

Federal Register

Friday
April 11, 1980

Highlights

Los Angeles Briefing on How To Use the Federal Register—See details on "What It Is and How to Use It" workshops on April 14, 15, and 16, in Reader Aids section in this issue.

Briefings on How To Use the Federal Register—For details on briefings in Washington, D.C.; Los Angeles, Calif.; Boston, Mass.; New York, N.Y.; New Orleans, La.; Salt Lake City, Utah; Seattle, Wash.; and Chicago, Ill.; see announcement in the Reader Aids section at the end of this issue.

- 24851 Older Americans Month and Senior Citizens Day** Presidential proclamation
- 24853 National Consumer Education Week** Presidential proclamation
- 25024 Sexual Harassment** EEOC publishes interim guidelines in order to clarify its position; effective 4-11-80; comments by 6-10-80 (Part IV of this issue)
- 24903 Housing for the Elderly or Handicapped** HUD updates presently established cost limits for the direct loan program; comments by 5-12-80
- 25028 Emergency School Aid Act** HEW/OE proposes to amend regulations governing nonprofit organization grants; comments by 5-27-80 (Part V of this issue)

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Highlights

- 25032 Emergency School Aid Act** HEW/OE invites applications for grants to public or private nonprofit organizations (NPOs), other than educational agencies; apply by 5-28-80 (Part V of this issue)
- 24952 Federal Service Fund Raising** OPM amends manual which sets forth policy and procedures for the Combined Federal Campaign (CFC); effective 4-11-80
- 24862 Boycotting Countries** Commerce/ITA clarifies the application of certain restrictions on the route of shipment of exports; effective 4-11-80
- 24866 Civil Rights** HUD/FHEO recognizes State and local fair housing laws under the Act of 1968; effective 5-12-80
- 24937-24946 Employee Benefit Plans** Labor issues notice of a proposed class exemption to permit loans of securities; comments by 6-11-80
- 24866 Simplified Employee Pensions** Labor prescribes an alternative method of compliance with the reporting and disclosure requirements of the Employee Retirement Income Security Act of 1974; effective 4-11-80
- 24864 National Economic Development Benefits and Costs** WRC issues procedures for evaluation; effective 5-12-80
- 24899 Beekeeper Indemnity Payment** USDA/ASCS proposes to terminate program on 5-15-80; comments by 5-1-80
- 24901 Accounting Interpretations** USDA/REA proposes rules for rural electric borrowers; comments by 5-12-80 (4 documents)
- 24859 Certain Nonimmigrant Physicians** Justice/INS deletes administrative extension of stay; effective 4-11-80
- 24968 Recombinant DNA Research** HEW/NIH publishes physical containment recommendations for large-scale uses of organisms (Part II of this issue)

24962 Sunshine Act Meetings

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- 24974 Part III, Labor/ESA
- 25024 Part IV, EEOC
- 25028 Part V, HEW/OE
- 25034 Part VI, Commerce/ITA

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Proclamation 4745 of April 9, 1980

The President

Older Americans Month and Senior Citizens Day

By the President of the United States of America

A Proclamation

Each year since 1963, the month of May has been designated as our Nation's special time for both honoring our older citizens and assessing their present needs. It is my deep belief that not only the form, but the *meaning*, of that tradition must be observed throughout America.

Since I became President, my Administration has worked hard—and successfully—to improve the quality of older persons' lives by enhancing their physical and material security and by providing greater opportunities for them to continue utilizing their skills and experiences.

We have firmed up the financial base of the Social Security system and are continuing to monitor closely the revenue needs of this most fundamental social program.

We have worked with the Congress to pass the Older Americans Act, which will unify and improve the administration of services.

We have pressed for stronger laws to protect older people against discrimination in the job market and in the allocations of Federal resources, and we have streamlined the enforcement of those laws. We have also taken the initiative to end age discrimination in employment opportunities.

However, significant changes are taking place in our population which raise new issues, and highlight new aspects of existing issues. A decline in the birth rate, along with improvements in health care, are moving us toward a society in which more Americans, and a higher proportion of Americans, will be older. The implications of this gradual but certain shift will be felt by all segments of society.

Answers must be found to a host of questions which have just begun to be asked, let alone resolved.

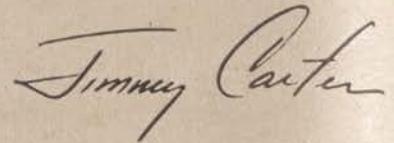
- How can America be assured that the talents, creativity and experience of its older citizens are adequately tapped through opportunities for salaried employment, self employment and work as volunteers?
- How do we identify and support more policies, both public and private, which further the independence and dignity of older people?
- How can we target resources to meet the health and social needs of older persons with special problems, without perpetuating the myth that most elderly are frail or helpless?
- How can we expedite the transfer of new knowledge from the remarkable advances of biomedical, social and behavioral research?
- How can we focus public policy on the needs and resources of the elderly?
- How can we assure that elderly members of minority groups are full participants in America's progress on behalf of the aged?
- What is the proper role of government at federal, state and community levels in assuring services and opportunities for older citizens, while encouraging the work of private organizations and the caring support of families?

Now is the time to renew a national discussion on these and related issues, through local, state and regional meetings leading up to the White House Conference on Aging in 1981. The forums must involve Americans from all segments of our society: business, labor, educational, cultural, religious, political and community leaders; specialists working with the aged; and, most important, older people themselves.

I therefore urge that community forums be held throughout the Nation during May, to begin the process which will culminate in a thoughtful, productive and enduringly beneficial White House Conference in 1981.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate May 1980 as Older Americans Month. I ask all Americans to participate in the activities and discussions marking this special period, so that America can be strengthened and enlightened by the result. I further designate May 8, 1980, as Senior Citizens Day in honor of older Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of April, in the year of our Lord nineteen hundred eighty, and of the Independence of the United States of America the two hundred and fourth.



Presidential Documents

Proclamation 4746 of April 9, 1980

National Consumer Education Week

By the President of the United States of America

A Proclamation

America's economy is the largest and most complex in the history of the world. It offers an unparalleled choice of goods and services. For our economy to work best for our people, all of us must have the information and knowledge we need to make intelligent decisions as consumers.

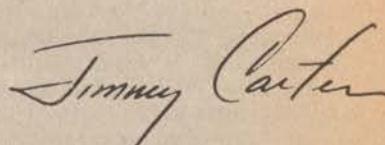
Every citizen can benefit from knowing more about consumer laws, rights, and avenues of redress. Many people—including the young, the elderly and the poor—need help in learning about buying skills, financial management, resource conservation methods, and self-help or alternative solutions to economic constraints. In addition, educated consumers can do much to ensure genuine competition, increased productivity, higher quality, and lower prices in the marketplace.

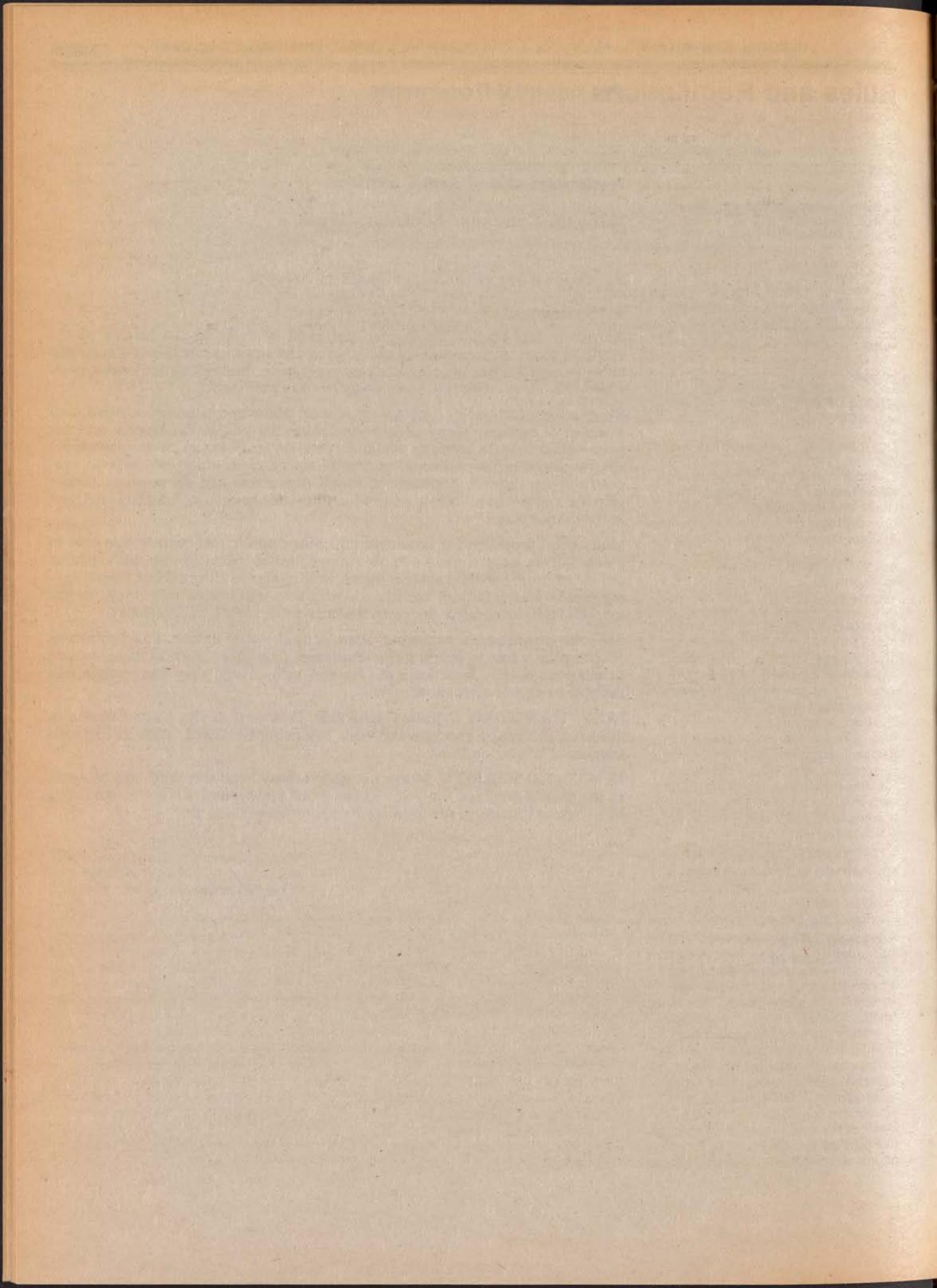
Many good programs for consumer education, public and private, are now in place. But we need a more comprehensive and coordinated approach. Just as our democratic political system needs well-informed citizens, our free economy needs well-informed consumers who can participate effectively in the marketplace partnership among consumers, government, and business.

Schools, governments, consumer organizations, labor unions, and businesses all can play a role in meeting this challenge. I call upon each of these sectors to examine closely how, individually and collectively, they can initiate and support consumer education.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning October 5, 1980, as National Consumer Education Week.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of April, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.





Rules and Regulations

Federal Register

Vol. 45, No. 72

Friday, April 11, 1980

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 Parts 335; 351; 432; 752; and 771

Promotion and Internal Placement; Reduction in Force; Reduction in Grade and Removal Based on Unacceptable Performance; Adverse Actions; Agency Grievance System

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: In response to requests from various agencies, the Office of Personnel Management (OPM) is amending its regulations to provide agencies with the authority to make term promotions after entering into a formal agreement with OPM and to exclude from Adverse Action, Reduction-in-Grade and Removal Based on Unacceptable Performance and Agency Grievance Systems regulations the return of an individual from a term promotion to a position of like pay and grade from which promoted.

EFFECTIVE DATE: May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Maribeth Zankowski, Office of Policy Analysis and Development, Staffing Services, (202) 632-6817.

SUPPLEMENTARY INFORMATION: Under this authority agencies may promote employees for extended, although temporary, periods of time (in excess of 2 years but no more than 5 years in length). There is a clear distinction between term promotions and the broader authority to make temporary promotions. The change permits agencies, after entering into a formal agreement with OPM, to make term promotions in two situations. The first involves the assignment of an employee to a position which is clearly of a project nature and terminates upon completion

of the project. The second involves assigning an expert in a specialist field (such as a curator or scientist) to an administrative position for a specified period. At the end of the period, the employee would return to his or her former position or an equivalent position of like pay and status. Such return is excluded from Parts 752, 771, and 432 of Title 5, Code of Federal Regulations.

The performance agreements will include a description of specific types of positions to which term promotions may be made, documentation of the temporary nature of the promotion, and notice to employees that they would be returned to their original position or one of equivalent pay and status at the conclusion of the project or agreed upon period. The notice will also inform the employee that upon completion of the assignment or project, or at the end of the rotational period, the return to the former position (or its equivalent) will not be subject to procedures provided in Parts 432 or 752 and will not be grievable under Part 771. Employees must agree in writing to these conditions before commencing the assignment.

Use of the authority is subject to post-audit and oversight by OPM. The exclusions from Parts 432 and 752 procedures apply only to the "return from" or "termination of" a specific project or assignment, or the end of a specified rotation period. For removal or change to lower grade based on unacceptable performance or misconduct, 5 CFR Part 432 or Part 752 will apply.

On January 4, 1980, the Office of Personnel Management published proposed regulations to authorize term promotions and invited comments from the public (45 FR 1040). All comments received were given careful consideration and, for the most part, were favorable. As a result, the Office has not modified its regulation other than to make editorial changes as set out below.

The editorial changes are as follows:

§ 335.102(g)(1). The first sentence now reads "Upon completion or termination . . ." This was added for clarification.

§ 335.102(g)(2). We removed the phrase "Demotion of an employee promoted" and added instead "Termination of an assignment". This makes our terminology consistent throughout.

The Office will supplement the regulations with guidance issued through the Federal Personnel Manual System to clarify certain items brought to our attention during the comment period which are outside the scope of the regulations.

One technical aspect of the regulations, eligibility for within-grade increases upon return, was the primary focus of the comments. Clarification will appear in the FPM explaining that individuals returning from term promotions at the completion of the specified period or project are entitled to any within-grade increases which would have accrued to them if they had remained in their former position.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management is amending Title 5, Code of Federal Regulations, as follows:

(1) In § 335.102 paragraph (g) is added to read as follows:

§ 335.102 Agency authority to promote, demote, or reassign.

* * * * *

(g) After entering into a formal agreement with the Office (OPM), promote an employee for a limited term in excess of 2 years but not more than 4 years to complete a designated project, or as part of a planned rotational system for a definite period. Upon the approval of the Office, an agency may extend the period 1 year for a total of 5 years. OPM will consider such requests only on a case-by-case basis.

(1) Upon completion or termination of the assigned project or the termination of the specified rotation period, the agency shall return the employee from the term promotion to the position from which he or she was promoted or to a position of equivalent grade and pay.

(2) The return of an employee to the position from which he or she was promoted to a position of equivalent grade and pay is not subject to Parts 351, 432, 752, and 771, of this chapter. Termination of an employee promoted under this paragraph for any other reason, such as unacceptable performance or misconduct, is covered by the appropriate part of this chapter (Part 432 or 752).

(2) In § 351.201 paragraph (h) is added to read as follows:

§ 351.201 Use of regulations.

(h) This part does not apply to the return of an employee promoted under § 335.102(g) to the position from which promoted or to a position of equivalent grade and pay.

(3) In § 432.201 paragraphs (c)(3)(x) through (xiii) are redesignated paragraphs (c)(3)(xi) through (xiv). A new paragraph (c)(3)(x) is added to read as follows:

§ 432.201 Coverage.

(c) * * *

(3) * * *

(x) An action which terminates a term promotion at the completion of the project or specified period, or at the end of a rotational assignment in excess of two years but not more than five years, and returns the employee to the position from which promoted or to a different position of equivalent grade and pay in accordance with § 335.102(g).

(4) In § 752.401 paragraphs (c)(8) through (14) are redesignated paragraphs (9) through (15) respectively. A new paragraph (c)(8) is added to read as follows:

§ 752.401 Coverage.

(c) * * *

(8) Action which terminates a term promotion at the completion of the project or specified period, or at the end of a rotational assignment in excess of two years but not more than five years, and returns the employee to the position from which promoted or to a position of equivalent grade and pay in accordance with § 335.102(g).

(5) In § 771.206 paragraphs (c)(1)(vii) through (xii) are redesignated paragraphs (c)(1)(viii) through (xiii). A new paragraph (c)(1)(vii) is added to read as follows:

§ 771.206 Exclusions.

(c) * * *

(1) * * *

(vii) An action which terminates a term promotion at the completion of the project or specified period, or at the end of a rotational assignment in excess of two years but not more than five years, and returns the employee to the position from which promoted or to a different position of equivalent grade and pay in accordance with § 335.102(g).

Authority: 5 U.S.C. 3301, 3302, 3502, 4305, 7514 6325-01.

[FR Doc. 80-11034 Filed 4-10-80; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 831

Retirement; Exclusions From Retirement Coverage; Senior Executive Service

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This regulation is being issued under the Civil Service Retirement Act, to exclude from retirement coverage limited term, limited emergency, and noncareer (indefinite) appointees in the Senior Executive Service established by the Civil Service Reform Act.

EFFECTIVE DATE: May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Gus Ghessie, 202-632-4684.

SUPPLEMENTARY INFORMATION: On September 21, 1979, the Office of Personnel Management published § 831.201(a)(17) in the Federal Register (44 FR 54695) as an interim rule, with a request for comments from interested parties before publication as a final rule. No opposition to this rule, which excludes all such appointments made on or after the date of publication (September 21, 1979) was expressed by those who forwarded comments. This rule is, therefore, being adopted as a final rule. For the convenience of the user, the text is reprinted below.

OPM has determined that this is a significant regulation for the purposes of E.O. 12044.

Office Of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management revises 5 CFR § 831.201 by adding (a)(17) to read as follows:

§ 831.201 Exclusions from retirement coverage.

(a) * * *

(17) Employees serving under limited term, limited emergency and noncareer (designated as indefinite) appointments in the Senior Executive Service.

(5 U.S.C. 8347)

[FR Doc. 80-11035 Filed 4-10-80; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Domestic Quarantine Notices; Gypsy Moth and Browntail Moth Quarantine and Regulations

Correction

In the Federal Register of Tuesday, March 11, 1980, in FR Doc. 80-7398 appearing on page 15505, make the following corrections:

(1) On page 15513 in the middle column, the eleventh line reading "Monroe County. The entire County." Should be deleted.

(2) On page 15514, in the second column, under the heading "Maine", the sixteenth line should read "(2) Low-risk area. None"

(3) On page 15517, the chart starting on line 13 and covering the first and second columns, under the heading "Concentration readings—" the third subheading should read "8h".

(4) Also on page 15517, the chart at the bottom of the page (chart "b"), should read:

BILLING CODE 1505-01-M

b. Insecticidal Treatment - Ground ApplicationMISTBLOWERMaterial and Dosage

MATERIAL	MIXING DIRECTIONS		APPLICATION RATE	DOSAGE (ACTUAL INSECTICIDE)
	Small amt.	Large Amount		
carbaryl	60 g 3.75 ml 1 liter	11.34 kg. (25 lbs.) 710 ml. (24 oz.) 189.25 liters (50 gallons)	Use sufficient mix to obtain good coverage. (Approx. 5 gal./acre)	2.24 kg per hectare (2 lbs. per acre)
diflubenzuron	1.45 grams 1 liter	272.2 grams (0.6 lbs.) 189.25 liters (50 gallons)	Use sufficient mix to obtain good coverage. (Approx. 5 gal./acre)	16.8 grams per hectare (0.015 lb. per acre)
acephate	32 grams 1 liter	6.05 kg. (26.6 lbs.) 189.25 liters (50 gallons)	Use sufficient mix to obtain good coverage. (Approx. 5 gal./acre)	1.12 kg. per hectare (1 lb. per acre)
HYDRAULIC SPRAY EQUIPMENT				
carbaryl	1.5 grams 3.75 ml 1 liter	567 grams (1 1/4 lbs.) 1.4 liter (3 pints) 378.5 liters (100 gallons)	Thoroughly wet the foliage. (Approx. 100 gal/acre)	1.12 kg. per hectare (1 lb. per acre)
acephate	0.8 grams 1 liter	303 grams (10.7 oz.) 378.5 liters (100 gallons)	Thoroughly wet the foliage. (Approx. 100 gal/acre)	561 grams per hectare (1/2 lb. per acre)

* Pinolene or Chevron stickers are comparable in effectiveness.

BILLING CODE 1505-01-C

(5) On page 15518, Chart "c. Insecticidal Treatment—Aerial Application—Material and Dosage"; the third subheading "Spray mixture—(per hectare)" should read "Spray mixture—(per acre)".

Also on page 15518 in the third column, underneath chart "c.", in the fourth line, the first number "190.0 liters" should read "1900 liters".

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 247]

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 April 13–19, 1980. 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: April 13, 1980.

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.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on July 31, 1979. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on April 8, 1980, at Los Angeles, California, to reconsider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons continues to be good.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60 day comment period as recommended in E.O. 12044, and 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). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.547 Lemon Regulation 247.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period April 13, 1980, through April 19, 1980, is established at 250,000 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: April 9, 1980.

Charles R. Brader

Director Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80–11120 Filed 4–10–80; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1472

[Amdt. 2]

Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool) (1978–81) Payment and Deduction Rates for 1979 Marketing Year

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to announce the payment and deduction rates for shorn wool and unshorn lambs (pulled wool) marketed by producers during the 1979 marketing year. Such

payments and deductions are authorized under Commodity Credit Corporation's payment program for shorn wool and unshorn lambs (pulled wool) for the 1978, 1979, 1980, and 1981 marketing years (7 CFR 1472.1501 *et seq.*) pursuant to the National Wool Act of 1954, as amended (7 U.S.C. 1781 *et seq.*). The payment program is intended to encourage the continued domestic production of wool at prices fair to both producers and consumers.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Gerald Schiermeyer, Emergency and Indemnity Programs Division, ASCS, USDA, 4095 South Building, Washington, D.C. 20013 (202–447–4428). The Final Impact Statement describing the impact of implementing this final rule is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedure established in Secretary's Memorandum 1955 to compliment Executive Order 12044 and has been classified as "nonsignificant".

For the 1979 marketing year, section 703 of the National Wool Act of 1954, as amended (7 U.S.C. 1782) (hereinafter referred to as the "Wool Act") and the regulations at 7 CFR 1472.1503 and 1472.1521 provide that the support price for shorn wool shall be 85 percent of the amount calculated according to the formula set forth in section 703 of the Wool Act. Section 703 and the regulations further provide that the support price for pulled wool shall be at a level comparable to the support price of shorn wool which the Secretary determines will maintain normal marketing practices for pulled wool. On December 8, 1978, the Department of Agriculture announced a price support rate of 115 cents per pound for 1979 marketings of shorn wool.

The payment rates for shorn wool and pulled wool are determined in accordance with section 704 of the Wool Act, as amended (7 U.S.C. 1783), and the regulations at 7 CFR 1472.1505 and 1472.1521. The rate of payment for wool for each year is based on the difference between the annual national average price received for wool and the previously announced support price. The rate of payment for pulled wool is at a comparable rate to that of shorn wool.

Section 708 of the Wool Act, as amended (7 U.S.C. 1787), authorizes the Secretary of Agriculture to enter into agreements with marketing cooperatives, trade associations and others engaged or whose members are

engaged in the handling of wool, mohair, sheep, or goats, or the products thereof. These agreements can provide for deductions from support payments to producers to conduct advertising and sales promotion programs for the development and dissemination of information for wool, mohair, sheep or goats or their products. Increased deductions for the 1978-1981 marketing years of 2.5 cents per pound for shorn wool and 12.5 cents per hundredweight for unshorn lambs were authorized in the agreement between the American Sheep Producers Council Inc., (ASPC) and the Secretary of Agriculture approved by producers in a referendum held during August 1978.

This rule merely announces the payment and deduction rates for shorn wool and unshorn lambs (pulled wool) for the 1979 marketing year. There is no latitude in the Wool Act and the regulations determining the payment rate and the deduction rates are the rates authorized in the agreement between the ASPC and the Secretary. This rule also adds a provision which sets forth the price support level for the 1979 marketing year as announced by the Department in December 8, 1978.

A delay in the effective date of this amendment would delay payments to producers who completed marketings of shorn wool and unshorn lambs during 1979. Therefore Ray Fitzgerald, Administrator, ASCS, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period in this final action. Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that compliance with the notice of proposed rulemaking and public participation procedure is unnecessary, impracticable and contrary to the public interest and good cause is found for making this emergency final action effective less than 30 days after publication in the Federal Register.

Rule

In consideration of the foregoing, Part 1472 is amended by adding a new paragraph (c) to § 1472.1503, new paragraphs (d) to § 1472.1505 and to § 1472.1521, and a new paragraph (c) to § 1472.1546 as follows:

PART 1472—WOOL

1. Section 1472.1503 is amended by adding a new paragraph (c) as follows:

§ 1472.1503 Announcement of price support level.

* * * * *

(c) 1979 Marketing year. For the 1979 marketing year, the support level for shorn wool was announced on December 8, 1978, as \$1.15 per pound, grease basis.

2. Section 1472.1505 is amended by adding a new paragraph (d) as follows:

§ 1472.1505 Price support payments.

* * * * *

(d) 1979 marketing year. The national average price received by producers for shorn wool marketed during the 1979 marketing year was 86.3 cents a pound, grease basis, which was 28.7 cents a pound below the 1979 support price of 115 cents for that year. Therefore, the rate of payment for the 1979 marketing year is 33.3 percent.

3. Section 1272.1521 is amended by adding a new paragraph (d) as follows:

§ 1472.1521 Price support payments.

* * * * *

(d) 1979 marketing year. The rate of payment on unshorn lambs sold during the 1979 marketing year is 115 cents per hundredweight of live lambs based on a difference of 28.7 cents a pound between the price support level of 115 cents and the national average price of 86.3 cents a pound received by producers for shorn wool during the 1979 marketing year (§ 1472.1505(d)).

4. Section 1472.1546 is amended by adding a new paragraph (c) as follows:

§ 1472.1546 Deductions for promotion.

* * * * *

(c) For the 1979 marketing, a deduction will be made from each shorn wool payment at the rate of 2.5 cents a pound of wool, grease basis, and from each unshorn lamb payment at the rate of 12.5 cents per hundredweight of live lambs as announced in a Department press release issued December 27, 1978. The funds from such deductions will be used to finance the advertising and sales promotion program as provided in the agreement between ASPC and the Department of Agriculture and approved by producers in the 1978 Referendum, pursuant to section 708 of the National Wool Act of 1954, as amended.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 702-708, 68 Stat. 910-912, as amended (7 U.S.C. 1781-1787).)

Signed at Washington, D.C., on April 4, 1980.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-10966 Filed 4-10-80; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Nonimmigrant Classes; Deletion of Surplus and Obsolete Language Regarding Administrative Extensions of Status

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This document deletes a provision in the Service regulations which is no longer in effect and no longer needed. The provision originally provided an administrative extension of stay to certain nonimmigrant physicians during the period January 10, 1977 through January 10, 1978 which was necessitated by the implementation of the Health Professions Educational Assistance Act.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT:

FOR GENERAL INFORMATION: Stanley J. Kieszkil, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, N.W., Washington, DC 20536. Telephone: (202) 633-3048.

FOR SPECIFIC INFORMATION: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 I Street, N.W., Washington, DC 20536. Telephone: (202) 633-3948.

SUPPLEMENTARY INFORMATION: Section 601 of the Health Professions Educational Assistance Act of 1976, Pub. L. 94-484, which section became effective on January 10, 1977 amended sub-sections 101(a)(15)(H)(i), (ii), and (iii) of the Immigration and nationality Act by setting new criteria for the classification of nonimmigrant physicians. As a result of these amendments certain physicians no longer met the requirements as nonimmigrants. In order to provide for an orderly transition in these cases, the Service provided an administrative extension of stay of up to one year for those physicians who were admitted prior to January 10, 1977 under the former status requirements. This administrative provision promulgated in 8 CFR 214.2(h)(11) expired as of January 10, 1978 and is no longer in effect; therefore, this surplus language in sub-section 214.2 of paragraph (h)(11) of Chapter I, Title 8 of the Code of Federal Regulations is being deleted.

PART 214—NONIMMIGRANT CLASSES

§ 214.2(h)(11) [Amended]

1. In § 214.2, paragraph (h)(11) is amended by deleting the entire fifth sentence beginning with "The physician

who prior to January 10, 1977 . . ." and continuing to the end of the paragraph. (Secs. 101, 103; 8 U.S.C. 1101 and 1103, as amended)

This regulation is published under 5 U.S.C. 552, as amended, and the authority in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) 28 CFR 0.105(b) and 8 CFR 2.1.

Compliance with the provisions of 5 U.S.C. 553 as to notice of rulemaking and delayed effective date is unnecessary because the amendment is editorial in nature and does not change the effect of the regulation.

Effective date: This amendment becomes effective on April 11, 1980.

Dated: April 8, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-11004 Filed 4-10-80; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 51

Miscellaneous Amendment; Correction

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Correction.

SUMMARY: This document corrects the wording of an amendment to the brucellosis indemnity regulations. This action is needed to correct an error regarding the omission of the modifying adjective "exposed."

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT:

Dr. A. D. Robb, USDA, APHIS, VS, Federal Building, Room 805, Hyattsville, MD 20782, 301-436-8713.

