wage Committee;
Space Science Steering Committee, Gamma Ray Observatory Ad Hoc Advisory Subcommittee.

Dated: July 12, 1979.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

[FR Doc. 79-22408 Filed 7-19-79; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION

Meeting

The fifteenth meeting of the National Commission on Unemployment Compensation is scheduled to be held at the Benson Hotel, Portland, Oregon in the Crystal Ballroom on July 26, 27, 28.

The meeting will begin at 8:30 a.m. and conclude at 5:30 p.m. each day

Agenda—July Meeting

Thursday, July 26

1. 8:30 a.m.–9:30 a.m.

Public Testimony
—Washington State Labor Council, AFL–CIO.

2. 9:30 a.m.–12:30 p.m.

Commission Discussion of Second Revised Draft Outline of a Proposal Tentatively Summarizing Options Involved in Determining the Basic Structure of a Federal-State Unemployment Insurance Program and Related Supporting Provisions.

Break (12:30 p.m.–2:00 p.m.)

3. 2:00 p.m.–3:00 p.m.

Public Testimony
—H. J. "Doc" Weiler, Vice-President-Government Affairs, Association of Commerce and Industry of New Mexico.
—William Garvin, Government Affairs Counsel, Association of Washington Business.

4. 3:00 p.m.–4:00 p.m.

Commission Discussion of Comments Received on Reinsurance and Taxable Wage Base.

5. 4:00 p.m.–5:00 p.m.

Commission Discussion of Second Revised Draft . . . Continued.

Adjourn (5:00 p.m.)

Friday, July 27

6. 8:00 a.m.–10:00 a.m.

Commission Discussion of Second Revised Draft . . . Continued.

7. 10:00 a.m.–11:00 a.m.

Commission Discussion of Proposed Change in Extended Benefit Trigger Computation.

8. 11:00 a.m.–12:30 p.m.

Report on Economic Assumptions for 1980 and 1981.

Break (12:30 p.m.–2:00 p.m.)

9. 2:00 p.m.–3:00 p.m.

Public Testimony
—Oregon Advisory Council on Unemployment Compensation.
—Eugene Wiegman, Commissioner, Washington State Employment Security Department.

10. 3:00 p.m.–3:45 p.m.

Presentation on Inter-State Claims.
—Libby Leonard, Deputy Administrator, Oregon Employment Division, Representing ICESA.
—Gene Biglin, Chief, Division of State U.I. Programs, UIS, ETA, Department of Labor.

11. 3:45 p.m.–5:30 p.m.

Commission Discussion of Second Revised Draft . . . Continued.

Adjourn (5:30 p.m.)

Saturday, July 28

12. 8:00 a.m.–9:00 a.m.

Public Testimony, Panel of Employee Representatives
—United Farm Workers.
—Unemployment Representation Clinic of Seattle.
—Evergreen Legal Services.
—Seattle Teachers Association.
—Puget Sound Legal Assistance Foundation.

13. 9:00 a.m.–12:30 p.m.

Commission Discussion of Second Revised Draft . . . Continued, Including Determination of Priorities for Anti-Recession Consideration.

Break (12:30 p.m.–2:00 p.m.)

14. 2:00 p.m.–5:00 p.m.
Executive Session.

Adjourn (5:00 p.m.)

Telephone inquiries and communications concerning this meeting should be directed to: James M. Rosbrow, Executive Director, National Commission on Unemployment Compensation, Room 440, 1815 Lynn Street, Rosslyn, Virginia 22209, (702) 235–2782.

Signed at Washington, D.C. this 16th day of July, 1979.

James M. Rosbrow,

Executive Director, National Commission on Unemployment Compensation.

[FR Doc. 79–22484 Filed 7–19–79; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF ENERGY

Nuclear Regulatory Commission

State of Rhode Island; Staff Assessment of Proposed Agreement Between the NRC and the State of Rhode Island

Note.—This document originally appeared in the **Federal Register** for Friday, June 29, 1979. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See CFR notice 41 FR 32914, August 6, 1976.)

Notice is hereby given that the U.S. Nuclear Regulatory Commission is publishing for public comment the staff assessment of a proposed agreement received from the Governor of the State of Rhode Island for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

The staff assessment of the proposed agreement, the proposed agreement and a narrative, prepared by the State of Rhode Island and describing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. A copy of the program narrative, including the referenced appendices,[1] appropriate State legislation and Rhode Island regulations, is available for public inspection in the Commission's public document rooms at 1717 H Street, N.W., Washington, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; Attention: Edgar C. Ashley (301) 492–7767 on or before July 30, 1979.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, have been published in the **Federal Register** and codified as Part 150 of the Commission's regulations in Title 10 of the Code of Federal Regulations.

Dated at Bethesda, Maryland, this 25th day of June 1979.

For the U.S. Nuclear Regulatory Commission.

Robert G. Ryan,

Director, Office of State Programs.

Appendix—Staff Assessment—Summary

The Commission has received a proposal from the Governor of Rhode Island for the State to enter into an agreement with the NRC whereby the NRC would relinquish and the State would assume certain regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

I. Background

A. Section 274 of the Atomic Energy Act of 1954, as amended provides a mechanism whereby the NRC may transfer to the States certain regulatory authority over agreement materials[1] when a State desires to assume this authority and the Governor certifies that the State has an adequate regulatory program, and when the Commission finds that the State's program is compatible with that of the NRC and is adequate to protect the public health and safety. Section 274g directs the Commission to cooperate with the States in the formulation of standards for protection against radiation hazards to assure that State and Commission programs for radiation protection will be coordinated and compatible. Further, section 274j provides that:

"The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State with which an agreement under subsection b. has become effective, or upon request of the Governor of such State, may terminate or suspend all or part of its agreement with the State and reassert the licensing and regulatory authority vested in it under this Act, if the Commission finds that (1) such termination or suspension is required to protect the public health and safety, or (2) the State has not complied with one or more of the requirements of this section. The Commission shall periodically review such agreements and actions taken by the States under the agreements to ensure compliance with the provisions of this section."

[1] Filed with the Office of the Federal Register as part of the original document.

[1] A. Byproduct materials;
B. Source materials; and
C. Special nuclear materials in quantities not sufficient to form a critical mass.

B. In a letter dated May 25, 1979, Governor J. Joseph Garrahy of the State of Rhode Island requested that the Commission enter into an agreement with the State pursuant to section 274 of the Atomic Energy Act of 1954, as amended, and proposed that the agreement become effective on October 1, 1979. The Governor certified that the State of Rhode Island has a program for control of radiation hazards which is adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State of Rhode Island desires to assume regulatory responsibility for such materials.

The Governor has certified that there is no byproduct material as defined in section 11e.(2) of the Act within the State and that there is no activity within the State resulting in the production of byproduct material as defined in section 11e.(2) of the Act. At the same time, the staff has determined that there are no NRC licenses outstanding in the State for byproduct material as defined in section 11e.(2) of the Act or for any activity within the State resulting in the production of byproduct material as defined in section 11e.(2) of the Act.

The proposed agreement provides for necessary amendments to the agreement in the event that the State wishes to regulate byproduct material as defined in section 11e.(2) of the Act and recognizes that it will be necessary to amend the agreement in the event any activity resulting in the production of byproduct material as defined in section 11e.(2) of the Act is found to exist within the State.

The eight Articles of the proposed agreement cover the following areas:

I. Lists the materials covered by the agreement.

II. Lists the Commission's continued authority and responsibility for certain activities.

III. Allows for certain regulatory changes by the Commission.

IV. References the continued authority of the Commission for common defense and security and safeguards purposes.

V. Pledges the best efforts of the Commission and the State to achieve coordinated and compatible programs.

VI. Recognizes reciprocity of licenses issued by the respective agencies.

VII. Sets forth criteria for termination or suspension of the agreement.

VIII. Specifies the effective date of the agreement.

C. Title 23, Chapter 1.3, as amended, of the General Laws of Rhode Island authorizes the Radiation Control Agency of the Department of Health to issue licenses to, and perform inspections of, users of radioactive materials under the proposed agreement and otherwise carry out a total radiation control program.

Rhode Island Rules and Regulations for the Control of Radiation, adopted in accordance with the Rhode Island Radiation Control Act, Title 23, Chapter 1.3 of the General Laws and the Administrative Procedure Act, Title 42, Chapter 35 of the General Laws, provides standards, licensing, inspection, enforcement and administrative procedures for agreement and non-agreement materials. The regulations are not applicable to agreement materials until the effective date of the agreement. The Rhode Island regulations became effective June 2, 1978 as they relate to X-ray machines and non-agreement materials such as naturally occurring and accelerator produced radioactive materials.

D. Environmental radiation issues with which the Division of Occupational Health and Radiation Control has been involved include: Monitoring and assessment of the impact of radioactive fallout from nuclear weapons testing; monitoring and assessment of off-site impact of effluents from facilities utilizing large quantities of special nuclear materials; review of environmental reports and safety analysis reports submitted to support applications for EPA permits and NRC licenses; monitoring and assessment of levels of radioactivity in public, community, and private drinking water supplies; and assistance to other State agencies when environmental radiation issues arise.

The Rhode Island Department of Environmental Management (DEM) is the department responsible for environmental protection within the State. The State laws governing hazardous waste, air pollution, and water pollution are included in Appendix I of the description of Rhode Island Radiation Control Program. The memoranda of understanding from the three divisions involved are contained in Appendix X.

The Division of Land Resources, DEM, will not issue a permit for a low-level radioactive waste burial site until a license has been issued by the Radiation Control Agency. Presently, the Division of Air Resources, DEM, does not have any air quality standards for radioactive air pollutants, and in the absence of any guidance from the United States Environmental Protection Agency (EPA), the division does not plan to regulate such materials.

The Division of Water Resources, DEM, does not issue EPA water discharge permits, but they do certify the adequacy of the applications. In their review they will assure that all discharges meet the standards contained in Appendix a, Table II, Column II of the Rhode Island rules and regulations.

E. The estimated budget for Radiation Control for fiscal year 1980 (July 1, 1979 to June 30, 1980) is $164,500. Funding for Radiation Control is 78% State and 22% Federal. Federal funds include $12,600 from the Bureau of Radiological Health for compliance testing of diagnostic X-ray and $23,590 in HEW block grant monies.

It is estimated that $78,000 will be necessary to fund the radioactive materials activities of the Radiation Control Section. Radioactive material activities in the section will include naturally occurring and accelerator produced radioactive materials (NARM), environmental radiation programs and impact reviews, emergency response, industrial and academic X-ray facilities and agreement material activities.

Approximately one-third of the radioactive material budget, or $25,700 will be designated for the agreement material activities.

It is expected that close to 45 of approximately 50 NRC radioactive material licenses currently in effect in Rhode Island would be transferred to the State under the proposed Agreement. The State's budget for the agreement material program would therefore be approximately $570 per license. This compares to our recommended funding level range of $200–$350 per license.

II. Assessment of Proposed Rhode Island Program for Control of Agreement Materials

Reference: Criteria for Agreement With States Under Section 274 of the Atomic Energy Act of 1954, as Amended.[1]

Objectives

1. *Protection, Development.* A state regulatory program shall be designed to protect the health and safety of the people against radiation hazards, thereby encouraging the constructive uses of radiation.

Based upon the analysis of the State's proposed regulatory program (following) the staff believes the Rhode Island proposed regulatory program for agreement materials is adequately designed to protect the health and safety of the people against radiation hazards.

Radiation Protection Standards[2]

2. *Standards.* The state regulatory program shall adopt a set of standards for protection against radiation, which shall apply to by-product, source and special nuclear materials in quantities not sufficient to form a critical mass.

Statutory authority to formulate and promulgate rules and regulations is contained in the Rhode Island Radiation Control Act (Title 23 of the general laws entitled, "Health and Safety," Chapter 1.3, hereafter referred to as RIRCA) Section 23–1.3–2 (4). In accordance with that authority, the state has proposed Rules and Regulations for the Control of Radiation (hereafter referred to as RIRR) which include radiation protection standards which would apply to byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass upon the effective date of an agreement between the state and the Commission pursuant to Section 274b of the Atomic Energy Act of 1954, as amended.

References: RIRCA Section 23–1.3–2 (4), RIRR Part A.

3. *Uniformity in Radiation Standards.* It is important to strive for uniformity in technical definitions and terminology, particularly as related to such things as units of measurement and radiation dose. There shall be uniformity on maximum permissible doses and levels of radiation and concentrations of radioactivity, as fixed by 10 CFR Part 20 of the NRC regulations based on officially approved radiation protection guides.

Technical definitions and terminology contained in the Rhode Island regulations including those related to units of

[1] As adopted in February 1961 (26 FR 2537, March 24, 1961), and amended in November 1965 (30 FR 15044, December 4, 1965). Minor editorial changes have been made to reflect changes in reorganization and authority of Federal agencies.

[2] The Conference of Radiation Control Program Directors' model State regulations and State legislation for control of radiation were used as a basis for all criteria enunciated.

measurement and radiation dose are uniform with those contained in 10 CFR Part 20, *except* the definition of byproduct material conforms to that contained in the Atomic Energy Act prior to enactment by Congress of Pub. L. 95–604, 92 Stat. 3021 et seq., November 8, 1978, the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA). Enactment of Pub. L. 95–604 took place after promulgation of the proposed state regulations. The staff notes that Rhode Island is not now the site of mill tailings from ores processed primarily for their source material content nor is it likely to become such a site in the foreseeable future. The definition of byproduct material currently in use by the 25 Agreement States is that contained in the Atomic Energy Act of 1954, as amended prior to enactment of Pub. L. 95–604. NRC staff is preparing draft model State legislation which, when enacted by affected states, will enable them to conform with the requirements of UMTRCA, including the amended definition of byproduct material. The States have until November 7, 1981 to enact such legislation and adopt other necessary regulatory requirements if the States desire to continue to regulate ores processed primarily for their source material content and disposal of byproduct materials as defined in Section 11e (2) of the Atomic Energy Act, as amended, pursuant to a Section 274b agreement with the NRC.

In view of the above, the absence of a definition of byproduct material conforming to that contained in Section 11e (2) of the Atomic Energy Act of 1954, as amended, is not viewed as a significant departure at this time from the need for uniformity in radiation standards and should not be considered an impediment towards signing of a Section 274b agreement.

References: RIRR Part A and Annex, Governor Garrahy's letter dated May 25, 1979, Enclosure (1).

4. *Total Occupational Radiation Exposure.* The regulatory authority shall consider the total occupational radiation exposure of individuals, including that from sources which are not regulated by it.

The Rhode Island regulations cover all sources of radiation within the State's jurisdiction and provide for consideration of the total radiation exposure of individuals from all sources of radiation in the possession of a licensee or registrant.

References: RIRR, Parts A.2.1 and A.2.2.

5. *Surveys, Monitoring.* Appropriate surveys and personnel monitoring under the close supervision of technically competent people are essential in achieving radiological protection and shall be made in determining compliance with safety regulations.

The requirements for surveys to evaluate potential exposures from sources of radiation and the personnel monitoring requirements are uniform with those contained in 10 CFR Part 20.

References: RIRR, Parts A.3.1, A.3.2 and A.3.7 (c), (d) and (f); C.8.2(c); E.2.15, and Annex, definition no. 157.

6. *Labels, Signs, Symbols.* It is desirable to achieve uniformity in labels, signs and symbols, and the posting thereof. However, it is essential that there be uniformity in labels, signs, and symbols affixed to radioactive products which are transferred from person to person.

The prescribed radiation labels, signs, and symbols are uniform with those contained in 10 CFR Part 20, Parts 30 thru 32 and Part 34. The Rhode Island posting requirements are also uniform with those contained in Part 20.

References: RIRR, Parts A.3.3 and A.3.4, Part C, and Part E.2.

7. *Instruction.* Persons working in or frequenting controlled areas shall be instructed with respect to the hazards of excessive exposure to radioactive materials and in precautions to minimize exposure.

The Rhode Island regulations contain requirements for instructions and notices to workers that are uniform with those contained in 10 CFR Part 19.

References: RIRR, Part A.6.

8. *Storage.* Licensed radioactive material in storage shall be secured against unauthorized removal.

Licensed radioactive material in storage must be secured against unauthorized removal from places of storage.

References: RIRR, Parts A.3.6 and E.2.3.

9. *Waste Disposal.* The standards for the disposal of radioactive materials into the air, water, and sewers, and burial in the soil shall be in accordance with Part 20. Holders of radioactive material desiring to release or dispose of quantities in excess of the prescribed limits shall be required to obtain special permission from the appropriate regulatory authority.

The standards for the disposal of radioactive materials into the air, water and sewers and by burial in the soil are uniform with those in 10 CFR Part 20.

Holders of radioactive materials licenses desiring to release or dispose of concentrations or quantities in excess of the prescribed limits are required to obtain special permission from the Rhode Island Department of Health. The criteria for granting exceptions, as specified in the regulations, are uniform with those contained in 10 CFR Part 20.

References: RIRR, Part A.4.

10. *Regulations Governing Shipment of Radioactive Materials.* The state shall to the extent of its jurisdiction promulgate regulations applicable to the shipment of radioactive materials, such regulations to be compatible with those established by the U.S. Department of Transportation and other agencies of the United States whose jurisdiction over interstate shipment of such materials necessarily continues.

The transportation of licensed material including by common and contract carriers where such transportation is subject to the regulations of the U.S. Department of Transportation or the U.S. Postal Service is exempt from licensing. Other transportation is subject to licensing requirements and licensees must comply with applicable requirements of the U.S. Department of Transportation.

References: RIRR, Parts A.1.4(b), C.4.3 and C.7.

11. *Records and Reports.* The state regulatory program shall require that holders and users of radioactive materials: (a) maintain records covering personnel radiation exposures, radiation surveys, and disposals of materials; (b) keep records of the receipt and transfer of the materials; (c) report significant incidents involving the materials, as prescribed by the regulatory authority; (d) make available upon request of a former employee a report of his exposure to radiation; (e) at request of an employee advise him of his annual radiation exposure; and (f) inform each employee in writing when he has received radiation exposure in excess of the prescribed limits.

The Rhode Island regulations require the following records reports by licensees and registrants:

a. Records covering personnel radiation exposures, radiation surveys and disposal of materials.

References: RIRR, Parts A.5, C.8.2(c) and E.2.15.

b. Records of receipts and transfer of licensed materials. Reference: RIRR Part A.1.5.

c. Reports of radiation incidents, overexposures and excessive levels and concentrations are defined in provisions uniform with those contained in 10 CFR Part 20.

Reference: RIRR Parts A.5.2, A.5.3, and A.5.4.

d. reports to former employees or to individuals of their exposure to radiation or radioactive material.

References: RIRR Parts A.5.5, A.5.7, and A.6.4.

12. *Additional Requirements and Exemptions.* Consistent with the overall criteria here enumerated and to accommodate special cases or circumstances, the regulatory authority shall be authorized in individual cases to impose additional requirements to protect health and safety, or to grant necessary exemptions which will not jeopardize health and safety.

The Rhode Island Department of Health is authorized to impose upon any licensee or registrant, by rule, regulation, or order such requirements in addition to those established in the regulations as it deems appropriate or necessary to minimize danger to public health and safety or property.

Reference: RIRR Part A.1.8.

The Rhode Island Department of Health is authorized to exempt certain radiation sources, uses or users from licensing or registration requirements when it makes a finding that the exemption will not constitute a significant risk to the public health and safety.

Reference: RIRCA 23–1–.3–5(d).

Prior Evaluation of uses of Radioactive Materials

13. *Prior Evaluation of Hazards and Uses, Exceptions.* In the present state of knowledge, it is necessary in regulating the possession and use of byproduct, source and special nuclear materials that the regulatory authority require the submission of

information on, and evaluation of, the potential hazards and capability of the user or possessor prior to his receipt of the materials. This criterion is subject to certain exceptions and to continuing reappraisal as knowledge and experience in the atomic energy field increase. Frequently there and, and increasingly in the future there may be, categories of materials and uses as to which there is sufficient knowledge to permit possession and use without prior evaluation of the hazards and the capability of the possessor and user. These categories fall into two groups—those materials and uses which may be completely exempt from regulatory controls, and those materials and uses in which sanctions for misuse are maintained without preevaluation of the individual possession or use. In authorizing research and development or other activities involving multiple uses of radioactive materials, where an institution has people with extensive training and experience, the regulatory authority may wish to provide a means for authorizing broad use of materials without evaluating each specific use.

Prior to the issuance of a specific license for the use of radioactive material, the Rhode Island Department of Health will require the submission of information on, and will make an evaluation of, the potential hazards of such uses, and the capability of the applicant.

References: RIRR Parts C.1, C.3.1(b), and C.5, Governor Garrahy's letter dated May 25, 1979, Enclosure (2).

Provision is made for the issuance of general licenses for byproduct, source and special nuclear materials in situations where prior evaluation of the licensee's qualifications, facilities, equipment and procedures is not required. The regulations grant general licenses under the same circumstances as those under which general licenses are granted in the Commission's regulations.

References: RIRR Parts C.1, C.3.1(a), C.4 and C.6.

14. *Evaluation Criteria.* In evaluating a proposal to use radioactive materials, the regulatory authority shall determine the adequacy of the applicant's facilities and safety equipment, his training and experience in the use of the materials for the purpose requested, and his proposed administrative controls.

In evaluating a proposal to use agreement materials, the Rhode Island Department of Health will determine whether:

a. The applicant is qualified by reason of training and experience to use the material in question for the purpose requested in a manner as to minimize danger to public health and safety or property;

b. The applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property; and

c. The issuance of the license will not be inimical to the health and safety of the public.

Reference: RIRR Part C.5.2.

Special requirements for the issuance of specific licenses are contained in the regulations.

References: RIRR Parts C.5.3, C.5.4 and C.5.5.

15. *Human Use.* The use of radioactive materials and radiation on or in humans shall not be permitted except by properly qualified persons (normally, licensed physicians) possessing prescribed minimum experience in the use of radioisotopes or radiation.

The use of radioactive materials or sealed sources on or in humans will be permitted only by licensed physicians possessing prescribed experience in the use, handling and administration of radioisotopes or radiation. Rhode Island requirements regarding such use are uniform with those of the NRC.

References: RIRR Part C.5.3(a) through (d)., Governor Garrahy's letter dated May 25, 1979, Enclosure (2).

Inspection

16. *Purpose, Frequency.* The possession and use of radioactive materials shall be subject to inspection by the regulatory authority and shall be subject to the performance of tests, as required by the regulatory authority. Inspection and testing is conducted to determine, and to assist in obtaining, compliance with regulatory requirements. Frequency of inspection shall be related directly to the amount and kind of material and type of operation licensed, and it shall be adequate to insure compliance.

The possession and use of radioactive materials will be subject to inspection by the Rhode Island Department of Health and also to the performance of tests as required by or performed by the Department. Inspection and testing will be conducted to determine compliance with State regulations and to determine adequacy of the licensee's radiation protection program. Proposed inspection procedures are similar to those of the NRC Office of Inspection and Enforcement.

The frequency of inspections is dependent upon the type and scope of the licensed activities and will be at least as frequent, and in most cases, more frequent than inspections of similar licensees by NRC.

References: RIRR Parts A.1.6 and A.1.7, Governor Garrahy's letter dated May 25, 1979, Enclosure (2).

17. *Inspections Compulsory.* Licensees shall be under obligation by law to provide access to inspectors.

The Director of Health or his duly authorized representatives shall have the power to enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with the state radiation control act and rules and regulations issued thereunder.

References: RIRCA Section 23–1.3–4, RIRR Part A.1.6(a).

18. *Notification of Results of Inspection.* Licensees are entitled to be advised of the results of inspections and to notice as to whether or not they are in compliance.

When there are items of noncompliance, licensees must be informed at the time of inspection. Written notices of violations will also be provided by the Department.

References: RIRR Part A.7.1 (a), (b) and (c), Governor Garrahy's letter dated May 25, 1979, Enclosure (2).

Enforcement

19. *Enforcement.* Possession and use of radioactive materials should be amenable to enforcement through legal sanctions, and the regulatory authority shall be equipped or assisted by law with the necessary powers for prompt enforcement. This may include, as appropriate, administrative remedies looking toward issuance of orders requiring affirmative action or suspension or revocation of the right to possess and use materials, and the impounding of materials; the obtaining of injunctive relief; and the imposing of civil or criminal penalties.

The Department is equipped with the necessary powers for prompt enforcement of the regulations as follows:

a. Each Notice of Violation will require a consent agreement whereby the licensee shall provide a written response to the Agency within ten days of service of the Notice of Violation.

Reference: RIRR Part A.7.1 (c).

b. The Department may issue orders to suspend, modify or revoke licenses.

Reference: RIRR Part A.7.4.

c. When the administrator finds that an emergency exists requiring immediate action to protect the public health or welfare, he may issue an order reciting the existence of such an emergency and require such action be taken as deemed necessary to meet the emergency. The order shall be effective immediately, but upon application to the Director of Health, a hearing shall be afforded within 15 days.

References: RIRCA Section 23–1.3.9, RIRR Part A.7.3.

d. A civil action may be instituted in superior court on behalf of the agency for injunctive relief to prevent the violation of the provisions of RCA 23–1.3 or codes, rules or regulations promulgated hereunder,and said court may proceed in the action in a summary manner or otherwise and may restrain in all such cases any person from violating any of the provisions of this chapter or said rules or regulations.

Reference: RIRCA Section 23–1.3–10.

e. Any person who willfully violates any provisions of the Radiation Control Act, the regulations, or orders issued thereunder may be guilty of a misdemeanor and subject to a fine or imprisonment, or both.

Reference: RIRR Part A.1.9.

Personnel

20. *Qualifications of Regulatory and Inspection Personnel.* The regulatory agency shall be staffed with sufficient trained personnel. Prior evaluation of applications for licenses or authorizations and inspection of licensees must be conducted by persons possessing the training and experience relevant to the type and level of radioactivity in the proposed use to be evaluated and inspected.

To perform these functions involved in evaluation and inspection, it is desirable that

there be personnel holding a bachelor's degree or equivalent in the physical and/or life sciences, and that the personnel have had training and experience in radiation protection. The person who will be responsible for the actual performance of evaluation and inspection of all of the various uses of byproduct, source and special nuclear material which might come to the regulatory body should have substantial training and extensive experience in the field of radiation protection.

It is recognized that there will also be persons in the program performing a more limited function in evaluation and inspection. These persons will perform the day-to-day work of the regulatory program and deal with both routine situations as well as some which will be out of the ordinary. These people should have a bachelor's degree or equivalent in the physical or life sciences, training in health physics, and approximately two years of actual work experience in the field of radiation protection.

The foregoing are considered desirable qualifications for the staff who will be responsible for the actual performance of evaluation and inspection. In addition, there will probably be trainees associated with the regulatory program who will have an academic background in the physical or life sciences as well as varying amounts of specific training in radiation protection but little or no actual work experience in this field. This background and specific training of these persons will indicate to some extent their potential role in the regulatory program. As they gain experience and competence in the field, the trainees could be used progressively to deal with the more complex or difficult types of radioactive material applications. It is desirable that such trainees have a bachelor's degree or equivalent in the physical or life sciences and specific training in radiation protection. In determining the requirement for academic training of individuals in all of the foregoing categories, proper consideration should be given to equivalent competency which has been gained by appropriate technical and radiation protection experience.

It is recognized that radioactive materials and their uses are so varied that the evaluation and inspection functions will require skills and experience in the different disciplines which will not always reside in one person. The regulatory authority should have the composite of such skills either in its employ or at its command, not only for routine functions, but also for emergency cases.

a. *Number of Personnel.* There are approximately 50 NRC specific licenses in the State of Rhode Island. Under the proposed agreement, the State would assume responsibility for about 45 of these licenses. In addition, there are approximately 1500 X-ray machines and 10 radium users in the State. The Radiation Control Agency is staffed with two professional persons to carry out the radioactive material control activities. We estimate the State will need to apply a minimum of 0.5 to 0.75 person-years of efforts to the program. The present personnel together with their assigned responsibilities are as follows:

James E. Hickey: Chief, Division of Occupational Health and Radiation Control. Administrator, Radiation Control Agency. Responsible for overall administration and supervision of Division activities.

James L. Nolan: Supervising Radiation Control Specialist. Will be responsible for the radioactive materials control program, environmental surveillance and emergency response activities. Mr. Nolan will administer the licensing and inspection activities.

The Agency also has four persons specifically assigned to the x-ray program.

b. *Training.* The academic and specialized short course training for those persons involved in the administration, licensing and inspection of radioactive materials is shown below.

Mr. Hickey holds an M.S. degree in Occupational and Radiological Health from the Harvard School of Public Health. Mr. Nolan holds an MSE degree in Air Resources Engineering from the University of Washington. Mr. Hickey and Mr. Nolan attended the following specialized short courses:

James Hickey—Radionuclide Analysis by Gamma Spectroscopy—DHEW, PHS, BRH, November 1966, Rockville, Maryland—Ten Days. State Emergency Planning in Relation to Licensed Nuclear Facilities—USAEC, March 1973, Brookhaven, New York—Three Days. Orientation in Regulatory Practices and Procedures—USNRC, September 1976, Bethesda, Maryland—Ten days.

James Nolan—NRC "Ten-Week Health Physics and Radiation Protection Course". NRC "Medical Use of Radionuclides for State Regulatory Personnel"—Five days. NRC "Orientation Course in Regulatory Practices and Procedures"—Ten days. NRC "Radiological Emergency Response Operations"—Eight days. NRC "Inspection Procedures"—Five days. NRC "Safety Aspects of Industrial Radiography for State Regulatory Personnel"—Five days. USEPA—Five courses on air pollution—Four to five days each.

c. *Experience.* Mr Hickey has been Health Specialist and Program Administrator, Rhode Island Department of Health, Occupational and Radiological Health Program since 1968. Mr. Nolan has been inspecting x-ray facilities, is a Health Physicist on the State emergency response team and supervisor of the radiological environmental monitoring program since January 1978. Mr. Nolan also worked as an Air Pollution Control Engineer and supervisor in the Air Quality Management Section of the State Department of Health during the period 1972–1978.

d. *Medical Advisory Committee.* The State's Medical Advisory Committee is an integral part of the Rhode Island Radiation Advisory Commission. By law, the Commission shall consist of eleven members. Areas of medical expertise represented on the Commission are nuclear medicine, nuclear pharmacy veterinary medicine, dentistry, diagnostic radiology, radiological physics, and radiologic technology. Applications for non-routine medical uses of radioactive materials will be referred to the Commission for evaluation and recommendations.

Reference: RIRCA 23–1.3–13.

Special Nuclear Material

21. *Conditions Applicable to Special Nuclear Material.* The State's regulations do not prohibit or interfere with the duties imposed by the NRC on holders of special nuclear material owned by the U.S. Department of Energy or licensed by NRC, such as the responsibility of licensees to supply to the NRC reports of transfer and inventory.

Reference: RIRR Part A.1.1(a).

22. *Special Nuclear Material Defined.* The definition of special nuclear material in quantities not sufficient to form a critical mass, as contained in the Rhode Island regulations, is uniform with the definition in 10 CFR Part 150.

Reference: RIRR Annex, Definition 151.

Administration

23. *Fair and Impartial Administration.* The State has incorporated into its program provisions for a fair and impartial administration of its regulatory program. Public participation is provided for in the:

(a) Adoption, amendment, or repeal of rules.

References: RIRCA 23–1.3–2(c)(4), RI Administrative Procedures Act 42–35, RIRR preamble.

(b) Granting, suspending, revoking, or amending of any license.

Reference: RI APA 42–35, RIRR A.7.

(c) Determination of compliance with rules and regulations.

References: RI APA 42–35, RIRR A.7.

Any person adversely affected by the final determination of the Agency may petition for the judicial review of such determination in the superior court and finally by appeal to the State Supreme Court.

Reference: RI APA 42–35.

Arrangements for Discontinuing NRC Jurisdiction

24. *State Agency Designation.* The Rhode Island Department of Health's Division of Occupational Health and Radiation Control has been designated as the State's Radiation Control Agency.

Reference: RIRCA 23–1.3–2.

25. *Existing NRC Lincenses and Pending Applications.* The Agency has made provision to continue NRC licenses in effect temporarily after the transfer of jurisdiction. Such licenses will expire either 90 days after receipt from the Agency of a notice of expiration or on the date of expiration specified in the federal license, whichever is earlier.

Reference: RIRCA 23–1.3–7.

26. *Relations with Federal Government and Other States.* The Rhode Island Radiation Control Agency is charged with advising,

consulting and cooperating with the federal government, other states and interstate agencies, political subdivisions, industries, and with groups concerned with control of radiation sources.

Reference: RIRCA 23–1.3–2.

27. *Coverage, Reciprocity.* The proposed Rhode Island agreement provides for the assumption of regulatory authority over the following categories of materials within the State:

(a) Byproduct materials, as defined by Section 11e.(1) of the Atomic Energy Act, as amended.

(b) Source materials,

(c) Special nuclear materials in quantities not sufficient to form a critical mass.

Reference: Proposed Agreement, Article I.

Provision has been made by Rhode Island for the reciprocal recognition of licenses to permit activities within Rhode Island of persons licensed by other jurisdictions. This reciprocity is like that granted under 10 CFR Part 150.

Reference: RIRR C.6.

28. *NRC and Department of Energy Contractors.* The State's regulations provide that certain NRC and DOE contractors or subcontractors are exempt from the State's requirements for licensing and registration of sources of radiation which such persons receive, possess, use, transfer, or acquire.

Reference: RIRR A.1.4(c).

III. Staff Conclusion

Section 274d of the Atomic Energy Act of 1954, as amended, states: "The Commission shall enter into an agreement under subsection b. of this section with any State if—

"(1) The Governor of that State certifies that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State desires to assume regulatory responsibility for such materials; and

"(2) The Commission finds that the State program is in accordance with the requirements of subsection o. and in all other respects compatible with the Commission's program for the regulation of such materials, and that the State program is adequate to protect the public health and safety with respect to the materials covered by the proposed agreement."

The staff has concluded that the State of Rhode Island meets the requirements of section 274 of the Act. The State's statutes, regulations, personnel, licensing, inspection and administrative procedures are compatible with those of the Commission and adequate to protect the public health and safety with respect to the materials covered by the proposed agreement.

Agreement Between the United States Nuclear Regulatory Commission and the State of Rhode Island and Providence Plantations for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

WHEREAS, The United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials as defined in sections 11e.(1) and (2) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

WHEREAS, The Governor of the State of Rhode Island and Providence Plantations is authorized under 23–1.3–7 of the General Laws of Rhode Island to enter into this Agreement with the Commission; and

WHEREAS, the Governor of the State of Rhode Island and Providence Plantations certified on May 25, 1979, that the State of Rhode Island and Providence Plantations (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

WHEREAS, The Governor of the State of Rhode Island and Providence Plantations certified on May 25, 1979, that there is no byproduct material as defined in section 11e.(2) of the Act within the State and that there is no activity within the State resulting in the production of byproduct material as defined in section 11e.(2) of the Act; and

WHEREAS, The Commission found on ————, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

WHEREAS, The Commission found on ————, that there are no NRC licenses outstanding in the State for byproduct material as defined in section 11e.(2) of the Act or for any activity within the State resulting in the production of byproduct material as defined in section 11e(2) of the Act; and

WHEREAS, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

WHEREAS, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

WHEREAS, The State and the Commission recognize that it will be necessary to consider amendments to this Agreement in the event that the State wishes to regulate byproduct material as defined in section 11e.(2) of the Act and that it will be necessary to amend this Agreement in the event any activity resulting in the production of byproduct material as defined in section 11e.(2) of the Act is found to exist within the State; and

WHEREAS, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

NOW, THEREFORE, It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

A. Byproduct materials as defined in section 11e.(1) of the Act;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer or any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect

restricted data or to guard against the loss or diversion of special nuclear material.

Article V

The Commission will use its best efforts to cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any Agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend all or part of this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect the public health and safety or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with section 274 of the Act.

Article VIII

This Agreement shall become effective on October 1, 1979 and shall remain in effect unless and until such time as it is terminated pursuant to Article VII.

Done at Providence, State of Rhode Island, in triplicate, this ———— day of ————.

For the United States Nuclear Regulatory Commission.

For the State of Rhode Island and Providence Plantations.

J. Joseph Garrahy, Governor.

The Rhode Island Radiation Control Program

Foreword

The State of Rhode Island and Providence Plantations, while recognizing that the scientific, medical, and industrial usages of atomic energy can be beneficial to its citizens, is also cognizant of the hazards inherent to ionizing radiation. With these hazards in mind, and considering that the State is committed to attain the highest practicable degree of protection for the public from the harmful effects of all types of radiation exposure and simultaneously permit the many beneficial applications of radiation, the 1976 Rhode Island State Legislature enacted the present Radiation Control Act.

Section 274 of the Atomic Energy Act of 1954, as amended, authorizes the United States Nuclear Regulatory Commission (NRC) to enter into an agreement with the governor of a state for purposes of transferring to that state certain functions of licensing and regulatory control of byproduct, source, and less than critical quantities of special nuclear material.

Section 23–1.3–7 of the 1976 Rhode Island Radiation Control Act authorizes the Governor, on behalf of the State, to enter into an agreement with the NRC which would provide a discontinuance of certain responsibilities of the NRC relating to ionizing radiation and the assumption of such responsibilities by the State. A copy of this legislation is contained in Appendix I.

History

Prior to 1960, radiation control activities were integrated with the other program activities of the Division of Occupational Health of the Rhode Island Department of Health. About that time radiological health was recognized as an area of concern requiring a set of special program activities within the Division. The development of these activities generally has paralleled that of other states with the important exception that comprehensive radiation control legislation was not adopted until 1976.

In the early 1960's emphasis was placed upon personnel training in radiological health through attendance at U.S. Public Health Service courses. A state Industrial Code relating to Occupational Radiation Protection was adopted in June 1964. In response to the requirements of this Code, a registration of radiation sources was conducted and completed during 1965. Radiation protection surveys of x-ray facilities and facilities utilizing Radium began at this time. An environmental radiation surveillance network was established by the Division during the early 1960's to measure fallout and has provided continuous data since that time. The need for radiological emergency response capability was recognized with the occurrence of a criticality accident in the state in 1964 which resulted in one radiation death. The Division has cooperated with other agencies to provide this capability and is presently engaged in updating the State Emergency Response Plan.

The Division has been actively representing the State of Rhode Island as a member of the Conference of Radiation Control Program Directors, (CRCPD), and the New England Radiological Health Committee, (NERHC), since their inceptions. Both organizations bring together state and federal agencies for cooperative efforts toward reduction of radiation exposure.

Radioactive material users have been provided assistance with hazards evaluations and reduction upon request. These services have been available to and utilized by Nuclear Regulatory Commission licensees as well as users of naturally occurring and accelerator produced radioactive materials (NARM). Division personnel have taken every opportunity to accompany NRC inspectors in order to become familiar with problems uncovered in Rhode Island and procedures used for inspections and compliance.

Environmental radiation issues with which this Division has been involved include: monitoring and assessment of the impact of radioactive fallout from nuclear weapons testing; monitoring and assessment of off-site impact of effluents from facilities utilizing large quantities of special nuclear materials; review of environmental reports and safety analysis reports submitted to support applications for EPA permits and NRC licenses; monitoring and assessment of levels of radioactivity in public, community, and private drinking water supplies; and assistance to other state agencies when environmental radiation issues arise.

Medical and dental radiography presents by far the largest man-made source of ionizing radiation exposure to the state's population. As a result, programs to reduce this exposure have been given priority over the years. Early programs emphasized physical surveys to encourage voluntary compliance with NCRP recommendations for equipment and structural shielding. In 1968 emphasis shifted somewhat to programs designed to lower patient dose through user assistance. At that time a program was developed and implemented by which dental exposures could be normalized to provide optimum diagnostic quality at minimum patient exposure.

This Rhode Island program described in an article published in the American Journal of Public Health in August 1970 (contained in Appendix VIII) became the basis for the Dental Exposure Normalization Technique (DENT) program sponsored by the Federal Food and Drug Administration's Bureau of Radiological Health (BRH, FDA). Under their sponsorship, DENT has since been implemented by most states. The Division has also conducted Technique Normalization programs for mammography, and for podiatric, chiropractic, and cephalometric x-ray procedures. In later years the quality assurance aspects of these programs have received special attention.

In 1975 the Division began its participation in the Nationwide Evaluation of X-Ray Trends (NEXT) program sponsored by CRCPD and BRH, FDA. A stratified random sample of 100 x-ray facilities was chosen and surveyed under this program. The results, including mean exposures for Rhode Island for various routine radiographic procedures,

were published in the Rhode Island Medical Journal in 1978, and this paper is included in Appendix VIII. The Division continues to utilize the NEXT program in its x-ray control effects.

During 1976 it was decided by the State's Legislature that comprehensive legislation and regulations for control of radiation were necessary and desirable in Rhode Island to accomplish further reductions in population exposure to radiation. The State Radiation Control Act, Title 23, Chapter 1.3, of the General Laws was enacted in May 1976. Acting in accordance with this legislation, the Director of Health designated the renamed Division of Occupational Health and Radiation Control as the State Radiation Control Agency and designated the current Chief of that Division as the Agency's Administrator. The Director also appointed the eleven-member Radiation Advisory Commission as provided by the legislation.

Regulations for x-ray facilities, which are modeled after the Suggested State Regulations for Control of Radiation, were drafted by the Agency and reviewed by the Radiation Advisory Commission. After a public hearing in accordance with the State's Administrative Procedures Act, the Agency's first regulations were adopted in June 1978. These regulations provide for annual registration of all x-ray facilities and certain services to x-ray facilities. The initial registration was completed in September 1978. Inspection of x-ray facilities on a scheduled basis for compliance with regulations began shortly thereafter.

The State Radiation Control Act also provides the authority for the Governor to enter into an Agreement for the assumption of certain licensing and inspection functions of NRC. In December 1978, regulations were adopted to facilitate the transition of authority form NRC to the State Radiation Control Agency. These regulations become effective on the date of an Agreement.

Organization, Functions, and Responsibilities

The Rhode Island Department of Health was established in April 1878, under Section 23 of the General Laws of Rhode Island. This department is responsible for promoting and protecting the health of the people of Rhode Island by:

(1) formulating policy and providing leadership and coordination of health services;

(2) directing the planning, regulation, and development of health resources; and

(3) providing personal and environmental health services.

The act creating the state Board of Health established a six-member board to make investigations into the causes of diseases, especially epidemics and endemics among the people, the sources of mortality, and the effects of localities, employments, conditions, and circumstances on the public health. Subsequent legislation setting up individual divisions within the Health Department delegated the responsibility for promulgating rules and regulations to each individual division.

The Department has four Associate Directors with board program responsibilities in: (1) Management and Support Services, (2) Health Planning and Development, (3) Preventative Medicine, and (4) Community Health Services. A chart showing the present organization of the Department of Health is contained in Appendix II.

Funding for the Department is both state and federal. Federal Block Grants are used to fund many of the Health Department programs, but specific federal grants are also employed (e.g., Drinking Water Program). Funding for the Radiation Control Agency is 22% federal and 78% state and has the services of one assignee from the Bureau of Radiological Health.

Under the Radiation Control Act, a Radiation Advisory Commission consisting of 11 members was established. The commission members are appointed by the Director of Health and include persons representing engineering, diagnostic radiology, nuclear medicine, dentistry, veterinary medicine, industrial radiation protection, and radiologic technology. Appendix III lists the membership of the present commission. It is the duty of the commission to advise the Agency on technical matters relating to radiation. The Radiation Control Agency has authority to regulate the use of all sources of ionizing radiation, except those which it may exempt or are under the jurisdiction of the Federal Government. A chart showing the organization of the Radiation Control Agency is shown in Appendix II.

All members of the Agency have experience in health physics and have specialized training in this field. Professional staff including both new personnel and existing personnel will attend NRC training courses to attain and maintain a high level of technical competency. Members also have experience in operating laboratory and survey equipment. Responsibilities, job descriptions, background, and experience of radiation control personnel are given in Appendix IV.

The Supervising Radiation Control Specialist in charge of the Radioactive Materials Section will be responsible for licensing, inspections, investigations into incidents,and response to emergencies involving radioactive materials. It is anticipated that he will spend half of his time on the agreement program. The Administrator of the Radiation Control Agency (the Chief of the Division of Occupational Health and Radiation Control) will review and sign licenses and will review all inspection reports. His time on the agreement program will amount to a tenth of a man-year. Other members of the Radiation Control staff will also participate in the agreement program such that the total staff commitment will be one man-year. These breakdowns are further quantified in the budget contained in Appendix VII.

Rhode Island is an OSHA Consultation State and not an Enforcement State; therefore, it is not anticipated that the activities of the Occupational Health Section will impact on the Radioactive Materials Section.

Scope of Activities

The Radiation Control Agency administers the regulatory program associated with licensing of radioactive materials and registration of radiation-producing machines, environmental surveillance, special projects, and response to emergency situations involving sources of radiation. Chapters 18 and 18A of the state health plan, included in Appendix IX, detail the objectives and methods of the Division.

Within the State of Rhode Island there are 1,520 registered x-ray machines: 827 dental units, 631 medical units, and 62 industrial x-ray units. The number of NRC licenses within the State of Rhode Island as of December 31, 1978 was 49.

It is anticipated that the State will assume approximately 45 of these licenses. The number of facilities using radium sources is estimated at 10, and most of these are hospitals presently under NRC license. Three linear accelerators are in use for radiation therapy, and three small particle accelerators are in use at local universities.

Regulatory Procedures and Policy

Licensing and Registration

The Radiation Control Act requires licensing of all radioactive materials and registration of all radiation-producing machines except such sources as may be specifically exempted by regulations. License fees will be charged in accord with the schedule contained in Appendix III.

Licensing procedures, as provided in Parts A and C of the Rhode Island Rules and Regulations for the Control of Radiation, are consistent with those of the NRC. The license applications and form contained in Appendix V will be used in conjunction with Licensing and Regulatory Guides provided by the NRC.

General licenses are provided by regulation without filing an application with the Agency or the issuance of a licensing document. General licenses will be issued for specified materials under specified conditions when it is determined that the issuance of specific licenses is not necessary to protect the public and occupational health and safety. Specific licenses or amendments thereto will be issued upon review and approval of an application. A specific license will be issued only to named persons or facilities under the supervision of named persons and will incorporate appropriate conditions and expiration date. Pre-licensing inspections will be conducted when appropriate.

The Agency will request the advice of the Radiation Advisory Commission, or appropriate members thereof, with respect to any matter pertaining to a medical license application, or to criteria for reviewing applications.

All applications for non-routine medical uses of radioactive materials will be referred to the Radiation Advisory Commission for advice and consultation. Appropriate research protocols will be required as part of an application. The Agency will maintain knowledge of current developments, techniques, and procedures for medical uses applicable to the licensing program through continuing contact and information exchange

with the NRC, other agreement states, and the medical profession.

The registration program for radiation-producing machines will continue, and the use of naturally occurring and accelerator produced radionuclides will now be licensed.

Inspection

The Agency is presently initiating an inspection and compliance program for x-ray equipment registrants which is similar to the proposed inspection and compliance program for radioactive materials.

Inspections for the purpose of evaluating radiation safety and determining compliance with appropriate regulations and provisions of licenses will be conducted as scheduled or in response to requests of complaints. Inspection frequency will be based upon the extent of the potential hazard and experience with the particular facility. Inspection priorities may be changed on a case-by-case basis consistent with current NRC practices. It is anticipated that state inspections of licensed facilities will be conducted in accordance with a priority schedule similar to that shown as follows:

Priority	Type of License	Inspection frequency
I	Broad medical, broad academic, industrial radiography.	6 mos. or less
II	Industrial	1 yr. or less
III	Academic, medical, civil defense	1 yr. or less
IV	Limited medical, limited industrial	2 yrs. or less
V	Generally licensed devices	As required

Inspections will be made by pre-arrangement with the licensee or may be unannounced as the Agency determines to be most constructive. Written inspection procedures provided by the NRC will be followed in conducting the inspections and preparing reports.

The Rhode Island Radiation Control Agency has personnel trained in regulatory practices and procedures. Additionally, Agency personnel have accompanied NRC compliance inspectors on field inspections to gain a higher degree of competence in evaluating radiation safety and determining compliance with appropriate regulations and license provisions. Inspections will include the observation of pertinent facilities, operators, and equipment; a review of pertinent records and of radioactive materials—all as appropriate to the scope of the activity, conditions of the license and applicable regulations. In addition, independent measurements will be made, as appropriate.

At the start and conclusive of an inspection, personal contact will be made at management level whenever possible. Following the inspection, results will be discussed with management. Prompt investigations and reports will be made of all reported or alleged incidents to determine the cause, the steps taken for correction, and the prevention of similar incidents in the future.

Compliance and Enforcement

Compliance with regulations and license conditions will be determined by inspections and evaluation of inspection reports. When there are items of non-compliance, the licensee or registrant will be informed at the time of inspection as follows:

(1) When the items are minor and the licensee or registrant agrees at the time of inspection to correct them, written inspection findings will be prepared which will list the items of non-compliance, confirm any corrections made during the inspection, and require acknowledgement by the person interviewed. The licensee or registrant will be informed that a review of any corrective action items will be conducted at the time of the next regular inspection or by a reinspection.

(2) When the non-compliance is considered serious, the person interviewed will be informed at the time of inspection. Written inspection findings will be sent to the licensee or registrant which will list the items of non-compliance and require a response within 20 days including proposed corrective action and an estimated date of completion of the corrective action.

(3) If no reply is received to the initial letter within the specified time, a Notice of Violation is issued. This Notice of Violation, mailed to management, will require a written Consent Agreement including proposed corrective action and an estimated date of completion of the corrective action. If considered appropriate, an unannounced reinspection will be made shortly after the estimated date of completion.

(4) Continued non-compliance as determined by the reinspection or by failure to reply within 10 days of the Notice of Violation will necessitate an Order of Abatement from the Agency. Such formal proceedings will follow the procedures contained in A.7.2 of the Rules and Regulations for the Control of Radiation.

The Agency uses its best efforts to attain compliance through cooperation and education prior to initiating formal legal procedures such as the Notice of Violation and Order of Abatement.

Upon request by a licensee, or upon the determination by the Agency, the terms and conditions of a license may be amended, consistent with the Act or regulations, to meet changing conditions in operations or to remedy technicalities of non-compliance.

Effective Date of Licensee Transfer

Any person who possesses a license for agreement materials issued by the NRC, on the effective date of the agreement with the NRC, shall be deemed to possess a like license issued by the Agency, which shall expire either 90 days after the receipt from the Agency of a notice of expiration of such license, or on the date of expiration specified in the federal license, whichever is earlier.

Administrative Procedures and Judicial Review

The basic standards of procedures for administrative agencies in the State of Rhode Island are set forth in 42-35 of the General Laws of Rhode Island found in Appendix I. The Agency shall follow this law and the Radiation Control Act with respect to hearings, issuance of orders, and judicial review of findings.

Compatibility and Reciprocity

In promulgating the present Rules and Regulations for the Control of Radiation, the Agency has, insofar as practicable, maintained compatibility with NRC and agreement state regulations; has avoided requiring dual licensing and has provided for reciprocal recognition of other agreement states and federal licenses.

Through these regulations the State has adopted radiation protection standards and will strive to maintain compatibility with NRC and other Agreement States. The Agency will also cooperate with NRC and other Agreement States in interchanging information and statistics relating to control of radioactive materials.

Coordination with the Department of Environmental Management

The Department of Environmental Management is the department responsible for environmental protection within the state. The state laws governing hazardous waste, air pollution, and water pollution are included in Appendix I, and the memoranda of understanding from the three divisions involved are contained in Appendix X.

The Division of Land Resources will not issue a permit for a low level radioactive waste burial site until a license has been issued by the Radiation Control Agency. Presently the Division of Air Resources does not have any air quality standards for radioactive air pollutants, and in the absence of any guidance from the United States Environmental Protection Agency (EPA), the division does not plan to regulate such materials.

The Division of Water Resources does not issue EPA water discharge permits, but they do certify the adequacy of the applications. In their review they will assure that all discharges meet the standards contained in Appendix A. Table II, Column II of the Rhode Island rules and regulations.

Radiation Laboratory Services

The Radiation Control Agency has the capability of evaluating samples collected during routine inspections and for making independent measurements. In addition to the survey instruments listed in Appendix VI, the Division has a large variety of air sampling equipment for industrial hygiene surveys including portable air sampling pumps for filters and charcoal cartridges, smoke tubes, and a velometer. If the need for a neutron survey meter arises, one can be borrowed from the University of Rhode Island. All survey instruments used for inspection and emergency response will be calibrated quarterly as per NRC State Agreements—Division III Information Notice H.2.

The Division of Laboratories has capabilities of gamma spectroscopy and gross alpha-beta counting of environmental samples. For more sophisticated non-routine evaluations, samples will be sent to the EPA lab in Montgomery, Alabama.

Emergency Response

The Rhode Island Radiation Control Agency has technically trained personnel and specialized equipment to investigate and

evaluate incidents involving ionizing radiation. The Agency continues to prepare for such response by providing the following:

(1) trained staff for advisement required to meet any given situation;

(2) trained and equipped staff for emergency field activities;

(3) transportation by automobile to site of incident;

(4) established liaison with appropriate NRC and DOE Operations Offices; and

(5) training to key personnel of other state/local agencies.

Radiological assistance in the form of monitoring, liaison with appropriate authorities, and recommendations for area security and cleanup are provided by the Agency. The contamination guides used by the Agency are in Table III of the Protective Action Guides contained in Appendix XI. All Agency personnel will be maintained at an operation-ready level of training. Part of this training will be provided through cooperation of the NRC in Las Vegas, Nevada.

The Annex C Nuclear Accident or Incident Control Plan presently being revised by the State Civil Defense Preparedness Agency (DCPA) is included in Appendix XI. This plan addresses both transportation accidents and off-site releases from fixed facilities. It requires that the State Police first notify DCPA which in turn notifies the Radiation Control Agency. It is the responsibility of the Agency to advise the DCPA the extent of the hazard to the public health and safety and recommend protective actions as necessary. All licensees will be given copies of the plan and instructed in proper reporting of incidents which occur outside of their facility.

[FR Doc. 79-20067 Filed 6-28-79; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Ad Hoc Subcommittee on the Three Mile Island, Unit 2, Accident Implications Re Nuclear Power Plant Design; Addition to Agenda

The agenda of the July 26–27, 1979 meeting of the ACRS Ad Hoc Subcommittee on the Three Mile Island, Unit 2 Accident—Implications Re Nuclear Power Plant Design, will include the following:

Friday, July 27, 1979

The subcommittee will address the topic of further ACRS review of pending applications for operating licenses as a result of the Three Mile Island, Unit 2 Accident, and, specifically, the Salem Nuclear Power Station, Unit 2 review.

Background information regarding the Salem Nuclear Power Station, Unit 2 can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555, and at the Salem Free Public Library, 112 West Broadway, Salem, NJ 08079.

All other items regarding this meeting remain the same as announced in the **Federal Register** on July 12, 1979 (44 FR 40739).

Further information can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Richard K. Major, (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: July 16, 1979.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR. Doc. 79-22469 Filed 7-19-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–133]

Pacific Gas & Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR–7, issued to Pacific Gas and Electric Company (the licensee), which revised Technical Specifications for operation of the Humboldt Bay Power Plant, Unit No. 3 (the facility) located near Eureka, California. The amendment is effective as of the date of its issuance.

The amendment revises the Technical Specifications to extend on a one-time basis the interval for containment integrated leak rate testing until immediately prior to returning the facility to power operation. The amendment also includes the following adminstrative changes to the Technical Specifications:

1. Expression of an allowable tolerance for performing surveillance intervals,

2. Addition of a member to the Plant Staff Review Committee,

3. Correction of a typographical error, and

4. Clarification of General Office Nuclear Power Plant Review and Audit Committee responsibilities.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 20, 1978, as supplemented January 24, 1979, (2) Amendment No. 18 to License No. DPR–7, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Humboldt County Library, 636 F Street, Eureka, California. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 13th day of July 1979.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-22472 Filed 7-19-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–275]

Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Unit 1); Order Extending Construction Completion Date

Pacific Gas and Electric Company is the holder of Construction Permit Nos. CPPR–39 and CPPR–69 issued by the Atomic Energy Commission* on April 23, 1968 and December 9, 1970, respectively, for construction of the Diablo Canyon Nuclear Power Plant, Units 1 and 2, presently under construction at the Company's site in San Luis Obispo County, California.

On May 24, 1979, Pacific Gas and Electric Company filed a request for extension of the completion date for Unit 1.

On November 15, 1978, the Commission's staff published Supplement No. 8 to the Safety Evaluation Report for the Diablo Canyon Nuclear Power Plant documenting the need to make certain modifications. Consequently, additional time will be required to complete the

*Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and Permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

modifications and to conclude the licensing process for Unit 1. Additional time is also required for the Nuclear Regulatory Commission staff to complete its investigation of the incident at the Three Mile Island Nuclear Power Plant, Unit 2 and to apply new safety requirements arising from this investigation to the Diablo Canyon Nuclear Power Plants to the extent that they are applicable. In order to accommodate a reasonable schedule needed to complete the safety evaluation and the subsequent licensing actions related to these new safety requirements, the Nuclear Regulatory Commission staff concluded that the requested extension date of October 31, 1979 should be extended to December 31, 1979.

This action involves no significant hazards consideration; good cause has been shown for the delays; an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with the extension; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation of request for extension.

For further details with respect to this action, see (1) the applicant's request for extension of the construction permit completion date for Diablo Canyon, Unit 1 dated May 24, 1979, and (2) the staff's related evaluation, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room located in San Luis Obispo County Free Library, P.O. Box X, San Luis Obispo, California 93406.

It is hereby ordered that the latest completion date for CPPR–39 is extended from June 30 1979 to December 31, 1979 for Unit 1.

Date of Issuance: July 11, 1979.

For the Nuclear Regulatory Commission.

D. B. Vassallo,

Acting Director, Division of Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 79-22473 Filed 7-19-79; 8:45 am]

BILLING CODE 7590-01-M

[Project M-25]

Uranium Milling; Extension of Comment Period for the Draft Generic Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, Notice has been given (April 27, 1979, 44 FR 24963) that a Draft Generic Environmental Impact Statement (GEIS) on Uranium Milling, prepared by the Commission's Office of Nuclear Material Safety and Safeguards, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. Notice of the Commission's intent to prepare such a statement was published in the **Federal Register** on June 3, 1976, (41 FR 22430). A proposed scope and outline for the study was published on March 14, 1977 (41 FR 13874). The Draft Environmental Statement has also been made available at the State Clearhouses. Requests for single copies of the Draft Environmental Statement (identified as NUREG–0511) should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control.

As stated in the **Federal Register** Notice announcing the availability of the Draft GEIS, regulation changes have been developed which incorporate conclusions of the Draft GEIS and implement provisions of the "Uranium Mill Tailings Radiation Control Act of 1978." Because several provisions of the recently enacted legislation have required extensive legal analysis the regulation changes are just now ready to be proposed. It is expected that the regulation change will be formally proposed in a couple of weeks. Since the bases for many of the regulation changes are developed in the Draft GEIS, it is essential that they be considered together. Therefore, the comment period on the Draft GEIS is being extended sixty (60) days from July 26, 1979, to September 24, 1979, in order to provide adequate time for review.

It is the intention of the staff to hold public hearings to allow interested persons to make statements and comments for the record on the GEIS and proposed regulation changes. It is expected that these hearings will be held in September. Notice of the specific time and place of these public hearings will be published in the **Federal Register.**

Comments on the Draft Environmental Statement from interested persons should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Waste Management.

Dated at Silver Spring, Maryland, this 13th day of July, 1979.

For the Nuclear Regulatory Commission.

Ross A. Scarano,

Chief, Uranium Recovery Licensing Branch, Division of Waste Management.

[FR Doc. 79-22471 Filed 7-19-79; 8:45 am]

BILLING CODE 7590-01-M

PANAMA CANAL COMPANY

Canal Zone Government; Privacy Act of 1974; New System of Records

AGENCY: Panama Canal Company/Canal Zone Government.

ACTION: New System of Records.

SUMMARY: The Panama Canal Company and the Canal Zone Government have established a new system of records called the "Personnel Information System, PCC–CZG/PR–7." A description of the new system is published below.

By letter dated December 28, 1978, the Canal agencies advised the Office of Management and Budget (OMB) of their intention to establish this system of records and requested a waiver of the sixty-day advance notice requirement. OMB granted the waiver on February 2, 1979.

These agencies sent a report on the new system to the Office of Management and Budget, the Senate, and the House of Representatives on July 13, 1979.

The new system, maintained by the Personnel Bureau, is the result of combining information in a new computerized personnel file with information in an existing automated payroll system of records, "Payroll Master File for Panama Canal Company and Canal Zone Government Employees, PCC–CZG/FVAP–1." The new automated personnel file contains employment-related data in coded form (such as retention register data, repatriation/travel eligibility data, and priority placement program/reemployment placement program eligibility data) for each active employee of the Canal agencies. This data is combined with the information in the Payroll Master File system FVAP–1 to produce the new system of records PR–7. The information is retrievable from the system by employee name or identification number.

Establishment of the new system of records did not involve the collection of any new information from employees or the general public; it consisted of the computerization of employment-related data from files and records that are presently manually maintained, such as Standard Form 50, Official Personnel

Folders, and documents prepared for treaty planning purposes.

The immediate purpose for establishing the new system was to facilitate planning for implementation of the Panama Canal Treaty of 1977 and related agreements, which will enter into force on October 1, 1979. The Canal Zone Government and the Panama Canal Company will cease to exist pursuant to the terms of the treaty and a new United States agency, the Panama Canal Commission, will be established. Although under the terms of the treaty and related agreements, and as provided in proposed implementing legislation, the Commission will perform certain of the functions previously performed by the Government and Company, many significant functions now performed by these agencies will be transferred to the Department of Defense or the Government of Panama, or will cease to exist. Because of the impending changes, the Personnel Bureau must be ready to process transfer-of-function, reduction-in-force, and retirement actions affecting nearly half of the Canal agencies' present 14,000 employees. The secondary and general purpose for establishment of the new system was to obtain a flexibility that would enable an immediate response, in varying report formats, to the increased present and future demands for specific employment-related reports.

DATES: These agencies invite the submission, by any member of the public, of written data, views or arguments concerning the intended routine uses of the information in this system. To be considered, comments must be received within thirty days (August 21, 1979) of the publication date of this notice. If no comments requiring modification of the routine uses are received, the routine uses will become effective on August 22, 1979.

ADDRESS: Send comments to: K. E. Goldsberry, Acting Agency Records Officer (Acting Chief, Administrative Services Division), Panama Canal Company, Box M, Balboa Heights, Canal Zone. Mark all comments: PR–7.

FOR FURTHER INFORMATION CONTACT: Hazel M. Murdock, Assistant to the Secretary, Panama Canal Company, Suite 312, Pennsylvania Building, 425 13th St., N.W., Washington, D.C. 20004, 202–724–0104.

Dated: July 23, 1979.

Clarence C. Payne,

Acting Administrative Assistant to the Governor-President.

PCC–CZG/PR–7

SYSTEM NAME:

Personnel Information System, PCC–CZG/PR–7.

SYSTEM LOCATION:

Management Information Systems, Panama Canal Company, Administration Building, Balboa Heights, Canal Zone; and Personnel Bureau, Ancon, Canal Zone.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current employees of the Panama Canal Company and Canal Zone Government in permanent and temporary positions. After September 30, 1979, all employees terminated through reduction-in-force procedures who participate in a priority reemployment program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, employee identification number and employment-related and retention register data in an automated personnel file, in combination with the information in the automated system of records, the "Payroll Master File for Panama Canal Company and Canal Zone Government Employees, PCC–CZG/FVAP–1."

Records in FVAP–1 include: birthdate; Social Security number; veteran preference; tenure; present position occupational code; position number; security classification; wage category; grade; salary; tenure conversion date; step increase due date; work week; roll and gang; Federal service date; Panama Canal service date; FEHBA plan; FEGLI income tax data; travel leave; residence; citizenship; sex; marital status; physical exam; position rate number; timing unit; pay basis; and annual premium compensation.

Records in the automated personnel file include: outstanding performance rating; status of position; target grade of position; temporary promotion indicator; competitive level; eligibility for repatriation and vacation leave travel; APRTE (actual place of residence at time of employment). The automated personnel file also includes information needed for proper administration of personnel programs and policies in accordance with the Panama Canal Treaty of 1977 and related agreements, such as coded information identifying employees who are: entitled to grade and pay retention; eligible for early optional retirement; covered by the Panama Social Security System; subject to a 5-year rotation plan; reemployed within six months of effective date of the treaty; Panamanian employees who have been promoted/trained; U.S. and non-U.S. citizen employees who are married to Panamanians or who have resided in the Republic of Panama at least ten years. The Reemployment Priority List (former employees terminated through RIF) will contain information as to qualifications for reemployment in or promotion to specific occupational series and grade levels.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., CHapters 35, 45, 55; 2 C.Z.C. 31–33, 65, 66, 101, 121, 141 et seq., 76A Stat. 7, 11, 14–20, 86 Stat. 215.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be:

a. Disclosed to the following agencies and organizations, in connection with their authorized functions: Office of Personnel Management; Merit Systems Protection Board; Internal Revenue Service; Social Security Administration; General Accounting Office; U.S. military agencies; state unemployment compensation offices; city, county, and state tax offices; employee credit unions; banks; insurance carriers; employee and professional organizations; and Combined Federal Campaign.

b. Disclosed to officials of labor organizations when relevant and necessary to their duties concerning personnel policies, practices, and matters affecting working conditions.

c. Used to promote the incentive awards program through the local news media.

d. Disclosed to prospective employers or other organizations, at the request of the individual.

e. Used in the selection process by the agency in connection with appointments, transfers, promotions, or qualifications determinations. To the extent relevant and necessary, it will be furnished upon request to other agencies for the same purpose.

f. Used to provide statistical reports to Congress, U.S. Government agencies, the Government of Panama, and the public on characteristics of the Federal work force.

g. Used in the production of summary descriptive statistics and analytical studies; may also be used to respond to

general requests for statistical information (without personal identifier) under FOIA; or to locate individuals for personnel research or other personnel research functions.

h. Disclosed to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.

i. Disclosed in accordance with the general uses listed in the "Prefatory Statement of General Routine Uses" published at 41 FR 41358 and in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes and disks; computer printouts; and paper records.