SUPPLEMENTARY INFORMATION: On

August 3, 1979, there was published in the Federal Register (44 FR 45604) a final rulemaking document amending the brucellosis indemnity regulations in 9 CFR Part 51. Through a typing error and a proof reading oversight, the modifying adjective "exposed" preceding the word cattle in the proviso of § 51.5(b) was omitted.

§ 51.5 [Amended]

In order to correct this error, the proviso in § 51.5(b) is changed to read as follows:

* * * * *

* * * *Provided, however,* that in lieu of branding with the letter "B" and

tagging with an approved metal tag, exposed cattle in herds scheduled for herd depopulation, may be identified by USDA-approved backtags and either accompanied directly to slaughter by a Veterinary Services or State representative or moved directly to slaughter in vehicles closed with official seals.

* * * * *

Done at Washington, D.C., this 7th day of April 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-10967 Filed 4-10-80; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 92

Specifically Approved States To Receive Stallions Imported From CEM-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document gives notice of States specifically approved to receive stallions imported into the United States from Countries affected with contagious equine metritis (CEM).

This action is necessary as a permit will only be issued if the stallion is consigned to a State which the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, has approved to receive such horses on the basis that the State has laws or regulations in effect to require the additional inspection, treatment and testing of such horses to further insure their freedom from CEM. The effect of this action is to give notice of such specifically approved States.

EFFECTIVE DATE: April 3, 1980.

FOR FURTHER INFORMATION CONTACT:

Dr. D. E. Herrick, USDA, APHIS, VS, Room 815, Federal Building, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: On

Friday, January 4, 1980, there was published in the Federal Register regulations in 9 CFR Part 92, as amended, containing restrictions on the importation of male horses (stallions over 731 days of age) into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met, and the animals imported are moved into specified States for further inspection, treatment and testing by the State of destination. The amendment established minimum standards which a State must meet in order to be approved

to receive stallions imported from CEM-affected countries. These standards contain treatment, testing and handling procedures believed necessary to insure that the stallions being imported into the United States are free of the contagion of CEM.

This document lists the States of South Carolina and Virginia as specifically approved for purposes of the regulations, on the basis of a determination of their eligibility for such approval under § 92.4(a)(6) of the regulations.

Accordingly, § 92.4(a)(5)(ii) of Title 9, Code of Federal Regulations is amended by adding "The States of South Carolina and Virginia," after "The State of Kentucky," as States approved to receive stallions pursuant to § 92.4(i)(2)(iv) of the regulations.

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

This amendment establishes South Carolina and Virginia as States which have been approved to receive stallions from CEM-affected countries for handling in accordance with the provisions of 9 CFR 92.4(a)(6). This amendment must be made effective immediately in order to facilitate the movement of stallions in foreign commerce during the forthcoming breeding season and accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the Federal Register.

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Dr. M. J. Tillery, Director, National Program Planning Staffs, VS, APHIS, that the emergency nature of this final rule warrants publication without opportunity for prior public comment or preparation of an impact analysis statement at this time.

This final rule will be scheduled for review under provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 3rd day of April 1980.

Pierre A. Chaloux,

Deputy Administrator, Veterinary Services.

[FR Doc. 80-10631 Filed 4-10-80; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Quality Service

9 CFR Part 331

Special Provisions for Designated States and Territories; and for Designation of Establishments Which Endanger Public Health and for Such Designated Establishments; Designation of the State of Maine

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the State of Maine as required under section 301(c)(3) of the Federal Meat Inspection Act.

Representatives of the Governor of the State have advised this Department that the State is no longer in a position to continue administering a State meat inspection program. Accordingly, effective May 12, 1980, all establishments operating under the Maine meat inspection program shall be subject to the provisions of titles I and IV of the Federal Meat Inspection Act.

EFFECTIVE DATES: Effective date of this document will be April 11, 1980. Effective date of the application of regulations, May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. J. K. Payne, Director, Federal-State Relations Branch, Field Operations, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6313.

SUPPLEMENTARY INFORMATION: Representatives of the Governor of the State of Maine have advised this Department that the State of Maine is no longer in a position to continue administering the State meat inspection program after May 9, 1980, and have requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat products and other articles and animals subject to the Federal Meat Inspection

Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of Maine had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act. However, such titles and sections contemplate continuous, ongoing programs, and in view of the termination date now applicable to the Maine program, it is hereby determined that Maine is not effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c)(3) of the Federal Meat Inspection Act.

On May 12, 1980, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Federal Meat Inspection Act, and any establishment in the State of Maine which conducts any slaughtering or preparation of carcasses or parts or products thereof of cattle, sheep, swine, goats, horses, mules, or other equines, must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operations after May 12, 1980, should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment: Dr. Wilson S. Horne, Acting Director, Northeastern Region, Meat and Poultry Inspection Program, U.S. Department of Agriculture, 1421 Cherry Street, Seventh Floor, Philadelphia, PA 19102, (215) 597-4219.

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Accordingly, the table in § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is amended as follows:

§ 331.2 [Amended]

1. In the "State" column, "Maine" is added immediately below "Kentucky."

2. In the "Effective date of application of Federal provisions" column, May 12, 1980, is added on the line with "Maine."

(Secs. 21 and 301(c), 34 Stat. 1260, as amended; 21 U.S.C. 621, 661(c) 42 FR 35625, 35626, 35631)

Dr. Donald L. Houston, Administrator, Food Safety and Quality Service, has determined that it is necessary to designate the State of Maine immediately in accordance with section 301(c) of the Federal Meat Inspection Act in order to carry out the Secretary's responsibilities under the Act.

Therefore, it does not appear that any additional relevant information would be made available to the Secretary by an impact statement or by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, DC, on: April 8, 1980.

Donald L. Houston,

Administrator, Food Safety and Quality Service

[FR Doc. 80-11038 Filed 4-10-80; 8:45 am]

BILLING CODE 3410-DM

DEPARTMENT OF ENERGY

10 CFR Part 205

Kerosene-Fueled Water Heaters

AGENCY: Department of Energy.

ACTION: Ruling.

SUMMARY: The appended Ruling is issued by the Department of Energy (DOE) Office of General Counsel pursuant to 10 CFR 205.150 to set forth DOE's determination as to the applicability of test procedures for water heaters set forth in 10 CFR Part 430 to water heaters designed exclusively to use kerosene fuel. A written comment of objection to the appended Ruling may be filed at any time with the DOE Office of General Counsel pursuant to the provisions of 10 CFR 212.153.

ADDRESS: Send comments of objection to: Merrill Hathaway, Acting Assistant General Counsel for Interpretations and Rulings, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 5E052, Forrestal Bldg., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Dennis M. Moore, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 5E052, Forrestal Bldg., Washington, D.C. 20585 (202) 252-2931.

Issued in Washington, D.C.

Dated: April 7, 1980.

Merrill F. Hathaway, Jr.,

Acting Assistant General Counsel for Interpretations and Rulings.

10 CFR is amended by adding to the Rulings appearing at the end of Chapter II the following Ruling 1980-1 to read as follows:

Ruling 1980-1: Application of Test Procedures to Water Heaters Designed To Utilize Kerosene Fuel

The Department of Energy (DOE) has recently become aware of some uncertainty concerning the applicability of the DOE's test procedures for water heaters, 10 CFR Part 430, Subpart B. The purpose of this Ruling is to give notice that water heaters designed exclusively to utilize kerosene fuel are not presently covered by these DOE regulations.

Title III, Part B of the Energy Policy and Conservation Act (Pub. L. 94-163) (EPCA) established an energy conservation program for consumer products. As part of this program, § 323 (42 U.S.C. 6293) of the EPCA requires that standard methods of testing be prescribed to determine estimated annual operating cost and at least one other useful measure of energy consumption for certain products, including water heaters.

Test procedures for water heaters were proposed by notice issued April 21, 1977 (42 FR 21576, April 27, 1977); final test procedures for water heaters were prescribed on September 27, 1977 (42 FR 54110, October 4, 1977). The DOE has subsequently amended the test procedures for water heaters by notice issued October 13, 1978 (43 FR 48986, October 19, 1978), in order to specify a new method of determining the measure of efficiency of water heaters, and by notice issued August 30, 1979 (44 FR 52632, September 7, 1979), in order to specify a new measure of capacity, first-hour rating.

The applicability of these test procedures is governed by definitions set forth in 10 CFR 430.2, which provide:

"Gas" means either natural gas or propane.

* * * * *

"Oil" means heating oil grade No. 2 as defined in American Society for Testing and Materials (ASTM) D396-71.

* * * * *

"Water heater" means an automatically controlled thermally insulated vessel designed for heating water and storing heated water, which utilizes either oil, gas, or electricity as the fuel or energy source for heating the water, which is designed to produce hot water at a temperature of less than 180° F. * * *

The DOE is concerned that its test procedures might be improperly construed to apply to a model of water heater designed for use with kerosene fuel. In prescribing the test procedures for water heaters, the DOE did not include kerosene or kerosene-fueled water heaters in the test program, since "water heater" is expressly defined to include only those units utilizing specified fuels and or energy sources,

which do not include kerosene.

Kerosene is covered neither by the regulatory definition of "oil" nor by the definition of "gas" as § 430.2, quoted above, makes clear. Moreover, the DOE has not published a representative average unit cost for kerosene pursuant to § 323(b)(2) of the EPCA, which would be necessary to perform the test procedure calculations for determining estimated annual operating costs. Therefore, the DOE test procedures for water heaters as presently constituted are not applicable to water heaters designed to utilize kerosene fuel, unless such products are also designed to utilize electricity, natural gas, propane, or No. 2 heating oil as an alternative fuel energy source.

Issued in Washington, D.C., April 5, 1980.

Lynn R. Coleman,

General Counsel.

[FR Doc. 80-11037 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 369

Restrictive Trade Practices or Boycotts

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Final Rule.

SUMMARY: The agency is amending the Restrictive Trade Practices or Boycotts part of the Export Administration Regulations (15 CFR Part 369) which implements Title II of the Export Administration Amendments of 1977 (Pub. L. 95-52), incorporated into the Export Administration Act of 1979. (Pub. L. 96-72, to be codified at 50 U.S.C. App. 2401, *et seq.*). The change is being made to clarify the application of § 369.3(d) of the regulations to certain restrictions on the route of shipment of exports from boycotting countries.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Howard Fenton, Office of Antiboycott Compliance, U.S. Department of Commerce, (202) 377-5942.

SUPPLEMENTARY INFORMATION: Section 8(a)(2)(D) of the Export Administration Act of 1979 (the Act) provides an exception for "complying or agreeing to comply with export requirements of the boycotting country relating to shipments or transshipments of exports to the boycotted country, to any business concern of or organized under the laws of the boycotted country, or to any

national or resident of the boycotted country." On December 4, 1979, (44 FR 69665) the Department invited interested persons to submit comments on its proposed amendment to § 369.3(d) which would permit compliance with boycotting country restrictions designed to prevent exports from the boycotting country from passing through the jurisdiction of a boycotted country. As currently written, § 369.3(d) explicitly permits compliance with restrictions designed to prevent boycotting country exports from being shipped or transshipped to a boycotted country but is silent with respect to shipments or transshipments through a boycotted country. Comments were to be received before noon on January 4, 1980.

Four of the five comments were in support of the proposed amendment and indicated that the amendment was consistent with provisions of the underlying legislation. The supporting comments pointed out, among other things, that there is nothing in the statutory language or its legislative history which limits the scope of the preposition "to" in the phrase "shipments or transshipments of exports to" to the ultimate destination or final resting place of the exports. The comments also pointed out that Congress intended to recognize the legitimate interests of sovereign states in controlling the end-use of their exports and assuring the arrival of their exports at the intended ultimate destination. It is the Department's view that prohibiting shipment of exports through a boycotted country is a reasonable measure to insure against diversion or seizure of the exports of a boycotting country prior to arrival at their final destination.

One commenter noted that § 8(a)(2)(D) of the Act provides for an exception for both compliance and agreement to comply. Section 369.3(d)(1) of the regulations, which states the general rule, also expressly extends to both compliance and agreement to comply. Proposed examples (viii) and (ix) were stated only in terms of compliance; they did not expressly refer to agreement to comply. All examples under § 369.3(d) should conform to both the statute and § 369.3(d)(1). Based on this comment the Department has inserted the phrase "agree to any comply" in the appropriate places in the final rule to make the statute, regulations and the examples internally consistent.

The factual circumstances described in proposed example (vii) of § 369.3(d), and used as a basis for proposed examples (viii) and (ix) were the same

as used in example (i) of this section. Specifically, in example (i), a premise is that "A, a U.S. petroleum company exports petroleum products to 20 countries from boycotting country Y." To avoid any possible confusion about the transactions described not being in the interstate or foreign commerce of the United States, both example (i) and proposed example (vii) are amended in the final rule to include the phrase " * * * including the United States * * *" following the statement " * * * exports petroleum products to 20 countries * * *". This change neither limits nor expands the application of those examples and is done solely to avoid possible confusion.

As proposed § 369.3(d)(3) (i) and (ii) read as follows:

(i) explicitly states that the shipment should not pass through a port of the boycotted country enroute to its final destination; or

(ii) affirmatively describes a route of shipment that does not include a port of the boycotted country. (Emphasis added).

The Department has deleted the terms "port of the" in recognition of the fact that export shipments through boycotted countries need not necessarily flow through ports. For example, exports may be shipped via surface carrier, waterways, or pipeline and not pass through a "port". These changes have been made to correct an unintended limitation in the description of the proposed exceptions.

One comment opposed the proposed amendments on the grounds that they would encourage American companies to cooperate with unjust foreign boycotts. The Department, as did the majority of commenters, views the amendments as totally consistent with Section 8(a)(2)(D) of the Act and the policy of the U.S. government to oppose unsanctioned foreign boycotts of nations friendly to the United States while recognizing the legitimate rights of sovereign states to control the disposition and ultimate destination of their exports.

As a reiteration of the narrow and specific application of these exceptions, as provided for in the law, paragraph (4) has been added to § 369.3(d). This paragraph states that under the exception a U.S. person may not refuse on an across-the-board basis to do business with a boycotted country or a national or resident of a boycotted country.

The Department has determined that receipt of requests from boycotting countries to restrict the route of shipment of exports from the boycotting country are not reportable. Such

requests come within the reporting requirements exception found in § 369.6(a)(5)(ii) which provides that "A request to ship goods via a prescribed route, or a request to refrain from shipping goods via a proscribed route" is not reportable.

Accordingly, § 369.3(d) of Title 15 of the Code of Federal Regulations is amended as set forth below.

1. Section 369.3(d) (3) and (4) are added as follows. (Paragraphs (d) (1) and (2), although unchanged, are repeated for clarity.)

§ 369.3 Exceptions to prohibitions.

(d) Shipment and Transshipment of Exports Pursuant to a Boycotting Country's Requirements.

Compliance with a Boycotting Country's Requirements Regarding Shipment And Transshipment of Exports

(1) A United States person may comply or agree to comply with the export requirements of a boycotting country with respect to shipments or transshipments of exports to:

- (i) a boycotted country;
- (ii) any business concern of a boycotted country;
- (iii) any business concern organized under the laws of a boycotted country; or
- (iv) any national or resident of a boycotted country.

(2) This exception permits compliance with restrictions which a boycotting country may place on direct exports to a boycotted country; on indirect exports to a boycotted country [*i.e.*, those that pass via third parties]; and on exports to residents, nationals or business concerns of, or organized under the laws of, a boycotted country, including those located in third countries.

(3) This exception also permits compliance with restrictions which a boycotting country may place on the route of export shipments when the restrictions are reasonably related to preventing the export shipments from coming into contact with or under the jurisdiction of the boycotted country. This exception applies whether a boycotting country or the vendor of the shipment:

- (i) explicitly states that the shipment should not pass through the boycotted country en route to its final destination; or
- (ii) affirmatively describes a route of shipment that does not include the boycotted country.

(4) A United States person may not, under this exception, refuse on an across-the-board basis to do business with a boycotted country or a national or resident of a boycotted country.

2. Example (i) appearing at 15 CFR § 369.3(d) is deleted and a new example (i) is inserted as follows:

(i) A, a U.S. petroleum company, exports petroleum products to 20 countries, including the United States, from boycotting country Y. Country Y's export regulations require that products not be exported from Y to boycotted country X.

A may agree to and comply with Y's regulations with respect to the export of goods from Y to X.

3. The following examples are to be added following 15 CFR § 369.3(d) example (vi):

(vii) A, U.S. petroleum company, exports petroleum products to 20 countries, including the United States, from boycotting country Y. Y requires, as a condition of sale, that A not ship the products to be exported from Y to or through boycotted country X.

A may agree to and comply with this requirement, because it is an export requirements of Y designed to prevent Y-origin products from coming into contact with or under the jurisdiction of a boycotted country.

(viii) Same as (vii), except that boycotting country Y's export regulations require that products to be exported from Y not pass through a port of boycotted country X.

A may agree to and comply with Y's regulations prohibiting Y-origin exports from passing through a port at boycotted country X, because they are export requirement of Y designed to prevent Y-origin products from coming into contact with or under the jurisdiction of a boycotted country.

(ix) Same as (vii), except that Y's export regulations require that A not transship the exported products "in or at" boycotted country X.

A may agree to and comply with Y's regulations with respect to the transshipment of goods in or at X, because they are export requirements of Y designed to prevent Y-origin products from coming into contact with or under the jurisdiction of a boycotted country.

Dated April 4, 1980.

Stanley J. Marcuss,
Acting Assistant Secretary for International Trade.

[FR Doc. 80-10777 Filed 4-10-80; 8:45 am]

BILLING CODE 3510-25-M

WATER RESOURCES COUNCIL

18 CFR Part 713

Procedures for Evaluation of National Economic Development (NED) Benefits and Costs in Water Resources Planning (Level C)

AGENCY: U.S. Water Resources Council.

ACTION: Revisions to final rule.

SUMMARY: The Economic Development Administration has ceased publication of *Qualified Areas* which was cited as a reference to designated areas eligible for

employment benefits in paragraph 713.1203(b) (44 FR 72969). The revision provides the criteria for designation of planning regions that have unemployed or underemployed labor resources.

EFFECTIVE DATE: This action becomes effective May 12, 1980.

FOR FURTHER INFORMATION CONTACT:

Frank Thomas, U.S. Water Resources Council, 2120 L Street, NW., Washington, D.C. 20037 (202-254-6453).

Paragraph (b) of Section 713.1203 (44 FR 72969) is amended to read as follows:

§ 713.1203 Conceptual basis.

* * * * *

(b) Conceptually, any employment, anywhere in the Nation, of otherwise unemployed or underemployed resources that results from a project represents a valid NED benefit. However, primarily because of identification and measurement problems, and because unemployment is regarded as a temporary phenomenon, the Principles and Standards specifically permit only those labor resources employed onsite in the construction or installation of a project or a nonstructural measure. The Standards state that the WRC will designate planning regions that have unemployed or underemployed labor resources. Areas to be used in the analysis are those areas with "substantial and persistent unemployment," (1) where the Secretary of Labor finds that the current rate of unemployment, as determined by appropriate annual statistics for the most recent 12 consecutive months, is 6 percent or more and has averaged at least 6 percent for the qualifying time periods specified in paragraph (ii); and (2) where the Secretary of Labor finds that the annual average rate of unemployment has been at least: (i) 50 percent above the national average for three of the preceding four calendar years, or (ii) 75 percent above the national average for two of the preceding three calendar years, or (iii) 100 percent above the national average for one of the preceding two calendar years; and in addition, those Indian reservations that meet the criteria for "substantial and persistent unemployment." Only the portion of project construction activity located in a designated area is eligible for employment benefits as calculated in accord with the procedures specified below.

Any benefit claimed must be clearly justifiable both in terms of availability of amounts of unemployed and/or

underemployed labor and their skills and occupations.

Issued on: April 11, 1980.

Leo M. Eisel,
Director.

[FR Doc. 80-10829 Filed 4-10-80; 8:45 am]

BILLING CODE 8410-01-M

18 CFR Part 713

Procedures for Evaluation of National Economic Development (NED) Benefits and Costs in Water Resources Planning (Level C)

AGENCY: U.S. Water Resources Council.

ACTION: Corrections to final rule.

SUMMARY: In the December 14, 1979,

Federal Register (44 FR 72892) there was published a final rule containing several inaccuracies. Accordingly, the publication of the full text of the regulations is amended by the corrections in this document.

EFFECTIVE DATE: This action shall become effective on April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Frank Thomas, U.S. Water Resources Council, 2120 L Street NW., Washington, D.C. 20037 (202-254-6453).

§ 713.313 [Amended]

Section 713.313 (18 CFR Part 713) as published at 44 FR 72926, is corrected by deleting Table 713.313-1 (44 FR 72927) and inserting the following Table 713.313-1 in its place:

Table 713.313-1.—Drainage Project Evaluation

Item	Current	Base year	Year*	Year*	Year*	Year*	Current capitalized Value ^b
Without project:							
Soil capability classification—(indicate class number)							
Acres:							
Row crop							
Pasture							
Yield/acres:							
Row crop							
Pasture							
(-) Value of production							
(+) Variable production cost							
(+) System OM&R cost							
Soil capability classification—(indicate class number)							
Acres:							
Row crop							
Pasture							
(-) Value of production							
(+) Variable production cost							
(+) System OM&R cost							
With project:							
Soil capability classification—(indicate class number)							
Acres:							
Row crop							
Pasture							
Yield/acres:							
Row crop							
Pasture							
(+) Value of production							
(-) Variable production cost							
(-) Remaining system OM&R							
Soil capability classification—(indicate class number)							
Acres:							
Row crop							
Pasture							
Yield/acres:							
Row crop							
Pasture							
(+) Value of production							
(-) Variable production cost							
(-) Remaining system OM&R							
Benefit							

* Average annual value at given year.

^b Capitalized—percent interest rate over evaluation period.

§ 713.409(c) [Amended]

Paragraph (c) of Section 713.409 (44 FR 72928) is amended by deleting the word "even" in the second sentence.

§ 713.2009 [Amended]

Paragraph (h)(1) of Section 713.2009 (44 FR 72973) is amended by deleting the phrase "foregone real estate taxes;" in the third sentence.

Issued on: April 11, 1980.

Leo M. Eisel,

Director

[FR Doc. 80-10930 Filed 4-10-80; 8:45 am]

BILLING CODE 8410-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 58

[Docket No. 76N-0400]

Good Laboratory Practice for Nonclinical Laboratory Studies; Amendment of Good Laboratory Practice Regulations

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the good laboratory practice regulations (GLP's) to delete the provision which requires the retention of reserve samples of test or control article-carrier mixtures. The agency has concluded that the retention of such samples is not necessary to assure the quality of safety testing. The action is based on petitions filed by Riker Laboratories, Inc., and the Pharmaceutical Manufacturers Association.

EFFECTIVE DATE: May 12, 1980.

FOR FURTHER INFORMATION CONTACT:

Paul D. Lepore, Bioresearch Monitoring Staff (HFC-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2390.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 4, 1979 (44 FR 69666), FDA proposed to amend the GLP regulations (21 CFR Part 58) to delete § 58.113(b) (21 CFR 58.113(b)) which requires that "For studies of more than 4 weeks' duration, a reserve sample of each test or control article-carrier mixture shall be taken and retained for the period of time provided by § 58.195." The proposal provided interested persons a time period of 60 days within which to file comments. The agency has received 36 comments on the proposal. All comments were in favor of the agency's proposal.

Based on the comments received and on the reasons set forth in the proposal, the agency concludes that the GLP amendments should be adopted as proposed and set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 406, 408, 409, 502, 503, 505, 506, 507, 510, 512-516, 518-520, 701(a), 706, 801, 52 Stat. 1049-1053 as amended, 1055, 1058 as amended, 55 Stat. 851 as amended, 59 Stat. 463 as amended, 68 Stat. 511-517 as amended, 72 Stat. 1785-1788 as amended, 74 Stat. 399-403, 76 Stat. 794-795 as amended, 82 Stat. 343-351, 90 Stat. 540-560, 562-574 (21 U.S.C. 346, 346a, 348, 352, 353, 355, 356, 357, 360, 360b-360f, 360h-360j, 371(a), 376, and 381)) and the Public Health Service Act (secs. 215, 351, 354-360F, 58 Stat. 690, 702 as amended, 82 Stat. 1173-1188 as amended (42 U.S.C. 216, 262, 263b-263n)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 58 is amended as follows:

§ 58.113 [Amended]

1. In § 58.113 *Mixture of articles with carriers*, by deleting and reserving paragraph (b).

§ 58.195 [Amended]

2. In § 58.195 *Retention of records*, by deleting from paragraph (c) the phrase "samples of test or control article-carrier mixtures."

Effective date. This regulation is effective May 12, 1980.

Dated: April 3, 1980.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-10797 Filed 4-10-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 510 and 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: The regulations are amended to codify a previously approved new animal drug application (NADA) filed for Norco Mills of Norfolk, Inc., providing for safe and effective use of a 2-gram-per-pound tylosin premix for making complete swine feeds, and to add this firm to the list of approved NADA sponsors.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT:

Jack C. Taylor, Bureau of Veterinary Medicine (HVF-136), Food and Drug Administration, Department of Health,

Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Norco Mills of Norfolk, Inc., P.O. Box 56, Norfolk, NE 68701, is the sponsor of NADA 49-890 submitted on its behalf by Elanco Products Co. The NADA provides for use of a premix containing 2 grams of tylosin (as tylosin phosphate) per pound for making complete swine feeds used to increase rate of weight gain and to improve feed efficiency.

The NADA was originally approved February 28, 1973. At that time, approved sponsors and their premix levels were not routinely published in the Federal Register. The regulations are now amended to codify the NADA.

Approval of this NADA relied upon safety and effectiveness data contained in Elanco Product Co.'s approved NADA 12-491. Use of the data in NADA 12-491 to support this NADA was authorized by Elanco. This action, codification of a previously approved NADA, did not involve reevaluation of the safety and effectiveness data in NADA's 12-491 or 49-890.

Norco Mills of Norfolk, Inc., has not previously been included in the regulations under the list of approved sponsors. The regulations are also amended to include this firm in the list of sponsors.

In accordance with the provisions of Part 20 (21 CFR Part 20) promulgated under the Freedom of Information Act (5 U.S.C. 552) and the freedom of information regulations in § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of the safety and effectiveness data and information submitted to support approval of this application is released for public examination at the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 558 are amended as follows:

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses and drug labeler codes of sponsors of approved applications.

Firm name and address	Drug labeler code
Norco Mills of Norfolk, Inc., P.O. Box 56, Norfolk, NE 68701	027190
Norco Mills of Norfolk, Inc., P.O. Box 56, Norfolk, NE 68701	027190

2. In Part 558, § 558.625 is amended by adding new paragraph (b)(67) to read as follows:

§ 558.625 Tylosin

(b) To 027190: 2 grams per pound; paragraph (f)(1)(vi)(a) of this section.

Effective date. This amendment is effective April 11, 1980.

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

Dated: April 4, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80-10637 Filed 4-10-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Fair Housing and Equal Opportunity

24 CFR Part 115

[Docket No. R-80-740]

Recognition of Substantially Equivalent Laws

AGENCY: Housing and Urban Development/Office of Fair Housing Equal Opportunity.

ACTION: Final rule

SUMMARY: This rule amends current regulations which provide for recognition of State and local fair housing laws which provide rights and remedies which are substantially equivalent to those provided by Title VIII of the Civil Rights Act of 1968. The

amendment grants recognition to the States of Delaware and South Dakota.

EFFECTIVE DATE: May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Steven J. Sacks, Director, Federal, State and Local Programs Division, Fair Housing Enforcement and Section 3 Compliance, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451-7th Street, S.W., Washington, D.C. 20410 (202) 426-3500.

SUPPLEMENTARY INFORMATION: On December 13, 1979, the Department of Housing and Urban Development published in the *Federal Register* (44 FR 72185) a notice that pursuant to Section 810(c) of Title VIII of the Civil Rights Act of 1968, as amended, it was proposing to grant recognition to the State fair housing laws of Delaware and South Dakota as being substantially equivalent to Title VIII. The evaluation of the fair housing laws of the States of Delaware and South Dakota was conducted in accordance with the provisions of 24 CFR Part 115, with particular reference to §§ 115.2(a), 115.3 and 115.8. In the notice of December 13, 1979, those sections were set forth to provide appropriate information to all parties with an interest in HUD's proposed action.

All interested persons and organizations were invited to submit written comments on or before February 11, 1980. One comment was received which, after careful review, has been considered as being unresponsive to the question of equivalency of the States of Delaware and South Dakota.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

PART 115—RECOGNITION OF SUBSTANTIALLY EQUIVALENT LAWS

Accordingly, it has been determined to adopt the proposed amendment as a final rule and amend § 115.11 of 24 CFR Part 115 by adding the following two states: Delaware and South Dakota, as follows:

§ 115.11 Jurisdictions with substantially equivalent laws.

The following jurisdictions are recognized as providing rights and remedies for alleged discriminatory housing practices substantially equivalent to those in the Act, and complaints will be referred to the appropriate State or local agency as provided in § 115.6.

States

Alaska	Nevada
Colorado	New Hampshire
Connecticut	New Jersey
Delaware	New Mexico
Indiana	New York
Kansas	Oregon
Kentucky	Pennsylvania
Maine	Rhode Island
Massachusetts	South Dakota
Michigan	Virginia
Minnesota	West Virginia
Nebraska	Wisconsin

Localities

District of Columbia

(Sec. 810(c) of the Civil Rights Act of 1968, 18 U.S.C. 245; Sec. 7(d) of the Dept. of HUD Act, 42 U.S.C. 3535(d); Sec. 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 234 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., April 4, 1980.

Sterling Tucker,

Assistant Secretary, Fair Housing and Equal Opportunity.

[FR Doc. 80-11007 Filed 4-10-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Part 2520

Reporting and Disclosure under Title I of the Employee Retirement Income Security Act of 1974; Final Regulation Relating to Model Simplified Employee Pensions

AGENCY: U.S. Department of Labor.

ACTION: Final Regulation.

SUMMARY: This document contains a final regulation that prescribes an alternative method of compliance with the reporting and disclosure requirements of Part 1 of Title I of the Employee Retirement Income Security Act of 1974 (the Act) for simplified employee pensions (SEPs) established by use of Internal Revenue Service (IRS) Form 5305-SEP (Model SEPs).

DATES: The effective date of the final regulation is April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Timothy S. Smith, Plan Benefits Security Division, Office of the Solicitor,

Department of Labor, Washington, D.C. 20216 (202) 523-6855, or Robert Doyle, Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Department of Labor, Washington, D.C. 20216, (202) 523-7901 (these are not toll free numbers).

SUPPLEMENTARY INFORMATION: On September 25, 1979, notice was published in the *Federal Register* (44 FR 55205) that the Department has under consideration a proposal to adopt a regulation, 29 CFR 2520.110a-1, under section 110 of the Act, relating to an alternative method of compliance with reporting and disclosure requirements of Part 1 of Title I of the Act (Part 1) for Model SEPs. Written comments were received in response to the proposal, and, upon consideration of all of the comments, the Department has determined to adopt the regulation in the form set forth herein. The Department has determined, however, that the regulation contained in this document will be designated as § 2520.104-48 rather than § 2520.110a-1 as proposed, in order to conform this regulation with the designation of other regulations that concern provisions applicable to both reporting and disclosure requirements.

A. Discussion of Regulation § 2520.104-48

As adopted, regulation § 2520.104-48 prescribes an alternative method of compliance with the reporting and disclosure requirements of Part 1 for SEPs established by use of an unmodified IRS Form 5305-SEP.

Subsection (a) of the regulation, which is unchanged from the proposed regulation, requires that, at the time an employee becomes eligible to participate in a Model SEP, the administrator of that SEP must furnish the employee with a copy of the completed and unmodified IRS Form 5305-SEP used to create the SEP. This includes the General Information, Guidelines and Questions and Answers, as well as the completed Contribution Agreement.

Subsection (b) of the regulation, which is also unchanged, requires that, following the end of each calendar year, the administrator of the Model SEP must notify each participant in that SEP in writing of any employer contributions made under the Contribution Agreement to the participant's individual retirement account or individual retirement annuity (collectively, IRA) for that year.

The requirements of subsections (a) and (b) are parallel to requirements set forth in IRS Form 5305-SEP. However, subsection (c) of the regulation, which has been modified in some minor

respects as discussed below, requires, as a condition on the use of the alternative method, certain additional disclosure in those cases in which (1) the employer establishing and maintaining the SEP selects or recommends the IRAs into which employer contributions may be made under the SEP, or influences its employees' choice of such IRAs, and (2) the IRAs so selected or chosen are subject to restrictions on a participant's ability to withdraw funds, other than restrictions imposed by the Code that apply to all IRAs. In such cases, subsection (c) requires that within 90 days of the date of adoption of this regulation or at the time an employee becomes eligible to participate in the SEP, whichever is later, the administrator of the SEP must give to that employee, in writing, a clear explanation of the restrictions and a statement to the effect that other IRAs, into which rollovers or employee contributions may be made, may not be subject to such restrictions.

B. Discussion of Comments

(1) *Status of SEPs.* Public commentators generally supported the concept of an alternative method of compliance for SEPs. Several commentators, however, raised questions concerning the coverage of SEPs by Title I of the Act (Title I) and requested that the Department clarify its position on this issue.

Section 3(2) of the Act, which is contained in Title I, defines the terms "employee pension benefit plan" and "pension plan" to mean any plan, fund, or program established or maintained by an employer or by an employee organization, or by both, to the extent that by its terms or as a result of surrounding circumstances such plan, fund, or program—

(A) Provides retirement income to employees, or

(B) Results in a deferral of income by employees for periods extending to the termination of the covered employment or beyond,

regardless of the method of calculating the contributions made to the plan, the method of calculating the benefits under the plan or the method of distributing benefits from the plan.

A SEP is defined in section 408(k) of the Internal Revenue Code of 1954 (the Code) to mean an IRA with respect to which certain conditions set forth in that section are met. Among those conditions are that the employer contribute, under a written allocation formula, to an IRA of each employee qualified to participate.

It seems clear to the Department, in view of the legislative history of section 408(k),¹ the purposes SEPs are intended to serve, and the tax consequences attendant to maintenance of a SEP, that SEPs are designed to provide retirement income to employees and often will result in deferral of income by employees for periods extending to the termination of covered employment or beyond. Whether a SEP is a "pension plan" within the meaning of section 3(2) depends on, among other things, whether the plan is established or maintained by an employer. The existence of employer contributions is an important consideration in determining whether an employer is deemed to establish or maintain the plan for purposes of this section.² Since a SEP is established to permit an employer to make contributions to employees' IRAs up to \$7,500, it would appear to the Department that generally SEPs would be considered to be maintained by employers. It appears also, that an employer would be deemed to have established a SEP to the extent that it determined the terms and conditions of the SEP, such as the requirements for employee participation in the SEP and the written formula for allocation of employer contributions described in section 408(k)(5) of the Code.

Therefore, it is the Department's view that, as a general matter, a SEP, as described in section 408(k) of the Code, would be a "pension plan" within the meaning of section 3(2) of the Act. Such plans are subject to, among other things, the reporting and disclosure requirements of Title I, unless otherwise exempted.

(2) *Relief For Non-Model SEPs.* Most of the commentators who supported the concept of an alternative method of compliance for SEPs urged that such relief be provided for all SEPs. Many commentators noted that the IRS Model SEP cannot be used by an employer who currently maintains any other qualified retirement plan or who maintained a defined benefit plan in the past. They also noted that the Model SEP does not allow integration with Social Security.³ They pointed out that section 408(k) of the Code does not require these

¹ See section 19 of H.R. Report No. 95-1300, 95 Cong. 2nd Session 212(1978) and section IV G.2. of Senate Report No. 95-1263, 95 Cong., 2nd Sess. 91(1978).

² See, for example, 29 CFR 2510.3-2 (d) and (f) relating to the status under ERISA of individual retirement accounts and tax sheltered annuities, respectively.

³ Employer contributions under a Model SEP cannot be integrated with or offset by employer contributions made under the Federal Insurance Contributions Act (26 U.S.C. 3111(a)).

limitations and, in fact, specifically authorizes integration with Social Security. They asserted that many employers who either cannot use, or choose not to use, the IRS Model SEP may wish to establish a non-Model SEP. They argued that if employers establishing non-Model SEPs must comply with the reporting and disclosure requirements of Title I, the Congressional intention that SEPs would be a relatively simple type of retirement plan to establish and maintain will be thwarted.

Several commentators suggested that the proposed regulation be withdrawn and reconsidered in light of the perceived need for broader relief, while others suggest that it be modified to cover all SEPs. Several commentators also suggested that the Department adopt an alternative method of compliance for SEPs that are qualified by the IRS or that comply with IRS regulations concerning SEPs.

The Department agrees that an alternative method of compliance with the reporting and disclosure requirements of Title I may well be appropriate for SEPs other than Model SEPs. However, the Department does not believe that the proposed regulation could be modified to cover non-Model SEPs without significant changes and additions, which would necessitate publication of the changes for public comment prior to adoption. The proposed regulation was intended to facilitate the use of the IRS Model SEP. Therefore, the provisions of that regulation were specifically geared to the terms of the IRS Form 5305-SEP, and cannot easily be adapted to encompass all types of SEPs. Accordingly, in order to avoid delay for those employers who have adopted or who wish to establish Model SEPs, the Department has decided to adopt the proposed regulation with certain modifications discussed below. The Department is currently developing, in coordination with the IRS, a proposed regulation prescribing an alternative method of compliance for SEPs other than Model SEPs, and it anticipates the publication of such a proposed regulation in the near future.

(3) *Substantive Comments.* Subsection (b) provides that following the end of each calendar year the administrator of the Model SEP must notify each participant in the SEP in writing of any employer contributions made under the Model SEP Contribution Agreement to the participant's IRA for that year. One commentator suggested that the Department give attention to coordinating the notification

requirement with similar IRS notification requirements. Otherwise, the commentator asserted, employers will be subject to duplicative paperwork and unnecessary expense. The Department notes that subsection (b) does not require a notice in addition to any such notice made in accordance with IRS requirements, and contemplates that compliance with IRS notice requirements in this regard will satisfy the requirements of subsection (b). Consequently, employers will not be subjected to duplicative reporting requirements.

Subsection (c), as proposed, provided that, if the employer establishing and maintaining the SEP selects, recommends, or in any other way influences employees to choose a particular IRA or type of IRA into which contributions under the SEP will be made, and if that IRA or type of IRA places restrictions on a participant's power to withdraw funds (other than restrictions imposed by law), the administrator must give to each employee, in writing, at the time such employee becomes eligible to participate in the SEP, a clear explanation of those restrictions and a statement to the effect that other IRAs may not have such restrictions.

One commentator objected to the disclosure required under that subsection because IRS regulations require that similar information be disclosed by the financial institution sponsoring an IRA. Another commentator objected to the subsection because of what is described as undefined disclosure requirements. Two commentators suggested that the Department clarify the meaning of the phrase "other than imposed by law." Another commentator suggested that subsection (c) should not be applicable to IRAs established with savings banks, because in such cases there can be no restrictions on the right of a participant to withdraw his fully vested funds except for the usual premature withdrawal penalties imposed by regulatory authorities.

The Department is aware that IRS regulations relating to IRAs require certain disclosure concerning restrictions on withdrawals. The Department, however, believes that such information should be highlighted in those cases where subsection (c) is applicable, because if employees have little or no choice in the selection of the IRAs into which employer contributions will be made, they may be less likely to be aware of, or understand, the terms of those IRAs than if they had themselves selected the IRAs. In addition, if the

employer contributes less than the smaller of \$1500 or 15 percent of such employees' compensation to such IRAs, those employees may, under certain circumstances, contribute the difference to an IRA which need not be the IRA selected by the employer. Further, such employees may also be entitled to make rollovers from the IRA selected by their employer, or from other IRAs or qualified plans. The Department believes that these employees should be aware that IRAs, other than the one(s) selected by their employer, are available into which their contributions or rollovers could be made and which may not be subject to restrictions on withdrawals other than those required by the Code and applicable to all IRAs. In addition, employers who select, or influence their employees to choose, the IRAs into which employer contributions under the SEP will be made, should be in a position to determine easily whether there are any restrictions or withdrawals. Therefore, the employers should be able to furnish such information to their employees without undue administrative burden or expense.

The Department notes that subsection (c) has been modified to make clear that it applies in all cases in which the IRAs selected by the employer, or as the result of its influence, are subject to restrictions on withdrawals other than restrictions imposed by the Code that are applicable to all IRAs. For example, if an employer selects the IRAs into which it will make its SEP contributions, and if contributions to those particular IRAs are placed in time deposits that are subject to penalties imposed by regulatory authorities for the withdrawal of funds from time deposits before maturity, subsection (c) would apply, and appropriate disclosure would be required. In addition, the information required to be contained in the disclosure statement has been expanded to insure that participants are aware that IRAs which may not be subject to the same restrictions as those IRAs selected or recommended by their employer may be used for rollovers or employee contributions.

Because there was apparently some uncertainty concerning the applicability of subsection (c), and because the disclosure required under that subsection has been modified, the time for complying with the subsection has been changed to the date an employee becomes eligible to participate in a SEP or 90 days after the final regulation is adopted, whichever is later.

Two of the commentators who urged the Department to provide an

alternative method of compliance for all SEPs requested that a public hearing be held at which they could express their views. The Department has considered these requests, and had decided that a public hearing concerning the proposed regulation is not necessary and that a public hearing concerning an alternative method of compliance for all SEPs would not be appropriate, if necessary at all, until after a regulation prescribing such an alternative method of compliance has been proposed.

The Department notes that a number of the commentators objected to specific aspects of the IRS Form 5305-SEP. Since that form is issued exclusively by the IRS, those comments are outside the scope of this regulation.

The matter having been considered, it is determined, pursuant to the provisions of section 110 of the Act:

(1) That the use of the alternative method of compliance prescribed herein is consistent with the purposes of Title I of the Act and that it provides adequate disclosure to the participants and beneficiaries involved, and adequate reporting to the Secretary;

(2) That the application of the requirements of Part 1 would—

(A) Increase the costs to Model SEPs, or

(B) Impose unreasonable administrative burdens with respect to the operation of such plans, having regard to the particular characteristics of those plans; and

(3) That the application of Part 1 would be adverse to the interests of participants in Model SEPs in the aggregate.

C. Drafting Information

The principal author of this proposed regulation was Timothy S. Smith of the Plan Benefits Security Division, Office of the Solicitor, Department of Labor. However, other persons in the Department of Labor participated in developing the proposed regulation, both on matters of substance and style.

D. Statutory Authority

The regulation set forth below is adopted pursuant to the authority contained in sections 110 and 505 of the Act [Pub. L. 93-406, 88 Stat 829, 851, 894 (29 U.S.C. § 1030, 1135)]. This regulation is effective immediately April 11, 1980, because it grants an exemption from the reporting and disclosure requirements of Part 1 of Title I of the Act. (See 5 U.S.C. 553(d)(1)).

E. Final Regulation

Accordingly, Part 2520 of Chapter XXV of Title 29 of the Code of Federal Regulations is amended by adding in the

appropriate place § 2520.104-48 to read as follows:

Subpart D—Provisions Applicable to Both Reporting and Disclosure Requirements

§ 2520.104-48 Alternative Method of Compliance for Model Simplified Employee Pensions—IRS Form 5305-SEP.

Under the authority of section 110 of the Act the provisions of this section are prescribed as an alternative method of compliance with the reporting and disclosure requirements set forth in Part 1 of Title I of the Employee Retirement Income Security Act of 1974 in the case of a simplified employee pension (SEP) described in section 408(k) of the Internal Revenue Code of 1954 as amended (the Code) that is created by use without modification of Internal Revenue Service (IRS) Form 5305-SEP.

(a) At the time an employee becomes eligible to participate in the SEP (whether at the creation of the SEP or thereafter), the administrator of the SEP (generally the employer establishing and maintaining the SEP) shall furnish the employee with a copy of the completed and unmodified IRS Form 5305-SEP used to create the SEP, including (1) the completed Contribution Agreement, (2) the General Information and Guidelines, and (3) the Questions and Answers.

(b) Following the end of each calendar year the administrator of the SEP shall notify each participant in the SEP in writing of any employer contributions made under the Contribution Agreement to the participant's individual retirement account or individual retirement annuity (IRA) for that year.

(c) If the employer establishing and maintaining the SEP selects, recommends, or in any other way influences employees to choose a particular IRA or type of IRA into which contributions under the SEP will be made, and if that IRA is subject to restrictions on a participant's ability to withdraw funds (other than restrictions imposed by the Code that apply to all IRAs), the administrator of the SEP shall give to each employee, in writing, within 90 days of the adoption of this regulation or at the time such employee becomes eligible to participate in the SEP, whichever is later, a clear explanation of those restrictions and a statement to the effect that other IRAs, into which rollovers or employee contributions may be made, may not be subject to such restrictions.

Signed at Washington, D.C., this 8th day of April 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-11016 Filed 4-8-80; 4:45 pm]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[FRL 1460-3]

Approval and Promulgation of Implementation Plans, Designations of Areas for Air Quality Planning Purposes; New Hampshire Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to approve, in part, and disapprove, in part, the State Implementation Plan (SIP) revisions for New Hampshire which were submitted by the State of New Hampshire to the Environmental Protection Agency (EPA) on May 29, 1979 and November 6, 1979. In addition, EPA is taking final action to approve conditionally some elements of the New Hampshire SIP revisions. These plan revisions were prepared by the state to meet the requirements of Part D (Plan Requirements for Non-Attainment Areas) and certain other sections of the Clean Air Act (the Act), as amended in 1977. On October 9, 1979 (44 FR 57942), EPA published a Notice of Proposed Rulemaking (NPR) which described the revisions, discussed certain provisions which in EPA's judgment did not comply with the requirements of the Act, and requested public comment. Two comments have been received during the public comment period on the Notice and two general comments were received earlier.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Frank Ciavattieri, Chief, Air Branch, Environmental Protection Agency, Region 1, JFK Federal Building, Room 1903, Boston, Massachusetts 02203, (617) 223-6883.

SUPPLEMENTARY INFORMATION: EPA's October 9, 1979 NPR (44 FR 57942) outlined the requirements of the Clean Air Act that New Hampshire has addressed in its submittal. These will not be restated here. The NPR raised several issues which in EPA's judgment required changes either in the SIP narrative or in the regulations. In partial

response to that Notice, on November 6, 1979, a letter was submitted from the State Attorney General discussing the statutory authority to require inter-source emission offsets as part of the proposed New Hampshire new source review program.

The New Hampshire SIP revisions were developed in response to the requirements of Part D of the Act. In general, the SIP is required to provide for attainment and maintenance of the national ambient air quality standards (NAAQS) for all areas which have been designated non-attainment pursuant to Section 107 of the Act. Specific requirements are discussed in detail in a

General Preamble in the Federal Register of April 4 (44 FR 20372), July 2 (44 FR 38583), August 28 (44 FR 50371), September 17 (44 FR 5376) and November 23, 1979 (44 FR 67182). Pursuant to these requirements, additional SIP revisions addressing stationary sources of volatile organic compounds (VOC) are required by July 1, 1980 and January 1, 1981.

On March 3, 1978 (43 FR 9013), pursuant to Section 107 of the Act, EPA designated certain areas as non-attainment based on existing violations of the NAAQS. The table below reflects the non-attainment areas, as of March 3, 1978.

Area	CO	O ₃	SO ₂ primary	TSP primary	TSP secondary
Metropolitan Keene.....		X			X
Metropolitan Manchester.....	X	X			X
Remainder of AQCR 121.....		X			
Metropolitan Berlin.....			X	X	
AQCR 149.....		X			

Today's final rulemaking action results in the following non-attainment designations:

Area	CO	O ₃	SO ₂ primary	TSP primary	TSP secondary
Metropolitan Keene.....		X			
Metropolitan Manchester.....	X	X			X
Nashua.....	X	X			
Remainder of AQCR 121.....		X			
Metropolitan Berlin ¹			X	X	

¹ Plans for attaining the primary TSP and SO₂ standards in Berlin were submitted as separate SIP revisions by the state. EPA has published a separate NPR for that area.

EPA has received four letters of comment. One related to procedural matters. (See discussion in Section I F of this Notice.) A second supported the State submittal (Section I B) and two others are nationally applicable and are referenced in Section III of this Notice.

EPA has reviewed the public comments on the October 9 NPR and is taking the following actions:

Approving

1. The redesignation of Keene from non-attainment to attainment for the secondary total suspended particulate (TSP) standard.
2. The request for an extension to July 1, 1980 for submittal of a secondary TSP attainment plan for Manchester.
3. The redesignation of Nashua from unclassifiable to non-attainment for carbon monoxide.
4. The redesignation of the Central New Hampshire Intrastate Air Quality Control Region (AQCR), AQCR 149,

from non-attainment for ozone to unclassifiable.

5. Resource commitments for undertaking the various control measures.

6. Interstate pollution notification provisions.

Approving Conditionally

1. The carbon monoxide attainment plan for Metropolitan Manchester.
2. The ozone attainment plan for the Merrimack Valley-Southern New Hampshire Interstate AQCR.
3. The program to review new and modified major stationary sources of pollution in non-attainment areas.
4. The plan showing evidence of public, local and state involvement in SIP development.

Disapproving

1. The program to review new and modified major stationary sources of pollution in attainment areas (prevention of significant deterioration).

Taking No Action on

1. The comprehensive air quality monitoring network.
2. Intergovernmental consultation requirements.
3. Permit fee requirements.
4. Stack height requirements.
5. Public notification provisions.
6. Conflict of interest requirements.

I. New Hampshire's Non-Attainment Plan SIP Revisions

A. Total Suspended Particulates (TSP) and Sulfur Dioxide (SO₂).—Keene was designated non-attainment for the secondary TSP standard on March 3, 1978. However, the state requested that Keene be redesignated to attainment based on information included in the May 29, 1979 SIP revisions. Data were presented which showed that high TSP levels in Keene were caused by construction activity occurring within 50-75 feet of the monitor within a one-year period. Where temporary activities such as construction are shown to have caused NAAQS violations, and hence a designation of non-attainment, it is EPA's judgment that, in this case, a redesignation of the area to attainment is appropriate. Another secondary TSP standard violation recorded in Keene was found to be incorrect due to a mathematical error; the corrected reading is not above the NAAQS. Since there have been no other TSP standard violations in Keene during the past two years, in its October 9, 1979 NPR, EPA proposed to approve the state's redesignation request.

Manchester also was designated on March 3, 1978 as non-attainment for the secondary TSP standard. The Governor of New Hampshire submitted a written request to EPA on May 29, 1979 for an 18-month extension of the deadline for submittal of a secondary TSP standard attainment plan. As provided for in Section 110(b) of the Act and EPA regulations in 40 CFR 51.31, EPA proposed to approve the request for an extension to July 1, 1980, based on the state's demonstration that attainment will require emission reductions exceeding those which can be achieved through the application of reasonably available control technology (RACT).

In the March 3, 1978 Federal Register Berlin was designated as non-attainment for the primary TSP and SO₂ standards. Attainment plans were submitted by New Hampshire on September 19, 1979, containing measures to bring the Berlin area into attainment for the TSP and SO₂ NAAQS by December 31, 1981. EPA's proposed action regarding the approvability of the Berlin attainment plans has been

published in a separate Federal Register notice.

No comments were received on these portions of the NPR during the public comment period.

Action: EPA is approving the redesignation of Keene from non-attainment for the secondary TSP standard to attainment, under 40 CFR Part 81. EPA is also approving an 18-month extension, until July 1, 1980, for submittal of a secondary TSP standard attainment plan for Manchester.

B. Carbon Monoxide (CO).—1. Metropolitan Manchester Area—The Metropolitan Manchester area was designated non-attainment on March 3, 1978. In order for Manchester to achieve the CO standard by December 31, 1982, the state chose to rely on both the Federal Motor Vehicle Emission Control Program (FMVECP), and a program to identify and correct areas of high CO concentrations (CO hotspots).

Point and area source emission inventories compiled and submitted to EPA by the state indicate that the primary contributor to ambient CO levels in New Hampshire is the automobile. For this reason, the control strategies focus on vehicular control measures. In its submittal, the state indicated that CO reductions achieved through the FMVECP would be sufficient to attain standards. The state indicated, however, that the monitoring data used to compute the necessary reductions required to attain standards, might be unreliable. Accordingly, the state proposed to conduct additional monitoring in the Manchester central business district area using EPA-approved procedures, and to submit a revised plan if necessary, by May 1, 1980, based on the monitoring results.

In addition, the revisions included, in Appendix V, a Memorandum of Understanding (MOU) among the New Hampshire Department of Public Works and Highways (NHDPW&H), New Hampshire Air Pollution Control Agency (NHAPCA) (now called the Air Resources Agency-NHARA), Metropolitan Manchester Planning-Study-Policy Committee (MMPSPC), and the Southern New Hampshire Planning Commission (SNHPC) that provides for interagency programs to study CO hotspot areas and to develop control strategies within the Metropolitan Manchester Planning Study Area to attain the CO standard by December 31, 1982.

EPA received a letter on July 25, 1979 from the U.S. Department of Transportation supporting New Hampshire's procedures developed for transportation strategies.

In the NPR, EPA proposed to approve this portion of the plan conditioned upon submittal of the additional information specified below by May 1, 1980.

Action: EPA is approving the Manchester CO attainment plan conditioned upon the state's submission to EPA by May 1, 1980 of a SIP revision, based on additional monitoring, including a plan for meeting the CO standard in Manchester by December 31, 1982 if the additional monitoring has indicated that a plan is required. The plan must contain, at a minimum, specific control strategies, schedules for implementation and commitments by the responsible agencies.

2. City of Nashua—Nashua was designated unclassifiable on March 3, 1978. In a letter dated February 5, 1979, the Governor requested that EPA redesignate the City of Nashua from unclassifiable to non-attainment based on recent monitoring data. The NPR proposed approval of this redesignation. The state would have to submit a CO attainment plan for the city of Nashua within nine months following the publication of today's rulemaking redesignating Nashua to non-attainment.

No comments were received on this portion of the NPR.

Action: EPA is approving the redesignation of the City of Nashua from unclassifiable to non-attainment for CO, under 40 CFR Part 81. The state must submit to EPA, within nine months following the publication of this Notice, a CO attainment plan for the City of Nashua. During this period the EPA offset policy will be in effect. The policy will stay in effect for an additional six months, or until EPA takes final action on the plan, whichever comes first. Should EPA approve the plan, the offset policy will be superseded by the plan. Should EPA disapprove the plan, or should the State fail to submit a plan within nine months following the publication of the Notice, the construction moratorium will go into effect in the City of Nashua. The CO attainment plan should contain, at a minimum, specific control strategies, schedules for implementation and commitments by the responsible agencies. As part of this plan the state must submit a Memorandum of Understanding (MOU) among appropriate state and local agencies, similar to that executed for metropolitan Manchester. The MOU, among other things, must commit to study CO hotspots and develop control strategies within the City of Nashua to attain the CO standard by December 31, 1982.

C. Ozone (O₃).—The Central New Hampshire Intrastate Air Quality Control Region (AQCR) 149 and the

New Hampshire portion of the Merrimack Valley-Southern New Hampshire Interstate AQCR 121 were designated non-attainment for ozone on March 3, 1978, and the New Hampshire portion of the Androscoggin Valley Interstate AQCR 107 was designated unclassifiable. Because the NAAQS for ozone was revised from .08 parts per million (ppm) to .12 ppm on February 8, 1979 (43 FR 8202), the state requested redesignation of AQCR 149 to unclassifiable until further monitoring could better define its status. In order to attain the standard in the non-attainment area by December 31, 1982, New Hampshire proposed to rely on the FMVECP as well as upon regulations to control industrial VOC emissions.

Regulation 22, Section III, exempts from control methyl chloroform (1,1,1 trichloroethane) and methylene chloride. These VOCs, while not appreciably affecting ambient ozone levels, are potentially harmful in other respects. Both methyl chloroform and methylene chloride have been identified as mutagenic in bacterial and mammalian cell test systems, a circumstance which raises the possibility of human mutagenicity and/or carcinogenicity. With the exemption of these compounds, some sources, particularly existing degreasers, will be encouraged to utilize methyl chloroform in place of other more photochemically reactive degreasing solvents. Such substitution has already resulted in the use of methyl chloroform in amounts far exceeding those of other solvents. Endorsing the use of methyl chloroform by exempting it in the SIP revision can only further aggravate the problem by increasing the emissions produced by existing primary degreasers and other sources.

EPA is concerned that the state has chosen this course of action without full consideration of the total environmental and health implications. However, EPA is not disapproving the state submittal since it chose to maintain these exemptions, but the Agency is concerned that this policy not be interpreted as encouraging either the increased use of these compounds or compliance by substitution. EPA does not endorse such approaches. Furthermore, state officials and sources should be advised that there is a strong possibility of future regulatory action to control these compounds. Sources which choose to comply by substitution may well be required to install control systems as a consequence of these future regulatory actions.

Because New Hampshire is a rural ozone non-attainment state, EPA called for the application of reasonably

available control technology (RACT) for major sources (sources with greater than 100 tons per year potential emissions) for which EPA has published Control Technique Guidelines (CTGs). The categories of sources located in New Hampshire for which EPA has published CTGs are: surface coating of cans, paper, fabric, metal furniture, and magnet wire insulation; fixed-roof tank VOC storage; tank truck gasoline loading terminals; petroleum refineries; cutback asphalt usage; and solvent metal cleaning.

Section 172(b)(2) of the Act requires the implementation of all RACT for VOC sources as expeditiously as practicable. Based upon engineering studies it is EPA's best judgment at this time that most VOC sources can achieve full compliance within one or two years, the date being dependent upon the source category. New Hampshire, however, has asserted that all sources need until 1982 for compliance without explanation as to why this is so.

In the NPR, EPA proposed to approve New Hampshire's ozone attainment plan conditioned on submittal of operating permits with compliance schedules for all VOC sources. The proposed conditions also include an opportunity for public comment on the compliance schedules and submission of the compliance schedules as SIP revisions to EPA no later than April 15, 1980. New Hampshire is currently preparing SIP revisions to satisfy the proposed conditions and intends to submit them to EPA by April 15, 1980. No comments were received on this portion of the NPR.