RETRIEVABILITY:

By employee identification number, by name, and by any or all of the categories of information in the system.

SAFEGUARDS:

A combination of standard physical security measures, appropriate management information practices, and computer system/network security controls are used to protect these records. Safeguards include: batch controls; computer processing controls; access to both hard copy documents and computer files retricted to authorized personnel; restricted on-line access, with authorization limited in accordance with user-entered confidential identifying code and access code. A special coordinator has been designated by the system manager to maintain control of all input documents and issuance of report information. Printouts are produced only upon written request from the system manager. Reports, tapes, and disks are kept in a locked cabinet or secure area when not in use.

RETENTION AND DISPOSAL:

Input paper records are retained for two years and then destroyed. Printouts are retained up to six months and then destroyed. Records are deleted from magnetic tapes or disks after termination of employee. Tapes and disks are erased and reused. An exception to the normal retention period is made for records relevant to a reduction in force: information about all employees on the rolls immediately prior to the RIF is retained on tape/disk for up to two years; and printouts of information about terminated employees participating in the reemployment priority program and demoted employees participating in the priority promotion program are retained for up to two years.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Director, Panama Canal Company, Balboa Heights, Canal Zone.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of the officials designated in Notification Procedure, preceding.

CONTESTING RECORD PROCEDURES:

Rules governing how an individual may request the amendment of any information about him in this system, are published in 35 CFR Part 10.7.

RECORD SOURCE CATEGORIES:

Subject employee; personnel action forms (SF 50); Official Personnel Folders, Incentive Award Files; documents prepared for treaty planning purposes; the agency payroll master file; and computer-generated and manual calculations from varied input data.

[FR Doc. 79–22561 Filed 7–19–79; 8:45 am]

BILLING CODE 3640–01–M

POSTAL RATE COMMISSION

[Docket No. A79–23]

Notice and Order of Filing of Appeal, Clinchport, Va.

In the Matter of Clinchport, Virginia 24227 (Cora Carter, Petitioner).

Issued: July 11, 1979.

On July 5, 1979, the Commission received a handwritten letter from Cora Carter (hereinafter "Petitioner"), concerning alleged United States Postal Service plans to close the Clinchport, Virginia, post office. Although the letter makes no explicit reference to the Postal Reorganization Act, we believe it should be liberally construed as a petition for review pursuant to § 404(b) of the Act [39 U.S.C. § 404(b)], so as to preserve Petitioner's right to appeal which is subject to a 30-day time limit.[1] Since the petition was apparently not written by an attorney, it does not conform perfectly with the Commission's rules of practice which also require a petitioner to attach a copy of the Postal Service's Final Determination to the petition.[2] However, § 1 of the Commission's rules of practice calls for a liberal construction of the rules to secure just and speedy determination of issues.[3]

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing so as to ". . . ensure that such persons will have an opportunity to present their views." [4] The petition requests that the decision to close the Clinchport post office be reversed. From the face of the petition it is unclear whether the Postal Service provided 60 days' notice, whether any hearings were held, and whether a determination has been made under 39 U.S.C. § 403(b)(3). (Petitioner failed to supply a copy of the Postal Service's Final Determination, if one is in existence.) The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[5]

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[6]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to consolidate post offices. The effect on the community is also a mandatory consideration under § 404(b)(2)(A) of the Act. The Petitioner alleges that there are several families presently residing in Clinchport and they depend on the post office for its services and for the identity of the town.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its regulations for the discontinuance of post offices.[7]

---

[1] 39 U.S.C. § 404(b)(5). 39 U.S.C. § 404(b) was added to title 39 by Pub. L. 94–421 (September 24, 1976), 90 Stat. 1310–1311. Our rules of practice governing these cases appear at 39 C.F.R. § 3001.110 *et seq.*

[2] 39 CFR § 3001.111(a).

[3] 39 CFR § 3001.1.

[4] 39 U.S.C. § 404(b)(1).

[5] 39 CFR § 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

[6] 39 U.S.C. § 101(b).

[7] 42 Fed. Reg. 59079–59085 (11/17/77); the Commission's standard of review is set forth at 39 U.S.C. § 404(b)(5).

Upon preliminary inspection, the petition appears to raise the following issues of law:

1. Did the Postal Service adequately consider that the Clinchport post office is a "tradition" in the town, in assessing the effect on the community under § 404(b)(2)(A)?

2. Did the Postal Service take appropriate account of the relocation of Clinchport residents apparently required by a Tennessee Valley Authority project?

3. Should the Postal Service consider the number of people served by the post office and the number of rural routes emanating from the post office, in relation to other nearby post offices, in considering the effectiveness of postal services under § 404(b)(2)(C)?

4. Did the Postal Service adequately assess economic savings under § 404(b)(2)(D)?

Other issues of law may become apparent when the Commission has had the opportunity to examine the determination made by the Postal Service. Such additional issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in *Lone Grove, Texas, et al.*, Docket Nos. A79-1, *et al.* (May 7, 1979). Conversely, the determination may be found to resolve adequately one or more of the issues described above.

In view of the above, and in the interest of expedition of this proceeding under the 120-day decisional deadline imposed by § 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above, and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation of any such issue, it will, within 20 days of receiving the determination and record pursuant to § 113 of the rules of practice (39 CFR § 3001.113), make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be due within 20 days of its issuance, and a copy of the memorandum shall be served on Petitioner by the Service.

In briefing the case, or in filing any motion to dismiss for want of prosecution, in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in § 404(b) cases, and none is being appointed.[8]

The Commission orders (A) The letter of July 5, 1979, from Cora Carter shall be construed as a petition for review pursuant to § 404(b) of the Act [39 U.S.C. § 404(b)].

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

(C) The Postal Service shall file the administrative record in this case on or before July 20, 1979, pursuant to the Commission's rules of practice [39 CFR § 3001.113(a)].

By the Commission.

David F. Harris,

Secretary.

Appendix

July 5, 1979—Filing of Petition.
July 11, 1979—Notice and Order of Filing of Appeal.
July 20, 1979—Filing of record by Postal Service [*see* 39 CFR § 3001.113(a)].
July 25, 1979—Last day for filing of petitions to intervene [*see* 39 CFR § 3001.111(b).
August 4, 1979—Petitioner's initial brief [*see* 39 CFR § 3001.115(a)].
August 19, 1979—Postal Service answering brief [*see* 39 CFR § 3001.115(b)].
September 3, 1979—(1) Petitioner's reply brief, if petitioner chooses to file such brief [*see* 39 CFR § 3001.115(c)].
(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.
November 2, 1979—Expiration of 120-day decisional schedule [*see* 39 U.S.C. § 404(b)(5)].

[FR Doc. 79-22-444 Filed 7-19-79; 8:45 am]
BILLING CODE 7715-01

PRESIDENT'S COMMISSION ON PENSION POLICY

Meetings

The President's Commission on Pension Policy has scheduled meetings as follows:

August 21, 1979, of the Study Group on Present and Future Income Needs of the Retired and Disabled Population, a panel presentation and public comments on retirement ages, in Room 2010 of the New Executive Office Building, 726 Jackson Place, N.W.; Washington, DC; commencing at 9:30 a.m.

September 7, 1979, of the Study Group on Pension Policy and the Economy, to review a background paper on ownership, management and control of pension fund assets, in the library of the President's Commission on Pension Policy, 736 Jackson Place, N.W.; Washington, DC; commencing at 9:00 a.m.

September 28, 1979, of the full Commission, on the mix of public versus private pension plans and savings, in Room 2008 of the New Executive Office Building, 726 Jackson Place, N.W.; Washington, DC; commencing at 8:30 a.m.

September 29, 1979, of the Study Group on the Ability of the Present U.S. Pension Systems to Meet the Needs of the Retired, Disabled and Their Survivors, a public hearing on disability, in Room 2010 of the New Executive Office Building, 726 Jackson Place, N.W.; Washington, DC; commencing at 9:00 a.m.

October 10, 1979, of the Study Group on Pension Policy and the Economy, a public symposium on integration of social security and private pensions, in Room 2008 of the New Executive Office Building, 726 Jackson Place, N.W.; Washington, DC; commencing at 9:00 a.m.

October 24, 1979, of the Present and Future Income Needs of the Retired and Disabled Population, a public hearing on income adequacy, in the Detroit Plaza Hotel, Renaissance Center, Detroit, Michigan, commencing at 10:00 a.m.

November 29, 1979, of the Study Group on Pension Policy and the Economy, a public hearing on tax treatment of pension contributions and benefits, in Room 2008 of the New Executive Office Building, 726 Jackson Place, N.W.; Washington, DC; commencing at 9:00 a.m.

November 30, 1979, of the full Commission, in Room 2008 of the New Executive Office Building, 726 Jackson Place, N.W.; Washington, DC; commencing at 8:30 a.m.

December 1, 1979, of the Study Groups on Present and Future Income Needs of the Retired and Disabled Population, and the Ability of the Present U.S. Pension Systems to Meet the Needs of the Retired, Disabled and Their Survivors, a public hearing on pension income and coverage of women and minorities, in Room 2010 of the New Executive Office Building, 726 Jackson Place, N.W.; Washington, DC; commencing at 9:30 a.m.

December 11, 1979, of the Study Group on Pension Policy and the Economy, a public hearing on ownership, control and management of pension fund assets, at a location to be announced.

[8] *In the Matter of Gresham, S.C., Route No. 1*, Docket No. A78-1 (May 11, 1978).

The meetings will be open to observation by the public. Persons interested in attending should address a letter to the President's Commission on Pension Policy, 736 Jackson Place, N.W.; Washington, DC 20006. Admission of observers will be on the basis of the earliest postmark date and to the extent space is available. The Commission's telephone number is (202) 395–5132.

Members of the public may file a written statement concerning the subject of one of these meetings by making a written request to the Executive Director at least 10 days prior to the date of the meeting. The request should outline the nature of the testimony to be presented and it should summarize the contents of the statement to be made.

Thirty (30) copies of the formal statement to be made (not to exceed 15 minutes in length) must be received by the Commission 10 days prior to the meeting.

Additional information may be obtained by calling Phillip L. Sparks, Director of Public Affairs, at the telephone number listed above.

Signed at Washington, D.C. this 17th day of July 1979.

Thomas C. Woodruff,

Executive Director.

[FR Doc. 79–20474 Filed 7–19–79; 8:45 am]

BILLING CODE 6820–99–M

SMALL BUSINESS ADMINISTRATION

[License Nos. 01/01–0278 and 01/01–0291]

Advent Capital Corp. and Devonshire Capital Corp.; Filing of Applications for Approval of Conflict of Interest Transactions Between Associates

Notice is hereby given that Advent Capital Corporation (Advent) and Devonshire Capital Corporation (Devonshire), each being located at 111 Devonshire St., Boston, Massachusetts 02109, and Federal Licenses under the Small Business Investment Act of 1958, as amended, have filed applications pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1979)), for approval of conflict of interest transactions.

Advent and Devonshire desire to provide financing in the total amount of up to $600,000 and $425,000, respectively, through the purchase of up to $512,500 Principal Amount of Subordinated 10% Convertible Debentures, and up to $512,500 Principal Amount of Subordinated 14% Non-Convertible Debentures to be issued by Functional Automation, Inc. (Functional), One Executive Drive, Hudson, New Hampshire 03050. These financings are part of a financing package totaling $7,500,000 which is being arranged for the purpose of providing Functional additional funds needed to develop a new computer system, and to enable Functional to acquire Datamedia Corporation, 7300 North Crescent Blvd., Pennsauken, New Jersey 08110, a company engaged in a related business.

The stockholders in both Advent and Devonshire are collectively the holders of approximately 14% of the presently outstanding shares of Functional's common stock. These stockholders intend to invest in additional shares of common stock to be issued by Functional in connection with the above mentioned financing package, to the extent they will collectively own approximately up to 19% of Functional's common stock. Consequently, these stockholders are deemed to be "Associates of a Licensee" as that term is defined under § 107.103 of the Small Business Administration's Regulations. Pursuant to the provisions of § 107.1004(b)(1) of SBA's Regulations, this application requires Advent and Devonshire to obtain an exemption from the SBA in order to provide their proposed financings to Functional.

Notice is hereby given that any person may, not later August 6, 1979, submit written comments to SBA on the proposed financings. Any such comments should be addressed to the Acting Associate Administrator for Finance and Investment, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by Advent Capital Corporation and Devonshire Capital Corporation in a newspaper of general circulation in Boston, Massachusetts.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 12, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79–22548 Filed 7–19–79; 8:45 am]

BILLING CODE 8025–01–M

Designation of Eligibility Asian Pacific Americans Under Section 8(a) and 8(d) of the Small Business Act

Pursuant to the provisions of 13 CFR 124.1–1(c)(3)(iii)(D), this shall constitute notice that Asian Pacific Americans, which group shall include U.S. citizens whose origins are from Japan, China, the Philippines, Viet Nam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia and Taiwan (hereafter group), are hereby designated by the Small Business Administration as a minority group which has members who are socially disadvantaged because of their identification as members of this group, for the purposes of eligibility for SBA's section 8(a) program.

On May 22, 1979, SBA received a request for designation and supporting data on behalf of the group and a subsequent notice and request for comments was published in the **Federal Register** on May 30, 1979. As a result of this notice, additional comments, both oral and written, were received by SBA in favor of the designation of the group as socially disadvantaged. The SBA did not receive any comments in opposition to this designation.

The data and information which was received by SBA was duly evaluated and is hereby found to be sufficient. This data is available for inspection at the Office of the Associate Administrator for Minority Small Business and Capital Ownership Development, 1441 L Street, N.W., Washington, D.C. 20416.

Notice is hereby further given that pursuant to Section 211 of Pub. L. 95–507, Section 8(d) of the Small Business Act, 15 U.S.C. 637(d) [the subcontracting program], for the purposes of this section only, a contractor of the Federal Government shall presume that socially and economically disadvantaged individuals include Asian Pacific Americans.

Dated: July 6, 1979.

William A. Clement, Jr.,

Associate Adminsitrator for Minority Small Business and Capital Ownership Development, Small Business Administration.

A. Vernon Weaver,

Administrator, Small Business Administration.

[FR Doc. 79–22552 Filed 7–19–79; 8:45 am]

BILLING CODE 8025–01–M

[Proposed License No. 06/06–0223]

Enerpex Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1979)), under the name of Enerpex Capital Corporation, Suite 1506, One Houston Center, Houston, Texas 77002, for a

license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

This will be a foreign-owned SBIC. It is the intent that the equity capital of the Applicant will be provided by non-resident, non-U.S. citizens. The Board of Directors of the Applicant will at all times be composed of a majority of U.S. citizens and residents. All of the officers of the Applicant are and will be U.S. citizens and residents.

The proposed officers, directors and shareholders are as follows:

Norman J. Singer, 3309 E. 7th Avenue, Denver, Colorado 80206; President, Director.
Shelton Jones, 1122 Southwest Tower, Houston, Texas 77002; Secretary, Treasurer, Director.
Jan Norris, 6403 Delmonte, No. 29, Houston, Texas 77057; Assistant Secretary.
T. Ananda Krishnan, 41 Cadogan Street, London, England; Director, 100 percent owner of the common stock.
Manro T. Oberwetter, 3300 Two Houston Center, Houston, Texas 77002; Director.
Marc F. Wray, 1 Pine Forest Circle, Houston, Texas 77056; Director.

There will be two classes of stock. Common stock with 300,000 shares authorized and preferred stock with 100,000 shares authorized. Initially, Mr. Krishnan will own all of the issued and outstanding common stock (110,000 shares at $1.00 per share). Also, it is proposed to initially sell 4,500 shares of preferred stock at $100.00 per share to 4 or 5 investors. As such, the initial paid-in capital and paid-in surplus will be $560,000.

The ultimate goal is a private capital of approximately $9,350,000 through the additional sale of preferred stock to approximately 100 preferred shareholders. The holders of the common shares will be entitled to elect up to five (5) of the proposed nine-person Board of Directors. The holders of the preferred stock will be entitled to elect up to four (4) members. As such, the power of control will remain vested in the common shareholders.

In view of the disproportionate control as compared to funds invested, it is necessary that the Applicant provide SBA with certification from each investor that he is aware of this manner and means of capitalization and control.

The Applicant has represented that it is aware of the SBA prohibitions against foreign investments (§ 107.1001(e)) and confirms that no funds will be used outside the United States.

Initially, the Applicant proposes to conduct its operations within the State of Texas. The Applicant intends as much as practical to emphasize equity investments rather than loan finance. Preliminary discussions indicate emphasis on providing financial assistance to support and service industries to the energy-related fields. Also, the Applicant intends to provide management consulting services to its clients and other small business concerns. It will also have available the technical services of geologists and engineers to assist small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than August 6, 1979, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice will be published by the Applicant in a newspaper of general circulation in Houston, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 16, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-22550 Filed 7-19-79; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0362]

Pines Venture Capital Corp.; Issuance of a Licnese To Operate as a Small Business Investment Company

On Februuary 5, 1979, a Notice was published in the **Federal Register** (44 FR 7003) stating that Pines Venture Capital Corporation, 5 World Trade Center, New York, New York 10048, had filed an application with the Small Business Administration pursuant to § 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.102 (1979)), for a license to operate as a small business investment company.

Interested parties were given until the close of business February 20, 1979, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA on July 5, 1979, issued License No. 02/02-0362 to Pines Venture Capital Corporation pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 16, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-22551 Filed 7-19-79; 8:45 am]

BILLING CODE 8025-01-M

[License No. 01/01-0072]

Vermont Investment Capital, Inc.; Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an Application has been filed with the Small Business Administration pursuant to § 107.701(a) of SBA Regulations (13 CFR 107.701(a)1979)), for the Transfer of Control of the Vermont Investment Capital, Inc. (VICI), a Vermont corporation, and a Federal Licensee under the Small Business Investment Act of 1958, as amended (ACT), with its office located at Route 14, P.O. Box 84, South Royalton, Vermont 05068. At the present time the officers, directors and stockholders of VICI are as follows:

Names, Addresses, Relationship, and Percentage of Shares Owned

Philip Kratky, Route 14, P.O. Box 84, South Royalton, Vermont 05068; President and Director; 50 percent.
Harold Jacobs, Route 14, P.O. Box 590, South Royalton, Vermont 05068; Vice President, Treasurer and Director; 50 percent.
Rita Jacobs, Route 14, P.O. Box 590, South Royalton, Vermont 05068; Secretary and Director; 0 percent.
William T. Anderson, 189 Lakeside Ave. P.O. 561, Burlington, Vermont 05801; Director; 0 percent.

Mr. Jacobs has agreed to purchase all of the shares of VICI's Common Stock, $1 Par Value held by Mr. Kratky, and to assume all liabilities of VICI as reflected on its financial statement as of March 31, 1979.

At a Special Meeting of the Board of Directors, shareholders, and Officers of VICI held on May 22, 1979, and attended by all of the individuals named above, the proposed transfer of shares was agreed upon subject to SBA approval, to be effective as of April 1, 1979, and on

the condition that there will be no change in VICI's location, Board of Directors, or management for one year after April 1, 1979.

Notice is hereby given that any person may, not later than August 6, 1979, submit written comments on this Application to the Acting Associate Administration, for Finance and Investment, Small Business Administration, 1441 L St. NW., Washington, D.C. 20416.

A similar Notice shall be published by VICI in a newspaper of general circulation in South Royalton, Vermont 05068.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 6, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-22549 Filed 7-19-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Customs Service

Certain Textiles and Textile Products From Pakistan; Initiation of Countervailing Duty Investigation and Preliminary Determination

AGENCY: United States Treasury Department, Customs Service.

ACTION: Initiation of Countervailing Duty Investigation and Preliminary Determination

SUMMARY: This notice is to advise the public that the Treasury Department is initiating an investigation in order to determine whether benefits granted to manufacturers and exporters of certain textiles and textile products by the Government of Pakistan constitute a bounty or grant within the meaning of the countervailing duty law. A preliminary determination that these products do so benefit is being issued simultaneously. A final determination will be made not later than six months from the date of publication in the **Federal Register** (January 21, 1980), but is expected prior to that date.

EFFECTIVE DATE: July 20, 1979.

FOR FURTHER INFORMATION CONTACT: Donald W. Eiss, Office of Tariff Affairs, U.S. Treasury Department, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220 (202-566-8256)

SUPPLEMENTARY INFORMATION: On July 13, 1979, Treasury Decision (T.D.) 79-188 was published in the **Federal Register** (44 FR 40884). In that decision the Treasury Department determined that it was appropriate to impose countervailing duties on all entries, or withdrawals from warehouse, for consumption of certain textiles and textile products from Pakistan.

For purposes of this notice, "textile mill products" include yarn, fabrics, household textiles, miscellaneous products of textile mills, and certified handloom and folklore products, made of cotton, wool and man-made fibers, as specified in U.S. bilateral textile agreements, and as described by the Tariff Schedules of the United States Annotated (TSUSA) item numbers set forth in the appendix to the **Federal Register** notice published on October 13, 1978 (43 FR 47340). "Men's and boys' apparel" includes those items described by TSUSA item numbers in the appendix to the above-cited **Federal Register.** All Pakistani exports of men's and boys' apparel and textile mill products are made of cotton and, therefore, T.D. 79-188 was limited to merchandise made from cotton. The following products were covered by that countervailing duty order: (1) Cotton thread, (2) cotton yarn, (3) cotton cloth, (4) cotton hosiery and (5) cotton garments and other made-ups. Manufacturers of cotton towels were also found to have received benefits from the Government of Pakistan but such benefits were determined to be *de minimis* and were therefore excluded from the imposition of countervailing duties under T.D. 79-188.

Two programs were identified in T.D. 79-188 as having constituted the bestowal of "bounties or grants." They were: (1) reductions in the total income tax liability of firms which export; and (2) short time export financing at preferential rates for up to 90 days.

The Treasury Department has now learned of a third program which has been available to manufacutrers/exporters of Pakistan textiles and, which, if utilized, would constitute the bestowal of a bounty or grant in addition to those already determined to exist. This program involves cash payments to the Pakistani textile industry on the exportation of textile products at a fixed percentage of the f.o.b. value of the exported product. The Treasury Department is therefore intitating an investigation to determine the extent to which this program has been utilized by manufacturers/exporters of Pakistani textiles. The investigation will include cotton towels excluded from T.D. 79-188.

Based upon Treasury's knowledge that this program was established specifically to benefit the Pakistani textile industry, and the substantial size of the possible benefits involved (from 7½ to 12½ percent of the f.o.b. value of the exported goods), it is deemed appropriate at this time to issue a preliminary determination, and it is hereby preliminarily determined, pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), that cash payments as a fixed percentage of the f.o.b. value of exported cotton textile items upon exportation of those items constitute the payment or bestowal, directly or indirectly, of "bounties" or "grants" within the meaning of section 303 of the Tariff Act of 1930, as amended.

A final decision in this case is due on or before six months from date of publication in the **Federal Register** (January 21, 1980). However, it is expected that a final determination will be made prior to that date. Therefore, written submissions of relevant data, views, or argument regarding this preliminary determination should be provided in time to be received on or before two weeks from the date of publication in the **Federal Register** August 3, 1979. Submissions should be addressed to Mr. Richard B. Self, Director, Office of Tariff Affairs, Room 1124, U.S. Treasury Department, 15th Street and Pennsylvania Avenue, NW., Wahington, D.C. 20220.

For those products covered by T.D. 79-188, liquidation of entries, or withdrawals from warehouse, for consumption will continue and the deposit of estimated countervailing duties in the amounts set out in that decision will be required.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended, (19 U.S.C 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order No. 101-5, May 16, 1979, the provisions of Treasury Department Order 165, Revised, November 2, 1954, and § 159.47 of the Customs Regulations (19 CFR 159.47, insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

Robert H. Mundheim

General Counsel of the Treasury.

July 16, 1979.

[FR Doc. 79-22547 Filed 7-19-79; 8:45 am]

BILLING CODE 4810-22-M

Internal Revenue Service

[Delegation Order No. 149 (Rev. 1)]

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: This delegation of authority is revised to authorize the Chief, Collection Branch in the Compliance Division, Cincinnati Service Center, to levy on wages, salaries, other income and bank deposits in the possession of third parties, to issue final demand for enforcement of levy and to release levy and return property.

Note.—This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for November 8, 1978.

EFFECTIVE DATE: July 11, 1979.

FOR FURTHER INFORMATION CONTACT: Donald R. Schumacher, 1111 Constitution Avenue, NW., RM 3515, Washington, D.C. 20224, (202) 566–6398 (Not Toll Free).

Donald R. Schumacher,

Staff Assistant to Assistant Commissioner (Compliance).

Date of issue: July 11, 1979; Effective Date: July 11, 1979.

Delegation of Authority to Levy on Property in Hands of Third Parties

The Authority vested in the Commissioner of Internal Revenue by 26 CFR 301.7701–9, 301.6331–1, 301.6332–1, 301.6332–2, and 301.6343–1, to levy on wages, salaries, other income and bank deposits in the possession of third parties, to issue final demand for enforcement of levy, and to release levy and return property is hereby delegated to the Chief, Collection Branch in the Compliance Division, Cincinnati Service Center.

The authority to levy on wages, salaries, other income and bank deposits in the possession of third parties and to release levy and return property may be redelegated only to Collection Branch personnel in the GS–1169 series and to selected GS–592–7 Tax Examiners; or, if there are no GS–592–7 Tax Examiners, the redelegation may be made to selected GS–592–6 Tax Examiners.

The authority to issue final demand for enforcement of levy may be redelegated only to GS–1169 series personnel in the Collection Branch.

William E. Williams,

Acting Commissioner.

[FR Doc. 79–22540 Filed 7–19–79; 8:45 am]

BILLING CODE 4830–01–M

INTERSTATE COMMERCE COMMISSION

[MC 136981 (Sub-11) F]

Blair Cartage, Inc., Extension—Lamp Products, Parts, and Materials, Newbury, Ohio

Decided: June 21, 1979.

Applicant seeks by amended application a permit authorizing operations substantially as described in the appendix. The evidence has been considered under the modified procedure.

Port Norris Express Co., Inc., is the sole remaining protestant in this proceeding. However, in its letter of February 15, 1979, Port Norris states that its interest will be eliminated by the Commission's acceptance of the amendment to the application proffered in applicant's letter of February 13, 1979, and that protestant will withdraw its opposition contingent upon the Commission's acceptance of the amendment. Applicant's amendment would restrict the authority granted against the transportation of sand, gravel, clay, pitch, and cullet from points in Cumberland, Gloucester, Atlantic, Camden, Burlington, and Cape May Counties, NJ. Applicant also seeks to amend the application so as to restrict against the transportation of commodities in bulk. As the proposed amendments are restrictive and not otherwise objectionable, they will be accepted. The proceeding is rendered unopposed by this action, and detailed discussion of the evidence is unnecessary.

The proposed service qualifies as contract carriage as defined in 49 U.S.C. 10102(12) (formerly section 203(a)(15) of the Interstate Commerce Act) because applicant will serve a limited number of persons (i.e., three), and because the proposed service meets the first alternative test of that section, dedication of equipment to the exclusive use of the supporting shipper.

Our consideration of the evidence under the criteria of 49 U.S.C. 10923(b)(2) (formerly section 209(b) of the Act) reveals that a grant of authority is warranted. An examination of the documents filed in this proceeding indicates that, apparently due to a clerical error, the word "manufacture" was inadvertently omitted from part 2 of the application notice published in the **Federal Register** on September 5, 1978. With the exception of applicant's letter of October 20, 1978, which also omits "manufacture," all of applicant's and shipper's recitations of the sought authority indicate that applicant seeks authority to transport "* * * (2) materials and supplies used in the manufacture and distribution of the commodities in part (1) * * *." The authority granted will include the unintentionally omitted word "manufacture."

Consequently, the authority granted will exceed to a certain extent the scope of the authority described in the notice of the filing of the application as published in the **Federal Register.** Since it is possible that other persons who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the appendix, a notice of the authority actually granted will be published in the **Federal Register** and issuance of a certificate in this proceeding will be withheld on or before August 20, 1979. During that period any proper person in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been prejudiced.

Applicant holds common carrier authority under its certificate in No. MC–143066 (Sub-1). Therefore, in accordance with the ruling in Ex Parte No. 55 (Sub-27), *Dual Operations,* decided March 24, 1978, 49 CFR 1004.3, the usual reservation of Commission jurisdiction will be imposed in the certificate.

The authority granted in this decision and applicant's other authority which it duplicates shall not be construed as conferring more than a single operating right.

We find: Operation by applicant performing the service described in the appendix, will be consistent with the public interest and the national transportation policy. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. An appropriate permit should be granted. This decision does not significantly affect the quality of the human environment.

It is ordered: The proposed amendments will be accepted.

The application is granted to the extent set forth in the appendix.

Operations may begin only following the service of a *permit* which will be issued if applicant complies with the following requirements set forth in the Code of Federal Regulations: Insurance (49 CFR Part 1043), designation of process agent (49 CFR Part 1044), Contracts (49 CFR Part 1053), and freight rate schedules (49 CFR Part 1307), and with the condition in the appendix.

Compliance with these requirements must be made within 120 days after the date of service of this decision or the grant of authority shall be void.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

H. G. Homme, Jr.,

Secretary.

Appendix

Authority to conduct the following operations will be issued in an appropriate document. This decision does not constitute authority to operate.

To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *litharge, nepheline synenite, soda ash, glass bulbs, glass rods, glass tubing, glassware, metal racks, cullet, electric lamps, batteries, battery chargers, lighting fixtures, holiday decorations, packaging materials, steel nestainers, lamp ballast, sand, potash, metals displays, borax, borax products, paints, dolomities, lamps bases, compressed gases in cylinders, and nitrate* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in part (1) above, between points in Alabama, Connecticut, Delaware, Indiana, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, and the District of Columbia, restricted against the transportation of commodities in bulk, and restricted against the transportation of sand, gravel, clay, pitch, and cullet from points in Cumberland, Gloucester, Atlantic, Camden, Burlington, and Cape May Counties, NJ, under continuing contract(s) with General Electric Company of Cleveland, OH.

Condition for Issuance of a Permit

A notice of the authority granted by this decision will be published in the **Federal Register**, and at the expiration of 30 days thereafter a permit will be issued: *Provided*, That in the interim no person in interest has filed a petition for leave to intervene in the proceeding.

[FR Doc. 79-22465 filed 7-19-79; 8:45 am]

BILLING CODE 7035-01-M

[MC 119789 (Sub-450) F]

Caravan Refrigerated Cargo, Inc., Extension—Denver Beef, Dallas, Tex.

Decided: July 6, 1969.

Upon consideration of the record in this proceeding, and of:

(1) Petition of applicant, (letter) filed April 2, 1979, for reconsideration;

(2) Joint petition of Midwest Emery Freight System, Inc., and Belford Trucking Co., Inc., protestants, filed April 16, 1979, for reconsideration;

(3) Petition of Curtis, Inc., protestant, filed April 17, 1979, for reconsideration;

(4) Petition of Denver-Albuquerque Motor Transport, Inc., protestant, filed April 20, 1979, for reconsideration; and

(5) Reply by applicant to the pleading in (2), (3), and (4), filed May 3, 1979.

By decision of March 2, 1979, Review Board Number 5 granted applicant authority substantially as set forth in the appendix, except New York was not included as a destination State. Applicant contends that the omission of New York was inadvertent. Protestants contend that the application should be denied.

The petition of applicant to add New York as a destination State will be granted. The evidence by supporting shipper demonstrates a major portion of its traffic is destined to that State, and a need for applicant's service is shown. Inasmuch as the original publication in the **Federal Register** did not include reference to New York as a destination State, although it was so listed in the application, a notice of authority actually granted will be published.

Issuance of a certificate will be withheld for 30 days, during which time any person in interest not already a party to this proceeding may file a petition for leave to intervene, setting forth in detail its interest in, and precisely the manner in which it has been prejudiced by, the authority as granted in this proceeding.

It is ordered: The petition of applicant is granted, subject to publication of a notice in the **Federal Register** as described above.

The petitions, except as otherwise ordered, are denied because the findings of Review Board Number 5 are in accordance with the evidence and the applicable law.

If applicant does not comply with the appropriate requirements set forth in the Code of Federal Regulations (49 CFR Parts 1043, 1044, and 1310) within 90 days after the date of service of this decision, the grant of authority will be void, and the application will stand denied.

By the Commission, Division 2, Acting as an Appellate Division, Commissioners Stafford, Brown and Christian.

Commissioner Stafford would deny the application.

Agatha L. Mergenovich,

Secretary.

Appendix

Authority to conduct the following operations will be issued in an appropriate document. This decision does not constitute authority to operate.

To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C to the report of the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Peppertree Beef Company, at or near Denver, CO, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, Ney York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the district of Columbia, restricted to the transportation of traffic originating at the described origin and destined to destinations in the named States.

[FR Doc. 79-22464 Filed 7-19-79; 8:45 am]

BILLING CODE 7035-01-M

[Amendment No. 1 to I.C.C. Order No. 44 Under Service Order No. 1344]

Ann Arbor Railroad System; Rerouting Traffic

To: *All Railroads:*

Upon further consideration of I.C.C. Order No. 44 (Ann Arbor Railroad System), and good cause appearing therefor:

It is ordered, I.C.C. Order No. 44 is amended by substituting the following paragraph (h) for paragraph (g) thereof:

(h) *Expiration date.* This order shall expire at 11:59 p.m., June 28, 1979, unless otherwise modified, changed or suspended.

Effective date. This amendment shall become effective at 11:59 p.m., June 25, 1979.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the

American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 25, 1979.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 79-22579 Filed 7-19-79; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. P-24]

Atchison, Topeka & Santa Fe Railway Co.; Passenger Train Operation

It appearing, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between New Orleans, Louisiana, and Los Angeles, California. The operation of these trains requires the use of the tracks and other facilities of Southern Pacific Transportation Company (SP). A portion of the SP track between Rosenberg, Texas, and El Paso, Texas, is temporarily out of service because of a derailment. An alternate route is available via The Atchison, Topeka and Santa Fe Railway Company.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, (a) Pursuant to the authority vested in me by order of the Commission served March 6, 1978, and of the authority vested in the Commission by section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), The Atchison, Topeka and Santa Fe Railway Company (ATSF) is directed to operate trains of the National Railroad Passenger Corporation (Amtrack) between a connection with Southern Pacific Transportation Company at Rosenberg, Texas, and El Paso, Texas.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

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

(d) *Effective date.* This order shall become effective 6:30 p.m., CDT, June 23, 1979.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., CDT, June 24, 1979, unless otherwise modified, changed, or suspended by order of this Commission.

This order shall be served upon the Atchison, Topeka and Santa Fe Railway Company and upon the National Railroad Passenger Corporation (Amtrak), and that it be filed with the Director, Office of the Federal Register.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 79-22580 Filed 7-19-79; 8:45 am]

BILLING CODE 7035-01-M

[Third Revised Exemption No. 157]

Baltimore & Ohio Railroad Co., et al.; Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

The railroads named below own numerous open hopper cars for the purpose of transporting substantial volumes of coal and other bulk freight originating on their lines and destined to points on other lines. There are no significant volumes of traffic transported in similar cars originating on other lines and terminating on those lines which would provide a source of empty hopper cars for return loading. These lines have agreed to refrain from loading hopper cars owned by other lines without the express consent of the car owners even though such use might otherwise be authorized by Car Service Rules 1 and 2. Under these conditions it is imperative that open hopper cars owned by these railroads be returned to the owning railroad empty unless their use is authorized by the car owner.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19:

(a) Hopper cars listed under the heading "Class 'H' Hopper Car Type" in the Official Railway Equipment Register, ICC RER 6410-A, issued by W. J. Trezise, or successive issues thereof, and owned by the railroads named in section (c) below, are exempt from the provisions of Car Service Rules 1(a), 2(a) and 2(b). These cars must be returned empty to the car owner unless their use has been authorized by the car owner.

(b) Railroads named in section (c) below are prohibited from using hopper cars foreign to their line unless their use has been authorized by the car owner.

(c) List of railroads and car reporting marks:

The Baltimore and Ohio Railroad Company. Reporting Marks: B&O.
Bessemer and Lake Erie Railroad Company. Reporting Marks: B&LE.
*Burlington Northern Inc. Reporting Marks: BN-CBQ-GN-NP.
Carolina, Clinchfield and Ohio Railway. Reporting Marks: CRR.
The Chesapeake and Ohio Railway Company. Reporting Marks: C&O.
Consolidated Rail Corporation. Reporting Marks: BA-BWC-CNJ-CR-DL&W-EL-ERIE-LV-NH-NYC-PC-P&E-PRR-RDG-TOC.
Illinois Central Gulf Railroad Company. Reporting Marks: GM&O-IC-ICG.
Louisville and Nashville Railroad Company. Reporting Marks: L&N-NC-MON.
Montour Railroad Company. Reporting Marks: MTR.
Norfolk and Western Railroad Company. Reporting Marks: ACY-N&W-NKP-P&WV-VGN-WAB.
St. Louis-San Francisco Railway Company. Reporting Marks: SLSF.
Southern Railway System. Reporting Marks: CG-INT-NS-SOU.
The Pittsburgh and Lake Erie Railroad Company. Reporting Marks: P&LE.
Western Maryland Railway Company. Reporting Marks: WM.

(d) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner, or by the Director or Assistant Director of the Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the car owner must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to the Director or Assistant Director.

(e) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car, described in this exemption, contrary to the provisions of the exemption.

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

Effective July 9, 1979, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., July 5, 1979.

---

* Addition

Interstate Commerce Commission.

Joel E. Burns

Agent.

[FR Doc. 79-22576 Filed 7-19-79; 8:45 am]

BILLING CODE 7035-01-M

[Amendment No. 2 to Exemption No. 167]

Chicago Rock Island & Pacific Railroad Co.; Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

Upon further consideration of Exemption No. 167 issued May 31, 1979.

It is ordered. That, under authority vested in me by Car Service Rule 19, Exemption No. 167 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 is amended to expire July 7, 1979.

This amendment shall become effective 11:59 p.m., June 30, 1979.

Issued at Washington, D.C., June 28, 1979.

Interstate Commerce Commission.

Robert S. Turkington,

Agent.

[FR Doc. 79-22577 filed 7-19-79; 8:45 am]

BILLING CODE 7035-01-M

[Amendment No. 2 to Exception No. 3]

Chicago, Rock Island & Pacific Railroad Co.; Exception Under Section (a)(4), Corrected Second Revised Service Order No. 1301

Upon further consideration of Exception No. 3 and good cause appearing therefor:

It is ordered: Exception No. 3 to Corrected Second Revised Service Order No. 1301 is amended to:

Expires July 7, 1979.

Issued at Washington, D.C., June 29, 1979.

Robert S. Turkington,

Assistant Director, Bureau of Operations.

[FR Doc. 79-22578 Filed 7-19-79; 8:45 am]

BILLING CODE 7035-01-M

[Amendment No. 2 to I.C.C. Order No. 3 Under Service Order No. 1344]

Middletown & Hummelstown Railroad Co.; Rerouting Traffic

Upon further consideration of I.C.C. Order No. 3 (Middletown and Hummelstown Railroad Company), and good cause appearing therefor:

It is ordered: I.C.C. Order No. 3 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall remain in effect until modified or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1979.

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

Issued at Washington, D.C., June 29, 1979.

Interstate Commerce Commission:

Joel E. Burns,

Agent.

[FR Doc. 79-22581 Filed 7-19-79; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-122]

Intercorporate Hauling; Proposed Policy Statement

AGENCY: Interstate Commerce Commission

ACTION: Notice of Proposed Policy Statement.

SUMMARY: The Commission proposes to issue a general policy statement which would relax current restrictions against intercorporate hauling—the provision of compensated transportation by one company to an affiliated but separately incorporated company within the same corporate family. The Commission proposes to permit such hauling when the transportation is performed by the parent or a related company at least 80 percent of which is owned by the parent. Intercorporate hauling would provide many private carriers with opportunities to reduce empty miles, consolidate fleets, improve fuel efficiency, lower transportation costs, ease inflationary pressures, and contribute to market growth.

DATES: Comments must be received by September 4, 1979.

ADDRESSES: A staff summary report, *Evaluation of Intercorporate Hauling Regulation,* dated May 1979, is being served with this notice on persons (1) who provided written comment on this subject in response to a December 11, 1978 **Federal Register** request, (2) who made statements in public meetings held during January and February 1979 in Chicago, Philadelphia, Fort Worth, Los Angeles, and Atlanta, and (3) who were interviewed in their offices in or near those cities. Others may obtain a copy by request.

An original and 6 copies, if possible, of any comments should be sent to the Motor Carrier Policy Group, Office of Policy and Analysis, Room 5359, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FUTHER INFORMATION CONTACT: Brinkley Garner or Jerold B. Muskin (202/275-7399 or 7315).

SUPPLEMENTARY INFORMATION: The proposed policy statement is based on a study performed by the Commission's present Office of Policy and Analysis and former Bureau of Economics. A brief history of events leading to the study, and a review of the study plan follows. The Interstate Commerce Commission, in its decision in Pètition for *Declaratory Order Regarding Intercorporate Parent-Subsidiary Transportation,* 123 M.C.C. 268 (1975), declined as a matter of policy to pierce the corporate veil and recognize as private transportation compensated [1] hauling operations performed by one related corporate entity for another. Numerous shippers, private carrier organizations, the United States Department of Transportation, and the Council on Wage and Price Stability supported the petition; regulated carriers, their organizations, and the Commonwealth of Pennsylvania opposed it.

In June 1977, a task force of senior staff members of the Commission recommended to the Commission ways in which regulation of entry into the interstate motor carrier industry could be improved. The task force developed 39 recommendations which were presented in a report submitted on July 6, 1977. The public was invited to comment on the recommendations during open hearings held in Washington and six other cities throughout the Nation, and written comments were solicited.

In Recommendation 39, the task force called for a comprehensive study of motor carrier entry and suggested further study of some more limited questions. The task force asked, "Should [compensated] intercorporate hauling be allowed between or among companies that are 100 percent commonly control?" As a result of strong public response to this question, the staff developed a study plan and evaluated the potential effects of reversing or modifying the 1975 decision. To develop current information about the potential impact of compensated intercorporate hauling on shippers, carriers, and consumers, the Commission (a) published a request

[1] Gratuitous intercorporate hauling is recognized as being legal.

for comment in the Federal Register on December 11, 1978 (43 FR 58002); (b) held public meetings during January and February 1979 in Chicago, Philadelphia, Fort Worth, Los Angeles, and Atlanta; (c) visited shippers and carriers located in the vicinities of the public meetings; and (d) conducted a survey of a random sample of shippers and carriers.

During the study, alternatives were narrowed to: (a) Maintaining the status quo and (b) allowing compensated intercorporate hauling at minimum subsidiary ownership levels of 100, 80, or "greater than 50" percent.

We are proposing to adopt the criterion of 80 percent minimum subsidiary ownership by the parent. The Commission believes a 100 percent subsidiary ownership requirement would be unnecessarily restrictive and would prevent members of close-knit corporate families from realizing potential benefits of intercorporate hauling. On the other hand, the Commission does not believe it has sufficient information to justify adoption of the "greater than 50 percent" minimum subsidiary ownership requirement proposed by some of the parties who provided comment or statements for the staff study.

The Commission believes adoption of the 80 percent minimum subsidiary ownership level as a standard provides a suitable compromise which would make possible improvements in overall transportation efficiency and effectiveness, while limiting possible adverse effects and providing a period for adjustment and evaluation before further change is considered. It also recognizes the IRS standard that a subsidiary owned 80 percent or more by its parent is part of a close-knit corporate family.

Simultaneously with implementation of the proposed policy, the Commission will encourage shippers and carriers to prepare and furnish voluntarily to the Commission, over a period of 15 months, information to document the impact of compensated intercorporate hauling. At the end of this period, the Commission will evaluate this information and determine whether it should further relax the restrictions on intercorporate hauling or reconsider the advisability of maintaining greater restrictions.

The proposed policy contains no requirements for a parent company that would engage in compensated intercorporate hauling to notify the Commission of its intent to do so, or to list participating subsidiary companies. Such requirements were proposed by some parties furnishing information to the staff study. The Commission believes the potential expense and problems associated with such requirements outweigh potential benefits.

This notice is issued under authority of the Administrative Procedure Act (5 U.S.C. 553) and the Interstate Commerce Act (49 U.S.C. 10524).

Decided: June 28, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp, and Christian. Commissioner Stafford concurring in part, and dissenting in part. Commissioner Clapp concurring.

Agatha L. Mergenovich,

Secretary.

Commissioner Stafford, concurring in part, dissenting in part:

I see no reason for prohibiting intercorporate hauling if the concept is endorsed by shippers and carriers alike. However, before we can allow it we must also find that it is a lawful activity.

The draft notice incorrectly characterizes the Commission's 1975 decision, *Intercorporate Parent—Subsidiary Transportation,* 123 M.C.C. 768. That decision not only rejected intercorporate hauling on policy grounds, but at least as important, on jurisdictional grounds. The report discusses this issue extensively, and specifically states: "we are precluded by existing statutes and case law from taking the action sought, except on a case-by-case basis or in highly unusual circumstances * * *" 123 M.C.C. at p. 789.

Apparently hoping the problem will go away if it is not addressed, the draft notice fails even to mention the question of the legality of intercorporate hauling. I see no reason to make the public relitigate the jurisdictional question unless the Commission can come up with some good reasons for reversing its prior position. We should not attempt to go forward with this rulemaking unless it can be justified as being within our statutory power.

[FR Doc. 79-22553 Filed 7-19-79; 9:39 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 141
Friday, July 20, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1
Equal Employment Opportunity Board	2
Federal Maritime Commission	3
International Trade Commission	4
National Commission on Libraries and Information Science	5
Nuclear Regulatory Commission	6
Securities and Exchange Commission	7

1

[M-236 Amdt. 2, July 18, 1979]

CIVIL AERONAUTICS BOARD.

Addition of items to the July 19, 1979 meeting agenda.

TIME AND DATE: 10 a.m., July 19, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

3a. Docket 34997-Consumer protection for scheduled-service tour group members (OGC, BDA, BCP).

8a. Docket 35866, Petition of Trans International Airlines, Inc. for a rulemaking proceeding to increase the minimum rates for Logair and Quicktrans services, and for interim relief—draft order (OGC).

25a. Docket 34742, Essential Air Transportation order for Presque Isle, Maine (BDA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Submission of Item 3a to the board was delayed pending staff coordination. This is the Board's response to a petition for rulemaking and is therefore subject to the 120-day rule. Since the 120th day is August 6, 1979 and another regularly scheduled Board meeting is not planned until August 21, 1979, consideration of this item at the July 19, meeting becomes necessary to meet the deadline. Item 8a is related to Items 7 and 8 and should be considered at the same time. Item 25a is being added to the July 19 meeting because if Bar Harbor is able to initiate service on August 13, as it now plans and Delta discontinues its service at the same time, all parties, especially the traveling public, are benefitted by a Board decision as early as possible. Accordingly, the following members have voted that agency business requires that Items 3a, 8a, and 25a be added to the July 19, 1979 agenda and that no earlier announcement of these additions was possible:

Chairman Marvin S. Cohen
Member Richard J. O'Melia
Member Elizabeth E. Bailey
Member Gloria Schaffer

[S-1452-79; 7-18-79 3:38 pm]

BILLING CODE 6320-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, July 24, 1979.

PLACE: Commission conference room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open to the public:

1. Proposed modification of the California Fair Employment Practices Commission's fiscal year 1979 charge resolution contract.
2. Freedom of Information Act Appeal No. 79-5-FOIA-170, concerning a request by an applicant for a position for a copy of materials in connection with her interview.
3. Freedom of Information Act Appeal No. 79-5-FOIA-180 and Privacy Act Appeal No. 7, concerning a request by an applicant for a position for information relating to the Commission's internal procedures for accepting and processing Schedule A excepted service positions.
4. Request for exemption under the Age Discrimination in Employment Act.
5. Proposed final regulations on EEOC's employees responsibilities and conduct.
6. Proposed semiannual regulatory agenda required by Executive Order 12044.
7. Report on Commission operations by the Executive Director.

Closed to the public:

Litigation authorization: General Counsel recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued July 17, 1979

[S-1449-79 Filed 7-18-79; 3:38 pm]

BILLING CODE 6570-06-M

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., July 25, 1979.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

1. Agreement No. 9718-6: Modification of Japanese Containership Service Agreement to provide for space chartering arrangements and for other purposes.

Portion closed to the public:

1. Docket No. 77-56: *West Gulf Maritime Association* v. *The City of Galveston* (Board of Trustees of the Galveston Wharves)—Decision on request for oral argument and petition of United States Lines to intervene and possible consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[FR Doc. S-1448-79 Filed 7-18-79; 10:49 am]

BILLING CODE 6730-01-M

4

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published July 18, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Thursday, July 26, 1979.

CHANGES IN THE MEETING: The following item, previously scheduled for the meeting of Thursday, July 26, 1979, will be rescheduled to the meeting for Tuesday, July 31, 1979:

5. Investigation 332-87 (Conditions of Competition in the Western U.S. Steel Market)—consideration of the report, if necessary: briefing in the morning session; vote at 2 p.m.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[FR Doc. S-1447-79 Filed 7-18-79; 10:49 am]

BILLING CODE 7020-02-M

5

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

TIME AND DATE: 9 a.m.–5 p.m. (Thursday and Friday); 9 a.m.–12:30 p.m. (Saturday), July 26, 27, and 28, 1979.

PLACE: Washingtonian Motel, Gaithersburg, Md.

STATUS: Open.

MATTERS TO BE DISCUSSED:

(1) Review of NCLIS Goals and activities in relation to Congressional intent and the Commission's statute; and

(2) Determination of priorities and activities for fiscal year 1980 and fiscal year 1981 budgets.

CONTACT PERSON FOR MORE INFORMATION: Alphonse F. Trezza, Executive Director (202) 653–6252/

Alphonse F. Trezza,

Executive Director.

[S–1451–79 Filed 7–18–79; 3:38 pm]

BILLING CODE 7527–01–M

6

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of July 23.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS; Open and closed.

MATTERS TO BE CONSIDERED:

Tuesday, July 24

9:30 a.m.

1. Briefing by staff on technical issues re Restart of TMI–1 (approximately 2 hours, public meeting).

2. Discussion of personnel matter (approximately 1 hour, closed—Exemption 6).

2:30 p.m.

1. Discussion of modifications to upgrade rule (approximately 1 hour, public meeting).

Note.—Above meeting is tentative.

2. Briefing on revision to the operating assumption covering the relative ease of fabricating clandestine fission explosives (approximately ½ hour, closed).

Note.—Above meeting is tentative.

Wednesday, July 25

9:30 a.m. 1. Discussion of personnel matter (approximately 3 hours, closed—Exemption 6).

2 p.m. 1. Budget presentations (approximately 3 hours public meeting); EDO/CON overview and SD.

Thursday, July 26

2 p.m.

1. Budget presentations (approximately 3 hours, public meeting); IE.

2. Affirmation session (approximately 10 minutes, public meeting); (a) Order in S–3; (b) ALAB–542 (Atlantic Research); (c) Anderson FOIA Appeal; and (d) Upgrade rule (tentative).

Friday, July 27

9:30 a.m. 1. Budget presentations (approximately 3 hours, public meeting); NMSS.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Dated: July 17, 1979.

Walter Magee,

Office of the Secretary.

[S–1450–79 Filed 7–18–79; 3:38 pm]

BILLING CODE 7590–01–M

7

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of July 23, 1979, in room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, July 24, 1979, at 10 a.m. An open meeting will be held on Thursday, July 26, 1979, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Commissioners Loomis, Evans, Pollack and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, July 24, 1979, at 10 a.m., will be:

Formal orders of investigation.

Access to investigative files by Federal, State, or Self-Regulatory Authorities.

Litigation matters.

Amendment of formal orders of investigation.

Subpoena enforcement action.

Institution of injunctive actions.

Institution of injunctive action and report of investigation.

Personnel matter.

Freedom of Information Act appeals.

Regulatory matter regarding financial institution.

The subject matter of the open meeting scheduled for Thursday, July 26, 1979, at 10 a.m., will be:

1. Consideration of requests by the National Securities Clearing Corporation ("NSCC") that the Commission: (a) agree with NSCC's determination of which cost components should be included in a surcharge for listed clearing in NSCC's branch offices; and (b) not require NSCC to impose a surcharge on envelope settlement system deliveries between its New York City and its Jersey City offices. For further information, please contact Michael J. Simon at (202) 755–8767.

2. Consideration of whether to publish for public comment a rulemaking petition, filed by Castle & Cooke, Inc. pursuant to Rule 4(a) of the Commission's Rules of Practice, which would require certain private organizations to disseminate information to their members in order to be eligible to submit shareholder proposals under the Commission's Securities Exchange Act of 1934 Rule 14a–8. For further information, please contact William E. Morley at (202) 755–1240.

3. Consideration of an application by AW Partners Limited 1979 for relief pursuant to Rule 252(f) of Regulation A under the Securities Act of 1933. For further information, please contact Thomas J. Baudhuin at (202) 755–1290.

4. Consideration of whether to adopt Rule 13e–3 and Schedule 13E–3, which were published for comment in November, 1977 (Release No. 34–14185 (November 19, 1977)), relating to going private transactions by public companies or their affiliates. The Rule and Schedule would prohibit fraudulent, deceptive and manipulative acts or practices in connection with going private transactions and prescribe new filing, disclosure and dissemination requirements as means reasonably designed to prevent such acts and practices. For further information, please contact Michael Connell or John Granda at (202) 755–1750.

5. Consideration of whether to adopt Rule 13e–4 and Schedule 13E–4, which were published for comment in December 1977 (Release No. 34–14234, 42 FR 63066 (December 14, 1977)). If adopted, Rule 13e–4 and Schedule 13E–4 would impose substantive and disclosure requirements with respect to cash tender and exchange offers by certain issuers for their own securities. For further information, please contact John B. Manning at (202) 755–1388 or Mary E. Chamberlin at (202) 755–8747.

6. Consideration of whether to publish for public comment a petition from the Taxation with Representation Fund proposing amendments to Regulation S–X [17 CFR Part 210.3–16(o)] to require the disclosure of "net income before tax allocable to each major geographic area of sales or other operations together with a disclosure of domestic earnings separately from foreign earnings," and of the components of income tax expense "property allocable to each of these areas." For further information, please contact Clarence Staubs or Eugene Green at (202) 755–0222.

7. Consideration of whether to adopt amendments to Regulation S–X [17 CFR Part 210] requiring modifications in the financial statement presentation of registrants having preferred stocks subject to mandatory redemption requirements or whose redemption is outside the control of the

issuer. For further information, please contact Lawrence C. Best at (202) 755–0222.

8. Consideration of whether to authorize the release to the public of a Staff Report on the Securities Industry in 1978, covering such topics as the financial experience of broker-dealers, trends in commission rates, changes in concentration and diversification in the industry, and the financial condition of exchange specialists and self-regulatory organizations. The report follows the general format of last year's Staff Report on the Securities Industry in 1977, but also includes some additional material and expands the scope of analysis. For further information, please contact Jeffry L. Davis at (202) 523–5495.

9. Consideration of an interpretive release relating to Rules 144, 145(d), 148 and 237 under the Securities Act of 1933. The release would provide guidance both on the amendments to Rules 144 and 148 adopted by the Commission in September, 1978 and March, 1979 (see Release Nos. 33–5979 and 33–6032, respectively), and on other significant recurring issues arising under the rules as well. For further information, please contact Peter J. Romeo at (202) 755–1240.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

George Yearsich at (202) 755–1100.

July 18, 1979.

[S–1453–79 Filed 7–18–79; 3:38 pm]

BILLING CODE 8010–01–M

federal register

Friday
July 20, 1979

Part II

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage & Hour Division, Office of Government Contract Wage Standards, Division of Construction 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

Maryland.—MD79–3021
Mississippi.—MS79–1112

Modifications to General Wage Determination Decisions

The number of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Florida:	
FL77–1003	January 21, 1979
FL79–1017	January 26, 1979
FL79–1019	February 2, 1979
FL79–1030	February 9, 1979
FL79–1039	February 16, 1979
FL79–1040	February 16, 1979
FL79–1064	April 13, 1979
FL79–1069	April 20, 1979
Maryland:	
MD78–3020	April 14, 1978
Michigan:	
MI79–2012;	
MI79–2013;	
MI79–2015;	
MI79–2016;	
MI79–2019	May 4, 1979
MI79–2020	June 1, 1979
Oklahoma:	
OK78–4055;	
OK78–4056	June 9, 1978
OK78–4058;	
OK78–4059;	
OK78–4062	June 16, 1978
OK79–4023	February 2, 1979
Pennsylvania:	
PA78–3068	September 29, 1978
West Virginia:	
WV78–3018	June 9, 1978

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parenthesis following the numbers of the decisions being superseded.

Florida:	
FL78–1070 (FL79–1113)	August 25, 1978
FL79–1028 (FL79–1109);	
FL79–1029 (FL79–1111)	February 9, 1979
FL79–1041 (FL79–1110)	February 16, 1979
Louisiana:	
LA79–4001 (LA79–4069)	January 5, 1979
New York:	
NY77–3003 (NY79–3022)	July 1, 1977
Pennsylvania:	
PA78–3017 (PA79–3020)	May 5, 1978
Washington:	
WA78–5133 (WA79–5126)	December 29, 1978

Cancellation of General Wage Determination Decisions

None

Signed at Washington, D.C. this 13th day of July, 1979.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

NEW DECISION

STATE: Maryland COUNTY: Carroll
DECISION NO.: MD79-3021 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	6.50				
CARPENTERS	6.23				
CEMENT MASONS	6.00				
ELECTRICIANS	7.00				
GLAZIERS	5.00				
IRONWORKERS	7.25				
LABORERS	4.44				
PAINTERS	4.75				
PLASTERERS	7.50				
PLUMBERS	7.00				
ROOFERS	6.00				
SHEET METAL WORKERS	6.27				
SPRINKLER FITTERS	11.06	.60	.90		.08
TILE SETTERS	7.50				
POWER EQUIPMENT OPERATORS:					
Backhoe	6.51				
Bulldozer	5.15				
Crane	8.50				
Front end loader	5.06				
Grader	5.65				
Roller	4.45				
Tractor	6.50				

NEW DECISION

STATE: Mississippi COUNTIES: *See below
DECISION NO.: MS79-1112 DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	3.90				
Bricklayers	7.23				
Carpenters	4.98				
Cement masons	4.98				
Electricians	4.60				
Ironworkers, structural & ornamental	5.00				
Laborers;					
Laborers	3.00				
Asphalt rakers	3.25				
Mason tenders	4.00				
Mortar mixers	4.00				
Pipelayers	3.23				
Painters, brush	3.90				
Plumber and pipefitter	7.50				
Roofers	4.50				
Sheet metal workers	4.13				
Soft floor layers	5.59				
Truck drivers	3.69				
Welder - Rate for craft					
POWER EQUIPMENT OPERATORS:					
Backhoe	4.68				
Bulldozer	4.13				
Form setter	3.92				
Front end loader	4.38				
Motor grader	4.68				
Oiler - greaser	3.75				
Roller	3.40				
Tractor	3.00				
*Alcorn, Itawamba, Lee, Pontotoc, Prentiss, Tippah, Tishomingo and Union Counties					

MODIFICATION P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #FL77-1003- Mod.#3 (42 FR 4031 - January 21, 1977) Dade County, Florida					
Change:					
Carpenters	7.55	.80	.55		.02
Decision #FL79-1017 - Mod.#3 (44 FR 5604 - January 26, 1979) Duval County, Florida					
Change:					
Plasterers	8.30	.40	.55		.08
Decision #FL79-1019 -Mod.#4 (44 FR 6852 - February 2, 1979) Duval County,Florida					
Change:					
Carpenters & Piledrivers	9.52	.62	.60		.05
Electricians	10.15	.50	3%+.81		.07
Laborers unskilled	5.92	.20	.20		
Power Equipment Operators:					
Cranes	10.13	.55	.40		.05
Oilers	6.86	.55	.40		.05
Decision #FL79-1030 - Mod.#3 (44 FR 8493 - February 9, 1979) Broward County, Florida					
Change:					
Asbestos Workers	12.09	.60	.65		.02
Carpenters; Soft Floor Layers	10.00	.88	.45		.06
Lathers	10.30	.70	.45		.04
Plasterers	10.50	.73	.65		.03
Tile & Terrazzo	10.50	.73	.65		.03

MODIFICATION P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #FL79-1039 - Mod.#3 (44 FR 10228 - February 16, 1979) Volusia County (except Cape Kennedy, Kennedy Space Flight Center and Cape Canaveral Air Force Station) Florida					
Change:					
Sheet Metal Workers	10.39	.55+3%	.44		.08
Decision #FL79-1040 - Mod.#3 (44 FR 10230 - February 16, 1979) Hillsborough County, Florida					
Omit:					
Painters	8.65	.35	.40		.06
Add:					
Painters; brush & roller:					
over 15,001 sq. ft.	8.65	.45	.40		.08
under 15, 000 sq. ft.	7.00	.45	.40		.08

Decision #FL79-1064 - Mod.#2 (44 FR 22308 - April 13, 1979 Orange County, Florida	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Omit:					
Electricians:					
Electrical contracts less than $20,000	7.50	.55	3%		1%
All other work	10.30	.55	3%		1%
Add:					
Electricians	10.66	.55	3%+.41		1%
Change:					
Painters:					
Brush	8.25	.40	.40		.06
Spray	8.75	.40	.40		.06
Paperhangers	8.75	.40	.40		.06
Sandblasters	8.75	.40	.40		.06
Plumbers	9.81	.50	22+.40	.50	.12
Sheet Metal Workers	10.39	.55	.44		.08
Decision #FL79-1069 - Mod.#1 (44 FR 23735 - April 20, 1979) Leon County, Florida					
Change:					
Group I	10.13	.55	.40		.05
Group II	8.95	.55	.40		.05
Group III	6.86	.55	.40		.05

DECISION NO. MD78-3020 - Mod. #9 (42 FR 16045 - April 14, 1978) Counties of Anne Arundel (excluding the D.C. Training School), Baltimore, & Baltimore City, Maryland, and for Heavy Construction projects in Harford and Howard Counties, Maryland	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$10.95	.85	.95		.02
Boilermakers	12.775	1.175	1.00		.04
Laborers, Building:					
Laborers	7.85	.35	.55		.075
Power Tool Operators	7.95	.35	.55		.075
Plasterers' Laborers	8.00	.35	.55		.075
Pipelayers (concrete and clay)	8.05	.35	.55		.075
Wagon Drill Operators, Operators of Jack Hammers - 80 lbs. and over, and Barco Tampers	8.10	.35	.55		.075
Hod Carriers, Gunnite Nozzle and Gun Operator	8.25	.35	.55		.075
Burners (Demolition)	8.35	.35	.55		.075
Lead Burners	12.60	.65			.01
Lathers	11.34		.35	h	.01
Plumbers	11.19	.87	.99		.16
Roofers:					
Roofers, damp & waterproof workers	9.00	.60	.45		
Slate, Tile, asbestos and asphalt shingle	9.45	.60	.45		
Precast slab and woodblock layers	10.00	.60	.45		
Tile and Terrazzo Workers	9.41	.70	.50		.04

DECISION #MI79-2012 - MOD.#2
(44 FR 26435 - May 4, 1979)
Alcona, Alpena, Charlevoix, Emmet, Grand Traverse, Leelanau, Mason, Montmorency, Muskegon, Oceana, Oscoda & Presque Isle Counties, Michigan

CHANGE:

LC-ZONE II

LINE CONSTRUCTION: ZONE II	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lineman; Technician	$11.85	.45	3%	5%+a	.5%
Cable Splicer	12.32	.45	3%	5%+a	.5%
Combination Digger Operator; Tractor Operator Groundman;					
1st 6 Months	8.55	.45	3%	5%+a	.5%
Over 6 Months	9.24	.45	3%	5%+a	.5%
Light Equipment Operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 Months	7.43	.45	3%	5%+a	.5%
Over 6 Months	8.11	.45	3%	5%+a	.5%
Combination Winch Truck Driver Groundman:					
1st 6 Months	6.77	.45	3%	5%+a	.5%
Over 6 Months	7.74	.45	3%	5%+a	.5%
Combination Truck Driver Groundman	6.55	.45	3%	5%+a	.5%

FOOTNOTES:

a. 7 Paid Holidays; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; and Christmas Day.

DECISION #MI79-2013 - MOD. #2
(44 FR 26435 - May 4, 1979)
Alger, Baraga, Chippewa, Dickinson, Gogebic, Houghton, Keweenaw, Mackinac, Marquette & Ontonagon Counties, Michigan

CHANGE:

LC-ZONE II

LINE CONSTRUCTION: ZONE II	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lineman; Technician	$11.85	.45	3%	5%+a	.5%
Cable Splicer	12.32	.45	3%	5%+a	.5%
Combination Digger Operator; Tractor Operator Groundman;					
1st 6 Months	8.55	.45	3%	5%+a	.5%
Over 6 Months	9.24	.45	3%	5%+a	.5%
Light Equipment Operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 Months	7.43	.45	3%	5%+a	.5%
Over 6 Months	8.11	.45	3%	5%+a	.5%
Combination Winch Truck Driver Groundman:					
1st 6 Months	6.77	.45	3%	5%+a	.5%
Over 6 Months	7.74	.45	3%	5%+a	.5%
Combination Truck Driver Groundman	6.55	.45	3%	5%+a	.5%

FOOTNOTES:

a. 7 Paid Holidays; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; and Christmas Day.

DECISION #MI79-2015 - MOD. #2
(44 FR 26443 - May 4, 1979)
Allegan, Berrien, Calhoun, Clinton, Eaton, Ingham, Jackson & Kalamazoo Counties, Michigan

CHANGE:
Line Construction:
Williamson, Locke, Leroy, Wheatfield & White Oak Townships in Ingham County

LC-ZONE 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen - Technician	$14.38	1.50	9%		½%
Cable Splicers	15.00	1.50	9%		½%
Combination Equipment Operator & Groundman	11.52	1.50	9%		½%
Combination Driver-Groundman	10.84	1.50	9%		½%
Groundman	9.98	1.50	9%		½%

LC-ZONE II

LINE CONSTRUCTION: ZONE II Remaining Counties & the Remainder of Ingham County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lineman; Technician	$11.85	.45	3%	5%+a	.5%
Cable Splicer	12.32	.45	3%	5%+a	.5%
Combination Digger Operator; Tractor Operator Groundman;					
1st 6 Months	8.55	.45	3%	5%+a	.5%
Over 6 Months	9.24	.45	3%	5%+a	.5%
Light Equipment Operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 Months	7.43	.45	3%	5%+a	.5%
Over 6 Months	8.11	.45	3%	5%+a	.5%
Combination Winch Truck Driver Groundman:					
1st 6 Months	6.77	.45	3%	5%+a	.5%
Over 6 Months	7.74	.45	3%	5%+a	.5%
Combination Truck Driver Groundman	6.55	.45	3%	5%+a	.5%

FOOTNOTE a - Paid Holidays: New Years Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving; & Xmas Day.

DECISION #MI79-2016 - MOD. #2
(44 FR 26450 - May 4, 1979)
Bay, Genesee, Huron, Iosco, Lapeer, Saginaw, St. Clair, Sanilac, Shiawassee & Tuscola Counties, Michigan

CHANGE:
Line Construction:
Huron, Lapeer, St. Clair, Sanilac & Tuscola Counties

LC-ZONE 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen - Technician	$14.38	1.50	9%		½%
Cable Splicers	15.00	1.50	9%		½%
Combination Equipment Operator & Groundman	11.52	1.50	9%		½%
Combination Driver-Groundman	10.84	1.50	9%		½%
Groundman	9.98	1.50	9%		½%

LC-ZONE II

LINE CONSTRUCTION: ZONE II Bay, Iosco, Genesee, Saginaw & Shiawassee Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lineman; Technician	$11.85	.45	3%	5%+a	.5%
Cable Splicer	12.32	.45	3%	5%+a	.5%
Combination Digger Operator; Tractor Operator Groundman;					
1st 6 Months	8.55	.45	3%	5%+a	.5%
Over 6 Months	9.24	.45	3%	5%+a	.5%
Light Equipment Operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 Months	7.43	.45	3%	5%+a	.5%
Over 6 Months	8.11	.45	3%	5%+a	.5%
Combination Winch Truck Driver Groundman:					
1st 6 Months	6.77	.45	3%	5%+a	.5%
Over 6 Months	7.74	.45	3%	5%+a	.5%
Combination Truck Driver Groundman	6.55	.45	3%	5%+a	.5%

FOOTNOTES:

a. 7 Paid Holidays; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; and Christmas Day.

DECISION #MI79-2019 - MOD. #2 (44 FR 26457 - May 4, 1979) Macomb, Monroe, Oakland, Washtenaw & Wayne Counties, Michigan	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Line Construction:					
Wayne, Macomb & Remainder of Washtenaw, Monroe & Oakland Counties					
Linemen - Technician	$14.38	1.50	9%		½%
Cable Splicers	15.00	1.50	9%		½%
Combination Equipment Operator & Groundman	11.52	1.50	9%		½%
Combination Driver-Groundman	10.84	1.50	9%		½%
Groundman	9.98	1.50	9%		½%
Line Construction:					
Twps. of Lyndon, Manchester, Sharon & Sylvan in Washtenaw Co; Twps. of Bedford, Erie, LaSalle & Whiteford in Monroe Co; Twp. of Holly in Oakland County:					
Lineman - Technician	11.85	.45	3%	5%+a	.5%
Cable Splicer	12.32	.45	3%	5%+a	.5%
Combination Digger Operator; Tractor Operator Groundman:					
1st 6 months	8.55	.45	3%	5%+a	.5%
Over 6 months	9.24	.45	3%	5%+a	.5%
Light Equipment Operator Groundman; Distribution Line Truck Driver Opr:					
1st 6 months	7.43	.45	3%	5%+a	.5%
Over 6 months	8.11	.45	3%	5%+a	.5%
Combination Winch Truck Driver-Groundman:					
1st 6 months	6.77	.45	3%	5%+a	.5%
Over 6 months	7.74	.45	3%	5%+a	.5%
Combination Truck Driver Groundman	6.55	.45	3%	5%+a	.5%

DECISION #MI79-2020 - MOD. #3 (44 FR 31842 - June 1, 1979) Statewide, Michigan	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Modification #1 - Volume 44, Page 38115, 6/29/79 to read Modification #2.					
Laborers: Highway Construction					
Class F - Zone 3A	$8.24	.65	.35	.65	.04
Line Construction - Zone 1:					
Huron, Lapeer, Macomb, Saint Clair, Sanilac, Tuscola & Wayne Counties; Ingham Co: Twps. of Leroy, Locke, Wheatfield, White Oak & Williamson; Lenawee County: Twps. of Clinton & Macon; Livingston Co: All but the Twps. of Tyrone, Cohoctah, Deerfield & Unadilla; Monroe Co: all but the Twps. of Bedford, Erie, LaSalle & Whiteford; Washtenaw Co: All but the Twps. of Lyndon, Manchester, Sharon & Sylvan & the remainder of Oakland County:					
Linemen - Technician	$14.38	1.50	9%		½%
Cable Splicers	15.00	1.50	9%		½%
Combination Equipment Operator & Groundman	11.52	1.50	9%		½%
Combination Driver-Groundman	10.84	1.50	9%		½%
Groundman	9.98	1.50	9%		½%

DECISION #MI79-2020 - MOD. #3 - (CONT'D)

CHANGE:

TRUCK DRIVERS - HIGHWAY CONST.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Genesee, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw & Wayne					
CLASS 1	$10.41	a33.00	a37.00	.50	
CLASS 2	10.51	a33.00	a37.00	.50	
CLASS 3	10.66	a33.00	a37.00	.50	
ZONE 2					
Remainder of State					
CLASS 1	10.31	a33.00	a37.00	.50	
CLASS 2	10.41	a33.00	a37.00	.50	
CLASS 3	10.56	a33.00	a37.00	.50	

TRUCK DRIVERS - ZONES 1 & 2

CLASS 1 - Truck Driver (on all trucks except dump truck of 8 cubic yd. capacity or over, tandem axle trucks, transit mix and semis, euclid type equipment, double bottoms and low boys.)
CLASS 2 - Truck Driver on dump trucks of 8 cubic yard capacity or over (including tandem axle trucks, tandem axle water trucks, transit mix and semis.)
CLASS 3 - Euclid type equipment, double bottoms and low boys for hauling heavy equipment.

FOOTNOTE:
a. Per week, Per employee

DECISION NO. OK78-4055 - Mod. #5 (43 FR 25270 - June 9, 1978) Tulsa, Creek, Craig, Ottawa, Delaware, Mayes, Rogers Counties, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$11.90	.55	.85		.015
Elevator Constructors	10.81	.545	.35	4%+a+b	.02
Ironworkers	11.30	.75	.65		.12
Terrazzo Workers	10.97	.70	.40		
Tilelayers	10.97	.70	.40		
Terrazzo workers & Tile layers finishers	9.01	.70			
Terrazzo workers floor machine operator	9.14	.70			
Terrazzo workers base machine operator	9.38	.70			
Roofers	10.40	.60	.25		.04
Sprinkler fitters	12.54	.75	1.05		.08
Paid Holidays to read: A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Friday after Thanksgiving; G-Christmas Day					
DECISION NO. OK78-4056 - Mod. #4 (43 FR 25273 - June 9, 1978) Muskogee, Adair, Cherokee and Okmulgee Counties, Oklahoma					
Change:					
Bricklayers	11.70	.60	.40		.05
Carpenters (Area I) Carpenters	9.53	.55	.75		.08
Millwrights & Piledrivermen Area I	10.03	.55	.75		.08

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. OK78-4058 - Mod. #4 (43 FR 26258 -June 16,1978) McIntosh County, Oklahoma					
Change:					
Asbestos Workers	11.90	.55	.85		.015
Bricklayers	11.25	.60	.40		.05
Ironworkers	11.30	.75	.65		.12
Sheet Metal Workers	12.06	.60	.66		.10
Terrazzo Workers	10.97	.70	.40		
Tile layers	10.97	.70	.40		
Plumbers-Steamfitters	12.00	.55	.80		.15
Electricians:					
Zone I:					
Electricians	11.70	.60	3%		1%
Cable splicers	12.10	.60	3%		1%
Zone II:					
Electricians	12.10	.60	3%		1%
Cable splicers	12.50	.60	3%		1%
Terrazzo Workers finisher	9.01	.70			
Terrazzo Workers floor machine operator	9.14	.70			
Terrazzo Workers base machine operator	9.38	.70			
Roofers	10.40	.60	.25		.04
Sprinkler fitters	12.54	.75	1.05		.08

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. OK78-4059 - Mod. #4 (43 FR 26258-June 16,1978) Wagoner County, Oklahoma					
Change:					
Asbestos Workers	$11.90	.55	.85		.015
Bricklayers	11.70	.60	.40		.05
Carpenters:					
Carpenters	9.53	.55	.75		.08
Millwrights-Piledrivermen	10.03	.55	.75		.08
Ironworkers	11.30	.75	.65		.12
Sheet Metal Workers	12.06	.60	.66		.10
Electricians:					
Zone I:					
Electricians	11.70	.60	3%		1%
Cable splicers	12.10	.60	3%		1%
Zone II:					
Electricians	12.10	.60	3%		1%
Cable splicers	12.50	.60	3%		1%
Roofers	10.40	.60	.25		.04
Sprinkler fitters	12.54	.75	1.05		.08
DECISION NO. OK78-4062 - Mod. #5 (43 FR 26265 -June 16,1978) Pittsburg County, Oklahoma					
Change:					
Asbestos Workers	11.90	.55	.85		.015
Bricklayers	11.25	.60	.40		.05
Cement Masons	8.00				
Ironworkers	11.30	.75	.65		.12
Sheet Metal Workers	12.06	.60	.66		.10
Terrazzo Workers	10.97	.70	.40		
Tile Setters	10.97	.70	.40		
Tile & Terrazzo Workers Finishers	9.01	.70			
Roofers	10.40	.60	.25		.04
Sprinkler fitters	12.54	.75	1.05		.08

DECISION NO. OK79-4023 - Mod. #2
(44 FR 6881 - Feb. 2, 1979)
Comanche County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$12.33	.55	1.00		.04
Bricklayers-Stonemasons	10.16	.62	.60		.12
Carpenters:					
Carpenters	9.00	.55	.50		.04
Millwrights-Piledrivermen	9.50	.55	.50		.04
Power saw operator	9.125	.55	.50		.04
Ironworkers	11.30	.75	.65		.12
Plumbers-Pipefitters	12.37	.60	.85		.10
Sheet Metal Workers	11.31	.55	.84		.07
Soft Floor Layers:					
Resilient floor layers and carpet layers	10.10	.50		.25	.03
Roofers	10.40	.60	.25		.04
Sprinkler fitters	12.54	.75	1.05		.08

DECISION NO. PA78-3068- Mod. #8
(43 FR 45160 - September 29, 1978)
Lebanon County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
That portion of Lebanon County that is North and West of Interstate Route 81, including all of the Fort Indiantown Gap Military Reservation	11.36	.65	3%+.67		½ of 1%
That portion of Lebanon County which extends South and East of Interstate Route 81	10.09	.65	3%+.67		½%
Sprinkler Fitters	13.30	.75	1.05		.08

DECISION NO. WV78-3018 - Mod. #7 (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:					
Bricklayers, Stone Masons, Marble Masons, Terrazzo Workers & Tile Layers:					
Zone 3	$10.35				
Electricians:					
Brooke (remainder of county) and Hancock (except Grant Twp.) Counties:					
Wiremen & Cable Splicers	13.50	7%	10%	10%	½%
Summers & Wyoming Counties:					
Contracts $15,000 or less:					
Wiremen	9.67	.50	3%+.67	.77	.06
Cable Splicers	9.97	.50	3%+.67	.77	.06
Contracts over $15,000:					
Wiremen	12.57	.50	3%+.67	.77	.06
Cable Splicers	12.87	.50	3%+.67	.77	.06
Fayette (except Falls and Kanawha Twps.) County:					
Contracts $15,000 or less:					
Wiremen	9.47	.50	3%+.67	.77	.06
Cable Splicers	9.77	.50	3%+.67	.77	.06
Contracts over $15,000:					
Wiremen	12.37	.50	3%+.67	.77	.06
Cable Splicers	12.67	.50	3%+.67	.77	.06
Raleigh (except Clear Fork and Marsh Fork Twps.) County:					
Contracts $15,000 or less:					
Wiremen	9.17	.50	3%+.67	.77	.06
Cable Splicers	9.47	.50	3%+.67	.77	.06
Contracts over $15,000:					
Wiremen	12.07	.50	3%+.67	.77	.06
Cable Splicers	12.37	.50	3%+.67	.77	.06
Barbour Doddridge, Harrison, Lewis, Randolph & Upshur Cos:					
Wiremen	10.95	.50	3%+.50	2.00	.03
Cable Splicers	12.045	.50	3%+.50	2.00	.03

DECISION NO. WV78-3018 Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians: (Contd)					
Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties:					
Wiremen	11.75	.50	3%+1.25	1.50	.04
Cable Splicers	12.00	.50	3%+1.25	1.50	.04
Ironworkers - Structural, Ornamental & Reinforcing:					
Area 2	12.36	.90	1.75		.05
Area 3	12.25	1.00	1.45		.09
Line Construction:					
Brooke (except Buffalo Twp.) and Hancock (except Grant Twp.) Counties:					
Linemen & Equipment Operators	13.50	7%	10%	10%	
Groundmen	8.78	7%	10%	10%	
Cable Splicer	14.00	7%	10%	10%	
Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties:					
Linemen & Equipment Operators	11.65	.60	3%+1.25	1.50	½%
Cable Splicers	12.82	.60	3%+1.25	1.50	½%
Groundmen	9.32	.60	3%+1.25	1.50	½%
Boone, Braxton, Cabell, Calhoun, Clay, Gilmer, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam, Roane, Wayne & Webster Counties:					
Linemen	13.68	.60	3%+.50	.90	½%
Cable Splicers	15.05	.60	3%+.50	.90	½%
Groundmen	8.89	.60	3%+.50	.90	½%
Mechanized Equipment Operators	10.94	.60	3%+.50	.90	½%

MODIFICATION P. 19

DECISION NO. WV78-3018 (Cont'd)	REPAINT Basic Hourly Rates	NEW Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:						
Painters:						
AREA 7						
Air compressor Operator	9.07	9.96	.55			
Brush Painting	9.07	9.96	.55			
Roller, Dry-wall Pointers & Tapers						
Dipping & Mitten Work & Spray	9.46	10.36	.55			
Water Blasters, Steam Jenny Nozzle Men, Swinging Scaffold & Boatswain Chair, Window Belt & Window Jack Work	10.27	10.88	.55			
Brush Painters on Bridges, Needle Beam, Cable Work, Power Tool Work, Brush & Flame Cleaning	10.74	11.29	.55			
Operating Mechanical Taping Machines	10.98	11.68	.55			
Sand Blasters	11.09	11.64	.55			
All Stacks, Vent Pipe, Flag Poles in excess of 30' high, all Towers, Water Towers, Elevated Tanks, Electrical Switch Yards, Transformer Banks & Television Towers	12.21	12.67	.55			
Vinyl hangers & Paper hangers (with tools)	9.45	10.31	.55			

MODIFICATION P. 20

DECISION NO. WV78-3018 Cont'd:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Painters:					
Area 5					
Commercial	11.66		.20		
Drywall Finishers	11.93		.20		
Vinyl Wall Covering	12.24		.20		
Structural Steel After Erection	12.57		.20		
Repaint Structural Steel	11.77		.20		
Towers, Tanks & Stacks	13.00		.20		
Sandblasting	13.64		.20		
Extra pay of heights 50' to 100' (+.75 per hour); over 100' (+1.25 per hour)					

SUPERSEDEAS DECISION

STATE: Florida
COUNTY: Pinellas
DECISION NO.: FL79-1113
DATE: Date of Publication
Supersedeas Decision No.: FL78-1070 dated August 25, 1978 in 43 FR 38277.
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	11.33	.60	1.00		.10
BRICKLAYERS/BLOCKLAYERS	9.20	.45	.50		.10
CARPENTERS	6.56				
CEMENT MASONS	6.50				
ELECTRICIANS	8.20	5%	7%+3%		1%
ELEVATOR CONSTRUCTORS	9.785				
GLAZIERS	6.13				
IRONWORKERS	6.39				
LABORERS	4.36				
LATHERS	7.36				
PAINTERS	5.27				
PLASTERERS	7.39				
PLUMBERS; PIPEFITTERS	11.33	.60	1.00		.10
ROOFERS	5.81				
SHEET METAL WORKERS:					
Commercial	8.30	.90	.55		.11
Industrial	9.61	.90	.55		.11
SOFT FLOOR LAYERS	5.25				
SPRINKLER FITTERS	10.61	.75	1.05		.10
TILE SETTERS	6.86				
POWER EQUIPMENT OPERATORS:					
BACKHOE	5.00				
BULLDOZER	5.25				
COMPACTOR	9.185	.625	.60		
CRANE	10.89	.65	.60		.05
GRADER	4.76				
PILEDRIVER	7.00				

SUPERSEDEAS DECISION

STATE: Florida
COUNTIES: Martin & Palm Beach
DECISION NUMBER: FL79-1109
DATE: Date of Publication
Supersedes Decision No.: FL79-1028 dated February 9, 1979 in 44 FR 8491.
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes or garden type apartments of four stories or less).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.09	.55+.10	.65		.02
BOILERMAKERS	11.70	.75	1.10		.02
BRICKLAYERS:					
Bricklayers; Cement Masons; Marble Setters; Plasterers; Stonemasons; Tile & Terrazzo Workers	10.00	.65	.55		.02
CARPENTERS; Soft Floor Layers (All of Martin County and that portion of Palm Beach County north of a line from the Atlantic Ocean along Appleby Street in Boca Raton, west to US #1 to Canal C-15, then west to Palm Beach County line)	10.00	.55	.80		.06
Remainder of Palm Beach County	10.00	.88	.45		.06
ELECTRICIANS:					
Wiremen	11.27	4.5%	3%+6%	6%	1.5%
Cable Splicers	12.40	4.5%	3%+6%	6%	1.5%
ELEVATOR CONSTRUCTORS:					
Mechanics	11.16	.895	.69	a+b	.03
Helpers	7.81	.895	.69	a+b	.03
Probationary Helpers	5.58				
GLAZIERS	10.24	.55	.40		
IRONWORKERS	10.15	.45	.38	.50	.10
LABORERS:					
Air Tool Operators; Mason Tenders; Mortar Mixers and Pipelayers	6.70	1.10	.37		
Plasterer Tenders	6.88	1.10	.37		
Unskilled	6.60	1.10	.37		
LATHERS	9.73		.10		.025
LINEMEN:					
Linemen	11.17	3.5%	3%+6%		0.75%
Heavy Equipment Operators	11.17	3.5%	3%+6%		0.75%
Cable Splicers	11.47	3.5%	3%+6%		0.75%
Winch Truck Operators	8.90	3.5%	3%+6%		0.75%
Truck Drivers	7.31	3.5%	3%+6%		0.75%
Groundmen	6.07	3.5%	3%+6%		0.75%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MILLWRIGHTS	$ 9.70	.55	.70		.06
PAINTERS:					
Brush	8.33	.55	.30		.05
Paperhanger; Roller	8.58	.55	.30		.05
Spray; Taper	8.83	.55	.30		.05
PILEDRIVERS	10.20	.55	.70		.10
PLUMBERS: Pipefitters;					
Steamfitters:					
Commercial	10.25	.52	1.00		.16
Industrial	12.54	.52	1.00		.16
ROOFERS:					
Roofers	9.40	.40	.50		.015
Pot Firemen; Mud Mixers	6.10	.40	.50		.015
SHEET METAL WORKERS	10.70	.60	.33		.03
SPRINKLER FITTERS	10.61	.75	1.05		.10
WELDERS - Rate for craft to which welding is incidental					

PAID HOLIDAYS (Where Applicable)
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I	10.35	.50	.80		.10
Group II	10.20	.50	.80		.10
Group III	9.70	.50	.80		.10
Group IV	9.25	.50	.80		.10
Group V	9.10	.50	.80		.10
Group VI	8.75	.50	.80		.10
Group VII	8.50	.50	.80		.10
Group VIII	8.40	.50	.80		.10
Group IX	8.00	.50	.80		.10

GROUP I:
All tower cranes, cranes, cranes with boom length over 250 ft., derricks, helicopters, All types of flying cranes, all nuclear powered equipment

GROUP II:
All cranes with boom length of 150 ft. to 250 ft., cranes of 150 tons and over with boom length of under 250 ft., gantry and overhead cranes.

GROUP III:
All hydro cranes, cranes with boom length of under 150 ft., clamshell, Shovel, backhoe, gradall, Cherrypicker, dragline, piledriver, drilling of piling, tugger hoist, motor grader (finish), Mechanic, sideboom, tractor boom, concrete mixer, cableway.

GROUP IV:
Boring & drilling machine, concrete pump machine, batching plant, inside elevator, forklift with vert. lift of over 20 ft.

GROUP V:
Locomotive, motor mixing pump, winch truck, A-frame truck, grease truck, front end loader, bulldozer, pan, motor grader, forklift.

GROUP VI:
Trenching and ditching machine, roller, fireman, distributor (bituminous), finish machine (paving), wellpoint system (installation and/or operation), siphon vacumn pump, tractor, conveyor.

GROUP VII:
Utility operator (any combination of equipment up to and including 4 pieces listed in Group VIII), welding machine (3 or 4).

GROUP VIII:
Pump (over 2½ inches), compressor (over 125 c.f.m.)., generator (over 5 KW), welding machine (2).

GROUP IX:
Oiler, fuel truck, machine helper, boom hauling truck; lowboy truck

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Bay
DECISION NUMBER: FL79-1111 DATE: Date of Publication
Supersedes Decision No.: FL79-1029 dated February 9, 1979 in 44 FR 8493.
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	5.00				
Carpenters	5.40				
Carpet layers	5.00				
Cement masons (finishers)	3.75				
Drywall hanger	6.00				
Electricians	10.97	.50	.3%		0.5%
Elevator constructors:					
Mechanics	9.815	.745	.56	a+b	.025
Helpers	6.87	.745	.56	a+b	.025
Probationary helpers	4.91				
Ironworkers	8.77	.30	.35		
Laborers:					
Laborers	2.98				
Plasterers tenders	3.50				
Painters	4.50				
Plasterers	6.00				
Plumbers & Pipefitters	6.00				
Roofers	4.50				
Sheet metal workers	6.00				
Soft floor layers	3.50				
Sprinkler fitters	10.61	.75	1.05		.10
Tile setters	5.00				
Welders - rate for craft to which welding is incidental					
POWER EQUIPMENT OPERATORS:					
Bulldozers	3.25				
Crane	3.75				
Forklift	3.25				

FOOTNOTES:

a. 6 paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years; 6% for employee of less than 5 years.

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Dade
DECISION NUMBER: FL79-1110 DATE: Date of Publication
Supersedes Decision No.: FL79-1041 dated February 16, 1979 in 44 FR - 10231
DESCRIPTION OF WORK: Building Construction Projects (does not included single family homes or garden type apartments of four stories or less)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	12.09	.55+.10	.65		.02
Boilermakers	11.70	.75	1.10		.02
Bricklayers:					
Bricklayers; Cement masons; Marble setters; Plasterers; Stonemasons; Tile & Terrazzo workers	10.55	.60	.54		.04
Carpenters; Soft floor layers	10.00	.80	.55		.06
Electricians	12.00	7%	3%+3%		1%
Elevator constructors;					
Mechanics	11.16	.895	.69	a+b	.03
Helpers	7.81	.895	.69	a+b	.03
Probationary Helpers	5.88				
Glaziers	9.50	.45	.35		.02
Ironworkers	10.00	.75	.83		.04
Laborers:					
Air tool operators; Mason tenders; Mortar mixers; and Pipelayers	6.70	1.10	.37		
Plasterers tenders	6.88	1.10	.37		
Unskilled	6.60	1.10	.37		
Permit value up to $350,000:					
Air tool operators; Mason tenders; Mortar Mixers; and Pipelayers	5.025	1.10	.37		
Plasterers tenders	5.16	1.10	.37		
Unskilled	4.95	1.10	.37		
Lathers	9.20	.35	.10		.06
Linemen:					
Linemen	12.41	4.5%	3%+2%	5%	0.75%
Groundmen	5.96	4.5%	3%+2%	5%	0.75%
Millwrights	9.45	.80	.55		.06
Painters:					
Brush	9.50	.55	.60		.07
Tapers; Paperhangers	9.75	.55	.60		.07
Spray; Sandblasters	10.00	.55	.60		.07
Piledrivers	10.20	.55	.70		.10
Plumbers	10.42	.92	1.30		.09

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Refrigeration & Air conditioning mechanics:					
A/C Units over 15 tons	11.03	1.08	1.00		.09
A/C Units over 7.5 tons but under 15 tons	8.23	1.08	1.00		.09
Roofers:					
Slate; tile; composition; damp & waterproofers	9.77	.83	.35		.02
Poured or pre-cast roof deck applicators	5.85	.30	.15		
Kettlemen	7.02	.30	.15		
Sheet metal workers	10.55	.75	.50		.10
Sprinkler fitters	10.61	.75	1.05		.10
Welders - rate for craft to which welding is incidental.					

PAID HOLIDAYS (WHERE APPLICABLE):
A- New Year's Day; B- Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Credit for employee who has worked in business less than 5 years.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP A	11.00	.50	.45		.05
GROUP B	10.28	.50	.45		.05
GROUP C	9.34	.50	.45		.05
GROUP D	8.56	.50	.45		.05
GROUP E	7.51	.50	.45		.05

GROUP A: Field shop mechanic; cranes; derricks; hoist; field batch plant operator; inside elevator operator.

GROUP B: Draglines; backhoes; finisher grader; firemen; fork lift; pumps 3" or larger combination of 5 or less pumps, air compressor (over 125 CFM) or other equipment

GROUP C: Bulldozerers, distributors, scrapers, motor graders, trenching machine, front end loaders, air compressor (up to 125 CFM), welding machine, winch truck

GROUP D: Rollers, finishing machines, tractor, oilers & drivers, mixers

GROUP E: Oiler on crawler cranes, drivers.

SUPERSEDEAS DECISION

DECISION NO. LA79-4069 Page 2

STATE: Louisiana PARISH: Statewide
DECISION NO.: LA79-4069 DATE: Date of Publication
Supersedes Decision No. LA79-4001, dated January 5, 1979, in 44 FR 1634.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & garden type apartments up to & including 4 stories) & Construction of Highways, Roads, Streets (does not include building strucutes in rest area projects) & Parking Area (except those let with a building contract).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS - ZONE 1	$ 12.32	.525	.90		.04
ZONE 2	11.13	.50	.76		.03
ZONE 3	10.50	.55	1.20		.05
ZONE 4	10.32	.45	.50		

ZONE 1 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, Vermilion & Vernon Parishes
ZONE 2 - Bienville, Bossier. Caddo, Caldwell, Claiborne, DeSoto, Grant, Jackson, Lincoln, Natchitoches, Ouachita, Red River, Sabine, Union, Webster & Winn Parishes
ZONE 3 - Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, LaSalle, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 4 - East Carroll, Franklin, Madison, Morehouse, Richland, Tensas & West Carroll Pars.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BOILERMAKERS	11.05	.80	1.00		.02
BRICKLAYERS & STONEMASONS					
ZONE 1	11.55	.80	.90		.31
ZONE 2	10.30	.53	.35		
ZONE 3	11.85	.53	.67		.05
ZONE 4	11.30	.50	.35		.035
ZONE 5	11.25				
ZONE 6	10.50	.40	.55		
ZONE 7	8.95		.30		
ZONE 8	11.25		.25		
ZONE 9	11.50				

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Pointe Coupee, Rapides & St. Landry Parishes
ZONE 3 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Par. from the Tangipahoa Par. Line on the west along U.S. Hwy. 190 through the lower limits of Covington, along State Hwy. 58, through the lower limits of Abita Springs & Talisheek & on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 5 - St. Tammany (north half including Covington north of Hwy. 190) & Washington Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Iberia, Lafayette, St. Martin, St. Mary & Vermilion Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS (BUILDING CONSTRUCTION)					
ZONE 1 - Carpenters	9.65	.50			
Millwrights	10.37	.50			
Piledrivermen	10.55	.50			
ZONE 2 - Carpenters, piledrivermen & soft floor layers	10.75	.60	.33		.07
Millwrights	12.35				.07
ZONE 3 - Carpenters	10.50	.60	.45		
Millwrights	11.75	.60	.45		
Piledrivermen	10.80	.60	.45		
ZONE 4 - Carpenters & piledrivermen	11.30	.50	.60		.05
Millwrights	13.225				7/10%
ZONE 5 - Carpenters & soft floor layers	10.82	.60	.45		.04
Millwrights	11.21	.60	.45		.04
Piledrivermen	10.92	.60	.45		.04
ZONE 6 - Carpenters & soft floor layers	10.655	.60	.45		.04
Millwrights	11.21	.60	.45		.04
Piledrivermen	10.92	.60	.45		.04
ZONE 7 - Carpenters & soft floor layers	10.35				
Millwrights	11.10				
Piledrivermen	10.85				
ZONE 8 - Carpenters & soft floor layers	10.15	.45	.40		.04
Millwrights	10.90	.45	.40		.04
Piledrivermen	10.40	.45	.40		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 9 - Carpenters & soft floor layers	10.30				
Millwrights	11.05				
Piledrivermen	10.80				
ZONE 10 - Carpenters & soft floor layers	10.40	.65	.35		.05
Millwrights	11.30	.65	.35		.05
Piledrivermen	10.90	.65	.35		.05

ZONE 1 - All of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Pars.; Parts of Iberia, St. Martin & St. Mary Pars. (west of the Atchafalaya River)
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Par.) & Washington Parishes
ZONE 4 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Miss. River), West Baton Rouge & West Feliciana Pars.
ZONE 5 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles & St. John the Baptist Pars. Parts of St. Tammany & Tangipahoa (south of I-12 from the Miss. State Line to the western boundary of Tangipahoa Par.) Parishes
ZONE 6 - Assumption, Iberia (east of the Atchafalaya River), Lafourche, St. James (south of the Miss. River), St. Martin (eastern segment of the Atchafalaya River), St. Mary (east of the Atchafalaya River) & Terrebonne Parishes
ZONE 7 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 9 - Natchitoches & Sabine Parishes
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

CARPENTERS & PILEDRIVERMEN (HIGHWAY CONSTRUCTION):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	10.66				
ZONE 2	11.66				
ZONE 3	11.77				
ZONE 4	11.075				
ZONE 5	9.77				
ZONE 6	9.55				
ZONE 7	9.00				

ZONE 1 - Bossier & Caddo Parishes
ZONE 2 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 3 - East Baton Rouge Parish
ZONE 4 - Calcasieu Parish
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin, St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Pars.

CEMENT MASONS (BUILDING CONSTRUCTION):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	10.41				
ZONE 2	9.45				
ZONE 3	9.35	.50	.75		.05
ZONE 4	10.745	.45	.40		.04
ZONE 5	10.35				
ZONE 6	7.50				
ZONE 7	9.65	.35			
ZONE 8	9.97		.25		
ZONE 9	7.30		.30		

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, West Baton Rouge & West Feliciana Pars
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Pars.
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (north to Interstate Hwy. 12) & Terrebonne Parishes
ZONE 5 - St. Tammany (northern half including Covington north of Hwy. 190) & Washington
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Natchitoches & Sabine Parishes

CEMENT MASONS (HIGHWAY CONSTRUCTION):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	9.80	.45	.40		
ZONE 2	6.45				
ZONE 3	9.65	.35			
ZONE 4	10.00				
ZONE 5	9.50				
ZONE 6	9.00				
ZONE 7	9.50				
On concrete lined ditches	9.35	.50	.75		.05
ZONE 8	9.00				
On concrete lined ditches	9.11	.50	.75		.05
ZONE 9	6.30				
ZONE 10	5.72				

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - Ascension, East Baton Rouge, U. S. Hwy. 61 in East Feliciana & West Feliciana Pars.
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu Parish
ZONE 5 - Cameron & Jefferson Davis Parishes
ZONE 6 - Allen & Beauregard Parishes
ZONE 7 - Acadia, Iberia, Lafayette, St. Landry, St. Martin & Vermilion Parishes
ZONE 8 - St. Mary Parish
ZONE 9 - Assumption, Avoyelles, Bienville, Claiborne, DeSoto, East Feliciana (excluding U.S. Hwy. 61), Evangeline, Iberville, Lafourche, Lincoln, Livingston, Madison, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, St. Helena, St. James, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne, Vernon, Webster & West Baton Rouge Parishes
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Morehouse, Sabine, Tensas, Union, Washington, West Carroll & Winn Pars.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
ZONE 1 - Electricians	$13.04	5%	8%		3/10%
Cable splicers	13.29	5%	8%		3/10%
ZONE 2 - Electricians	11.85	.35	3%		.02
Cable splicers	12.55	.35	3%		.02
ZONE 3 - Electricians	14.00	.35	3%+.40		1/10%
Cable splicers	14.25	.35	3%+.40		1/10%
ZONE 4 - Electricians	12.30	.70	3%		2/10%
Cable splicers	12.55	.70	3%		2/10%
ZONE 5 - Electricians	12.35	.35	3%+.40		.05
Cable splicers	12.35	.35	3%+.40		.05
ZONE 6 - Electricians	11.55	.75	3%		1/2%
Cable splicers	12.05	.75	3%		1/2%
ZONE 7 - Electricians	12.65	1.45	3%		1%
Cable splicers	13.15	1.45	3%		1%
ZONE 8 - Electricians	12.35		3%		1/2%
Cable splicers	12.60		3%		1/2%

ZONE 1 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge, & West Feliciana Pars.
ZONE 2 - St. Tammany, Tangipahoa & Washington Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Pars.
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

DECISION NO. LA79-4069

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS					
ZONE 1 - Mechanics	10.27	.745	.56	4%+a+b	.025
Helpers	70%JR	.745	.56	4%+a+b	.025
Helpers (Probationary)	50%JR				
ZONE 2 - Mechanics	10.025	.895	.69	4%+a+b	.035
Helpers	70%JR	.895	.69	4%+a+b	.035
Helpers (Probationary)	50%JR				

FOOTNOTES FOR ELEVATOR CONSTRUCTORS
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; the Friday after Thanksgiving Day; Christmas Day
ZONE 1 - Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Pars.
ZONE 2 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS - ZONE 1	10.65				.02
ZONE 2	8.15				.01
ZONE 3	10.425	.17	.30		.01
ZONE 4	9.08		.30		.04
ZONE 5	6.80				
ZONE 6	8.10				

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Acadia, Ascension (north of Hwy. 22), Assumption (north of Hwy. 22), East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston (north of Hwy. 22), Pointe Coupee, St. Helena, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area), Tangipahoa (west of Hwy. 51), Vermilion, West Baton Rouge & West Feliciana Pars.
ZONE 3 - Ascension (south of Hwy. 22), Assumption (south of Hwy. 22), Jefferson, Lafourche, Livingston (south of Hwy 22), Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - Bienville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to city of Natchitoches), Red River, Sabine & Webster Parishes
ZONE 5 - Bienville (eastern portion, everything east of Rt. 9 inclusive), Caldwell, Concordia, East Carroll (western 2/3, everything west of Rt. 65 inclusive), Franklin, Jackson, Lincoln, Madison (western half, everything west of Rt. 65 inclusive), Morehouse, Ouachita, Richland, Tensas (west 3/4 everything west of Rt. 65), Union, West Carroll & Winn (northern half, everything north of a line running east & west through Winfield, excluding Winfield) Parishes
ZONE 6 - St. Tammany (northern 2/3, everything north of a straight line running east & west from Pearl River to Mandeville), Tangipahoa (everything east of Route 51 & everything north of a straight line running east & west from Madisonville through Ponchatoula) & Washington Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (BUILDING CONSTRUCTION)					
ZONE 1	11.36	.63	.35		.04
ZONE 2	11.39	.45	.75		.04
ZONE 3	11.40	.45	.90		.06
ZONE 4	11.45	.45	1.15		.06
ZONE 5	10.35	.45	.85		.04
ZONE 6	11.35	.45	.65		.05

ZONE 1 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Pars.; Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Pars. (west of a straight line drawn from the La.-Miss. border, east of the city limits of Warrenton, southwest through Hammond to the Gulf of Mexico)
ZONE 2 - All of Ascension, Assumption, Avoyelles, East Baton Rouge, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. Martin, St. Mary, West Baton Rouge & West Feliciana Pars., Parts of Acadia, Evangeline, Lafayette, St. Landry, & Vermilion Pars. (east of a line drawn from the meeting point of the boundaries of the Pars. of Rapides, Avoyelles & Evangeline, southeast along the western city limits of Abbeville to the Gulf of Mexico); Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Pars. (west of a straight line drawn from the La.-Miss. border, west of the city limits of Warrenton, southwest through Hammond to the Gulf of Mexico); Parts of Catahoula, Concordia & LaSalle Pars. (south of a line drawn from Natchez through the city of Carter Point to the Rapides Par. Line, then west along the southern border of Rapides Par.)
ZONE 3 - All of Bossier, Caddo, DeSoto, Red River & Webster Pars.; Parts of Bienville, Claiborne, Natchitoches & Winn Pars. (west of a line drawn directly south from the Ark.-La. border through the cities of Arcadia & Cloutierville); Part of Sabine Par. (north of a line drawn from the Natchitoches Par. boundary west through the city of Pearson to the Tex.-La. border)

ZONE 4 - All of Caldwell, East Carroll, Franklin, Grant, Jackson, Lincoln, Morehouse, Ouachita, Rapides, Richland, Tensas, Union & West Carroll Pars.; Parts of Bienville, Claiborne, Natchitoches & Winn Pars. (east of a line drawn directly south from the Ark.-La. border through the cities of Arcadia & Cloutierville); Part of Madison Par. (except the cities of Mound, Delta & adjacent areas); Parts of Catahoula, Concordia & LaSalle Pars. (north of a line drawn from Natchez through the city of Carter Point to the Rapides Par. Line)
ZONE 5 - That part of Madison Par. (including the cities of Mound, Delta & adjacent areas)
ZONE 6 - All of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Pars.; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Pars. (southwest of Rapides Par. & west of a line south of the western most border between Rapides & Evangeline Pars.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (HIGHWAY CONSTRUCTION)					
ZONE 1	11.82				
ZONE 2	8.70				
ZONE 3	11.40				
ZONE 4	11.26				
ZONE 5	9.55				
ZONE 6	9.00				
ZONE 7	6.99				
ZONE 8	6.45				
ZONE 9	5.84				

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Pars.
ZONE 2 - East Baton Rouge Parish
ZONE 3 - Calcasieu Parish
ZONE 4 - Bossier & Caddo Parishes
ZONE 5 - Cameron & Jefferson Davis Parishes
ZONE 6 - Allen & Beauregard Parishes
ZONE 7 - Lafayette, Ouachita & Rapides Parishes
ZONE 8 - Acadia, Ascension, Bienville, DeSoto, Iberia, Iberville, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Par.), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Pars.
ZONE 9 - Assumption, Avoyelles, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (that portion south of Iberia Par.), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

DECISION NO. LA79-4069

LABORERS (BUILDING CONSTRUCTION):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - Group 1	$ 6.45	.15			
Group 2	6.60	.15			
Group 3	6.70	.15			
ZONE 2 - Group 1	6.67	.25	.20		.05
Group 2	6.87	.25	.20		.05
ZONE 3 - Group 1	8.20	.25	.20		.05
Group 2	8.30	.25	.20		.05
Group 3	8.35	.25	.20		.05
Group 4	9.16	.25	.20		.05
Group 5	8.72	.25	.20		.05
Group 6	8.56	.25	.20		.05
Group 7	8.25	.25	.20		.05
Group 8	8.45	.25	.20		.05
ZONE 4 - Group 1	7.22	.25	.27		.05
Group 2	7.32	.25	.27		.05
Group 3	7.37	.25	.27		.05
ZONE 5 - Group 1	6.82	.25	.27		.05
Group 2	6.92	.25	.27		.05
Group 3	6.97	.25	.27		.05
ZONE 6 - Group 1	8.15	.25	.27		.05
Group 2	8.25	.25	.27		.05
Group 3	8.40	.25	.27		.05
Group 4	8.31	.25	.27		.05
Group 5	8.41	.25	.27		.05
ZONE 7 - Group 1	7.825	.25	.27		.05
Group 2	7.975	.25	.27		.05
Group 3	8.025	.25	.27		.05
ZONE 8 - Group 1	6.21	.25	.20		.05
Group 2	6.41	.25	.20		.05
Group 3	6.46	.25	.20		.05
Group 4	6.51	.25	.20		.05
Group 5	6.86	.25	.20		.05
ZONE 9 - Group 1	6.85	.25	.20		.05
Group 2	6.95	.25	.20		.05
Group 3	7.00	.25	.20		.05
Group 4	7.05	.25	.20		.05
ZONE 10 - Group 1	6.60	.25	.20		.05
Group 2	6.70	.25	.20		.05
Group 3	6.85	.25	.20		.05

DECISION NO. LA79-4069

LABORERS - ZONE 1 (CLASSIFICATION DEFINITIONS)

GROUP 1 - Building and labor construction

GROUP 2 - Stone mason helpers; mechanical tool operators; sewermen (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers & ditchers 4 ft. or over); tender of all crafts; sandblaster (nozzlemen); sandblaster (pot tender); laying non-metallic pipe over 4 ft. deep, including sewer, drain & underground tile; septic tank diggers & installers, over 4 ft. deep; gas & oil pipeline laborers & wrappers

GROUP 3 - Gunite tool operators

LABORERS - ZONE 2

GROUP 1 - Building laborer; rotary drill laborers; foundation drill crewman

GROUP 2 - Mason mixer; plaster mixer; mechanical tool op.; sandblaster; laying concrete, clay, plastic, asbestos cement, casing & corrugated metal pipe, as sewer, drain & underground tile (caulkers, joint wrappers, hot pot & pipe layers); gas & oil pipeline laborers wrappers & dopers

LABORERS - ZONE 3

GROUP 1 - Building & general laborer; tenders (carpenter, plaster, cement finisher, mason); tank & vessel cleaners

GROUP 2 - Air tool op. (except jackhammer); interior of closed tanks & vessels power equipped

GROUP 3 - Mortar mixers

GROUP 4 - Blasterers

GROUP 5 - Blaster helpers; concrete cutters behind paving machine & puddlers; form setters & liner asphalt worker

GROUP 6 - Wiping joints, laying pipe & tile from pumperete

GROUP 7 - Interior of closed tanks & vessels manually

GROUP 8 - Jackhammer operators

LABORERS - ZONES 4 & 5

GROUP 1 - Building and general laborers, carpenter tenders

GROUP 2 - Power tool ops. (hammer men, tamper, vibrators, power buggies, concrete chippers or cutters, chain saw ops., etc); pipelayers (non-metallic)

GROUP 3 - Mason tenders, plaster tenders, cement mix (wet or dry) tenders, hod carrier tender; mortar mixers & cement mixers (wet or dry)

LABORERS - ZONE 6

GROUP 1 - Building laborers

GROUP 2 - Laborers handling steel pans, stone masons helpers, mechanical tool ops., sewermen (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers & ditchers 4 ft. & over), sandblaster (nozzlemen & pot tender); laying non-metallic pipe over 4 ft. deep, septic diggers & installers over 4 ft. deep, gas & oil pipeline laborers & wrappers

GROUP 3 - Gunite tool operators

GROUP 4 - Bricklayers tenders and mason tenders

GROUP 5 - Hod carriers using prime mover to serve a bricklayer; mortar mixers

LABORERS - ZONE 7

GROUP 1 - Common laborers

GROUP 2 - Jackhammermen, sewermen, mason tenders, plasterer tenders, stone masons helpers, vibratormen

GROUP 3 - Mortar mixers

LABORERS - ZONE 8

GROUP 1 - Common laborers; carpenter helpers; mason tenders (other than cement); plasterers tenders; stone masons helpers; concrete workers; scaffold builders

GROUP 2 - Air tool ops. (jackhammer, vibrator & tamper); sewer pipe joiners & setters; concrete cutters; hod carriers; creosote materials handler; acid worker; mason tenders (cement); Mortar mixer (wet or dry); motorized buggy op.; water proofers (mastic); form setters (steel paving forms)

GROUP 3 - Chain saw operator

GROUP 4 - Asphalt raker, tamper, smoother & shovelers; sewer pipelayers; blaster helpers

GROUP 5 - Powderman
LABORERS - ZONE 9
GROUP 1 - Building laborers
GROUP 2 - Mason tenders, plaster tenders; asphalt rakers, asphalt smoothers
GROUP 3 - Mortar mixers
GROUP 4 - Air jack op., vibrator ops.; sewer pipelayers, sewer pipe wrappers
LABORERS - ZONE 10
GROUP 1 - Laborers, tenders (brickmasons, stonemasons, cement masons, carpenters, plasterers, stripping & dismantling; concrete form work; loading,unloading, carrying & handling steel & steel mesh; assisting to the setting of cut stone, granite or artifical stone; building scaffolds; shoring
GROUP 2 - Mechanical tool op. (air, electric, motor, engine, etc.); sewer pipelayers; mortar mixers (hand or machine); gunite op.; tile, terrazzo & marble setters helpers
GROUP 3 - Pipe dopers & burners

ZONE 1 - St. Tammany (as far south as Bayou Lacombe & east to the Miss. State Line at Pearlington), Tangipahoa (all but southwestern corner) & Washington Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary (excluding that part of Parish to the Calumet Locks west) & Vermilion Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge & West Feliciana Pars.;Parts of Assumption, St. James, St. John the Baptist Pars. (north of a line drawn from the southern limits of the town of St. James in St. James Par. to the northern limits of the town of Napoleonville in Assumption Par. & then directly west to the Par. line, all of St. James Par. except that part which is east of a line drawn from Lutcher to U. S. Hwy 61 (Airline Hwy). then west on U. S. 61 to Blind River & on a direct line to Manchac)
ZONE 5 - Livingston, St. Helena & Tangipahoa (south & west of a line running from the western Par. line to a point directly east which touches the northern limits of the town of Independence, then directly south to Lake Pontchartrain) Parishes
ZONE 6 - Jefferson (except Grand Isle), Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist (on the west bank of the Miss. River & the portion of St. John the Baptist on the east bank of the Miss. River as far as the Sycamore Inn at Lutcher & north to Blind River & Manchac & St. Tammany (north as far as Bayou Lacombe, east to the Miss. State Line at Pearlington) Parishes
ZONE 7 - Assumption (north of Napoleonville), Jefferson (Grand Isle), Lafourche, St. James (on the west bank & including the town of Vacherie), St. Mary (that part of Parish to the Calumet Locks west) & Terrebonne Parishes
ZONE 8 - Avoyelles, Evangeline, Grant, LaSalle,Natchitoches, Rapides & Winn Parishes
ZONE 9 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Pars.
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Pars.

LABORERS (HIGHWAY CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1 - Zone 1	6.83	.25	.27		.05
Zone 2	4.80	.15	.10		.05
Zone 3	6.19	.25	.21		.05
Zone 4	6.89	.25	.21		.05
Zone 5	5.99	.25	.21		.05
Zone 6	5.79	.25	.21		.05
Zone 7	4.10	.15	.10		.05
Zone 8	3.85	.15	.10		.05
Zone 9	3.75	.15	.10		.05
GROUP 2 - Zone 1	6.93	.25	.27		.05
Zone 2	4.90	.15	.10		.05
Zone 3	6.29	.25	.21		.05
Zone 4	6.99	.25	.21		.05
Zone 5	6.09	.25	.21		.05
Zone 6	5.89	.25	.21		.05
Zone 7	4.20	.15	.10		.05
Zone 8	3.95	.15	.10		.05
Zone 9	3.85	.15	.10		.05
GROUP 3 - Zone 1	7.38	.25	.27		.05
Zone 2	5.35	.15	.10		.05
Zone 3	6.74	.25	.21		.05
Zone 4	7.44	.25	.21		.05
Zone 5	6.54	.25	.21		.05
Zone 6	6.34	.25	.21		.05
Zone 7	4.65	.15	.10		.05
Zone 8	4.40	.15	.10		.05
Zone 9	4.30	.15	.10		.05
GROUP 4 - Zone 1	7.63	.25	.27		.05
Zone 2	5.60	.15	.10		.05
Zone 3	6.99	.25	.21		.05
Zone 4	7.69	.25	.21		.05
Zone 5	6.74	.25	.21		.05
Zone 6	6.54	.25	.21		.05
Zone 7	4.85	.15	.10		.05
Zone 8	4.60	.15	.10		.05
Zone 9	4.50	.15	.10		.05

GROUP 1 - Laborers, including but not limited to signalman, foundation driller & demolishing & dismantling man
GROUP 2 - Raker, concrete spreader, carpenter helpers, distributor man, finisher helpers, formsetter helpers, jackhammer op.; jetting laborer, painter helpers, pit man, pipelayer or tile layer, power monkey helper, tamper, tree pruner, stone mason helpers, stoker, asphalt raker, concrete shovelers, power tool op. & motorized buggy op.
GROUP 3 - Formsetter, head or master--high type pavement
GROUP 4 - Powderman
ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - East Baton Rouge Parish
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu Parish
ZONE 5 - Cameron & Jefferson Davis Parishes

ZONE 6 - Allen & Beauregard Parishes
ZONE 7 - Lafayette, Ouachita & Rapides Parishes
ZONE 8 - Acadia, Ascension, Bienville, DeSoto, Iberia, Iberville, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Par), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 9 - Assumption, Avoyelles, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St Helena, St. Martin (that portion south of Iberia Par.), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS					
ZONE 1	9.78	.55	.35		.05
ZONE 2	9.93	.55	.35		.05
ZONE 3	10.18	.55	.35		.05
ZONE 4	10.53	.55	.35		.05
ZONE 5	11.17				.01
ZONE 6	10.20				.01
ZONE 7	12.435	.55			.01
ZONE 8	11.65				
ZONE 9	9.40				.01

ZONE 1 - That part of Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Pars. which are 12.5 miles from center of New Orleans
ZONE 2 - That part of Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Pars. which are within a 22.5 mile radius of New Orleans center.
ZONE 3 - That part of Jefferson, Lafourche (except that area southeast of Raceland to Bayou Lafourche), Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Tangipahoa Pars. which are within a 32.5 mile radius of New Orleans center
ZONE 4 - That part of Jefferson, Lafourche (including that area southeast of Raceland to Bayou Lafourche), Livingston (westward to Rt. 22 including towns of Maurepas, Killian & Springfield), Plaquemines, St. Bernard, St. James (including towns of Gramercy, Lutcher & Paulina), St. Tammany, Tangipahoa (northward to Rt. 16 including towns of Amite & Holton), Terrebonne (westward to Rts. 24 & 315 including city of Houma) & Washington (only northward to Rt. 10 to southern limits of towns of Bogalusa, Sheridan & Franklinton) Pars. outside 32.5 mile radius New Orleans Center

ZONE 5 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, (except lower Grand River), Livingston (western part), Pointe Coupee, St. Helena, St. James (only towns of Union, Hymel, Convent & Lutcher), St. Martin (only lower separted section), St. Mary (only Morgan City), Tangipahoa (north of Rt. 16 & west of Rt. 51 including Amite, Hammond & Ponchatoula), Washington (only north of Rt. 16 & west of Rt. 25), West Baton Rouge & West Feliciana Pars.
ZONE 6 - Acadia, Evangeline (northward to Rt. 10 including Ville Platte and Mamou), Iberia, Iberville (eastward to lower Grand River), Lafayette, St. Landry, St, Martin (excluding lower separated section), St. Mary (east to Berwick) & Vermilion Pars
ZONE 7 - Allen, Beauregard, Calcasieu, Cameron, Evangeline (excluding Ville Platte & Mamou), Jefferson Davis & Vernon (west of Rt. 117 & north of Rt. 8) Pars.
ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Lincoln, Natchitoches, Red River & Webster Pars.
ZONE 9 - Avoyelles, Caldwell, Catahoula, Concordia, Franklin, Grant, LaSalle, Morehouse, Ouachita, Rapides, Richland, Vernon (except west of Rt. 117 & north of Rt. 8) & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
ZONE 1 - GROUP 1	$12.35	.35	3%+.40		.05
GROUP 2	75%JR	.35	3%+.40		.05
GROUP 3	65%JR	.35	3%+.40		.05
GROUP 4	45%JR	.35	3%+.40		.05
GROUP 5	50%JR	.35	3%+.40		.05

GROUP 1 - Linemen
GROUP 2 - Op. hole digging equip.; op. tractor with winch & derrick; op. line truck with winch & derrick working hot lines
GROUP 3 - Op. using hole truck & trailer or pole hauling & setting truck (not in energized lines)
GROUP 4 - Op. using truck without winch; Groundmen (starting rate to 1½ yrs. service)
GROUP 5 - Groundmen (1½ yrs. service or over)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 2					
Linemen, line equipment & line truck ops.	13.04	5%	8%		3/10%
Cable splicers	13.29	5%	8%		3/10%
ZONE 3 - Linemen, equipment ops.	14.00	.35	3%+.40		1/10%
Cable splicers	14.25	.35	3%+.40		1/10%
Groundmen	12.00	.35	3%+.40		1/10%
ZONE 4 - Linemen, equip ops.	12.30	.70	3%		
Cable splicers	12.55	.70	3%		
Groundmen	50%JR	.70	3%		
ZONE 5 - Linemen & equip., ops.	12.35		3%		1/2%
Cable splicers	12.60		3%		1/2%
Groundmen	60%JR		3%		1/2%
ZONE 6 - Linemen & equip., ops.	11.55	.75	3%		1/2%
Cable splicers	12.05	.75	3%		1/2%
Groundman, 1st 6 months	3.00	.75	3%		1/2%
Groundman, 2nd 6 months	3.70	.75	3%		1/2%
Groundmen, after 1 year	3.93	.75	3%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 7 - Linemen; Operators	12.65	1.45	3%		1%
Cable splicers	13.15	1.45	3%		1%
Groundmen	10.65	1.45	3%		1%

ZONE 1 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern Segment), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Pars.
ZONE 2 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Pars.
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Pars.
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE, TILE & TERRAZZO WORKERS & FINISHERS					
ZONE 1 - Marble setters	11.30	.50	.35		.035
Tile & terrazzo workers	11.30	.50	.35		.035
Marble, tile & terrazzo finishers	7.70	.35		.20	
ZONE 2 - Marble & terrazzo workers	11.85	.53	.67		.05
Tile setters	8.75	.48	.67		.02
ZONE 3 - Marble setters	11.50				
Terrazzo workers	9.25				
ZONE 4 - Marble, tile & terrazzo workers	10.22		.25		
ZONE 5 - Marble, tile & terrazzo workers	9.35	.40			
ZONE 6 - Marble, tile & terrazzo workers	12.00				
Marble, tile & terrazzo finishers	7.70	.35		.20	
ZONE 7 - Tile setters	11.25				
Tile finishers	7.70	.35		.20	

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Par. from the Tangipahoa Par. Line on the west along U.S. Hwy. 190 through the lower limits of Covington, along State Hwy. 58 through the lower limits of Abita Springs & Talisheek & on a line due east from Talisheek to the Miss. State Line) & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Iberia, Lafayette, St. Martin, St. Mary & Vermilion Parishes

ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Pars.
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Pars.
ZONE 7 - St. Tammany (northern half including Covington north of Hwy 190) & Washington Pars.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS					
ZONE 1 - GROUP 1	11.285		.30		
GROUP 2	11.485		.30		
GROUP 3	11.63		.30		
GROUP 4	13.075		.30		
ZONE 2 - GROUP 1	9.85		.25		.05
GROUP 2	10.92		.25		.05
ZONE 3 - GROUP 1	9.405	.525	.50		.07
GROUP 2	9.78	.525	.50		.07
GROUP 3	10.655	.525	.50		.07
ZONE 4 - GROUP 1	8.10				
GROUP 2	8.40				
GROUP 3	8.15				
GROUP 4	9.00				
GROUP 5	9.25				
GROUP 6	8.55				
GROUP 7	8.40				
ZONE 5 - GROUP 1	9.30				
GROUP 2	9.80				
GROUP 3	10.30				
ZONE 6 - Painters, tape & float, vinyl & paperhangers	9.90	.40	.30		.05
ZONE 7 - GROUP 1	7.55				
GROUP 2	8.55				
GROUP 3	8.05				

ZONE 1 - GROUP 1 - Painters brush, roller & buffer
GROUP 2 - Paperhanging, taping & floating
GROUP 3 - Spray, sandblasting, hydroblasting, spider op., rubberizing, & pyroflexing, steam jennies, taping & floating machines
GROUP 4 - Bridge work, water towers, radio & TV towers

ZONE 2 - GROUP 1 - Brush; taping; floating & texture
GROUP 2 - Sandblasting, industrial & steel

ZONE 3 - GROUP 1 - Painters, paperhangers & sheetrock tapers & floaters
GROUP 2 - Structural steel painters of new buildings under construction; the following overall of 30 ft.: tanks, air conditioning, towers, smoke stacks sprinkler systems, wharves & structural steel in old buildings; spray painters, swing stage painter
GROUP 3 - Industrial

ZONE 4 - GROUP 1 - Brush
GROUP 2 - Brush swing stage
GROUP 3 - Brush industrial
GROUP 4 - Spray; spray steel; sandblasting
GROUP 5 - Spray swing stage
GROUP 6 - Paperhanger
GROUP 7 - Sheetrock finishers

ZONE 5 - GROUP 1 - Painters, paperhangers, tapers, floaters; commercial steel, such as churches or any commercial building with closed roof deck or walls
GROUP 2 - Other commercial work brush spray, stage, window jacks, flagpoles & steeple work
GROUP 3 - All industrial work including sandblasting or power tools of any kind

ZONE 7 - GROUP 1 - Painters, paperhangers, tapers, floaters
GROUP 2 - Stage, window jacks, bosun chairs, structural steel, rollers, equipment painting; sandblasting, spray, stack, sign, tank painting, steeple jack
GROUP 3 - Structural steel brush

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 2 - Acadia, Ascension (north of Hwy. 22), Assumption (north of Hwy. 22) East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston (north of Hwy. 22), Pointe Coupee, St. Helena, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area), Tangipahoa (west of Hwy. 51), Vermilion, West Baton Rouge & West Feliciana Pars.

ZONE 3 - Ascension (south of Hwy 22), Assumption (south of Hwy. 22), Lafourche, Livingston (south of Hwy. 22), Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes

ZONE 4 - St. Tammany (northern 2/3, everything north of a straight line running east & west from Pearl River to Mandeville), Tangipahoa (everything east of Rt. 51 & everything north of a straight line running east & west from Madisonville through Ponchatoula) & Washington Parishes

ZONE 5 - Allen (northeastern most corner, north of Rt. 10), Avoyelles, Catahoula, Evangeline, Grant, LaSalle, Natchitoches (southern half, everything south of Rt. 6 including City of Natchitoches), Rapides, St. Landry (northern portion) & Winn (southern half from a line running east & west through the intersection of Rts. 84 & 71, including the town of Winnfield at that intersection) Parishes

ZONE 6 - Bienville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to City of Natchitoches), Red River, Sabine & Webster Parishes

ZONE 7 - Bienville (eastern portion, everything east of Rt. 9 inclusive), Caldwell, Concordia, East Carroll (western 2/3, everything west of Rt. 65 inclusive), Franklin, Jackson, Lincoln, Madison (western half, everything west of Rt. 65 inclusive), Morehouse, Ouachita, Richland, Tensas (west 3/4, everything west of Rt. 65), Union, West Carroll & Winn (northern half, everything north of a line running east & west through Winfield, excluding Winfield) Parishes

		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS -	ZONE 1	10.70				
	ZONE 2	9.65				.01
	ZONE 3	10.07				
	ZONE 4	10.98				.01
	ZONE 5	7.03	.30	.20		.03
	ZONE 6	7.50				.01
	ZONE 7	9.75			1.00	
	ZONE 8	11.25		.25		
	ZONE 9	8.95		.30		

ZONE 1 - St. Tammany (northern half including Covington north of Hwy. 190) & Washington Pars.

ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Pars.

ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Pars.

ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (par. line on the west along U.S. Hwy. 190 through the lower limits of Covington & Abita Springs along State Hwy 435 to Talisheek & on a line due east from Talisheek to the Miss. State Line) & Terrebonne Parishes

ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Pars.

ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Pars.

ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Pars.

ZONE 9 - Natchitoches & Sabine Parishes

42868 Federal Register / Vol. 44, No. 141 / Friday, July 20, 1979 / Notices

DECISION NO. LA79-4069

		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS -	ZONE 1	11.60	.60	.90		.08
	ZONE 2	11.00	.64	.875		.06
	ZONE 3	10.80	.80	.80		.10
	ZONE 4	11.46	.55	.80	1.00	.09
	ZONE 5	11.97	.67	.72		.08

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (northern 2/3 of Par.), St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne & Washington Pars.

ZONE 2 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (eastern ½ of Par), Iberville, Livingston, Pointe Coupee, St. Helena, St. James (western 1/3 of Par), St. Martin (southern part of eastern ½ of Par), St. Mary, West Baton Rouge & West Feliciana Pars.

ZONE 3 - Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Evangeline, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches (south of Hwys. 84 & 86 from Winnfield to Natchitoches & southeast from Natchitoches to Anacoco through Bellwood), Ouachita, Rapides, Richland, Tensas, Union, Vernon (northeast of Hwy. 10), West Carroll & Winn Parishes

ZONE 4 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Pars.; Parts of Natchitoches & Vernon Pars. (northwest from a line drawn from Natchitoches to Anacoco through Bellwood & north of Hwy. 111 between Anacoco & Haddens)

ZONE 5 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia (western ½ of Par.) Jefferson Davis, Lafayette, St. Landry, St. Martin (west of Hwy. 31) & Vermilion Pars.

POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION):		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 -	GROUP 1	7.94	.65	.73		.05
	GROUP 2	8.30	.65	.73		.05
	GROUP 3	8.63	.65	.73		.05
	GROUP 4	8.72	.65	.73		.05
	GROUP 5	9.04	.65	.73		.05
	GROUP 6	10.52	.65	.73		.05
ZONES 2, 3 & 4 -	GROUP 1	7.97	.65	.48		.05
	GROUP 2	8.34	.65	.48		.05
	GROUP 3	8.73	.65	.48		.05
	GROUP 4	8.79	.65	.48		.05
	GROUP 5	9.16	.65	.48		.05
	GROUP 6	10.77	.65	.48		.05

DECISION NO. LA79-4069

		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 5 -	GROUP 1	$ 8.18	.65	.85		.05
	GROUP 2	7.86	.65	.85		.05
	GROUP 3	7.65	.65	.85		.05
	GROUP 4	8.46	.65	.85		.05
	GROUP 5	10.85	.65	.85		.05
	GROUP 6	8.87	.65	.85		.05
	GROUP 7	9.55	.65	.85		.05
ZONE 6 -	GROUP 1	8.33	.65	.85		.05
	GROUP 2	7.69	.65	.85		.05
	GROUP 3	7.46	.65	.85		.05
	GROUP 4	8.01	.65	.85		.05
	GROUP 5	8.80	.65	.85		.05
	GROUP 6	10.06	.65	.85		.05
	GROUP 7	11.26	.65	.85		.05
	GROUP 8	11.51	.65	.85		.05
	GROUP 9	11.76	.65	.85		.05
	GROUP 10	12.01	.65	.85		.05
ZONE 7 -	GROUP 1	10.73	.65	.85		.05
	GROUP 2	10.98	.65	.85		.05
	GROUP 3	7.80	.65	.85		.05
	GROUP 4	8.19	.65	.85		.05
	GROUP 5	9.05	.65	.85		.05
	GROUP 6	10.48	.65	.85		.05

POWER EQUIPMENT OPERATORS - ZONES 1, 2, 3 & 4 (CLASSIFICATION DEFINITIONS)

GROUP 1 - Oiler

GROUP 2 - Mechanic helper

GROUP 3 - Oiler-Driver

GROUP 4 - Scaleman

GROUP 5 - Air compressor; asphalt plant; bulldozers, D-4 & equivalent & under; bullfloats; concrete spreader; finishing machines; concrete mixer (16-s or less); concrete saw; distributors (bitum surface); dowell bar machine; farm-type tractor (with all attachments except backhoe); fireman; fork lifts (other than setting steel, machinery or pipe); hoist, 1 drum less than 4 stories; kolum buff machine; pull cats; pump (3" & over); pump, concrete (under 6"); rollers, except on asphalt or brick; straddle buggies; sweepers on streets & roads (motorized); winch truck, A-frame (other than handling steel or pipe)

GROUP 6 - Asphalt spreader; backhoe; bulldozer, over D-4 & equivalent; cableways; concrete mixer, over 16-s; cranes; derricks; ditching or trenching machines; draglines; fork lifts (setting steel, machinery or pipe); front end loaders (except farm-type tractors); grease serviceman; hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings), hoist, 2 drums & over; hydrolifts; heavy duty mechanic; motor patrols; piledrivers; pump, concrete (6" & over); road pavers; rollers on asphalt or brick; scoopmobiles; scrapers; sideboom cats; shovels; tractorvators; welder, journeyman; well point system; winch cats (hoisting); winch truck, A-frame (handling steel or pipe)

POWER EQUIPMENT OPERATORS - ZONE 5

GROUP 1 - Scale op.; oiler-driver on motor crane; batch plant

GROUP 2 - Pumps under 3 inch suction; mechanic helper

GROUP 3 - Oiler

GROUP 4 - Fireman

GROUP 5 - Combination oiler-compressor; combination oiler-fireman; asphalt spreaders; backhoe (all types); bulldozers; cableways; cherry pickers (all types); concrete mixers (over 1 sack); cranes; deck winch (2 drums or over); derricks; ditching or trenching machines (riding type); draglines; dredges; fork lifts (other than farm type); outside warehouses; foundation drill; front end loaders (except farm type); grease serviceman; hoist-1 drum (4 stories or more on buildings); hoist-1 drum (over 40 ft. on structures other than buildings); hoist (2 drums or over); locomotives (all types); mechanic; mixer plant-central mix; motor patrols; piledrivers; pull cat; pump crete-6" & over discharge; push cat; road pavers; rollers (plant mix asphalt); scrapers; shovels; sidebooms; unit op.; welder, journeyman; well point system; whirleys; winch cats (Cat D-4 & over); winch truck with A-frame (5 ton & over); work boats-requiring licensed op.