As noted in the General Preamble for Proposed Rulemaking on Approval of Plan Revisions of Non-attainment Areas, 44 FR 20376 (April 4, 1979), the minimum acceptable level of stationary source control for ozone SIPs, such as New Hampshire's, includes RACT requirements for VOC sources covered by CTGs the EPA issued by January 1978 and schedules to adopt and submit by each future January additional RACT requirements for sources covered by CTGs issued by the previous January. The submittal date for the first set of additional RACT regulations was revised from January 1, 1980 to July 1, 1980 by Federal Register notice of August 28, 1979 (44 FR 50371). Today's approval of the ozone portion of New Hampshire's plan is contingent on the submittal of the additional RACT regulations which are due July 1, 1980 (for CTGs published between January, 1978 and January, 1979). In addition, by each subsequent January beginning January 1, 1981, RACT requirements for

sources covered by CTGs published by the preceding January must be adopted and submitted to EPA. The above requirements are set forth in the "Approval Status" section of the final rule. If RACT requirements are not adopted and submitted to EPA according to the time frame set forth in the rule, EPA will promptly take appropriate remedial action.

Action: EPA is approving the redesignation of AQCR 149 from non-attainment to unclassifiable, under 40 CFR Part 81. This action lifts the construction moratorium for this AQCR. EPA is also approving the ozone attainment plan for AQCR 121 conditioned upon the state's submission to EPA, by April 15, 1980, of a SIP revision containing operating permits for VOC sources which include schedules requiring compliance with emission limitations as expeditiously as practicable and no later than December 31, 1982. Compliance schedules which exceed the length of time recommended in EPA guidance must include supporting information to justify the additional time.

D. New Source Permit Program.—New Hampshire's preconstruction review program required by Section 172(b)(6) of the Act is contained in the state's Regulation 16. The regulation covers proposed major sources (those with the potential to emit 100 tons per year or more) and modifications (changes which increase emissions) which will locate within or impact on an area exceeding the NAAQS.

The state's preconstruction review program must assure that permits may be issued only if the requirements of Section 173 of the Act are satisfied. New Hampshire has chosen the emissions offset approach authorized by Section 173(1)(A). However, New Hampshire has allowed an exemption from Regulation 16 for major sources with allowable emissions of less than 50 tons per year. Further, New Hampshire's submittal does not contain a regulation to require that the proposed source's emissions be consistent with reasonable further progress (RFP) towards attainment as provided for in the SIP.

New Hampshire's regulation satisfies Section 173(2) of the Act, which requires the source to meet an emission limitation representing the lowest achievable emission rate, and satisfies in part Section 173(3), which requires a certification that all major sources owned or operated by the permit applicant (or by any entity controlling, controlled by, or under common control with such person) are in compliance with applicable emission limitations and standards. New Hampshire's regulation

requires compliance with state, but not federal, regulations.

Regulation 16 requires the applicant to indicate in writing that "completed arrangements" for emission offsets have been made, and thus satisfies the requirement in the last sentence of Section 173; however, the narrative portion of the SIP revisions did not describe how the offsets committed to by the source will be made legally enforceable; for example, as a condition in the applicant's permit.

The New Hampshire SIP revisions describe procedures for implementing the "banking" of excess emission reductions, which are consistent with EPA's Emission Offset Interpretative Ruling (44 FR 3282). New Hampshire's regulation also allows sources the option of utilizing alternative emission reduction measures, commonly referred to as the "bubble" concept; this approach enables sources to employ a more economically efficient mix of control measures.

In the October 9, 1979 NPR, EPA proposed approval of New Hampshire's new source review and permit program, conditioned on the following actions to be taken by the state to correct the plan insofar as it did not meet the requirements of section 173:

1. Within 30 days after publication of the Notice of Proposed Rulemaking, submit a statement from the New Hampshire Attorney General as to whether the state has the authority to impose inter-source emission offsets, including a description of the state permit system as the means for making the offsets legally enforceable.

2. Upon submittal of attainment plans for TSP and SO₂ in Berlin, for TSP and CO in Manchester and for CO in Nashua, include in the RFP line projected growth from sources exempted from the new source permit review.

3. No later than July 1, 1980:
 - a. Adoption by the New Hampshire Air Resources Commission (NHARC) of a regulation governing construction and operation of major new and modified sources, which specifies that by the time the proposed source is to commence operation, total allowable emissions from existing sources, new or modified sources which are not major emitting facilities, and the proposed source will be sufficiently less than total allowable emissions from existing sources prior to the permit application so as to represent reasonable further progress. This change is necessary to satisfy the requirements of Section 173(1)(A) of the Act.

- b. Amendment of Regulation 16, Attachment 2, Section III.A.2. by the NHARC to require that sources owned or operated by the applicant must be in

compliance with federal as well as state regulations and standards.

During the 30-day public comment period following publication of the NPR, a letter, dated November 6, 1979, was submitted from David W. Marshall, Assistant Attorney General, to Frank Ciavattieri, EPA Region I Air Branch Chief, which addresses the first condition in the NPR for approval of the new source review and permit program. The letter reviews the state's enabling legislation and concludes that the NHARA has the legal authority to require inter-source emission offsets. The letter explains that the NHARA is authorized to establish and operate a statewide permit system and provides that the director of the NHARA may place conditions in the permit. It concludes that a condition containing an emission offset requirement would be valid, since it would further the purposes of the state air pollution control statute. New Hampshire will include the applicant's finalized, legally binding arrangements for emission offsets, described in Regulation 16, as a condition of the preconstruction permit. New Hampshire has satisfied the first condition specified in the New Source Review section of the October 9, 1979 NPR.

The second condition listed in the NPR is being eliminated in this rulemaking. This condition described an aspect of the RFP requirement to be included in those attainment plans being submitted subsequent to the NPR. However, because RFP is specified in Sections 172 and 173 as a requirement for an approvable attainment plan, it is unnecessary as a condition of approval. Also, during the public comment period, at the request of EPA, New Hampshire added a provision concerning external offsets in order to further insure their enforceability. By letter of March 17, 1980, New Hampshire agreed that in the event a proposed major source locating in a nonattainment area plans to obtain an external emission offset, the permit of the source providing the offset will be amended to account for this commitment and the amended permit will be submitted as a SIP revision.

Action: EPA is approving the program to review new and modified major stationary sources in non-attainment areas conditioned upon New Hampshire's compliance with condition number 3 above by July 1, 1980.

E. Resource Commitments.—The state has addressed the increased resources needed to carry out the described stationary and mobile source control measures. The New Hampshire Department of Public Works and Highways identified resources it will use

in implementing the portion of the plan regarding attainment and maintenance of the air quality standards for CO and ozone. The Southern New Hampshire Regional Planning Commission (responsible for implementing CO attainment and maintenance strategies in the Metropolitan Manchester Planning Study Area) has received funds under Section 175 of the Act, and the Nashua Regional Planning Commission (responsible for implementing CO attainment and maintenance strategies in the Nashua Area Transportation Study) is applying for Section 175 funds. If funds are not granted as requested under Section 175, some funds provided pursuant to section 112 of the Federal Highway Act may be available. Continued federal support is essential.

In the NPR, EPA proposed to approve this portion of the submittal and no public comment was received on the proposed action.

Action: EPA is approving this portion of the SIP revisions.

F. Evidence of Public, Local and State Involvement.—In accordance with Section 174 of the Act, lead responsibility for preparing the various portions of the carbon monoxide and ozone control plans was delegated by the Governor to two State metropolitan Planning Organizations (MPOs) and two state agencies. Throughout development of the SIP revisions, meetings and briefings were conducted with the and for local officials, legislators, regional planning commissions, state agencies and the Federal land manager's office.

In accordance with Section 172(b)(9), the state provided well-detailed and extensive documentation of public participation efforts for the planning process. Inclusion of a citizen's summary in the beginning of the SIP revisions and a Clean Air Workshop held in November, 1978, were excellent efforts to evoke citizen involvement.

The SIP revisions do not, however, include an adequate identification and analysis of the air quality, health, welfare, economic, energy and social effects of the plan or of the alternatives considered by the state. Also there is no indication that such an analysis was made available for public review and comment. The SIP revisions did not include a plan for sustaining future public participation efforts.

The NPR proposed approval of this section conditioned upon submittal of a long-term public participation plan and issues analysis and public comment on the impact of these revisions by January 1, 1980. EPA and the state have agreed to change this deadline to March 31, 1980. This alteration is based on the delay in EPA's providing a training

program for state public participation personnel. The course was held in mid-December.

One commenter expressed dissatisfaction with the lack of input by regional planning commissions in SIP development. EPA's response is two-fold. The Intergovernmental Consultation discussion, Section II E. of this Notice, indicates that EPA's consultation regulations were effective on December 18, 1979. One requirement of those regulations is that all revisions to the State Implementation Plan submitted to EPA after that date must undergo a 45 day A-95 review period to assure coordination of the plan with other state and area-wide planning agencies. In addition, New Hampshire has submitted a draft public participation/intergovernmental consultation plan and impact analysis in response to the conditional approval for this section in the NPR. That plan indicates that the ARA intends to strengthen the roles agencies such as regional planning commissions play in the formulation of future SIP revisions.

Action: EPA is approving the participation and involvement efforts to date in the development of the SIP revisions conditioned upon the submittal to EPA, as a SIP revision, by March 31, 1980, of the analysis and public comment on the health, welfare, air quality, economic, energy and social effects of the plan. EPA has determined that in view of the fact that the date for submission of the additional materials have been postponed only until March 31st, it would be impractical and unnecessary to provide further opportunity for public comment and that good cause therefore exists for proceeding without an additional public comment period.

EPA is also approving the future public participation element conditioned upon compliance with grant conditions contained in the New Hampshire Fiscal Year 1980 program grant under Section 105 of the Act. Under those conditions by March 31, 1980, New Hampshire must submit a comprehensive, detailed program for public involvement. That plan is also to make a commitment of resources to be devoted to the long-range effort.

II. Non-Part D Requirements

A. Prevention of Significant Deterioration (PSD).—In the October 9, 1979 NPR EPA proposed to disapprove New Hampshire's PSD program. The New Hampshire regulations pertaining to PSD are found in Attachment 1 of New Hampshire Regulation 16. In addition, the regulation is explained in the narrative portion of the SIP

revisions. EPA compared the New Hampshire regulation with the federal requirements for approvable state plans in 40 CFR 51.24, as published on June 19, 1978 (43 FR 26380 to 26388), and determined that the New Hampshire plan does not meet all of these requirements.

However, many of EPA's regulations were judicially challenged in the U.S. Court of Appeals for the District of Columbia Circuit. On June 18, 1979, the Court issued an opinion, *Alabama Power Company v. Costle*, No. 78-1006 (D.C. Circuit, June 18, 1979). (On December 14, 1979 the Court issued the final decision in the case.) As noted in the October 9, 1979 NPR for New Hampshire, the Court's opinion affects several aspects of the New Hampshire PSD program. In light of the decision in *Alabama Power Company v. Costle*, New Hampshire decided not to proceed with any additional amendments to Regulation 16 and Attachment 1, until EPA promulgates amended PSD regulations.

Action: Since the state's PSD program is not equivalent to the present federal program, EPA is disapproving the PSD program in the New Hampshire SIP revisions. EPA will continue to operate a federal new source pre-construction permit system designed to protect the allowable deterioration increments until such time as New Hampshire submits an approvable PSD plan under EPA's amended regulations. Regulations under which EPA is operating are found at 40 CFR Part 52.21, as published on June 19, 1978 (43 FR 26388 to 26410).

B. Conflict of interest requirements.—Section 128 requires that any existing state board which is empowered to approve or enforce permits required under the Act must have, as a majority, members who represent the public interest. Any board member or any head of an executive agency with similar powers with any potential conflict of interest must disclose that fact.

A recently passed New Hampshire statute adjusts the membership of the Air Resources Commission and requires disclosure of potential conflicts of interest to reflect these requirements. In the NPR, EPA proposed to approve this portion of the revisions. However, New Hampshire has not yet satisfied the requirement contained in Section 128(a)(2) which provides that potential conflicts of interest by the head of an executive agency which approves permits or enforcement orders must be adequately disclosed. One nationally applicable comment was made during the public comment period. EPA's response is referenced in Section III of this Notice.

Action: EPA is taking no action on this section of the SIP revisions.

C. Interstate pollution notification requirements.—Section 126 requires states to identify existing major sources which may significantly contribute to air pollution levels and to provide written notice to nearby states. In addition, they must do the same for any proposed major new stationary sources.

On October 31, 1977 and November 1, 1977 the Director of the New Hampshire Air Pollution Control Commission wrote to officials of the neighboring states of Maine, Massachusetts and Vermont, providing each with a list of sources which may significantly impact on each state. These letters were made available for public inspection during the public comment period on the NPR.

The narrative portion of the SIP revisions describes the state's procedures for notifying adjacent states of any proposed major new stationary sources which would significantly contribute to air pollution levels. This satisfies the other portion of the Section 126 requirements. In the NPR, EPA proposed to approve this portion of the revisions. No public comment was received on that proposal.

Action: EPA is approving this section of the SIP revisions.

In the NPR, EPA proposed to take no action on items D through H below. Applicable public comments are referenced in Section III below. EPA is taking no action on these items in this Notice.

D. Comprehensive air quality monitoring network.—Section 110(a)(2)(C) and Section 319 require a comprehensive air quality monitoring network.

New Hampshire has not submitted any revisions to its existing monitoring network requirements as required under 40 CFR Part 58. The state is required to develop a SIP revision in response to these requirements.

E. Intergovernmental consultation.—Section 121 requires a state to provide a satisfactory process for consultation with local governments and federal land managers on the development of the SIP.

On June 18, 1979 EPA promulgated regulations concerning intergovernmental consultation (44 FR 35176). The state at this time is in partial fulfillment of the requirement in these regulations that it produce a comprehensive consultation plan. The state and EPA have agreed that this plan will be merged with the public participation plan discussed in Section I F above.

F. Permit fees.—Section 110(a)(2)(K) requires each state to institute a fee system for those sources applying for a

permit to cover the administrative costs of reviewing that application as well as those incurred in monitoring and enforcing the permit conditions.

A recently enacted New Hampshire statute contains the language necessary to give the state authority to impose a permit fee. EPA, however, has not yet promulgated regulations concerning the permit fee requirements. (See public comment reference in Section III of this Notice).

G. Stack height requirements.—Section 123 requires that the degree of emission limitation may not be affected by stack height in excess of good engineering practice or by dispersion techniques.

EPA proposed stack height regulations on January 12, 1979 (44 FR 2608) but has not yet promulgated the regulations. The state has not addressed this requirement in its SIP revisions.

H. Public notification provisions.—Section 127 requires that states provide for notifying the public on a regular basis of instances or areas in which any primary standard was exceeded during any portion of the preceding calendar year.

On May 10, 1979 (44 FR 27569) EPA promulgated regulations concerning public notification which require the state to submit, by March 1, 1980, a SIP revision that contains provisions to comply with the requirement. The state has not addressed this requirement in this SIP revision.

III. Responses to General Comments

One commenter submitted extensive comments which it requested be considered as part of the record for each state plan. Another commenter, a national environmental group, discussed EPA action nationally on permit fee systems and the composition of state boards. Each of the points raised by these commenters and EPA's response have been published at 45 FR 2036, 2039 et seq.

IV. EPA Final Action

EPA is taking final action to conditionally approve certain elements of the New Hampshire submittal. A discussion of conditional approval and its practical effect appears in supplements to the General Preamble, 44 FR 38583 (July 2, 1979) and 44 FR 67182 (November 23, 1979). The conditional approval requires the state to submit additional materials by the deadlines specified in today's Notice. There will be no extensions of conditional approval deadlines which are being promulgated today. EPA will follow the procedures described below when

determining if the state has satisfied the conditions.

1. If the state submits the required additional documentation according to schedule, EPA will publish a notice in the *Federal Register* announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the state's submission to determine if the condition is fully met. After review is complete, a *Federal Register* notice will be published proposing or taking final action either to find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditional approval and disapprove the plan. If the plan is disapproved, the Section 110(a)(2)(I) restrictions on construction will be in effect.

3. If the state fails to timely submit the required materials needed to meet a condition, EPA will publish a *Federal Register* notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110(a)(2)(I) restrictions on growth are in effect.

Accordingly, New Hampshire's Revisions to the Implementation Plan submitted on May 29, 1979 and November 6, 1979 are approved as satisfying the requirements of Part D and Section 110(a)(2)(I) with the exception of the following which are conditionally approved:

1. the carbon monoxide attainment plan for Metropolitan Manchester;
2. the ozone attainment plan for AQCR 121;
3. the program to review new major and modified stationary sources in non-attainment areas;
4. the plan showing evidence of public, local and state involvement in SIP development.

In addition EPA is disapproving New Hampshire's attachment 1 of regulation 16 (PSD).

The measures above which are approved or conditionally approved are in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations remain applicable and enforceable to prevent a source from operating without controls or under less stringent controls, while moving toward compliance with the new regulations (or, if it chooses, challenging the new regulations). Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, which may include assessment of non-compliance penalties.

There are two main exceptions to this rule. First, if a pre-existing control requirement is incompatible with a new, more stringent requirement, the state may exempt sources from compliance with the pre-existing regulations during the period when compliance with the existing requirement conflicts with achieving compliance with the new requirement. Any exemption granted would be reviewed and acted on by EPA as a SIP revision. Second, an existing requirement can be relaxed or revoked if the revision will not interfere with attainment of standards.

The 1978 edition of 40 CFR Part 52 lists in the subpart for New Hampshire the applicable deadlines for attaining ambient standards required by Section 110(a)(2)(A) of the Act. For each non-attainment area where a revised plan provides for attainment by the deadlines required by section 172(a) of the Act, the new deadlines are substituted on New Hampshire's attainment date chart in 40 CFR Part 52. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as with the new Section 172 plan requirements.

Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear congressional intent to construe part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under part D.

(123 Cong. Rec. H 11958, daily ed. November 1, 1977)

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.¹

In addition, sources subject to pre-existing plan requirements may be relieved from complying with such requirements if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis.

The Agency finds that good cause exists for making this action immediately effective for the following reasons:

1. Implementation plan revisions are already in effect under state law and EPA approval imposes no additional regulatory burden;
2. EPA has a responsibility under the Act to take final action on the portion of the SIP which addresses Part D requirements by July 1, 1979, or as soon thereafter as possible.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This rulemaking action is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: April 4, 1980.

Douglas M. Costle,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart EE—New Hampshire

1. Section 52.1520, paragraph (c), is amended by adding subparagraph (12)

¹ See General Preamble for Proposed Rulemaking, 44 FR 20373-74 (April 4, 1979).

§ 52.1520 Identification of plan.

* * * * *

(c) * * *

(12) Attainment plans to meet the requirements of Part D for carbon monoxide for Metropolitan Manchester and ozone for AQCR 121, programs for the review of construction and operation of new and modified major stationary sources of pollution in both attainment and non-attainment areas and certain miscellaneous provisions were submitted on May 29, 1979, and November 6, 1979.

2. Section 52.1521 is amended by changing the heading in the classification chart from "photochemical oxidants (hydrocarbons)" to "ozone".

§ 52.1521 [Amended]

3. Section 52.1522 is revised to read as follows:

§ 52.1522 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves New Hampshire's plan as identified in section 52.1520 of this subpart for the attainment and maintenance of the national standards under Section 110 of the Clean Air Act. Furthermore, the Administrator finds the plans satisfy all

requirements of Part D, Title I of the Clean Air Act as amended in 1977, except as noted below.

(b) To insure federal approval of State issued new source review permits pursuant to Section 173 of the Clean Air Act, the provisions of Section V of the emission offset interpretative rule published January 16, 1979, (44 FR 3274) must be met.

(c) In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January, 1978 and January, 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

4. Section 52.1523 is revised to read as follows:

§ 1523 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. The dates reflect the information presented in New Hampshire's plan.

Nonattained areas	TSP		SO ₂		NO _x	CO	O ₃
	Primary	Secondary	Primary	Secondary			
Androscoggin Valley Interstate AQCR 107:							
Berlin	f	f	f	f	a	a	a
Remainder of AQCR.....	a	b	a	b	a	a	a
Merrimack Valley-SO NH Interstate 121:							
Keene	a	b	a	b	a	a	d
Manchester	a	c	a	b	a	d	d
Nashua	a	b	a	b	a	e	d
Remainder of AQCR.....	a	b	a	b	a	a	d
AQCR 149	a	b	a	b	a	a	a

a. Air quality level presently below primary standards or area is unclassifiable.

b. Air quality level presently below secondary standards or area is unclassifiable.

c. Eighteen month extension for plan submittal granted; attainment date not yet proposed.

d. December 31, 1982.

e. Resignation to non-attainment. Nine months granted for submission of an attainment plan; attainment date not yet proposed.

f. Proposed Rulemaking on Berlin has been published separately.

* Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.1523 (1978).

5. Section 52.1525 is revised to read as follows:

§ 52.1525 Review of new sources and modifications.

The program to review major new and modified stationary sources in nonattainment areas is approved with the following conditions:

(a) No later than July 1, 1980 New Hampshire must:

(1) adopt a regulation governing construction and operation of major new and modified sources, which specifies

that by the time the proposed source is to commence operation, total allowable emissions from existing sources, new or modified sources which are not major emitting facilities, and the proposed source will be sufficiently less than total allowable emissions from existing sources prior to the permit application so as to represent reasonable further progress.

(2) amend Regulation 16, Attachment 2, Section III.A.2 to require that sources owned or operated by the applicant must be in compliance with federal as

well as state regulations and standards.

6. A new section 52.1527 is added as follows:

§ 52.1527 Rules and regulations.

(a) *Part D—conditional approval*—The May 29, 1979 revisions are approved as satisfying Part D requirements under the following conditions:

(1) Submittal by May 1, 1980 of a revised carbon monoxide attainment plan for Metropolitan Manchester, if necessary.

(2) Submittal by April 15, 1980 of operating permits containing compliance schedules, and supporting information for each existing VOC source in AQCR 121.

(3) Submittal by July 1, 1980 of a regulation governing construction and operation of major new or modified sources which satisfies the requirements of Section 52.1525(a) of Title 40 of the Code of Federal Regulations.

(4) Submittal by March 31, 1980 of a comprehensive plan for public participation in compliance with Section 105 grant conditions for FY 1980.

(5) Submittal by March 31, 1980 of an analysis and public comment on the health, welfare, air quality, economic, energy and social effects of the May 29, 1979 revisions.

(b) *Non-Part D—No Action*—EPA is neither approving or disapproving the following elements of the revisions:

(1) Comprehensive air quality monitoring network.

(2) Intergovernmental consultation.

(3) Permit fees.

(4) Stack height requirements.

(5) Public notification.

(6) Conflict of interest.

7. In Section 52.1529 paragraph (a) is revised to read as follows:

§ 52.1529 Significant deterioration of air quality.

(a) Attachment 1 of regulation 16 is disapproved.

8. A new section 52.1530 is added as follows:

§ 52.1530 Extensions.

The Administrator hereby extends for 18 months (until July 1, 1980) the statutory time table for submission of New Hampshire's plan for attainment and maintenance of the secondary standard for particulate matter in the Manchester secondary standard non-attainment area (See 40 CFR 81.330).

PART 81—DESIGNATIONS OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.330 [Amended]

1. In § 81.330, the table entitled "New Hampshire—TSP" is amended by deleting the "X" in the column entitled "Does Not Meet Secondary Standards" and by adding an "X" in the column entitled "Better than National Standards" on the line entitled "Keene".

2. In § 81.330, the table entitled "New Hampshire—O₃" is amended to read "New Hampshire—O₃".

3. In § 81.330, the table entitled "New Hampshire—O₃" is amended by striking the "X" in the column entitled "Does Not Meet Primary Standards" and by adding an "X" in the column entitled "Cannot be Classified or Better than National Standards" on the line entitled "Central N.H. Intrastate AQCR 149."

4. In § 81.330 the table entitled "New Hampshire—CO" is amended by adding a line beneath "Metropolitan Manchester" entitled "Nashua".

5. In § 81.330 the table entitled "New Hampshire—CO" is amended by adding an "X" in the column entitled "Does Not Meet Primary Standards" on the line entitled "Nashua".

[FR Doc. 80-11008 Filed 4-10-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[FRL 1460-8; PP 9F2158/R-242]

Sodium Salt of Acifluorfen; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide sodium salt of acifluorfen and its

metabolites (the corresponding acid, methyl ester, and amino analogues) in or on soybeans at 0.1 ppm; liver and kidney of cattle, goats, hogs, horses, and sheep at 0.02 ppm; meat, fat, and meat byproducts of poultry at 0.02 ppm; and milk and eggs at 0.02 ppm.

The regulation was requested by Rohm and Haas Co. This rule establishes a maximum permissible level for residues of sodium salt or acifluorfen.

EFFECTIVE DATE: Effective on April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Willa Garner, Ph. D., Product Manager (23), Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 (202-755-1397).

SUPPLEMENTARY INFORMATION: On March 24, 1980, the EPA published a notice of proposed rulemaking in the *Federal Register* (45 FR 18990) in response to a pesticide petition (PP9F2158) submitted to the Agency by Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105 under provisions of the Federal Food, Drug, and Cosmetic Act. The petition proposed that 40 CFR 180 be amended by establishing a tolerance for combined residues of the herbicide sodium salt of acifluorfen (sodium 5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoic acid) and its metabolites (the corresponding acid, methyl ester, and amino analogues) in or on the raw agricultural commodities soybeans at 0.1 part per million (ppm); liver and kidney of cattle, goats, hogs, horses, and sheep at 0.01 ppm; fat, meat, and meat byproducts of poultry at 0.01 ppm; milk and eggs at 0.01 ppm. No requests for referral to an advisory committee were received in response to this notice of proposed rulemaking. One comment was received from the Rachel Carson Council, Inc. to which the Agency will be responding directly.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before May 12, 1980, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M Street, SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirement of Executive Order 12044.

Effective on April 11, 1980 Part 180, Subpart C, is amended by adding a tolerance for residues of Sodium Salt of acifluorfen as set forth below.

Part 180, Subpart C, is amended by adding a new § 180.383 to read as follows:

§ 180.383 Sodium salt of acifluorfen; tolerances for residues.

Tolerances are established for combined residues of the herbicide sodium salt of acifluorfen (sodium 5-[2-chloro-4-trifluoromethyl]phenoxy)-2-nitrobenzoic acid) and its metabolites (the corresponding acid, methyl ester, and amino analogues) in or on the following raw agricultural commodities;

Commodity	Parts per million
Cattle, kidney.....	0.02
Cattle, liver.....	0.02
Eggs.....	0.02
Goats, kidney.....	0.02
Goats, liver.....	0.02
Hogs, kidney.....	0.02
Hogs, liver.....	0.02
Horses, kidney.....	0.02
Horses, liver.....	0.02
Milk.....	0.02

Commodity	Parts per million
Poultry, fat.....	0.02
Poultry, mbyp.....	0.02
Poultry, meat.....	0.02
Sheep, kidney.....	0.02
Sheep, liver.....	0.02
Soybeans.....	0.1

(Sec. 408(e), 68 Stat. 514, [21 U.S.C. 346a(e)]

Dated April 7, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

42 CFR Subchapter C

Medicaid Program; Miscellaneous Corrections

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

SUMMARY: This document corrects technical and wording errors in the rewritten Medicaid regulations published on September 29, 1978, and March 23, 1979. Those regulations redesignated and clarified, without substantive change, the rules for the Medicaid program (Title XIX, Social Security Act) previously published in 42 CFR Parts 446 through 452, and 45 CFR Parts 205, 206, and 208. We have received both technical and substantive comments; the former are resolved by this document, and the latter will be covered in future proposed rule making.

DATES: Effective September 29, 1978, except §§ 430.0(b)(2) and 432.10(c)(1) which were effective February 9, 1979, and §§ 431.230, 431.250, 435.905, 435.911, and 435.919 which were effective March 23, 1979.

FOR FURTHER INFORMATION CONTACT: Ann Watts, 202-245-8097.

SUPPLEMENTARY INFORMATION: On September 29, 1978 (43 FR 45176), and March 23, 1979 (44 FR 17926), HCFA published rewritten regulations for the Medicaid program, as part of HEW's "Operation Common Sense" effort. Under this effort, HEW agencies are reviewing all existing regulations to eliminate those found unnecessary, revise policies where appropriate, and rewrite regulations in a clearer, simpler manner.

As the first phase of this project for Medicaid, existing regulations were

reorganized and rewritten in plain language with no substantive change intended, and they were, therefore, published as final rules. However, we invited comments from anyone who believed that the revision changed existing policy.

We have received a number of comments, some citing errors and others suggesting substantive changes in existing policy. The rules published today contain corrections either of technical errors (citations, spelling, cross-references, etc.) or of inadvertent omissions, improper wording, changes in the organizational structure of the regulations, and the like, which may have appeared to make substantive changes. The suggestions for substantive revisions will be considered in the second phase of the project for Medicaid—issuance during the next several years of proposed rules making policy changes in a number of the more significant subject areas.

Some of the technical corrections are self-explanatory and are not specifically addressed in the preamble. The following is an explanation of the other changes made in this document:

Merit system. In §§ 430.0(b)(2) and 432.10(c)(1), changes reflect the revocation of the merit system standards for State agencies previously contained in 45 CFR Part 70 and now incorporated in 5 CFR Part 900, Subpart F. See Office of Personnel Management regulations published February 9, 1979, (44 FR 8265) and HCFA-AT-79-23 (MMB), *Standards for a Merit System of Personnel Administration*.

Payment for out-of-State services. In § 431.52(b)(3), the reference to use of the "attending physician's" medical advice, in determining whether medical care is more readily available out-of-State, is deleted as an inadvertent addition to policy.

Fair Hearings

1. **Maintaining services.** In § 431.230(a), the Medicaid agency is required to continue assistance if the individual requests a hearing before the date of the adverse action. The words "applicant or" are deleted from paragraph (a) since the requirements for continuation of assistance pending a hearing decision can apply only to recipients.

2. **Federal Financial Participation.** Section 431.250 concerns Federal financial participation (FFP) for expenditures in services for individuals who are successful in their appeal. Paragraph (b) of this section is amended to continue from 45 CFR 205.10(b)(3) the authorization for FFP in payments within the scope of the Medicaid

program made in accordance with a court order. The provision contained in 45 CFR 205.10(b)(3) was especially important since it restricted FFP to Medicaid services under the scope of the Federal program. For example, even when there is a court order against a State to provide services beyond the limits of the program, FFP is not available when there are other regulatory provisions which impose limitations (such as separate time limits or limitations on types of services) upon the receipt of Federal funds.

Contracts. Section 431.503 (i), (j), and (k) requires that a contract "specify procedures and criteria for" extending, renegotiating, and terminating the contract. This wording is more stringent than the previous regulation which merely required a contract to "establish provisions and criteria for * * *". Therefore, the section is amended to restore the previous wording and simplify the structure of the section.

Relations with standard-setting and survey agencies. Section 431.610(g)(3) specifies that the survey agency of the State must have on-site inspections of skilled nursing and intermediate care facilities performed within certain time frames if there is a question of compliance with requirements. Paragraph (g)(3)(ii) is changed to clarify that an additional set of time frames applies only to intermediate care facilities certified under special correction plans as specified in §§ 442.112 and 442.113, but not to skilled nursing facilities.

Eligibility (States and District of Columbia) (Part 435)

1. **Definitions and use of terms.** Section 435.4 is revised to clarify that the term "categorically needy" applies to some groups that are not recipients of cash assistance.

2. **Termination from AFDC because of increased earnings or hours of employment.** Section 435.112(b) delineates the 4-month period during which Medicaid is available for individuals whose eligibility for Aid to Families with Dependent Children (AFDC) is terminated. The previous regulation specified the period as "4 calendar months". In order to avoid misinterpretation, the word "calendar" is restored to the regulation.

3. **Individuals in States using more restrictive requirements for Medicaid than the supplemental security income (SSI) requirements.** Sections 435.121 and 435.731 deal with the requirements for determining eligibility in States using more restrictive requirements for aged, blind, or disabled individuals than the standards used under SSI ("209(b)")

States). These sections are being corrected to conform to the language of the statute (sec. 1902(f)) which refers only to eligibility requirements more restrictive than SSI, not to optional State supplement programs.

In § 435.121(b)(2) the reference to § 435.230 is deleted, since there previously was no requirement in the regulations that an optional State supplement must meet the Federal requirements in § 435.230(b), in order to permit an agency not to count the supplement as part of an individual's income when financial eligibility is being computed.

4. *Increase in OASDI benefits.* Section 435.134(b) is amended to clarify that certain individuals, whose Old Age, Survivors, and Disability Insurance (OASDI) benefits make them ineligible for Medicaid, must continue Medicaid coverage if they would meet SSI or State supplement income limits except for OASDI benefits.

5. *Individuals who would be eligible for cash assistance except for their institutional status.* Section 435.211 is revised to restore wording clarifying that the option for Medicaid coverage of these individuals applies to those in title XIX reimbursable medical institutions.

The headings of §§ 435.231 and 435.722, "Institutionalized individuals who would not be eligible for cash assistance if they were not institutionalized" are changed to "Individuals in institutions who are eligible under a special income level" in order to describe the content more clearly.

6. *Unemployed parents.* Sections 435.223 and 435.1004(a) are revised to change references to "unemployed father" to "unemployed parent", reflecting the Supreme Court's decision in *Califano v. Westcott*, 443 U.S. 76 (1979), that sec. 407 of the Act (Dependent Children of Unemployed Fathers) is unconstitutional because of the discriminatory nature of its gender distinction. The Court ruled that benefits of the AFDC-Unemployed Fathers program must be extended to similarly situated unemployed mothers.

7. *Medically needy coverage of the aged, blind, and disabled in States that impose more restrictive eligibility requirements.* In § 435.321(b)(1), the reference to a State supplementary payment under § 435.230 is deleted. Previous regulations did not require that individuals meet requirements for the type of supplement described in § 435.230 in order to be considered categorically needy; they could meet requirements for any type of State supplement.

8. *Financial responsibility of spouses.* In § 435.723, the term "eligible spouse" is changed to read "ineligible spouse" to correct a typographical error which appeared to change policy.

9. *Income Standards—institutionalized and non-institutionalized.* Sections 435.725(a), 435.733(a), and 435.832(a) are corrected to clarify the deductions made from the agency's payment to an institution.

Also, §§ 435.731, 435.733, 435.812, 435.814, 435.831, and 435.832 have been revised, and §§ 435.813 and 435.815 have been removed, to clarify that the income levels that are used to determine eligibility for the institutionalized are the same levels that are used for non-institutionalized individuals of the same family size. The determination of the amount, if any, that an institutionalized individual must contribute towards the cost of the institutional care is determined as a second step (independent from the determination of eligibility). This change restores the use of a two-step method for making these determinations and reflects the policy recognized in *Friedman v. Berger*, 547 F.2d 724 (2d Cir. 1976).

10. *Procedures for determining income eligibility.* In § 435.732(c)(2), the provision for agencies to set limits on "types" of medical expenses to be deducted from income has been changed to "amounts" to correct an inadvertent policy change. In paragraph (d) of this section, the term "countable income" is changed to "remaining income" to express more accurately the concept that eligibility is based on the income remaining after specific deductions.

11. *Medically needy income standards; General requirement.* Section 435.811 is revised to restore wording clarifying that, for purposes of medically needy income levels, "families" includes both eligible and ineligible financially responsible relatives living in the home regardless of actual contribution.

12. *Medically needy income standards—use of AFDC standards.* In §§ 435.812(a)(1), 435.814(a)(1), 435.816, and 435.832, references to standards used under a State's AFDC plan are changed to "approved" AFDC plan to correct an inadvertent policy change.

13. *Medically needy income standard for one person.* In § 435.812, paragraph (a)(4) is deleted and a new paragraph (c) is inserted. These changes will clarify that a State using more restrictive standards for the aged, blind, and disabled than the standards used under SSI ("209(b)" States) may have separate medically needy income levels for those aged, blind, and disabled individuals.

14. *Income eligibility.* Section 435.831 deals with income eligibility of all medically needy individuals. The section is amended by (1) revising the introductory paragraph to clarify that the 6-month prospective period for computing income applies to all medically needy individuals including the institutionalized, (2) revising paragraph (c)(2) to specify what incurred medical expenses the agency may limit, and (3) revising paragraph (d) to clarify the individual's entitlement to Medicaid benefits when his incurred medical expenses reduce his income to the income standard. Previous wording relating to eligibility "for the rest of the period for which eligibility is determined" implied that the agency need not pay a "split" claim (one for which both the agency and the recipient are partially responsible because the amount of the claim is greater than the individual's remaining spend-down liability).

15. *Medically needy resource eligibility.* In § 435.845, paragraph (e) is amended to clarify that the paragraph, which deals with the value of resources deducted in determining eligibility, applies in States using any requirements more restrictive than SSI.

16. *Availability of program information.* Section 435.905(a) is amended to clarify that information must be furnished in written form and may be furnished orally only as appropriate.

17. *Timely determination of eligibility.* Section 435.911(c) lists examples of circumstances in which the agency is not required to meet time standards for determining eligibility. Paragraph (c)(3), relating to delays in receipt of eligibility information, is removed because it was not previously in regulations.

18. *Recipients of optional State supplements only.* In order to clarify in § 435.1006 that SSI budget methodology is to be used in determining income, before deductions, for State supplement recipients, the words "as determined by SSI budget methodology" are added to that section.

Eligibility (Guam, Puerto Rico, and the Virgin Islands) (Part 436). Similar changes to those made under Part 435 are being made to Part 436. See the corresponding sections under Part 435 as listed below for explanation of the specific changes.

§ 435.4	§ 436.3
435.112	436.116
435.211	436.211
435.223	436.212
435.811	436.811
435.812	436.812
435.813	436.813
435.816	436.812
435.831	436.831
435.832	436.832
435.1004	436.1003

Home health services. Section 440.70(b) is revised to clarify that the first 3 items listed (nursing services, home health aide services, and medical supplies, equipment and appliances) are mandatory parts of home health services, while the fourth item (physical therapy, occupational therapy and speech pathology and audiology services) is optional.

Dental services. In § 440.100, paragraph (a) defines dental services as certain procedures provided by or under the direction of a dentist and includes treatment of the teeth and other structures of the oral cavity. The wording of the previous regulation on dental services is being restored to clarify that there has been no substantive change in this definition. The words "direction" and "other" [structures] are being replaced by "supervision" and "associated", respectively.

Hearing and language disorders. Section 440.110 is revised to restore wording indicating that a patient must be referred by a physician for services provided by or under the direction of a speech pathologist or audiologist.

Services of Christian Science nurses. In paragraph (b)(2)(ii) of § 440.170, the word "own" is inserted in the phrase "in his home" to restore previous wording regarding the provision of private duty Christian Science nursing services.

Required services for categorically needy. Section 440.210, which lists minimum services for categorically needy, is corrected by adding a cross-reference to home health services, which was inadvertently omitted from the recodified regulations.

Limits on comparability of services. The age limit in § 440.250(e), concerning inpatient psychiatric services, is changed to include a cross reference to § 441.151(c), which explains the age requirement for these services. This does not constitute a policy change; it merely clarifies the existing regulation.

EPSDT services from title V grantees. Section 441.60, Identifying, informing and referring eligible recipients to title V programs (Maternal and Child Health and Crippled Children's Services), is revised to correct in paragraph (a) an inadvertent change made when the EPSDT regulations were revised in the Federal Register of May 18, 1979, (44 FR 29425). The wording of the September 29, 1978 (43 FR 45230) recodification, which required Medicaid agencies to identify all EPSDT eligibles, including those eligible for services from title V, is restored. The May 18 publication had

limited the identification requirement to the latter group.

Intermediate care facilities for the mentally retarded. In § 442.441, paragraph (d) is revised to restore wording clarifying that the one-hour limit on use of "time-out" devices and aversive stimuli in behavior modification programs applies when the retarded person is removed from a situation. In § 442.499, paragraph (b) is revised to clarify that an individual who makes entries in the retarded person's record must sign his name and job title or professional capacity (referred to as "identification" in the previous regulation).

Acceptance of State payment as payment in full. Section 447.15 cites sec. 1902(a)(4) of the Social Security Act as the basis of the "payment in full" requirement because it authorizes the Secretary to prescribe requirements as necessary for proper and efficient administration of the State plan, and the acceptance by providers of Medicaid payment as "payment in full" is such a requirement. An additional cite to sec. 1902(a)(14), which prohibits cost sharing or similar charges for mandatory services provided to categorically needy individuals, is added to § 447.15 as further authority for this regulation.

Cost-sharing. Section 447.52 contains rules on the minimum and maximum enrollment fees, premiums and similar charges that may be imposed on the medically needy. With respect to minimum charges, the previous regulation (§ 449.40(a)(2)(i)) provided that, above the basic charge of \$1.00 per month for families of a specified size and income, an appropriately higher charge must be imposed on each family with higher income. This requirement was omitted in the rewritten regulation and is now restored by adding a new § 447.52(c).

Drugs: Upper limits of payment. Paragraph (a) of § 447.331 is amended by adding the word "reasonable" before "dispensing fee". This restores language inadvertently omitted when the regulations were rewritten.

Individual practitioners: Upper limits of payment. In § 447.341, paragraph (c) is revised to restore wording to allow the median charge for a service to be determined not only from claims submitted but also from services furnished during a calendar year. This wording was inadvertently omitted.

Comments Not Accepted

Comment. The elimination of the words "adequate" and "meaningful" in describing the Medical Care Advisory Committee's participation in policy development and program

administration (§ 431.12(e)) seriously diminished the Committee's role.

Response. The rewritten regulations require Medical Care Advisory committee "participation" in policy development and program administration. We do not view this as a sham requirement. It is intended that the participation be "adequate" and "meaningful", and, therefore, no substantive change was intended by the elimination of these words from § 431.12(e).

Comment. Under § 431.230(a), if the Medicaid agency mails a notice of adverse action 10 days (or 5 days) before the date of action, as required under §§ 431.211 or 431.214, and the recipient requests a hearing before the date of action, the agency may not terminate or reduce services until a decision is given after the hearing (with one exception). Under the old regulation (§ 205.10(a)(6)(i)), if the recipient requested a hearing within the timely notice period, the agency could not terminate or reduce services. Thus, if an agency sent a notice 15 or 20 days before the date of action, and the recipient did not request a hearing within the 10-day notice period although he did request it before the date of action, services could be ended or reduced.

Response. The recodified regulation does not represent a change in policy. Under both the old and new regulations, the notice must be mailed at least 10 (or 5) days before the date of action. A State may choose to give more notice if it wishes, but this does not affect the requirement that services be continued until after the hearing if the recipient requests one. The requirement in § 431.230(a) applies to whatever period the Medicaid agency uses for giving notice.

Comment. Under the old regulations, the requirements relating to transportation were in the section on amount, duration, and scope of services (an administrative requirement under § 449.10(a)(5)(ii), and an optional service under § 449.10(b)(17)(i)). Why is the administrative requirement for assurance of transportation (§ 431.53) now separated from the optional service?

Response. The requirement to assure transportation, which is both an administrative requirement and mandatory on all States, is distinct from the provision of transportation, and optional Medicaid service. Therefore, each has been placed in the appropriate part of the reorganized regulations.

Comment. Section 435.112(b) provides that, for certain families who continue under Medicaid coverage although they

have lost AFDC eligibility, the 4-month continued coverage begins on the date AFDC is terminated. The use of the word "terminated" is confusing and might be interpreted as a policy change.

Response. Section 4-20-10 D.2. *Increased Earnings or Hours of Employment*, (pp. 4-6) of the Medical Assistance Manual explains this policy in greater detail. No change in policy results from the recodification.

Comment. Section 435.135(c) is obsolete and should be deleted. This paragraph covers procedures in a 209(b) State for providing Medicaid to individuals who receive OASDI cost-of-living increases. (A "209(b)" State is one using eligibility standards more restrictive than SSI standards.)

Response. This section is applicable to 209(b) States and must be retained. Since 209(b) States do not tie eligibility for Medicaid to receipt of supplemental security income benefits (SSI), this section is necessary in order for those States to understand how they may treat the provisions of section 503 of Pub. L. 94-566 with regard to maintaining Medicaid eligibility. Section 503 concerns the preservation of Medicaid eligibility for individuals who cease to be eligible for SSI on account of cost-of-living increases in Social Security benefits.

Comment. The regulations language previously found at § 448.3(b)(1) has been recodified in Part 435, Subparts H and I, except for a clause which stated "(For both the categorically needy and * * * the medically needy, a State plan must) provide that only such income and resources as are considered available under the provisions of this section may be considered as an applicant's or recipient's * * *". This omission may be interpreted as license to be more restrictive in consideration of income and resources.

Response. The language is not necessary under the new format of the recodified regulations. Subparts H and I set out the requirements for financial eligibility for the categorically and the medically needy respectively. Specific requirements for the consideration of income and resources are then dealt with in these subparts. There has been no change in policy.

Comment. Section 435.520(b)(2) changes policy on determining birthdates for aged, blind, and disabled individuals.

Response. Since SSI uses the "common law" method for determining birthdates, the recodified regulations simply say plainly what was required, but not clearly specified, by the previous regulations.

Comment. In § 435.700, "Scope" of Subpart H on Financial Requirements for the Categorically Needy, the third sentence is not necessary and should be deleted. The sentence states that the financial requirements of AFDC, SSI, or the State supplement apply to individuals receiving those payments.

Response. This statement is not necessary to express accurately what the subpart contains. However, it answers the obvious question which is raised by the first two sentences in the section, i.e., what standards apply to cash assistance recipients.

Comment. In § 435.821, which deals with circumstances under which a Medicaid agency must consider contributions from an individual's relatives as his own income, language was added to paragraph (c) stating that the State's AFDC procedures must be used to determine whether the individual is living with his relatives or considered as living apart. This language did not appear in the old regulation and is an addition to policy.

Response. The new language in § 435.821(c) explains existing policy, in effect prior to the recodification and required by statute (sec. 1902(a)(10)(C)).

Comment. The differences and relationships between determining countable income (§ 435.831) and total available income (§ 435.832) are confusing. Rather than attempting to tie these sections together at § 435.831(b), § 435.832 should be expanded to stand independently.

Response. Section 435.831(a), as corrected, deals with determining countable income for all medically needy including institutionalized persons. For the institutionalized, § 435.832 as corrected, explains post-eligibility treatment of income and resources of institutionalized individuals, including contribution toward cost of care. We have attempted to avoid confusion by clearly labeling these sections and keeping them structurally simple.

Comment. Section 440.90, definition of "clinic services", refers to services provided to an outpatient by a facility while the old regulation (§ 449.10(b)(9)) referred to services furnished to an outpatient in a facility. Does this mean that services may be furnished outside the facility?

Response. This change is a technical clarification to reflect the fact that a number of clinics include, in the array of services for which they are reimbursed under their Medicaid provider agreements, services that may occasionally be provided at a site outside the clinic itself. For example, the clinic may have a contract for

nutritional counseling services to be provided at a community center in a different geographical location. Services provided by clinics in this way are appropriately reimbursed as clinic services. The change in no way authorizes reimbursement for any other services that would not routinely be provided as clinic services (for example, services in a patient's home that should be furnished by a home health agency).

Comment. We should clarify that there is no age or other limitation on inpatient psychiatric services (§ 440.160) furnished in a general hospital.

Response. This section is a definition of a specific optional service—inpatient psychiatric services for individuals under age 21. We do not believe it appropriate to include within this definition a concept that does not define this particular service.

Comment. The phrase in § 440.170(a)(1) on transportation-related travel expenses " * * * determined to be necessary by the agency * * * [to provide medical treatment]" implies that the agency's expenses are covered. Better wording would be " * * * determined by the agency to be necessary * * *".

Response. We believe that the section makes it clear that the expenses referred to are those related to securing the treatment. The types of expenses intended are spelled out in § 440.170(a)(3).

Comment. Clarify why § 440.250 (b), (c), and (e), Limits on comparability of services, use the mandatory word "must" instead of the permissive "may".

Response. We use "must" to eliminate the previous ambiguity of these regulations and to conform to the statute which mandates these limitations.

Comment. In § 441.15, the wording was changed to "the agency provides home health services * * *" from "home health services must be provided * * *" in the previous regulation. This change could be construed to eliminate providers such as rural health clinics and visiting nurses from those qualified to furnish home health services.

Response. The word "agency" is used in this regulation merely to indicate the Medicaid agency's ultimate responsibility for assuring that required services are provided. Section 440.70 specifies who may provide them.

Comment. Include a provision in § 442.404, "Resident's bill of rights", which concerns the rights of recipients in intermediate care facilities, for another person to exercise these rights on behalf of a recipient who is not capable of requesting such help.

Response. This provision is covered by § 442.405, "Delegation of rights and

responsibilities", which provides for a guardian, next of kin, or sponsoring agency to exercise these rights.

Comment. The rewrite has eliminated from § 442.404(f), "Freedom from abuse and restraints", the requirement that a Qualified Mental Retardation Professional (QMRP) authorize the use of chemical or physical restraints, in the case of a mentally retarded person.

Response. This authorization requirement is contained in § 442.404(f)(2)(iii)(A).

Corrected Redesignation Table

Part 449	
Old section	New section
448.2(b)	435.401(c)(1).
448.3(c)(1)(iv)	435.840.
448.3(c)(3)(ii)	435.831(a) (2), (3), 435.845(d), (e).
449.33(a)(5)	431.610(g).
449.33(b)(2)	431.610(h).

Part 450	
Old section	New section
450.25	431.800.
450.30(a)(2) (words "provide for")	447.251.
450.30(a)(3) (Introductory paragraph, words after "cost-related basis")	447.301.
450.30(a)(3) (words "provide for")	447.251.
450.30(a)(4) (words "provide for")	447.251.
450.30(a)(10)	447.371.
450.30(b)(4)(i)	447.351.
450.30(b)(4)(ii), and (iii)	447.352.
450.30(b)(5)	447.321, 447.325.
450.100	431.610 except (g) & (h).
450.310	455.300.

Corrected Derivation Table

Part 431	
New section	Old section
431.610 except (g) & (h)	450.100.
431.610(g)	449.33(a)(5).
431.610(h)	449.33(b)(2).
431.800	450.25.

Part 435	
New section	Old section
435.110	448.1(b)(1)(i).
435.401	448.2(a) & (b).
435.831	448.1(a)(2)(ii), (b)(3)(v), (5)(iv), (c)(2), (3), (4).

Part 447	
New section	Old section
447.251 (covers the previous State Plan requirement in 450.30(a)(2), hospitals, (a)(3), long term care services, and (a)(4), upper limits for all services.	450.30(a)(2), 450.30(a)(3), 450.30(a)(4).
447.301	450.30(a)(3). Introductory paragraph, words after "cost-related basis," and 450.30(a)(3)(iv).
447.325	450.30(b)(5).
447.351	450.30(b)(5)(i).
447.352	450.30(b)(4)(ii) and (iii).
447.361	450.30(b)(7).
447.371	450.30(a)(10).

42 CFR Chapter IV, Subchapter C, is amended as set forth below:

A. In the authority citations throughout the subchapter, the references to "49 Stat. 647" are deleted wherever they occur.

B. The words "Medicaid" and "Medicare" are capitalized wherever they occur.

C. In Part 430, § 430.0 is amended by—

1. Changing the numbering of paragraph (b)(2) to (b)(2)(ii) and adding a new (b)(2)(i); and

2. Deleting "Part 70 Standards for a Merit System of Personnel Administration" from the list of applicable regulations in paragraph (b)(2)(ii).

§ 430.0 Introduction to subchapter C.

(b) *Federal regulations.* * * *

(2) Other regulations applicable to State medicaid programs include:

(i) 5 CFR Part 900, Subpart F, Administration of the Standards for a Merit System of Personnel Administration; and

(ii) the following HEW Regulations in 45 CFR Subtitle A:

- Part 16—Department Grant Appeals Process.
- Part 19—Limitations on Payment or Reimbursement for Drugs.
- Part 74—Administration of Grants.
- Part 80—Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health, Education, and Welfare: Effectuation of Title VI of the Civil Rights Act of 1964.
- Part 81—Practice and Procedure for Hearings Under 45 CFR Part 80.
- Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance.

D. Part 431 is amended as follows:

1. Section 431.52 is amended by deleting the reference to "the attending physician's" in paragraph (b)(3).

§ 431.52 **Payments for services furnished out of State.**

(b) *Payment for services.* * * *

(3) The State determines, on the basis of medical advice, that the needed medical services, or necessary supplementary resources, are more readily available in the other State; or

2. Section 431.230(a) is revised by deleting the words "applicant or":

§ 431.230 **Maintaining services.**

(a) If the agency mails the 10-day or 5-day notice as required under § 431.211 or § 431.214 of this subpart, and the recipient requests a hearing before the date of action, the agency may not terminate or reduce services until a

decision is rendered after the hearing unless—

(1) It is determined at the hearing that the sole issue is one of Federal or State law or policy; and

(2) The agency promptly informs the recipient in writing that services are to be terminated or reduced pending the hearing decision.

3. Section 431.250 is amended by revising paragraph (b) as follows:

§ 431.250 **Federal financial participation.**

FFP is available in expenditures for—

(b) *Payments made—*

(1) To carry out hearing decisions; and
(2) For services provided within the scope of the Federal Medicaid program and made under a court order.

4. Section 431.503 is amended by revising paragraph (i) and vacating and reserving paragraphs (j) and (k) as follows:

§ 431.503 **All contracts.**

A State plan must provide that contracts under this subpart—

(i) Establish provisions and criteria for—

(1) Extending the contract;
(2) Renegotiating the contract;
(3) Terminating the contract, including a requirement that the contractor promptly supply all information necessary for the reimbursement of any outstanding medical claims;

(j) [Reserved]
(k) [Reserved]

5. Section 431.521 is amended by correcting the citation in paragraph (a)(2) as follows:

§ 431.521 **HMO's with provisional status.**

(a) The agency may determine that an entity is an HMO with provisional status if—

(2) The Assistant Secretary for Health has not determined whether the entity meets the definition of section 1903(m)(1)(A) of the Social Security Act.

6. The centered heading above § 431.565 is revised to read as follows:

Prepaid Health Plans: Contract Requirements—Non-Risk Basis

7. Section 431.610 is amended by revising paragraph (g)(3)(ii) as follows:

§ 431.610 **Relations with standard-setting and survey agencies.**

(g) *Responsibilities of survey agency.* The plan must provide that, in certifying skilled nursing and intermediate care facilities, the survey agency designated under paragraph (e) of this section will—

(3) Have qualified personnel perform on-site inspections—

(ii) For intermediate care facilities with deficiencies as described in §§ 442.112 and 442.113 of this subchapter, within 6 months after initial correction plan approval and every 6 months thereafter as required under those sections.

E. Part 432 is amended by deleting and reserving § 432.10(c)(1), as follows:

§ 432.10 Standards of personnel administration.

(c) *Methods of personnel administration.* Methods of personnel administration must be established and maintained, in the medicaid agency and in local agencies administering the program, in conformity with:

(1) [Reserved]

F. Part 433 is amended by correcting § 433.34, (c), (d), (e), and (f) as follows:

§ 433.34 Cost allocation.

(c) *Filing cost allocation plan.* The Medicaid agency must have a cost allocation plan approved by the Division of Cost Allocation (DCA), Regional Administrative Support Center, and on file with the HCFA Regional Office.

(d) *Content of plan.* The cost allocation plan must include—

(1) Methods and procedures for properly charging the costs of administration, medical assistance, and training incurred under the plan, in accordance with 45 CFR Part 74, Appendix C and any other requirements specified by HEW;

(2) Descriptions of functions and activities, by organizational units;

(3) Estimated costs for one year, by cost centers or pools, including costs of all organizational units of the State department in which the Medicaid agency is located (unless specifically waived by the DCA);

(e) *Revision and approval.* (1) The agency must revise the plan whenever the allocation method is outdated because of organizational changes within the agency, changes in Federal law or regulations, or other similar changes.

(2) Approval of the cost allocation plan does not constitute approval of the plan's estimated cost for purposes of calculating claims for FFP.

(f) *Federal financial participation.* (1) FFP is not available in expenditures for administration, medical assistance, and training for any quarterly period unless the State's claims for those expenditures are in accord with a cost allocation plan approved by the DCA for that period and on file with HCFA.

(4) Any costs disallowed under paragraphs (f) (2) and (3) of this section may be reclaimed after the DCA approves a cost allocation plan for the quarter for which the expenditures were claimed, to the extent that the reclaimed amounts are supported by the approved plan.

G. Part 435 is amended as follows:

1. Section 435.4 is amended by revising the definitions of "Categorically needy" and "Families and children" as follows:

§ 435.4 Definitions and use of terms.

As used in this part—

"Categorically needy" means aged, blind or disabled individuals or families and children (1) who are otherwise eligible for medicaid and who meet the financial eligibility requirements for AFDC, SSI, or an optional State supplement; or

(2) Whose categorical eligibility is protected by statute (e.g., persons receiving cost of living increases under § 435.135).

"Families and children" refers to eligible members of families with children who are financially eligible under AFDC or medically needy rules and who are deprived of parental support or care as defined under the AFDC program (see 45 CFR 233.90, 233.100). In addition, this group includes individuals under age 21 who are not deprived of parental support or care but are financially eligible under AFDC rules or medically needy rules (see optional coverage group, § 435.222). It does not include individuals under age 21 whose eligibility for medicaid is based on blindness or disability—for these individuals, SSI rules govern;

2. Section 435.112 is amended by adding the word "calendar" to paragraph (b) as follows:

§ 435.112 Families terminated from AFDC because of increased earnings or hours of employment.

(b) The 4 calendar month period begins on the date AFDC is terminated. If AFDC benefits are terminated retroactively, the 4 calendar month period also begins retroactively with the first month in which AFDC was erroneously paid.

3. Section 435.121 is amended by revising paragraphs (a) and (b)(2) and correcting the cross-reference in paragraph (c)(2) as follows:

§ 435.121 Individuals in States using more restrictive requirements for medicaid than the SSI requirements.

(a) The agency may use medicaid eligibility requirements for the aged, blind, or disabled that are more restrictive than the eligibility requirements for SSI. The agency may be more restrictive in defining blindness or disability, more restrictive in setting financial requirements for income or resources, or both. The requirements may apply to the aged or the blind or the disabled, or to any combination. For example, the agency may use a more restrictive definition of disability for those applying for medicaid as disabled and a more restrictive income requirement for those who apply as aged, but provide medicaid to all individuals receiving SSI on the basis of blindness.

(b) If an agency uses more restrictive requirements under this section—

(2) In determining financial eligibility of an individual in the category to which the more restrictive requirements apply, the agency must deduct, from the individual's income, his SSI payment, any optional State supplement, and incurred medical expenses as specified in § 435.732.