GROUP 6 - Bush hog; compressor; concrete pump-under 6" discharge; concrete saw; deck winch (1 drum); distributors; ditching or trenching machines (non-riding type); dowel bar machine; farm-type tractors (when used to pull discs, grass-cutters, etc.); hoist-1 drum (under 4 stories on building); hoist-1 drum (40 ft. or under on structures other than buildings); Kolum buff machines; mixers (1 sack & under); motorized street sweepers self-propelled; pump (3" & over); test pump-internal combustion engine powered; water blast pumps

GROUP 7 - Asphalt plant; boom trucks; bullfloats; concrete spreader; farm-type front end loaders; finishing machines (roadway, riding type); roller (other than plant mix asphalt); straddle buggies; winch truck with A-frame (under 5 tons); workboat-not requiring licensed operator

POWER EQUIPMENT OPERATORS - ZONE 6

GROUP 1 - Snatch cat; pumps, 3 inch suction or more

GROUP 2 - Mechanic helper

GROUP 3 - Oiler

GROUP 4 - Batch plant operator

GROUP 5 - Air compressor; asphalt plant engineer; blade grader; distributor (bitum surface); finishing machine (concrete, paving); hoist-1 drum, less than 4 stories; concrete mixer under 16S; Oiler driver; pump crete; street & road sweeper; roller (except on asphalt or brick); roller, asphalt or brick (under 5 tons); post-hole digger; tractor operated bush hog & similar grass or bush cutting equipment

GROUP 6 - A-frame truck; crew boat op.; fireman; fork lift; straddle buggy; traxcavator; scoopmobile & similar front-end loading equipment with scoop or bucket under 1 cu. yd. capacity; locomotive; well point system; unit op.; hoist-1 drum, 4 stories or over

GROUP 7 - Backhoe; cableway; concrete mixer, 16S & up; derrick; crane; dragline; dredge; equipment maintenance mechanic; hoist-2 drums; locomotive crane; paving mixer; piledriver; road paver; roller on asphalt or brick (5 tons or over); shovel; sideboom cats; bulldozer; motor patrol; scraper; hydrolift crane, hydrolift truck, yard crane, cherry picker, etc.; foundation, boring & reaming machine; cement stabilizer; trenching machine; asphalt spreader; traxcavator & similar front end loading equipment with scoop or bucket of 1 cu. yd. or more capacity; tug boat op.; turnapull, euclid, DW-10 & other similar self-loading earth moving equipment; concrete pump (not pump crete)

GROUP 8 - Crane, 60 tons & over; crane, boom 100 ft. & over; piledriver, leads 100 ft. & over

GROUP 9 - Crane, 100 tons & over; crane, boom 150 ft. & over; piledriver leads 150 ft. & over

GROUP 10 - Crane, boom 250 ft. & over; piledriver, leads over 250 ft.

POWER EQUIPMENT OPERATORS - ZONE 7

GROUP 1 - Assistant master mechanic

GROUP 2 - Master mechanic

GROUP 3 - Oilers

GROUP 4 - Batch plant op.; mechanic helpers; oilers (drivers)

GROUP 5 - A-frame truck, except when working with ironworkers or pipefitters; air compressors, asphalt plant engineers; asphalt finisher, screed men; blade graders; boat op.; bullfloats, concrete joining machines; concrete mixers, 16s & under; concrete spreader; crushers; deck winch (1); distributors, asphalt "Ditch Witch" & similar equipment; electric elevators (inside); finishing machine; fireman; form grader; fork lifts; hoist, 1 drum, under 4 stories; power subgrader; pug mill; pull tractors; pump, pump crete; rollers, except on brick & asphalt; rubber tired front end loaders (with or without blade attachments) less than 1 cu. yd. capacity; scale op.; scoopmobile; snatch cats; spray machines; stabilizers, less than 3 drums; straddle buggy; track mahines & equivalent machines; tractors or bulldozers smaller than D-6

GROUP 6 - A-frame truck, when working with ironworkers & pipefitters; bulldozers D-6 & larger; cableways; concrete mixers, over 16-s paving machines; cranes, derricks; draglines & clam shells; deck winches (2); gradealls; hi-ho & similar type equipment; hoist, 1 drum, 4 stories & over; hoist, 2 drums or more, hydro cranes; mechanic; motor patrols; piledrivers; rollers on brick & asphalt; rubber tired front end loader, with or without attachments, 1 cu. yd. capacity or more; scrapers; shovels; backhoes (all types); sideboom cats; stabilizers, 3 drums or more; traxcavators; trenching machines; unit op.; welder, journeymen; well point systems (gas, diesel, electric, etc.); concrete pump-boom combinations

ZONE 1 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 2 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides, Sabine & St. Landry & Winn Parishes

ZONE 3 - All of Acadia, Lafayette & Vermilion Pars.; Parts of Iberia, St. Martin & St. Mary Pars. (west of a line drawn from the city of Berwick to the Junction of Iberville-St. Landry Pars. border)

ZONE 4 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

ZONE 5 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Pars.

ZONE 6 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Pars.; Parts of Assumption & St. James Pars. (northwest of a straight line drawn from the city of Berwick to the city of Lutcher); Parts of Iberia & southern & northern St. Martin Pars. (east & west of a line from the city of Berwick north to the eastern boundary of the city of Krotz Springs); Parts of Livingston, Tangipahoa & Washington Pars. (west of a line drawn north from the city of Lutcher to the east side of the city of Hammond to the La.-Miss. border)

ZONE 7 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Terrebonne Pars.; Parts of Assumption, Livingston, St. James, St. Martin, St. Mary, Tangipahoa & Washington Pars. (that portion of southeastern La. bounded on the north by the State of Miss., on the east by the State of Miss. & the Miss. Sound, on the south by the Gulf of Mexico & on the west by a line drawn as follows: beginning at a point on the La.-Miss. boundary in Washington Par., due north of the town of Hackley, thence southwesterly in a straight line to a point on the east bank of the Miss. River at the southernmost point of Lutcher (including Gramercy in the area), thence in a more southwesterly direction in a straight line to midstream of the Atchafalaya River at Morgan City-Berwick (including Morgan City in this area), thence southerly on a line following midstream of the Atchafalaya River to Atchafalaya Bay & in a line due south to the Gulf of Mexico)

DECISION NO. LA79-4069

POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1 - ZONE 1	$10.36	.65	.85		.05
ZONE 2	8.31	.25	.39		.05
ZONE 3	9.83	.65	.85		.05
ZONE 4	10.01	.65	.85		.05
ZONE 5	8.05	.65	.85		.05
ZONE 6	7.55	.65	.85		.05
ZONE 7	6.69	.25	.30		.05
ZONE 8	6.14	.25	.30		.05
ZONE 9	5.53	.25	.30		.05
GROUP 2 - ZONE 1	10.61	.65	.85		.05
ZONE 2	8.56	.25	.39		.05
ZONE 3	10.08	.65	.85		.05
ZONE 4	10.26	.65	.85		.05
ZONE 5	8.30	.65	.85		.05
ZONE 6	7.80	.65	.85		.05
ZONE 7	6.94	.25	.30		.05
ZONE 8	6.39	.25	.30		.05
ZONE 9	5.78	.25	.30		.05
GROUP 3 - ZONE 1	10.11	.65	.85		.05
ZONE 2	8.06	.25	.39		.05
ZONE 3	9.58	.65	.85		.05
ZONE 4	9.76	.65	.85		.05
ZONE 5	7.80	.65	.85		.05
ZONE 6	7.30	.65	.85		.05
ZONE 7	6.44	.25	.30		.05
ZONE 8	5.89	.25	.30		.05
ZONE 9	5.28	.25	.30		.05
GROUP 4 - ZONE 1	8.86	.65	.85		.05
ZONE 2	7.13	.25	.39		.05
ZONE 3	8.53	.65	.85		.05
ZONE 4	8.54	.65	.85		.05
ZONE 5	6.83	.65	.85		.05
ZONE 6	6.33	.65	.85		.05
ZONE 7	5.58	.25	.30		.05
ZONE 8	5.02	.25	.30		.05
ZONE 9	4.46	.25	.30		.05
GROUP 5 - ZONE 1	8.51	.65	.85		.05
ZONE 2	6.39	.25	.39		.05
ZONE 3	7.94	.65	.85		.05
ZONE 4	7.93	.65	.85		.05
ZONE 5	6.31	.65	.85		.05
ZONE 6	5.81	.65	.85		.05
ZONE 7	5.02	.25	.30		.05
ZONE 8	4.48	.25	.30		.05
ZONE 9	3.97	.25	.30		.05

DECISION NO. LA79-4069

POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION) (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 6 - ZONE 1	$ 7.56	.65	.85		.05
ZONE 2	5.75	.25	.39		.05
ZONE 3	6.98	.65	.85		.05
ZONE 4	6.98	.65	.85		.05
ZONE 5	5.43	.65	.85		.05
ZONE 6	4.93	.65	.85		.05
ZONE 7	4.86	.25	.30		.05
ZONE 8	4.31	.25	.30		.05
ZONE 9	3.81	.25	.30		.05
GROUP 7 - ZONE 1	7.25	.65	.85		.05
ZONE 2	5.46	.25	.39		.05
ZONE 3	6.64	.65	.85		.05
ZONE 4	6.64	.65	.85		.05
ZONE 5	5.14	.65	.85		.05
ZONE 6	4.64	.65	.85		.05
ZONE 7	4.86	.25	.30		.05
ZONE 8	4.31	.25	.30		.05
ZONE 9	3.81	.25	.30		.05
GROUP 8 - ZONE 1	8.61	.65	.85		.05
ZONE 2	7.13	.25	.39		.05
ZONE 3	8.28	.65	.85		.05
ZONE 4	8.29	.65	.85		.05
ZONE 5	6.63	.65	.85		.05
ZONE 6	6.13	.65	.85		.05
ZONE 7	5.58	.25	.30		.05
ZONE 8	5.02	.25	.30		.05
ZONE 9	4.46	.25	.30		.05
GROUP 9 - ZONE 1	8.86	.65	.85		.05
ZONE 2	7.38	.25	.39		.05
ZONE 3	8.53	.65	.85		.05
ZONE 4	8.54	.65	.85		.05
ZONE 5	6.88	.65	.85		.05
ZONE 6	6.38	.65	.85		.05
ZONE 7	5.83	.25	.30		.05
ZONE 8	5.27	.25	.30		.05
ZONE 9	4.71	.25	.30		.05

DECISION NO. LA79-4069

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION) (Cont'd):					
GROUP 10 - ZONE 1	7.50	.65	.85		.05
ZONE 2	5.71	.25	.39		.05
ZONE 3	6.89	.65	.85		.05
ZONE 4	6.89	.65	.85		.05
ZONE 5	5.39	.65	.85		.05
ZONE 6	4.89	.65	.85		.05
ZONE 7	5.11	.25	.30		.05
ZONE 8	4.56	.25	.30		.05
ZONE 9	4.06	.25	.30		.05

GROUP 1 - 60 ton crane & over; crane with 125' boom
GROUP 2 - Crane with 175' boom
GROUP 3 - Crane all types; deck winches (2); hi-ho & similar type equipment; 3 drums (or more) stabilizers; pulls all types; concrete mixer 1 yd. & over; all pavers; ditching or trenching machines (track type); mechanics & equipment welders; well point systems; hoist, 2 drums or more; hoist, 1 drum, 40 vertical ft. or more; scrapers, bulldozers, rubber-tired or track other than farm-type; scoopmobiles; motor patrol; gradall; rollers on hot mix; asphalt paving machines; front end loaders, other than farm-type, 1 cu. yd. or over; shovels & backhoes, all types,& equivalent equipment; piledrivers; sideboom cats; a-frame trucks when handling steel or pipe; work boats requiring licensed ops.; tugboats; fork, lifts over 10 ton capacity; foundation drilling machines
GROUP 4 - 2 drums stabilizers; front end loaders under 1 cu. yd.; A-frame truck except when handling steel or pipe; finishing machines (concrete); power subgraders; tow tractor (crawler type); 1 drum hoist under 40 vertical ft.; fireman; concrete spreader; pugmill; bituminous distributor on surface treatment & equivalent; bullfloats & equivalent; job grease man; unit op.; work boats not requiring licensed ops.; inboard motored crew boats
GROUP 5 - Single drum stabilizers; concrete mixer under 1 yd.; spray curing machines; rollers on subgrade; 1 air compressor over 125 cu. ft.; form graders; asphalt finisher screed man; pump over 4"; scale op.; crusher ops.; concrete jointing machines; concrete saw; tack machines & equivalent equipment; pump crete; electric elevator (inside); oiler-driver; farm-type rubber-tired tractor, with attachments, except backhoes; kolum buff & similar equipment; fork lifts, 10 ton capacity & under; outboard crew boats
GROUP 6 - Mechanic helper; batch plant operator
GROUP 7 - Oiler
GROUP 8 - Fireman
GROUP 9 - Fireman operating steam valve
GROUP 10 - Oiler on crane using air to drive piles
ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - Ascension, East Baton Rouge, Iberville & West Baton Rouge Parishes
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu Parish
ZONE 5 - Cameron, Jefferson Davis & Red River Parishes
ZONE 6 - Allen & Beauregard Parishes
ZONE 7 - Lafayette, Ouachita & Rapides
ZONE 8 - Acadia, Vienville, DeSoto, Iberia, Livingston, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Par.), St. Tammany, Tangipahoa, Vermilion, Washington & Webster Parishes
ZONE 9 - Assumption, Avoyelles, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin, (south of Iberia Par.), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana, & Winn Parishes

DECISION NO. LA79-4069

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS					
ZONE 1 - Roofers	10.78		.20		
ZONE 2 - Roofers	8.26	.70	.75	.28	.70
ZONE 3 - Roofers	9.06	.35	.60		.04
ZONE 4 - Roofers	9.05		.20		
Kettlemen	7.80		.20		
ZONE 5 - Roofers	9.60		.20		.04
Kettlemen	6.65		.20		.04

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 2 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, South St. Martin, St. Mary, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, North St. Martin, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Rapides, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS - ZONE 1	11.47	.45	.55		.13
ZONE 2	11.00	3%+.60	.91		.14
ZONE 3	11.87	.55	.80		.14
ZONE 4	11.19	3%+.59	.40		.19

ZONE 1 - Calcasieu Parish
ZONE 2 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Allen, Ascension, Assumption, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

DECISION NO. LA79-4069

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS	11.69	.75	1.05		.08
TRUCK DRIVERS (BUILDING CONSTR.)					
ZONE 1 - GROUP 1	9.31				
GROUP 2	9.79				
GROUP 3	10.02				
GROUP 4	9.81				
GROUP 5	9.91				
GROUP 6	9.83				
GROUP 7	10.25				
ZONE 2 - GROUP 1	7.20				
GROUP 2	7.45				
GROUP 3	8.00				
GROUP 4	7.85				
GROUP 5	8.30				
GROUP 6	8.40				
GROUP 7	8.70				
GROUP 8	8.85				
ZONE 3 - GROUP 1	7.47				
GROUP 2	7.55				
GROUP 3	7.80				
GROUP 4	7.95				
GROUP 5	8.10				
GROUP 6	8.30				
GROUP 7	8.65				
ZONE 4 - GROUP 1	8.00				
GROUP 2	8.30				
GROUP 3	8.45				
GROUP 4	8.65				
GROUP 5	8.80				
GROUP 6	8.60				
ZONE 5 - GROUP 1	8.39	.45			
GROUP 2	9.00	.45			
GROUP 3	9.05	.45			
GROUP 4	9.31	.45			

TRUCK DRIVERS (BUILDING CONSTRUCTION):

ZONE 1 - GROUP 1 - Teamsters, Pick-up drivers & chauffeurs
GROUP 2 - Stake bodies (all sizes)
GROUP 3 - Trucks trailer & dumps over 8 yds.; mixers on trucks over 3 yds.; Miss. wagons & Koehring dumpsters & similar dirt moving equipment (up to & incl. 8 yds.)
GROUP 4 - Mixers on trucks up to including 3 yds.
GROUP 5 - Winch trucks
GROUP 6 - Trucks, dump
GROUP 7 - Miss. wagons & Koehring dumpsters & similar dirt moving equip. over 8 yds

ZONE 2 - GROUP 1 - Teamsters, pick-up drivers
GROUP 2 - Stake bodies (all sizes); platform dump
GROUP 3 - Truck & trailer; dump
GROUP 4 - Mixers on trucks, up to and including 3 yds
GROUP 5 - Mixers over 3 yds.
GROUP 6 - Winch trucks
GROUP 7 - Miss. wagons & Koehring dumpsters, tandem dumps & similar dirt moving equipment, up to and including 8 yds.
GROUP 8 - Miss, wagons, Koehring dumpsters, tandem dumps & similar dirt moving equipment, over 8 yds.

ZONE 3 - GROUP 1 - Pick-up drivers, spotters & dumpers of dirt, gravel, asphalt & rock
GROUP 2 - Stake bodies; flat beds (all sizes)
GROUP 3 - Single axle dumps & water trucks; transit mix, up to & including 3 yds.
GROUP 4 - Tandem axle dump, batch & water trucks over 3 tons, pickups with trailer
GROUP 5 - Miss. wagons, floats, tractor trailers; rubber tired tractors & wobble wheels
GROUP 6 - Eucilds, lowboys, dempsey dumpsters, Koehring-dumps, 5 axle trucks, transit mix over 3 yds.
GROUP 7 - Fork lift

ZONE 4 - GROUP 1 - Pick-ups
GROUP 2 - Over 1 ton, up to but not including 3 tons
GROUP 3 - 3 tons up to but not including 5 tons
GROUP 4 - 5 tons & over including but not limited to: winch, dempsey dumpster, lowboy, semi-trailer, euclid, tournapull & similar equipment when used for transporting material
GROUP 5 - Larger trucks carrying capacity rear axles 50,000 lbs. & over
GROUP 6 - Winch truck with A-frame when used for transporting material

ZONE 5 - GROUP 1 - Truck drivers, up to but not including 1½ tons
GROUP 2 - Truck drivers, 1½ tons up to but not including 3 tons
GROUP 3 - Truck drivers, 3 tons up to but not including 5 tons
GROUP 4 - Truck drivers, 5 tons & over, including euclids, winch truck, dempsey dumpsters, lowboys, semitrailers, fork lifts, etc.

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Pars.
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermillion Pars.
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Parishes

DECISION NO. LA79-4069

TRUCK DRIVERS (HIGHWAY CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1 - ZONE 1	$ 7.13	.45			
ZONE 2	5.49				
ZONE 3	7.31				
ZONE 4	7.74				
ZONE 5	6.42				
ZONE 6	6.52				
ZONE 7	4.45				
ZONE 8	4.35				
ZONE 9	4.25				
GROUP 2 - ZONE 1	7.26	.45			
ZONE 2	5.61				
ZONE 3	7.41				
ZONE 4	7.87				
ZONE 5	6.55				
ZONE 6	6.65				
ZONE 7	4.56				
ZONE 8	4.46				
ZONE 9	4.36				
GROUP 3 - ZONE 1	7.32	.45			
ZONE 2	5.66				
ZONE 3	7.64				
ZONE 4	7.93				
ZONE 5	6.61				
ZONE 6	6.71				
ZONE 7	4.61				
ZONE 8	4.51				
ZONE 9	4.41				
GROUP 4 - ZONE 1	7.40	.45			
ZONE 2	5.73				
ZONE 3	7.85				
ZONE 4	8.00				
ZONE 5	6.68				
ZONE 6	6.78				
ZONE 7	4.67				
ZONE 8	4.57				
ZONE 9	4.47				
GROUP 5 - ZONE 1	7.59	.45			
ZONE 2	5.89				
ZONE 3	8.27				
ZONE 4	8.19				
ZONE 5	6.88				
ZONE 6	6.97				
ZONE 7	4.83				
ZONE 8	4.73				
ZONE 9	4.63				

TRUCK DRIVERS (Highway Construction):

GROUP 1 - 1 ton & under; warehouseman, material checker, receiving clerk, spotter & dumper

GROUP 2 - 1½ tons to & including 2 tons (exclusive of dump trucks), truck mechanic helper

GROUP 3 - Single axle dump trucks, single axle water trucks

GROUP 4 - Heavy equipment, tandem axle dump & tandem axle water trucks, winch lift, transit mix, floats, pole trailers, 4 axle trailers & truck mechanic

GROUP 5 - Special equipment, euclids & 5 axle moving equipment

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes

ZONE 2 - East Baton Rouge Parish

ZONE 3 - Bossier & Caddo Parishes

ZONE 4 - Calcasieu Parish

ZONE 5 - Allen & Beauregard Parishes

ZONE 6 - Cameron & Jefferson Davis Parishes

ZONE 7 - Lafayette, Ouachita & Rapides Parishes

ZONE 8 - Acadia, Ascension, Bienville, DeSoto, Iberia, Iberville, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin, (north of Iberia Par.), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes

ZONE 9 - Assumption, Avoyelles, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (south of Iberia Par.), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: NIAGARA
DECISION NO. NY79-3022 DATE: Date of Publication
Supersedes Decision No. NY77-3003 dated July 1, 1977 in 42 FR 34204
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction projects.

DECISION NO. NY79-3022

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKER	$12.50	1.32	.90		.06
BOILERMAKERS	11.80	1.00	1.50		.02
BRICKLAYERS:					
North Tonawanda:					
Bricklayers & stone masons	12.88	.65	1.40		
Terrazzo workers & tile setters	12.01	.55	1.40		
Marble setters	12.105	.55	1.40		
Remainder of county:					
Bricklayers & stone masons	12.33	1.17	.57		
Marble masons, terrazzo workers & tile setters	12.08	1.17	.57		
CARPENTERS; (BUILDING):					
North Tonawanda:					
Carpenters, millwrights and piledrivermen	11.98	1.60	1.95		
Soft floor layers	11.18	1.25	1.55		
Remainder of county:					
Carpenters & soft floor layers	10.80	1.69	1.65		.025
Millwrights	10.90	1.69	1.65		.025
CARPENTERS; (HEAVY & HIGHWAY):					
North Tonawanda:					
Carpenters & piledrivermen	11.98	1.60	1.95		
Remainder of County:					
Carpenters & Piledrivermen	8.51	1.69	1.65	e	.025
CEMENT MASONS	11.25	.81	.25		
ELECTRICIANS:					
Electricians	13.48	1.40	3%+.80		½%
Cable splicers	14.83	1.40	3%+.80		½%
ELEVATOR CONSTRUCTORS	12.885	.895	.56	a+b	.025
ELEVATOR CONSTRUCTORS' HELPERS	9.02	.895	.56	a+b	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	6.44				
GLAZIERS	11.54	1.70	.70		.25
IRONWORKERS:					
Structural, ornamental & reinforcing	12.78	.86	.82		
LATHERS	10.715		.20		
LEAD BURNERS	10.75	.40	.25	c	.01
PAINTERS:					
Twps., of Somerset, Hartland, Royalton, New Fane, Lockport, Pendleton and the eastern half of Cambria and Wilson:					
Brush	11.005	.975	.30		.10
Cranes, steel, tanks, towers, stacks, bridges, flag poles, radio TV towers	11.505	.975	.30		.10
Sandblasting, swing stages, scaffold, epoxy, spray, bosun chair	11.255	.975	.30		.10
Bridges 35' high or in depth of 35' from road level	12.67	.975	.30		.10
Remainder of county:					
Brush	9.49	1.12	1.45		.01
Spray, steel, steeple jack, swing scaffold, sandblasting	10.24	1.12	1.45		.01
Bridge-crossing the Niagara River	11.355	1.12	1.45		.01
PILEDRIVERMEN:					
Piledrivermen, dock carpenters and divers' tenders	11.33	1.25	1.55		
Divers	18.62	1.25	1.55		
PLASTERERS	10.96				
PLUMBERS AND STEAMFITTERS	13.45	1.005	1.12		.025
ROOFERS:					
Composition, damp, waterproofers sprayers, asphalt mastic, wood block floor workers, steep roofers & siders	12.26	.89	1.40		.02
Slate, tile asbestos & pre-cast tile	12.41	.89	1.40		.02
SHEET METAL WORKERS	12.63	1.33	1.03		.09
SPRINKLER FITTERS	12.99	.75	1.05		.06
TRUCK DRIVERS:					
Building, heavy & highway:					
Euclid	10.40	.75			
Dump	10.15	.75			
Ready-mix	10.365	.75	.775		
Welders - Craft Rate					

DECISION NO. NY79-3022

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate after 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas eve, providing employee has worked 30 full days during the 90 calendar days prior to the holiday and the regular schedule work days immediately preceding and following the holiday.

e. Holidays: B and D.

DECISION NO. NY79-3022

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS; HEAVY, HIGHWAY, BUILDING CONSTRUCTION					
NIAGARA COUNTY: EXCEPT THE CITY OF NORTH TONAWANDA					
GROUP I	10.01	1.75	1.30		
GROUP II	10.51	1.75	1.30		
GROUP III	10.21	1.75	1.30		
GROUP IV	11.01	1.75	1.30		

LABORERS: HEAVY, HIGHWAY, BUILDING CONSTRUCTION

GROUP I
Laborers

GROUP II
Form setter, wagon drill op., road finishers, gunnite nozzlemen, sandblasters, burning torch, concrete saw op.

GROUP III
Potman, pipelayers, pavement breakers or busters, jackhammer op., barco rammers, chain saw, powder monkey, black top rakers, scalers, drill tenders, mortar mixers, men working from swinging scaffold bosum chair, susepended cage or bucket, work in caissons below 8 feet, concrete motor buggy, all other operators of mechanical tools, including vibrators regardless of type of power

GROUP IV
Blasters

DECISION NO. NY79-3022

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS; ROCK TUNNEL FREE AIR CONSTRUCTION					
NIAGARA COUNTY: EXCEPT NORTH TONAWANDA					
GROUP I	9.61	1.75	1.30		
GROUP II	9.51	1.75	1.30		
GROUP III	10.46	1.75	1.30		
GROUP IV	9.76	1.75	1.30		
GROUP V	9.86	1.75	1.30		
GROUP VI	10.26	1.75	1.30		
GROUP VII	9.76	1.75	1.30		

LABORERS: ROCK TUNNEL FREE AIR CONSTRUCTION

GROUP I
Driller, shaft driller

GROUP II
Chucker, mucking machine tender, shaft muckers

GROUP III
Nipper, car pusher (tramer), track gang, bull gang, cage man, concrete gang, powder monkey

GROUP IV
Blasters

GROUP V
Rodman

GROUP VI
Laborer & top man

GROUP VII
Burning torch on demolition work

DECISION NO. NY79-3022

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Electricial Overhead and Underground Distribution Work:					
Lineman and Techanicians	10.50	1.00	3%+.75	a	3½%
Cable Splicers	13.70	1.00	3%+.75	a	3½%
Groundman Digging Machine Operator and Groundman Dynamiteman	9.45	1.00	3%+.75	a	3½%
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver (tractor trailer units)	8.40	1.00	3%+.75	a	3½%
Groundman Truck Driver, Driver-Mechanic, Groundman (experienced)	7.825	1.00	3%+.75	a	3½%
All Overhead Transission Line Work and Lighting For Athletic Fields:					
Lineman and Technicians	11.85	1.00	3%+.75	a	3½%
Groundman Digging Machine Operator, Groundman Dynamiteman	10.665	1.00	3%.75	a	3½%
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver (tractor trailer unit)	9.48	1.00	3%+.75	a	3½%
Groundman Truck Driver, Driver-Mechanic, Groundman (experienced)	8.8875	1.00	3%+.75	a	3½%
All Pipe Type Cable Installations:					
Lineman and Groundman Equipment Operator	12.45	1.00	3%+.75	a	3½%
Cable Splicer	13.695	1.00	3%+.75	a	3½%
Groundman Truck Driver, Groundman (experienced)	9.3375	1.00	3%+.75	a	3½%

DECISION NO. NY79-3022

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION CONT'D:					
Sub-station, switching structures (when not part of the line), traffic signals, street lighting and electrical, telephone or CATV commercial work:					
Linemen and technicians	12.45	1.00	3%+.75	a	3½%
Cable splicers	13.695	1.00	3%+.75	a	3½%
Groundman mobile equipment operator, mechanic 1st class, groundman truck driver (tractor-trailer unit)	9.96	1.00	3%+.75	a	3½%
Groundman truck driver, driver-mechanic, groundman (experienced)	9.3375	1.00	3%+.75	a	3½%
Groundman dynamiteman, groundman digging machine operator	11.205	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; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

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 the day after the holiday.

DECISION NO. NY79-3022

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	11.16	1.10	1.35	a	.15
GROUP II	10.36	1.10	1.35	a	.15
GROUP III	7.94	1.10	1.35	a	.15
GROUP IV	8.95	1.10	1.35	a	.15
GROUP V	8.59	1.10	1.35	a	.15
GROUP VI	11.895	1.10	1.35	a	.15
GROUP VII	11.66	1.10	1.35	a	.15

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Finish blacktop rollers, crane work, shovels, derricks, steel erection, overhead or bridge cranes and clam buckets, all excavating machines, backfillers, cableways, draglines, backhoes, piledriving rigs, tunnel mucking machines, all tractors used in connection with scraper wagon, snowloader, all repair work or maintenance work under the supervison of a master mechanics, lubrication engineers, bulldozers, graders, blacktop spreaders, front and back loaders (except small types), power driver stone spreaders, portable stone crushers, crawler or rubber tire tractor with blade or bucket and crane boom or hoe boom or shovel boom attached (except farm typed crawler or rubber tire tractor unless used with hydraulic backhoe), compressor with paving breaker attached, graders with bulldozer blades, multiple drum hoist with air compressor when used simultaneously for more than one purpose and single drum hoist when used to hoist steel, portable concrete batching machine, automatic batch plant op., concrete spreader op., finishing machine op., form puller, scraper (either double or single bowl), CMI grading machine, truck mounted concrete pumps, self-propelled riding vibrators, kolman loaders, mechanic, welder, euclid type belt loader, mechanical and hydraulic pipe pushing machine, scoopmobiles, forklifts and hoist which lift higher than 25 feet, trenchers when excavation over 6 feet in depth, post drivers (except truck mounted, postdrivers), concrete mixers 1 yard and over, concrete planers.

DECISION NO. NY79-3022

BUILDING CONSTSRUCTION - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP II: Elevators, material hoist, road rollers except finish blacktop roller, tractors, pavement busters, pumps over 4 inches, concrete blowers, compressors when used in banks of (2) and not over (3) within a 50 foot radius if such is possible, but at least within 50 foot radius, and if fuel is stored it will be stored within the same radius, gunite machines, locomotives, scoop-mobiles (when used as a stationary hoist or one which does not lift over twenty five feet, concrete pumps, conveyors, gas or diesel driven temporary lighting and power systems of 25 kilowatt capacity or over), stone crushers and winch hoist mounted on trucks, all earth drills, le tourneau turnatrailers, highlift hoist which does not lift over 25 feet, gasoline heaters used in banks of (2) and not over (3) within an area of 100 foot radius, and for (2) but not over (3) gasoline or diesel driven welding machines, trenchers on the back of a jeep, truck mounted post drivers, snow-go, small front and back loaders, small type crawler or rubber tire tractor with blade or bucket not to exceed ½ yd. capacity, single drum hoist for hoisting materials other than steel, pug machine, self propelled rollers not on finish blacktop and under 7 tons, bobcat loader or forklift which does not lift over twenty five feet, trenchers, winch tractors, trenchers excavating up to 6 feet in depth, air compressors over 165 cu. ft.

GROUP III: Oilers on shovels, cranes, draglines, backhoe (over 3/4 cu. yds.) dredges, derrick boats, pavers (excluding stationary set-ups), trenching machines, pile drivers, quarry master (or its equivalent), hydrocranes, automated batch plants (wet or dry mix plants), compressors (165 cu. ft. per minute or under), pumps up to and including 4 inches.

GROUP IV: Truck crane oiler

GROUP V: Steam boiler operator.

GROUP VI: Master Mechanic.

GROUP VII: Cranes carrying over 100 feet of main boom.

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; providing employee works the day before and the day after the holiday.

DECISION NO. NY79-3022

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	12.06	1.10	1.45	a	.15
GROUP II	11.21	1.10	1.45	a	.15
GROUP III	8.85	1.10	1.45	a	.15
GROUP IV	9.92	1.10	1.45	a	.15
GROUP V	8.51	1.10	1.45	a	.15
GROUP VI	12.83	1.10	1.45	a	.15

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Finish blacktop rollers, crane work, shovels, derricks, steel erection, overhead or bridge cranes and clam buckets, all excavating machines, backfillers, cableways, draglines, backhoes, piledriving rigs, tunnel mucking machines, all tractors used in connection with scraper wagon, snowloader, wagons, snowloader, all repair work or maintenance work under the supervision of a master mechanic, lubrication engineers, bulldozers, graders, blacktop spreaders, front and back loaders (except small types), power driver stone spreaders, portable stone crushers, crawler or rubber tire tractor with blade or bucket and crane boom or hoe boom or shovel boom attached (except farm typed crawler or rubber tire tractor unless used with hydraulic backhoe), compressor with paving breaker attached, graders with bulldozer blades, multiple drum hoist with air compressor when used simultaneously for more than one purpose and single drum hoist when used to hoist steel, portable concrete batching machine, automatic batch plant op., concrete spreader op., finishing machine op., form puller, self propelled rollers if on blacktop, scraper, either double or single bowl, CMI grading machine, truck mounted concrete pumps, self-propelled riding vibrators, kolman loaders, mechanic, welder, euclid type belt loader, mechanical and hydraulic pipe pushing machine, scoopmobiles, fork-lifts and hoist which lift higher than 25 feet.

DECISION NO. NY79-3022

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP II: Elevators, material hoist, road rollers except finish blacktop roller, tractors, pavement busters, pumps over 4 inches, concrete blowers, compressors when used in banks of (2) and not over (3) within a 50 foot radius if such is possible, but at least within 50 foot radius, and if fuel is stored it will be stored within the same radius, gunite machines, locomotives, scoop-mobiles (when used as a stationary hoist or one which does not lift over twenty five feet, concrete pumps, conveyors, gas or diesel driven temporary lighting and power systems of 25 kilowatt capacity or over), stone crushers and winch hoist mounted on trucks, all earth drills, le tourneau turnatrailers, highlift hoist which does not lift over 25 feet, gasoline heaters used in banks of (2) and not over (3) within an area of 100 foot radius, and for (2) but not over (3) gasoline or diesel driven welding machines, trenchers on the back of a jeep, truck mounted post drivers, snow-go, small front and back loaders, small type crawler or rubber tire tractor with blade or bucket not to exceed ½ yd. capacity, single drum hoist for hoisting materials other than steel, pug machine, self propelled rollers not on finish blacktop and under 7 tons, bobcat loader or forklift which does not lift over twenty five feet, trenchers, winch tractors, trenchers excavating up to 6 feet in depth, air compressors over 165 cu. ft.

GROUP III: Oilers on shovels, cranes, draglines, backhoe (over 3/4 cu. yds.) dredges, derrick boats, pavers (excluding stationary set-ups), trenching machines, pile drivers, quarry master (or its equivalent), hydrocranes, automated batch plants (wet or dry mix plants), compressors (165 cu. ft. per minute or under), pumps up to and including 4 inches.

GROUP IV: Truck crane oiler

GROUP V: Steam boiler operator.

GROUP VI: Master Mechanic.

GROUP VII: Cranes carrying over 100 feet of main boom.

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; providing employee works the day before and the day after the holiday.

SUPERSEDEAS DECISION

STATE: Pennsylvania Counties: Carbon, Monroe Counties, including Tobyhanna Army Depot and Pike County

DECISION NO.: PA79-3020 DATE: Date of Publication

Supersedes Decision No. PA78-3017 dated May 5, 1978, in 43 FR 19547.

DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes and garden type apartments up to and including 4 Stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	12.025	.65	.60		.01
BOILERMAKERS	13.775	1.075	1.00		.02
BRICKLAYERS & STONEMASONS					
ZONE 1	10.90	1.00	1.15		.01
ZONE 2	11.15	.85	.75		
ZONE 3	11.35	.90	1.00		.01
ZONE 4	11.71	.85	.40		

AREA COVERED BY BRICKLAYERS & STONEMASONS

ZONE 1 - Remainder of Carbon County
ZONE 2 - Kidder Township in Carbon County
ZONE 3 - Tobyhanna Army Depot in Monroe County
ZONE 4 - Pike County & Remainder of Monroe County

CARPENTERS					
ZONE 1	11.39	.55	.65		.05
ZONE 2	10.92	.55	.65		.05
ZONE 3	9.73	.44	.72		.02
ZONE 4	11.65	.65	.50		.05

AREA COVERED BY CARPENTERS ZONES

ZONE 1 - Carbon County; including Twps. of Banks, Lausanna, Lehigh, Packer and Kidder
ZONE 2 - Remainder of Carbon County
ZONE 3 - Remainder of Monroe County
ZONE 4 - Tobyhanna Army Depot in Monroe County, Pike County in its entirety

CEMENT MASONS					
ZONE 1	11.25				
ZONE 2	11.51	.85	.40		
ZONE 3	11.55				

AREA COVERED BY CEMENT MASONS ZONES

Zone 1 - Carbon County
Zone 2 - Tobyhanna Army Depot in Monroe County & Pike County
Zone 3 - Remainder of Monroe County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
ELECTRICIANS					
ZONE 1	11.05	.70	3%+.80		.02
ZONE 2	11.87	.65	3%+.30	a	b
ZONE 3	12.50	7%	3%+1.00		.02
ZONE 4	11.85	.75	3%+.50	1.00	.10
ZONE 5	11.85	.75	3%+.50	1.00	.10

AREA COVERED BY ELECTRICIANS ZONES

ZONE 1 - Carbon, Towamensing, Lower Towamensing; E. Penn, Twps. the Borough of Parryville in their entirety
ZONE 2 - Remainder of Carbon County
ZONE 3 - Remainder of Monroe County
ZONE 4 - Tobyhanna Army Depot in Monroe County
ZONE 5 - Pike County

ELEVATOR CONSTRUCTORS	11.27	.895	.89	c+d	.025
ELEVATOR CONSTRUCTORS HELPERS	7.89	.895	.89	c+d	.025
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	5.635				
GLAZIERS					
ZONE 1	9.19	.40	.30		.01
ZONE 2	10.50	.65	.85		

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Lausane, Penn Forest, Towamensing, Lower Towamensing, Palmerton, E. Penn., Franklin, Mahoning, Packer, Lehigh, Banks Twps., in Carbon County
ZONE 2 - Remainder of Carbon County, Monroe County, including Tobyhanna Army Depot and Pike County in its entirety

IRONWORKERS					
ZONE 1	11.45	1.14	1.36		
ZONE 2					
Structural	12.80	e			.10
Reinforcing	12.70	e			.10

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Carbon County, Monroe County, including Tobyhanna Army Depot
ZONE 2 - Pike County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
ZONE 1					
CLASS 1	9.30	.57	1.00		
CLASS 2	9.45	.57	1.00		
CLASS 3	9.70	.57	1.00		
ZONE 2					
CLASS 1	8.09	.62	.59		
CLASS 2	8.34	.62	.59		
CLASS 3	8.49	.62	.59		
CLASS 4	9.11	.62	.59		
CLASS 5	8.84	.62	.59		

LABORERS CLASSIFICATIONS DEFINITIONS AND AREA COVERED

ZONE 1 - Pike County and Tobyhanna Army Depot in Monroe County
CLASS 1 - Unskilled and window cleaners
CLASS 2 - Semi skilled laborers;jackhammer operators(each man when two required for operation of jackhammer) vibrator and buster men, wagon drill and all men handling dynamite, gas buggies 2" pumps and concrete mixers (up to 2 bags) and all pneumatic tools, non-metallic pipe layers and making of joints, clay, terra cotta ironstone,vitrified concrete handling of burning torches, asphalt or other material
CLASS 3 - Plasterer tenders and mason tenders and handling of all material to be used - masons & scaffold builders
ZONE 2 - Carbon County and Remainder of Monroe County
CLASS 1 - Unskilled laborers & window cleaners
CLASS 2 - Operator of jackhammer, paving breaking & other pneumatic & mechanical tools coming under the jurisdiction of laborers, wagon drills & men handling burning torches in the wrecking of buildings, laying of all clay, terra cotta, ironstone, vitrified concrete or non metallic pipe & the making of joints for the same & cofferdams (below 10')
CLASS 3 - Plasterer & mason tenders, scaffold builders & handling of all materials to be used by plasterers & masons, brick & block loaded on pallets, cement finisher tenders, gunniting & molded-D & sandblaster helpers, power buggies, to get mason tender rates, all floor hardener & "cure" application shall be the work of the mason tender. All pumps, such as the concrete, plasterer, mortar & water, installing plastic or other non-solid refactory materials in connection with boiler work
CLASS 4 - Barko tamper operator
CLASS 5 - Wagon drills and men handling burning torches in the wrecking of buildings

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS					
ZONE 1	10.04		.10		.01
ZONE 2	11.11	.65	.35		.01

AREA COVERED BY LATHERS ZONES

ZONE 1 - Monroe County, including Tobyhanna Army Depot and Pike County
ZONE 2 - Carbon County

LEADBURNERS	10.75	.40	.25	f	.01
LINE CONSTRUCTION					
Lineman, dynamite man, heavy equipment operator	11.61	.50	3%		3/8 of 1%
Winch truck operator	8.61	.50	3%		3/8 of 1%
Groundman	7.80	.50	3%		3/8 of 1%
MARBLE SETTERS					
ZONE 1	9.65	1.00	1.15		
ZONE 2	9.50	.50			
ZONE 3	10.78	.85	.40		

AREA COVERED BY MARBLE SETTERS ZONES

ZONE 1 - Carbon County
ZONE 2 - Tobyhanna Army Depot & Pike County
ZONE 3 - Remainder of Monroe County

MILLWRIGHTS					
ZONE 1	11.93	.64	.50		.05
ZONE 2	11.70	.64	.72		.05
ZONE 3	11.29	.40	.50		.03

AREA COVERED BY MILLWRIGHTS ZONES

ZONE 1 - Tobyhanna Army Depot in Monroe County
ZONE 2 - Remainder of Monroe County and Pike County in its entirety
ZONE 3 - Carbon County

PAINTERS					
ZONE 1					
Brush	9.95	.75	.50		.10
Tapes	10.21	.75	.50		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS					
ZONE 1 (Cont'd)					
"All open structural steel, bridges, water tank towers, interiors and exteriors of tanks, smoke stacks, radio and transmission towers, powers, drive-in theater screens and framing, tin roofing, pits or wells, disposal plants and their equipment, sandblasting, steamcleaning, spray painting, work with epoxy paints or materials similar with highly toxic fumes, use of window jacks, window belts, swing scaffolds or bosun's chair on structure of more than two stories high or twenty-five feet, work requiring crawling or climbing without support of a scaffold from the ground floor, rolling steel scaffold towers in the interior or exterior of buildings with work platform twenty-five feet or over in height which are not tied in"	11.21	.75	.50		.10
ZONE 2					
Brush & Roller	9.50		1.20		
Structural Steel	10.50		1.20		
Spray	11.00		1.20		
ZONE 3					
Brush	8.95	1.23	.70		
Spray	9.95	1.23	.70		
Steel	9.95	1.23	.70		

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Carbon County
ZONE 2 - Tobyhanna Army Depot in Monroe County and Pike County in its entirety
ZONE 3 - Remainder of Monroe County

PILEDRIVERMEN	11.52	2.48	1.40	g	.13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS					
ZONE 1	9.75	.60	1.05		.01
ZONE 2	10.30	.50	.50		
ZONE 3	8.90	.60	.95		
ZONE 4	10.70	.85	.40		
ZONE 5	11.30	.85	.40		

AREA COVERED BY PLASTERERS ZONES

ZONE 1 - Summit Hill, Mauch Chunck, Mahoning, Palmerton, Franklin, Towamensing, Lansford & Lower Towamensing Twps., in Carbon County
ZONE 2- Kidder Township in Carbon County
ZONE 3 - Remainder of Carbon County
ZONE 4 - Tobyhanna Army Depot in Monroe County and Pike County in its entirety
ZONE 5 - Remainder of Monroe County

PLUMBERS					
ZONE 1	11.89	.80	1.25		.05
ZONE 2	12.73	.85	1.40		.14

AREA COVERED BY PLUMBERS ZONES

ZONE 1 - Monroe County, including Tobyhanna Army Depot, Pike County
ZONE 2 - Carbon County

ROOFERS					
ZONE 1					
Composition & Slate	12.03		1.30		
Slab & Concrete Plank	12.53		1.30		
ZONE 2					
Composition & Kettleman	10.65	.90	.85		
ZONE 3					
Composition & Kettleman	11.32		1.13		

AREA COVERED BY ROOFERS ZONES

ZONE 1 - East Penn, Franklin, Lower Towamensing, Mahoning and Towamensing Townships in Carbon County, Remainder of Monroe County
ZONE 2 - Remainder of Carbon County
ZONE 3 - Tobyhanna Army Depot in Monroe County & Pike County in its entirety

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
GROUP 1	12.81	7%	10.3%	a	1.8%
GROUP 2	12.52	7%	10.3%	a	1.8%
GROUP 3	11.64	7%	10.3%	a	1.8%
GROUP 4	10.87	7%	10.3%	a	1.8%
GROUP 5	10.39	7%	10.3%	a	1.8%
GROUP 6	9.47	7%	10.3%	a	1.8%
GROUP 7	13.06	7%	10.3%	a	1.8%
GROUP 7-A	13.31	7%	10.3%	a	1.8%
GROUP 7-B	13.56	7%	10.3%	a	1.8%
ZONE 2					
GROUP 1	12.86	7%	10.3%	a	1.8%
GROUP 2	12.57	7%	10.3%	a	1.8%
GROUP 3	11.70	7%	10.3%	a	1.8%
GROUP 4	10.93	7%	10.3%	a	1.8%
GROUP 5	10.46	7%	10.3%	a	1.8%
GROUP 6	9.55	7%	10.3%	a	1.8%
GROUP 7	13.11	7%	10.3%	a	1.8%
GROUP 7-A	13.36	7%	10.3%	a	1.8%
GROUP 7-B	13.60	7%	10.3%	a	1.8%

AREA COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Monroe County, including Tobyhanna Army Depot, and Pike County
ZONE 2 - Remainder of County

POWER EQUIPMENT OPERATORS CLASSIFICATIONS DEFINITIONS

GROUP 1 - Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2 - All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft lift and over machine to the above

GROUP 3 - Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operators, forklift trucks under 20 ft lift, machines similar to the above

GROUP 4 - Weldin machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, roller, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to the above

GROUP 5 - Fireman, grease truck

GROUP 6 - Oilers and deck hands (personnel boats), core driller helper

GROUP 7 - All machines with booms (including jib, masts, leads, etc.): 100 ft and over

GROUP 7A - 150 ft. and over

GROUP 7B - 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day provided the employee works the day before and after the holiday.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS	11.52	.70	.76		.02
SOFT FLOOR LAYERS					
ZONE 1	9.60	.55	.65		.05
ZONE 2	10.61	.43	.50		.05
ZONE 3	9.73	.44	.72		.02

AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - Carbon County
ZONE 2 - Tobyhanna Army Depot in Monroe County and Pike County in its entirety
ZONE 3 - Remainder of Monroe County

SPRINKLER FITTERS	12.31	.75	1.05		.08
TERRAZZO WORKERS					
ZONE 1	9.90	1.00	1.15		
ZONE 2	9.45	.35	.50		

AREA COVERED BY TERRAZZO WORKERS ZONES

ZONE 1 - Carbon County
ZONE 2 - Monroe County, including Tobyhanna Army Depot & Pike County

TILE SETTERS					
ZONE 1	9.20	.70	1.25		
ZONE 2	9.50	.50			
ZONE 3	10.53	.85	.40		

AREA COVERED BY TILE SETTERS ZONES

ZONE 1 - Carbon County
ZONE 2 - Tobyhanna Army Depot in Monroe County and Pike County in its entirety
ZONE 3 - Remainder of Monroe County

TRUCK DRIVERS					
CLASS I					
Helper, Stake Truck (single axle), Dumpster	9.52				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
CLASS II					
Dump Trucks, Tandem & batch trucks, semi-trailers agitator mixer truck trucks, ready mix and dumpcrete type vehicles, asphalt distributors, farm tractor when used for transportation stake body truck (tandem)	9.59				
CLASS III					
Euclid type, off-highway equipment, back or belly dump trucks and double hitched equipment, straddle (ross) carrier, 20 low-bed trailers	10.08				
Welders - Receive rate prescribed for craft performing operation to which welding is incidental					

PAID HOLIDAYS: Where Applicable

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: Indpendence Day and Labor Day

b. .12 per day per employee.

c. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

d. Paid Holidays: A through F, plus Friday after Thanksgiving Day.

e. Employer contributes $2.60 to a combined Health and Welfare and Pension Fund.

f. Nine paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer.

g. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day; Labor Day; Presidential Election Day; Veterans; Day; Thanksgiving Day & Christmas Day.

SUPERSEDEAS DECISION

STATE: Washington
DECISION NUMBER: WA79-5126
COUNTIES: Statewide
DATE : Date of Publication
Supersedes Decision No. WA78-5133 dated December 29, 1978, in 43 FR 61199
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy, and Highway construction, and Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$ 15.78	.72	$ 1.30		.03
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	14.27	.60	1.30		.14
Remaining Counties	13.54	.62	1.30		.04
BOILERMAKERS	12.76	1.075	1.00	1.00	.03
BRICKLAYERS:					
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Grand Coulee Dam Area in Okanogan County and Whitman Counties	13.11	.80	1.00		.04
Benton, Franklin and Walla Walla Counties	12.51	.80	.40		
Chelan, Douglas and Okanogan (except area of Grand Coulee Dam)	11.96	.80	1.00		.05
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	13.43	.80	1.55		.11
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and ten mile strip bordering the Columbia River in Klickitat County	12.94	.85	.85		.15
Grant County and the portion of Adams County including the City of Othello	12.50	.40			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS: (Cont'd)					
Kittitas, Yakima and Klickitat (except a ten mile strip bordering the Columbia River) Counties	$ 12.25	.75	$ 1.00		
Grays Harbor, Lewis, Mason, Northern portion of Pacific, Pierce and Thurston Counties	13.43	.80	1.55		.12
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof), and Whatcom Counties	13.84	.80	1.25		.06
CARPENTERS:					
All Counties and parts of Counties east of the 120th Meridian (except those parts of Kittitas, Klickitat and Yakima east of the 120th Meridian)					
Carpenters	12.34	.83	.90		.075
Piledriver; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator	12.49	.83	.90		.075
Boom Men; Carpenters (creosoted material)	12.59	.83	.90		.075
Piledriver (creosoted material)	12.74	.83	.90		.075
Millwrights and Machine Erectors	12.84	.83	.90		.075
All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Carpenters and Drywall Applicators	13.04	.70	.85		.02
Carpenters on Creosoted material	13.14	.70	.85		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Sawfilers; Stationary Power Saw; Floor Finisher; Floor Layer; Shingles; Floor Sander and other stationary power woodworking tools	$ 13.17	.70	.85		.02
Millwrights and Machine Erectors	13.54	.70	.85		.02
Piledrivers; Bridge, dock and wharf builders	13.19	.70	.85		.02
Acoustical Workers	13.20	.70	.85		.02
Boommen	13.24	.70	.85		.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Acoustical and Drywall Applicator, Automatic Nailing Machine, Carpenters, Form Strippers, Manhole Builders	12.12	.80	1.00	.65	.04
Floor Layers and Finishers, Stationary Power Saw Operator	12.27	.80	1.00	.65	.04
Millwrights and Machine Erectors	12.37	.80	1.00	.65	.04
Certified Welders, Instrument Men	12.52	.80	1.00	.65	.04
Piledrivermenen; Bridge, Dock and Wharf Builders	12.22	.80	1.00	.65	.04
Boom Men	12.32	.80	1.00	.65	.04
CEMENT MASONS:*					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for Western portion lying one mile west of the City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane Stevens, Walla Walla, Whitman and Yakima Counties					
Cement Masons					
Zone A	11.33	.90	1.25		.10
Zone B	12.03	.90	1.25		.10
Zone C	12.28	.90	1.25		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:* (Cont'd)					
Zone D	$ 12.73	.90	$ 1.25		.10
Zone E	13.23	.90	1.25		.10
Power Troweling Machine Gunnite Operator					
Zone A	11.48	.90	1.25		.10
Zone B	12.18	.90	1.25		.10
Zone C	12.43	.90	1.25		.10
Zone D	12.88	.90	1.25		.10
Zone E	13.38	.90	1.25		.10
Power Tool Operator (grinding, bushing or toxic material)					
Zone A	11.78	.90	1.25		.10
Zone B	12.48	.90	1.25		.10
Zone C	12.73	.90	1.25		.10
Zone D	13.18	.90	1.25		.10
Zone E	13.68	.90	1.25		.10
Clallam, Grays Harbor, Jefferson, King, Kitsap, Kittitas (western portion lying one mile west of the City of Easton), Lewis, Mason, Pacific (Northern portion), Pierce and Thurston Counties:					
Cement Masons	11.53	.70	1.00	.50	.02
Composition, Color, Mastic, Trowel Machine; Grinder, Power Tool, Gunnite Nozzleman	11.78	.70	1.00	.50	.02
Island, Skagit, Snohomish and Whatcom Counties:					
Cement Masons	11.95	.94	.70		.09
Composition, Color, Mastic, Trowel Machine, Grinder, Power Tools, Gunnite Nozzleman	12.20	.94	.70		.09
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Cement Masons	11.50	.90	1.00	1.00	.15
Composition materials and power machinery	11.65	.90	1.00	1.00	.15

*SEE ZONE DESCRIPTIONS FOR CEMENT MASONS FOLLOWING TRUCK DRIVERS CLASSIFICATIONS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	$ 14.62	.83	3%+.40		.02
Cable Splicers	15.02	.83	3%+.40		.02
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Cos.					
Electricians	14.27	.83	3%+1.00		.02
Cable Splicers	15.09	.83	3%+1.00		.02
Chelan, Douglas, Grant and Okanogan Counties					
Electricians	13.92	.83	3%+1.00		.02
Cable Splicers	15.31	.83	3%+1.00		.02
Clallam, Jefferson, King and Kitsap Counties					
Electricians	15.08	.85	3%+1.10		.05
Cable Splicers	16.58	.85	3%+1.10		.05
Clark, Klickitat and Skamania Counties					
Electricians	15.95	.90	3%+1.60		.10
Cable Splicers	16.70	.90	3%+1.60		.10
Cowlitz and Wahkiakum Counties					
Electricians	14.30	.90	3%	5%	.02
Cable Splicers	15.73	.90	3%	5%	.02
Grays Harbor, Lewis, Mason, Pierce, Pacific & Thurston Cos.					
Electricians	13.86	.88	3%+.85	8%	.07
Cable Splicers	15.25	.88	3%+.85	8%	.07
Island, San Juan, Skagit, Snohomish and Whatcom Counties					
Electricians	15.77	.90	3%+.40		.04
Cable Splicers	17.35	.90	3%+.40		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRONIC TECHNICIANS:					
(Installation and repair of low-voltage communication and alarm systems, excluding any work under the jurisdiction of a journeyman wireman):					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties					
Journeyman Installer	$ 7.30	.43			.02
ELEVATOR CONSTRUCTORS:					
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties	13.95	.895	.69	a	.035
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	14.41	.895	.69	a	.035
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.	13.405	.895	.69	a	.035
GLAZIERS:					
Adams (northeastern portion), Lincoln (eastern half), Pend Oreille, Spokane and Stevens Counties	11.13	.42	.30	b	
Adams (southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties	10.77	.40	.55	.66	
Adams (Southwestern corner), Chelan, Douglas, Grant, Lincoln, (western half) and Okanogan Cos.	8.25	.40	.70	.59	.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS: (Cont'd)					
Asotin, Garfield and Whitman Counties	$ 10.26	.47	.45	b	
Clallam, Island, Jefferson, Grays Harbor, King, Kitsap, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston and Whatcom Counties	11.19	.34	.85	b	
Yakima and Kittitas Counties	10.11	.35	.70		
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	11.41	.61	.65		.01
INSULATION APPLICATORS:					
King County	9.55	.60	.80		.02
IRONWORKERS:					
Statewide except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties Reinforcing; Structural; Pence Erectors; Ornamental; Riggers and Signalmen	13.66	.93	1.70		.10
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties Reinforcing; Structural; Pence Erectors; Ornamental; Riggers; Signalmen	13.66	.93	1.70		.10
LATHERS:					
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	11.00	.90	1.25		
Clallam, Island, Jefferson, King, Kitsap, Lewis, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish and Whatcom Counties	13.01	.85	1.00		.04
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	11.05	.60	1.00		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties, and Grand Coulee Dam Area in Okanogan County	$ 13.11	.80	$ 1.00		.04
Benton, Franklin and Walla Walla Counties	12.51	.80	.40		
Chelan, Douglas and Okanogan Counties (except area of Grand Coulee Dam)	11.96	.80	1.00		.05
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	13.43	.80	1.55		.11
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County	11.83	.75	.85		.15
Grant County and that portion of Adams County including the City of Othello	12.50	.40			
Grays Harbor, Lewis, Mason, Northern half of Pacific, Pierce and Thurston Counties	13.43	.80	1.55		.12
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	13.84	.80	1.25		.06
MARBLE, TILE and TERRAZZO WORKERS' HELPERS:					
All Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	9.52	.65	.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MASON TENDERS:					
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties (including tenders of plasterers, bricklayers, tile setters, marble setters and terrazzo workers; topping for cement finishers and mortar mixers)	$11.15	.95	$ 1.10		.10
PAINTERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties					
Brush	11.85	.47	1.00		.02
Steel; Spray; Steam Cleaning; Roller over 9" or 10' handle; Drywall Taper	12.10	.47	1.00		.02
Swing Stage work or high rate (over 30')	12.20	.47	1.00		.02
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	12.25	.47	1.00		.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Brush	10.82	.55	.70	.50	.10
Spray	11.22	.55	.70	.50	.10
Bridges, High work over 50' (brush)	11.57	.55	.70	.50	.10
Bridges, High work over 50' (spray)	11.97	.55	.70	.50	.10
Drywall Finishers	10.65	.65	.60	.50	.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (Northern portion) and Whatcom Counties					
Brush; Roller; Drywall Tapers; Paperhangers	$ 10.53	.60	.70		.04
Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Toxic Material	10.77	.60	.70		.04
Tower Painters	10.88	.60	.70		.04
Statewide except Wahkiakum, Cowlitz and Skamania Counties					
Striper	13.66	.69	.25		
PLASTERERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	11.18	.90	1.25		
Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston and Whatcom Counties	12.74	.85	1.25		.08
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	11.05	.60	1.00		.01
PLASTERERS' TENDERS:					
All Counties and portions of Counties East of the 129th Meridian	10.75	.82	1.00		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS:					
Chelan, Clallam, King, Kittitas (north of 47°15' N. Lat.), Douglas (west of the 119°30' W. Long.), Jefferson and Okanogan (except the area lying east of the 119°30' W. Long., North to 48°30' W. Long., North lines) Counties	$ 13.90	.89	$ 1.51	$1.25	.12
Adams (except area between a line drawn south from the western boundray of Perry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, Yakima, Douglas (east of 119°30' W. Long.), Ferry (west of a line drawn from Creston in Lincoln County northward to the Canadian Border), Kittitas (south of 47°15' N. Lat.), Lincoln (west of a line drawn from Schrag in Adams County northward to the Ferry County Line), and Okanogan (east of 119°30' W. Long. and south of 48°30' N. Lat.) Counties	14.64	.87	1.70	2.00	.12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS: (Cont'd)					
Adams (area between a line drawn south from the western boundary of Perry County to Highway #10 and eastward to Whitman County), Asotin, Cowlitz, Perry (east of a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, Lewis, Lincoln (east of a line drawn from Schrag in Adams County northward to the Perry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman, Clark and Skamania (those portions lying north of an east-west line drawn through Woodland eastward to the Klickitat County Line; Counties	$ 14.73	.90	$ 1.45	$ 2.00	.12
Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line	14.32	1.50	1.60		.13
ROOFERS:					
Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, Benton, Franklin, Kittitas, Klickitat and Yakima Counties	10.39	.65	1.00		.02
Clallam, Jefferson, King, Kitsap, Mason and Snohomish Counties					
Roofers, Waterproofers	12.71	.75	1.00		.03
Slate and Tile Roofers	12.96	.75	1.00		.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont'd)					
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties					
Roofers; Waterproofers	$12.33	.75	$ 1.10		.02
Slate and Tile Roofers	12.58	.75	1.10		.02
Island, San Juan, Skagit and Whatcom Counties					
Roofers and Waterproofers	10.13	.55	.40		
Slate and Tile Roofers	10.63	.55	.40		
Clark and Skamania Counties					
Roofers	12.05	.70	1.10		
Handling of irritating material (coal, tar or epoxy)	12.30	.70	1.10		
Handling of irritating material (coal, tar or epoxy) in confined area	12.55	.70	1.10		
SHEET METAL WORKERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	13.88	3%+.68	1.14		.14
Clallam, Jefferson, Kitsap and Mason Counties	13.98	3%+.64	.94	2.00	.14
Clark and Skamania Counties	11.14	3%+.81	.93	1.00	.04
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties	13.01	3%+.63	1.01		.02
King, Kittitas, Island and Snohomish Counties	14.23	3%+.68	1.32		.06
Whatcom, Skagit and San Juan Counties	12.53	3%+.61	.83		.04
Soft floor layers;					
Adams (N.E. portion), Ferry, Lincoln (E. ½), Pend Oreille, Spokane and Stevens Counties	10.52	.40	.60		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS: (Cont'd)					
Adams (S.E. portion), Benton, Columbia, Franklin and Walla Walla Counties	$ 10.66	.40	.90	$1.21	
Adams (S.W. portion), Chelan, Douglas, Grant, Lincoln (Western half), and Okanogan Counties	11.00	.40	.90	.60	
Asotin, Garfield and Whitman Counties	9.93	.40	.75		
King and Snohomish Counties	11.14	.63	1.00		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	10.435	.50	1.05	c	.08
Grays Harbor, Mason, Pacific (Northern portion), Pierce and Thurston Counties	9.91	.56	1.00		.05
Yakima and Kittitas Counties	10.62	.40	.35		
Island, Skagit and Whatcom Cos.	9.94	.56	1.00		.05
SPRINKLER FITTERS:					
Skagit, Snohomish, King, Island, Kitsap, Pierce and Thurston Counties	15.31	.75	1.55		.11
Remaining Counties	11.65	.65	.95		.08
TERRAZZO WORKERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	11.45	.80	.70		
Benton, Franklin and Walla Walla Counties	11.84	.80	.40		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	11.96	.80	1.00		.05
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	12.12	.80	1.00		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS: (Cont'd)					
San Juan, Skagit (including Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	$ 12.82	.80	.85		
Grant County and that portion of Adams County including the City of Othello	12.50	.40			
Grays Harbor, Lewis, Mason, Pierce and Thurston Counties	12.13	.80	1.20		.06
TILE SETTERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	11.45	.80	.70		
Benton, Franklin and Walla Walla Counties	11.84	.80	.40		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	11.96	.80	1.00		.05
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	12.12	.80	1.00		.05
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum and a ten-mile strip bordering the Columbia River in Klickitat County	13.64	.80	1.00		.25
Grant County and that portion of Adams County including the City of Othello	12.50	.40			
Grays Harbor, Lewis, Mason, Pierce and Thurston Counties	12.13	.80	1.10		.06
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	12.82	.80	.85		

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

*Where Pacific County is stated as "Northern Portion" or "Southern Portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wahkiakum County Northern Boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern Boundary extended due West to the Pacific Ocean.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Two weeks' vacation with pay after 1 year employment. also seven Paid Holidays: A through F plus Washington's Birthday.

c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

LINE CONSTRUCTION

	BASE ZONE	ZONE 1	ZONE 2	ZONE 3	ZONE 4
Group 1: Cable Splicer, Leadman Pole Sprayer	$ 14.41	$15.66	$16.41	$17.16	$ 18.41
Group 2: Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	13.01	14.26	15.01	15.76	17.01
Group 3: Tree Trimmer	11.75	13.00	13.75	14.50	15.75
Group 4: Line Equipment Man	11.21	12.46	13.21	13.96	15.21
Group 5: Head Ground (Chipper), Head Groundman, Powderman, Jackhammer Man	9.80	11.05	11.80	12.55	13.80
Group 6: Groundman, Tree Trimmer Helper	9.21	10.46	11.21	11.96	13.21

FRINGE BENEFITS PAYMENTS:	Groups 1 to 3	Groups 4 to 6
Health and Welfare:	$.45	$.45
Pension	3%+1.10	3%+.70
Vacation	.10	.10
Apprenticeship Training	1/2%	1/2%

ZONE DESCRIPTIONS:

BASE ZONE*	0 to 3 miles radius from the geographical center of the Cities listed below
ZONE 1	3 to 20 miles radius
ZONE 2	20 to 35 miles radius
ZONE 3	35 to 50 miles radius
ZONE 4	Over 50 miles radius

Spokane	Ellensburg	Astoria	Medford	Corvallis
Tacoma	Ephrata	Baker	Portland	Coeur D'Alene
Walla Walla	Everett	Burns	Pendleton	Kellog
Wenatchee	Kennewick	Bend	Salem	Lewiston
Yakima	Longview	Eugene	Roseburg	Orofino
Wilbur	Olympia	Seattle	Lakeview	The Dalles
Klamath Falls	Bellingham	Umatilla	Sand Point	

*Base Zone rate is paid when working out of employer's permanent shop.

LABORERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

HEAVY and HIGHWAY CONSTRUCTION

Group Nos.	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
1	$ 10.20	$10.90	$11.15	$11.60	$ 12.10
2	10.45	11.15	11.40	11.85	12.35
3	10.70	11.40	11.65	12.10	12.60
4	10.95	11.65	11.90	12.35	12.85
5A	10.90	11.60	11.85	12.30	12.80
5B	11.10	11.80	12.05	12.50	13.00
5C	11.35	12.05	12.30	12.75	13.25
5D	11.40	12.10	12.35	12.80	13.30

FRINGE BENEFITS:			
Health and Welfare	$.82	Pension	$1.00
Apprenticeship Training	.05		

**SEE ZONE DEFINITIONS - following TRUCK DRIVERS' Classifications

BUILDING CONSTRUCTION All Counties and portions of Counties East of the 120th Meridian	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 10.20	.82	$ 1.00		.05
Group 2	10.45	.82	1.00		.05
Group 3	10.70	.82	1.00		.05
Group 4	10.95	.82	1.00		.05
Group 5A	10.90	.82	1.00		.05
Group 5B	11.10	.82	1.00		.05
Group 5C	11.35	.82	1.00		.05
Group 5D	11.40	.82	1.00		.05

LABORERS (AREA 1)
All Counties and portions of Counties East of the 120th Meridian

Group 1: Brush Hog Feeder; Concrete Crewman (to include: stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, Pumpcrete Machine, Signaling, handling the nozzle of Squeezecrete or similar machine - 6 inches and smaller); Crusher Feeder; Demolition (to include: clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector (to include: Guard Rail, Guide and Reference Posts, Sign Posts, and Right-of-way Markers); Flagman; General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover (to include: separating foundation, preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Bucker and Faller (by hand); Tractor Laborer (railroad); Truck Loader; Well-point Man; Window Cleaner

Group 2: Asphalt Raker; Asphalt Roller, walking; Carpenter Tender; Cement Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Helper (when required to move and position machine); Form Cleaning Machine Feeder; Stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (to include: squeeze and flow-crete nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal culvert; Pipelayer, multi-section; Pot Tender; Powderman Helper; Power Buggy Operator; Power Tool Operator, gas, electric, pnuematic; Railroad Equipment, power driven, except dual mobile power spiker or puller; Railroad Power Spiker of Puller, dual mobile; Rodder and Spreader; Sandblast Tailhoseman; Tamper (to include: operation of Barco, Essex and similar tampers, and pavement breakers); Trencher, Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water Pipe Liner; Wheelbarrow, power driven

Group 3: Air Track Drill; Brush Machine (to include: horizontal construction joint clean-up brush machine, power propelled); Caisson Worker, free air, Chain Saw Operator and Faller; Concrete Stack (to include: Laborers when 40 ft. high); Gunnite (to include: operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (to include: Grade Checkers and Elevation control); Monitor Operator track or similar mounting); Mortar Mixer; Nozzleman (to include: Jet Blasting Nozzleman, over 1,200 lbs., Jet Blast Machine, power propelled, Sandblast Nozzle); Pipelayer (to include: working Topman, Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer, Valve or Meter Installer); Pipewrapper; Vibrator, 4 inches and over

Group 4: Drills with dual Masts; Powderman; Welder, electric, manual or automatic

Group 5: Tunnel and Shaft, free air
Class A: Bull Gang, Pump Crete Crewman including distribution pipe, Assembling and dismantle and Nipper
Class B: Brakeman, Dumpman
Class C: Miner and Nozzleman for concrete and Laser Beam Operator in Tunnels
Class D: Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts

LABORERS (AREA 2) All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and the Northern portion of Pacific County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 11.23	.95	$ 1.10		.08
Group 2	11.57	.95	1.10		.08
Group 3	11.71	.95	1.10		.08
Group 4	11.81	.95	1.10		.08

Group 1: Asphalt Laborer; Batch Weighman; Broomers; Brush Cutter; Brush Hog Feeder; Burners; Car and Truck Loader; Cement Handler; Changehouse or Dry Shack; Chocker Setter; Clean up Laborer; Concrete Form Stripper; Concrete and Monolithic Laborer; Crush Feeder; Curing Laborer; Demolition, wrecking and moving; Ditch Digger; Drierman; Dumpman; Elevator Feeders; Epoxy Technician; Faller and Bucker, hand; Fence Laborer; Fine Graders; Flagman; Form Setter; Grout Machine Header Tender; Header Laborer and Guardrail Erector; House Wrecker; Landscaping or Planting; Material Yard Man (including electrical); Nipper-swamper; Pilot Car; Pitman; Pot Tender; Rip Rap Man; Scaleman; Signalman; Skipman; Sloper Sprayman; Stockpiler; Toolroom Man (at job site); Track Laborer; Truck Spotter; Window Cleaner

Group 2: Air, gas or electric Vibrating Screed; Anchor Machine; Ballast Regulator Machine; Chippers; Chocker Splicer; Chuck Tender; Clary Power Spreader and similar types; Concrete Saw; Gabian Basket Builder; Grinders; Groutman, pressure, including post tension beams; Jackhammer; Multiple Tampers; Pavement Breaker; Pipe Pot Tender; Pipe Wrapper; Powderman Helper; Power Jacks; Power Wheelbarrow or Buggy; Railroad Spike Puller; Ribbon Setter, head; Rip Rap Man, head; Rodder; Sloper, over 20 ft.; Stake Hopper; Swinging Scaffold or Boatswain Chair over water or 25 ft. in height; Tamper, multiple and self-propelled; Tamper and similar electric and air operator tools; Topman-tailman; Track Liners; Vibrator; Wagon Driller and Air Trac Helper Well Point Laborer

Group 3: Bit Grinder and Drill Doctor; Cement Dumper, paving; Cement Finisher Helper; Faller and Bucker Chain Saw; Grade Checker and Transit Man; High Scaler; Laser Beam Operator; Manhole Builder; Mortarman and Hodcarrier; Nozzleman (concrete and rock, sandblast, gunnite, shotcrete); Water Blaster; Pipelayer and Caulker; Powderman; Raker, asphalt; Spreader (carries grade with rodder); Timberman, sewer; Tugger Operator; Vibrator, 4" and over; Wagon Driller and Air Trac Operator

Group 4: Caisson Worker; Laser Beam Operator (tunnel); Powderman; Re-timberman

LABORERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$10.01	$10.41	$10.76	$11.01	$11.26	$11.51
2	10.36	10.76	11.16	11.36	11.61	11.86
3	10.66	11.06	11.41	11.66	11.91	12.16
4	10.91	11.31	11.66	11.91	12.16	12.41

FRINGE BENEFITS:

Health and Welfare	$.95	Vacation	$.65
Pension	1.10	Apprenticeship Tr.	.10

*SEE ZONE DEFINITIONS - Following TRUCK DRIVERS' Classifications

Group 1: General Laborer; Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Changehouse Man or Dry Shack Man; Choke Setter; Clean-up Laborers; Concrete Laborers; Culvert, hand labor; Curing, concrete; Demolition, wrecking and moving Laborers; Drillers' Helpers; Dumpers, road oiling crew; Dumpman (for Grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); Landscaping or Planting Laborers; Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (incncluding electrical); Powderman Helper; Pittsubrgh Chipper Operator or similar types Railroad Track Laborers; Ribbon Setters (including Steel Forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipmen; Slopers; Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weightman - Crusher (aggregate when used)

Group 2: Applicator (including pot tender for same) Applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary, Power Spreader and similar types; Clean-up Nozzleman-Greencutter (concrete, rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and Wrecking charred materials; Grade Checker; Gunite Nozzleman Tender; Gunite and Sand Blasting Post Tender; Handlers or Mixers or all materials of an irritating nature (including cement and lime); Power tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air, gas or electric; Vibrating Screed; Tampers; Ribbon Setter, head; Rip Rap Man, head, hand placed; Sand Blasting (wet); Stake Setter; Tunnel-Muckers; Brakemen; Concrete Crew; Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators; Air Tracks; Cat Drills; Wagon Drills; Rubber-mounted Drills and other similar typed; Concrete Saw Operator; Gunite Nozzleman; High Scalers; Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping); Laser Beam (pipe laying); Applicable when employee assigned to move, set up, align Laser Beam; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sandblasting (dry); Sewer (pipe Layers; Sewer Timberman; Track Liners; Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator; Tunnel Chuck Tenders; Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (tunnel) - Tunnel Miners; Tunnel Powderman

LABORERS (AREA 4)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima lying West of the 120th Meridian					
Group 1	$ 11.23	.95	$ 1.10		.08
Group 2	11.57	.95	1.10		.08
Group 3	11.71	.95	1.10		.08
Group 4	11.81	.95	1.10		.08

Group 1: Asphalt Laborer; Batch Weighman; Broomers; Brush Cutter; Brush Hog Feeder; Burners; Car and Truck Loader; Carpenter Tender; Cement Handler; Changehouse or Dry Shack; Chocker Setter; Clean-up Laborer; Concrete Form Stripper; Concrete and Monolithic Laborer; Crush Feeder; Curing Laborer; Demolition, wrecking and moving; Ditch Digger; Drierman; Dumpman; Elevator Feeders; Epoxy Technician; Faller and Bucker, hand; Fence Laborers; Fine Graders; Flagman; Form Setter; Grout Machine Header Tender; Header Laborer and Guardrail Erector; House Wrecker; Landscaping or Planting; Material Yard Man (including electrical); Nipper-Swamper; Pilot Car; Pitman; Pot Tender; Rip Rap Man; Scaleman; Signalman; Skipman; Sloper Sprayman; Stockpiler; Toolroom Man (at job site); Track Laborer; Truck Spotter; Window Cleaner

Group 2: Air, gas or electric Vibrating Screed; Anchor Machine; Ballast Regulator Machine; Chippers; Chocker Splicer; Chuck Tender; Clary Power Spreader and similar types; Concrete Saw; Gabian Basket Builder; Grinders; Groutman, pressure, including Post Tension Beams; Jackhammer; Multiple Tampers; Pavement Breaker; Pipe Pot Tender; Pipe Wrapper; Powderman Helper; Power Jacks; Power Wheelbarrow or Buggy; Railroad Spike Puller; Ribbon Setter, head; Rip Rap Man, head; Rodder; Sloper, over 20 ft.; Stake Hopper; Swinging Scaffold or Boatswain Chain rover water or 25 ft. in height; Tamper, multiple and self-propelled; Tamper and similar electric and air operated tools; Topman-tailman; Track Liners; Vibrator; Wagon Driller and Air Trac Helper; Well Point Laborer

Group 3: Bit Grinder and Drill Doctor; Cement Dumper, paving; Cement Finisher Helper; Faller and Bucker Chain Saw; Grade Checker and Transit Man; High Scaler; Laser Beam Operator; Manhole Builder; Mortarman and Hod Carrier; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sandblast, gunnite, shotcrete) Water Blaster; Pipelayer and Caulker; Powderman; Raker, asphalt; Spreader (carries grade with rodder); Timberman, sewer; Tugger Operator; Vibrator, 4" and over; Wagon Driller and Air Trac Operator

Group 4: Caisson Worker; Laser Beam Operator (tunnel); Powderman; Re-timber Man

POWER EQUIPMENT OPERATORS (AREA 1)
All Counties and portions of Counties East of the 120th Meridian

Group No.	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
1	$ 10.30	$11.00	$ 11.25	$11.70	$ 12.20
2	10.60	11.30	11.55	12.00	12.50
3	11.15	11.85	12.10	12.55	13.05
4	11.30	12.00	12.25	12.70	13.20
5	11.45	12.15	12.40	12.85	13.35
6	11.70	12.40	12.65	13.10	13.60
7	11.95	12.65	12.90	13.35	13.85

FRINGE BENEFITS:

Health and Welfare	$ 1.20
Pension	1.55
Apprenticeship Training	.03

Group 1: Bit Grinders; Bolt Threading Machine; Compressor, under-2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Driller's Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deer and similar - or Compacting or Vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator; Fireman or Pugmixer Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker; Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loader (Bucker, Elevator and Conveyors); Longitudinal Float; Mixer Operator; Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator (self-propelled); Railroad Power Tamper Operator (self-propelled); Railroad Power Tamper Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Jack Operator (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland & similar); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (rock under 8" bit)(Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (Squeeze-crete, Flow-crete, Pumpcrete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams or similar); Equipment Serviceman, greaser and oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist (2 or more drums or tower hoist); Loader (Overhead and Front-end under 4 yds., R/T); Locomotive Engineer; Mixermobile; Mucking Machines; Paver or Curb Extruder (concrete and asphalt); Pump (grout or jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yds.); Screed Operator, Soil Stabilizer (P&H or similar); Spreader Machine; Tractor (Crawler, including Dozer, Scraper, Drills, Boom, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8"); Chain Person

Group 4: H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (under 1,000 tons); Rubber-tired Scraper, multi-engine power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yds. and over); Surface Heater and Planer Machines; Turnhead (with re-screening)

Group 5: Asphalt Plant Operator; Automatic Subgrader (ditches and trimmers) (Auto-grade, ABC, R.R. Hansen and similar on grade wire); Backhoes (under 3 yds.); Batch and Wet Mix Operator - multiple units (2 and including 4); Blade (under 3 yds.); Concrete Slip Form Paver; Cranes (under 65 tons, sideboom over 24 ft., butt pin to CTR Sheave); Crusher, Grizzle and Screening Plant Operators; Drilling Equipment (8' bit and over)(Robbins' reverse circulation and similar); Loader Operator (front end and overhead 4 yds. to 8 yds.); Pile Driving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, Multi-engine, power with one scraper (Euclid, TS-24 and similar); Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with 2 scrapers; Shovels (under 3 yds.); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 ft. depth and over); Multiple Dozer units with single blade; Instrument Man

Group 6: Backhoes (3 yds. and over); Batch Plant (over 4 units); Cableway Controller-Dispatcher; Cableway Operator; Clamshell Operator (3 yds. and over); Cranes, all-65 tons and over; Derricks and Stifflegs (65 tons and over); Dragline (3 yds. and over); Elevating Belt (Holland type); Loader 360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front-end over 8 to 12 yds.); Rubber-tired Scrapers (multiple engine with 3 or more scrapers); Shovels (3 yds. and over); Tower Crane; Whirleys and Haammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yds.); Party Chief

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3)					
Group 1	$ 13.10	.85	$ 1.50		.11
Group 2	13.20	.85	1.50		.11
Group 3	13.31	.85	1.50		.11
Group 4	13.36	.85	1.50		.11
Group 5	13.38	.85	1.50		.11
Group 6	13.43	.85	1.50		.11
Group 7	13.44	.85	1.50		.11
Group 8	13.45	.85	1.50		.11
Group 9	13.48	.85	1.50		.11
Group 10	13.50	.85	1.50		.11
Group 11	13.63	.85	1.50		.11
Group 12	13.66	.85	1.50		.11
Group 13	13.69	.85	1.50		.11
Group 14	13.76	.85	1.50		.11
Group 15	13.78	.85	1.50		.11
Group 16	13.79	.85	1.50		.11
Group 17	13.81	.85	1.50		.11
Group 18	13.84	.85	1.50		.11
Group 19	13.88	.85	1.50		.11
Group 20	13.95	.85	1.50		.11
Group 21	13.96	.85	1.50		.11
Group 22	14.01	.85	1.50		.11
Group 23	14.06	.85	1.50		.11
Group 24	14.28	.85	1.50		.11
Group 25	14.32	.85	1.50		.11
Group 26	14.37	.85	1.50		.11
Group 27	14.45	.85	1.50		.11
Group 28	14.67	.85	1.50		.11
Group 29	14.87	.85	1.50		.11
Group 30	14.98	.85	1.50		.11
Group 31	15.00	.85	1.50		.11
Group 32	15.28	.85	1.50		.11

POWER EQUIPMENT OPERATORS (Area 2)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' Helpers (heavy duty)

Group 2: Oilers, grade-oiler combination and/or brakeman

Group 3: Firemen; Firemen (drier and hot plant)

Group 4: Rollers, Tampers and Vibrators (other than plant, road mix or multi-lift materials); Tractor (farmall type, 60 h.p. and under); Compressor (excavating and general purposes)

Group 5: Oiler Driver on Truck Cranes (over 45 tons up to 100)

Group 6: Blower Distributors and Mulch Seeding Operator; Oil Distributors

Group 7: Locomotive (Dinkey-air, diesel, electric, gas, steam)

Group 8: Cement Hogs

Group 9: Equipment Service and Fueling Oiler; Oiler Driver on Truck Cranes (100 tons and over)

Group 10: Pump (water); Tractors (Farmall type, over 60 H.P.)

Group 11: Post Hole Diggers (mechanical)

Group 12: Brooms, power (Wayne, Saginaw and similar types); Bulldozers (under D9 or similar); Loaders (Fork Lifts, Lumber Stacker on construction job site, Drott Travel Lift); Rollers, Tampers and Vibrators (twin engine); Saw (concrete); Scrapers (carry-all type, single)

Group 13: Batch Plant Operator (batch and mixer, 200 yards per hour and under); Cranes ("A" Frame Trucks, single power drum); Conveyors; Crusher (rock) washing and screening plants; Finishing Machine Operator, concrete paving; Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Loaders (Elevating-Athey, Barber Greene and similar types, Overhead and Front-end, under 2½ yards); Mixers (asphalt up to 4 tons per batch, concrete mixer and batch - 200 yards per hour and under); Power Plant Operators; Pumps (Fuller Kenyon, Concrete and Pumpcrete); Rollers, Tampers and Vibrators (on plant, road mix or multi-lift materials); Screed Man; Spreaders (Blaw Know, Cedarapids, Jaeger, Flarrety or similar types); Trenching Machine (under 16 in.)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian
(Except those enumerated in Area 3) and inlcuding the Northern
portion of Pacific County

Group 14: Motor Patrol Graders (including Model 14 and similar); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection or tank erection including sandblasting, painting of the same); Hoists on steel erection, Air Tuggers and Towermobiles; Loaders (fork lifts with tower)

Group 16: Mechanics or Welder (heavy duty)

Group 17: Loaders (Elevating Grade type, Dumor and similar); Mixers (paving); Scraper (carryall type, double)

Group 18: Tractors (farmall type, used as Backhoes, Rubber-tired Ford, Ferguson, Case and similar type 60 h.p. and under); Pumps, truck mounted; Concrete Pump with boom attachment

Group 19: Bull Dozer (D-9 or similar)

Group 20: Trenching Machines (16 inches and over)

Group 21: Bump Cutter (Concut, Christianson or similar types)

Group 22: Batch Plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Beltcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixer (asphalt, 4 tons and over per batch, concrete mixers and batch - over 200 yards per hour through 400 yards per hour, and paving dual)

Group 23: Bulldozer engaged in Yo Yo Operation (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" Frame Trucks, double power drum; and Crawler, truck type, floating, Locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under; Hydralifts, Hyster Cat Cranes and attachments; Chipper, wood with boom attachment); Derricks, all; Drilling Machine (Core, Cable Rotary and Exploration); Loader (fork lift with power boom and swing attachment; Overhead and Front End, 2½ yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor Patrol Graders over Model 14 and similar; Mucking Machines (Mole, Tunnel Drill, and/or Shield); Paydozer and Linked Pusher (Quad-9 and similar); Piledriver Engineer (L.B.Foster Puller or similar, Paving Breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); Sub Grader (Curries, CMI and similar types); Tractors (Farmall type, used as Backhoes, Rubber-tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 25 yards through 40 yards

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian
(Except those enumerated in Area 3) and including the Northern
portion of Pacific County

Group 24: Loaders (overhead and front end, 4 yards up to 8 yards)

Group 25: Concrete Mixers and Batch over 400 yards per hour through 600 yards per hour

Group 26: Tournapulls, Caterpillar, Euclid, Scrapers and similar type (over 40 yards through 55 yards)

Group 27: Cableways (over 3 yards); Crane (Crawler, truck type, floating, Locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons; and, Tower Cranes, Peco, Lorraine, Bucyrus and similar types); Helicopter Winch Operator; Remote Control Operator on Rubber-tired Earth Moving Equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip Form Paver (Zimmerman, CMI and similar types)

Group 28: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 55 yards through 70 yards)

Group 29: Loaders (overhead and front end 8 yards and over)

Group 30: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards thorugh 85 yards)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 85 yards through 100 yards)

Group 32: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 85 yards through 100 yards)

POWER EQUIPMENT OPERATORS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the
Southern portion of Pacific, Counties

Group No.	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$11.43	$11.83	$12.18	$12.43	$ 12.68	$12.93
2	11.57	11.97	12.32	12.57	12.82	13.07
3	11.67	12.07	12.42	12.67	12.92	13.17
4	11.83	12.23	12.58	12.83	13.08	13.33
5	11.85	12.25	12.60	12.85	13.10	13.35
6	11.93	12.33	12.68	12.93	13.18	13.43
7	11.99	12.39	12.74	12.99	13.24	13.49
8	12.09	12.49	12.84	13.09	13.34	13.59
9	12.15	12.55	12.90	13.15	13.40	13.65
10	12.21	12.61	12.96	13.21	13.46	13.71
11	12.23	12.63	12.98	13.23	13.48	13.73
12	12.29	12.69	13.04	13.29	13.54	13.79
13	12.37	12.77	13.12	13.37	13.62	13.87
14	12.53	12.93	13.28	13.53	13.78	14.03
15	12.69	13.09	13.44	13.69	13.94	14.19
16	12.87	13.27	13.62	13.87	14.12	14.37
17	13.01	13.41	13.76	14.01	14.26	14.51
18	13.19	13.59	13.94	14.19	14.44	14.69
19	13.33	13.73	14.08	14.33	14.58	14.83

FRINGE BENEFITS:

Health and Welfare	$1.00	Vacation	$.50
Pension	1.47	Apprenticeship Training	.05

*SEE ZONE DESCRIPTION - following TRUCK DRIVERS' Classifications

POWER EQUIPMENT OPERATORS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the
Southern portion of Pacific, Counties

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Driller Helper; Auger; Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power), under 2,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Pactor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulvamixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, Maximum digging capacity 3 ft. depth

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the
Southern portion of Pacific, Counties

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2½ cu. yds. and under; Rock Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loader, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type lifting device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2½ cu. yds. and under 4 cu. yds.; Hammer operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC 12 and similar); Cable Plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder, with dispatched and/or when required to do both; Rubber-tired Dozers and Pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the
portion of Pacific, Counties

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine; Single Scraper, with Push-pull attachments; Self-Loader; Paddle Wheel, Auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engine; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator, 25 tons and over; Crane, over 25 tons and including 50 tons; Piledriver Operator; Floating Clamshell, etc., under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Backfilling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, multi-engine; Shovel, etc., 3 cu. yds., but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with Wheel Excavator

Coup 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote controlled Earth Moving Equipment; Underwater equipment, remote or otherwise

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMNT OPERATORS (DREDGING) (Area 1) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	$ 12.02	.85	$ 1.00		.11
Group 2	12.12	.85	1.00		.11
Group 3	12.46	.85	1.00		.11
Group 4	12.51	.85	1.00		.11
Group 5	12.56	.85	1.00		.11
Group 6	12.88	.85	1.00		.11
Group 7:					
(a)	13.27	.85	1.00		.11
(b)	13.82	.85	1.00		.11
DREDGING (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County)					
Group 1	12.02	.85	1.00		.11
Group 2	12.12	.85	1.00		.11
Group 3	12.46	.85	1.00		.11
Group 4	12.51	.85	1.00		.11
Group 5	12.56	.85	1.00		.11
Group 6	12.88	.85	1.00		.11
Group 7:					
(a)	13.27	.85	1.00		.11
(b)	13.82	.85	1.00		.11
DREDGING (Area 3) (Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties)					
Group 1	11.14	1.00	1.00	.50	.05
Group 1A	11.80	1.00	1.00	.50	.05
Group 2	10.78	1.00	1.00	.50	.05
Group 3	10.54	1.00	1.00	.50	.05
Group 4	10.28	1.00	1.00	.50	.05

POWER EQUIPMENT OPERATORS

(DREDGING)

Group 1: Assistant Mate (deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster pump); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric Generator Operator for primary pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

POWER EQUIPMENT OPERATORS (Area 3)

(DREDGING)

Group 1: Leverman, Hydraulic

Group 1A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Welder, Mechanic, and Machinist) and Mate

Group 3: Tenderman (Boatman, Attending Dredge Plant); Fireman

TRUCK DRIVERS (AREA 1)
All Counties and portions of Counties East of the 120th Meridian

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
1	$11.39	$12.09	$12.34	$12.79	$13.29
2	11.43	12.13	12.38	12.83	13.33
3	11.49	12.19	12.44	12.89	13 39
4	11.58	12.28	12.53	12.98	13.48
5	11.79	12.49	12.74	13.19	13.69
6	11.83	12.53	12.78	13.23	13.73
7	11.89	12.59	12.84	13.29	13.79
8	11.93	12.63	12.88	13.33	13.83
9	12.04	12.74	12.99	13.44	13.94
10	12.08	12.78	13.03	13.48	13.98
11	12.39	13.09	13.34	13.79	14.29
12	12.53	13.23	13.48	13.93	14.43
13	12.69	13.39	13.64	14.09	14.59
14	12.83	13.53	13.78	14.23	14.73

FRINGE BENETIFS:
Health and Welfare $1.12 Pensions $1.19

*SEE ZONE DEFITIONS - following TRUCK DRIVERS' Classifications

Group 1: Flat Bed Truck, single rear axle; Escort Driver; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (steam Cleaner and Washer); Helper and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power operated Sweeper; Semi-trailer, Low Bed, Truck and Trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (56 yards and under); Flaherty Spreader, Box Driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 pounds); Oil Distributor Driver (Road, Bootperson, Leverperson Helper); Rubber-tired tunnel jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks hauling concrete (over 3 yards to 6 yards); Water Tank Truck (4,001 - 6,000 gallons); Wrecker and Tow Trucks

TRUCK DRIVERS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water Tank Truck (6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

Group 8: Low Boy (over 50 tons); Water Tank Truck (8,001 - 10,000 gallons); Tractor with Steer Trailer

Group 9: Transit Mixers and Trucks hauling concrete (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 - 12,000 gallons)

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water Tank Truck (12,001 - 14,000 gallons)

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and all of Kittitas and Yakima Counties)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.71	.94	$ 1.12		.09
Group 2	13.76	.94	1.12		.09
Group 3	13.81	.94	1.12		.09
Group 4	13.92	.94	1.12		.09
Group 5	13.98	.94	1.12		.09
Group 6	14.02	.94	1.12		.09
Group 7	14.03	.94	1.12		.09
Group 8	14.09	.94	1.12		.09
Group 9	14.14	.94	1.12		.09
Group 10	14.16	.94	1.12		.09
Group 11	14.19	.94	1.12		.09
Group 12	14.29	.94	1.12		.09
Group 13	14.31	.94	1.12		.09
Group 14	14.35	.94	1.12		.09
Group 15	14.47	.94	1.12		.09
Group 16	14.51	.94	1.12		.09
Group 17	14.63	.94	1.12		.09
Group 18	14.68	.94	1.12		.09
Group 19	14.84	.94	1.12		.09
Group 20	15.00	.94	1.12		.09
Group 21	15.16	.94	1.12		.09

TRUCK DRIVERS (Area 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at Bunkers and Batch Plants; Pickup Truck, Escort or Pilot Car; Swampers; Warehouseman and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump Trucks - side, end and bottom dump, including Semi-trucks and Trains of combinations thereof) - up to and including 5 yards; Platbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Truck (up to 1,600 gallons); Winch Truck, single rear axle; Wrecker, tow Truck and similar equipment

Group 4: Platbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Truck, 1,600 gallons to 3,000 gallons)

Group 6: Transit-mix, 0 to and including 41 yards

Group 7: Dumpsters and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive Truck (field mix) and similar equipment; Lowbed and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tanker; Dumpsters and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

TRUCK DRIVERS (AREA 2) (Cont'd)
All Counties and portion s of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

Group 13: Dumpsters and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-Mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and Heavy Duty Trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix, over 20 yards

TRUCK DRIVERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$10.92	$11.32	$11.67	$11.92	$12.17	$12.42
2	10.97	11.37	11.72	11.97	12.22	12.47
3	11.02	11.42	11.77	12.02	12.27	12.52
4	11.07	11.47	11.82	12.07	12.32	12.57
5	11.12	11.52	11.87	12.12	12.37	12.62
6	11.22	11.62	11.97	12.22	12.47	12.72
7	11.32	11.72	12.07	12.32	12.57	12.82
8	11.42	11.82	12.17	12.42	12.67	12.92
9	11.52	11.92	12.27	12.52	12.77	13.02
10	11.69	12.09	12.44	12.69	12.94	13.19
11	11.79	12.19	12.54	12.79	13.04	13.29
12	11.89	12.29	12.64	12.89	13.14	13.39
13	11.99	12.39	12.74	12.99	13.24	13.49
14	12.09	12.49	12.84	13.09	13.34	13.59

FRINGE BENEFITS:

Health and Welfare	$.78	Vacation	$1.28
Pension	.77	Apprenticeship Tr.	.05

*SEE ZONE DESCRIPTION - Following TRUCK DRIVERS' Classifications

TRUCK DRIVERS (AREA 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: 6 cu. yds. and under, Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame or Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combination; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combination thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capaicty) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Tuck and Trailers of doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters of similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit Mix and wet or dry mix truck, over 7 cu. yds. and including 9 cu. yds.; Truck Mechanic-Welder - Body Repairman; Water Wagon (rated capacity 5,000 to 7,000 gallons)

Group 7: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and wet or dry mix trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity), over 7,000 gallons to 10,000 gallons

TRUCK DRIVERS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 8: Dump Trucks, side, end and bottom dumps, including Semi trucks and Trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and wet or dry mix trucks, over 11 cu. yds. and including 15 cu. yds.; Water Wagons (rated capacity), over 10,000 gals. to 15,000 gallons

Group 9: Dump Trucks, side, end and bottom dumps, including Semi trucks and Trains or combination thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and wet or dry mix trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump trucks, side, end and bottom dumps, including Semi trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump trucks, side, end and bottom dumps, including Semi Trucks and Trains or combination thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement - add $.15 per hour)

Winch Truck - takes classification of Truck on which Winch is mounted.

ZONE WAGE SCALE (AREA 1)

CEMENT MASONS

Travel Zone Centers:
Moses Lake Wenatchee Pasco Yakima Spokane
*Coeur d'Alene *Walla Walla Lewiston

LABORERS (Heavy and Highway)
POWER EQUIPMENT OPERATORS
TRUCK DRIVERS

Travel Zone Centers:
Moses Lake Pasco Spokane Lewiston
*Coeur d'Alene *Walla Walla
*15 mile free Zone

Zone A - Within a 15 mile radius from the center of the above named Cities
Zone B - 15-30 miles raidus from the center of the above named Cities
Zone C - 30-45 miles radius from the center of the above named Cities
Zone D - 45-90 miles radius from the center of the above named Cities
Zone E - Over 90 miles radius from the center of the above named Cities

ZONE WAGE SCALE (AREA 3) ONLY

LABORERS
Goldendale, Longview and Vancouver

POWER EQUIPMENT OPERATORS
Astoria, Goldendale, Hood River, Longview
The Dalles and Vancouver

TRUCK DRIVERS
Astoria, Goldendale, Longview, the Dalles and Vancouver

Zone A - All jobs or projects located within 10 miles of the respective City Hall

Zone B - More than 10 miles but less than 25 miles from the respective City Hall

Zone C - More than 25 miles but less than 35 miles from the respective City Hall

Zone D - More than 35 miles but less than 45 miles from the respective City Hall

Zone E - More than 45 miles but less than 75 miles from the respective City Hall

Zone F - More than 75 miles from the respective City Hall

[FR Doc. 79-27176 Filed 7-19-79; 8:45 am]
BILLING CODE 4510-27-C

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

Correction

In FR Doc. 79–20699, published at page 39882, on Friday, July 6, 1979, the table "New Decision" on page 39895, and the table "Modification P. 2" on page 39896 were inadvertently cut off during photoprinting. The two tables are reprinted as follows:

NEW DECISION

STATE: Texas — COUNTIES: Bastrop, Blanco, Caldwell, Fayette, Hays, Lee, Llano, Travis & Williamson

DECISION NO.: TX79-4068 — DATE: Date of Publication

DESCRIPTION OF WORK: Residential Projects consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 5.25				
BRICKLAYERS	7.04				
CARPENTERS	6.00				
CEMENT MASONS	4.81				
ELECTRICIANS	6.50				
LABORERS:					
Laborers	3.42				
Pipelayers	3.75				
PAINTERS	4.25				
PLUMBERS	7.50				
ROOFERS	4.25				
SOFT FLOOR LAYERS					
TRUCK DRIVERS	4.25				
POWER EQUIPMENT OPERATORS:					
Backhoes	4.00				
Bulldozers	3.75				
Front end loaders	3.50				
Motor graders	5.75				
Scrapers	5.75				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

BILLING CODE 1505-01-M

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. GA79-1014 - Mod. #2 (44 FR 1632 - January 5, 1979) Clayton, DeKalb, & Fulton Counties, Georgia					
CHANGE:					
Glaziers	$ 9.40	.70	.48	.80	.11
Marble, Tile, & Terrazzo Finishers	7.00				
DECISION NO.GA78-1088 - Mod. #4 (43 FR 47426 - October 13, 1978) Chatham County, Georgia					
CHANGE:					
Bricklayers, Stone masons, Marble masons, Tile setters, & Terrazzo workers	9.55	.40	.45		.01
Carpenters & Soft floor layers	9.70	.55			.05
Electricians:					
Wiremen	10.55	.60	3% + .75		1/5 of 1%
Cable splicers	10.80	.60	3% + .75		1/5 of 1%
Laborers:					
General laborers, traffic flagmen, track spotters;	5.57	.15	.13		.10
Operators of jackhammer, tamp, paving breaker, chipping hammer, spade, chain saw, vibrator, motorized buggy, mason tender, terrazzo helper, railroad or track laborers, walk behind compactor or roller plasterer, and carpenter tender;	5.72	.15	.13		.10
Mortar mixers (hand or machine), pipelayers, (harner, potman, etc,), flagmen, (cranes, derricks, etc.);	5.82	.15	.13		.10
Burner (torch) on demolition work, track or wagon drills used in blasting;	6.07	.15	.13		.10
Powderman or blaster.	6.57	.15	.13		.10
Millwrights	10.30	.55			.05
Piledrivermen	9.95	.55			.05
Sheet metal workers	10.23	.45			.04

federal register

Friday
July 20, 1979

Part III

Department of the Interior

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Final Threatened Status for West African Manatee

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Threatened Status for West African Manatee

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines that the West African manatee (*Trichechus seneglensis*) is a threatened species. This action was prompted by a petition and supporting data submitted by the Marine Mammal Commission, a federal body created in part to study the status of marine mammals. This rule brings into effect certain measures that may benefit the species and result in its restoration.

DATES: This rule becomes effective on October 16, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

The West African manatee occurs in the coastal waters and adjacent rivers along the west coast of Africa from the mouth of the Senegal River (16° N), south to the mouth of the Cuanza River (9° S) in Angola. Its range includes parts of the following countries: Senegal, Gambia, Guinea-Bissau, Upper Volta, Niger, Guinea, Sierra Leone, Liberia, Ivory Coast, Ghana, Togo, Benin, Mali, Nigeria, Cameroon, Chad, Equatorial Guinea, Gabon, Congo (Brazzaville), Zaire and Angola. Its present range is thought to be comparable with its historic range.

On November 18, 1977, the Service was petitioned by the Marine Mammal Commission to list the West African manatee as a threatened species pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531–1543). The Service considered the data provided by the Marine Mammal Commission to constitute substantial evidence under section 4(c) of the Act, and on May 17, 1978, published in the **Federal Register** (43 FR 21338) a proposal to list the West African manatee as a threatened species.

Summary of Factors Affecting the Species

Section 4(a) of the Act states:

General.—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) The present or threatened destruction, modification or curtailment of its habitat or range;

(2) overutilization for commercial, sporting, scientific or educational purposes;

(3) disease or predation;

(4) the inadequacy of existing regulatory mechanisms; or

(5) other natural or man-made factors effecting its continued existence."

The authority to list species has been delegated to the Director.

The West African manatee is threatened as a result of factors (1), (2), (4) and (5). The appropriate portion of the petition from the Marine Mammal Commission detailing these factors is reproduced below:

"The West African manatee is known from the coastal waters and adjacent rivers along the west coast of Africa from the mouth of the Senegal River (16° N) [between Mauritania and Senegal], southward to the mouth of the Cuanza River (90° S) in Angola. It's range includes parts of the following countries: Senegal, Gambia, Guinea-Bissau, Upper Volta, Guinea, Sierra Leone, Liberia, Ivory Coast, Ghana, Togo, Benin, Mali, Nigeria, Cameroon, Chad, Equatorial Guinea, Gabon, Congo (Brazzaville), Zaire, and Angola. Its present range is thought to be comparable to its historic range.

"Husar (Mammalian Species, in press) has summarized what is known of the status of this species. No estimates of past or present population size are available. In at least one area, the Niger and Mekrou Rivers along the northern boundary of Benin (formerly Dahomey), it has been exterminated by local hunting (Poache, *Oryx* 12(2): 216–22, 1973). Manatees are taken by guns and harpoons in Liberia and Sierra Leone, where existing protective regulations are routinely ignored (Robinson, *Oryx* 11(2–3): 117–121, 1971). Ritual hunting for manatees still takes place in Ghana (Cansdale, *Oryx* 7(4): 168–171, 1964). In Nigeria, the species has traditionally been hunted by use of grass-baited traps (Dollman, *Nigeria Nat. Hist. Mag.* 4: 117–125, 1933: Allen, *Am. Comm. for Intern. Wildl. Protect.*, Spec. Publ. No. 11, 620 pp., 1942), a practice which continues there "unrestrained" despite legal prohibitions (Sikes, *Oryx* 12(4): 465–470, 1974). Native hunting in Zaire and Angola, on the lower Congo, was said to be reducing the manatee population (Derscheid, *Rev. Zool., Africaine Bull. Cercle Congolaise* 14(2): 23031, 1926; Allen *Loc. cit.*) and hunting continued as recently as 1952 (Bouveignes, Zooleo 41(4): 237–244, 1952). For most areas, it seems fair to assume that subsistence hunting is, or has been intense, and that many local stocks are depressed. Fortunately, large-scale commercial exploitation has never been directed at T. *senegalensis* (Husar, *loc. cit.*).

"In addition to direct hunting by natives, other factors may have a negative impact on the species. Wood (*Nigerian Field* 6(1): 23–28, 1937) described the way Nigerian fishermen, in 1932, trapped 46 manatees in the Anambra creek system, apparently exterminating them from the area. The men did it because they regarded the animals as a nuisance to canoe traffic. Manatees are susceptible to accidental drowning in fish nets, particularly those set for sharks; this phenomenon has been documented in Senegal by Cadenat (*Bull. Inst. F. Afr. Noire* 19 A(4): 1358–1383, 1957). The extent of shark netting in West African waters is not known, so its impact on manatees there cannot be assessed (Husar, *loc. cit.*). Likewise, the degree to which manatees are injured by accidently collisions with motor-boats in West Africa is unknown (Husar, *loc. cit.*); experience in Florida with *T. manatus* (Hartmen, PhD Thesis, Cornell University, 1971) suggests that it could contribute substantially to mortality in heavily trafficked areas.

"The West African manatee is currently protected under Class A of the African Convention for the Conservation of Nature and Natural Resources, 1969. However, enforcement of this convention is reported to be ineffective (Husar, *loc. cit.*). Some forms of additional legal protection exist in most countries where the West African manatee occurs, but the problems of enforcement and education are seemingly universal. The presence of the species in reserves gives some guarantee of protection (see Howell, *Nigerian Field* 33(4): 32–35, 1968: Dupuy and Verschuren, *Oryx* 14(1): 36–46, 1977). The West African manatee is listed as vulnerable by the IUCN, whose Red Data Book notes that 'the high value of the meat has been an irresistible incentive for killing.' *T. senegalensis* is also included in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

"If hunting and habitat modification continue uncontrolled, this species will become more seriously depleted. Damming of rivers and increased boat and ship traffic in many areas may contribute to its decline. Assuming that it is not one already, *T. senegalensis* is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Therefore, the Commission recommends that it be classified as 'threatened' under the Endangered Species Act of 1973, until more is known about its status."

Effects of the Rulemaking

The West African manatee is already protected by the Marine Mammal Protection Act. (16 U.S.C. 1362 (5)–(6); 50 CFR 18.3). Among other things, that Act imposes significant restriction on importation of the Species into the United States. (16 U.S.C. 1371(a), 1372(b)–(c); 50 CFR 18.12). Listing the manatee as a threatened species under the Endangered Species Act will not only provide an additional prohibition

against importation, but will also restrict transportation or sale in interstate or foreign commerce. (16 U.S.C. 1533(d), 1538(a)(1)(G); 50 CFR 17.31(a). Under each Act, permits are available in certain instances for scientific and zoological display purposes. (16 U.S.C. 1371(a)(1), 1372(b), 1374(c); 50 CFR 17.32, 18.31). Listing of the West African manatee as threatened will allow the United States to try to: (1) Make the countries in which it is resident aware of the importance of manatee protection; (2) make available to scientists of other countries the results of manatee research undertaken under U.S. sponsorship in such form as to be helpful to them in developing their own research plans; (3) encourage other countries to undertake comprehensive surveys of the status and distribution of this species; (4) encourage other countries to establish reserves; (5) encourage reintroductions to other areas once they are well established in protected habitat; and (6) encourage the acquisition of study specimens, that might not otherwise be available, for purposes of scientific research of animals taken incidental to net fisheries.

Endangered Species Act Amendments of 1978

The Endangered Species Act Amendments of 1978 specify that the following be added at the end of subsection 4(a)(1) of the Endangered Species Act of 1978:

"At the time any such regulation [any proposal to determine a species to be an Endangered or Threatened species] is proposed, the Secretary shall by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat."

Since the West African manatee is a foreign species for which critical habitat may not be designated, this amendment does not apply.

The Endangered Species Act Amendments of 1978 further state the following:

"(B) In the case of any regulation proposed by the Secretary to carry out the purposes of this section with respect to the determination and listing of endangered or threatened species and their critical habitats in any State (other than regulations to implement the Convention), the Secretary.—

"(i) shall publish general notice of the proposed regulation (including the complete text of the regulation), not less than 60 days before the effective date of the regulation;

"(I) in the **Federal Register**, and

"(II) if the proposed regulation specifies any critical habitat, in a newspaper of general circulation within or adjacent to such habitat;

"(ii) shall offer for publication in appropriate scientific journals the substance of the **Federal Register** notice referred to in clause (i)(I);

"(iii) shall give actual notice of the proposed regulation (including the complete text of the regulation), and any environmental assessment or environmental impact statement prepared on the proposed regulation, not less than 60 days before the effective date of the regulation to all general local governments located within or adjacent to the proposed critical habitat, if any; and

"(IV) shall—

"(I) if the proposed regulation does not specify any critical habitat, promptly hold a public meeting on the proposed regulation within or adjacent to the area in which the endangered or threatened species is located, if request therefore is filed with the Secretary by any person within 45 days after the date of publication of general notice under clause (i)(I), and

"(II) if the proposed regulation specifies any critical habitat, promptly hold a public meeting on the proposed regulation within the area in which such habitat is located in each State, and, if requested, hold a public hearing in each such State."

The Service has complied with each of the applicable requirements. Accordingly, the Service is proceeding at this time with a final rule to determine this species as threatened pursuant to the Endangered Species Act of 1973.

National Environmental Policy Act

An environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. It addresses this action as it involves the West African manatee. The assessment is the basis for a decision that issuance of this rule is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969.

The primary author of this rulemaking is John L. Paradiso, Office of Endangered Species (703/235–1975).

Regulations Promulgation

Accordingly, Part 17, Subpart B, Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

In § 17.11, add the following in alphabetical order under "Mammals" to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

Species		Range			Status	When listed	Special rules
Common name	Scientific name	Population	Known distribution	Portion endangered			
Manatee, West African	*Trichechus senegalensis*	N/A	Coast and rivers of West Africa	Entire	T		None

Dated: June 25, 1979.

Robert S. Cook,

Deputy Director, Fish and Wildlife Service.

[FR Doc. 79-22416 Filed 7-20-79; 8:45 am]

BILLING CODE 4310-55-M

---

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reclassification of the American Alligator in Nine Parishes in Louisiana

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Correction.

SUMMARY: In the June 25, 1979 **Federal Register** (44 FR 37130–2), the Service published its final determination that the American alligator should be reclassified to Threatened (Similarity of Appearance) in nine southern Louisiana parishes. In that document, the nine parishes were inadvertently left off the table which summarizes the various status classifications of the alligator throughout its range. This correction adds those parishes to the table.

DATES: This rule becomes effective on July 27, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. John Spinks, Chief, Office of Endangered Species, U.S. Fish and

Wildlife Service, Washington, D.C. 20240 (703/235–2771).

The regulations promulgation section of the final reclassification of the American alligator in nine parishes of southern Louisiana, as originally published June 25, 1979 in the **Federal Register** (44 FR 37130–37132), should appear as follows:

Regulations Promulgation

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations is hereby amended as set forth below:

1. Amend § 17.11(i) by changing the status of the American alligator in Louisiana under "REPTILES" on the list of animals to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * * * *

Species		Population	Range		Status	When listed	Special rules
Common name	Scientific name		Known distribution	Portion endangered			
Alligator, American	*Alligator mississippiensis.*	Wherever found in the wild, except in those areas where it is listed as Threatened, as set forth below.	Southeastern United States	Entire	E	11	N/A
Alligator, American	*Alligator mississippiensis.*	In the wild in FL and in certain areas of GA, LA (except in those parishes listed as T(S/A)), SC and TX, as set forth in Sec. 17.42(a)(2)(iv).	U.S. FL and certain areas of GA, LA (except in those parishes listed as T(S/A)) SC and TX.	Entire	T	20	17.42(a)
Alligator, American	*Alligator mississippiensis.*	In the wild in Cameron, Vermillion, Iberia, St. Mary, St. Charles, Terrebonne, Lafourche, St. Bernard, Jefferson, St. Tammany, and Plaquemines Parishes in LA.	U.S. (Cameron, Vermillion, Calcasieu, Iberia, St. Mary, St. Charles, Terrebonne, Lafourche, St. Bernard, Jefferson, St. Tammany, and Plaquemines Parishes in LA).	N/A	T(S/A)	11	17.42(a)
Alligator, American	*Alligator mississippiensis.*	In captivity wherever found	Worldwide	N/A	T(S/A)	11	N/A

Dated: July 9, 1979.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 79–22417 Filed 7–19–79; 8:45 am]

BILLING CODE 4310–55–M

federal register

Friday
July 20, 1979

Part IV

Department of Health, Education, and Welfare

National Institutes of Health

Guidelines for Research Involving Recombinant DNA Molecules

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

AGENCY: National Institutes of Health.

ACTION: Notice of actions under NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth actions taken by the Director, NIH under the 1978 NIH Guidelines for Research Involving Recombinant DNA Molecules (43 FR 60108).

EFFECTIVE DATE: July 20, 1979.

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–6051.

SUPPLEMENTARY INFORMATION: I am promulgating today several major actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules. These proposed actions were published for comment in the **Federal Register** of April 13, 1979 and reviewed and recommended for approval by the Recombinant DNA Advisory Committee (RAC) at its meeting on May 21, 22, and 23, 1979. In accordance with Section IV–E–1–b of the NIH Guidelines, I find that these actions comply with the Guidelines and present no significant risk to health or the environment.

Part I of this announcement provides background information on the actions. Part II provides a summary of the major actions.

I. Decisions on Actions Under Guidelines

A. Containment levels for certified *Saccharomyces Cerevisiae* and *Neurospora Crassa* HV systems

The RAC at its February 15–16, 1979 meeting recommended the use of *Saccharomyces cerevisiae* and *Neurospora crassa* as HV1 systems and specified certain strains and vectors of *S. cerevisiae* as HV2 host-vector systems. The certified systems were to be used as follows:

"In accord with Section III–C–5, host-vector systems which have been approved as HV1 systems may be used under P2 containment conditions for shotgun experiments with phages, plasmids, and DNA from nonpathogenic prokaryotes which do not produce polypeptide toxins [34]. For other classes of recombinant DNA experiments with these HV1 systems, except for the cloning of complete genomes of eukaryote viruses, the *S. cerevisiae* and *N. crassa* HV1 systems and *S. cerevisiae* HV2 systems may be used at the physical containment levels applicable to EK1 and EK2 systems, respectively."

While the RAC generally approved equivalence between these HV systems and the EK designations in the Guidelines, there was concern raised about the appropriate levels of containment when complete genomes of eukaryotic viruses are cloned into these organisms.

Prior to the RAC considering this issue at it February 15–16, 1979 meeting, it was mistakenly printed in the **Federal Register** of January 15, 1979 as follows:

"Experiments involving complete genomes of class 1 eukaryote viruses will require P3 + HV2 containment levels. Other eukaryote viruses are to be handled on a case-by-case basis [45]."

The correct wording should have been "will require P3 + HV1 or P2 + HV2 containment levels."

The RAC in its deliberations at the February 15–16, 1979 meeting took a less restricted position and recommended that the following wording be substituted for the previous proposal:

"Experiments involving complete genomes of eukaryote viruses will require P3 + HV1 or P2 + HV2 containment levels."

This recommendation passed by a vote of 17 to 1 with 2 abstentions. Since this was a major change in the proposed action as it appeared in the **Federal Register** on January 15, 1979, additional opportunity for public comment was deemed appropriate. Accordingly, this proposal was published in the **Federal Register** on April 13, 1979 for an additional 30-day comment period prior to its presentation at the May 21–23, 1979 RAC meeting. During the 30-day comment period no comments were received.

Based on the containment features of these organisms which were previously presented in reports to the RAC and the discussion at the February 15–16, 1979 meeting, the RAC at its May, 1979 meeting voted 17 to 0 with 2 abstentions to accept this proposal.

B. Containment levels for unmodified laboratory strains of Neurospora Crassa

Based on extensive analysis of the fungus *N. crassa*, the NIH has previously approved genetically modified strains of this organism as HV1 as stated in the **Federal Register** of April 11, 1979. At its February 15–16, 1979 meeting, the RAC also recommended a limited use of unmodified laboratory strains of *N. crassa*. The NIH accepted the following conservative interpretation of the RAC's position based on the discussion at the time and until there was opportunity for further clarification by the RAC:

"Unmodified laboratory strains of *N. crassa* are approved at the P3 level of containment for shotgun experiments with phages, plasmids, and DNA from Class 1 prokaryotes [1] and lower eukaryotes that do not produce polypeptide toxins [34]."

Based on the need for further clarification, the following alternate interpretation of the RAC's action was published in the **Federal Register** on April 13, 1979 for an additional 30-day comment period prior to its consideration at the May 21–23, 1979 meeting. During the 30-day comment period no comments were received on this proposal:

"Unmodified laboratory strains of *Neurospora crassa* can be used in all experiments for which HV1 *N. crassa* systems are approved provided that these are carried out at physical containment one level higher than required for HV1. However, if P3 containment is specified for HV1 *N. crassa*, this level is considered adequate for unmodified *N. crassa*. For P2 physical containment, special care must be exercised to prevent aerial dispersal of macroconidia, including the use of a biological safety cabinet."

The discussion on this issue at the May, 1979 RAC meeting followed that which has been described in the **Federal Register** of April 11, 1979. Essentially, there was concern about the escape of *N. crassa* since it forms spores which are freely dispersed. As a result of this concern, it was recommended at the February, 1979 meeting that all experiments with wild type *N. crassa* should require the use of a biological safety cabinet. At the May 21–23, 1979 meeting of the RAC, it was pointed out that the organism has ony a small ecological niche and that it is a nonpathogenic organism.

The RAC accepted the use of unmodified laboratory strains of *N. crassa* as published in the **Federal Register** of April 13, 1979, by a vote of 11 to 2 with 5 abstentions. It was the sense of the RAC that the principle of equivalency of HV systems with EK systems applies at the present time only to the setting of containment levels for shotgun experiments. It does not apply at the present time to lowering of containment levels for characterized or purified DNA preparations and clones, to returing DNA segments to non-HV1 host of origin, etc.

C.1 Transfer of cloned DNA segments to Eukaryotic organisms

Based on the recommendation of the RAC at its February 15–16, 1979 meeting, the NIH previously has approved the

return of DNA segments to a higher eukaryotic host of origin as stated in the **Federal Register** on April 11, 1979:

"III–C–6. *Return of DNA Segments to a Higher Eukaryotic Host of Origin.* DNA from a higher eukaryote (Host D) may be inserted into a lambdoid phage vector or into a vector from certified EK2 host-vector system and propagated in *E. coli* K–12 under the appropriate containment conditions [see Section III–A–1]. Subsequently, this recombinant DNA may be returned to Host D and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study [2A]."

Several commentators had requested that this section be broadened to permit the heterologous transfer of DNA segments to a eukaryote other than the host of origin. A broader proposal could not be considered at the February 15–16, 1979 RAC meeting as it would require the opportunity for public comment. The following proposed revision of Section III–C–6 was published in the **Federal Register** on April 13, 1979 for a 30-day comment period prior to its consideration at the May 21–23, 1979:

"III–C–6. *Transfer of Cloned DNA Segments to Eukaryotic Organisms.* DNA from any nonprohibited source [Section I–D] which has been cloned and propagated in *E. coli* under appropriate physical containment conditions, may be transferred with the *E. coli* vector used for cloning to a ekaryotic organism or cells in culture and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study [2A]."

Several letters were received during the comment period which supported this proposal. Recent experimental results have demonstrated that it is possible to transfer DNA to eukaryotic organisms without a requirement for the DNA to be part of a recombinant DNA molecule. The major difference in the interspecies experiments which involve using recombinant DNA techniques is that there will be an association of the *E. coli* vector DNA with the DNA of interest. The recombinant DNA methods also allow a more controlled process since it permits the use of selected genes.

A very important category of experiments which this amendment would permit involves the cloning of DNA from one higher eukaryote into *E. coli*, followed by the transfer to an embryo or teratoma of another eukaryote. This procedure will enable the study of the genetic basis of various diseases by isolating individual genes and examining their expression in various whole animals. There will be the possibility of understanding the basis for cell diversification during development of higher organisms and the organization of genetic information. These features may be important in many cases to understanding the origins of malignant growth and the genetic basis of disease. As noted by one commentator, this research may lead to the "possible cure of human genetic diseases."

One commentator indicated that this proposal would, in essence, allow for nearly any eukaryote to become a host for any DNA; this would not be in the spirit of the Guidelines. Another commentator noted that any experiments that involved the return of cloned DNA to humans would require the examination by human experimentation committees.

These comments were discussed at the May 21–23, 1979 RAC meeting, and concern was expressed over the broad nature of the proposal. The use of recombinant DNA methods for studying diseases using whole animals or plants was generally supported by the RAC. It was agreed that this revision should appear as a new section of the Guidelines, III–C–7. The following more restrictive amendment was proposed by the RAC to limit the experiments to easily contained whole organisms and to only small portions of viruses:

"III–C–7. *Transfer of Cloned DNA Segments to Eukaryotic Organisms.*

III–C–7–a. *Transfer to Non-human Vertebrates.* DNA from any nonprohibited source [Section I–D], except for greater than one quarter of a eukaryotic viral genome, which has been cloned and propagated in *E. coli* under appropriate physical containment conditions, may be transferred with the *E. coli* vector used for cloning to any eukaryotic cells in culture or to any non-human vertebrate organism and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study [2A]. Transfers to any other host will be considered by the RAC on a case-by-case basis [45].

III–C–7–b. *Transfer to Higher Plants.* DNA from any nonprohibited source [Section I–D] which has been cloned and propagated in *E. coli* under appropriate containment conditions, may be transferred with the *E. coli* vector used for cloning to any higher plant organisms (Angiosperms and Gymnosperms) and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study [2A]. Intact plants or propagative plant parts may be grown under P1 conditions described under Section III–C–3. Containment must be modified to ensure that the spread of pollen, seed or other propagules is prevented. This can be accomplished by conversion to negative pressure in the growth cabinet or greenhouse or by physical entrapment by "bagging" of reproductive structures. Transfers to any other plant organisms will be considered on a case-by-case basis [45]."

The RAC accepted proposal III–C–7–a by a vote of 19 to 2 with 2 abstentions, and proposal III–C–7–b by a vote of 18 to 0 with 1 abstention.

D. Proposed exemption under I–E–5 for cloning in tissue culture cells

The RAC considered a proposal for exempting experiments involving the propagation of recombinant DNA molecules from non-viral components in tissue culture cells. The proposal, made by Dr. Wallace Rowe, appeared in the April 13, 1977 **Federal Register** as follows:

"Those recombinant DNA molecules that are propagated in cells in tissue culture and that are derived entirely from non-viral components (that is, no component is derived from a eukaryotic virus) or that contain no more than one-fourth of the genome of a eukaryotic virus are exempt from the Guidelines."

During the 30-day period for comment, one comment was received on the proposed action. This commentator opposed the motion on the grounds that the introduction of recombinant DNA molecules linked even to only one-fourth of a viral genome in tissue culture cells may possibly generate altered endogenous or exogenous viruses in the cells.

The RAC considered this proposal following a discussion of its merits by Dr. Rowe. It was pointed out that tissue culture cells are well contained and safe systems for studying gene function. Some members of the RAC expressed concern that recombinant molecules containing one-fourth of a viral genome might possibly generate infectious virus. Dr. Rowe agreed to amend his proposal to delete the portion that referred to exempting recombinant molecules containing less than one-fourth of a eukaryotic viral genome.

The RAC voted 17 to 3 with 2 abstentions to accept the amended proposal with a minor modification in the wording to include *"and maintained"* in cells, as follows:

"Those recombinant DNA molecules that are propagated and maintained in cells in tissue culture and that are derived entirely from non-viral components (that is, no component is derived from a eukaryotic virus) are exempt from the Guidelines."

E. Containment levels for experiments involving Genera *Streptomyces* and *Micromonospora*

The RAC at its May 21–23, 1979 meeting considered a proposal that had been submitted by the Working Group on Prokaryotic Host-Vectors other than *E. coli* that would allow the formation of

recombinant molecules between members of the *Actinomycetes* group at P2 physical containment except for species which are known to be pathogenic for man, animal, or plants. The following notice appeared in the **Federal Register** on April 13, 1979:

"P2 physical containment shall be used for DNA recombinants produced between members of the *Actinomycetes* group except for those species which are known to be pathogenic for man, animals or plants [2A]."

During the 30-day comment period no comments were received. The discussion on this proposal was led by Dr. Julian Davies, University of Wisconsin, an *ad hoc* consultant at the RAC meeting on May 21, 1979. It was explained that the *Actinomycetes* are a large group of closely related organisms, many of which are used to produce therapeutically active compounds. Ninety percent of the antibiotics produced industrially are derived from the *Micromonospora* and *Streptomyces* genera. They are mainly soil organisms, and do not exist in the gut. Genetic exchanges occur in almost all cases for which it has been looked. The basis for exchange includes recombination, mating, and fusion (heterokaryosis). Plasmid transfer of genetic information has also been demonstrated. Substantial DNA homology from 20–80% has been demonstrated in the *Streptomyces* genus. Although some members of the *Actinomycetes* are known as pathogens for man, animals and plants, the *Streptomyces* and *Micromonospora* genera are *non-pathogenic* for man and animals. An extensive search of the literature has revealed no reports of pathogenicity. Based on the importance of these microorganisms, non-pathogenicity, and evidence for genetic relatedness, it was proposed that recombinant experiments between the *Streptomyces* and *Micromonospora* species be permitted under P2 containment. The original proposal was restricted by the RAC to only the *Streptomyces* and *Micromonospora* genera.

A motion to accept this proposal, amended as follows, was passed with 16 for, none opposed, and 2 abstentions:

"P2 physical containment shall be used for DNA recombinants produced between members of the genera *Streptomyces* and *Micromonospora* except for those species which are known to be pathogenic for man, animals or plants [2A]."

F. Exemption for streptomyces species that exchange genetic information

The Working Group on Prokaryotic Host-Vectors other than *E. coli* recommended that a list of *Streptomyces* species that have been shown to exchange chromosomal DNA be placed in the exemption category of Section I–E–4. This proposal was published in the **Federal Register** on April 13, 1979 as follows:

"*Streptomyces* species that have been shown to exchange chromosomal DNA are proposed to be included under the exemption category of Section I–E–4 of the 1978 Guidelines. Any recombinant DNA molecules that are composed entirely of DNA segments from one or more of the organisms listed below and to be propagated in any of the organisms listed below are exempt from the Guidelines. (This list is to be separate from the other lists of exempt organisms in Appendix A.)

Streptomyces aureofaciens
Streptomyces rimosus
Streptomyces coelicolor
Streptomyces griseus
Streptomyces cyaneus
Streptomyces venezuelae."

During the 30-day comment period no comments were received. The RAC considered the criteria for genetic exchange that were set forth as a basis for placing a proposed list of *Streptomyces* species in the exemption category of section I–E–4 of the Guidelines. A motion that physiological heterokaryosis between intact organisms shall be taken as evidence of genetic exchange under criterion 2 in the discussion of Appendix A of the NIH Director's December 22, 1978 decision document was passed 18 to 0 with 1 abstention.

A motion was made to divide the list of the six proposed *Streptomyces* species into two sublists of three each because the evidence for pair-wise exchange was not as strong between the two sublists as the exchange within each sublist. The sublists are as follows:

Sublist 1

Streptomyces aureofaciens
Streptomyces rimosus
Streptomyces coelicolor

Sublist 2

Streptomyces griseus
Streptomyces cyaneus
Streptomyces venezuelae

Any recombinant DNA molecules that are composed entirely of DNA segments from one or more of the organisms within each sublist and to be propagated in any of the organisms included in that sublist are exempt from the Guidelines. (This list is to be separate from the other lists of exempt organisms in Appendix A.)

The motion was accepted by a vote of 14 for, none opposed, and 5 abstentions.

G. Use of *agrobacterium tumefaciens* as a host-vector system

Dr. Mary-Dell Chilton of the University of Washington submitted a proposal for approval of *Agrobacterium tumefaciens* and its Ti (tumor-inducing) plasmid as a host-vector system for recombinant DNA experiments. Crown gall tumors caused by *A. tumefaciens*, a ubiquitous inhabitant of the soil, are induced by tumor genes located on the large Ti plasmids. The Ti plasmid enters plant cells and inserts itself in the plant chormosomal DNA. The Ti plasmids appear promising as vectors for introduction of desired foreign DNA into higher plants.

Notice of this proposal was first published in the **Federal Register**, April 13, 1979 as follows:

"Non-disabled strains of *Agrobacterium tumefaciens* can be used in combinations with the cointegrate plasmid Ti::RP4 as a host-vector system at the P3 level of physical containment."