(c) The following sections of this part apply to the agency's use of more restrictive eligibility requirements:

(2) Section 435.321, medically needy coverage.

4. Section 435.134 is amended by revising paragraph (b) as follows:

§ 435.134 Individuals who would be eligible except for the increase in OASDI benefits under Pub. L. 92-336 (July 1, 1972).

The agency must provide medicaid to individuals who meet the following conditions:

(b) The individual would currently be eligible for SSI or a State supplement except that the increase in OASDI under Pub. L. 92-336 raised his income over the limit allowed under SSI. This includes an individual who—

(1) Meets all current SSI requirements except for the requirement to file an application; or

(2) Would meet all current SSI requirements if he were not in a medical institution or intermediate care facility, and the State's medicaid plan covers this optional group.

5. Section 435.211 is revised as follows:

§ 435.211 Individuals who would be eligible for cash assistance except for their institutional status.

The agency may provide medicaid to individuals in title XIX reimbursable medical institutions and intermediate care facilities who are ineligible for AFDC, SSI, or an optional State supplement because of lower income standards used under these programs to determine eligibility for institutionalized individuals, but who would be eligible for AFDC, SSI, or an optional State supplement as specified in § 435.230 if they were not institutionalized.

6. Section 435.223 is amended by revising paragraph (a) as follows:

§ 435.223 Individuals who would be eligible for AFDC if coverage under the State's AFDC plan were as broad as allowed under title IV-A.

(a) The agency may provide medicaid to individuals who—

(1) Would be eligible for AFDC if the State's AFDC plan included individuals whose coverage under title IV-A is optional (for example, medicaid may be provided to unborn children or members of families with an unemployed parent even though AFDC is not available to them under the State's AFDC plan); or

(2) Would be eligible for AFDC if the State's AFDC plan did not contain eligibility requirements more restrictive than, or in addition to, those required under title IV-A.

* * * * *

7. Section 435.231 is amended by changing the heading as follows:

§ 435.231 Individuals in institutions who are eligible under a special income level.

8. In § 435.321, paragraph (b)(1) is revised by deleting the first cross reference as set forth below:

§ 435.321 Medically needy coverage of the aged, blind, and disabled in States that impose more restrictive eligibility requirements.

* * * * *

(b) To determine whether an individual is covered as categorically needy or medically needy, the agency must—

(1) Consider as categorically needy those individuals who meet the State's categorically needy financial standard

and (i) who, before their incurred medical expenses are deducted from income, meet the financial eligibility requirements for SSI or a State supplement; or (ii) whose OASDI increases are not counted under §§ 435.134 and 435.135.

* * * * *

9. Section 435.722 is amended by changing the heading as follows:

§ 435.722 Individuals in institutions who are eligible under a special income level.

10. In § 435.723, paragraph (d) is revised by changing the first reference to "eligible spouse" to read "ineligible spouse" as follows:

§ 435.723 Financial responsibility of spouses.

* * * * *

(d) If only one spouse in a couple applies or is eligible and they cease to live together, the agency must consider only the income and resources of the ineligible spouse that are actually contributed to the eligible spouse after the month in which they cease to live together.

11. Paragraph (a) of § 435.725 is corrected by adding the phrase "the amount that remains after" as follows:

§ 435.725 Post-eligibility treatment of income and resources of institutionalized individuals: Application of patient income to the cost of care.

(a) The agency must reduce its payment to an institution, for services provided to an individual specified in paragraph (b) of this section, by the amount that remains after deducting the amounts specified in paragraph (c) from the individual's income.

* * * * *

12. Section 435.731 is amended by revising paragraph (a) and deleting paragraph (b) as follows:

§ 435.731 General requirements for determining income eligibility in States using more restrictive requirements than SSI.

Requirements applicable to all individuals. If the agency, under § 435.121, uses any requirement for aged, blind, or disabled individuals more restrictive than an eligibility requirement under SSI, the agency must determine income in accordance with § 435.732 with respect to any category for which more restrictive requirements are imposed. The agency must use the procedures in § 435.732 regardless of the type of restrictive eligibility factor imposed.

13. Section 435.732 is revised to read as follows:

§ 435.732 Procedures for determining income eligibility.

The agency must determine income eligibility of individuals in the categories specified in § 435.731 in the following manner:

(a) *Determining countable income.* The agency must deduct the following amounts from income to determine the individual's countable income:

(1) Any SSI benefit the individual receives.

(2) Any optional State supplement the individual receives.

(3) Increases in OASDI that are deducted under §§ 435.134 and 435.135(c) for individuals specified in those sections.

(4) Other deductions from income applied under the medicaid plan.

(b) *Eligibility based on countable income.* If countable income determined under paragraph (a) of this section is equal to or less than the applicable income standard established under § 435.121 the individual is eligible for medicaid.

(c) *Deduction of incurred medical expenses.* (1) If countable income exceeds the income standard, the agency must deduct from income expenses incurred by the individual or financially responsible relatives for necessary medical and remedial services that are recognized under State law and are not subject to payment by a third party, including medicare and other health insurance premiums, deductibles or coinsurance charges, and co-payments or deductibles imposed under §§ 447.51 or 447.53 of this subchapter.

(2) The agency may set reasonable limits on the amounts of incurred medical expenses to be deducted from income.

(d) *Eligibility based on incurred medical expenses.* If, after incurred medical expenses are deducted, remaining income is equal to or less than the income standard, the individual is eligible for medicaid.

14. Section 435.733 is revised to read as follows:

§ 435.733 Post-eligibility treatment of income and resources of institutionalized individuals: Application of patient income to the cost of care.

(a) The agency must reduce its payment to an institution, for services provided to an individual specified in paragraph (b) of this section, by the amount that remains after deducting the amounts specified in paragraph (c) from the individual's income.

(b) This section applies to the following individuals in medical

institutions and intermediate care facilities:

(1) Individuals receiving cash assistance under AFDC who are eligible for Medicaid under § 435.110 and individuals eligible under § 435.121.

(2) Individuals who would be eligible for AFDC, SSI, or an optional State supplement except for their institutional status and who are eligible for Medicaid under § 435.211.

(3) Aged, blind, and disabled individuals who are eligible for Medicaid, under § 435.231, under a higher income standard than the standard used in determining eligibility for SSI or optional State supplements.

(c) The agency must deduct the following amounts, in the following order, from the individual's total income including amounts disregarded in determining eligibility:

(1) A personal needs allowance that is reasonable in amount for clothing and other personal needs of the individual while in the institution. This protected personal needs allowance must be at least—

(i) \$25 a month for an aged, blind, or disabled individual, including a child applying for Medicaid on the basis of blindness or disability;

(ii) \$50 a month for an institutionalized couple if both spouses are aged, blind, or disabled and their income is considered available to each other in determining eligibility; and

(iii) For other individuals, a reasonable amount set by the agency, based on a reasonable difference in their personal needs from those of the aged, blind, and disabled. Although the personal needs allowance is protected for his use, the individual must use it to pay for any cost-sharing charges the agency imposes under §§ 447.50 through 447.59 of this subchapter, if he has no other income.

(2) For an individual with only a spouse at home, an additional amount for the maintenance needs of the spouse. This amount must be based on a reasonable assessment of need but must not exceed the higher of—

(i) The more restrictive income standard established under § 435.121; or

(ii) The medically needy standard for an individual;

(3) For an individual with a family at home, an additional amount for the maintenance needs of the family. This amount must—

(i) Be based on a reasonable assessment of their financial need;

(ii) Be adjusted for the number of family members living in the home; and

(iii) Not exceed the higher of the need standard for a family of the same size used to determine eligibility under the

State's AFDC plan or the medically needy income standard established under subpart I of this part for a family of the same size.

(4) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third party, including—

(i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(ii) Necessary medical or remedial care recognized under State law but not covered under the State's Medicaid plan, subject to reasonable limits the agency may establish on amounts of these expenses.

(d) In determining the amount of the individual's income to be used to reduce the agency's payment to the institution, the agency may, for single individuals, deduct an amount (in addition to the personal needs allowance) for maintenance of the individual's home if—

(1) The amount is deducted for not more than a 6-month period; and

(2) A physician has certified that the individual is likely to return to his home within that period.

15. Section 435.811 is revised as follows:

§ 435.811 General requirement.

To determine eligibility of medically needy individuals and families, a Medicaid agency must use an income standard under this subpart based on family size. "Family size" includes all individuals in the family for whom medically needy Medicaid eligibility is being determined and any financially responsible relative living in the home regardless of actual contribution.

16. Section 435.812 is amended by deleting "non-institutionalized" from the heading, by revising the introductory language in paragraph (a) and (a) (1) and (2), by deleting and reserving paragraph (a)(4), and by adding a new paragraph (c), as follows:

§ 435.812 Medically needy income standard for one person.

(a) Except as provided in paragraphs (b) and (c) of this section, the agency must use an income standard to determine eligibility for one individual that at least equals the highest of the following amounts:

(1) The amount of the payment standard for an individual that is generally used to determine eligibility under the State's approved AFDC plan.

(2) The amount of the income standard used to determine eligibility under SSI of an individual in his home.

(3) If the agency provides Medicaid, under § 435.230, to individuals receiving

only optional State supplements, the amount of the highest income standard generally used to determine eligibility for an optional State supplement of an individual in his home.

* * * * *

(4) [Reserved]

(c) The provisions of this section do not require an agency that has elected to apply more restrictive requirements to the aged, blind, or disabled to extend Medicaid coverage to any aged, blind, or disabled individual who would not have been covered under the State's plan on January 1, 1972. The agency may have a separate standard for the aged, blind, and disabled which is more restrictive than the standard for AFDC.

17. Section 435.813 is deleted and reserved.

§ 435.813 [Reserved]

18. Section 435.814 is amended by deleting "non-institutionalized" from the heading, by revising the introductory language in paragraph (a) and paragraph (a)(1), by deleting and reserving paragraph (a)(4), and by adding a new paragraph (c) as follows:

§ 435.814 Medically needy income standard for two persons.

(a) Except as provided in paragraphs (b) and (c) of this section, the agency must use an income standard to determine eligibility for two persons that at least equals the highest of the following amounts:

(1) The amount of the payment standard for a family of two that is generally used to determine eligibility under the State's approved AFDC plan.

(2) The amount of the income standard used to determine eligibility under SSI of a couple in which both spouses apply as aged, blind, or disabled and live in the same household.

(3) If the agency provides Medicaid, under § 435.230, to individuals receiving only optional State supplements, the amount of the highest income standard generally used to determine eligibility for an optional State supplement for couples in which both spouses apply as aged, blind, or disabled and live in the same household.

(4) [Reserved]

* * * * *

(c) The provisions of this section do not require an agency that has elected to apply more restrictive requirements to the aged, blind, or disabled to extend Medicaid coverage to any aged, blind, or disabled individual who would not have been covered under the State's plan on January 1, 1972. The agency may have a separate standard for the aged, blind, and disabled which is more restrictive than the standard for AFDC.

19. Section 435.815 is deleted and reserved:

§ 435.815 [Reserved]

20. Section 435.816 is revised by changing the reference in the first sentence from "the State's AFDC plan" to "the State's approved AFDC plan."

§ 435.816 Medically needy income standards for three or more persons.

The agency must use an income standard to determine eligibility of families of three or more that at least equals the amount of the payment standard generally used to determine eligibility under the State's approved AFDC plan for families of the same size. This rule also applies in determining eligibility of an individual under age 21 living with his parents who is not eligible as a dependent child and whose parents' income and resources are considered available to him under § 435.821.

21. Section 435.831 is amended by revising the introductory paragraph and paragraphs (a), (b), (c) (2), and (d) to read as follows:

§ 435.831 Income eligibility.

The agency must determine income eligibility of medically needy individuals in accordance with this section. The agency must use a prospective period of not more than 6 months to compute income.

(a) *Determining countable income.* The agency must deduct the following amounts from income to determine the individual's countable income.

(b) *Eligibility based on countable income.* If countable income determined under paragraph (a) of this section is equal to or less than the applicable income standard under §§ 435.812 through 435.816, the individual or family is eligible for Medicaid.

(c) *Deduction of incurred medical expenses*

(2) The agency may set reasonable limits on the amounts of incurred medical expenses to be deducted from income under paragraphs (c) (1) (i) and (ii) of this section.

(d) *Eligibility based on incurred medical expenses.* Once deduction of incurred medical expenses reduces income to the income standard, the individual or family is eligible for the full amount, duration and scope of services under the plan.

22. Section 435.832 is revised to read as follows:

§ 435.832 Post-eligibility treatment of income and resources of institutionalized individuals: Application of patient income to the cost of care.

(a) The agency must reduce its payment to an institution, for services provided to an individual specified in paragraph (b) of this section, by the amount that remains after deducting the amounts specified in paragraph (c) from the individual's income.

(b) This section applies to medically needy individuals in medical institutions and intermediate care facilities.

(c) The agency must deduct the following amounts, in the following order, from the individual's total income including amounts disregarded in determining eligibility:

(1) A personal needs allowance that is reasonable in amount for clothing and other personal needs of the individual while in the institution. This protected personal needs allowance must be at least—

(i) \$25 a month for an aged, blind, or disabled individual, including a child applying for Medicaid on the basis of blindness or disability;

(ii) \$50 a month for an institutionalized couple if both spouses are aged, blind, or disabled and their income is considered available to each other in determining eligibility; and

(iii) For other individuals, a reasonable amount set by the agency, based on a reasonable difference in their personal needs from those of the aged, blind, and disabled. Although the personal needs allowance is protected for his use, the individual must use it to pay for any cost-sharing charges the agency imposes under §§ 447.50 through 447.59 of this subchapter, if he has no other income.

(2) For an individual with only a spouse at home, an additional amount for the maintenance needs of the spouse. This amount must be based on a reasonable assessment of need but must not exceed the highest of—

(i) The amount of the income standard used to determine eligibility for SSI for an individual living in his own home;

(ii) The amount of the highest income standard, in the appropriate category of age, blindness, or disability, used to determine eligibility for an optional State supplement for an individual in his own home, if the agency provides Medicaid to optional State supplement recipients under § 435.230; or

(iii) The amount of the medically needy income standard for one person established under § 435.812.

(3) For an individual with a family at home, an additional amount for the maintenance needs of the family. This amount must—

(i) Be based on a reasonable assessment of their financial need;

(ii) Be adjusted for the number of family members living in the home; and

(iii) Not exceed the higher of the need standard for a family of the same size used to determine eligibility under the State's approved AFDC plan or the medically needy income standard established under subpart I of this part for a family of the same size.

(4) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third party, including—

(i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(ii) Necessary medical or remedial care recognized under State law but not covered under the State's Medicaid plan, subject to reasonable limits the agency may establish on amounts of these expenses.

(d) In determining the amount of the individual's income to be used to reduce the agency's payment to the institution, the agency may, for single individuals, deduct an amount (in addition to the personal needs allowance) for maintenance of the individual's home if—

(1) The amount is deducted for not more than a 6-month period; and

(2) A physician has certified that the individual is likely to return to his home within that period.

23. Section 435.845 is amended by removing the words "resource" and "at least" from paragraph (e), dividing paragraph (e) into subparagraphs (1) and (2), and adding a phrase to paragraph (e)(2) as follows:

§ 435.845 Medically needy resource eligibility.

To determine eligibility on the basis of resources for medically needy individuals, the agency must—

(e)(1) For aged, blind, or disabled individuals in States using requirements more restrictive than SSI, deduct the value of resources in an amount no more restrictive than those deducted under the Medicaid plan on January 1, 1972 and no more liberal than those deducted in determining eligibility under SSI.

(2) However, the amounts specified in paragraph (e)(1) of this section must be the same as those that would be deducted in determining, under § 435.121, the eligibility of the categorically needy; and

24. The introductory phrase of § 435.905(a) is amended to read as follows:

§ 435.905 Availability of program information.

(a) The agency must furnish the following information in written form, and orally as appropriate, to all applicants and to all other individuals who request it. * * *

25. In § 435.911 paragraph (c) is revised by adding the word "or" to the end of paragraph (c)(1), removing "or" from the end of paragraph (c)(2), and deleting paragraph (c)(3) as follows:

§ 435.911 Timely determination of eligibility.

(c) The agency must determine eligibility within the standards except in unusual circumstances, for example—

(1) When the agency cannot reach a decision because the applicant or an examining physician delays or fails to take a required action, or

(2) When there is an administrative or other emergency beyond the agency's control.

26. In § 435.919, paragraph (b) is amended by changing the reference to Subpart J to Subpart E:

§ 435.919 Timely and adequate notice.

(b) The notice must meet the requirements of Subpart E of Part 431 of this subchapter.

27. Section 435.1004 is amended by revising paragraph (a) to read as follows:

§ 435.1004 Recipients overcoming certain conditions of eligibility.

(a) FFP is available, as specified in paragraph (b) of this section, in expenditures for services provided to recipients who are overcoming certain eligibility conditions, including blindness, disability, continued absence or incapacity of a parent, or unemployment of a parent.

28. Section 435.1006 is revised to read as follows:

§ 435.1006 Recipients of optional State supplements only.

FFP is available in expenditures for services provided to individuals receiving optional State supplements but not receiving SSI, if their income before deductions, as determined by SSI budget methodology, does not exceed 300 percent of the SSI benefit amount payable under section 1611(b)(1) of the Act to an individual who has no income and resources.

H. Part 436 is amended as follows:

1. Section 436.3 is amended by revising the definition of "Categorically needy" as follows:

§ 436.3 Definitions and use of terms.

As used in this part—

"Categorically needy" means aged, blind, or disable individuals or families and children (1) who are otherwise eligible for medicaid and who meet the financial eligibility requirements for OAA, AFDC, AB, APTD, or AABD; or,

(2) Whose categorical eligibility is protected by statute (e.g., persons who received increased OASDI payments. See § 436.112).

2. Section 436.116 is amended by adding the word "calendar" to paragraph (b) as follows:

§ 436.116 Families terminated from AFDC because of increased earnings or hours of employment.

(b) The 4 calendar month period begins on the date AFDC is terminated. If AFDC benefits are terminated retroactively, the 4 calendar month period also begins retroactively with the first month in which AFDC was erroneously paid.

3. Section 436.211 is revised by inserting "title XIX reimbursable" after "individual's * * *" and before "medical institutions * * *".

§ 436.211 Individuals who would be eligible for cash assistance except for their institutional status.

The agency may provide medicaid to individuals in title XIX reimbursable medical institutions and intermediate care facilities who are ineligible for OAA, AFDC, AB, APTD, or AABD because of lower income standards used under those programs to determine eligibility for institutionalized individuals, but who would be eligible for those programs if they were not institutionalized.

4. Section 436.212 is amended by revising paragraph (a) as follows:

§ 436.212 Individuals who would be eligible for cash assistance if the State plan for OAA, AFDC, AB, APTD, or AABD were as broad as allowed under the Act.

(a) The agency may provide medicaid to individuals who—

(1) Would be eligible for OAA, AFDC, AB, APTD, or AABD if the State's plan under those programs included individuals whose coverage under title I, IV-A, X, XIV, or XVI is optional (for example, the agency may provide medicaid to unborn children or members of families with an unemployed parent

even though the State's AFDC plan does not include them); or

Would qualify for OAA, AFDC, AB, APTD, or AABD if the State's plan under those programs did not contain eligibility requirements more restrictive than, or in addition to, those required under the appropriate title of the Act. (For example, the agency may provide medicaid to individuals who would meet the Federal definition of disability, 45 CFR 233.80, but who do not meet the State's more restrictive definitions.)

5. Section 436.811 is revised to read as follows:

§ 436.811 General requirement.

To determine eligibility of medically needy individuals and families, the agency must use an income standard under this subpart based on family size. "Family size" includes all individuals in the family for whom medically needy Medicaid eligibility is being determined and any financially responsible relative living in the home regardless of actual contribution.

6. Section 436.812 is amended by deleting "Non-institutionalized individuals" from the heading and by changing the reference in the first sentence of paragraph (b) from "the State's AFDC plan" to "the State's approved AFDC plan" as follows:

§ 436.812 Medically needy income standard.

To determine eligibility the agency must use—

(b) For families of three or more, an income standard that at least equals the amount of the payment standard generally used to determine eligibility under the State's approved AFDC plan for families of the same size. This rule also applies in determining eligibility of an individual under age 21 living with his parents who is not eligible as a dependent child and whose parents' income and resources are considered available to him under § 436.821.

7. Section 436.813 is deleted and reserved:

§ 436.813 [Reserved]

8. Section 436.831 is amended by revising the introductory paragraph, and paragraphs (a), (c)(2), and (d) as follows:

§ 436.831 Income eligibility.

The agency must determine income eligibility of medically needy individuals in accordance with this section. The agency must use a prospective period of not more than 6 months to compute income.

(a) *Determining countable income.* The agency must, to determine countable income, deduct amounts that would be deducted in determining eligibility under the State's approved plan for OAA, AFDC, AB, APTD, or AABD.

(b) *Eligibility based on countable income.* If countable income determined under paragraph (a) of this section is equal to or less than the applicable income standard under § 436.812, the individual is eligible for Medicaid.

(c) *Deduction of incurred medical expenses: Order of deduction.* * * *

(2) The agency may set reasonable limits on the amounts of incurred medical expenses to be deducted from income under paragraph (c)(1)(i) and (ii) of this section.

(d) *Eligibility based on incurred medical expenses.* Once deduction of incurred medical expenses reduces income to the income standard, the individual or family is eligible for the full amount, duration and scope of services under the plan.

9. Section 436.832 is revised to read as follows:

§ 436.832 Post-eligibility treatment of income and resources of institutionalized individuals: Application of patient income to the cost of care.

(a) The agency must reduce its payment to an institution, for services provided to an individual specified in paragraph (b) of this section, by the amount that remains after deducting the amounts specified in paragraph (c) from the individual's income.

(b) This section applies to medically needy individuals in medical institutions and intermediate care facilities.

(c) The agency must deduct the following amounts, in the following order, from the individual's total income including amounts disregarded in determining eligibility:

(1) A personal needs allowance that is reasonable in amount for clothing and other personal needs of the individual while in the institution. Although the personal needs allowance is protected for his use, the individual must use it to pay for any cost-sharing charges the agency imposes under §§ 447.50 through 447.59 of this subchapter, if he has no other income.

(2) For an individual with only a spouse at home, an additional amount for the maintenance needs of the spouse. This amount must be based on a reasonable assessment of need but must not exceed the higher of—

(i) The amount of the highest need standard for an individual without income and resources under the State's

approved plan for OAA, AFDC, AB, APTD, or AABD; or

(ii) The amount of the medically needy income standard for one person established under § 436.812.

(3) For an individual with a family at home, an additional amount for the maintenance needs of the family. This amount must—

(i) Be based on a reasonable assessment of their financial need;

(ii) Be adjusted for the number of family members living in the home; and

(iii) Not exceed the higher of the need standard for a family of the same size used to determine eligibility under the State's approved AFDC plan or the medically needy income standard established under § 436.812 for a family of the same size.

(4) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third party, including—

(i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(ii) Necessary medical or remedial care recognized under State law but not covered under the State's Medicaid plan, subject to reasonable limits the agency may establish on amounts of these expenses.

(d) In determining the amount of the individual's income to be used to reduce the agency's payment to the institution, the agency may, for single individuals, deduct an amount (in addition to the personal needs allowance) for maintenance of the individual's home if—

(1) The amount is deducted for not more than a 6-month period; and

(2) A physician has certified that the individual is likely to return to his home within that period.

10. Section 436.1003 is revised to read as follows:

§ 436.1003 Recipients overcoming certain conditions of eligibility.

FFP is available for a temporary period specified in the State plan in expenditures for services provided to recipients who are overcoming certain eligibility conditions, including blindness, disability, continued absence or incapacity of a parent, or unemployment of a parent.

I. Part 440 is amended as follows:

1. Section 440.70 is amended by revising paragraph (b) to read as follows:

§ 440.70 Home health services.

* * * * *

(b) Home health services include the following services and items. Those listed in paragraphs (b) (1), (2) and (3)

are required services; those in paragraph (b)(4) are optional.

(1) Nursing service, as defined in the State Nurse Practice Act, that is provided on a part-time or intermittent basis by a home health agency as defined in paragraph (d) of this section, or if there is no agency in the area, a registered nurse who—

(i) Is currently licensed to practice in the State;

(ii) Receives written orders from the patient's physician;

(iii) Documents the care and services provided; and

(iv) Has had orientation to acceptable clinical and administrative recordkeeping from a health department nurse.

(2) Home health aide service provided by a home health agency,

(3) Medical supplies, equipment, and appliances suitable for use in the home, and

(4) Physical therapy, occupational therapy, or speech pathology and audiology services, provided by a home health agency or by a facility licensed by the State to provide medical rehabilitation services. (See § 441.15 of this subchapter.)

* * * * *

2. Section 440.100 is amended by revising paragraph (a) to change the word "direction" to "supervision" and to change the reference to "other" structures of the oral cavity to "associated", as follows:

§ 440.100 Dental services.

(a) "Dental services" means diagnostic, preventive, or corrective procedures provided by or under the supervision of a dentist in the practice of his profession, including treatment of—

(1) The teeth and associated structures of the oral cavity; and

(2) Disease, injury, or impairment that may affect the oral or general health of the recipient.

* * * * *

3. Section 440.110 is amended by revising paragraph (c)(1) to restore a requirement for physician referral, as follows:

§ 440.110 Physical therapy, occupational therapy, and services for individuals with speech, hearing, and language disorders.

* * * * *

(c) *Services for individuals with speech, hearing, and language disorders.*

(1) "Services for individuals with speech, hearing, and language disorders" means diagnostic, screening, preventive, or corrective services provided by or under the direction of a speech pathologist or audiologist, for

which a patient is referred by a physician. It includes any necessary supplies and equipment.

4. Section 440.170 is amended by correcting the spelling of "Church" in paragraph (b), restoring the word "own" before "home" in paragraph (b)(2)(ii), and restoring "plan of treatment" in paragraph (f), as follows:

§ 440.170 Any other medical care or remedial care recognized under State law and specified by the Secretary.

(b) *Services of Christian Science nurses.* "Services of Christian Science nurses" mean services provided by nurses who are listed and certified by the First Church of Christ, Scientist, Boston, Mass., if—

(2) The services are provided—

(ii) As private duty services to a recipient in his own home or in a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Mass., if the recipient requires individual and continuous care beyond that available from a visiting nurse or that routinely provided by the nursing staff of the sanatorium.

(f) *Personal care services in a recipient's home.* "Personal care services in a recipient's home" means services prescribed by a physician in accordance with the recipient's plan of treatment and provided by an individual who is—

5. Section 440.210 is revised by adding "and 440.70" after §§ 440.10-440.50".

§ 440.210 Required services for the categorically needy.

A State plan must specify that, as a minimum, categorically needy recipients are provided the services as specified in § 440.10-440.50, and 440.70.

6. Section 440.250 is amended by revising paragraph (e) to clarify the age limit, and paragraph (f) to add "part or all of the [deductibles]", as follows:

§ 440.250 Limits on comparability of services.

(e) If covered under the plan, inpatient psychiatric services (§ 440.160) must be limited to recipients under age 22 as specified in § 441.151(c) of this subchapter.

(f) If Medicare benefits under Part B of title XVIII are made available to recipients through a buy-in agreement or payment of premiums, or part or all of

the deductibles, cost sharing or similar charges, they may be limited to recipients who are covered by the agreement or payment.

J. Part 441 is amended as follows:

1. In § 441.10, paragraph (e) is revised by changing the parenthetical cite from "§ 441.12" to "441.13".

§ 441.10 Basis.

This subpart is based on the following sections of the Act which state requirements and limits on the services specified or provide Secretarial authority to prescribe regulations relating to services:

(e) Section 1905(a) (following (a)(17)), which prohibits FFP in expenditures for certain services (§ 441.13).

2. Section 441.15 is amended by revising the introductory paragraph as follows:

§ 441.15 Home health services.

With respect to the services defined in § 440.70 of this subchapter, a State plan must provide that—

3. Section 441.60 is revised to read as follows:

§ 441.60 Identifying, informing, and referring eligible recipients to title V services.

The agency must—

(a) Identify all recipients eligible for EPSDT services, including those who are in need of medical or remedial services furnished through title V grantees; and

(b) Ensure that recipients eligible for title V services are informed of available services, and referred if they desire to title V grantees that offer services appropriate to the recipients' needs.

K. Part 442 is amended as follows:

1. Section 442.441 is amended by revising paragraph (d) to read as follows:

§ 442.441 Behavior modification programs.

(d) Time-out devices and aversive stimuli may not be used for longer than one hour for time-out purposes involving removal from a situation, and then only during the behavior modification program and only under the supervision of the trainer.

2. Section 442.499 is amended by revising paragraph (b) as follows:

§ 442.499 Maintenance of resident records.

(b) Any individual who makes an entry in a resident's record must make it legible, date it, and sign his name and job title or professional capacity.

L. Part 447 is amended as follows:

1. The table of contents is amended by renumbering § 447.351 to read § 447.352 and adding a new heading for § 447.351 as follows:

447.351 Selected medical services, supplies, and equipment: Upper limits.
447.352 Other noninstitutional services: Upper limits.

2. Section 447.15 is amended as follows:

§ 447.15 Acceptance of State payment as payment in full.

A State plan must provide that the medicaid agency must limit participation in the medicaid program to providers who accept, as payment in full, the amounts paid by the agency. (Secs. 1902(a)(4) and (14) of the Act.)