No comments were received by the Office of Recombinant DNA Activities during the 30-day period following the publication of this proposal. On April 25, 1979, Dr. Chilton submitted a supplement to her original proposal which represented an alternative approach for using the *Agrobacterium* system that would provide greater biological containment. The new strategy was described by Dr. Chilton at the RAC meeting on May 21, 1979. First, eukaryotic DNA would be inserted in a non-conjugative plasmid, i.e. pBR322, that also contains fragments of Ti plasmid DNA and an insert of the origin of replication of other cryptic *Agrobacterium* plasmids. The plasmid would be propagated in *E. coli* K–12 and the recombinant DNA molecules used to transform *A. tumefaciens*. The *A. tumefaciens* host strain would then be employed to induce tumors in higher plants. The advantage of the newer strategy is that it avoids the involvement of RP4 which is a wide range conjugative replicon. Dr. Chilton proposed a one step higher level of containment required for the eukaryotic insert when the Ti plasmid is used. In the RAC discussion, it was pointed out that although the **Federal Register** notice of April 13, 1979 cited the use of the plasmid Ti::RP4, this new experimental approach was much safer. A two-part motion was considered by the RAC:

a. Approve the cloning of well-characterized fragments of eukaryotic DNA under P3 conditions, either in *E. coli* K–12 or in *A. tumefaciens* carrying a Ti plasmid, using an EK2 plasmid vector coupled to a fragment of the Ti plasmid and/or the origin of replication of a cryptic *A. Tumefaciens* plasmid.

b. Approve introducing the bacteria into plant parts or cells in culture under P3 containment conditions.

The motion was passed by the RAC by a vote of 14 for, 2 opposed, with 3 abstentions. It was noted that this recommendation is narrower and more restrictive than the proposal published for comment in the **Federal Register** of April 13, 1979. It was also noted that recommendation of this proposal should not be construed as a general approval of the *Agrobacterium* system as a new cloning system.

II. Summary of Major Actions Under Guidelines

A. Containment levels for certified *Saccharomyces cerevisiae* and *Neurospora crassa* HV systems

In accord with Section III–C–5, host-vector systems which have been approved as HV1 systems may be used under P2 containment conditions for shotgun experiments with phages, plasmids, and DNA from nonpathogenic prokaryotes which do not produce polypeptide toxins [34]. For other classes of recombinant DNA experiments with these HV1 systems, except for the cloning of complete genomes of eukaryote viruses the *S. cerevisiae* and *N. crassa* HV1 systems and *S. cerevisiae* HV2 systems may be used at the physical containment levels applicable to EK1 and EK2 systems, respectively. Experiments involving complete genomes of eukaryote viruses will require P3+HV1 or P2+HV2 containment levels.

B. Containment levels for unmodified laboratory strains of *Neurospora crassa*

Unmodified laboratory strains of *Neurospora crassa* can be used in all experiments for which HV1 *N. crassa* systems are approved provided that these are carried out at physical containment one level higher than required for HV1. However, if P3 containment is specified for HV1 *N. crassa*, this level is considered adequate for unmodified *N. crassa*. For P2 physical containment, special care must be exercised to prevent aerial dispersal of macroconidia, including the use of a biological safety cabinet.

C. III–C–7. Transfer of cloned DNA segments to Eukaryotic organisms

III–C–7–a. *Transfer to Non-human Vertebrates.* DNA from any nonprohibited source [Section I–D], except for greater than one quarter of a eukaryotic viral genome, which has been cloned and propagated in *E. coli* under appropriate physical containment conditions, may be transferred with the *E. coli* vector used for cloning to any eukaryotic cells in culture or to any non-human vertebrate organism and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study [2A]. Transfers to any other host will be considered by the RAC on a case-by-case basis [45].

III–C–7–b. *Transfer to Higher Plants.* DNA from any nonprohibited source [Section I–D] which has been cloned and propagated in *E. coli* under appropriate containment conditions, may be transferred with the *E. coli* vector used for cloning to any higher plant organisms (Angiosperms and Gymnosperms) and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study [2A]. Intact plants or propagative plant parts may be grown under P1 conditions described under Section III–C–3. Containment must be modified to ensure that the spread of pollen, seed or other propagules is prevented. This can be accomplished by conversion to negative pressure in the growth cabinet or greenhouse or by physical entrapment by "bagging" of reproductive structures. Transfers to any other plant organisms will be considered on a case-by-case basis [45].

D. Exemption under I–E–5 for cloning in tissue culture cells

In accord with Section I–E–5, those recombinant DNA molecules that are propagated and maintained in cells in tissue culture and that are derived entirely from non-viral components (that is, no component is derived from a eukaryotic virus) are exempt from the Guidelines.

E. Containment levels for experiments involving genera *Streptomyces* and *Micromonospora*

P2 physical containment shall be used for DNA recombinants produced between members of the genera *Streptomyces* and *Micromonospora* except for those species which are known to be pathogenic for man, animals or plants [2A].

F. Exemption for *Streptomyces* species that exchange genetic information

The following two sublists of *Streptomyces* species that have been shown to exchange chromosomal DNA are included under the exemption category of Section I–E–4 of the 1978 Guidelines. Any recombinant DNA molecules that are composed entirely of DNA segments from one or more of the organisms within each sublist and to be propagated in any of the organisms included in that sublist are exempt from the Guidelines. (This list is to be separate from the other lists of exempt organisms in Appendix A.)

Sublist 1

Streptomyces aureofaciens
Streptomyces rimosus
Streptomyces coelicolor

Sublist 2

Streptomyces griseus
Streptomyces cyaneus
Streptomyces venezuelae

G. Use of *Agrobacterium Tumefaciens* as a host-vector system

The NIH has approved the cloning of well-characterized fragments of eukaryotic DNA under P3 conditions, either in *E. coli* K–12 or in *A. tumefaciens* carrying a Ti plasmid, using an EK2 plasmid vector coupled to a fragment of the Ti plasmid and/or the origin of replication of a cryptic *A. tumefaciens* plasmid.

The NIH has approved introducing these bacteria into plant parts or cells in culture under P3 containment conditions.

Dated: July 13, 1979.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 79-22446 Filed 7-19-79; 8:45 am]

BILLING CODE 4110-08-M

federal register

Friday
July 20, 1979

Part V

Department of Labor

Public Contracts and Property Management; Federal Standards for Federally Funded Grants and Agreements

DEPARTMENT OF LABOR

41 CFR Part 29-70

Public Contracts and Property Management; Federal Standards for Federally Funded Grants and Agreements

AGENCY: Department of Labor.

ACTION: Final rule.

SUMMARY: This rule amends the Department of Labor Procurement Regulations to add a new part (41 CFR 29-70) entitled, "Administrative Requirements Governing all Grants and Agreements by which Department of Labor Agencies Award Funds to State and Local Governments, Indian and Native American Entities, Public and Private Institutions of Higher Education and Hospitals, and Other Quasi-Public and Private Nonprofit Organizations." This new part implements requirements of Office of Management and Budget (OMB) Circulars Nos. A-102 and A-110 which provide minimum Federal standards for federally funded grants and agreements.

EFFECTIVE DATE: The regulations are effective on July 20, 1979, the date of their publication as a final rule in the **Federal Register.** Except for grants and agreements awarded under the Comprehensive Employment and Training Act (CETA), as amended, they shall be made applicable to new grants or agreements awarded on or after the date of publication (July 20, 1979) of the regulations as a final rule and to existing grants or agreements, as they are modified on or after the publication date (July 20, 1979), to add funds or to extend the grant or agreement period. The regulations shall be made applicable to CETA grants and agreements awarded or modified to include new funds or to extend the grant or agreement period 30 days after the date of publication of the regulations as a final rule.

FOR FURTHER INFORMATION CONTACT: Walter C. Terry, Director, Office of Grants, Procurement and ADP Management Policy, OASAM, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210, (202) 523-9174.

SUPPLEMENTARY INFORMATION: Office of Management and Budget Circulars Nos. A-102 and A-110 require that Federal agencies which administer grants and agreements issue regulations to implement the provisions of the circulars. Under the authority contained in the Act of March 4, 1913 (37 Stat. 736, 29 U.S.C. 551), the Secretary of Labor, in response to the above requirements, published proposed regulations in the **Federal Register** on June 16, 1978 (43 FR 26042), which would amend 41 CFR Chapter 29, the Department of Labor Procurement Regulations, to add a new Part 29-70.

The Department received numerous comments in response to the proposed regulations. Most of the comments were made by organizations or individuals who were recipients or subrecipients of financial assistance under Department of Labor grants or agreements. All of the comments were considered in preparing the regulations for publication as a final rule.

In addition to revisions made as a result of comments, a further internal review of the regulations resulted in revisions being made to clarify and make the administrative requirements more precise and understandable.

Another factor which resulted in revisions was the enactment of the Comprehensive Employment and Training Act Amendments of 1978 (CETA) subsequent to the publication of the proposed regulations. Financial assistance under CETA grants and agreements constitutes a large percentage of the total Department of Labor financial assistance program. The passage of the new Act necessitated the development of revised CETA program regulations. To avoid overlapping and conflicting requirements, the decision was made to include or cross reference CETA administrative requirements in appropriate sections of the departmental regulations; and, to the extent feasible, to eliminate administrative requirements from CETA regulations.

This section discusses comments received in response to the proposed regulations, the Department's responses to the comments, and a description of revisions made to the proposed regulations as a result of comments received, further internal review of the proposed regulations, and the changes necessitated by the passage of the CETA Amendments of 1978.

Major Comments

Effective Date

Three comments dealt with the effective date of the regulations. One reviewer requested that the regulations be made applicable to ongoing grants and agreements only as they were modified to add new funds rather than upon publication of the regulations as a final rule in the **Federal Register.** Another reviewer believed that making applicability dependent upon the issuance of revised program regulations (as stated in the proposed rule) would make the applicability date uncertain. The third reviewer commented that the Comprehensive Employment and Training Act (CETA), as amended, requires that regulations be published 30 days before being made applicable to CETA grants and agreements. The effective date has been changed to make the regulations effective upon their publication as a final rule (July 20, 1979); and to require that (except for CETA grants and agreements) they be made applicable to Department of Labor (DOL) grants and agreements awarded or modified to include new funds or to extend the grant or agreement period, on or after the date of publication of the regulations as a final rule. The regulations shall be made applicable to CETA grants and agreements awarded or modified to include new funds or to extend the grant or agreement period 30 days after publication of the regulations as a final rule.

Applicability to Subrecipients

A reviewer suggested that wording be added to make clear that, despite procedural differences (e.g. letter-of-credit procedures and reporting forms), the regulations apply to subrecipients as well as to recipients. A sentence was added in § 29-70.101(b)(2) to make clear that requirements applicable to a recipient are also applicable to a subrecipient.

Exemptions to the Regulations

A reviewer disagreed with the statement in § 29-70.101(d)(2) of the proposed rule that the regulations do not apply to "agreements which provide that the DOL will deliver goods and services rather than money." The decision was made to delete the subparagraph.

Definitions

Several reviewers suggested changes or additions to definitions, included in § 29-70.102. After considering all suggestions, § 29-70.102 was amended to add definitions of "CETA," "CFR," "equipment," "handicapped individual," and "supplies"; and to amend definitions of "agreement," "contract," "expendable personal property," "indirect cost," "minority business," "modification," "nonprofit organization," "personal property," "small business," and "suspension." Definitions of "debarment" and "suspension" (as suspension relates to disqualification to receive grants) were deleted pending publication of § 29-70.213 which deals with these subjects. Special definitions of "projects" and

"small business," as they pertain to CETA programs, were added.

Cost Principles

Section 29–70.103 covers cost principles applicable to various kinds of recipients of grants and agreements. A reviewer requested that specific information be given concerning cost principles applicable to hospitals. Section 29–70.103(c) was amended to provide that, since specific cost principles applicable to hospitals are not available, cost principles prescribed in this section or in the grant or agreement document will apply. The reference in the same paragraph to 41 CFR 1–15.9 was deleted due to uncertainty as to regulation publication date.

Labor Standards

Section 29–70.104, dealing with applicability of prevailing wage rate requirements of the Davis-Bacon and related Acts to recipient construction contractors and subcontractors, was amended to provide that the requirements also apply to recipient construction contracts and subcontracts if the recipient finances the construction with funds from another Federal grant or agreement to which the standards apply. Paragraphs were added to define the requirements under CETA grants and agreements.

Arrangement of Regulations

Two nonprofit respondents requested that the regulations be rearranged so that all administrative requirements applicable to a nonprofit applicant or recipient would be included in one section of the regulations as they had been included for applicants or recipients that are State or local or federally recognized Indian tribal governments. These comments, and the necessity for including CETA requirements, resulted in an extensive rearrangement of the regulations. The CETA requirements are consistent with and reflect regulations published on April 3, 1979, in the **Federal Register** at 20 CFR Parts 675–679. Section 29–70.200 explains the rearrangement.

Additional Requirements—Certain Recipients

Section 29–70.105, which provides that special requirements may be imposed on individual applicants for or recipients of financial assistance under a grant or agreement, was amended to clarify that the grant officer is responsible for such a decision and that such a decision must be based on monitoring of performance, audits, or preaward audit surveys regarding the adequacy of accounting systems.

Cash Depositories—Eligibility

Section 29–70.201–2(b) was amended to make clear that funds advanced under DOL grants and agreements are not considered to be "public moneys" for the purpose of requiring that advance funds be deposited in banks with Federal Deposit Insurance Corporation coverage and the balance collaterally secured.

Bonding and Insurance

Section 29–70.202 was amended to add special CETA bonding and insurance standards which are statutorily required under the amended Act.

Record Retention Periods

Proposed § 29–70.203–3(b) required that records of grants and agreements involved in litigation or other disputes be retained until "1 year after the litigation * * * has been resolved." Two reviewers questioned the need to keep the records for the extra year. The decision was made to delete the requirement and to change the section to read, "until the litigation * * * has been resolved."

Substitution of Microfilm

Section 29–70.203–4 of the proposed regulations required that a recipient obtain prior grant officer approval to substitute microfilm for original records. Several reviewers believed that prior permission should not be required. This requirement was changed to say that the recipient may substitute microfilm for original records after the records have been audited.

Public Access to Records

The introductory paragraph of proposed § 29–70.203–6(b) stated that the recipient should follow its own standards regarding public access to grant or agreement records. A reviewer believed this wording implied Federal approval of recipient policy which might be too restrictive. The revised paragraph does not deal with recipient standards and states only that the Federal Government places no restrictions (other than those given in this section) on public access to records. Special CETA record retention and accessibility requirements were added.

Program Income and Interest Earned

Proposed § 29–70.205–2(b) required that a recipient return interest earned on advances of Federal funds within 30 days after the end of the quarter in which the interest was earned. A reviewer believed that, in keeping with sound Federal cash management principles, the interest should be returned sooner. The section was amended to require that interest earned be remitted to the Department within 15 days after the end of the quarter in which the interest is earned. Section 29–70.205b was added to the regulations. This section covers recipient use of program income generated under CETA grants and agreements.

Recipient Financial Management Systems

Several reviewers commented that the proposed regulations failed to provide for the non-Federal audit effort. Section 29–70.207–2(h) has been revised to provide for non-Federal audits as a part of a recipient's financial management requirement. Section 29–70.207–4 deals with the DOL audit program and the conditions under which the DOL will use non-Federal or other Federal agency audits in lieu of performing its own audits. A section was added to reference the section in the CETA program regulations which provides for the statutorily required unified audits of CETA recipients.

Financial Reporting Requirements

Proposed § 29–70.208–4 provided that a DOL Agency could impose additional requirements on recipients under certain circumstances. One reviewer believed that the section, as written, seemed to give DOL officials authority to impose additional requirements without first getting Office of Management and Budget clearance. Paragraphs (a)(1) and (2) of § 29–70.208–4 were amended to make clear that DOL officials may require additional information or more frequent reports only after obtaining clearances required in § 29–70.101 (g) and (h). Section 29–70.208b was added at the end of the standard to reference the section of the CETA program regulations which prescribes special statutorily required CETA financial reporting requirements.

Monitoring and Performance Reporting Requirements

Section 29–70.209b was added at the end of the standard to include or reference the section of the CETA program regulations which includes the special statutorily required CETA monitoring and performance reporting requirements.

Payment Methods

Section 29–70.210–2 of the proposed regulations referenced requirements of

Treasury Department regulations, 31 CFR Part 205, in determining payment methods. A reviewer commented that OMB Circulars Nos. A–102 and A–110 contain Federal standards for selecting grant or agreement payment methods and should be referenced rather than the Treasury Department regulations. The section was amended to delete references to the Treasury Department regulations. Section 29–70.210b was added at the end of the standard to provide the statutorily required CETA requirements regarding the withholding of payments.

Modifications and Budget Revision Procedures

Section 29–70.211b was added at the end of the standard to reference the section of the CETA program regulations which covers modification procedures under CETA grants and agreements.

Applying for Federal Financial Assistance

Section 29–70.214 was amended to add a section covering the recipient's need to observe the clearinghouse procedures of OMB Circular No. A–95. Assurances published in the proposed regulations for use in nonconstruction grants and agreements with nonprofit recipients subject to OMB Circular No. A–110 were amended, and assurances for grants and agreements involving construction were added. Section 29–70.214b, referencing sections of the CETA program regulations which provide special CETA application procedures, was added at the end of the standard.

Property—Acquisitions Requiring Prior Approval

The standards in the proposed regulations for nonprofit organizations subject to OMB Circular No. A–110 provided that a DOL Agency could (for certain projects or classes of projects) require that the recipient obtain DOL Agency approval before purchasing nonexpendable personal property with a unit cost of $300 (rather than $1,000) and a useful life of more than 1 year. This provision was not included in the standards covering recipients subject to OMB Circular No. A–102 requirements (State and local governments). Two reviewers requested that the provision be made applicable (for certain projects or classes of projects) to all recipients. Section 29–70.215–5(b) was amended to include the requirement. Section 29–70.215–10, covering excess property, was expanded to clarify requirements in the acquisition and disposition of Federal excess property.

Procurement Standards

Section 29–70.216 was amended to restrict the applicability of the section to recipient and subrecipient contracts and subcontracts, and to exclude subgrants and subagreements from coverage (unless otherwise specifically stated).

Provisions, Recipient Contracts and Subcontracts

Recipient Noncompetitive Procurement. Section 29–70.216–5(c), covering recipient noncompetitive procurement, was amended to provide guidance as to appropriate circumstances under which the grant officer would approve a proposed noncompetitive procurement.

Maintenance of Records. Section 29–70.216–8(b)(3) required that a provision be included in each recipient contract requiring contractors to "* * * make available * * * books, * * * for audit * * *." A reviewer suggested that an exception should be made for "acquisitions procured by formal advertising using a fixed-price contract." The section was amended to provide for the exception.

Equal Opportunity Clause. Section 29–70.216–8(b)(6) provided a proposed equal employment opportunity clause to be used in all nonexempt recipient and subrecipient contracts. A reviewer informally requested that separate clauses be prescribed for construction and nonconstruction contracts. Following discussions, the Office of Federal Contract Compliance Programs approved the separate clauses now included in §§ 29–70.216–8(b)(6) and 29–70.216–8(b)(5), respectively.

Contract Work Hours and Safety Standards Act

The provisions covering the Contract Work Hours and Safety Standards Act (for construction and nonconstruction recipient contracts) have been amended to make clear that the provisions apply if the grant or agreement is under a statute which provides for wage standards for work under the grant or agreement (see § 29–70.216–8(c)(3) and § 29–70.216–8(d)(4)).

Special CETA Standards

Section 29–70.216b was added to provide for special CETA standards relating to on-the-job training contracts, preferential selection procedures, small and minority business set-asides, maintenance of lists of potential contractors and subrecipients, and the applicability of labor standards.

Other Comments

Comments Beyond the Scope of the Regulations

A number of comments were received which concerned matters beyond the scope of these regulations. They include the following:

1. A statement concerning the efficiency of the Federal Reserve Bank letter-of-credit procedures compared with those of the Regional Disbursing Office system. Appropriate letter-of-credit procedures are prescribed by the Treasury Department.

2. A request that steps be taken to clarify points of law not yet resolved regarding interest earned on advance Federal funds.

Comments Considered But Not Accepted

A number of comments were received which were considered, but not accepted at this time. These include the following:

1. A respondent requested that the regulations spell out special bank account procedures. This was rejected because detailed procedures may be furnished on an individual basis by the grant officer if special bank account procedures are used. Including the procedures in this part would lengthen the regulations substantially.

2. A respondent questioned the right of the Department to review recipient procurement procedures. This was rejected because both OMB Circulars provide that "The grantee shall establish procurement procedures . . .," and the Comptroller General has ruled that "both the grantee and the granting agency have a responsibility for enforcing Federal procurement principles . . ."

3. A respondent requested that the names of handicapped individuals who participate in Federal assistance programs be withheld from the public. Section 29–70.203–6(b) has been revised to enable the Secretary to impose restrictions on disclosure of information which might constitute an invasion of personal privacy. There are also safeguards in the regulations regarding disclosure of information on beneficiaries other than names. A blanket withholding of information for any group would be inconsistent with the overall Department of Labor policy of "public disclosure to preserve the integrity of the programs and to avoid conflict-of-interest situations." In addition, public disclosure is statutorily required in certain CETA grants and agreements (see § 29–70.203b).

4. A request that Federal officials enforce requirements regarding the failure of recipients who receive advance funding to provide for advance funding of subrecipients. Federal policy does not mandate that recipients provide for advance funding of subrecipients.

Other Comments and Changes

Other respondents submitted comments which were editorial in nature. We have made numerous changes to reflect these comments.

The proposed regulations, 41 CFR, Part 29–70, as amended, are hereby adopted and are set forth below:

PART 29–70—ADMINISTRATIVE REQUIREMENTS GOVERNING ALL GRANTS AND AGREEMENTS BY WHICH DEPARTMENT OF LABOR AGENCIES AWARD FUNDS TO STATE AND LOCAL GOVERNMENTS, INDIAN AND NATIVE AMERICAN ENTITIES, PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION AND HOSPITALS, AND OTHER QUASI-PUBLIC AND PRIVATE NONPROFIT ORGANIZATIONS

Subpart 29–70.1—Basic Grant and Agreement Policies

Sec.
29–70.100 Authority.
29–70.101 Purpose, applicability, and scope.
29–70.102 Definitions.
29–70.103 Cost principles.
29–70.104 Applicability of labor standards.
29–70.105 Additional requirements—certain recipients.
29–70.106 Transfer of substantive work—nonprofit organizations.

Subpart 29–70.2—Administrative Standards for DOL Grants and Agreements

29–70.200 Arrangement of regulations.
29–70.201 Cash depositories.
29–70.201–1 General policy.
29–70.201–2 DOL requirements.
29–70.202 Bonding and insurance.
29–70.202–1 General policy.
29–70.202–2 Federal bonding and insurance requirements.
29–70.202–3 Acceptable sureties.
29–70.202a Bonding and insurance—special requirements, nonprofit organizations.
29–70.202a–1 Fidelity bonds.
29–70.202b Bonding and insurance—CETA requirements.
29–70.202b–1 Fidelity bonds.
29–70.202b–2 Insurance.
29–70.202b–3 Special procedures—Operation of Young Adult Conservation Corps (YACC) and Job Corps Programs.
29–70.203 Retention of and custodial requirements for records.
29–70.203–1 General.
29–70.203–2 Record retention policy.
29–70.203–3 Retention periods.
29–70.203–4 Substitution of microfilm.
29–70.203–5 Records with long-term retention value.
29–70.203–6 Access to records.
29–70.203b Retention of and custodial requirements for records—CETA requirements.
29–70.203b–1 Records required by the Secretary of Labor.
29–70.203b–2 Special retention requirements.
29–70.203b–3 Records available to the public.
29–70.204 Waiver of "single" State agency requirements.
[Reserved]
29–70.205 Program income and interest earned.
29–70.205–1 General.
29–70.205–2 Interest earned on advances.
29–70.205–3 Program income.
29–70.205–4 Requirements for recipient earmarked revenues.
29–70.205b Program income—CETA requirements.
29–70.206 Matching share.
29–70.206–1 General.
29–70.206–2 Federal cash or in-kind contributions.
29–70.206–3 Matching share or cost-sharing standards.
29–70.206–4 Valuation of in-kind contributions.
29–70.206–5 Supporting records for third party in-kind contributions.
29–70.207 Standards for grantee financial management systems.
29–70.207–1 General.
29–70.207–2 Standards—financial management systems.
29–70.207–3 Subrecipient standards.
29–70.207–4 Federal and non-Federal audit requirements.
29–70.207a Standards for grantee financial management systems—special requirements, nonprofit organizations.
29–70.207b Standards for grantee financial management systems—CETA requirements.
29–70.208 Financial reporting requirements.
29–70.208–1 General.
29–70.208–2 Forms and instuctions.
29–70.208–3 Detailed procedures.
29–70.208–4 Special reporting requirements.
29–70.208b Financial reporting—CETA requirements.
29–70.209 Monitoring and reporting of program performance.
29–70.209–1 General.
29–70.209–2 Recipient monitoring responsibilities.
29–70.209–3 Reporting requirements.
29–70.209–4 Significant developments between scheduled reporting dates.
29–70.209–5 Budget revisions.
29–70.209–6 Site visits.
29–70.209b Monitoring and reporting of program performance—CETA requirements.
29–70.210 Grant or agreement payment requirements.
29–70.210–1 General.
29–70.210–2 Payment methods.
29–70.210–3 Payment condition.
29–70.210–4 Consolidation of advances.
29–70.210–5 Withholding of payments.
29–70.210–6 Joint funding.
29–70.210b Grant or agreement payment—CETA requirements.
29–70.211 Modifications and budget revision procedures.
29–70.211–1 General.
29–70.211–2 Grant or agreement budget.
29–70.211–3 Grant or agreement changes requiring DOL approval.
29–70.211–4 Grant or agreement changes not requiring prior DOL approval.
29–70.211–5 Modification procedures.
29–70.211–6 Notification of excess Federal funds.
29–70.211a Modifications and budget revision procedures—special requirements, nonprofit organizations.
29–70.211b Modifications and budget revision procedures—CETA requirements.
29–70.212 Closeout procedures.
[Reserved]
29–70.213 Suspension and termination of grants and agreements; debarment.
[Reserved]
29–70.214 Applying for Federal financial assistance.
29–70.214–1 General.
29–70.214–2 Clearinghouse review—OMB Circular No. A–95.
29–70.214–3 Forms for applying for DOL financial assistance—jointly funded grants or agreements.
29–70.214–4 Standard forms—State, local, and federally recognized Indian tribal governments.
29–70.214a Applying for Federal financial assistance—special requirements, nonprofit organizations.
29–70.214b Applying for Federal financial assistance—CETA requirements.
29–70.215 Property management standards.
29–70.215–1 General.
29–70.215–2 Real property.
29–70.215–3 Federally owned nonexpendable personal property.
29–70.215–4 Exempt nonexpendable personal property.
29–70.215–5 Other nonexpendable personal property.
29–70.215–6 Shared use of nonexpendable personal property.
29–70.215–7 Property management standards for nonexpendable personal property.
29–70.215–8 Expendable personal property.
29–70.215–9 Intangible personal property.
29–70.215–10 Excess personal property.
29–70.215a Property management standards—special requirements, nonprofit organizations.
29–70.215a–1 Special acquisition and disposition restrictions—nonexempt nonexpendable personal property.
29–70.215a–2 Copyrights.
29–70.216 Procurement standards; required provisions for recipient contracts.
29–70.216–1 Purpose and applicability.
29–70.216–2 Recipient's procurement responsibilities.
29–70.216–3 Procurement systems and procedures.
29–70.216–4 Recipient code of conduct.
29–70.216–5 Competition in recipient procurement.

Sec.

29–70.216–6 Procedural requirements.
29–70.216–7 Required prior grant officer approvals.
29–70.216–8 Content and provisions of recipient contracts.
29–70.216a Procurement standards—special requirements, nonprofit organizations.
29–70.216a–1 Special requirements.
29–70.216b Procurement standards—CETA requirements.
29–70.216b–1 Special CETA standards.

Authority: 5 U.S.C. 301; 29 U.S.C. 801 *et seq.*; 29 U.S.C. 795; 30 U.S.C. 801 *et seq.*; *29 U.S.C. 651 et seq.*; 42 U.S.C. 3011 *et seq.*; 42 U.S.C. 501 *et seq.*, 11101 *et seq.*, 1321 *et seq.*; 29 U.S.C. 49 *et seq.*; OMB Circular No. A–102; OMB Circular No. A–110.

Subpart 29–70.1—Basic Grant and Agreement Policies

§ 29–70.100 Authority.

Part 29–70 is promulgated by the Secretary of Labor pursuant to authority conferred by 5 U.S.C 301 and by the following statutes which authorize the award of financial assistance by the Department of Labor:

(a) The Comprehensive Employment and Training Act, as amended (29 U.S.C. 801 et seq.).

(b) The Employment Opportunities for Handicapped Individuals Act (29 U.S.C. 795).

(c) The Federal Mine Safety and Health Act, as amended (30 U.S.C. 801 et seq.).

(d) The Occupational Safety and Health Act, as amended (29 U.S.C. 651 et seq.).

(e) Title V, Older Americans Act of 1965, as amended (42 U.S.C. 3011 et seq.).

(f) Social Security Act, as amended (42 U.S.C. 501 et seq., 1101 et seq., and 1321 et seq.).

(g) Wagner-Peyser National Employment System Act (29 U.S.C. 49 et seq.).

§ 29–70.101 Purpose, applicability, and scope.

(a) Part 29–70 contains administrative requirements which shall govern the awarding, administering, and closing of all grants and agreements by which Department of Labor Agencies award financial assistance to recipients, that is, to State and local governments, Indian and Native American entities, public and private institutions of higher education, public and private hospitals, and other quasi-public and private nonprofit organizations. Attention is directed to § 29–70.200 which explains the organization of this part which is designed to cover multiple Federal assistance programs.

(b)(1) The requirements set forth in this part also apply, except as otherwise stated in this part, to subgrants and subagreements by which any recipient awards financial assistance received from a DOL Agency to a subrecipient whenever:

(i) The subrecipient would be a recipient if it had received financial assistance directly from a DOL Agency; and

(ii) The subrecipient in its subgrant or subagreement has agreed to perform work which is substantially the same as any type of work which the recipient has promised to perform in its grant or agreement with the DOL Agency.

(2) The requirements which apply to a recipient that is a State or local government or a federally recognized Indian tribal government also apply to a subrecipient that is a State or local government or a federally recognized Indian tribal government; and the requirements which apply to a recipient that is an Indian or Native American entity other than a federally recognized Indian tribal government, a public or private hospital or institution of higher education, or a quasi-public or private nonprofit organization also apply to a subrecipient that is an Indian or Native American entity other than a federally recognized Indian tribal government, a public or private hospital or institution of higher education, or a quasi-public or private nonprofit organization.

(c) Section 29–70.216 of this part contains the administrative requirements for contracts entered into by a recipient or subrecipient. Section 29–70.202 prescribes bonding requirements for construction contracts entered into by a recipient or subrecipient.

(d) The regulations set forth in this part do not apply to:

(1) Public contracts entered into by a DOL Agency which are subject to Federal acquisition (procurement) laws.

(2) The direct payment of funds to individuals by the DOL.

(3) Assistance to foreign or international organizations and Government-owned-contractor-operated (GOCO) facilities.

(e) The requirements set forth in this part implement the requirements which the Office of Management and Budget (OMB) has imposed upon the Department in OMB Circulars Nos. A–102 and A–110.

(1) OMB Circular No. A–102 was issued in order to require all Federal executive agencies to use uniform administrative standards for all grants and agreements by which the Federal executive agencies award financial assistance to recipients which are State and local governments and federally recognized Indian tribal governments.

(2) OMB Circular No. A–110 was issued in order to require all Federal executive agencies to use uniform administrative standards for all grants and agreements by which the Federal executive agencies award funds to recipients which are public or private institutions of higher education, public or private hospitals, Indian and Native American entities other than federally recognized Indian tribal governments, and other quasi-public and private nonprofit organizations.

(f)(1) Since the provisions of this part implement OMB Circulars Nos. A–102 and A–110 for all grants and agreements awarded by DOL Agencies, recipients and subrecipients of DOL financial assistance need no longer refer to those OMB Circulars in their performance under DOL-funded grants, agreements, subgrants, and subagreements. They may refer, instead, to the regulations under this part.

(2) Since the provisions of this part apply to all grants and agreements between DOL Agencies and recipients, there will no longer be any need, except as provided in subparagraph (f)(3) and in paragraphs (g) and (h) of this section, for other Department of Labor regulations governing the administration of such grants and agreements. Therefore, upon the publication of this part in final form, all DOL Agencies shall:

(i) Revise their regulations in order to eliminate from their program regulations all administrative requirements which cover the same subject matter as that contained in the regulations in this part. DOL Agencies, however, may reference in their program regulations, the regulations in this part; and

(ii) Distribute to all recipients copies of the regulations set forth in this part.

(3) These regulations provide the basic policies for administering grants and agreements awarded under the Comprehensive Employment and Training Act (CETA), as amended. The Employment and Training Administration may issue necessary supplemental regulations applicable only to CETA programs in an administrative section of CETA program regulations found at 20 CFR 676. These supplemental regulations will interpret or expand on regulations included in this part; and will not conflict with or go beyond these regulations unless the requirements have been determined to be statutory or have been approved by the OMB as necessary to achieve program objectives in accordance with paragraphs (g) and (h) of this section.

(g)(1) Whenever the statute under which a DOL Agency awards financial assistance by grant or agreement contains a provision or provisions which are specifically contrary to or which go beyond a regulation or regulations contained in this part, the statutory provision shall prevail. For example, since Title IV, Part C, Sec. 439 of the Social Security Act specifically states that all regulations governing the Work Incentive Program must be jointly promulgated by the Secretary of Labor and the Secretary of Health, Education, and Welfare, the regulations in this part do not apply, by their own terms, to grants or agreements awarded by the DOL under Title IV, Part C, of the Social Security Act (Work Incentive Program).

(2) The regulations in this part contain the maximum requirements for DOL recipients with respect to subject matter covered in OMB Circulars Nos. A–102 and A–110. Therefore, no DOL Agency shall impose upon a recipient by regulation any administrative requirement which goes beyond the requirements of this part with respect to the subject matter contained in this part unless the administrative requirement is specifically required by a statutory provision or has been approved by the OMB as a deviation necessary to meet program objectives.

(3) the question of whether or not a statutory provision requires a DOL Agency to impose upon a recipient an administrative requirement which conflicts with or which goes beyond a regulation or regulations contained in this part, with respect to the subject matter contained in this part, shall be determined by the Solicitor of Labor. Therefore, whenever a DOL Agency intends to impose such a requirement on a recipient or recipients, the proposed requirement shall first be submitted in writing to the Solicitor with a citation of the statutory provision which specifically requires it. The DOL Agency may then impose the requirement provided the Solicitor first certifies in writing to the requesting DOL Agency and to the Assistant Secretary for Administration and Management that the requirement is specifically required by the statute. The Assistant Secretary for Administration and Management shall transmit the Solicitor's certification to the OMB and shall make the certification available to the public upon written request.

(h) Whenever a DOL Agency wants to deviate from the requirements of this part, in cases in which a specific statutory provision does not require the deviation, in order to impose on recipients requirements which the DOL Agency believes are necessary to achieve program objectives, but which conflict with or go beyond the requirements of this part, the DOL Agency shall:

(1) Submit the proposed deviation to the Assistant Secretary for Administration and Management and the Solicitor of Labor with an explanation of the requirement. The Assistant Secretary for Administration and Management, after consultation with the Solicitor of Labor, shall approve or disapprove the request and transmit any DOL-approved request to the OMB for its approval.

(2) Impose the requirement only after OMB approval.

(i) When the administrative requirement involves a report subject to OMB Circular No. A–40, Management of Federal Reporting Requirements, the DOL Agency shall observe the reports clearance requirements of the circular (see § 29–70.208–4(c)).

(j) Whether or not the administrative requirement is required by statute, DOL Agencies shall observe the rule-making procedures of the Administrative Procedure Act (APA); and any additional rule-making requirements mandated by the legislation authorizing the financial assistance program. Although grants and agreements awarding Federal financial assistance are exempt from the rule-making procedures of the APA, the Secretary's regulation at 29 CFR 2.7 requires that DOL Agencies shall not use the exemption as a reason for not complying with the notice and public participation requirements thereof. The DOL Agencies may, of course, use the provisions of § 553(b) (A) and (B) of Title 5 of the U.S. Code to justify the omission of notice to, and public participation by, the public.

§ 29–70.102 Definitions.

Words and terms used in this part which are not defined in this section shall have the meaning given to them in the legislation authorizing the financial assistance. The words and terms defined in this section shall have the meanings set forth below:

(a) *Definitions—general.* "Accrual basis" is the method of accounting whereby financial transactions are recorded in accounts as they take place (that is, as goods and services are purchased or used and as revenues are earned) even though the cash in such transactions is paid out or received at other dates.

"Accrued expenditures" are the charges incurred by the recipient or subrecipient during a given period requiring provision of funds for: (1) Goods and other tangible property received; (2) services performed by employees, contractors, subrecipients, and other payees; and (3) other amounts becoming owed under programs for which no current services or performance is required such as annuities, insurance claims, and other benefit payments.

"Accrued income" is the sum of: (1) Earnings during a given period from services performed by the recipient and goods and other tangible property delivered to purchasers; and (2) amounts becoming owed to the recipient for which no current services or performance is required by the recipient.

"Acquisition cost of purchased nonexpendable personal property" means the net invoice unit price of the property, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges, such as charges for taxes, duty, protective in-transit insurance, transportation, or installation, shall be included in or excluded from acquisition cost in accordance with the recipient's regular accounting practices.

"Advance by Treasury check" means a payment made by Treasury check to a recipient of a DOL grant or agreement upon its periodic request or through the use of predetermined payment schedules to finance current operations under the project before outlays are made by the recipient.

"Advance payments" are advances of money made by the Government to a recipient pursuant to a statutory authorization and in accordance with applicable regulations prior to and in anticipation of disbursements required to carry out a project under the grant or agreement.

The term "agency" means an executive department, agency, commission, authority, administration, board, or other independent establishment in the executive branch of the Federal Government; or in a State or local government.

"Agreement" is a written legal arrangement (other than a grant or contract) whereby a DOL Agency provides financial assistance to a recipient for the purpose of carrying out an approved project under a statute administered by the DOL Agency. The term "agreement" includes "cooperative agreement."

"Applicant" means any State or local government, Indian or Native American entity, public or private institution of higher education, public or private

hospital, or other quasi-public or private nonprofit organization eligible to become a recipient of a DOL grant or agreement.

"Brand name or equal" means a commercial product described by a brand name and make or model number or other nomenclature by which the product is offered to the public by a particular supplier; or another product having all characteristics of the brand name product essential to meet the recipient's needs.

"Budget," as used in this part, means the recipient's financial plan approved by the DOL Agency for carrying out the purposes of the grant or agreement. The budget includes the Federal share and, if non-Federal matching funds are required, the non-Federal share.

"Cash contributions" means cash provided by the recipient (or by third parties to the recipient) as a share of the total costs of a DOL-awarded grant or agreement.

"CETA" means the Comprehensive Employment and Training Act, as amended.

"CFR" means Code of Federal Regulations.

"Closeout" means the process by which the DOL Agency determines that all required work of the grant or agreement has been completed or that the period of the grant or agreement has expired, and that all applicable administrative actions have been completed by the recipient and the DOL Agency.

"Collaterally secured" means that fulfillment of an obligation is assured by security (property) given.

"Competitive negotiation" is a competitive procurement method which is used when the nature of services or products needed precludes development of a description or specifications which are sufficiently precise to enable all prospective suppliers to have an identical understanding of the requirement. Proposals submitted are subject to negotiation and change. Either a fixed-price or cost-reimbursement contract may be awarded.

"Completion date" (expiration date) means the date when all work under the grant or agreement is completed (if the grant or agreement stipulates completion of such work); or the date in the award document, or any supplement or amendment thereto, on which Federal assistance ends. After that date, expenditures may not be charged against the Federal share of a grant or agreement except to satisfy obligations incurred on or before that date.

"Construction," as defined in 41 CFR 1–18.101–1, means construction, alteration, or repair (including dredging, excavating, and painting) of buildings, structures, or other real property. For purposes of this definition, the terms "buildings, structures, or other real property" include but are not limited to buidings, structures, and improvements of all types such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, powerlines, pumping stations, railways, airport facilities, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, canals, and channels. Construction does not include exploratory drilling and other investigative work which is for the purpose of obtaining preliminary data to be used in engineering studies and which is not a part of commencing or continuing the construction process, nor does it include the manufacture, production, furnishing, construction, alteration, repair, processing, or assembling of vessels, aircraft, or other kinds of personal property.

In determining applicability of labor standards provisions to work under the grant or agreement, "construction" shall have the meaning given in the particular labor standards statute or Order, e.g., Davis-Bacon Act, Contract Work Hours and Safety Standards Act (29 CFR 5.2), Copeland Anti-Kickback Act (29 CFR 3.2), and Executive Order 11246 (41 CFR 60–1.3).

"Contract" means a written agreement (other than a grant or agreement) between the recipient of a DOL grant or agreement (or its subrecipients) and another party (the contractor) obligating the recipient to pay for and the contractor to furnish property or services needed to accomplish the purposes of the grant or agreement. It does not include subgrants or subagreements entered into by the recipient or subrecipient for carrying out substantive parts of the project.

"Cost analysis" means the review and analysis of a contractor's or prospective contractor's submitted cost data to form an opinion as to whether the contractor's proposed costs represent what the contract should cost to perform. It includes the verification of cost data, the necessity for specific costs, the allowability of contingencies, the reasonableness of estimated amounts, and the basis used for allocation of and appropriateness of particular items of overhead costs.

"Cost-plus-a-percentage-of-cost contract" is a cost-reimbursement contract whereby the contractor is reimbursed for costs plus a fixed percentage of costs; its effect is to increase the profit of a contractor in proportion to the contractor's increased costs. Its use is prohibited by law (41 U.S.C. 254b and 10 U.S.C. 2306(a)) in Government contracting. Its use is also prohibited in recipient or subrecipient contracting.

"Cost-reimbursement contract" means a contract which establishes an estimate of total costs for the purpose of obligating funds and a ceiling that the contractor may not exceed (except at contractor risk) unless the awarding party agrees to amend the contract to provide additional funds. This kind of contract may also provide for a fixed dollar profit which may not be increased unless the contract is amended to increase the scope of work. The contract provides for payment of all allowable costs to the extent prescribed in the contract.

"Cost sharing and matching" is an arrangement by which a portion of costs of a program financed by a grant or agreement is borne by the recipient or a third party rather than all of the program costs being borne by the DOL Agency awarding the grant or agreement.

"Department" means the U.S. Department of Labor.

"Deviation" means any grant or agreement condition, procedure, or form which deviates from those prescribed in the requirements of this part; or the failure to use standards prescribed in this part.

"Direct cost" is any cost which can be identified specifically with a particular final cost objective. Detailed definitions of direct cost are found in the applicable "cost principles" (see § 29–70.103).

"Disallowed costs" are those charges to a grant or agreement that the DOL Agency determines to be unallowable, in accordance with the applicable Federal cost principles and the conditions of the grant or agreement.

"Disbursements" are payments made by the recipient by cash or check.

"DOL" means the U.S. Department of Labor.

"DOL Agency" means a major organizational component of the DOL. DOL Agencies consist of the Bureau of International Labor Affairs, Bureau of Labor Statistics, Employment and Training Administration, Employment Standards Administration, Labor-Management Services Administration, Mine Safety and Health Administration, Occupational Safety and Health Administration, Office of the Assistant Secretary for Policy, Evaluation and Research, Office of the Solicitor, Office of the Assistant Secretary for Administration and Management, and Office of Information, Publications and Reports.

"Drawdowns" are cash withdrawals by a recipient against a letter of credit to pay for the Federal share of disbursements under a grant or agreement.

"Equipment" (see "nonexpendable personal property").

"Excess property" means property under the control of the DOL which, as determined by the Secretary or designee, is no longer required for the discharge of departmental responsibilities.

"Exempt property" means tangible personal property acquired in whole or in part with Federal funds, and title to which is vested in the recipient without further obligation to the Federal Government except as otherwise provided in this part. Such unconditional vesting of title shall be pursuant to Federal legislation authorizing such vesting (e.g., The Federal Grant and Cooperative Agreement Act, 41 U.S.C. 501—see § 29–70.215).

"Expendable personal property" means all tangible personal property other than nonexpendable personal property.

"Expenditures" are amounts payable or accrued for goods received, work performed, or services rendered, regardless of when paid.

"Federal funds authorized" are the total amount of Federal funds obligated by the DOL Agency for the use of the recipient of financial assistance under a grant or agreement. The amount may include any authorized carryover of funds unobligated by the recipient from prior fiscal years when permitted by law or DOL regulations and the terms of the grant or agreement.

"Federally recognized Indian tribal government" means the governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community (including any Native village as defined in Section 3 of the Alaska Native Claims Settlement Act, 43 U.S.C. 1601 et seq.) certified by the Secretary of the Interior as eligible for the special programs and services provided by the Department the of Interior through the Bureau of Indian Affairs.

"Financial assistance" means money, property, services, or anything of value, transferred by a DOL Agency to a recipient where the principal purpose of the transfer is to accomplish a public purpose of support or stimulation authorized by Federal statute.

"Fixed-price contract" is a contract which provides for a specific price not subject to adjustment by reason of the cost experience of the contractor in performing the contract unless a clause provides for equitable adjustment or other revision upon the occurrence of an event or contingency.

"Formal advertising" is a competitive procurement method which is normally used when the nature of the product or service permits development of a precise description or adequate specifications so that prospective suppliers will be enabled to have an identical understanding of the requirement. Bids are solicited publicly through advertising and by issuing "Invitations for Bids." In response to the solicitation, "formal" sealed bids are submitted which are not subject to negotiation or change. The sealed bids are opened publicly on a specified date and are read aloud. A firm fixed-price contract is awarded to the responsible bidder whose bid, conforming to the material terms and conditions of the invitation for bids, is lowest in price.

"Grant" means a written legal arrangement (other than a contract or agreement) between a DOL Agency and an eligible recipient whereby the DOL Agency provides Federal financial assistance to the eligible recipient for the purpose of carrying out an approved project which is part of a DOL Agency financial assistance program. The term "grant" may also refer to money, or property in lieu of money, paid or funished by the DOL Agency to an eligible recipient under programs that provide Federal financial assistance through grants.

"Grantee" means the recipient of a DOL Agency grant who is responsible for carrying out the approved project and for accounting to the DOL Agency for the use of Federal funds.

"Grant officer" means a DOL employee who has been delegated authority to award and administer grants and agreements on behalf of the Department.

"Handicapped individual" means any person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

"Hospital" means an institution which: (1) Is primarily engaged in providing, by or under the supervision of physicians to inpatients, (i) diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or (ii) rehabilitation services for the rehabilitation of injured, disabled, or sick persons; (2) maintains clinical records on all patients; (3) has bylaws in effect with respect to its staff of physicians; (4) has a requirement that every patient must be under the care of a physician; (5) provides 24-hour nursing service rendered or supervised by a registered professional nurse, and has a licensed practical nurse or registered professional nurse on duty at all times; (6) has in effect a hospital utilization review plan which meets the requirements of the law; (7) in the case of an institution in any State in which State or applicable local law provides for the licensing of hospitals (i) is licensed pursuant to such law or (ii) is approved, by the agency of the State or locality responsible for licensing hospitals, as meeting the standards established for such licensing.

"Immediate family" means husband, wife, son, daughter, parent, brother, sister, uncle, aunt, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, niece, nephew, stepparent and stepchild.

"Incremental funding" means the funding of a grant or agreement in increments when an award is made prior to the necessary amount of Federal funds becoming available to the DOL. Awards are conditioned upon funds becoming available, and the DOL assumes no legal liability beyond funds available at time of award until the grant officer gives the recipient written notice of availability of additional funds (see § 29–70.211–5(c)).

"Indian and Native American entities" include federally recognized Indian tribal governments; Indian tribes, bands, or groups which are not federally recognized including urban and rural nonreservation Indians; and Indian and other Native American quasi-public or private nonprofit business entities. The term includes Aleuts, Eskimos, and for purposes of CETA and other Acts which classify native Hawaiians as native Americans, Hawaiians.

An "indirect cost" is one which, because of its incurrence for common or joint objectives, is not readily subject to treatment as a direct cost. Detailed definitions of "indirect costs" are found in the applicable "cost principles" (see § 29–70.103).

"In-kind contributions" are noncash contributions provided by the recipient or third parties as all or part of the recipient's matching share of a project when the recipient is required, by terms of the grant or agreement, to share in the costs of a project.

"Institution of higher education" means an educational institution in any State which: (1) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such

certificate; (2) is legally authorized within such State to provide a program of education beyond secondary education; (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree; (4) is a public or other nonprofit institution; and (5) is accredited by a nationally recognized accrediting agency or association; or, if not so accredited, (i) is an institution with respect to which the Commissioner of Education has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time; or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of clauses (1), (2), (4), and (5).

"Instrumentalities of a State" mean agencies, commissions, departments, or other State-level bodies created by the State to perform State functions. The term does not include the governments of the political subdivisions of a State e.g., a county, city, or town.

"Invitation for bids" (IFB) is a set of documents which includes a description of the product or service desired and all other information needed to enable a prospective contractor to submit a bid. The invitation for bids is the specific term applied to the solicitation used in Government contracts when the formal advertising procurement method is used.

"Joint funding" means an undertaking that includes components proposed or approved for assistance under more than one Federal program (or one or more Federal programs and one or more State programs) provided that each contributes materially to the accomplishment of a single purpose or related purposes.

"Letter of credit" is an instrument, certified by an authorized DOL official, which authorizes the recipient to draw funds when needed, up to a dollar limit, from the Treasury in accordance with provisions of § 29–70.210 of this part.

"Local government" means a local unit of government including specifically a county, municipality, city, town, township, local public authority, school district, intrastate district, council of governments, sponsor group representative organization, and other regional or interstate government entity, or any agency or instrumentality of a local government exclusive of institutions of higher education and hospitals.

"Minority bank" means a bank in which more than 50 percent of the outstanding stock is owned by members of a minority group; or a bank with less than 50 percent minority ownership in which the nonminority stockholders have turned voting rights over to members of a minority group, making it minority-controlled.

"Minority business" means a business controlled by minority group members, at least 50 percent of which is owned by minority group members or, in cases of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purpose of this definition, minority group members include, but are not limited to, Black Americans, Hispanic Americans, Native Americans, and other minorities who are socially or economically disadvantaged.

"Modification" means any written alteration of the approved grant or agreement to show changes in amount, terms or conditions, budget, or project period, scope of project, or other administrative, technical, or financial provisions. The changes may be accomplished by unilateral action of the DOL Agency or the recipient in accordance with applicable regulations and terms of the grant or agreement; or by mutual agreement of the DOL Agency and the recipient.

"Negotiated procurement" is a procurement method (normally competitive) which is used when the nature of a product or service precludes the development of specifications or a precise description so that all prospective suppliers have an identical understanding of the requirement. Responses to solicitations (proposals) are not opened publicly; contents are generally not revealed prior to award; and they may be changed following evaluation, discussion, and negotiation.

"Noncompetitive negotiation" means negotiated procurement in which a proposal is solicited from only one source.

"Nonexpendable personal property" means tangible personal property having a useful life of more than 1 year and an acquisition cost of $300 or more per unit. (Recipients subject to OMB Circular No. A–110 requirements who are also subject to Cost Accounting Standards Board (CASB) regulations may use the CASB standard of $500 per unit, and useful life of 2 years.) A recipient may use its own definition provided that such definition includes all tangible nonexpendable personal property covered by the above definition.

"Nonprofit organization," for purposes of this part, means any corporation, trust, foundation, agency, or other organization which (1) is entitled to exemption under section 501(c)(3) of the Internal Revenue Code, or (2) is not organized for profit and no part of the net earnings of which inures, or will inure upon dissolution, to the benefit of any private shareholder or individual; Indian and Native American organizations other than federally recognized Indian tribal government; and public hospitals and public institutions of higher education.

"Obligations" are the amounts of orders placed, contracts, subgrants, or subagreements awarded, services received, and similar transactions taking place during a given period, which will require payment during the same or a future period.

"OMB" means the Office of Management and Budget.

"Outlays" represent charges made to the project and include: (1) If reported on an accrual basis: (i) The sum of actual cash disbursements for direct charges for goods and services, (ii) amount of indirect expense incurred, (iii) value of in-kind contributions applied, and (iv) net increase or decrease in the amounts owed by the recipient for goods and other property received; services performed by employees, contractors, subrecipients, and other payees; and other amounts becoming owed under the project for which no current services or performance is required such as annuities, insurance claims, and other benefit payments. (2) If reported on a cash basis: (i) The sum of actual cash disbursements for direct charges for goods and services, (ii) amount of indirect expense charged, (iii) value of in-kind contributions applied, and (iv) amount of unliquidated cash advances and payments made to subrecipients.

"Personal property" means property of any kind except real property. It may be tangible—having physical existence, or intangible—having no physical existence (e.g., patents and copyrights). Tangible property may be expendable or nonexpendable.

"Procurement" means the acquisition of property or services, including

construction (through purchase orders, contracts, leases, or other means) which are needed by DOL recipients or subrecipients in carrying out projects under DOL grants or agreements. The term also applies to acquisitions by the Federal government.

"Program" means a DOL plan for carrying out legislative objectives assigned to the DOL for which funds have been appropriated by Congress (e.g., Migrant and Seasonal Farmworkers Programs).

"Program income" means gross income earned by the recipient from grant or agreement supported activities. Such earnings include, but shall not be limited to: Income from service fees, sale of commodities, usage or rental fees, and royalties on patents or copyrights. It does not include interest earned on Federal funds pending their disbursement for activities under the grant or agreement.

"Project" means a group of related activities which a recipient undertakes after the DOL has approved and funded the activities by awarding a grant or agreement pursuant to achieving objectives of a DOL program.

"Project costs" are all costs (allowable under terms of the grant or agreement and applicable cost principles) which are incurred by a recipient in accomplishing grant or agreement objectives during the project period.

"Public money" (as defined in Treasury Department Circular No. 176) includes, without being limited to, revenue and funds of the United States and any funds the deposit of which is subject to the control or regulations of the United States or any of its officers, agents, or employees.

"Quasi-public organization" means an organization which has many of the characteristics of a public organization, but which is not actually a public organization (e.g., community action agencies, educational associations).

"Real property" means land, including land improvements, and structures and appurtenances thereto, excluding movable machinery and equipment.

"Recipient" means an entity identified in § 29–70.101(e) (1) and (2) of this subpart receiving Federal funds, property, services, or anything of value as financial assistance or as support or stimulation to accomplish a public purpose through a DOL grant or agreement.

"Records" are documents of actions taken with respect to the grant or agreement including financial records, statistical records, and supporting documents.

"Reimbursement by Treasury check" is a payment made to a recipient with a Treasury check upon request for reimbursement for payments made by the recipient for costs incurred under the grant or agreement.

"Request for proposal" (RFP) is a set of documents which includes a description of the product or service desired to enable a prospective contractor to submit a proposal which includes information that procurement and technical personnel need to evaluate proposals submitted. The request for proposals is the specific term applied to the solicitation used in Government contracts when negotiated procurement procedures are used.

"Responsible contractor" (responsible bidder) means a contractor or prospective contractor who appears to possess the ability to perform successfully under the terms and conditions of a proposed procurement based on a review of such factors as a satisfactory record of past performance, integrity, and business ethics; and financial and technical resources or access to such resources.

"Responsive" means that a bid or proposal complies, with respect to method and timeliness of submission and to substance of the bid or proposal, in all material respects, with the requirements of the invitation for bids or request for proposals. A minor irregularity in a bid or proposal, which is deemed to be a matter of form rather than substance, the correction of which would not be prejudicial to other bidders, does not render a bid or proposal nonresponsive.

"Secretary" means the Secretary of Labor or the Secretary's designee.

"Small business" means any business concern organized for profit which is independently owned and operated and is not dominant in its field of operations and can further qualify under the criteria concerning the number of employees, average annual receipts, or other criteria currently prescribed by the Small Business Administration (SBA). (See Sec. 632, Small Business Act, as amended—15 U.S.C. 632.)

"Small purchases" (in Government contracting) are purchases of a nonconstruction character in which the aggregate amount in any one transaction including handling and other costs, is $10,000 or less. Unless State or local laws require otherwise, bilateral agreements are normally not required, and purchase orders, vouchers or bills, sales slips, memorandums of oral price quotations, or similar records provide adequate documentation to meet Federal standards.

"State" means any of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of State institutions of higher education and hospitals.

"Subagreement" means a written agreement between a recipient under a DOL Agency agreement (other than a grant) and an eligible entity, whereby the recipient provides funds for the purpose of the subrecipient carrying out part of the substantive programmatic work of the project approved by the DOL Agency under the recipient's agreement with the DOL.

"Subgrant" means a written agreement between a recipient under a DOL Agency grant and an eligible entity, whereby the recipient provides funds for the purpose of the subgrantee carrying out a part of the substantive programmatic work of the project approved by the DOL Agency under the recipient's grant with the DOL.

"Subgrantee" means the organization or individual to which a subgrant is awarded by a DOL grantee for the purpose of carrying out a part of the substantive programmatic work of the DOL grant.

"Subrecipient" means a subgrantee (or an organization or individual with a subagreement other than a subgrant) receiving DOL funds through a DOL recipient for the purpose of carrying out a part of the substantive programmatic work of the DOL grant or agreement.

"Supplies" (see "expendable personal property").

"Suspension" means an action of the DOL Agency which temporarily suspends Federal assistance under a grant or agreement pending corrective action by the recipient or a decision by the DOL to terminate the grant or agreement in accordance with § 29–70.213.

"Termination" means the withdrawal by the DOL Agency of Federal assistance, in whole or in part, under a grant or agreement at any time prior to the date of completion because the recipient has failed to comply with conditions of the grant or agreement; or because the recipient and the DOL Agency have mutually agreed that continuation of the project (or part of a project) is not feasible.

"Unliquidated obligations," for reports prepared on an accrued expenditure basis, mean the amount of obligations incurred by the recipient for which an outlay has not been recorded. For reports prepared on a cash basis,

"unliquidated obligations" mean the amount of obligations incurred by the recipient which has not been paid.

"Unobligated balance" is the portion of funds authorized by the DOL Agency which has not been obligated by the recipient, that is, the cumulative funds authorized minus the cumulative obligations.

"Working capital advance basis" means the procedure whereby funds are advanced to the recipient to cover its estimated disbursement needs for a given initial period, after which payments are made by reimbursing the recipient by Treasury check for approved cash disbursements made under the grant or agreement.

(b) *Special definitions—CETA.* "Project" means, for purposes of Titles II and VI of CETA, a definable task or group of related tasks which will be completed within a definable period of time, has a public service objective, will result in a specific product or accomplishment, and would otherwise not be done with existing funds (see also 20 CFR 675.4) (CETA, sec. 3(19)).

"Small business," for purposes of subsection 704(a) of CETA, means any private, for-profit enterprise employing 500 or fewer employees (CETA, sec. 704(a)(2)).

§ 29–70.103 Cost principles.

In determining allowable costs under a grant or agreement, the DOL Agency shall use Federal cost principles referenced in this section which are applicable to the recipient's organization; shall ensure that each recipient receives a copy of applicable cost principles; and shall allow only those costs permitted under the cost principles which are reasonable, allocable, necessary to achieve approved program goals, and which are in accordance with DOL Agency policy and terms of the grant or agreement. The following cost principles apply:

(a) *State and local, and federally recognized Indian tribal governments.* Federal Management Circular (FMC) 74–4 provides principles for determining costs applicable to grants and agreements with State and local, and federally recognized Indian tribal governments. The Circular is codified in the Code of Federal Regulations at 41 CFR 1–15.7. Section J of FMC 74–4 assigns to the Department of Health, Education, and Welfare (DHEW) the primary responsibility for negotiation, approval, and audit of cost allocation plans to cover central support service costs of the States. The OMB assigns primary responsibility for negotiation, approval, and audit of indirect cost proposals of departments within a State to a single Federal agency. DHEW maintains lists of such assignments.

(b) *Institutions of higher education.* FMC 73–8 (OMB Circular No. A–21) provides principles for determining costs applicable to grants and agreements with public and private institutions of higher education. The Circular is codified at 41 CFR 1–15.3 and 1–15.8. FMC 73–8 assigns to the DHEW the responsibility for coordinating the establishment of indirect cost rates and auditing Federal grants with most colleges and universities.

(c) *Other nonprofit organizations.* Governmentwide cost principles for nonprofit organizations other than educational institutions and hospitals have been published in a proposed OMB Circular. Pending its final adoption and the development of cost principles for hospitals, cost principles located at 41 CFR 1–15.2 or such other cost principles as may be specified in the grant or agreement document shall govern allowable costs for nonprofit organizations other than educational institutions.

§ 29–70.104 Applicability of labor standards.

(a) *General.* Prevailing wage requirements of the Davis-Bacon and related Acts (see 40 U.S.C. 276a–7 and 29 CFR Part 1, Appendix A) apply to recipient contractors and subcontractors who undertake construction activities (see § 29–70.216):

(1) If the statute providing Federal financial assistance specifically provides that such wage requirements apply; or

(2) If the recipient finances the construction with any funds from a grant or agreement with another Federal agency which requires compliance with prevailing wage requirements of the Davis-Bacon and related Acts.

(b) *Applicability—CETA grants and agreements.* Recipients and subrecipients are required to ensure that prevailing wages, as determined by the Secretary pursuant to the Davis-Bacon Act, are paid:

(1) By their contractors and subcontractors to laborers and mechanics, including participants, employed in construction (including alteration, repair, painting, decorating, etc.) which is federally assisted under the Act and related to a facility or building which is used primarily for programs under the Act; and

(2) To laborers and mechanics, including participants, who are employed in construction (including alteration, repair, painting, decorating, etc.) on any project which is funded wholly or partially under a Federal statute, other than CETA, which requires the payment of prevailing wage rates determined in accordance with the Davis-Bacon Act.

§ 29–70.105 Additional requirements—Certain recipients.

(a) A DOL Agency may impose additional requirements on an individual applicant for or recipient of financial assistance under a DOL grant or agreement if the grant officer determines, on the basis of monitoring, preaward survey, or audits, that the applicant or recipient: (1) Has a history of poor performance; (2) is not financially stable; or (3) has a management system which does not meet DOL standards as set forth in this part.

(b) In imposing additional requirements, the DOL Agency shall provide a written notification to the applicant or recipient which: (1) Identifies additional standards imposed; (2) provides an explanation as to why the standards are needed; and (3) explains corrective actions which must be taken by the applicant or recipient for requirements to be removed.

(c) The DOL Agency shall simultaneously provide a copy of the notification to the OMB and, if other Federal agencies are also funding an applicant or recipient, to those Federal agencies.

(d) A recipient may impose additional requirements on an individual subrecipient for reasons and under conditions identified in paragraphs (a) and (b). If additional requirements are imposed, the recipient shall provide a copy of the written notification furnished the subrecipient to the grant officer.

§ 29–70.106 Transfer of substantive work—Nonprofit organizations.

The DOL Agency shall require that a recipient which is a nonprofit organization (as defined in § 29–70.102) transfer programmatic substantive work of the grant or agreement by subgrant, subagreement, or contract only after obtaining prior written approval of the grant officer. This restriction does not apply to purchases of supplies, material, equipment, or support services. Programmatic substantive work means work that achieves the primary public purpose goal for which the grant or agreement was awarded as opposed to support services.

Subpart 29–70.2—Administrative Standards for DOL Grants and Agreements

§ 29–70.200 Arrangement of regulations.

(a) The regulations in this subpart cover or reference the DOL administrative requirements for all financial assistance awarded under grants and agreements of DOL Agencies. Each section of the regulations covers a Federal standard established in an attachment to OMB Circulars Nos. A–102 and A–110. The sections are numbered consecutively throughout the regulations. They are captioned to reflect the subject matter covered. For example, the regulations include a section captioned, "§ 29–70.202 *Bonding and insurance.*" This section provides all DOL requirements regarding bonding and insurance for recipients of DOL grants and agreements with the following exceptions:

(1) Certain Federal standards set forth in OMB Circular No. A–110 (which covers grants and agreements with nonprofit organizations, as defined in § 29–70.102) differ from standards set forth in OMB Circular No. A–102 (which covers grants and agreements with state and local and federally recognized Indian tribal governments). Where the standards differ, supplemental paragraphs are added at the end of the general requirements to provide the special requirements applicable to grants and agreements with nonprofit organizations. The addition of the letter "a" following the section number and the words "special requirements, nonprofit organizations" identify requirements which differ from the general requirements, e.g., "§ 29–70.202a *Bonding and insurance—special requirements, nonprofit organizations.*"

(2) The legislation authorizing financial assistance under Comprehensive Employment and Training Act (CETA) grants and agreements mandates certain Federal requirements which differ from requirements generally applicable to DOL grants and agreements regardless of whether the recipient would be subject to OMB Circular No. A–102 standards or to those of OMB Circular No. A–110. Where CETA requirements differ, the special CETA requirements are set forth or are referenced in supplementary paragraphs following the standards generally applicable to DOL grants and agreeements. The CETA requirements may be identified by the letter "b" following the section number and by the addition of the words "CETA requirements" in the caption, e.g., § 29–70.202b *Bonding and insurance—CETA requirements.*"

(b) Unless supplementary paragraphs to the DOL regulations covering a standard are added, the overall DOL regulations apply.

§ 29–70.201 Cash depositories.

§ 29–70.201–1 General policy.

This section sets forth standards covering the use of banks and other institutions as depositories for Federal funds advanced under DOL grants and agreements. No DOL Agency shall require that a recipient maintain a separate bank account for such funds nor shall the Agency establish eligibility requirements for cash depositories except as provided in this section.

§ 29–70.201–2 DOL requirements.

(a) *Separate bank accounts.* When a DOL Agency advances funds to a recipient, the following shall apply:

(1) In accordance with Section 202 of the Intergovernmental Cooperation Act of 1968, a recipient which is a State need not maintain a separate bank account.