3. Section 447.52 is amended by adding a new paragraph (c) to read as follows:

§ 447.52 Minimum and maximum income-related charges.

For the purpose of relating the amount of an enrollment fee, premium, or similar charge to total gross family income, as required under § 447.51(d), the following rules apply:

(c) *Income-related charges.* The agency must impose an appropriately higher charge for each higher level of family income, within the maximum amounts specified in paragraph (b) of this section.

4. Section 447.331 is amended by adding the word "reasonable" to paragraph (a) as follows:

§ 447.331 Drugs: Upper limits of payment.

(a) The agency may not pay more for prescribed drugs than the lower of ingredient cost plus a reasonable dispensing fee or the provider's usual and customary charge to the general public.

5. Section 447.341 is amended by revising paragraph (c) to add "or services furnished," as follows:

§ 447.341 Individual practitioners: Upper limits of payment.

(c) The median charge for a given service is determined from claims submitted or services furnished during all of the calendar year preceding the

fiscal year in which the determination is made.

(Section 1102 of the Social Security Act (42 U.S.C. 1302)). (Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program).

Dated: March 1, 1980.

Leonard D. Schaeffer,
Administrator, Health Care Financing Administration.

Approved: April 4, 1980.

Patricia Roberts Harris,
Secretary.

[FR Doc. 80-10950 Filed 4-10-80; 8:45 am]

BILLING CODE 4110-35-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5716

Alaska; Partial Revocation of Public Land Order Nos. 5653 and 5654

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This public land order revokes Public Land Order Nos. 5653 and 5654 as far as they affect the lands described in this order to clear the land status records because the lands have been conveyed out of Federal ownership pursuant to the Alaska Native Claims Settlement Act.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT:

Beau McClure, 202-343-6511

Bob Arnold, 907-271-5768, Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 5653 of November 16, 1978, as amended by Public Land Order No. 5654 of November 17, 1978, withdrawing lands from settlement, sale, location, entry, or selection under the operation of the public land laws, including but not limited to the mining laws (30 U.S.C. Ch. 2), and section 6 of the Alaska Statehood Act (72 Stat. 339) for the public purpose of preserving, protecting and maintaining the resource values that would otherwise be lost are hereby revoked as far as they affect the following described lands:

Kateel River Meridian, Alaska (Unsurveyed)

T. 34 N., R. 16 E.

Secs. 19 to 24, inclusive, all.

Containing approximately 3,819 acres.

T. 34 N., R. 17 E.

Secs. 7 to 24, inclusive, all.

Containing approximately 11,299 acres.

T. 34 N., R. 18 E.

Secs. 7 and 8, all;

Secs. 17 to 20, inclusive, all.

Containing approximately 3,727 acres.

Umiat Meridian, Alaska (Unsurveyed)

T. 10 S., R. 5 W.

Secs. 22 to 27, inclusive, all;

Secs. 34, 35, and 36, all.

Containing approximately 5,760 acres.

T. 11 S., R. 5 W.

Secs. 1, 2, and 3, all;

Secs. 10 to 15, inclusive, all.

Containing approximately 15,336 acres.

T. 12 S., R. 12 W.

Secs. 1 to 12, inclusive, all;

Secs. 17 to 20, inclusive, all;

Secs. 29 and 30, all.

Containing approximately 11,475 acres.

T. 12 S., R. 13 W.

Secs. 1 to 30, inclusive, all.

Containing approximately 19,313 acres.

Aggregating approximately 76,489 acres.

2. The lands described in paragraph 1 have been conveyed out of Federal ownership pursuant to the Alaska Native Claims Settlement Act in accordance with the terms and conditions of the agreement of June 29, 1979, between the Department of the Interior and the Arctic Slope Regional Corporation. The purpose of this order is to clear the Federal land status records; therefore, it is determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332 (2)(C), is required.

Guy R. Martin,

Assistant Secretary of the Interior.

April 8, 1980.

[FR Doc. 80-11005 Filed 4-10-80; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Second Rev. S.O. No. 1439]

Union Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Second Revised Service Order No. 1439.

SUMMARY: This order authorizes the Union Pacific Railroad Company to operate over tracks of Chicago, Rock

Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

1. Beatrice, Nebraska.

2. Between Colby and Goodland, Kansas.

3. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI milepost 581.5 north of Hallam, Nebraska.

4. At Topeka, Kansas, between former RI milepost 86.99 and former milepost 85.25.

5. Between Goodland and Caruso, Kansas.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT:

J. Kenneth Carter, (202) 275-7840.

Decided: March 20, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Union Pacific Railroad Company (UP) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by UP over tracks formerly operated by RI 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,

§ 1033.1439 Service Order No. 1439.

(a) Union Pacific Railroad Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, trustee). The Union Pacific Railroad Company (UP) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks.

(1) Beatrice, Nebraska.

(2) Between Colby and Goodland, Kansas.

(3) Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI milepost 581.5 north of Hallam, Nebraska.

(4) At Topeka, Kansas, between former RI milepost 88.99 to former milepost 85.25.

(5) Goodland, Kansas to Caruso, Kansas.¹

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

(c) Similar applications have been received from Missouri-Kansas-Texas Railroad Company to operate portions of RI tracks herein indicated. The Railroad Service Board has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the UP to conduct these temporary operations in the public interest (a). Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the UP over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via UP become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, UP and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled "Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring

and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association" (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if UP chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 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.

James H. Bayne,
Acting Secretary.

[FR Doc. 80-10961 Filed 4-10-80; 8:45 am]
BILLING CODE 7035-01-M

49 CFR Part 1033

[S.O. No. 1452]

Various Railroads Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1452.

SUMMARY: This order authorizes various railroads to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service, once clean-up

operations on the RI have been completed by the Directed Rail Carrier, Kansas City Terminal Railway Company.

EFFECTIVE DATE: 12:01 a.m., March 21, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

Decided: March 21, 1980.

The Commission has issued service orders authorizing various railroads to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at various locations for the purpose of serving industries located adjacent to these tracks. The effective date of the orders is 12:01 a.m., March 24, 1980.

The Kansas City Terminal Railway Company (KCT) will provide service until 11:59 p.m., March 23, 1980, as the directed rail carrier (DRC) under Directed Service Order No. 1398 and 1398 (Sub. Nos. 1 and 2). The DRC has been authorized to perform the clean-up operations over the lines of the RI after that date.

The DRC needs additional time beyond March 23 to perform its clean-up operations and to work out problems of an orderly transition from its directed service operations to those of the temporary operators. These include but are not limited to the transfer of control of operations, accounting functions, use of materials and supplies, use and disposition of freight cars, locomotives and other equipment; and arriving at other arrangements to minimize operating difficulties.

The effective date of the service orders will not be changed, but the railroads operating under the authority of the orders will not be authorized to enter upon RI lines before 12:01 a.m., April 1, 1980, unless the KCT has completed the clean-up operations or has reached an agreement with the railroad operating under the temporary authority of these service orders to assume those clean-up responsibilities and the Commission has been so notified by KCT.

It is the opinion of the Commission that an emergency exists concerning the operation by various railroads over tracks formerly operated by RI 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,

§ 1033.1452 Service Order No. 1452.

(a) *Various Railroads authorized to operate over tracks of Chicago, Rock*

¹ Addition.

Island and Pacific Railroad Company, debtor (William M. Gibbons, Trustee). Various railroads have been authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) under individual service orders with an effective date of 12:01 a.m., March 24, 1980. In order to permit the Kansas City Terminal Railway Company (KCT), as the directed rail carrier (DRC), to perform clean-up operations, and to provide for an orderly transition from the KCT to the interim operator under these service orders, these railroads are not authorized to enter upon RI tracks before 12:01 a.m., April 1, 1980, unless the KCT has completed its clean-up operations or has reached an agreement with the railroad operating under the temporary authority of these service orders to assume those clean-up responsibilities and the Commission has been so notified by the KCT.

Railroads authorized to perform operations under Service Orders Nos. 1435, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, and 1451, over RI tracks will not commence any of these operations until the requirements of the previous paragraph are fulfilled.

(b) This order does not apply to those operations covered by Service Order No. 1411 (St. Louis Southwestern Railway Company (SSW) operations between Santa Rosa, NM and St. Louis, MO); Service Order No. 1415 (SSW operations of Memphis-Fordyce line); or to Regional Transit Authority's operation of commuter service in the Chicago metropolitan area.

(c) Each railroad is directed to arrive at an agreement regarding clean-up and providing for an orderly transition from KCT operation to its operation with the DRC prior to April 1, 1980.

(d) The following points were not being served by the DRC, and are therefore exempt from the requirements of this order:

Beatrice, NE; Burlington, IA; Fairfield, IA; Ottumwa, IA; Worthington, MN; Sibley, IA; Washington, IA; Roswell, CO; Colorado Springs, CO; and Hobart, OK.

(e) Each railroad shall notify the Commission, KCT/DRC, and the Association of American Railroads when it is ready to commence operations over RI tracks.

(f) *Effective date.* This order shall become effective at 12:01 a.m., March 21, 1980.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 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.

James H. Bayne,
Acting Secretary.

[FR Doc. 80-10960 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1436]

Chicago & North Western Transportation Co. (CNW) Authorized To Operate Over Tracks of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (MILW)

Decided: March 13, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1436.

SUMMARY: This order authorizes the CNW to operate over tracks of the MILW at Oshkosh, Wisconsin, in order to relieve cars trapped by the MILW embargo.

EFFECTIVE DATE: 12:01 a.m., March 14, 1980, and continuing in effect until 11:59 p.m., March 21, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275-7840.

By Order No. 290A, dated February 25, 1980, the United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "core system" as identified by the Court. The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980. The MILW placed Embargo No. 10-80 as directed by the Court, effective on these dates.

The lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) serving Oshkosh, Wisconsin, have been included in this embargo.

Duwe Concrete Industries has been deprived of essential railroad service because of the inability of the MILW to switch this industry at Oshkosh. The Chicago and North Western Transportation Company (CNW) has agreed to switch this industry in order to relieve cars trapped by the embargo. The MILW has consented to such use of its tracks by the CNW.

It is the opinion of the Commission that an emergency exists requiring the operation of CNW trains over these tracks of the MILW 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,

§ 1033.1436 Second Revised Service Order No. 1436.

(a) *Chicago and North Western Transportation Company authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Oshkosh, Wisconsin.* The Chicago and North Western Transportation Company (CNW) is authorized to operate over tracks of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at Oshkosh, Wisconsin, for the purpose of switching Duwe Concrete Industries located adjacent to such tracks.

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

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

(d) *Effective date.* This order shall become effective 12:01 a.m., March 14, 1980.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 21, 1980 unless otherwise modified, amended 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 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 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. Joel E. Burns not participating.

Agatha L. Mergenovich,
Secretary

[FR Doc. 80-10963 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Second Rev. S. O. No. 1429]

Illinois Central Gulf Railroad Co. Authorized To Operate Over Tracks Embargoed by Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Second Revised Service Order No. 1429.

SUMMARY: Authorizes the Illinois Central Gulf Railroad Company to operate over tracks and lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Between Cedar Rapids and Louisa, Iowa, including Marion, Iowa; between Mendota and Trek, Illinois; and between Pearl Street West and Tri-View Industrial in Sioux City, Iowa, providing for the continuation of service to shippers which would otherwise be deprived of essential railroad services. The order is revised to provide service at Sioux City, Iowa.

EFFECTIVE DATE: 12:01 a.m., March 18, 1980, and continuing in effect until 11:59 p.m., March 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: March 17, 1980.

By Order No. 290A, dated February 25, 1980, The United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "Core System" as identified by the court.

The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980.

The MILW placed Embargo No. 10-80, as directed by the court, effective on the dates shown.

The Illinois Central Gulf Railroad Company (ICG), in agreement with the trustee of the MILW, has filed a request

for temporary authority to operate over certain tracks and lines of the MILW not included in the court identified "Core System."

It is the opinion of the Commission that an emergency exists requiring the operation by ICG over tracks embargoed by MILW 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.

§ 1033.1429 Second Revised Service Order No. 1429.

(a) *Illinois Central Gulf Railroad Company authorized to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* The Illinois Central Gulf Railroad Company (ICG) is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at the following named points in the States of Iowa and Illinois:

- (1) Between Cedar Rapids and Louisa, Iowa, including Marion, Iowa;
- (2) Between Mendota, Illinois, and Trek, Illinois;
- (3) Between Pearl Street West and Tri-View Industrial in Sioux City, Iowa.

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

(c) *Rate applicable.* Inasmuch as this operation by ICG over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via ICG become effective.

(d) In transporting traffic over these lines, ICG and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled "Labor Protective Agreement

Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association" (sometimes referred to as the Miami Accords and/or the 13 Principles). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if ICG chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(f) *Effective date.* This order shall become effective at 12:01 a.m., March 18, 1980.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1980, unless otherwise modified, amended, 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.

James H. Bayne,
Acting Secretary.

[FR Doc. 80-10954 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Second Revised Service Order No. 1432]

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

Decided: March 27, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Second Revised Service Order No. 1432.

SUMMARY: This order authorizes the Chicago and North Western

Transportation Company (CNW) to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at Lake Preston, Mitchell and Sioux Falls, South Dakota; Miloma and Montgomery, Minnesota; between Jefferson and Marathon, Iowa; between Jefferson and Wauke, Iowa, at Tama, and between Manning and Huxley, Iowa, for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., April 1, 1980, and continuing in effect until 11:59 p.m., April 30, 1980.

FOR FURTHER INFORMATION CONTACT:

J. Kenneth Carter (202) 275-7840.

By Order No. 290A, dated February 25, 1980, the United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "core system" as identified by the Court. The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980. The MILW placed Embargo No. 10-80 as directed by the Court, effective on these dates. A subsequent court order authorized the Trustee to embargo additional lines named in Embargo No. 13-80, effective 11:59 p.m., March 23, 1980.

The Chicago and North Western Transportation Company (CNW) intersects MILW lines at various locations in Iowa, South Dakota and Minnesota, and has applied to the Commission seeking authority to operate over embargoed MILW lines at Lake Preston, Mitchell and Sioux Falls, South Dakota; Miloma and Montgomery, Minnesota; and at Tama and between Jefferson and Marathon, Iowa.

It is the opinion of the Commission that an emergency exists requiring the operation by CNW over tracks embargoed by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days notice.

It is ordered,

§ 1033.1432 Second Revised Order No. 1432.

(a) *Chicago and North Western Transportation Company authorized to operate over tracks embargoed by*

Chicago, Milwaukee, St. Paul and Pacific Railroad Company. The Chicago and North Western Transportation Company (CNW) is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at Lake Preston, Mitchell and Sioux Falls, South Dakota; Miloma and Montgomery, Minnesota; at Tama and between Jefferson and Marathon, Iowa; between Jefferson and Wauke, Iowa, and between Manning and Huxley, Iowa.

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

(c) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(d) *Rates applicable.* Inasmuch as this operation by CNW over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via CNW become effective.

(e) In transporting traffic over these lines, CNW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Employees.* In performing the authorized operations the four Articles contained in the draft agreement entitled "Labor Protection Agreement between Railroad Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads represented by the Rail Labor Organizations operating through the Rail Labor Executives' Association" (sometimes referred to as the Miami Accords and/or the 13 Principles) presently being circulated to the

interested parties for ratification will apply. If the agreement, when ratified, contains modifications, such modifications will apply.

(g) *Effective date.* This order shall become effective at 12:01 a.m., April 1, 1980.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1980, unless otherwise modified, amended, 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.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-10962 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Revised Service Order No. 1434]

Consolidated Rail Corp. Authorized To Operate Over Tracks Embargoed by Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

Decided: March 27, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1434.

SUMMARY: This order authorizes the Consolidated Rail Corporation (CR) to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) located at Momence, Illinois, for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., April 1, 1980, and continuing in effect until 11:59 p.m., April 30, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275-7840.

By Order No. 290A, dated February

25, 1980, the United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "core system" as identified by the Court. The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980. The MILW placed Embargo No. 10-80 as directed by the Court, effective on these dates.

The Consolidated Rail Corporation (CR) presently serves industries located on its own line at Mokena, Illinois, and has applied to the Commission seeking authority to operate over embargoed MILW lines at Mokena, Illinois.

It is the opinion of the Commission that an emergency exists requiring the operation by CR over tracks embargoed by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days notice.

It is ordered,

§ 1033.1434 Second Revised Service Order No. 1434.

(a) *Consolidated Rail Corporation authorized to operate over tracks embargoed by Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* The Consolidated Rail Corporation (CR) is authorized to operate over tracks embargoed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) at Mokena, Illinois.

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

(c) *Compensation* will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(d) *Rates applicable.* Inasmuch as this operation by CR over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed, to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via CR become effective.

(e) In transporting traffic over these lines, CR and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements

now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled "Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association" (sometimes referred to as the Miami Accords and/or the 13 Principles). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if CR chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(g) *Effective date.* This order shall become effective at 12:01 a.m., April 1, 1980.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1980, unless otherwise modified, amended, 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.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-10965 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1460]

Louisiana & Arkansas Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided: March 26, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1460.

SUMMARY: This order authorizes the Louisiana & Arkansas Railway Company (L&A) to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) from Winnfield to Hodge, Louisiana, and at Alexandria Yard-Alexandria, Louisiana for the purpose of serving industries located adjacent to such tracks, and provides for continuation of service to shippers which would otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., March 28, 1980, and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275-7840.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Louisiana & Arkansas Railway Company (L&A) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by L&A over tracks formerly operated by RI 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,

§ 1033.1460 Second Revised Service order 1460.

(a) *Louisiana & Arkansas Railway Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, Trustee).* Louisiana & Arkansas Railway Company (L&A) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of service industries located adjacent to such tracks.

(1) Winnfield to Hodge, Louisiana
(2) Alexandria Yard-Alexandria, Louisiana

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

(c) Similar applications have been received from Illinois Central Gulf Railroad Company and Louisiana Midland Railway Company to operate those portions of RI tracks herein indicated. The Railroad Service Board has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the L&A to conduct these temporary operations in the public interest. Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation, if any, will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the L&A over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via L&A become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, L&A and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled "Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations Operating through the

Railway Labor Executives' Association" (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if L&A chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 28, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 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 Robert S. Turkington and John L. Chaney.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-10964 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Rev. S.O. 1445]

Chicago and North Western Transportation Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1445.

SUMMARY: This order authorizes the Chicago and North Western Transportation Company (CNW) to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) at the locations that are listed below for the purpose of serving industries located adjacent to such tracks and provides for continuation of service to shippers which would

otherwise be deprived of essential railroad service.

EFFECTIVE DATE: 12:01 a.m., March 24, 1980 and continuing in effect until 11:59 p.m., May 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275-7840

Decided: March 18, 1980.

The embargo of the lines of Chicago, Rock Island and Pacific Railroad Company (RI) is depriving shippers located adjacent to those tracks of essential railroad service. The Chicago and North Western Transportation Company (CNW) connects with the RI and has consented to operate over these tracks in order to serve the industries.

It is the opinion of the Commission that an emergency exists requiring the operation by CNW over tracks formerly operated by RI 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, that:

§ 1033.1445 Service Order No. 1445

(a) *Chicago and North Western Transportation Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).* Chicago and North Western Transportation Company (CNW) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at the following locations for the purpose of serving industries located adjacent to such tracks.

Between Minneapolis-St. Paul, MN, and Kansas City, MO, and certain branch lines located in the states of Minnesota and Iowa, as follows:

(1) From:	To:
Rock Junction, MN (milepost 5.2).	Inver Grove, MN (milepost 0.0).
Inver Grove, MN (milepost 344.7).	Northwood, MN (milepost 238.4).
Clear Lake Junction (milepost 191.1).	Short Line Junction, IA (milepost 73.6).
Short Line Junction Yard, IA (milepost 354.0).	West Des Moines, IA (milepost 364.0).
Short Line Junction, IA (milepost 73.6).	Carlisle, IA (milepost 64.7).
Carlisle, IA (milepost 64.7).....	Allerton, IA (milepost 0.0).
Allerton, IA (milepost 363.0).....	Trenton, MO (milepost 415.9).
Trenton, MO (milepost 415.9).	Airline Junction, MO (milepost 502.2).

(2) Between Iowa Falls, IA (milepost 97.4) and Estherville, IA (milepost 206.9).

(3) Between Rake, IA (milepost 50.7) and Ocheyedan, IA (milepost 502.0).

(4) Between Palmer, IA (milepost 454.5) and Royal, IA (milepost 502.0).

(5) Between Dows, IA (milepost 113.4) and Forest City, IA (milepost 158.2).

(6) Between Cedar Rapids, IA (milepost 100.5) Cedar River Bridge, IA (milepost 96.2), and to serve all industry formerly served by the RI at Cedar Rapids, IA.

(7) Between Newton, IA (milepost 320.5) and Earlham, IA (milepost 388.6).¹

(8) At Sibley, Iowa.¹

(9) At Worthington, Minnesota.¹

Temporary service authorized in this Order requires continuation of trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers.

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

(c) Similar applications have been received from Chicago, Milwaukee, St. Paul and Pacific Railroad Company and Illinois Central Gulf Railroad Company to operate portions of RI tracks herein indicated. The Commission has reviewed these applications and considered the recommendations of the Department of Transportation, and has approved the application of the CNW to conduct these temporary operations in the public interest. Nothing herein shall be considered as a prejudgment of any application seeking permanent authority to operate over these tracks.

(d) Compensation will be on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 11123(b)(2) of the Interstate Commerce Act.

(e) *Rate applicable.* Inasmuch as this operation by the CNW over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable via CNW become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(f) In transporting traffic over these lines, CNW and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with

pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled "Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Association" (Negotiated Labor Protection Agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if CNW chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 24, 1980.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1980, unless otherwise modified, amended, or vacated by this order of this Commission.

This action is taken under the authority of 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.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-11011 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

Chicago, Milwaukee, St. Paul and Pacific Railroad Company Authorized To Transport Unit-Grain-Train of Less Cars Than Required by Tariff

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1455.

SUMMARY: This order authorizes the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to transport one unit-grain-train moving under MILW tariff 4007, ICC MILW 4007, from Slater, IA, destined to Lake Charles, LA, routed Milw-Kansas City/The Kansas City Southern Railway Company, comprising 20 cars of grain instead of 25 cars as required by tariff.

EFFECTIVE DATE: 12:01 a.m. March 21, 1980, and continuing in effect until 11:59 p.m. April 15, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275-7840.

Decided: March 21, 1980.

The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) is authorized to transport grain under MILW Tariff 4007 which permits shipments from Slater, Iowa, destined Lake Charles, LA. These shipments move in unit-grain-trains comprising 25 cars in each shipment.

MILW is able to assemble only 20 cars for a shipment of grain from Slater, Iowa, to Lake Charles, LA, routed MILW-Kansas City-KCS. MILW has issued MILW embargo 13-80 effective 11:59 p.m., March 23, 1980, on all traffic originating from some points in the State of Iowa, including Slater. In order to improve car utilization and to prevent this train from being trapped by the embargo, the train must be moved with the 20 cars now on hand.

It is the opinion of the Commission that an emergency exists requiring that MILW be authorized to forward one unit-grain-train of less cars than required by tariff. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, that:

§ 1033.1455 Service Order No. 1455.

(a) *Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to transport unit-grain-train of less cars than required by tariff.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) is authorized to transport one unit-grain-train moving under MILW Tariff 4007, ICC MILW 4007, from Slater, Iowa, destined to Lake Charles, Louisiana, routed MILW-Kansas City-The Kansas City Southern Railway Company, comprising 20 cars of grain instead of 25 cars as required by tariff.

(b) *Application.*

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

¹ Addition.

(2) All tariff provisions not specifically modified by this order shall remain in effect.

(3) The application of all other rules and regulations, insofar as they conflict with the provisions of this order, is suspended.

(c) Bill of lading covering movement authorized by this order shall contain a notation that shipment is moving under authority of Service Order No. 1455.

(d) *Effective date.* This order shall become effective at 12:01 p.m., March 21, 1980.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 15, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 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.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-11012 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register

Vol. 45, No. 72

Friday, April 11, 1980

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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 410

Training in Non-Government Facilities

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: This document proposes changing the implementing regulations of the Government Employees Training Act which prohibits the use of appropriated funds for training in non-Government facilities that advocate the overthrow of the Government by violence or force and through individuals about whom there exists a reasonable doubt of their loyalty to the United States. This proposed change eliminates an obsolete reference to checking the Attorney General's list for organizations (now inoperative), and the need to request clearances from the Office of Personnel Management and to administer an affidavit of loyalty for individuals.

DATE: Comments must be received on or before June 10, 1980.

ADDRESS: Send or deliver written comments to Mr. Frank Masterson, Director, Training Policy Division, Workforce Effectiveness and Development, Office of Personnel Management, room 7623, 1900 E Street N.W., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Ms. Constance Guitian, Training Policy Division, [202] 653-6214.

SUPPLEMENTARY INFORMATION: The Government Employees Training Act passed in 1958 had a section (now codified as section 4107(a) (1) and (2) of title 5, United States Code) prohibiting agencies from using appropriated funds for providing training through a non-Government facility (including individuals) which advocates the violent overthrow of the Government or through an individual about whom a determination has been made that there

exists a reasonable doubt about his or her loyalty. The Department of Justice maintained a list of all organizations it found to be engaged in subversive activities known as the Attorney General's list. This list was used by agencies to determine whether an organization was suitable for use as a source of training. When the Attorney General's list became inoperative, Federal Personnel Manual (FPM) material was changed to eliminate an obsolete reference to the list as part of a general revision. Deletion of the obsolete reference in the regulations to the Attorney General's list was deferred until the next general revision of the regulations. Individuals are checked by the Office of Personnel Management (OPM) and must also sign an affidavit of loyalty. The constitutionality of that affidavit is questionable as a result of a court decision.

This proposed change eliminates an obsolete reference to checking the Attorney General's list for organizations, and the need to request clearances from the Office of Personnel Management and to administer an affidavit of loyalty for individuals. Under the proposed regulation the agency could establish whatever administrative system it found efficient to assure that appropriated funds were not used to train employees by, in, or through a non-Government facility that advocated the overthrow of the Government by violence or force or through an individual about whom there exists a reasonable doubt of his or her loyalty. If an agency has reason to believe it would be useful and cost effective to request OPM to search its investigative files, it may continue to make such requests. OPM has determined that this is a significant regulation for the purposes of E.O. 12044.

Office of Personnel Management,
Beverly M. Jones,
Issuance System Manager.

Accordingly, the Office of Personnel Management proposes to revise § 410.504 of Title 5, Code of Federal Regulations, to read as follows:

§ 410.504 Prohibition of training through non-Government facilities advocating overthrow of the Government by force or violence.

The head of the agency shall make the determination that payments for training

by, in, or through a non-Government facility are not in violation of section 4107(a) (1) and (2) of title 5, United States Code.

Authority: 5 U.S.C. 4101 *et seq.*

[FR Doc. 80-11036 Filed 4-10-80; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 760

Beekeeper Indemnity Payment Program (1978-81); Termination

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Stabilization and Conservation Service proposes to amend its regulations relating to the beekeeper indemnity payment program by terminating the program on May 15, 1980. This action is taken because of a lack of funds for a program which has been determined to be of low priority. This notice invites comments on the proposed termination.

DATE: Comments must be received on or before April 30, 1980.

ADDRESS: Send comments to Director, Emergency and Indemnity Programs Division, ASCS, USDA, P.O. Box 2415, Room 4095 South Building, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert Cook, Emergency and Indemnity Programs Division, ASCS, USDA, P.O. Box 2415, 4095 South Building, Washington, D.C. 20013, (202) 447-7997.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Act of 1977, 91 Stat. 921, 7 U.S.C. 284, extended the authority of the Secretary to conduct the Beekeeper Indemnity Payment Program through September 30, 1981. On July 14, 1978, the Department published final regulations (43 F.R. 3026) to govern the conduct of the program through September 30, 1981. It is not mandatory that the program be conducted.

The proposed 1980 budget for the Department of Agriculture contained no funding for the Beekeeper Indemnity Payment Program. On June 15, 1979, the Beekeeper Indemnity Payment Program Regulations were amended to provide

that payment of claims filed after that date would be conditioned upon the availability of funds. Claims for 1978 losses, approved for approximately \$2.10 million, were unpaid because of the lack of funds. The Agriculture Appropriations Act for Fiscal Year 1980 authorized \$2.89 million for the beekeeper indemnity program.

The public is invited to submit written comments regarding the proposed termination, to the Director, Emergency and Indemnity Programs Division, ASCS, USDA, P.O. Box 2415, Room 4095 South Building, Washington, D.C. 20013. Persons submitting comments should include their names and address and give reasons for the comments. Copies of all written comments received will be available for review by interested persons in Room 4095 South Building, Washington, D.C. 20013. Persons submitting comments should include their names and address and give reasons for the comments. Copies of all written comments received will be available for review by interested persons in Room 4095, South Building, USDA, during regular business hours.

This proposal is being published under emergency procedures as authorized by Executive Order 12044 and Secretary's Memorandum 1955, without a full 60-day comment period. I have determined that an emergency situation exists which warrants less than a full 60-day comment period. Accordingly, the comment period is shortened and public comments must be received by April 30, 1980 in order to be assured of consideration.