(2) A recipient other than a State shall maintain a separate bank account if:

(i) The DOL Agency advances funds under a letter-of-credit agreement which provides that drawdowns will be made on a "checks paid" basis, i.e., when funds are not withdrawn from the Treasury until the recipient's checks are presented to the bank for payment (Letters of credit with States will not provide for drawdowns on a "checks paid" basis.); or

(ii) The DOL Agency imposes a special requirement on an individual applicant or recipient in accordance with § 29–70.105.

(3) Except as otherwise provided by the grant officer, a recipient required to maintain a separate bank account shall be subject to procedures prescribed in the CFR at 41 CFR 1–30.413 and 41 CFR 1–30.414.

(b) *Eligibility requirements—cash depositories.* A recipient shall deposit advanced Federal funds in a bank with Federal Deposit Insurance Corporation (FDIC) insurance coverage if the funds are subject to the control or regulation of the United States or any of its officers, agents, or employees (public moneys). The balance exceeding FDIC coverage must be collaterally secured. Funds are deemed to be public moneys if the funding legislation specifies that funds advanced are deemed to be public moneys (generally because substantial portions of total Federal funds are advanced). Since the DOL requires that advances to recipients be limited to immediate cash needs (see § 29–70.210), and present authorizing legislation does not mandate otherwise, funds advanced under DOL grants and agreements are *not* considered to be "public moneys."

(c) *Use of minority banks.* Pursuant to Executive Order 11625, which established the national goal of expanding opportunities for minority business enterprise, the recipient and its subrecipients are encouraged to use minority banks. The Department of the Treasury periodically publishes a "Roster of Minority Banks" to assist potential users in locating minority banks. Copies of the rosters are furnished Federal executive branch agencies. The recipient may obtain the names of minority banks in its area from DOL Agency officials.

§ 29–70.202 Bonding and insurance.

§ 29–70.202–1 General policy.

A recipient of financial assistance under a DOL grant or agreement shall follow its normal bonding and insurance requirements except as otherwise indicated in this section.

§ 29–70.202–2 Federal bonding and insurance requirements.

(a) *Bonding requirements—recipient contracts for construction or facility improvements.* Except as otherwise required by law, grants or agreements requiring the contracting or subcontracting for construction or facility improvements shall provide that:

(1) The recipient shall follow its own requirements relating to bid guarantees, performance bonds, and payment bonds on the part of its contractors or subcontractors with contracts and subcontracts of $100,000 or less.

(2) The recipient shall impose the following requirements on its contractors or subcontractors if the contracts exceed $100,000 unless the grant officer has made a written determination that the DOL's interest is adequately protected without the imposition of the requirements:

(i) *A bid guarantee from each bidder (prospective contractor) equivalent to 5 percent of the bid price.* The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying the bid as assurance that the bidder will, upon acceptance of its bid, execute the necessary contractual documents within the time specified.

(ii) *A performance bond on the part of the contractor for 100 percent of the contract price* that secures fulfillment of all of the contractor's obligations under the contract.

(iii) *A payment bond on the part of the contractor for 100 percent of the contract price* to assure payment as required by law of all persons supplying labor and material in the execution of work provided for in the contract.

(b) *Insurance requirements.* The DOL assumes no liability with respect to bodily injury, illness, or any other damages or losses, or with respect to any claims arising out of any activities undertaken under a DOL grant or agreement, whether concerning persons or property in the recipient's organization or third parties. The recipient is advised to insure or otherwise protect itself with regard to activities under the grant or agreement.

(c) *Loan guarantees.* If the DOL Agency, in connection with a grant or agreement, guarantees or insures the repayment of money borrowed by a recipient, the DOL Agency shall determine whether the recipient's bonding and insurance requirements are adequate to protect the DOL's interest. If not deemed adequate, the recipient shall adopt additional bonding and insurance requirements deemed necessary by the grant officer.

§ 29-70.202-3 Acceptable sureties.

If the DOL Agency requires that a recipient obtain bonds, the recipient shall obtain such bonds from companies holding certificates of authority as acceptable sureties (31 CFR Part 223, "Surety Companies Doing Business With the United States"). A consolidated list of acceptable surety companies is published each July in the **Federal Register** as Treasury Circular 570. Interim changes are published in the **Federal Register** as they occur.

§ 29-70.202a Bonding and insurance—Special requirements, nonprofit organizations.

§ 29-70.202a-1 Fidelity bonds.

If the recipient has no fidelity bond coverage, it shall, prior to grant or agreement award, obtain fidelity bond coverage for all officers and employees who have authority to make disbursements of funds furnished by the DOL. Fidelity bond coverage shall be in the form of blanket position bonds in amounts not exceeding $25,000, the amount to be established by the grant officer.

§ 29-70.202b Bonding and insurance—CETA requirements.

§ 29-70.202b-1 Fidelity bonds.

(a) *Bonding requirement.* A recipient (or subrecipient) shall ensure that every officer, director, agent, or employee authorized to act on behalf of the recipient or subrecipient in receiving or depositing funds into program accounts; or in issuing financial documents, checks, or other instruments of payment for program costs shall be bonded to provide protection against loss. A CETA recipient (or applicant) shall include provisions of bonding arrangements in the description of administrative systems in the grant or agreement application or in the Master Plan (as appropriate).

(b) *Amount of coverage.* If a recipient's or subrecipient's administrative system provides for fidelity bonds, the grant officer shall accept the existing bond coverage if it meets the following criteria:

(1) $100,000; or

(2) An amount equal to the highest advance received through Treasury check or by drawdown on the letter of credit during the immediately preceding grant or agreement period; or, if a new recipient, the highest advance planned for the present grant or agreement period (see sec. 20 CFR 676.43(b)) (CETA, sec. 134).

§ 29-70.202b-2 Insurance.

If a recipient, in conducting activities under a DOL grant or agreement, uses motor vehicles, the recipient shall ensure that it and its subrecipients and contractors are protected; and that the DOL is held harmless against claims arising from the ownership, maintenance, or use of a motor vehicle. This protection is limited to automobile liability insurance covering bodily injury and property damage. The recipient shall provide the insurance through a DOL-approved self-insurance program or through a commercial insurance policy. The DOL requires a minimum coverage of $100,000 per person and $300,000 per accident for bodily injury, and $25,000 per accident for property damage. If a State or local law (or a Federal law applicable to a recipient's operations such as the Farm Labor Contractor Registration Act of 1963—see 29 CFR 40.14) requires higher coverage, the insurance requirements of such laws shall prevail. If in a DOL program, the recipient uses a motor vehicle which is owned by someone other than the recipient or which is also used for non-DOL program purposes, the DOL shall prorate its share of the premiums, including any additional coverage required to conform to requirements of this paragraph, in accordance with the vehicle's actual use in conducting activities under the grant or agreement.

§ 29-70.202b-3 Special procedures—Operation of Young Adult Conservation Corps (YACC) and Job Corps programs.

For liability incurred by participants in YACC or Job Corps Programs, see CETA regulations at 20 CFR Part 684 and 20 CFR Part 685 (CETA, sections 465(b) and 805(a)).

§ 29-70.203 Retention of and custodial requirements for records.

§ 29-70.203-1 General.

The recipient of a DOL grant or agreement shall observe the record retention and custodial requirements set forth in this section.

§ 29-70.203-2 Record retention policy.

The recipient shall retain all records pertinent to a grant or agreement, including financial and statistical records and supporting documents, for a period of 3 years, subject to the qualifications set forth in § 29-70.203-3.

§ 29-70.203-3 Retention periods.

(a) The retention period will begin on the date of submission by the recipient of the annual or final expenditure report, whichever applies to the particular grant or agreement, except that the recipient shall retain records for nonexpendable property acquired with financial assistance awarded by a DOL Agency for a period of 3 years after final disposition of the property.

(b) If, prior to the expiration of the 3-year retention period, any litigation or audit is begun or a claim is instituted involving the grant or agreement covered by the records, the recipient shall retain the records beyond the 3-year period until the litigation, audit findings, or claim has been finally resolved.

(c) When records subject to retention requirements are transferred to or maintained by the DOL, the 3-year retention period shall not apply. The recipient need not retain duplicates of records transferred to or maintained by the DOL.

§ 29-70.203-4 Substitution of microfilm.

The recipient may substitute microfilm copies in lieu of original records after audit.

§ 29-70.203-5 Records with long-term retention value.

Upon the written request of the grant officer, the recipient shall transfer records with long-term retention value (beyond the 3-year period) to the DOL unless the recipient continually uses the records and delivery would necessitate duplicate recordkeeping. When this situation exists, the recipient may retain

such records after obtaining written permission of the grant officer to do so. Such permission shall be conditioned upon tender of the documents to the DOL prior to their destruction.

§ 29-70.203-6 Access to records.

(a) *Secretary of Labor and Comptroller General.* The recipient shall ensure that the Secretary of Labor and the Comptroller General of the United States, or any of their duly authorized representatives, have access to any pertinent books, documents, papers, and records of the recipient organization and to records of its subrecipients and contractors to make audits, examinations, evaluations, excerpts, and transcripts.

(b) *Public access to records.* No DOL Agency shall place restrictions on a recipient which will limit public access to grant or agreement records except that the DOL Agency may impose restrictions if:

(1) Such restrictions are required by applicable Federal law; or

(2) The Secretary or designee determines that certain records should be kept confidential in order to protect personal privacy.

§ 29-70.203b Retention of and custodial requirements for records—CETA requirements.

§ 29-70.203b-1 Records required by the Secretary of Labor.

In addition to the requirements stated in § 29-70.203-6(a), each CETA recipient shall ensure that the following records are maintained for the period described in § 29-70.203-2 and § 29-70.203-3, and made available to the Secretary or authorized designee:

(a) Records including books of account for the expenditure of CETA funds to enable the Secretary to audit and monitor the program. Records shall include information regarding participant eligibility and the propriety of participant selection procedures and practices (CETA, sec. 103(a)(11)).

(b) Records concerning each employee and participant involved in a CETA program. Records shall provide any information needed by the Secretary for reports to the President and to the Congress required by Section 127 of the Act (CETA, sec. 133(a)(1)).

§ 29-70.203b-2 Special retention requirements.

The recipient shall maintain a record of each participant's participation in a CETA program, including dates of entry and termination in each activity; and shall retain such records for each participant for a period of 5 years from date of enrollment into the program (see also CETA regulations at 20 CFR 676.35). (CETA, sec. 121(c).)

§ 29-70.203b-3 Records available to the public.

(a) Each recipient shall retain and make available to the public the following records:

(1) A list of available potential recipient contractors and potential subrecipients who have expressed, in writing, an interest in providing services under the grant or agreement (CETA, sec. 103(a)(3)(B)).

(2) Financial records relating to public service employment programs, and records of the names, addresses, positions, and salaries of all persons employed in public service jobs (CETA, sec. 122(g)).

(b) Pursuant to § 29-70.203-6(b)(2), the recipient (except for records identified in § 29-70.203b-3(a)(2)) shall observe the following policy regarding confidentiality of personal records maintained for a project under a DOL grant or agreement involving other than public service employment:

(1) Names of individuals who are beneficiaries of opportunities under the project are considered public information. The recipient shall make other information regarding these project participants, applicants for participation, and their immediate families (which may be obtained from their application forms, interviews, tests, reports from public agencies or counselors, or any other source) available to the public to the same degree that it makes such information available about its own employees. Unless otherwise prohibited by law (e.g., The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g)), the recipient may divulge information not normally made available to the public on the recipient's own employees without participant or applicant permission only as necessary for purposes related to grant or agreement performance or evaluation. Furthermore, such information may be made available only to: (i) Persons having responsibilities under the grant or agreement, including those furnishing services under a contract, subgrant, or subagreement; and (ii) governmental authorities to the extent necessary for the proper administration of the law.

(2) The names of all individuals employed by the recipient in staff positions under the project are considered public information. A recipient shall make other information on these employees available to the public in the same manner and to the same extent that such information is made available on its employees not involved in the federally supported activity.

§ 29-70.204 Waiver of "single" State agency requirements. [Reserved]

§ 29-70.205 Program income and interest earned.

§ 29-70.205-1 General.

The recipient of funds under a DOL grant or agreement shall account for program income earned from grant or agreement supported activities and other income (interest) in accordance with the standards in this section.

§ 29-70.205-2 Interest earned on advances.

Interest earned on advances of Federal funds (pending their disbursement for activities under the grant or agreement) is not program income. The recipient shall account for interest earned on advances in the following manner:

(a) *States or instrumentalities of a State.* In accordance with section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201 et seq.), a recipient which is a State or instrumentality of a State is not accountable to the DOL Agency for such interest. In addition, local governments receiving Federal grant funds under subgrants or subagreements from States may retain interest earned on such Federal funds.

(b) *Other recipients.* A local government receiving financial assistance directly as a recipient of a DOL grant or agreement and any other recipient shall remit any such interest earned to the DOL within 15 days after the end of the quarter in which the interest is earned.

§ 29-70.205-3 Program income.

Program income includes, but is not limited to, income from service fees, sale of commodities, use or rental fees, and royalties on patents and copyrights. The recipient shall use and account for program income in the following manner:

(a) *Sale of real and personal property.* The recipient shall handle proceeds from the sale of real and personal property, either provided by the DOL Agency or purchased in whole or in part with Federal funds, in accordance with § 29-70.215.

(b) *Royalties.* Except as otherwise required by § 29-70.215, or by terms of the grant or agreement, the recipient shall have no obligation to the DOL Agency with respect to royalties

received as a result of copyrights on publications or other works developed or of patents on inventions conceived in performing under the grant or agreement. (See §§ 29–70.215–9 and 29–70.215a–9 for DOL standards relating to inventions, patents, and copyrights.)

(c) *Other program income.* The recipient shall retain all other program income earned during the period of the grant or agreement and, in accordance with the terms of the grant or agreement, shall:

(1) Add the income to funds committed to the project, and use the funds to further eligible program objectives; or

(2) Deduct the funds from the total project costs for the purpose of determining the net costs on which the DOL share of costs will be based; or

(3) Use the funds to finance the recipient matching requirement.

§ 29–70.205–4 Requirements for recipient earmarked revenues.

The recipient shall record the receipt and expenditure of revenues (such as taxes, special assessments, levies, and fines) as part of the transactions under a grant or agreement when the grant or agreement stipulates that such revenues are to be used for activities under the grant or agreement.

§ 29–70.205b Program income—CETA requirements.

The provisions of § 29–70.205 apply with the following exceptions:

(a) A recipient or subrecipient, during the grant or agreement period and for 2 years thereafter, shall apply any income generated under a Youth Community Conservation and Improvement Project (YCCIP) to costs of the project except that, if, at the end of the grant or agreement period the project is not continued, the recipient or subrecipient shall observe the requirements of paragraph (b).

(b) The recipient or subrecipient may use program income generated in an approved activity under CETA grants or agreements other than YCCIP during the grant or agreement period and for 2 years thereafter to carry out any CETA activity authorized under the former grant or agreement. The grant officer may require the recipient to account for the expenditure of such income for a period not to exceed 2 years from the expiration date of the Annual Plan (or grant, or agreement, as appropriate). Recipients shall require subrecipients to report the expenditure of such income. Any income still unexpended by any subrecipient 1 year from the expiration of financial assistance to the subrecipient shall be returned to the recipient to continue any CETA activity.

(c) Program income under CETA programs is also covered in the CETA program regulations at 20 CFR 676.36.

§ 29–70.206 Matching share.

§ 29–70.206–1 General.

The DOL Agency shall include any required recipient cash or in-kind contributions (cost sharing or matching share) in the grant or agreement document. This section provides criteria for determining the allowable cash and in-kind contributions made by a recipient, a subrecipient, or a third party, and procedures for application of the contributions to satisfy cost-sharing and matching requirements. It also prescribes methods for evaluating in-kind contributions. It supplements guidance set forth in Federal Management Circular (FMC) 73–3 with respect to cost sharing in federally sponsored research.

§ 29–70.206–2 Federal cash or in-kind contributions.

The recipient may not use Federal funds received under other Federal grants or agreements or property purchased with Federal funds to satisfy cost-sharing or matching requirements of a DOL grant or agreement unless the use of such funds for cost-sharing or matching is authorized by the Federal legislation under which the non-DOL funds were received (e.g., State and Local Fiscal Assistance Act, as amended, or Indian Self-Determination and Education Assistance Act).

§ 29–70.206–3 Matching share or cost-sharing standards.

(a) The cost-sharing or matching contribution may consist of:

(1) Charges incurred by the recipient as project costs including charges not requiring cash outlays during the grant or agreement period (such as depreciation and use charges for buildings and equipment).

(2) Project costs financed with cash contributed or donated to the recipient by non-Federal third parties.

(3) Project costs represented by services and real or personal property, or the use thereof, donated by non-Federal third parties.

(4) Project costs financed with Federal funds or property purchased with Federal funds in accordance with § 29–70.206–2.

(b) The recipient shall use cash and in-kind contributions as parts of its matching share or cost-sharing requirement under a DOL grant or agreement only if the contributions are permitted under paragraph (a) and if they meet all of the following criteria:

(1) Are verifiable from recipient records.

(2) Are not included as matching contributions for any other federally assisted project.

(3) Are necessary and reasonable for proper and efficient accomplishment of project objectives.

(4) Are the kinds of charges allowable under the applicable cost principles.

(5) Are not paid by the Federal Government under another financial assistance grant or agreement (except as provided in § 29–70.206–2).

(6) Are provided for in the approved grant or agreement or in DOL Agency program regulations.

§ 29–70.206–4 Valuation of in-kind contributions.

(a) *Recipient contributions.* The recipient shall value its in-kind contributions at the recipient's actual cost in accordance with applicable cost principles.

(b) *Other in-kind contributions.* The recipient shall use the following criteria in establishing the value of in-kind contributions from third parties:

(1) *Volunteer services.* The recipient shall observe the following criteria in evaluating volunteer services:

(i) *Acceptable services and time allowed.* The recipient may accept volunteer services provided by any individual and may count each hour of any volunteered service for cost-sharing or matching purposes if the service benefits the approved project and is an integral and necessary part of the project.

(ii) *Rates for volunteer services.* (A) *General criteria.* The recipient shall value volunteer services at rates which are consistent with rates paid for similar work in the recipient's organization. Where the recipient has no similar skills in its organization, the recipient shall value the services at rates which are consistent with rates paid for similar work in the labor market in which the recipient is located.

(B) *Rates for volunteer services donated by other employers.* If an employer (other than the recipient) volunteers the services of an employee to perform needed services under a DOL grant or agreement, the recipient shall value these services at the employee's regular rate of pay (exclusive of fringe benefits and overhead costs) if these services are in the same skill for which the employee is normally paid. If the services are not in the same skill for which the employee is normally paid, the recipient shall determine the rates in

accordance with criteria set forth in paragraph (A) of this section.

(2) *Property—expendable personal property.* Donated expendable personal property may include such items as expendable equipment, office supplies, laboratory supplies, or workshop and classroom supplies. The recipient shall assign values to such property for cost-sharing or matching purposes which are reasonable and which do not exceed the fair market value of the property at the time of donation.

(3) *Property—nonexpendable personal property, buildings, and land, or the use thereof.* (i) The recipient shall use the following methods in evaluating donated equipment, buildings, and land for cost-sharing or matching purposes:

(A) If the primary purpose of the grant or agreement is to assist the recipient in acquiring equipment, buildings, or land, or to otherwise provide a facility, the recipient may claim the total fair market value of the property.

(B) If the primary purpose of the grant or agreement is to support activities that require the use of equipment, buildings, or land on a temporary or part-time basis, the recipient may make depreciation or use charges for the equipment and buildings. The full value of equipment or other capital assets and the fair rental charges for land may be permitted, provided that the grant officer has approved the amounts in writing.

(ii) The recipient shall use its established accounting policies in determining the value of donated property except that:

(A) *Land and buildings.* The value of donated land and buildings may not exceed its fair market value at the time of donation to the recipient as established by an independent appraiser (such as a certified real property appraiser or General Services Administration representative) and certified by the recipient.

(B) *Nonexpendable personal property.* The value of donated nonexpendable personal property may not exceed the fair market value of equipment and property of the same age and condition at the time of donation.

(C) *Loaned equipment.* The value of loaned equipment may not exceed its fair rental value.

(D) *Use of space.* The value of donated space may not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately owned building in the same locality.

§ 29–70.206–5 Supporting records for third party in-kind contributions.

(a) The recipient shall document volunteer services used for matching or cost-sharing purposes. To the extent feasible, the recipient shall use the same methods in maintaining supporting records for volunteer services that it uses in maintaining records on its employees.

(b) The recipient shall document the method used in determining the value of donated personal services, material, equipment, buildings, and land.

§ 29–70.207 Standards for grantee financial management systems.

§ 29–70.207–1 General.

This section prescribes DOL standards for financial management systems of recipients of DOL financial assistance under grants and agreements.

§ 29–70.207–2 Standards—financial management systems.

Each recipient shall establish and maintain a financial management system which provides for adequate control of grant or agreement funds and other assets; ensures the accuracy of financial data; and provides for operational efficiency and for internal controls to avoid conflict-of-interest situations and to prevent irregular transactions or activities. The recipient shall ensure that its financial management system meets the following standards:

(a) *Reporting.* The recipient's reporting procedures shall provide accurate, current, and complete disclosure of the financial results of each grant or agreement in accordance with reporting requirements of § 29–70.208. The recipient shall report on an accrual basis. A recipient whose records are not maintained on an accrual basis may develop accrual data for reports on the basis of an analysis of the documentation on hand. In such cases, the recipient's accounting process must provide sufficient information to compile data to satisfy the accrued expenditure reporting requirements and to demonstrate the link between the accrual data reports and the nonaccrual fiscal accounts; and the recipient shall retain all such documentation for audit purposes.

(b) *Records.* The recipient shall maintain records which identify adequately the source and application of funds for grant or agreement supported activities. The recipient shall ensure that the records systematically assemble information concerning Federal awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income into balance sheet format for internal control purposes.

(c) *Control of assets.* The recipient shall maintain effective control over and accountability for all project funds, property, and other assets. The recipient shall safeguard assets and shall assure that they are used solely for authorized purposes.

(d) *Comparison of outlays with budget.* The recipient shall compare outlays with budgeted amounts for each grant or agreement; and, when required by performance reporting requirements of the grant or agreement, show the relation of financial information to performance data, including the production of unit cost data if appropriate.

(e) *Advance Payments.* Whenever funds are advanced by the DOL, the recipient shall establish procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the recipient. If advances are made by the letter-of-credit method, the recipient shall make drawdowns as close as possible to the time of making disbursements. The recipient, in advancing funds to a contractor or subrecipient, shall require that the contractor or subrecipient conform to substantially the same standards that the DOL Agency requires of the recipient.

(f) *Allowable costs.* The recipient shall establish procedures for determining reasonableness, allowability, and allocability of costs in accordance with applicable cost principles (see § 29–70.103) and terms of the grant or agreement.

(g) *Source documentation.* The recipient shall support accounting records with source documentation such as canceled checks, paid bills, or contracts, subgrants, or subagreements awarded.

(h) *Audits.* (1) *General.* The recipient shall arrange for external or internal audits performed in accordance with "generally accepted audit standards" and DOL guidelines by individuals who are sufficiently independent of those who authorize the expenditure of Federal funds to ensure that any opinions, conclusions, or judgments regarding audit findings are valid and unbiased (see § 29–70.207–4(e) (1), (2), and (3)). (2) *Audit purpose and scope.* The audits shall be performed to ascertain the effectiveness of the recipient's financial management, including internal procedures and controls established to meet terms and conditions of the grant or agreement. The auditors need not audit every grant or agreement, but shall make the audit

on an organizationwide basis with an appropriate sampling of DOL grants and agreements. The audits shall be performed in accordance with the U.S. General Accounting Office's publication, "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions," to determine whether (i) financial operations are properly conducted; (ii) financial reports are fairly presented; and (iii) available information indicates that the recipient has complied with applicable laws, regulations, and administrative requirements in its use of Federal funds. (3) *Frequency.* Frequency of audit shall depend on the nature, size, and complexity of the recipient's grant or agreement activities. Audits shall be conducted, on a continuing basis or at regularly scheduled intervals, usually annually, but no less frequently than every 2 years. If the DOL Office of Inspector General (OIG) conducts an audit, the recipient need not obtain an audit for the period audited by the DOL. (4) *Relation to Federal audit.* The non-Federal audits do not limit the DOL right to conduct a Federal audit but may affect the frequency and scope of the Federal audit (see § 29–70.207–4(b)(2)).

(i) *Resolution of audit findings.* The recipient shall establish a systematic method to assure the timely and appropriate resolution of audit findings and recommendations, and shall furnish the OIG with a copy of each audit report and a statement regarding resolution of findings.

§ 29–70.207–3 Subrecipient standards.

(a) The recipient shall require each subrecipient to adopt the standards for financial management systems set forth in § 29–70.207–2, except for requirements regarding reporting forms and frequencies (paragraph (a)), letter-of-credit procedures (paragraph (e)), and audit (paragraph (h)).

(b)(1) The recipient shall conduct an independent audit of a sample of its subrecipients and contractors at least once every 2 years. The sample selected shall be coordinated with and approved by the OIG.

(2) The end of a Federal fiscal year shall be used as a common cut-off date for all subrecipients and contractors.

(3) The auditing in no way lessens the recipient's responsibilities to ensure that program activities and related costs incurred by its subrecipients and contractors are in compliance with DOL requirements.

§ 29–70.207–4 Federal and non-Federal audit requirements.

(a) *DOL audit responsibilities.* The OIG is responsible for the DOL audit program. It shall conduct or arrange for the conduct of Federal audit surveys or audits of recipient or subrecipient operations; and is responsible for determining the coverage, frequency, and priority of audits of any recipient. In addition to audits of existing, completed, or terminated grants or agreements, the OIG may conduct (or arrange for the conduct of) audit surveys to evaluate the accounting systems and internal controls of a prospective recipient prior to the award of a new grant or agreement. The OIG shall ensure that an audit of each recipient is conducted no less frequently than every 2 years, by using the audit report of a cognizant Federal agency, by accepting the non-Federal audit as an independent audit meeting DOL standards (see § 29–70.207–4(c)), or by conducting or arranging for the Federal audit. The OIG shall provide guidance to non-Federal audit staff concerning the proper application of Federal audit standards to an audit of a recipient or subrecipient.

(b) *Coordination of audit effort.* In planning the DOL audit effort, the OIG shall, in accordance with OMB Circular No. A–73—

(1) Establish and maintain cross-servicing arrangements with other Federal agencies and utilize audit reports of the cognizant Federal agency (as defined in OMB Circular No. A–73) when possible; and

(2) Consider using, in lieu of Federal audits, the non-Federal audits made of recipient and subrecipient activities if the audits meet all DOL standards set forth in paragraph (c).

(c) *Criteria for independent non-Federal audits meeting DOL standards.* The OIG shall consider a non-Federal audit to be an independent audit meeting the DOL standards if the audit is made of a State or local government and meets the following criteria—

(1) The audit is performed in accordance with "generally accepted audit standards," as defined in paragraph (d), and with audit guides issued by the DOL which define audit requirements with respect to DOL financially assisted activities;

(2) The audit is performed by an independent public accountant or by an independent examiner, as defined in § 29–70.207–4(e)(1)–(4); and

(3) The auditor submits a copy of each audit report to the OIG for review and determination of acceptability in lieu of a Federal audit at the same time that the report is submitted to the recipient; and makes audit work papers (which are complete, accurate, clear, understandable, neat, and pertinent to the report) available to the OIG, upon request, until all audit findings have been resolved by the DOL with respect to the recipient's grant or agreement (see § 29–70.203–3).

(d) *Generally accepted audit standards.* "Generally accepted audit standards" mean audit standards issued by the U.S. General Accounting Office entitled "Standards for Audit of Governmental Organizations, Programs, Activities and Functions," which incorporate the audit standards established by the American Institute of Certified Public Accountants.

(e) *Independent public accountant or examiner.* A public accountant means a certified public accountant or a licensed public accountant, licensed on or before December 31, 1970, who is certified or licensed by a regulatory authority of a State or other political subdivision of the United States. An examiner means an employee of a State or local government audit agency. The individual is "independent" if he or she—

(1) Is free of personal, external, and organizational impairments as set forth in Part III, Chapter 3 of "Standards for Audit of Governmental Organizations, Programs, Activities and Functions";

(2) Has no personal interest, directly or indirectly, in the financial affairs of the recipient being audited; and

(3) Does not perform an audit if he or she or the principal officer of the audit agency making the audit maintains accounting records being examined or reports to the officer responsible for such records; and

(4)(i) Is a State examiner auditing a State or State agency, who meets the requirements of paragraphs (1), (2), and (3); and the principal officer of the State audit agency—(A) is elected by the citizens of the State; or (B) is elected or appointed by and reports to the State legislature or a committee thereof; or (C) is appointed by the Governor and is confirmed by and reports to the State legislature or a committee thereof; or

(ii) Is a local government examiner, auditing his or her local government, who meets the requirements of paragraphs (1), (2), and (3); and the principal officer of the audit agency—(A) is elected by the citizens of the local government; or (B) is elected or appointed by and reports to the governing body of the local government; or (C) is appointed by the executive officer of the local government and reports to the governing body of the

local government or a committee thereof; or

(iii) Is a public accountant who meets the requirements of paragraphs (1), (2), and (3), and has been engaged to perform the audit by a State or local government audit agency. The OIG may also determine that a public accountant is independent if the public accountant is engaged by a State or local government agency other than the audit agency.

(f) *Recipients other than State or local governments.* Except in extraordinary circumstances, the OIG will not consider non-Federal audits of other recipients to be independent audits meeting DOL standards which may be used in lieu of performing Federal audits.

§ 29–70.207a Standards for grantee financial management systems—special requirements, nonprofit organizations.

The standards set forth in § 29–70.207 apply except that Federal audits of recipients that are educational institutions are to be performed by the Federal agency specified in Federal Management Circular (FMC) 73–6, "Coordinating indirect cost rates and audit at educational institutions."

§ 29–70.207b Standards for grantee financial management systems—CETA requirements.

The standards governing recipient financial management systems set forth in § 29–70.207 apply to CETA recipients except that CETA recipients may also be required to participate in unified audits (see 20 CFR 676.34b) (CETA, secs. 103(a)(4)(A), 106(j), and 133).

§ 29–70.208 Financial reporting requirements.

§ 29–70.208–1 General.

The recipient shall use the standards, procedures, and forms prescribed by this section to report financial information to the DOL Agency; and, when letter-of-credit procedures are not used, to request advances or reimbursement.

§ 29–70.208–2 Forms and instructions.

Except as otherwise provided in § 29–70.208–4, the recipient shall use only the following forms in reporting financial information:

(a) *Financial Status Report (Standard Form (SF) 269).* (1) *Use.* For grants and agreements for nonconstruction projects, the recipient shall use SF 269, *Financial Status Report,* to report outlays, program income, and other financial information related to Federal funds authorized for the project unless the DOL has indicated in writing that other financial reporting forms (SF 272, *Federal Cash Transactions Report* (see § 29–70.208–2(b) or SF 270, *Request for Advance or Reimbursement* (see § 29–70.208–2(c)) provide adequate information. When SF 270, *Request for Advance or Reimbursement,* is used only for requesting advance funds, the recipient shall always submit a final *Financial Status Report* upon completion or termination of the grant or agreement. The recipient shall prepare the report on an accrual basis.

(2) *Frequency and due dates.* Unless otherwise prescribed by the DOL Agency on the basis of the size, complexity, or specific requirements of a particular project, the recipient shall submit the *Financial Status Report* quarterly during the period of the grant or agreement, and shall submit a final report upon completion or termination of the grant or agreement in accordance with instructions issued by the DOL Agency. The recipient shall prepare quarterly reports to coincide with the ending dates of Federal fiscal year quarters. Thus, if a recipient's grant or agreement begins after the beginning of a Federal fiscal year, a fifth report may be necessary to cover the grant or agreement period. The recipient shall submit quarterly reports no later than 30 calendar days after the end of each specified reporting period and annual or final reports no later than 90 calendar days after the ending of the period covered by the report. If unable to meet a reporting due date, the recipient shall explain the circumstances in writing to the grant officer, who may grant a written extension of the due date if circumstances warrant the delay.

(b) *Federal Cash Transactions Report (SF 272).* (1) *Use.* Each recipient shall submit SF 272, *Federal Cash Transactions Report,* if the DOL advances funds by Treasury check (or letter of credit unless the recipient is under the Letter of Credit—Treasury Regional Disbursing Office (RDO) system). (Under the RDO system, the recipient shall provide cash balance and disbursement information by forwarding an advance copy of each SF 183, *Request for Payment on Letter of Credit and Status of Funds Report,* to the DOL Agency.) The recipient shall use the "Remarks" section of the report to forecast Federal cash requirements; to report the amount of cash advances in excess of 3 days' requirements in the hands of subrecipients and actions which are being taken to reduce excess balances; and to report to the DOL Agency whenever the amount of Federal authorized funds is expected to exceed the needs of the recipient by $5,000 or 5 percent of the amount of funds awarded under the grant or agreement, whichever is greater.

(2) *Frequency and due dates.* The recipient shall submit the *Federal Cash Transactions Report* each quarter except that recipients receiving advances totaling $1 million in a 12-month period shall submit the report monthly. The recipient shall submit the report so that it is received in the DOL Agency no more than 15 working days following the end of each reporting period.

(3) *Waivers.* A DOL Agency may waive the submission of the *Federal Cash Transactions Report* if advances to the recipient do not exceed $10,000 a month provided that the grant officer determines that the advances can be monitored through other forms authorized by this section or that the recipient's accounting controls are adequate to minimize excessive Federal advances.

(c) *Request for Advance or Reimbursement (SF–270).* When the DOL Agency does not use letter-of-credit procedures or predetermined advance methods to finance a grant or agreement and the primary purpose of the grant or agreement is not construction, the recipient shall use the SF 270, *Request for Advance or Reimbursement,* to request advance payments or reimbursements for costs which have been incurred. The recipient may also use this form (in lieu of SF 271, *Outlay report and Request for Reimbursement for Construction Programs)* to request advance payments and reimbursements under grants and agreements awarded primarily for construction when the grant officer determines that the form provides adequate information. The recipient is authorized to submit requests for advance payments or reimbursements monthly.

(d) *Outlay Report and Request for Reimbursement for Construction Programs (SF 271). (1) Requests for advances or reimbursement by Treasury check.* The recipient shall submit requests for advances or reimbursement for grants and agreements for construction programs on SF 271 unless the grant officer has determined that the SF 270 (described in § 29–70.208–2(c)) is more appropriate. When requesting advances by Treasury check using SF 271, the recipient shall leave blank those items on the form which are applicable only when requesting reimbursement. The recipient is authorized to submit reports monthly.

(2) *Letter-of-credit and predetermined advance procedures.* If a construction

grant or agreement is financed by letter-of-credit or predetermined advance procedures, the recipient shall not submit requests for payment to the DOL. The DOL Agency may determine that SF 269, *Financial Status Report*, should be used for reporting purposes. Unless otherwise authorized by the DOL Agency, the recipient shall submit this report to meet due dates and frequency prescribed for the *Financial Status Report* in § 29–70.208–2(a)(2).

§ 29–70.208–3 Detailed procedures.

The recipient shall observe the following procedures in making required reports:

(a) *Number of copies.* The recipient shall submit the original and two copies of required reports unless the DOL Agency waives the requirement for copies.

(b) *Reporting forms and formats.* For reporting purposes, the recipient shall use standard forms or reproduced copies of the forms which the DOL Agency obtains from the General Services Administration. When approved by the DOL Agency, the recipient may transmit the same information in machine usable format or by computer printouts in lieu of the forms.

(c) *Alterations permitted.* The recipient shall follow instructions on prescribed standard reporting forms. (The DOL Agency shall shade out any line item on the forms which is not needed for decision-making purposes.)

(d) *Computer outputs.* When it will expedite or contribute to more accurate reporting, the DOL Agency may provide computer outputs to the recipient.

(e) *Subrecipient reports.* The recipient is not required to use the forms prescribed by this section in obtaining financial information from subrecipients. Nevertheless, the recipient shall use forms which provide information that is readily transferable to reporting forms used by the recipient.

§ 29–70.208–4 Special reporting requirements.

Except as otherwise permitted by the following special procedures of this section, DOL Agencies shall observe reporting procedures and shall use only forms and instructions specified in § 29–70.208–2 and § 29–70.208–3 in obtaining recipient financial information:

(a) *Additional reporting—statutory or program requirements.* If applicable Federal statutes or program objectives require more frequent reporting or information not accommodated by the prescribed forms or procedures of this section, the DOL Agency shall:

(1) Issue instructions to the recipient, clarifying the additional requirements and requesting that the recipient insert the information in the "Remarks" section of the appropriate standard form; or

(2) If the "Remarks" section of the standard form cannot provide for the required information, the DOL Agency may impose additional requirements. (*Provided*, That, it has first obtained necessary clearances to impose the requirements in accordance with § 29–70.101(g)(3) or § 29–70.101(h), as appropriate.

(b) *Additional reporting—certain recipients.* If the recipient does not meet the financial management system requirements of § 29–70.207, or is otherwise subject to special requirements in accordance with § 29–70.105, the DOL Agency may require the recipient to submit reports more frequently or to provide more detail (or both) upon written notice to the recipient that additional requirements will be imposed until such time as the recipient meets the DOL Agency standards.

(c) *Requirements of OMB Circular No. A–40.* Whenever additional reporting requirements are to be imposed in accordance with § 29–70.208–4, the DOL Agency shall comply with all reports clearance requirements of OMB Circular No. A–40, as revised.

§ 29–70.208b Financial reporting—CETA requirements.

CETA recipients shall use the standards, procedures, and forms prescribed by this section except as otherwise required by 20 CFR 676.44.

§ 29–70.209 Monitoring and reporting of program performance.

§ 29–70.209–1 General.

Each recipient shall observe the procedures set forth in this section in monitoring and reporting performance of approved project activities.

§ 29–70.209–2 Recipient monitoring responsibilities.

The recipient shall constantly monitor performance of grant or agreement supported activities to assure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved.

§ 29–70.209–3 Reporting requirements.

(a) *Content of report.* The recipient shall submit a performance (technical) report to the DOL Agency which briefly presents the following information for each project activity (in accordance with detailed instructions of the DOL Agency):

(1) A comparison of actual accomplishments to established goals for the period and any findings related to monitoring efforts. If the output can be readily quantified, the recipient shall relate quantitative data to cost data for computation of unit costs.

(2) Reasons for slippage if established goals have not been met.

(3) Other pertinent information including analyses and explanations of any cost overruns or high unit costs.

(b) *Frequency.* Except as provided in paragraphs (b) (1), (2), and (3) of this section and in § 29–70.209–4, or as otherwise required by the DOL Agency, the recipient shall submit performance reports in the same frequency and with the same due dates as those prescribed for the *Financial Status Report* in § 29–70.208–2(a)(2). The recipient shall submit a final performance report at the completion or termination of each grant or agreement in accordance with instructions of the DOL Agency. If the *Financial Status Report* is not required, the recipient shall prepare the required financial report and the performance report in the same frequencies to cover the same time periods so that DOL officials may compare performance under the grant or agreement with costs incurred. Unless specifically requested by the DOL Agency, the recipient need not submit performance reports with financial reports:

(1) If the DOL Agency requires the recipient to submit a performance report with a continuation or renewal application;

(2) If the DOL Agency requests financial information on a fiscal year basis, but requires performance reports on other than a fiscal year basis; or

(3) If the DOL Agency determines that on-site technical inspections and certified percentage-of-completion data will be sufficient to evaluate construction projects.

§ 29–70.209–4 Significant developments between scheduled reporting dates.

Between the regularly scheduled reporting dates, the recipient shall inform the grant officer in writing as soon as the recipient becomes aware of:

(a) Problems, delays, or adverse conditions which may materially affect the recipient's ability to meet planned time schedules, accomplish projected work units by established time periods, or achieve other performance goals. This notice shall include a statement of any remedial actions taken or contemplated, and of any assistance needed from the DOL Agency to resolve the situation.

(b) Favorable developments or events which will enable the recipient to meet time schedules and performance goals sooner than anticipated or to produce more work units in established time periods.

§ 29–70.209–5 Budget revisions.

If any performance review conducted by the recipient discloses the need for a change in budget estimates, the recipient shall submit a written request for budget revision to the grant officer in accordance with criteria established in § 29–70.211.

§ 29–70.209–6 Site visits.

The recipient shall cooperate fully with authorized DOL representatives who shall make visits as frequently as practicable to:

(a) Review program accomplishments and management control systems; and

(b) Provide such technical assistance as may be required.

§ 29–70.209b Monitoring and reporting of program performance—CETA requirements.

(a) *Monitoring.* Each CETA recipient shall: (1) Establish criteria by which to measure its performance and the performance of its contractors and subrecipients; (2) systematically review performance based on established criteria; (3) assess findings and identify any problems at least quarterly; (4) promptly take any necessary remedial actions; and (5) use findings in subsequent program planning and in selecting contractors and subrecipients. A recipient which is a prime sponsor shall establish an independent monitoring unit to ensure objectivity in the monitoring effort. Detailed procedures are set forth in 20 CFR 676.22, 20 CFR 676.34, and 20 CFR 676.75 (CETA, sec. 103(a)(4)(A) and sec. 121q).

(b) *Reporting.* Each CETA recipient shall submit performance reports in accordance with detailed procedures set forth in 20 CFR 676.44 (CETA, sec. 127(d)).

§ 29–70.210 Grant or agreement payment requirements.

§ 29–70.210–1 General.

This section sets forth DOL's methods of making payments to the recipient of a DOL grant or agreement. A DOL Agency shall make payments to the recipient (subject to conditions imposed by this section and terms of the grant or agreement) through advances either by letter of credit or by Treasury check, or through reimbursement by Treasury check upon request of a recipient.

§ 29–70.210–2 Payment methods.

(a) *Standards for determining payment method.* The DOL Agency shall use the standards in this section to determine whether a recipient is eligible to receive advance payments; and, if eligible, whether payments will be made by letter of credit or by Treasury check. If a recipient is ineligible for advance payments, the DOL Agency shall resolve any problems relating to scheduling reimbursements, and shall determine whether an initial working capital advance will be needed whenever the recipient is required to finance its own operations.

(b) *Advance payments.* DOL Agency officials shall limit advances under either of the following methods to actual and immediate cash needs:

(1) *Letter of credit.* A DOL Agency shall use the letter-of-credit funding method whenever all of the following conditions exist:

(i) The recipient has or will have a continuing relationship with the DOL Agency for a period of no less than 12 months;

(ii) The recipient will receive at least $120,000 in advances during that period;

(iii) The recipient has established, or demonstrated to the DOL Agency its willingness and ability to establish and maintain procedures that will minimize the time elapsing between the transfer of funds to, and their disbursement by, the recipient;

(iv) The recipient's financial management system meets the standards for fund control and accountability prescribed in § 29–70.207; and

(v) The recipient has developed, or has demonstrated to the DOL Agency its willingness and ability to develop and maintain procedures for advances to its subrecipients or contractors which conform substantially to the standards of timing and amount imposed on the recipient by the DOL Agency.

(2) *Treasury check.* A DOL Agency shall use Treasury check procedures in advancing funds when the recipient meets the criteria in § 29–70.210(b)(1) except for those in paragraphs (b)(1)(i) or (b)(1)(ii). To request cash advances, the recipient shall submit its projected cash requirements on SF–270, *Request for Advance or Reimbursement,* to the DOL Agency in accordance with procedures set forth in § 29–70.208–2 and the terms and conditions of the grant or agreement.

(c) *Reimbursement by Treasury check.* A DOL Agency shall make payments by reimbursing the recipient by Treasury check in the following circumstances:

(1) When a recipient does not meet the criteria in paragraph (b) of this section needed to receive advance payments; or

(2) When the major portion of the program is accomplished through private market financing or Federal loans, or when the DOL financial assistance constitutes a minor portion of the program.

(3) The recipient is authorized to submit its requests for payment monthly using SF–270, *Request for Advance or Reimbursement.* The DOL Agency shall make payment within 30 days after receipt of the billing unless the billing is improper in form or substance. Payment will cover the approved Federal share of the recipient's cash disbursements made under the grant or agreement since the previous payment.

(d) *Working capital advance procedures.* If the recipient cannot meet the criteria for advance payments, as described in paragraph (b) of this section, and the DOL Agency has determined that reimbursement, as described in paragraph (c), is not feasible because the recipient lacks sufficient working capital, the DOL Agency may make arrangements to provide cash on a working capital advance basis. Under this procedure, the DOL Agency shall advance cash to the recipient to cover its estimated disbursement needs for an initial period generally geared to the recipient's disbursing cycle. Thereafter, the DOL Agency shall reimburse the recipient for disbursements made in accordance with procedures of paragraph (c) of this section. The recipient shall submit SF–270, *Request for Advance or Reimbursement,* to request the working capital advance funds and reimbursement. The DOL Agency shall make payments by Treasury check.

(e) *Optional payment methods—construction.* Notwithstanding paragraphs (a), (b), and (c) of this section, when the principal purpose of a DOL grant or agreement is construction, the DOL Agency may determine which payment method is appropriate for the particular grant or agreement.

(f) *Waiver of payment method requirements.* There may be instances when the DOL Agency determines that use of letter-of-credit procedures (required for grants and agreements meeting criteria of § 29–70.210–2(b)(1)) are inappropriate for a specific grant or agreement. Upon written request of the DOL Agency, the Department of the Treasury will consider requests for a waiver of the requirement on a case-by-case basis.

§ 29-70.210-3 Payment condition.

The DOL Agency shall stipulate in the grant or agreement the method of payment. If a recipient receiving advance payments does not comply with standards of timing and amounts set forth in § 29-70.210-2(b), the DOL Agency may, after notice to the recipient, discontinue the advance payment method and make payments by reimbursement (see § 29-70.105).

§ 29-70.210-4 Consolidation of advances.

When letter-of-credit procedures are used, the DOL shall, to the extent feasible, issue a single or consolidated letter of credit to the recipient to cover anticipated cash needs for all DOL grants and agreements. When advances are made by Treasury check, DOL Agencies shall, to the extent feasible, consolidate advances for all DOL grants and agreements with the recipient.

§ 29-70.210-5 Withholding of payments.

(a) Unless otherwise required by law, DOL Agencies shall not withhold payments for proper charges made by a recipient at any time during the period of the grant or agreement unless:

(1) The recipient has failed to carry out project objectives, or to comply with grant or agreement conditions; or

(2) The recipient is indebted to the United States, and collection of the indebtedness will not impair accomplishment of the objectives of any project or program sponsored by the DOL.

(b) If a situation described in § 29-70.210-5(a) (1) or (2) exists, the DOL Agency may, upon reasonable notice, inform the recipient that payments will not be made for obligations incurred by the recipient after a specified date until the conditions are corrected or the indebtedness to the Federal Government is liquidated.

§ 29-70.210-6 Joint funding.

Payment procedures for grants and agreements which are jointly funded with another Federal agency are prescribed in OMB Circular No. A-111.

§ 29-70.210b Grant or agreement payment—CETA requirements.

The DOL Agency may withhold otherwise payable funds to recover amounts expended in any fiscal year in violation of CETA statutory or regulatory requirements, or terms or conditions of the grant or agreement. In addition to requirements of § 29-70.210-5(b), the DOL Agency may, if the withholding results from fraud or other misspending of funds and if the funds are being withheld from a prime sponsor, direct the prime sponsor to continue the program as approved in the current grant or agreement using non-CETA funds. If such direction is given, the DOL Agency shall, at the same time, inform the prime sponsor that failure to carry out the program as directed will result in the Department's enforcing its directive by civil action unless the prime sponsor elects to terminate participation under the Act. Such an election would constitute grounds for the DOL Agency to terminate the grant or agreement for cause in accordance with procedures in § 29-70.213 (CETA, sec. 106(g)).

§ 29-70.211 Modifications and budget revision procedures.

§ 29-70.211-1 General.

This section provides criteria and procedures to be followed by the recipient in reporting financial plan deviations, and in requesting approval when changes are contemplated in the budget, project objectives, or other provisions of the approved grant or agreement. This section also provides procedures to be followed by the DOL Agency in modifying a grant or agreement.

§ 29-70.211-2 Grant or agreement budget.

The budget (approved financial plan for carrying out the purposes of the grant or agreement) shall include the Federal share, and may include the non-Federal share if required in the DOL Agency application instructions. The recipient shall relate the budget changes to performance to provide for project evaluation.

§ 29-70.211-3 Grant or agreement changes requiring DOL approval.

(a) *Nonconstruction grants and agreements.* The recipient promptly shall notify the grant officer and shall request prior written approval when it seeks a modification of the grant or agreement for any of the following reasons:

(1) Changes in the approved scope or objectives of the project supported by the grant or agreement.

(2) Changes which may affect the DOL cost or the grant or agreement period.

(3) Proposed transfer of amounts budgeted for indirect costs to absorb increases in direct costs.

(4) Proposed addition of items requiring approval in accordance with applicable Federal cost principles.

(5) The Federal share of the grant or agreement exceeds $100,000, and the cumulative amount of transfers among direct cost categories (or among functions and activities when budgeted separately for award) exceeds or is expected to exceed 5 percent of the total budget as last approved by the grant officer. The recipient shall not transfer any funds which will cause DOL appropriated funds to be used for purposes other than those intended.

(6) In grants or agreements awarded for the purpose of providing employment and/or training, the revision involves the transfer of amounts previously budgeted for direct payments to trainees or other participants to other categories of expense.

(b) *Construction grants and agreements.* The recipient shall notify the grant officer and request prior written approval whenever:

(1) The revision results from changes in the approved scope or the objectives of the project; or

(2) The revision increases the budgeted amounts of DOL funds needed to complete the project.

(c) *Grants and agreements including construction and nonconstruction work.* The recipient shall notify the grant officer and shall request prior written approval if the revision involves the transfer of funds between construction and nonconstruction work.

§ 29-70.211-4 Grant or agreement changes not requiring prior DOL approval.

The recipient need not obtain prior DOL approval for other budget changes. For example, the recipient may use non-DOL funds to further project objectives over and above the recipient minimum share included in the budget of a grant or agreement; or may transfer amounts budgeted for direct costs to absorb those increases in indirect costs approved by the Department.

§ 29-70.211-5 Modification procedures.

(a) *Recipient requests for modification.* The recipient may request grant officer approval by letter for items added to a budget which must have prior approval in accordance with applicable cost principles (see § 29-70.211-3(a)(4)). All other requests involving revisions identified in § 29-70.211-3 require a formal modification. These requests shall be accompanied by a revised SF 424, *FEDERAL ASSISTANCE,* budget forms used in the original grant or agreement (revised to show the proposed changes), and other information required by the grant officer.

(b) *Approval of requests.* Within 30 calendar days from date of receipt of a request for approval, the grant officer shall review the request and notify the recipient as to whether the request has been approved or disapproved. If the request is still under consideration at

the end of 30 calendar days, the grant officer shall notify the recipient as to when the decision is expected to be made. If approved (except for requests pursuant to § 29–70.211–3(a)(4)), the changes to the grant or agreement shall be shown in a formal modification, bilaterally executed by the grant officer and the recipient or their authorized representatives. If the effective date of the change is not shown in the modification, the date of execution by the grant officer shall be the effective date. The grant officer shall number modifications consecutively and shall retain a copy of all documents pertaining to a modification (e.g., approved revised budgets) in the official grant or agreement file.

(c) *DOL-initiated modifications.* (1) In addition to modifications issued in response to proposed changes identified in § 29–70.211–3, the grant officer shall issue modifications as needed to add new conditions, terms, or assurances required by Federal law or regulation. These modifications must be bilaterally executed by the grant officer and the recipient unless an applicable statute (or an amendment thereto), of itself, changes requirements of existing grants or agreements.

(2) The grant officer may unilaterally issue modifications under the following circumstances:

(i) To incorporate administrative changes (changes which do not affect the substantive rights of the DOL Agency or the recipient) into the grant or agreement. Examples of these changes include designating a different project officer, or a change in office location to which reports are to be sent; or adding dollar increments in grants or agreements which are incrementally funded; or

(ii) When specifically authorized to do so by applicable Federal law or regulations, or by terms of the grant or agreement, to make changes in the DOL cost; or in the period, scope, or objectives of the grant or agreement—changes which normally require a bilaterally executed modification. For example, the grant officer, in closing out, or in suspending or terminating a grant or agreement for cause, may (under specific, stated circumstances) unilaterally change principal provisions of the grant or agreement (see § 29–70.212 and § 29–70.213); or

(iii) When there has been a change in any Federal statute, regulation, Executive Order, or other Federal law relevant to the financial assistance provided under the grant or agreement. In order to implement this policy, all DOL Agency grants and agreements entered into on or after October 1, 1979, shall contain a provision that, as a condition for receipt of financial assistance, the recipient agrees to accept a unilateral modification by the grant officer whenever there has been a change in any Federal statute, regulation, Executive Order, or other Federal law, which, as determined by the DOL Agency, is relevant to the financial assistance provided under the grant or agreement.

(d) *Timing of modifications.* The grant officer may modify a grant or agreement:

(1) At any time prior to final payment if payments are made to the recipient by reimbursement.

(2) At any time prior to closeout if advance payments are made by letter of credit or by Treasury check.

(3) Subsequent to final payment or closeout (as appropriate) only to reflect the results of final audits, disputes appeals, or resolution of other unresolved matters identified upon final payment or at closeout.

§ 29–70.211–6 Notification of excess Federal funds.

The recipient of either a construction or non-construction grant or agreement shall promptly notify the grant officer whenever the amount of authorized Federal funds is expected to exceed recipient needs by more than $5,000 or 5 percent of the Federal grant or agreement, whichever is greater (see § 29–70.208–2(b)). If the recipient submits applications for additional funding of continuing grants or agreements, this notification is not required.

§ 29–70.211a Modifications and budget revision procedures—special requirements, nonprofit organizations.

Unless the grant or agreement approved by the DOL Agency provides for the transfer of the substantive, programmatic work, the recipient shall request written grant officer approval prior to transferring DOL funds (by subgrant, subcontract, or subagreement) for the purpose of performing such work. A formal modification, prepared in accordance with § 29–70.211–5 will be prepared to reflect the transfer of funds and activities.

§ 29–70.211b Modifications and budget revision procedures—CETA requirements.

Procedural details for modifying CETA grants and agreements are set forth in the CETA regulations at 20 CFR 676.16.

§ 29–70.212 Closeout procedures. [Reserved]

§ 29–70.213 Suspension and termination of grants and agreements; debarment. [Reserved]

§ 29–70.214 Applying for Federal financial assistance.

§ 29–70.214–1 General.

This section provides procedures to be followed by an applicant or recipient in applying for financial assistance under a DOL grant or agreement; prescribes standard forms to be used by an applicant or recipient that is a State, local, or federally recognized Indian tribal government; and provides assurances to be included in applications submitted by an applicant or recipient that is a nonprofit organization. A recipient shall ensure that application forms used by a prospective subrecipient include the assurances which are appropriate to the type of subrecipient, i.e., State, local, or federally recognized Indian tribal government or nonprofit organization.

§ 29–70.214–2 Clearinghouse review—OMB Circular No. A–95.

(a) OMB Circular No. A–95 provides procedures to ensure that Federal agencies and State and local governments cooperate in evaluating, reviewing, and coordinating Federal and federally assisted programs. DOL programs subject to the A–95 requirements are identified in Appendix 1 of the current Catalog of Federal Domestic Assistance. A DOL Agency having programs covered under the circular shall inform potential applicants for assistance of requirements to ensure early contact between an applicant and appropriate clearinghouses.

(b) Each applicant for financial assistance under a covered program shall notify appropriate State and areawide clearinghouses of its intent to apply; and provide the clearinghouses with an opportunity to review its completed application in accordance with DOL Agency instructions. The A–95 notification requirements also apply to proposed significant modifications to a project under a covered program or to applications to renew a project under a covered program.

(c) The DOL Agency shall consider any comments or recommendations of the clearinghouses in evaluating applications for projects under covered programs.

§ 29-70.214-3 Forms for applying for DOL financial assistance—jointly funded grants or agreements.

In applying for financial assistance under a jointly funded grant or agreement (a grant or agreement funded by more than one Federal agency), an applicant or recipient shall use forms or modifications to forms prescribed in OMB Circular No. A-111.

§ 29-70.214-4 Standard forms—State, local, and federally recognized Indian tribal governments.

State, local, and federally recognized Indian tribal governments shall use the following forms in applying for financial assistance under DOL grants and agreements:

(a) *Preapplication for Federal assistance.* (1) When required by the DOL Agency, a potential applicant shall submit a preapplications to the DOL (using SF 424 and related forms shown as Exhibit M-1 of Attachment M to OMB Circular No. A-102); and to clearinghouses if subject to OMB Circular No. A-95 procedures. Submission of a preapplication indicates an intent to apply for Federal financial assistance under a DOL grant or agreement. DOL Agencies will ordinarily use the preapplication to—

(i) Establish communications with potential applicants;

(ii) Determine a potential applicant's eligibility;

(iii) Determine how well a proposed project can compete with those of others: and

(iv) Eliminate any proposal which has little or no chance to be funded before the potential applicant incurs the expenditures involved in preparing an application.

(2) The potential applicant shall submit the preapplication forms whenever the DOL financial assistance for construction, land acquisition, or land development projects will exceed $100,000. If specifically required by the DOL Agency, the potential applicant shall also submit the forms when the DOL financial assistance will amount to $100,000 or less; or for projects other than projects for construction, land acquisition, or land development. In addition, potential applicants may use a preapplication form even when not specifically required by the DOL Agency.

(3) *Notice of preapplication review action.* DOL Agencies shall use the "Notice of Preapplication Review Action," shown as Exhibit M-2 of Attachment M to OMB Circular No. A-102, to inform a potential applicant of the results of the DOL review of a submitted preapplication. The responsible grant officer shall, within 45 days of the receipt of a preapplication, send the notice or inform the potential applicant in writing as to when he or she expects to complete the review.

(b) *Application for Federal assistance (nonconstruction programs).* Except as provided in paragraphs (c) and (d) of this section, the applicant shall use the "Application for Federal Assistance (Nonconstruction Programs)," shown as Exhibit M-3 of Attachment M to OMB Circular No. A-102, in applying for a grant or agreement.

(c) *Application for federal assistance (for construction programs).* The applicant shall use the "Application for Federal Assistance (For Construction Programs)," shown as Exhibit M-4 of Attachment M to OMB Circular No. A-102, in applying for a grant or agreement whose major purpose involves construction, land acquisition, or land development except when the "Application for Federal Assistance—Short Form" (see § 29-70.214-4(d)) is used.

(d) *Application for Federal assistance (short form).* The applicant shall use the "Application for Federal Assistance (Short Form)," shown as Exhibit M-5 of Attachment M to OMB Circular No. A-102, in applying for a single-purpose or a one-time grant or agreement for less than $10,000 which does not require clearinghouse approval, an environmental impact statement, or the relocation of persons, businesses, or farms; and may use the form for applying for grants or agreements of larger amounts if its use has been approved by the DOL Agency.

§ 29-70.214a Applying for Federal financial assistance—Special requirements, nonprofit organizations.

The DOL Agency shall prescribe the forms to be used by an applicant or potential applicant in applying for financial assistance except that SF 424, federal assistance, shall be used as the face sheet for applications and preapplications for grants or agreements under programs covered by Part I, Attachment A, of OMB Circular No. A-95. In addition, the DOL Agency shall ensure that the following assurances are included as a part of any prescribed application for financial assistance:

(a) *Nonconstruction programs.* The applicant (or recipient) hereby assures and certifies that it will comply with applicable regulations, including 41 CFR Part 29-70, and applicable policies, guidelines, and requirements, including OMB Circulars Nos. A-95 and A-110, and with applicable Federal cost principles as they relate to the application for, and acceptance and use of Federal funds for this federally assisted project. Also the applicant (or recipient) assures and certifies, with respect to the grant or agreement, that:

(1) It possesses legal authority to apply for the grant or agreement; that a resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

(2) It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and, in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance; and will immediately take any measures necessary to effectuate this agreement.

(3) It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant or agreement is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.

(4) It will comply with requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. 4601 et seq.) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.

(5) It will comply with the provisions of the Hatch Act which limit the political acitivity of State and local government employees.

(6) It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201 et seq.) as they apply to employees of institutions of higher education, hospitals, and other nonprofit organizations as defined in these regulations.

(7) It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or

others, particularly those with whom they have family, business, or other ties.

(8) It will give the Department of Labor and the Comptroller General, through any authorized representative, the access to and the right to examine all records, books, papers, or documents related to the grant or agreement, including the records of contractors, subcontractors, and subrecipients performing under the grant or agreement.

(9) It will comply with all requirements imposed by the Department of Labor concerning special requirements of law, program requirements, and other administrative requirements.

(10) It will ensure, pursuant to Executive Order 11738, that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) List of Violating Facilities and that it will notify the Department of Labor of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

(11) It will assist the Department of Labor in its compliance with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a–1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the recipient's activity, and notifying the Department of Labor of the existence of any such properties, and by (b) complying with any requirements established by the Department of Labor to avoid or mitigate adverse effects upon such properties.

(12) It will comply, to the extent applicable, with all the requirements of Section 114 of the Clean Air Act, (42 U.S.C. 1857, et seq.) and section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), respectively, relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in section 114 and section 308 of the Air Act and Water Act, respectively, and all regulations and guidelines issued thereunder.

(13) It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106 and 4128) which requires the purchase of flood insurance, on and after March 2, 1974, in communities where such insurance is available, as a condition for the receipt of any Federal financial assistance for acquisition or construction purposes with respect to insurable property within an area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.

The term "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

(14) It will comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and with all requirements imposed by the Department of Labor pursuant to the regulations of the Department of Health, Education, and Welfare (45 CFR Part 85) promulgated under the foregoing statute. The applicant agrees that, in accordance with the foregoing requirements, no otherwise qualified handicapped person, by reason of handicap, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, and assures that it will take any measures necessary to effectuate this agreement.

(15) It will comply, to the extent applicable, with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.) which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.

(16) It will include the equal employment opportunity clause prescribed by Executive Order 11246, as amended, and will require that its subrecipients include the clause, in all contracts or subcontracts which have or are expected to have an aggregate value within a 12-month period exceeding $10,000, in accordance with Department of Labor regulations at 41 CFR Part 60–1.4.

(17) If the grant or agreement is under a statute providing wage standards for such work, it will include, and will require that its subrecipients include, the provision covering the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–332) set forth in 29 CFR 5.5(c) and (e) in any nonexempt nonconstruction contract or subcontract which involves the employment of mechanics and laborers (including watchmen, guards, apprentices, and trainees) if the contract exceeds $2500.

(18) It will comply with standards for environmental quality control that may be prescribed pursuant to responsibilities of the Federal Government under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and Executive Order 11514, Protection and Enhancement of Environmental Quality as amended by Executive Order 11991.

(b) *Construction programs.* The applicant (or recipient) hereby assures and certifies that it will comply with applicable regulations, including 41 CFR 29–70, and applicable policies, guidelines, and requirements, including OMB Circulars Nos. A–95 and A–110 and with applicable Federal cost principles as they relate to the application for, and acceptance and use of Federal funds for this federally assisted project. Also the applicant (or recipient) assures and certifies, with respect to the grant or agreement, that:

(1) It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; a resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

(2) It will comply with the provisions of Executive Order 11988, relating to evaluation of flood hazards, and Executive Order 12088, relating to the prevention, control, and abatement of water pollution.

(3) It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.

(4) It will obtain approval by the Department of Labor Agency of the final working drawings and specifications before the project is advertised or placed on the market for bidding; it will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications; it will submit to the Department of Labor Agency for prior approval, changes that

alter the costs of the project, use of space, or functional layout; it will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) have been met.

(5) It will comply with the provisions of the Hatch Act which limit the political activity of state and local government employees.

(6) It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to ensure that the completed work conforms with the approved plans and specifications; it will furnish progress reports and such other information as the Department of Labor Agency may require.

(7) It will operate and maintain the facility in accordance with such minimum standards as may be required or prescribed by the applicable Federal, State, and local agencies for the maintenance and operation of such facilities.

(8) It will give the Department of Labor and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant or agreement, including the records of contractors and subcontractors performing under the grant or agreement.

(9) It will comply with the Architectural Barriers Act of 1968, (42 U.S.C. 4151 *et seq.)* and the standards issued pursuant to the Act. The applicant will be responsible for seeing that facilities are designed and constructed in accordance with applicable standards and for conducting inspections to ensure compliance with these specifications by the contractor.

(10) It will cause work on the project to be commenced within a reasonable time after receipt of notification from the Department of Labor Agency that funds have been approved; and will prosecute the project to completion with reasonable diligence.

(11) It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the government holds bonds, whichever is the longer.

(12) It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and, in accordance with Title VI of that Act and Department of Labor regulations at 29 CFR 31, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(13) It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

(14) It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. 4601 et seq.) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.

(15) It will comply with all requirements imposed by the Department of Labor concerning special requirements of law, program requirements, and other administrative requirements.

(16) It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other nonprofit organizations as defined in these regulations.

(17) It will ensure, pursuant to Executive Order 11738, that the facilities under its ownership, lease, or supervision which shall be utilized in the accomplishment of the project, are not listed on the Environmental Protection Agency's (EPA) List of Violating Facilities; and it will notify the Department of Labor of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be utilized in the project is under consideration for listing by the EPA.

(18) It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106 and 4128). Section 102(a) requires, on and after March 2, 1974, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

(19) It will assist the Department of Labor in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a–1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Department of Labor of the existence of any such properties, and by (b) complying with all requirements established by the Department of Labor to avoid or mitigate adverse effects upon such properties.

(20) It will comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented by Department of Labor Regulations (41 CFR Part 60). This requires the inclusion of the equal employment opportunity clause as prescribed in 41 CFR 60–1.4(b) and the Standard Federal Equal Employment Opportunity Construction Contract Specifications required in 41 CFR 60–4.3(c) in all nonexempt contracts and subcontracts involving federally assisted construction. The requirement applies to contracts which have or are expected to have an aggregate value within a 12-month period exceeding $10,000.

(21) When required by the Federal program legislation, it will ensure that laborers and mechanics receive at least the wages determined in accordance with the Davis-Bacon Act (40 U.S.C. 276a to a–7) as supplemented by Department of Labor regulations (29 CFR Part 5). This applies to all construction contracts of more than $2,000 awarded by a recipient or subrecipient. Under this Act, contractors and subcontractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition,

contractors and subcontractors shall be required to pay wages not less than once per week. The recipient or subrecipient shall place a copy of the current prevailing wage determination issued by the Department of Labor and the provisions set forth in 29 CFR 5.5(a) in each solicitation, and the award of a contract or subcontract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the Department of Labor Agency.

(22) It will comply with the Copeland "Anit-Kickback" Act (18 U.S.C. 874). This applies to all construction, alteration, and repair financed in whole or in part by loans or grants from the United States. It provides that each recipient, subrecipient, contractor, and subcontractor, or any other person shall be prohibited from inducing by any means, any person employed in the construction, completion, or repair of public works, to give up any part of the compensation to which he or she is otherwise entitled. The recipient shall report all suspected or reported violations to the Department of Labor Agency. When Federal program legislation provides that the Davis-Bacon labor standards apply, the recipient ensures that contractors and subcontractors with contracts or subcontracts in excess of $2,000 shall comply with Department of Labor regulations at 29 CFR Part 3.

(23) If the grant or agreement is under a statute providing wage standards for such work, it will comply with the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333). It will include, and will require that its subrecipients include, the provision set forth in Department of Labor regulations at 29 CFR 5.5(c) in each construction, alteration, or repair contract awarded in excess of $2,000 which involves the employment of mechanics or laborers.

(24) It will comply with the provision of Executive Order 11990, relating to protection of wetlands as follows: (a) avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands; (b) avoid direct or indirect support of new construction in wetlands, wherever there is a practicable alternative; (c) design, construct, operate, and maintain the project by taking actions both to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands, when there is no practicable alternative; and (d) for projects covered by Section 104(h) of the Housing and Community Development Act of 1977, assume the responsibilities under provisions in Section 2 and 5 of this Order, if the applicant has also assumed with respect to such projects, all of the responsibilities for environmental review, decisionmaking and action pursuant to the National Environmental Policy Act of 1969, as amended.

(25) It will comply with the provisions of Executive Order 11988, relating to floodplain management as follows: (a) avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains; (b) avoid direct or indirect support of flood plain development, wherever there is a practicable alternative; (c) design, construct, operate, and maintain the project by taking actions to minimize potential harm to or within the floodplain; and (d) for projects covered by Section 104(h) of the Housing and Community Development Act of 1977, assume the responsibilities under provisions 2(a) of this Order, if the applicant has also assumed with respect to such projects, all of the responsibilities for environmental review, decisionmaking and action pursuant to the National Environmental Policy Act of 1969, as amended.

(26) It will comply with standards for environmental quality control that may be prescribed pursuant to reponsibilities of the Federal Government under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and Executive Order 11514, Protection and Enhancement of Environmental Quality, as amended by Executive Order 11991.

§ 29–70.214b Applying for Federal financial assistance—CETA requirements.

Procedures and forms for applying for financial assistance under CETA grants or agreements may be found at 20 CFR, Subpart A of Part 676; and Parts 677 through 695.

§ 29–70.215 Property management standards.

§ 29–70.215–1 General.

This section prescribes standards governing the management of property furnished by the DOL or acquired in whole or in part with financial assistance awarded by a DOL Agency, or property whose cost is charged to a project in support of a DOL grant or agreement. A recipient may follow its own property management policies and procedures provided that it observes the requirements of this section.

§ 29–70.215–2 Real property.

The following requirements concerning title to, and the use and disposition of real property funded wholly or in part by financial assistance awarded by a DOL Agency, apply to recipients of DOL grants and agreements.

(a) *Title.* Title to real property shall vest in the recipient subject to the conditions given in paragraphs (b) and (c) of this section.

(b) *Use.* The recipient shall use the real property for the authorized purpose of the original grant or agreement as long as needed. When the recipient determines that the property is no longer needed for originally authorized purposes, the recipient may request in writing that the grant officer authorize the recipient to use the property for the following purposes:

(1) Activities under other Federal grants or agreements for assistance-type projects.

(2) Activities under non-Federal projects which have purposes consistent with those authorized for support by the DOL.

(c) *Disposition.* When the real property is no longer needed for purpose specified in paragraph (b), the recipient shall request disposition instructions from grant officer (or from the grant officer of the successor Federal agency if control of the property regarding use and disposition has been transferred to another agency in accordance with paragraph (b)(1)). The grant officer shall observe the following rules in issuing disposition instructions—

(1) The recipient may be permitted to retain title to the property with Federal restrictions removed after compensating the DOL for its fair share computed by applying the DOL percentage of participation in the cost of the original project to the current fair market value of the property as determined by licensed appraisers; or

(2) The recipient may be directed to sell the property under guidelines provided by the DOL Agency and to pay the DOL an amount computed by applying the DOL percentage of participation in the cost of the original project to the proceeds from the sale after deducting actual and reasonable selling and fix-up expenses, if any. The grant officer may require that sales procedures be subject to DOL approval to ensure that competition is obtained to the extent practicable and that the sale results in the highest possible return; or

(3) The recipient may be directed to transfer title to the property to the Federal Government. In such cases, the recipient shall be entitled to

compensation computed by applying the recipient's percentage of participation in the cost of the original project to the current fair market value of the property as determined by licensed appraisers.

§ 29-70.215-3 Federally owned nonexpendable personal property.

(a) *Title.* Title to federally owned property remains vested in the Federal Government.

(b) *Use of federally owned nonexpendable personal property.* The recipient shall use the property for the authorized purposes of the grant or agreement and, during the grant or agreement period, the recipient may make the property available for other activities in accordance with § 29-70.215-6. The recipient shall submit an annual inventory listing of federally owned property in its custody to the DOL Agency.

(c) *Disposition.* Upon completion of the grant or agreement or when the property is no longer needed for work under the grant or agreement, the recipient shall so inform the DOL Agency. The grant officer shall request that DOL property officers review the need for further utilization of the property by the DOL. If the DOL has no further need for the property, it shall be declared excess and reported to the General Services Administration. The DOL Agency shall issue appropriate disposition instructions to the recipient. Under no circumstances shall a recipient sell federally owned property.

§ 29-70.215-4 Exempt nonexpendable personal property.

(a) *Title.* When statutory authority exists (e.g., Sec. 7(b) of the Federal Grant and Cooperative Agreement Act of 1977—41 U.S.C. 501), title to nonexpendable personal property acquired with grant or agreement funds may vest in the recipient upon acquisition if the grant officer determines that to do so is in furtherance of DOL objectives.

(b) *Use and disposition.* When title to such property vests in the recipient, the recipient shall have no further obligation or accountability to the DOL unless the property is subject to the special requirements regarding transfer of title which are set forth in § 29-70.215-5(f).

§ 29-70.215-5 Other nonexpendable personal property.

(a) *Special acquisition restriction.* If it is in the DOL's best interest, the grant officer shall require that nonexpendable personal property needed for projects under DOL grants or agreements be obtained by lease rather than purchase. A prospective recipient shall be given written notice of this restriction either in the solicitation or by other public notice prior to grant or agreement award.

(b) *Acquisitions requiring prior approval.* The recipient shall obtain prior approval from the grant officer for all purchases of nonexpendable personal property having a unit acquisition cost of $1,000 or more and a useful life of more than 1 year. When deemed necessary for a project or class of projects, the DOL Agency may require that the recipient obtain prior approval for purchases having a unit acquisition cost of $300 or more and a useful life of more than 1 year. A prospective recipient subject to this restriction shall be given written notice of this requirement either in the solicitation or by other public notice prior to grant or agreement award. The recipient may request approval by itemizing such purchases in the grant or agreement application prior to award or by submitting written requests for approval of such purchases during the grant or agreement period.

(c) *Title.* When the recipient purchases nonexempt, nonexpendable personal property with grant or agreement funds, title shall vest in the recipient subject to the conditions set forth in § 29-70.215-5(d), (e), and (f), and in § 29-70.215-6. (Section 29-70.215-5(f) provides special restrictions regarding title, use, and disposition of specific, identified property.)

(d) *Use of property to which recipient has title.* Unless otherwise provided in the grant or agreement or in documents authorizing acquisition (in accordance with paragraph (f)), the recipient shall use the property in the project for which it was acquired as long as it is needed, whether or not the project continues to be supported by DOL funds. When no longer needed for the original project, the recipient shall use the property for other federally assisted activities in the following order of priority:

(1) Activities receiving financial assistance from the DOL.

(2) Activities receiving financial assistance from other Federal agencies.

(e) *Disposition of property to which recipient has title.* When the property is no longer needed for activities specified in § 29-70.215-5(d), the recipient may use the property for other activities or may dispose of the property in accordance with the following standards:

(1) *Property with a unit acquisition cost of less than $1,000.* The recipient may use the property for other activities without reimbursement to the DOL or may sell the property and retain the proceeds.

(2) *Property with a unit acquisition cost of $1,000 or more.* Unless otherwise provided in the grant or agreement—

(i) The recipient may retain the property for other uses: *Provided,* That compensation is made to the DOL (or to the successor Federal agency if control of the property has been transferred to another agency in accordance with paragraph (d)(2)). The recipient shall compute amounts due the Department by applying the percentage of DOL participation in the cost of the original grant or agreement under which the property was obtained to the current fair market value of the property; or

(ii) If the recipient has no need for the property and the property has further use value, the recipient shall report the item or items to the DOL on Standard Form (SF) 120, "Report of Excess Personal Property," for disposition instructions. The DOL shall determine whether the property can be used to meet other DOL needs. If no need exists in the Department, the DOL shall report the availability of the property to the General Services Administration in accordance with Federal Property Management Regulations (41 CFR Part 101-43) to determine whether other Federal agencies have a need for the property. The grant officer shall then issue instructions to the recipient within 120 calendar days from the date of receipt of the SF 120, and the following procedures shall govern:

(A) If so instructed, or if DOL disposition instructions are not issued within the 120 calendar days, the recipient shall sell the property. The recipient shall compute the DOL share by applying, against the sales proceeds, the percentage of DOL participation in the cost of the grant or agreement under which the property was purchased. To cover selling and handling expenses, the recipient may deduct and retain from the DOL share $100 or 10 percent of the sales proceeds, whichever is greater. The recipient shall remit the adjusted amount to the DOL.

(B) If the recipient is instructed to ship the property elsewhere, the recipient will be reimbursed by the benefiting Federal agency in an amount that is computed by applying to the current fair market value of the property, the percentage of the recipient's participation in the cost of the grant or agreement under which the property was purchased and by adding any reasonable diposition costs incurred including shipping or iterim storage costs.

(C) If the recipient is instructed to otherwise dispose of the property, the

recipient shall be reimbursed by the DOL for costs incurred in its disposition.

(f) *Property subject to title transfer.* For items of nonexpendable personal property having a unit acquisition cost of $1,000 or more, the grant officer may require the recipient to transfer title to the property to the Federal Government or to a non-Federal third party named by the grant officer when such party is eligible under existing statutes to be furnished the property. This will normally be done only when the activity for which the property was acquired is transferred to another recipient, or when the property is no longer needed by the present recipient and the grant officer has determined that such property would be difficult or costly to replace. The right to require transfer of title shall be subject to the following standards:

(1) The property shall have been specifically identified as being subject to title transfer in the grant or agreement; or, if after award, at the time that written authority was given to a recipient to acquire such property.

(2) In order to exercise the right, the DOL Agency shall issue disposition instructions to the recipient not later than 120 calendar days after the end of Federal support for the project or the activities for which the property was acquired. If instructions are not issued within that time, the Department's right shall lapse, and the recipient shall apply the standards set forth in § 29–70.215–5(d) and (e)(2).

(3) If the DOL Agency orders title to be transferred to the Federal Government, the property shall be subject to the provisions for federally owned nonexpendable personal property given in § 29–70.215–3.

(4) If the recipient transfers title either to the Federal Government or to a non-Federal third party, the recipient shall be reimbursed with an amount which is computed by applying, to the current fair market value of the property, the percentage of recipient participation in the cost of the grant or agreement under which the property was purchased plus any reasonable disposition costs incurred including shipping or interim storage costs. Reimbursement shall be made by the benefiting Federal agency or by the benefiting non-Federal third party, as appropriate.

§ 29–70.215–6 Shared use of nonexpendable personal property.

During the time that nonexempt, nonexpendable personal property is held for project purposes in connection with the grant or agreement under which it was acquired, the recipient shall make it available for other uses if such uses will not interfere with work under the grant or agreement for which the property was acquired. The recipient shall give first preference for such shared use to other DOL projects; second preference, to financially assisted projects of other Federal agencies; and third preference, to non-Federal uses which have purposes consistent with those authorized for financial assistance by the DOL. The recipient shall obtain prior approval from the grant officer for shared use on third preference and other non-Federal uses. The grant officer shall determine whether user charges are appropriate.

§ 29–70.215–7 Property management standards for nonexpendable personal property.

The recipient shall observe the following minimum Federal standards in managing nonexpendable personal property:

(a) The recipient may use its own standards in managing nonexpendable personal property which is exempt under § 29–70.215–4 and not subject to special requirements set forth in § 29–70.215–5(f). For all other nonexpendable personal property, the recipient shall maintain accurate property records which include:

(1) A description of the property;

(2) An identification number, such as the manufacturer's serial number, manufacturer's model number, Federal stock number, national stock number, or other identification number;

(3) Source of the property (e.g., name of commercial source, excess, surplus property, or Federal Government) and grant or agreement number;

(4) Information as to whether title vests in the recipient or the Federal Government;

(5) Acquisiton date (or date received if the property was furnished by the Federal government);

(6) For property not furnished by the Federal Government, percentage (as of the end of the budget year) of Federal participation in the cost of the project for which the property was acquired;

(7) Location, use, and condition of property, and the date this information was obtained;

(8) Unit acquisition cost; and

(9) Ultimate disposition data, including date of disposition and selling price or the method used to determine current fair market value if the DOL was compensated for its share.

(b) The recipient shall ensure that property owned by the Federal Government is marked to indicate Federal ownership.

(c) The recipient shall take a physical inventory of such property and reconcile the results with the property records at least once every 2 years (or each year for federally owned property in accordance with § 29–70.215–3(b)). The recipient shall investigate any difference between quantities determined by the physical inspection and those shown in the accounting records and determine the causes of difference. The recipient shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.

(d) The recipient shall maintain a control system which ensures adequate safeguards to prevent property damage, loss, or theft, and shall investigate and document any damage to or loss or theft of nonexpendable personal property. If the property is federally owned, the recipient shall promptly notify the grant officer, in writing, concerning the damage, loss, or theft.

(e) The recipient shall implement adequate maintenance procedures to keep the property in good condition.

(f) When authorized or required to sell the property, the recipient shall establish proper sales procedures which provide for competition to the extent practicable and result in the highest possible return.

(g) The recipient shall retain property records in accordance with § 29–70.203.

§ 29–70.215–8 Expendable personal property.

(a) Title to expendable personal property acquired for use under the grant or agreement shall vest in the recipient subject to the disposition restrictions set forth in paragraph (b) of this section.

(b) The recipient shall maintain records sufficient to determine the amount of unused expendable personal property on hand at the expiration date or upon termination or completion of the grant or agreement. If there is an inventory of unused expendable personal property exceeding $1,000 in total aggregate current fair market value at the expiration date or upon termination or completion, and if the property is not needed for any other federally financially assisted project, the recipient may retain the property for use on nonfederally assisted activities, or sell it. Whether retained or sold, the recipient shall compensate the DOL as follows: The amount shall be computed by multiplying the current fair market value of the property (if retained by the recipient) or the proceeds from sale of the property (if sold) by the percentage of DOL participation in the costs of the grant or agreement and by deducting

and retaining 10 percent of any sales proceeds.

§ 29–70.215–9 Intangible personal property.

(a) *Inventions and patents.* If any project produces patentable items, patent rights, processes, or inventions in the course of work under a DOL grant or agreement, the recipient shall report the fact promptly and fully to the grant officer. Unless there is a prior agreement between the recipient and the DOL Agency on these matters, the DOL Agency shall determine whether to seek protection on the invention or discovery. The DOL Agency shall determine how the rights in the invention or discovery, including rights under any patent issued thereon, will be allocated and administered in order to protect the public interest consistent with the "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and Statement of Government Patent Policy as printed in 36 FR 16889).

(b) *Copyrights.* The following copyright policy shall apply:

(1) Unless otherwise provided in terms of the grant or agreement, when copyrightable material is developed in the course of or under a DOL grant or agreement, the author or the recipient organization which developed the work is free to copyright the material or to permit others to do so.

(2) If any material developed in the course of or under a DOL grant or agreement (or a recipient contract, subgrant, or subagreement) is copyrighted, the DOL shall have a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, and otherwise use, and to authorize others to use, the work for Government purposes.

§ 29–70.215–10 Excess personal property.

(a) A recipient may obtain Federal excess property for use in federally financially assisted projects, *Provided,* That, the recipient (other than a federally recognized Indian tribal government) pays to the Government from grant funds 25 percent of the original acquisition cost of the property.

(b) Title to the property vests in a recipient who has paid the 25 percent of cost for the property. Such a recipient shall use the property in the manner prescribed for nonexpendable personal property (§ 29–70.215–5(d)), and shall account for the property in accordance with § 29–70.215–7. When such property is no longer needed for activities specified in § 29–70.215–5(d), the recipient may, regardless of whether the unit cost of the property exceeds $1,000, use the property for other activities without reimbursement to the DOL or may sell the property and retain the proceeds.

(c) Title to excess property obtained by a recipient which is a federally recognized Indian tribal government remains vested in the Federal Government. The recipient shall use and dispose of the property in accordance with requirements for federally owned nonexpendable personal property prescribed in § 29–70.215–3.

§ 29–70.215a Property management standards—special requirements, nonprofit organizations.

§ 29–70.215a–1 Special acquisition and disposition restrictions—nonexempt nonexpendable personal property.

(a) If it is in the Government's best interest, the grant officer may require that nonexpendable personal property be obtained by lease rather than by purchase (see § 29–70.215–5(a)).

(b) Alternatively, the grant officer may obtain the consent of a prospective recipient during negotiations to sell nonexpendable personal property purchased under the grant or agreement at the end of the grant or agreement period and to remit to the DOL that part of the proceeds which represents the percentage of DOL participation in the grant or agreement less a negotiated percentage for selling and handling costs. A prospective recipient shall be given notice regarding these special restrictions, and the special restrictions and disposition restrictions negotiated pursuant to this paragraph must be included as a condition in the award document.

(c) The recipient shall follow the use and disposition requirements for nonexempt nonexpendable personal property set forth at § 29–70.215–5 (d) and (e) unless otherwise provided, pursuant to § 29–70.215a–1(b), in the grant or agreement.

§ 29–70.215a–2 Copyrights.

The provisions of § 29–70.215–9(b)(2) do not apply to grants or agreements for educating or training students in a particular field or specialized area.

§ 29–70.216 Procurement standards; required provisions for recipient contracts.

§ 29–70.216–1 Purpose and applicability.

(a) This section provides minimum Federal standards for procurement systems and procedures used by DOL recipients and subrecipients in obtaining supplies, equipment, construction, and other services (including research and development) needed to carry out a grant or agreement where the costs will be either a direct charge to the grant or agreement or will be counted in satisfying a matching requirement. To the extent necessary for the recipient and subrecipient to be in compliance, these standards also apply to the procurement of their contractors.

(b) Except as otherwise stated, this section does not apply to subgrants or subagreements awarded to eligible entities (see § 29–70.101(b)) to carry out substantive work (work that achieves the primary public purpose goal for which the grant or agreement was awarded as opposed to support services).

(c) Section 29–70.216–8 prescribes provisions which are required in recipient's (or subrecipient's) contracts.

§ 29–70.216–2 Recipient's procurement responsbilities.

These standards shall not relieve the recipient of contractual or administrative responsibilities under its contracts. As the responsible authority for the successful accomplishment of a project undertaken pursuant to a grant or agreement, the recipient shall be responsible for all aspects of administering procurements in support of its grant or agreement including—Soliciting offers and bids, evaluating responses, selecting contractors, and awarding contracts; handling disputes, claims, and protests of award; and handling all other matters of a contractual nature in accordance with Federal requirements and applicable State and local laws. The recipient shall refer matters concerning violation of law to the Federal, State, or local authority which has proper jurisdiction. This does not prevent the recipient (or subrecipient through the recipient) from seeking advice from the DOL Agency concerning contractual issues.

§ 29–70.216–3 Procurement systems and procedures.

The recipient may use its own procurement systems and procedures which reflect applicable State and local law, rules, and regulations to the extent that the systems and procedures do not conflict with the DOL standards set forth in this section; applicable Federal statutes, Executive Orders, or regulations; or terms of the grant or agreement. The DOL Agency may require that established procurement procedures of a recipient or prospective recipient be submitted to the DOL for review prior to or subsequent to grant or agreement award.

§ 29–70.216–4 Recipient code of conduct.

The recipient shall avoid conflicts of interest by observing the following requirements:

(a) The recipient shall maintain a written code of standards of conduct which will govern the performance of its officers, employees, or agents in contracting with or otherwise procuring supplies, equipment, construction, or services with Federal funds under a DOL grant or agreement. These standards shall provide that no officer, employee, or agent shall:

(1) Solicit or accept gratuities, favors, or anything of monetary value from supplies or potential suppliers; or

(2) Participate in the selection, award, or administration of a procurement subject to this section where, to the individual's knowledge, any of the following has a financial or other substantive interest in any organization which may be considered for award—

(i) The officer, employee, or agent;

(ii) Any member of his or her immediate family;

(iii) His or her partner; or

(iv) A person or organization which employs any of the above or with whom any of the above has an arrangement concerning prospective employment.

(b) To the extent permissible by State or local law (or related rules or regulations), recipient standards shall provide for penalties, sanctions, or other disciplinary actions (such as suspension, termination, or civil action to recover money damages) to be applied for grant or agreement related violations of law or established standards of conduct by recipient officers, employees, or agents.

§ 29–70.216–5 Competition in recipient procurement.

(a) *General requirements.* Except as otherwise authorized by applicable Federal law or by exceptions specified in § 29–70.216–5(b), the recipient shall conduct all procurement transactions, regardless of dollar amount or method of procurement, in a manner that provides for open and free competition. The extent of competition shall be consistent with the dollar value of the award. The recipient shall be alert to organizational conflicts of interest or non-competitive practices among suppliers which could restrict or eliminate competition or otherwise restrain trade. Unless the DOL grant officer has waived the requirement for a particular procurement, a contractor who develops specifications, the statement of work, an invitation for bids, or a request for proposals for a procurement, shall not be eligible to compete for the procurement.

(b) *Preferential procurement.* The following shall apply to the use of preferential procurement by recipients and subrecipients:

(1) *State or local preference.* In evaluating bids or proposals received in response to a solicitation, the recipient shall not use State or local laws, ordinances, regulations, or procedures designed to give local or in-State bidders or proposers a competitive advantage over other bidders or proposers unless a condition specified in § 29–70.216–5(b)(2) applies to the proposed procurement.

(2) *Federal statutes authorizing preferential treatment.* A recipient may use preferential procurement procedures if, and to the extent that, they are prescribed or authorized by applicable Federal statute or Executive Order.

(i) The following Federal laws, either specifically or by intent, provide authority for a recipient to use grant or agreement funds to benefit specific ethnic or target population groups or specific geographic areas:

(A) Section 7(b)(2) of the Indian Self-Determination and Education Assistance Act requires that any Act authorizing Federal contracts with or grants to Indian organizations or for the benefit of Indians shall require to the greatest extent feasible—

(2) preference in the award of subcontracts and subgrants * * * shall be given to Indian organizations and to Indian-owned economic enterprises * * *.

(B) The Comprehensive Employment and Training Act (CETA) provides for certain programs which have, as their primary purpose, job development and the creation of job opportunities for target population groups in specific geographic areas (see § 29–70.216b and 20 CFR 676.23). (CETA, sec. 123 (1))

(ii) If a recipient is authorized, in accordance with § 29–70.216–5(b)(2)(i), to use preferential procurement, the DOL Agency may require that the recipient submit proposed procedures for prior review and approval. In addition, the DOL Agency shall periodically review such procedures to ensure that they—(A) Conform to Federal, State, and local law, and applicable regulations;

(B) Promote program goals and comply with the Federal statute authorizing the procedures;

(C) Provide for recipient cost or price analysis to ensure that costs are reasonable and that Federal funds are expended in accordance with good business practice; and

(D) Provide for maximum competition within the authorized limitations unless a noncompetitive procurement can be justified in accordance with § 29–70.216–5(c).

(iii) Approval of a grant or agreement application which includes planned perferential procurement practices shall constitute approval of use of the procurement practices.

(c) *Noncompetitive procurement.* Except as otherwise provided in § 29–70.216–5(b), the recipient shall obtain prior written grant officer approval for all proposed noncompetitive procurements which are expected to exceed $5,000 which were not identified in the approved grant or agreement budget. The recipient shall include a justification in every request for approval of a noncompetitive procurement. The grant officer shall not approve such a proposed noncompetitive procurement unless the factors used to justify the noncompetitive procurement meet one of the following DOL standards—

(1) The item or services required are unique;

(2) Time is of the essence and only one known source can meet the recipient's needs within the required time frame;

(3) Data are unavailable for competitive procurement; or

(4) It is necessary that the desired items manufactured by one source be compatible and interchangeable with existing equipment.

§ 29–70.216–6 Procedural requirements.

The recipient shall establish procurement procedures which provide for the following minimum requirements:

(a) The recipient shall review proposed procurements to consider consolidation of requirements for greater economy and to avoid purchasing unnecessary or duplicative items; and, where appropriate, shall analyze lease, purchase, or other alternatives to determine which alternative provides for the best use of Federal funds.

(b) The recipient shall set forth in the solicitation (invitation for bids or request for proposals) all requirements that the bidder or offeror must fulfill in order for the recipient to evaluate the bid or offer; and shall include a clear and accurate description of the technical requirements for the materials, products, or services to be procured. In competitive procurements, the description shall not contain requirements which unduly restrict competition. The recipient may use a "brand name or equal" description to define performance or other salient requirements of a procurement if the

solicitation makes it clear that the description is used to establish standards, and that other suppliers meeting the standards are eligible to submit proposals or bids.

(c) The recipient shall take positive steps to use small and minority-owned business sources in its procurement and shall take (but not limit itself to) the following steps—(1) Establish, maintain, and use solicitation mailing lists which include qualified small and minority businesses; and

(2) When economically feasible, divide needed requirements into smaller units to provide an opportunity for small and minority businesses to compete for the procurement.

(d) The recipient shall use the type of procuring instrument (e.g., purchase order, fixed-price contract, cost-reimbursement contract, incentive contract) which is appropriate to the particular procurement and in the best interest of the grant or agreement program. A "cost-plus-a-percentage-of-cost" contract shall not be used.

(e) If the recipient is a State or local government, the recipient shall use formal advertising (see § 29–70.102), with adequate purchase description, sealed bids, and public openings as the procurement method unless negotiation, pursuant to paragraph (f), is necessary to accomplish a sound procurement. The recipient, however, need not use formal advertising in procurements of $10,000 or less unless otherwise required by State or local law or regulations. When formal advertising is used, the recipient—(1) Shall award the contract to the responsible bidder whose bid is responsive to the invitation for bids and most advantageous to the recipient, price and other factors considered. The recipient may consider factors such as transportation costs, discounts, and taxes in determining the lowest bidder; or

(2) May reject any or all bids when it is in the recipient's interest to do so, and when such rejections are in accordance with applicable State and local law, rules, or regulations.

(f)(1) The recipient may use negotiated procurement procedures if it is not feasible to use formal advertising. Generally, the recipient may negotiate procurements if one (or more) of the following conditions exists—(i) The public exigency will not permit the delay incident to formal advertising;

(ii) The material or service to be procured is available from only one person or firm (see § 29–70.216–5(c) for requirements for negotiated procurement which is also noncompetitive);

(iii) The aggregate amount involved does not exceed $10,000;

(iv) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institution;

(v) The material or services are to be procured and used outside the limits of the United States and its possessions;

(vi) No acceptable bids have been recieved after formal advertising;

(vii) The purchases are for highly perishable materials or medical supplies; for material or services where the prices are established by law; for technical items or equipment requiring standardization and interchangeability of parts with existing equipment; for experimental, developmental, or research work; for supplies purchased for authorized resale; or for technical or specialized supplies requiring substantial initial investment for manufacture; or

(viii) Negotiation is otherwise authorized by applicable Federal, State, or local law, rules, or regulations.

(2) The recipient shall obtain competition in all negotiated procurements to the maximum extent practicable.

(g) The recipient may use its own cost principles in determining allowable costs under cost-type contracts and in negotiating fixed-price contracts based on cost estimates, provided that costs permitted under recipient cost principles are also permitted under applicable Federal cost principles.

(h) The recipient shall award contracts only to responsible contractors as defined in § 29–70.102.

(i) The recipient shall maintain records or files sufficient to detail the significant history of a procurement. Records and files for procurements in excess of $10,000 shall include, as a minimum: The basis for contractor selection, required grant officer approvals, justifications for use of the negotiation method or for noncompetitive procurement, and the basis for award cost or price.

(j) The recipient shall maintain a system for contract administration to ensure that contractors and other suppliers comply with terms, conditions, and performance requirements of contracts (including purchase orders), and to ensure adequate and timely followup of all purchases.

§ 29–70.216–7 Required prior grant officer approvals.

The recipient shall obtain prior grant officer approval for:

(a) Procurements which involve purchases of nonexpendable personal property having a unit acquisition cost of $1,000 or more (or $300 or more if required in the grant or agreement) and a useful life of more than 1 year regardless of the total aggregate expenditure in accordance with § 29–70.215–5(b).

(b) Procurements for which a bidder or offeror who has developed specifications, statement of work, or the invitation for bids or request for proposals is allowed to compete for the ensuing contract (see § 29–70.216–5(a)).

(c) Contemplated noncompetitive procurements in accordance with § 29–70.216–5(c).

§ 29–70.216–8 Content and provisions of recipient contracts.

(a) *General.* Except for small purchases (purchases of $10,000 or less), the recipient shall award a contract through a bilaterally executed written agreement which includes all provisions needed to define a sound and complete agreement. The recipient shall include in the written agreement the price or estimated cost, method of payment, scope and extent of work, period of performance, and other information pertinent to the particular procurement.

(b) *Required general provisions.* In addition, the recipient shall include the following provisions in each contract:

(1) A provision which will allow for administrative, contractual, or legal remedies if the contractor violates or breaches terms of the contract.

(2) A provision for termination of the contract for default; and for termination because of circumstances beyond the control of the contractor. The provision shall include conditions under which termination actions will be taken, the manner of taking such actions, and the basis for settlement.

(3) Except for a formally advertised contract awarded on a fixed price basis, a provision that the contractor shall maintain adequate records related to work under the grant or agreement program; and shall make available to the recipient, the Secretary of Labor, the Comptroller General of the United States, or any duly authorized representative, any books, documents, papers, and records which are directly related to the grant or agreement program for the purpose of making audits, examinations, excerpts, and transcriptions. Records shall be retained for a period of 3 years after final payment by the recipient.

(4) A provision that qualified small business and minority business enterprises shall have the maximum practicable opportunity to participate in the performance of recipient contracts.

(5) All other provisions of the grant or agreement which flow down and are applicable to a recipient contract.

(6) *Executive Order 11246—Equal Employment Opportunity.* In addition to the above, the recipient shall include the following equal opportunity clause (prescribed in 41 CFR 60–1.4) in all contracts and shall require that its contractors, subgrantees, and other subrecipients include the clause in their contracts which have or are expected to have, an aggregate value within a 12-month period exceeding $10,000:

Equal Opportunity

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, as amended, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of the Executive Order 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, as amended, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, as amended, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(c) *Special provisions.* The recipient shall include any or all of the following provisions in contracts requiring their inclusion, as indicated in the following paragraphs:

(1) *Clean Air Act of 1970 (42 U.S.C. 1857 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).*

The recipient shall include the following certification and provision in any solicitation and resulting contract in excess of $100,000:

(i) *Certification:*

Clean Air and Water Certification

The bidder or offeror certifies as follows:

(a) Any facility to be utilized in the performance of this proposed contract has [ ], has not [ ] been listed on the Environmental Protection Agency (EPA) List of Violating Facilities.

(b) It will promptly notify the recipient, prior to award, of the receipt of any communication from the Director, Office of Federal Activities, EPA, indicating that any facility which it proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities.

(c) It will include substantially this certification, including this paragraph (c), in every nonexempt subcontract.

(ii) *Provision:*

Clean Air and Water

(a) The contractor agrees as follows:

(1) To comply with all the requirements of section 114 of the Clean Air Act, as amended (42 U.S.C. 1857, et seq.) and section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) respectively, relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder before the award of this contract.

(2) That no portion of the work required by this contract will be performed in a facility listed on the EPA List of Violating Facilities on the date when this contract was awarded unless and until the EPA eliminates the name of such facility or facilities from such listing.

(3) To use its best efforts to comply with clean air standards and clean water standards at the facility in which the contract is being performed.

(4) To insert the substance of the provisions of this clause into any nonexempt subcontract, including this paragraph (a)(4).

(b) The terms used in this clause have the following meanings:

(1) The term "Air Act" means the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

(6) The term "Water Act" means Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.).

(3) The term "clean air standards" means any enforceable rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the Air Act or Executive Order 11738, an applicable implementation plan as described in section 110(d) of the Clean Air Act (42 U.S.C. 1857c–5(d)), an approved implementation procedure or plan under section 111(c) or section 111(d), respectively, of the Air Act (42 U.S.C. 1857c–6(c) or (d)), or an approved implementation procedure under section 112(d) of the Air Act (42 U.S.C. 1857c–7(d)).

(4) the term "clean water standards" means any enforceable limitation, control, condition, prohibition, standard, or other requirement which is promulgated pursuant to the Water Act or contained in a permit issued to a discharger by the EPA or by a State under an approved program, as authorized by section 402 of the Water Act (33 U.S.C. 1342), or by local government to ensure compliance with pretreatment regulations as required by section 307 of the Water Act (33 U.S.C. 1317).

(5) The term "compliance" means compliance with clean air or water standards. Compliance shall also mean compliance with a schedule or plan ordered or approved by a court of competent jurisdiction, the EPA or an air or water pollution control agency in accordance with the requirements of the Air Act or Water Act and regulations issued pursuant thereto.

(c) The term "facility" means any building, plant, installation, structure, mine, vessel or other floating craft, location, or site of operations, owned, leased, or supervised by a contractor or subcontractor, to be utilized in the performance of a contract or subcontract.

Where a location or site of operations contains or includes more than one building, plant, installation, or structure, the entire location or site shall be deemed to be a facility except where the Director, Office of Federal Activities, EPA, determines that independent facilities are collocated in one geographical area.

(2) *Patents and copyrights.* The recipient shall include a provision in each contract awarded for purposes identified in this section to the effect that matters regarding rights to inventions and materials generated under the contract are subject to DOL and recipient requirements as set forth in the contract. The recipient shall include the provision in each contract, the principal purpose of which is—(i) To create, develop, or improve products, processes, or methods;

(ii) To explore fields that directly concern public health, safety, or welfare;

(iii) To perform work in a field of science or technology in which there has been little significant experience outside the work funded by Federal assistance; or

(iv) To perform any work which may produce patentable items, patent rights, processes, or inventions, or copyrightable material.

The provision shall be consistent with the requirements of § 29–70.215–9.

(3) *Contract Work Hours and Safety Standards Act (40 U.S.C. 327–332).* (i) If the grant or agreement is under a statute providing wage standards for such work, the recipient or subrecipient shall include the provision described in paragraph (c)(3) (iii) in any nonconstruction contract which involves the employment of mechanics and laborers (including watchmen, guards, apprentices, and trainess) if the contract exceeds $2,500.

(ii) The requirements of the Act do not apply to contracts for transportation or transmission of intelligence, to contracts under which work is to be performed solely within a foreign country, to contracts for the purchase of supplies or materials or articles ordinarily available on the open market, or to work where the DOL assistance is in the form of a loan guarantee or insurance.

(iii) The provision covering overtime requirements for nonconstruction contracts (for construction contracts, see § 29–70.216–8(d)(4)) shall be substantially the same as the following provision as set forth in 29 CFR 5.5 (c) and (e):

Contract Work Hours and Safety Standards Act—Overtime Compensation

(1) *Overtime requirements.* No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his or her basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, as the case may be.

(2) *Violation; liability for unpaid wages; liquidated damages.* In the event of any violation of the clause set forth in subparagraph (1), the contractor and any subcontractor responsible therefor shall be liable to any affected employee for his or her unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the clause set forth in subparagraph (1), in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in subparagraph (1).

(3) *Withholding for unpaid wages and liquidated damages.* The Department of Labor may withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in subparagraph (2).

(4) *Subcontracts.* The contractor shall insert in any subcontracts the clauses set forth in subparagraphs (1), (2), and (3) of this paragraph and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

(5) *Records.* The contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for 3 years from the completion of the contract.

(d) *Provisions—construction contracts.* The recipient or subrecipient shall include the following provisions in construction contracts if applicable:

(1) *Bonding requirements.* In awarding contracts for construction or facility improvement, the recipient or subrecipient shall require that contractors observe the bonding requirements of § 29–70.202–2(a).

(2) *Prevailing wage requirements in accordance with the Davis-Bacon Act (40 U.S.C. 276a–276a–7).* When required by the Federal program legislation, the recipient or subrecipient shall include in contracts in excess of $2,000 for construction, alteration, and/or repair, including painting and decorating, of a building or work financed in whole or in part with Federal funds, a provision requiring compliance with the Davis-Bacon Act prevailing wage requirements, as implemented by DOL regulations (29 CFR, Parts 1 and 5). In addition, the recipient or subrecipient shall obtain from the DOL (through the nearest Wage-Hour area or regional office) and shall include in each solicitation and resulting contract, a copy of the current prevailing wage determination issued by the DOL. The recipient or subrecipient shall condition the award of such a contract upon the contractor's acceptance of the wage determination. (Contractors subject to the Act are required to pay not less often than once a week, minimum wages, including fringe benefits, to mechanics and laborers engaged in construction activity, based on the determinations by the Secretary of Labor of wage rates and fringe benefits prevailing for the corresponding classes of mechanics and laborers employed on similar projects in the same locality.) The recipient or subrecipient shall report all suspected or reported violations to the responsible DOL Agency; and shall include a provision, substantially the same as the following provision, as set forth in 29 CFR 5.5(a), in all contracts or subcontracts subject to the Act:

(1) *Minimum wages.* (i) All mechanics and laborers employed or working upon the site of the work, or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of 29 CFR 5.5(a)(1)(iv). Also for the purpose of this clause, regular contributions made or costs

incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

(ii) The recipient shall require that any class of laborers or mechanics, including apprentices and trainees, which is not listed in the wage determination and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination and a report of the action taken shall be sent by the recipient to the Secretary of Labor. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics, including apprentices and trainees to be used, the question accompanied by the recommendation of the recipient shall be referred to the Secretary for final determination.

(iii) The recipient shall require, whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the contractor is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof to be established. In the event the interested parties cannot agree upon a cash equivalent of the fringe benefit, the question, accompanied by the recommendation of the recipient, shall be referred to the Secretary of Labor for determination.

(iv) If the contractor does not make payments to a trustee or other third person, it may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program of a type expressly listed in the wage determination decision of the Secretary of Labor which is a part of this contract: *Provided, however,* The Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(2) *Withholding.* The Department of Labor may withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices and trainees, employed by the contractor or any subcontractor on the work the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice or trainee, employed or working on the site of the work or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project, all or part of the wages required by the contract, the Department of Labor may, after written notice to the contractor or the recipient, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) *Payrolls and basic records.* (i) Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work, or under the United States Housing Act of 1937, or under the Housing Act of 1949, in the construction or development of the project. Such records will contain the name and address of each such employee, his or her correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and the records which show the costs anticipated or the actual costs incurred in providing such benefits.

(ii) The contractor will submit weekly a copy of all payrolls to the Department of Labor (DOL) if the DOL is a party to the contract, but if the DOL is not such a party, the contractor will submit the payrolls to the recipient for transmission to the (DOL). The copy shall be accompanied by a statement signed by the employer or his or her agent indicating that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classifications set forth for each laborer or mechanic conform with the work to be performed. A submission of a "Weekly Statement of Compliance" which is required under this contract and the Copeland regulations of the Secretary of Labor (29 CFR, Part 3) and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under 29 CFR 5.5(a)(1)(iv) shall satisfy this requirement. The recipient shall be responsible for the submission of copies of payrolls of all recipient contractors and subcontractors. The contractor will make the records required under the labor standards clauses of the contract available for inspection by authorized representatives of the recipient and the (DOL), and will permit such representatives to interview employees during working hours on the job. Contractors employing apprentices or trainees under approved programs shall include a notation on the first weekly certified payrolls submitted to the recipient that their employment is pursuant to an approved program and shall identify the program.

(4) *Apprentices and trainees.* (i) *Apprentices.* Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to its entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subdivision (ii) of this subparagraph or is not registered or otherwise employed as stated above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work actually performed. The contractor or subcontractor will be required to furnish to the recipient or a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the registration of its program and apprentices as well as the appropriate ratios and wage rates (expressed in percentages of the journeyman hourly rates), for the area of construction prior to using any apprentices on the contract work. The wage rate paid apprentices shall be not less than the appropriate percentage of the journeyman's rate contained in the applicable wage determination.

(ii) *Trainees.* Except as provided in 29 CFR 5.15, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training. The ratio of trainees to journeymen shall not be greater than permitted under the plan approved by the Bureau of Apprenticeship and Training. Every trainee must be paid at not less than the rate specified in the approved program for his or her level of progress. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Bureau of Apprenticeship and Training shall be paid not less than the wage rate determined by the Secretary of Labor for the classification of work actually performed. The contractor or subcontractor will be required to furnish the recipient or a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the certification of its program, the registration of the trainees, and the ratios and wage rates prescribed in that program. In the event the Bureau of Apprenticeship and Training withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) *Equal employment opportunity.* The utilization of apprentices, trainees, and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

(5) *Compliance with Copeland Regulations (29 CFR Part 3).* The contractor shall comply with the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor which are herein incorporated by reference.

(6) *Subcontracts.* The contractor will insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (5) and (7) and such other clauses as the Department of Labor may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

(7) *Contract termination; debarment.* A breach of clauses (1) through (6) may be grounds for termination of the contract, and for debarment as provided in 29 CFR 5.6.

(3) *Copeland (Anti-Kickback) Act (40 U.S.C. 276c and 18 U.S.C. 874).* The recipient and subrecipient shall include in all contracts in excess of $2,000 for construction, completion, or repair of public buildings, public works, or buildings or works financed in whole or in part by Federal funds, a provision prescribed in 29 CFR 5.5 (a)(5), as set forth in § 29–70.216–8(d)(2), requiring compliance with the Copeland Act. The contractor or subcontractor shall submit payrolls and a statement of compliance weekly to the recipient for transmittal to the DOL pursuant to 29 CFR 3.3 and 3.4. The Copeland Act prohibits illegal deductions or kickbacks of wages to which employees are otherwise entitled. The recipient shall report all suspected or reported violations to the DOL.

(4) *Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333).* If the grant or agreement is under a statute providing wage standards for such work, the recipient or subrecipient shall include a provision in all construction contracts in excess of $2,000 which involve the employment of mechanics or laborers, including watchmen, guards, apprentices, and trainees. The provision shall be substantially the same as the provision set forth in § 29–70.216–8(c)(3) except that, if the contract is subject to the Davis-Bacon Act, the following paragraph required by Section 107 of the Contract Work Hours and Safety Standards Act should be substituted for paragraph (5) of the provision in § 29–70.216–8(c)(3):

(5) The contractor shall not require a laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to health and safety.

(5) *Executive Order 11246—Equal Employment Opportunity.* The recipient shall include or require the inclusion of the clause required in § 29–70.216–8(b)(6) and the Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246) required in 41 CFR 60–4.3(a) in all nonexempt contracts or subcontracts involving federally assisted construction. In addition, a recipient or subrecipient whose grant or agreement involves federally assisted construction agrees that:

It will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: *Provided,* That if the recipient or subrecipient so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

It will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

It will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, as amended, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalities for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the recipient of subrecipient agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the recipient or subrecipient under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such recipient or subrecipient; and refer the case to the Department of Justice for appropriate legal proceedings.

§ 29–70.216a Procurement standards—special requirements, nonprofit organizations.

§ 29–70.216a–1 Special requirements.

The standards of § 29–70.216 apply to recipients that are nonprofit organizations with the following exceptions:

(a) *Competition.* Nonprofit organizations whose procurement procedures do not provide for formal advertising (as described in the introductory paragraph of § 29–70.216–6(e)) shall ensure that procedures used provide for maximum competition and shall award a contract to the bidder or offeror whose bid or offer is responsive to the solicitation and most advantageous to the recipient, price and other factors considered. The recipient may reject any or all bids or offers when it is in the recipient's interest to do so, and when such rejections are in accordance with applicable State and local law, rules, and regulations.

(b) *Price or cost analysis.* The recipient shall make a price or cost analysis with every procurement action. The recipient may perform a price analysis by making a comparison among price quotations submitted, or by comparing price quotations submitted with current market prices (considering discounts if appropriate). The recipient shall perform the cost analysis by reviewing and evaluating each element of cost submitted to determine its resonableness, allocability to work undertaken under the procurement, and allowability under applicable costs principles.

§ 29–70.216b Procurement standards—CETA requirements.

§ 29–70.216b–1 Special CETA standards.

The procurement standards and requirements of § 29–70.216 and § 29–70.216a apply to CETA recipient procurement with the following exceptions and modifications:

(a) *On-the-job (OJT) training contracts, subgrants, and subagreements.* The following special procedures apply in awarding and administering on-the-job training contracts, subgrants, or subagreements:

(1) *Competition.* The recipient may make awards for on-the-job training of program participants without obtaining competition if the contracts, subgrants, or subagreements provide that an employer-employee relationship will exist between the contractor or subrecipient and the program participant; and that the contractor or subrecipient will provide job training to enable the participant to perform

effectively as a regular employee of the contractor's or subrecipient's (or another employer's) establishment. When such awards are made, the recipient shall maintain a record of the awards and, if requested, shall furnish the grant officer with the record which includes the contractor's or subrecipient's name, award amount, and services to be performed (CETA, sec. 121 (o)).

(2) *Required provisions.* Program regulations at 20 CFR 676.25–2 and 676.38 implement the statutory requirement (CETA, sec. 121(o)) that provisions for contracts, subgrants, or subagreements for OJT and for Title VII programs be kept to a minimum, *Provided,* That the award document includes all provisions needed to define a sound and complete agreement and any provision required by applicable Federal law.

(b) *List of potential contractors and subrecipients.* A recipient which is a prime sponsor shall maintain a list of potential recipient contractors or potential subrecipients who have expressed (in writing) an interest in being considered for awards (see 20 CFR 676.23). The list will include names, addresses, and products or services offered. The recipient shall establish methods and criteria for using the list; and the list shall be considered to be public information (CETA, sec. 103(a)(3)(B)).

(c) *Preferential contractor and subrecipient selection procedures.* In addition to the provisions of § 29–70.216–5(b) regarding preferential procurement procedures, the following applies:

(1) *Community-based organizations of demonstrated effectiveness.* A CETA recipient shall, in awarding contracts, subgrants, or subagreements, give special consideration to community-based organizations of demonstrated effectiveness in accordance with 20 CFR 676.23 (CETA, sec. 123(1)).

(2) *Minority and small business.* In addition to the procedural requirements set forth in § 29–70.216–6(c), that the recipient provide opportunities for small and minority businesses to participate in its procurement, 20 CFR 676.37(d) provides that recipients may, when appropriate, ensure participation through minority and small business set-asides (CETA, sec. 121(k)).

(d) *Ineligible applicants for awards.* No nongovernmental individual, institution, or organization is eligible to receive a recipient contract, subgrant, or subagreement, or to be otherwise engaged to evaluate a CETA program, if the individual, institution, or organization is associated with the program as a consultant, technical advisor, or in any similar capacity (CETA, sec. 121(h)(1)).

(e) *Labor standards provisions—construction contracts and subcontracts.* The provisions set forth in § 29–70.216–8(d)(2) covering the prevailing wage requirements of the Davis-Bacon and related Acts apply to CETA recipient contracts and subcontracts as stated in § 29–70.104(b) and in 20 CFR 676.26.

(f) *CETA regulations.* Detailed requirements for CETA recipient procurement are set forth in CETA program regulations at 20 CFR 676.37 and 20 CFR 676.38.

Signed at Washington, D.C. on this 16th day of July, 1979.

Robert L. Davis,

Deputy Assistant Secretary for Administration and Management.

[FR Doc. 79–22541 Filed 7–19–79; 8:45 am]

BILLING CODE 4510–23–M

Reader Aids

Federal Register

Vol. 44, No. 141

Friday, July 20, 1979

INFORMATION AND ASSISTANCE

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

Federal Register, Daily Issue:

202-783-3238	Subscription orders (GPO)
202-275-3054	Subscription problems (GPO)
	"Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202-523-5022	Washington, D.C.
312-663-0884	Chicago, Ill.
213-688-6694	Los Angeles, Calif.
202-523-3187	Scheduling of documents for publication
523-5240	Photo copies of documents appearing in the Federal Register
523-5237	Corrections
523-5215	Public Inspection Desk
523-5227	Finding Aids
523-5235	Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

523-3419	
523-3517	
523-5227	Finding Aids

Presidential Documents:

523-5233	Executive Orders and Proclamations
523-5235	Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

523-5266 -5282	Public Law Numbers and Dates, Slip Laws, U.S. Statutes at Large, and Index
275-3030	Slip Law Orders (GPO)

Other Publications and Services:

523-5239	TTY for the Deaf
523-5230	U.S. Government Manual
523-3408	Automation
523-4534	Special Projects

FEDERAL REGISTER PAGES AND DATES, JULY

38437-38816.....2
38817-39150.....3
39151-39370.....5
39371-40050.....6
40051-40274.....9
40275-40490.....10
40491-40626.....11
40627-40872.....12
40873-41164.....13
41165-41420.....16
41421-41758.....17
41759-42148.....18
42149-42652.....19
42653-42956.....20

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

305.....38817
480.....38826
Proposed Rules:
Ch. I.....40070

3 CFR

Administrative Orders:
Memorandums:
July 6, 1979.....40627
Executive Orders:
11952 (Revoked by EO 12145).....42653
12145.....42653
12146.....42655
Presidential Determinations:
No. 73-10 of Jan. 2, 1973 (Amended by No. 79-11 of June 21, 1979).....38437
No. 79-11 of June 21, 1979.....38437
Proclamations:
4667.....40629
4668.....40873
4669.....42149
Reorganization Plans:
No. 2 of 1979.....41165

5 CFR

595.....40875
620.....42661
711.....39371
890.....42668
Proposed Rules:
213.....40894
338.....40894
733.....42708
871.....40313

6 CFR

705.....41169
706.....41169

7 CFR

2.....38439
26.....38439
27.....40491
28.....40491
61.....40491
301.....38829
900.....39151
905.....40051
908.....39151, 40631, 42205
910.....39371, 40878, 41421, 42669
911.....40879
915.....40879
916.....41169
917.....38447, 40051, 41169
921.....41170
922.....41170
923.....41170
924.....41170
930.....39152
946.....40052, 40631
947.....38830, 41171
948.....38829, 41173
958.....39152
967.....38830
1049.....42151
1446.....40053
1464.....40275, 41759
1700.....39372
1701.....39372, 40879, 42669
1803.....38440
1822.....38440, 41174
1823.....38440
1831.....41421
1832.....41421
1833.....41421
1872.....38440
1901.....38440
1902.....38440
1933.....38440
1942.....38440, 38831, 41175
1943.....38440
1945.....38440
1955.....38440
Proposed Rules:
Ch. IX.....39413
1.....39409
29.....40608, 41809
210.....40004
220.....40004
226.....39078, 39413
272.....41076
275.....41076
420.....41809
421.....41815
427.....41821
429.....42206
917.....40071
924.....38531
947.....38531
1049.....40313, 40520
1464.....40609
1701.....40319, 40321
1804.....39432
1924.....39432
3100.....40258

8 CFR

238.....41422
Proposed Rules:
103.....39183

9 CFR

73.....40276
75.....40880
82.....39374, 40880

91 42669
92 42670
204 39151
Proposed Rules:
54 40895

10 CFR

Ch. II 40055
0 41422
205 39375
211 ..... 39375, 41160, 42538, 42545, 42549
212 ..... 39375, 42541
430 39153
460 40044
461 40262
490 ..... 39344, 40893, 41205
Proposed Rules:
25 38533
40 41468
50 ..... 41468, 41483
70 41468
75 41468
95 38533
150 41468
170 41468
211 ..... 40321, 40621
212 ..... 40324, 40329, 40330
445 41652
456 41206
485 42094
490 39467
580 40330
585 40330
782 40521
903 39184

11 CFR

100 39338
110 39338
114 39338

12 CFR

26 42152
211 42152
212 42152
226 ..... 41760, 42165
265 38448
340 39381
346 40056
348 42152
541 39108
542 39108
543 39108
544 39108
545 39108
546 39108
547 39108
548 39108
549 39108
551 39108
552 39108
555 39108
556 39108
563f 41252
701 ..... 39182, 39382, 39383
703 42673
711 42152
715 41760
741 41760
747 41760
Proposed Rules:
Ch. VII 38560
26 42212
103 39183
206 38543
212 42212
340 39469
348 42152
523 41827
563f 42152
711 42152

13 CFR

302 40881
Proposed Rules:
121 40897

14 CFR

39 ..... 39153, 39154, 40632, 41175, 42165
71 ..... 38449, 38450, 39154, 39155, 40632, 40633, 42166–42169
73 38450
91 42170
95 39155
97 40633
121 42170
129 42170
208 40883
211 40494
288 41774
300 39384
302 40495
324 42171
379 42175
385 42174
1214 39384
Proposed Rules:
Ch. I 41206
Ch. II 40333
21 42410
36 42410
39 ..... 40649, 40650, 42219
61 38563
63 38563
71 ..... 38566–38569, 39191, 40651, 40652, 41207 41208, 42220–42227
73 42228
75 42227
207 41828
221 41829
222 41829
291 41829
385 41829

15 CFR

30 ..... 38832, 40064
Proposed Rules:
918 42709

16 CFR

1 40635
2 40635
3 40635
4 40635
13 ..... 38451, 38833, 41777
1009 40638
1209 ..... 39938, 39983
1404 39993
1500 42671
Proposed Rules:
Ch. II 38854
1 42712
13 ..... 39191, 40333, 41209–41218
423 ..... 38570, 40523
433 41222
1019 40524
1201 38857
1700 39195

17 CFR

200 41176
201 41176
211 ..... 40640, 41177
230 38810
240 38810
249 39386
250 38810
259 41176
260 38810
270 40064
275 42126
Proposed Rules:
1 41830
231 38792
239 39196
240 41832
241 38792
251 38792
270 39197
275 40072

18 CFR

154 38834
287 38837
290 40064
294 40495
Proposed Rules:
Ch. I 38857, 42229
Ch. IV 42701
35 40525
157 40072
282 40898
292 ..... 38863, 38872

19 CFR

4 42176
159 ..... 38839, 40884
Proposed Rules:
141 ..... 38571, 40075, 41222
142 40075

20 CFR

404 38452
416 38456
725 38840
Proposed Rules:
404 ..... 38879, 40526–40532, 41222
416 ..... 38879, 40531, 40532

21 CFR

145 40276
175 40885
176 42678
177 40885
178 42678
193 ..... 38841, 40281, 40282
520 41726
522 ..... 39387, 40283, 42679
556 ..... 39388, 42680
558 ..... 39387, 40283, 40886–40888, 42679
561 ..... 38841, 40282
573 40283
601 40284
610 40284
650 40284
1308 40888
1316 42178
Proposed Rules:
145 40336
172 40343
182 40343
203 40016
310 42714
336 41064
433 39469
514 42714
620 41484
1000 41486
1312 40899

22 CFR

42 38842
51 41777
202 41425
Proposed Rules:
7 ..... 39473, 41487
50 ..... 39473, 41487
51 ..... 39473, 41487
515 40641

23 CFR

660 40065
667 40065
Proposed Rules:
1217 42233
1252 41244

24 CFR

51 40860
203 40888
207 40888
220 40888
221 40889
279 40868
510 38842
570 ..... 41089, 42179
888 41092
2205 39198
Proposed Rules:
Subtitle A 38572
Subtitle B 38572
9 40653
58 38572
570 40075

25 CFR

221 42680
Proposed Rules:
Ch. I 42701
52 40345
53 40349

26 CFR

1 ..... 38458, 40496, 42680, 42681
44 40497
Proposed Rules:
1 ..... 39200, 39201, 39476, 39477, 42717
31 ..... 38572, 39477
301 42719

27 CFR

201 39389
Proposed Rules:
5 41833
9 41487

170.....41833
201.....38573, 41833
240.....40351, 41833

28 CFR

0.....40498
2.....38459

29 CFR

850.....38459
1420.....42683
1613.....40498
1627.....38459
1910.....41427
1952.....41428
2610.....42180
2618.....42180
2700.....41178

Proposed Rules:

Ch. XII.....40354
524.....38910
525.....38910
1601.....42721

30 CFR

Proposed Rules:

Ch. II.....42701
Ch. IV.....42701
Ch. VII.....42701

Proposed Rules:

250.....40355

31 CFR

1.....42189
515.....38843

32 CFR

715.....42190
733.....42190
734.....42190
1289.....38461
1810.....39390

Proposed Rules:

701.....38910
1807.....42568

33 CFR

165.....38470, 41178
174.....42194

Proposed Rules:

110.....41245
222.....41246

36 CFR

1228.....39332

Proposed Rules:

Ch. I.....42701
Ch. XII.....42701
222.....40355
805.....40653

38 CFR

Proposed Rules:

17.....42234

39 CFR

10.....40066
111.....39471, 39852, 41777
233.....39161
242.....39855
243.....39855
247.....39855
248.....39855
257.....39855
258.....39855

Proposed Rules:

10.....40899
310.....40076, 40899
320.....40076, 40899

40 CFR

1.....41778, 41779–41781
35.....39328
52.....38471, 38473, 38843, 41178, 41429, 42195
62.....41180
65.....38476, 38477
80.....39390
81.....41782, 42685
143.....42195
172.....41783
180.....38843–38845, 41181
434.....39391

Proposed Rules:

Ch. I.....40900
35.....38575
51.....40359, 42722
52.....38578, 38587, 38912, 39234, 39480–39485, 40078, 40360, 40361, 40655, 40901, 41253–41264, 41488, 41836, 42242, 42246, 42722, 42726
65.....38603
81.....38585, 38587, 39486, 40078, 40901, 41489, 42726
86.....40784
87.....41837
120.....39486
122.....40905
123.....40905
124.....40905
141.....42246
146.....40532, 40905
425.....38746
761.....42727
1500.....39233, 39236
1510.....39233, 39236

41 CFR

Ch. I.....38478
Ch. 18.....41181–41186
1.....41431
7–7.....39162
7–13.....39162
29–70.....42920
101–19.....39392
101–27.....39392
101–48.....42202

Proposed Rules:

Ch. 14H.....42701
Ch. 14R.....42701
14R–9.....39201
101–11.....41490

42 CFR

51a.....41433
51b.....40500
51e.....42685
110.....42060, 42074, 42082
405.....40506, 41636
420.....41636
431.....41636
435.....41434
436.....41434
455.....41636

Proposed Rules:

110.....41838, 42083
405.....41841

43 CFR

4.....41790
211.....42584
2450.....41792
2740.....41792
3400.....42584
3410.....42584
3420.....42584
3422.....42584
3430.....42584
3440.....42584
3450.....42584
3460.....42584
3470.....42584
3500.....42584
3501.....42584
3502.....42584
3503.....42584
3504.....42584
3507.....42584
3511.....42584
3520.....42584
3521.....42584
3524.....42584
3525.....42584
3526.....42584
3550.....42584
3564.....42584
3565.....42584
3566.....42584
3568.....42584
9180.....41792

Public Land Orders:

5150 (Revoked in part by PLO 5669).....41795
5668.....42689
5669.....41795

Proposed Rules:

Subtitle A.....42701
Ch. I.....42701
Ch. II.....42701

44 CFR

64.....40293, 42689
65.....40290
67.....39165–39175, 39394–39403, 40086–40098, 40294–40310, 40506–40515, 41439–41459, 41796–41805

Proposed Rules:

67.....39230, 39231, 39508, 41849–41853, 42260–42272

45 CFR

164.....40612
228.....41646
233.....41459
1069.4.....38479
116a.....39404

Proposed Rules:

Ch. XII.....38607
3.....42727
71.....38605
233.....38606
1110.....39509
2101.....42728
2102.....42728
2103.....42728

46 CFR

25.....38778
33.....38778
35.....38778
75.....38778
78.....38778
94.....38778
97.....38778
108.....38778
109.....38778
161.....38778
164.....38778
167.....38778
180.....38778
185.....38778
192.....38778
196.....38778
502.....40516
503.....40516
505.....39176

Proposed Rules:

187.....42273
283.....41854
522.....41490
536.....38913, 39232
538.....39232
552.....39232

47 CFR

0.....39179
1.....38481, 39179
2.....39179, 40310
18.....39179
68.....38847
73.....38481, 38845, 38848, 39179, 40311, 40890, 42691–42694
81.....38848, 39179
83.....38848, 39179
87.....39179
90.....40310, 40517
94.....39179

Proposed Rules:

1.....38913
64.....39513
67.....42731
68.....41265, 41861
73.....38917, 39550, 40532, 42731–42735
76.....38918
90.....39555

48 CFR

Proposed Rules:

3.....38608
30.....38608
31.....38608
50.....38608

49 CFR

1.....40641
25.....40641
179.....42203
195.....41197
396.....38523
831.....39181
845.....39181
1033.....38844, 38850, 39405–39407, 40067, 40068, 40890, 40891, 42696–42700
1056.....40068
1082.....38527
1100.....41203
1103.....42558
1125.....38851
1245.....40518
1246.....40518

Proposed Rules:
Ch. X.....38609, 39555, 41894
42561
222.....38608
229.....38609
230.....38609
635.....41272
1011.....39558
1047.....42737
1056.....38918
1100.....39558
1127.....39560

50 CFR

17.....42910, 42911
20.....41461
26.....38852, 40518
32.....39408, 40891, 40892
33.....42204
215.....42204
216.....42204
285.....39182
662.....41806
653.....38529
674.....40519, 41467

Proposed Rules:
Ch. I.....42701
Ch. IV.....42701
13.....41894
17.....38611, 41894
20.....40534
33.....41274
410.....41899
611.....39564, 40099, 42738
672.....40099, 42738
801.....40598
802.....40598
803.....40598
810.....40598, 40842
811.....40598
812.....40598
813.....40598

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLS	HEW/FDA		DOT/SLS	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

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 July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.**

REMINDERS

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

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today.**

Rules Going Into Effect July 21, 1979

59614 12–21–78 / FTC—Franchising and business opportunity ventures; disclosure requirements and prohibitions.

List of Public Laws

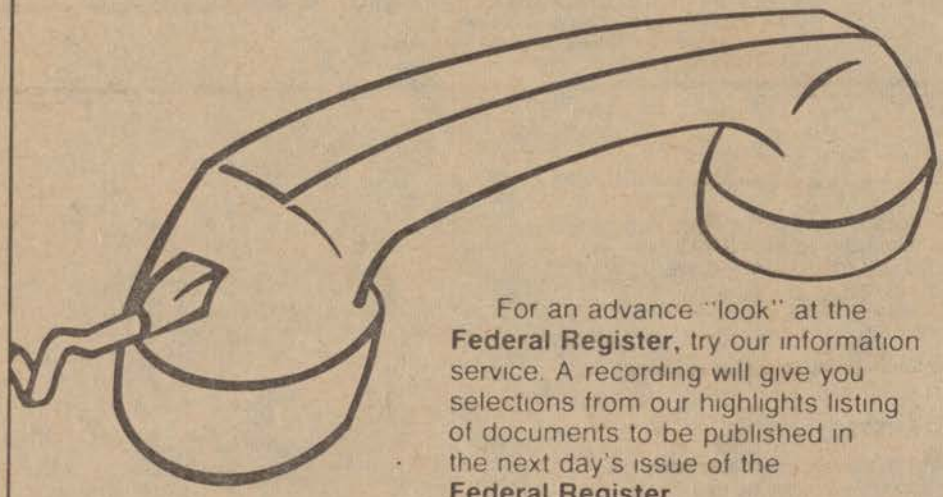
Last Listing July 18, 1979

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–375–3030).

H.J. Res. 353 / P.L. 96–34 Congratulating the men and women of the Apollo program upon the tenth anniversary of the first manned landing on the Moon and requesting the President to proclaim the period of July 16 through 24, 1979, as "United States Space Observance". (July 17, 1979; 93 Stat. 87) Price: $.75

dial·a·reg

Now available in Chicago



For an advance "look" at the **Federal Register,** try our information service. A recording will give you selections from our highlights listing of documents to be published in the next day's issue of the **Federal Register.**

312-663-0884