Proposed rule

The Department proposes to amend 7 CFR Part 760, by revising the title of the Subpart—Beekeeper Indemnity Payment Program (1978-1981)—and § 760.101(b) to read as follows:

Subpart—Beekeeper Indemnity Payment Program (1978-80)

§ 760.101 Definitions.

(b) "Application period" means any period with respect to which application for payment is made beginning not earlier than January 1, 1978, and ending not later than May 15, 1980.

This regulation has been determined significant under the USDA criteria implementing Executive Order 12044 "Improving Government Regulations." An approved impact analysis on the proposal to terminate the program is available from the Emergency and Indemnity Programs Division.

Signed at Washington, D.C., on April 2, 1980.

Weldon B. Denny,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 80-10828 Filed 4-9-80; 8:45 am]

BILLING CODE 3410-05-M

Rural Electrification Administration

7 CFR Part 1701

Advance Notice of Proposed Revision of REA Bulletin 181-3, Accounting Interpretations for Rural Electric Borrowers

AGENCY: Rural Electrification Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: In view of the rising interest in peak shaving and load shedding equipment and the increasing emphasis in energy conservation practices, REA proposes to supplement REA Bulletin 181-3, Accounting Interpretations for Rural Electric Borrowers, to include the accounting for load control equipment that reduces customer electricity demand at peak-use hours. Public comments are invited.

DATE: Public comments must be received by REA no later than May 12, 1980.

ADDRESS: Persons interested in the proposed revisions may submit written data, views, suggestions or comments to the Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon Chazin, Director, Accounting and Auditing Division, above address, telephone number (202) 447-7221.

SUPPLEMENTARY INFORMATION: In view of the rising interest in peak shaving and load shedding equipment (and consequently the electric borrowers' investment in such equipment), coupled with increasing emphasis in energy conservation practices, REA intends to address the question of how to properly account for distribution load control equipment. At the present time, it is REA's position that distribution load control equipment, if installed on a consumer's residence, should be included in Account 371, Installations on Customer's Premises, while the accounting for transmitters or like equipment would be handled in one of two ways. Those transmitters centrally

located would be charged to Account 397, Communication Equipment, while those located at substations would be charged to Account 362, Station Equipment.

All interested parties are invited to comment on this notice. Further public comment will be solicited when the proposed rule is published.

Dated: April 2, 1980.

Joseph Vellone,

Acting Assistant Administrator—Administration.

[FR Doc. 80-10829 Filed 4-10-80; 8:45 am]

BILLING CODE 3410-15-M

7 CFR Part 1701

Advance Notice of Proposed Revision of REA Bulletin 181-3, Accounting Interpretations for Rural Electric Borrowers

AGENCY: Rural Electrification Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: REA proposes to revise REA Bulletin 181-3, Accounting Interpretations for Rural Electric Borrowers, to include the accounting for unbilled service revenue. Due to the timing difference which occurs between the reading of a customer's meter and the billing for that usage, many utilities render substantial amounts of service by the end of any accounting period for which billings have not yet been issued. In view of the ever increasing utility rates, including fuel adjustment clauses, REA expects that this level of unbilled service revenue will be significant. Public comments are invited.

DATE: Public comments must be received by REA no later than May 12, 1980.

ADDRESS: Persons interested in the proposed revisions may submit written data, views, suggestions or comments to the Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon Chazin, Director, Accounting and Auditing Division, above address, telephone number (202) 447-7221.

SUPPLEMENTARY INFORMATION: Due to the timing difference which occurs between the reading of a customer's meter and the billing for that usage, many utilities render substantial

amounts of service by the end of any accounting period for which billings have not yet been issued. In view of the ever increasing utility rates, including fuel adjustment clauses, REA expects that this level of unbilled service revenue will be significant. A problem also arises during periods of fluctuating customer usage, when the expenses incurred in supplying power for the current month are not offset until the billings are made the following month. Therefore, in a move to provide accounting recognition of these transactions in the period to which they relate, REA plans on adopting an accounting interpretation requiring borrowers to accrue any significant amounts of unbilled service rendered at the end of an accounting period. The proposed rule will establish guidelines for determining materiality and application.

All interested parties are invited to comment on this notice. Further public comment will be solicited when the proposed rule is published.

Dated: April 2, 1980.

Joseph Vellone,
Acting Assistant Administrator—
Administration.

[FR Doc. 80-10821 Filed 4-10-80; 8:45 am]
BILLING CODE 3410-15-M

7 CFR Part 1701

Advance Notice of Proposed Revision of REA Bulletin 181-3, Accounting Interpretations for Rural Electric Borrowers

AGENCY: Rural Electrification Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: REA proposes to revise REA Bulletin 181-3, Accounting Interpretations for Rural Electric Borrowers, to clarify the accounting treatment of purchased power refunds.

DATE: Public comments must be received by REA no later than May 12, 1980.

ADDRESS: Persons interested in the proposed revisions may submit written data, views, suggestions, or comments to the Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon Chazin, Director, Accounting and Auditing Division, above address, telephone (202) 447-7221.

SUPPLEMENTARY INFORMATION: There has been an increasing number of

commission orders requiring power suppliers to make purchased power refunds. This has resulted in numerous questions concerning the accounting for these transactions.

These questions have included ones similar to the following:

(1) If the refund is to be returned to patrons, how is it to be accounted for, as a true refund of current receipts, and therefore a reduction in revenue and cost of purchase power or as a retirement of capital credits?

(2) If the purchased power refund is to be retained by the cooperative, how should it be accounted for?

(3) Often, to compensate the cooperative for the use of its money, regulatory commissions will provide for interest on the refunds. The interest is normally computed from the date of payment to the power supplier to the date of refund. If the refund covers several accounting periods a portion of the interest will also relate to prior periods. How should the interest received from the power supplier be accounted for?

(4) What effect should refunds of purchased power costs to a generation and transmission cooperative have on its member cooperatives?

REA will be issuing an accounting interpretation providing further guidance on the proper accounting for purchased power refunds. All interested parties are invited to comment on this notice. Further public comment will be solicited when the proposed rule is published.

Dated: April 2, 1980.

Joseph Vellone,
Acting Assistant Administrator—
Administration.

[FR Doc. 80-10722 Filed 4-10-80; 8:45 am]
BILLING CODE 3410-15-M

7 CFR Part 1701

Advance Notice of Proposed Revision of REA Bulletin 181-3, Accounting Interpretations for Rural Electric Borrowers

AGENCY: Rural Electrification Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: REA proposes to revise REA Bulletin 181-3, Accounting Interpretations for Rural Electric Borrowers, to clarify the accounting for legal expenses. Public comments are invited.

DATE: Public comments must be received by REA no later than May 12, 1980.

ADDRESS: Persons interested in the proposed revisions may submit written data, views, suggestions or comments to the Director, Accounting and Auditing Division, Rural Electrification

Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon Chazin, Director, Accounting and Auditing Division, above address, telephone number (202) 447-7221.

SUPPLEMENTARY INFORMATION: Some electric cooperative borrowers have adopted the policy of arbitrarily allocating to construction costs a portion of their legal fees incurred. This has led to the accounting question of how to properly determine the amounts applicable to construction and consequently the amounts to be capitalized. REA intends that legal fees related to construction be properly supported and identified. Only those fees specifically relating to construction would be eligible for capitalization. Fees relating to loan activity would be charged to Account 181, Unamortized Debt Expense, while all other services would require expensing to either Account 417.1, Expenses of Nonutility Operations, or Account 923, Outside Services Employed, as appropriate. Proper identification should be furnished by the attorney or REA would require the entire legal fee to be expensed as described above.

All interested parties are invited to comment on this notice. Further public comment will be solicited when the proposed rule is published.

Dated: April 2, 1980.

Joseph Vellone,
Acting Assistant Administrator—
Administration.

[FR Doc. 80-10723 Filed 4-10-80; 8:45 am]
BILLING CODE 3410-15-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 8908]

Encyclopaedia Britannica et al.; Petition To Reopen and Modify Final Order

AGENCY: Federal Trade Commission.

ACTION: Public Comment Invited on Petition.

SUMMARY: Pursuant to § 2.51 of its Rules of Practice, the Commission invites public comment on a petition filed by Encyclopaedia Britannica, Inc. seeking to reopen and modify the order issued in Docket No. 8908 on March 9, 1976.

DATE: Comments must be received on or before May 12, 1980.

ADDRESS: Requests for copies of Encyclopaedia Britannica's petition

should be sent to Public Reference Branch, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Ave., NW, Washington, DC 20580. Comments should be filed with the Office of the Secretary, Room 172, Federal Trade Commission, 6th Street and Pennsylvania Ave., NW, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Edward D. Steinman, Associate Director for Litigation, Bureau of Consumer Protection, Federal Trade Commission, Room 206, Washington, DC 20580. (202) 523-3948.

SUPPLEMENTARY INFORMATION: On March 9, 1976, the Commission issued an order in Docket No. 8908 against Encyclopaedia Britannica, Inc., a corporation, and Britannica Home Library Services, Inc., a corporation. The order includes provisions (Paragraphs II(A) and II(B)) requiring Encyclopaedia Britannica to disclose in certain advertising and in a specified manner that persons who reply as requested may be contacted by a salesperson for the purpose of selling respondent's products. The order also requires (Paragraphs II(D) and II(E)) that when a sales representative of the respondent visits the home or place of business of potential purchasers of respondent's products, such representative shall, at the time admission is sought, present a 3 by 5 card which identifies the sales representative and discloses that the purpose of the visit is to sell respondent's products.

On August 2, 1979, the United States Court of Appeals for the Seventh Circuit affirmed and enforced the Commission order in this docket. On March 17, 1980, the Supreme Court of the United States denied respondents' petition for certiorari. Accordingly, pursuant to Section 5(g)(3) of the Federal Trade Commission Act, the order of the Commission in this docket is now final.

On March 18, 1980, the Commission stayed the effective date of Paragraphs II (A), (B), (D) and (E) of the order issued in this docket to permit the Commission to consider a proposed modification of the said paragraphs. The stay was issued at the request of the Commission's staff in anticipation of Encyclopaedia Britannica's request to modify its order. The stay is effective until further notice to the company.

On March 26, 1980, Encyclopaedia Britannica, Inc. filed a petition, pursuant to Section 2.51 of the Commission's Rules of Practice, to reopen this matter and modify Paragraphs II (A), (B), (D) and (E) of the order issued on March 9, 1976. Under the proposed modifications, the wording of the disclosures required

in certain advertising would be changed. Use of one of several disclosures would be permitted and additional disclosures would be allowed if approved in advance by the Commission's staff. The requirement that the disclosures be in 10-point boldface type would be deleted, although the disclosures would still have to be made in a clear and conspicuous manner. Encyclopaedia Britannica has also requested an order modification that would allow the company, for one year from the date the order became final, to substitute an ordinary business card for the 3 by 5 card required by the order. The business card would identify the person employed by the company as a "Sales Representative" but would not state, as required by the order, that the purpose of the visit is to sell respondent's products. In addition, the sales representative would not have to direct a potential customer to read the card as required by the order.

Under the proposed modification, Encyclopaedia Britannica would be permitted, under special procedures, to petition the Commission for further changes in the order for one year after the order became final. The Commission would be obliged to respond to such petition within 120 days after filing. The petition must contain information demonstrating that any further changes in the advertising or card-at-door provisions will be effective in communicating the information required by the order.

Under Commission Rule 2.51, this request to reopen and modify has been placed on the public record. Unless the Commission determines that earlier disposition is necessary, the request shall remain on the public record for 30 days. During this period, the public is invited to comment on the request. Thereafter, the Commission may, in its discretion, issue an order reopening the proceeding and modifying the order as requested.

The Commission cautions all concerned that placing this petition on the public record and inviting public comment does not indicate that the proposal has been reviewed or adopted by the Commission, or any individual member of the Commission.

Approved:

Albert H. Kramer,

Director, Bureau of Consumer Protection.

[FR Doc. 80-10934 Filed 4-10-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

Labor Certification Process for the Temporary Employment of Aliens in Agriculture: Adverse Effect Wage Rate Methodologies; Proposed Rulemaking; Extension of Comment Period

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rulemaking; extension of comment period.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (DOL) extends the comment period through May 12, 1980, on the proposal to adopt a new methodology for establishing an adverse effect wage rate governing the temporary alien employment certification program in agriculture. This action is being taken to allow commenters more time to make meaningful comments on the issue.

DATES: Interested persons are invited to submit written comments on the proposed rule on or before May 12, 1980.

ADDRESS: Send written comments to: Mr. David O. Williams, Administrator, United States Employment Service, Employment and Training Administration, United States Department of Labor, Suite 8000, Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Bell, United States Employment Service, Employment and Training Administration, United States Department of Labor, Suite 8410, Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20213. Telephone: 202-376-6297.

SUPPLEMENTARY INFORMATION: In the Federal Register of March 11, 1980 (45 FR 15914), ETA proposed a new methodology for computing adverse effect wage rates (AEWRs) in agriculture and proposed continuing the old methodology for logging. AEWRs are the minimum wages that must be offered and paid by employers seeking to temporarily employ nonimmigrant alien workers. See 20 CFR § 655.207. If lower wages were permitted to be offered or paid, the wages of similarly employed U.S. workers would be adversely affected and an adequate test of the availability of U.S. workers would be frustrated.

DOL has received numerous requests from interested parties that the 30-day comment period announced at 45 FR

15914 be extended. DOL has determined that it would be in the public interest to extend the comment period, and that an extension through May 12, 1980, would be appropriate.

Accordingly, the comment period is hereby extended through May 12, 1980.

Signed at Washington, D.C., this 8th day of April, 1980.

Ray Marshall,

Secretary of Labor.

[FR Doc. 80-11002 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-30-M

20 CFR Parts 675, 676, 677, 678, 679

Comprehensive Employment and Training Act; Regulations for Program Under Title I, II, VI, and VII of the Act; Correction

AGENCY: Department of Labor.

ACTION: Proposed rules; correction to preamble.

SUMMARY: This document contains changes to the preamble of the proposed rules under the Comprehensive Employment and Training Act which were published as Part VI of the Federal Register on April 4, 1980. These proposed rules contain certain amendments concerning services to veterans which were not discussed in the preamble.

DATES: Comments are due on or before May 5, 1980.

ADDRESS: Comments should be addressed to the Assistant Secretary of Labor for Employment and Training, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213, Attention: Robert Anderson, Administrator, Office of Comprehensive Employment Development.

FOR FURTHER INFORMATION: Robert Anderson, Telephone (202) 376-6254.

SUPPLEMENTARY INFORMATION: FR Doc. 80-10089 (45 FR 23296) is amended by the following changes to the preamble.

1. After the fourth full paragraph in the third column on page 23296 the following paragraph is added:

Section 676.11(c)(5)(iii) is clarified to indicate that the annual plan must describe efforts to increase the participation of qualified disabled and Vietnam-era veterans in accordance with § 676.30a(a), which sets forth procedures for serving such veterans.

2. After the sixth full paragraph in the third column on page 23296, the following paragraph is added:

Section 676.12(d) is amended to specify that prime sponsors shall provide written notification of the availability of the CETP to veterans organizations.

3. After the fourth full paragraph in the third column on page 23297, the following paragraphs are added:

Section 676.30a(a)(1) is amended to include VETS projects of the National League of Cities among the examples of organizations which are appropriate for entering into cooperative arrangements to increase the participation of qualified special disabled and Vietnam-era veterans in CETA programs.

Section 676.30a(a)(4) is amended to specify the types of programs or initiatives which may be used to serve veterans.

Section 676.30a(a)(5) is amended to make clear that prime sponsors shall make special efforts to acquaint veterans and veterans organizations with the employment and training opportunities available under CETA and to clarify prime sponsor responsibility to coordinate veterans activities and services.

In Section 676.30a(b)(2)(i)(B), language is added to indicate that special emphasis shall be given to the development of jobs which utilize the skills veterans acquired with their military service and training.

The fifth full paragraph in the third column on page 23297 is deleted since the subject matter is covered by the above paragraph concerning section 676.30a(a)(5).

Signed at Washington, D.C., this 8th day of April, 1980.

Ray Marshall,

Secretary of Labor.

[FR Doc. 80-11003 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 885

[Docket No. R-80-780]

Loans for Housing for the Elderly or Handicapped; Cost Limits

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: This amendment will update the presently established cost limits (zero to 2-bedroom units) for the Section 202 direct loan program for housing for the elderly or handicapped. Additionally, it establishes cost limits for three and for four or more bedroom units to accommodate the non-elderly handicapped with large families.

DATE: Comments due: May 12, 1980.

ADDRESS: Comments should be filed with the Rules Docket Clerk, Office of

General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: George O. Hipps, Jr., Director, Office of Multifamily Housing Development, Washington, D.C. 20410; Telephone (202) 755-5720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On May 18, 1979, the Department published in the Federal Register the revised cost limits for the HUD Low Cost and Moderate Income Insurance Programs (44 FR 28659). This amendment will update and establish comparable cost limits for the Section 202 program.

Additionally, the amendment rectifies a processing gap by providing cost limits for three and for four or more bedroom units to serve the need of non-elderly handicapped families.

A finding of inapplicability regarding the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. This rule is listed as H-66-79 in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, it is proposed to amend 24 CFR Part 885, Section 885.410 by deleting (b) (1), (2), and (3) and (c) (1), (2), and (3) and adding new (b) (1)-(5) to read as follows:

Note.—The latest revision of § 885.410 appeared in the Federal Register of March 1, 1978 (43 FR 8492).

§ 885.410 Amount and terms of financing.

(b) For such part of the property or project attributable to dwelling use (excluding exterior land improvement as defined by the Assistant Secretary) the maximum loan amount, depending on the number of bedrooms, shall be:

- (1) \$22,900 per family unit without a bedroom,
- (2) \$26,550 per family unit with one bedroom,
- (3) \$31,500 per family unit with two bedrooms,
- (4) \$37,100 per family unit with three bedrooms, restricted to non-elderly handicapped families,
- (5) \$42,000 per family unit with four or more bedrooms, restricted to non-elderly handicapped families.

(c) In order to compensate for the higher costs incident to construction of elevator type structures of sound

standards of construction and design, the field office may increase the dollar limitations per family unit as provided in paragraph (c) of this section, not to exceed:

- (1) \$26,400 per family unit without a bedroom,
- (2) \$30,550 per family unit with one bedroom,
- (3) \$36,200 per family unit with two bedrooms,
- (4) \$42,750 per family unit with three bedrooms, restricted to non-elderly handicapped families,
- (5) \$48,700 per family unit with four or more bedrooms, restricted to non-elderly handicapped families.

(Sec. 202 of the Housing Act of 1959, 12 U.S.C. 1701q; Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., March 13, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commission.

[FR Doc. 80-10733 Filed 4-10-80; 8:45 am]

BILLING CODE 4210-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1108

[Ex Parte No. 55 (Sub-No. 22)]

Revision of National Environmental Policy Act Guidelines

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rules—notice of extension of comment due date.

SUMMARY: The Association of American Railroads has requested that the comment due date previously established in this rulemaking proceeding [45 Fed. Reg. 15237 (1980)] be extended from April 9, 1980, to April 28, 1980. The Association requires the additional time to coordinate an industry-wide response to the notice of proposed rulemaking. Since this approach should facilitate Commission consideration of comments, an extension of the comment due date to April 28, 1980, will be granted.

DATE: The comment due date in this proceeding is extended to April 28, 1980.

FOR FURTHER INFORMATION CONTACT: Carl Bausch or Steve Botts (Telephone: 202-275-7916)

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-10951 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Review of the Status of Five Mollusc Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Status Review.

SUMMARY: The Service will review the status of (1) *Pleurobema curtum* Curtus' mussel; (2) *Pleurobema marshalli* Marshall's Mussel; (3) *Pleurobema taitianum* Judge Tait's mussel; (4) *Epioblasma penita* penitent mussel, and (5) *Quadrula stapes* stirrup shell, to determine whether these species should be proposed for listing as Endangered or Threatened species. Preparatory to a possible listing proposal for these mussels, information is also solicited on areas that may qualify as critical habitat, and any associated economic and other impacts which might occur from critical habitat designation.

This action is being taken because a review of available literature indicates that the Tombigbee River may be the last remaining habitat of these species and that severe modification of this river system is presently occurring in the form of the Tennessee-Tombigbee Waterway Project. Information received as a result of this notice will be used to assist the Service in determining the status of these species.

DATE: Information concerning the status of these species should be submitted on or before July 11, 1980.

ADDRESSES: Comments on this notice of review should be submitted to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

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).

SUPPLEMENTARY INFORMATION:

Background

A review of available literature indicates that the Tombigbee River, particularly from Epes, Sumter County, Alabama, to Fulton, Itawamba County, Mississippi, may provide the last remaining habitat for the five (5) species of naiad molluscs addressed herein. These species typically inhabit silt-free shoal areas of sand and/or gravel with a moderate to swift current. *Quadrula stapes*, *Pleurobema taitianum*, and *Epioblasma penita* historically occurred

in the Alabama River system; however, the only specimens of these three species taken in recent years have been from the Tombigbee River. It is believed that the apparent extirpation of these species from the Alabama River is a result of the relatively recent modification of that river from a free-flowing state into a series of impoundments. Specimens of *Pleurobema curtum* and *Pleurobema marshalli* have never been taken outside of the Tombigbee River system.

The most obvious threat to the continued existence of these species is the U.S. Army Corps of Engineers Tennessee-Tombigbee Waterway Project, as well as the Tombigbee River and Tributaries Project. Habitat alteration in the form of channel dredging, removal of streamside vegetation, increased turbidity and siltation, and activities associated with reservoir construction will subject these species to an environment unsuitable for their survival.

The Service is seeking the views of the Governors of Mississippi and Alabama, as well as other Federal agencies and interested parties, and is requesting from them any data relative to the status, distribution, population trends, or potential threats to these species. All data received as a result of this notice, as well as data on hand, will be analyzed by the Service to determine whether any or all of these species should be proposed for listing as Endangered or Threatened species, and whether critical habitat should be included. Any information received in regard to economic and other impacts associated with potential critical habitat areas will also be taken into consideration.

The following documents were consulted during the preparation of this notice:

(1) A Preimpoundment Study of Macro-benthos on the River Section of the Tennessee-Tombigbee Waterway, First Supplemental Environmental Report, Continuing Environmental Studies-Tennessee-Tombigbee Waterway, Alabama and Mississippi-Vol. IX, App. F, Mobile District, Corps of Engineers.

(2) Rare and Endangered Mollusks (Naiads) of the U.S., U.S. Department of the Interior.

(3) Endangered and Threatened Plants and Animals of Alabama, Alabama Museum of Natural History.

(4) A Preliminary Report on the Naiad Mollusks (Bivalvia: Naiadoida) of the Tombigbee River in the vicinity of Columbus, Mississippi, The ASB Bulletin.

(5) Statement of Dr. David H. Stansbery, Public Meeting on Tennessee-Tombigbee Waterway on March 29, 1977, Columbus, MS.

This notice of status review was prepared by Richard G. Rummel, U.S. Fish and Wildlife Service, 200 E. Pascagoula Street, Suite 300, Jackson, Mississippi 39201.

Note.—The Department of the Interior has determined that this notice is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR 14.

Dated: April 2, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-11001 Filed 4-10-80; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 45, No. 72

Friday, April 11, 1980

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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Ratemaking and Economic Regulation; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Ratemaking and Economic Regulation of the Administrative Conference of the United States, to be held at 1:30 p.m., Monday, April 21, 1980 in the Library of the Administrative Conference, 2120 L Street, NW, Suite 500, Washington, DC. This meeting had originally been scheduled for April 14, 1980.

The Committee will meet to discuss final recommendations on remedial order procedures at the Department of Energy.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during, or after the meeting.

For further information concerning this meeting contact William C. Bush at the Office of the Chairman of the Administrative Conference, 2120 L Street, NW., Suite 500, Washington, DC 20037 (202-254-7020). Minutes of the meeting will be available on request.

Richard K. Berg,

Executive Secretary.

April 4, 1980.

[FR Doc. 80-10920 Filed 4-10-80; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Sunflower Electric Cooperative, Inc., Hays, Kans.; Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Final Environmental Impact Statement in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969, in connection with an application for financing to REA from Sunflower Electric Cooperative, Inc., P.O. Box 980, Hays, Kansas 67601, to finance the construction of a 280 MW coal-fired electric generating station at Holcomb, Kansas, a 345 kV line approximately 150 miles long from Holcomb to the Kansas-Nebraska State line, and related facilities.

Additional information may be secured on request, submitted to Mr. Joe S. Zoller, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Copies of the REA Final EIS have been sent to various Federal State, and local agencies, as outlined in the Council on Environmental Quality Regulations. The FEIS may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 5839, or at Sunflower's address indicated above.

Comments concerning the environmental impact of the proposed construction should be addressed to Mr. Zoller at the address given above. Comments must be received within thirty (30) days of the date of publication of this notice to be considered in connection with the proposed action.

Final REA action, with respect to this matter (including any release of funds), will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C. this 3rd day of April, 1980.

Robert W. Feragen,

Administrator, Rural Electrification Administration.

[FR Doc. 80-10783 Filed 4-10-80; 8:45 am]

BILLING CODE 3410-15-M

COMMISSION ON CIVIL RIGHTS

Connecticut Advisory Committee; Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the Connecticut Advisory Committee (SAC) of the Commission originally scheduled for April 15, 1980, at Hartford, Connecticut 16103, (FR Doc. 80-9693 on page 20987) has been changed.

The meeting now will be held on April 16, 1980. The place and time will remain the same.

Dated at Washington, D.C., April 7, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-10983 Filed 4-10-80; 8:45 am]

BILLING CODE 6335-01-M

Missouri Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U. S. Commission on Civil Rights, that a planning meeting of the Missouri Advisory Committee (SAC) of the Commission will convene at 1:00 p.m. and will end at 4:30 p.m., on May 6, 1980, at the Federal Building, 1520 Market, Room 3720, St. Louis, Missouri 63103.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to receive a report on the affirmative action factfinding meeting; and program planning for housing followup study.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 8, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-10984 Filed 4-10-80 8:45 am]

BILLING CODE 6335-01-M

New Mexico Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Mexico Advisory Committee (SAC) of the Commission will convene at 2:00 p.m. and will end at 5:00, on May 6, 1980, at the Airport Marina Hotel, 2910 Yale Boulevard, S.E., Albuquerque, New Mexico 87119.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, 418 South Main, San Antonio, Texas 78204.

The purpose of this meeting is to discuss the higher education and energy development processes.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 7, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-10982 Filed 4-10-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 6-80]

Proposed Foreign-Trade Zone—San Juan, P.R., Customs Port of Entry; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Puerto Rico Commercial Development Company (PRCDC), a public corporation of the Commonwealth of Puerto Rico, requesting authority to establish a general-purpose foreign-trade zone in the City of Guaynabo, Puerto Rico, adjacent to the City of San Juan and within the San Juan Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on April 7, 1980. The applicant is authorized to

make this proposal under Joint Resolution No. 64 of the Commonwealth of Puerto Rico Legislature, approved on June 4, 1979.

The proposal calls for the establishment of a general-purpose zone of 60.37 acres within a 203-acre International Trade Center being developed by PRCDC in the City of Guaynabo, within one mile of seaport facilities on San Juan Bay. As owner and developer of the zone facility, PRCDC will at the outset construct two warehouse facilities containing about 125,000 square feet for zone operations.

The application contains economic data and information concerning the need for a zone in the San Juan area. Several firms have indicated their intention to use the requested zone area for storage, assembly, processing, manipulation and exhibition activities involving such products as typewriters, wearing apparel, musical instruments and accessories, sporting goods, blankets, studio beds, and food service equipment.

In accordance with the Board's regulations an examiners committee has been appointed to investigate the application and report thereon to the Board. The committee consists of: Hugh J. Dolan (Chairman) Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230; James R. Cahill, Director, Inspection and Control Division, U.S. Customs Service, Region IV, 99 S.E. 5th Street, Miami, Florida 33131; and Colonel James W. R. Adams, District Engineer, U.S. Army Engineer District Jacksonville, P.O. Box 4970, Jacksonville, Florida 32201.

As part of its investigation, the Examiners Committee will hold a public hearing on April 30, 1980, beginning at 9 a.m., in Room 756 of the Federal Building, Chardon Avenue, San Juan, Puerto Rico. The purpose of the hearing is to help inform interested parties about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377-2862) by April 23, 1980. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the executive secretary, at any time from the date of this notice through May 30, 1980. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be

presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Office of the Director, U.S. Department of Commerce District Office, Federal Building, Room 659, Chardon Avenue, San Juan, Puerto Rico 00918

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886-B, 14th and E Streets, NW, Washington, D.C. 20230

Dated: April 8, 1980.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 80-10956 Filed 4-10-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration, Caribbean Fishery Management Council; Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Caribbean Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has established a Scientific and Statistical Committee which will meet with members of the Council having expertise in billfish resource management, to examine and provide recommendations to the Council on the development of a fishery management plan for billfishes.

DATES: The meeting will convene on Wednesday, April 30, 1980, at 9:30 a.m., and will adjourn at approximately 4:30 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Hotel Pierre, 105 de Diego Avenue, Santurce, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, Telephone: (809) 753-4926.

Dated: April 7, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-11013 Filed 4-10-80; 8:45 am]

BILLING CODE 3510-22-M

Issuance of General Permits To Incidentally Take Marine Mammals

On April 4, 1980, general permits were issued to:

1. The Japan Deep Sea Trawlers Association, Daito Building, 6/F, Ogawa/cho 3-6, Kanda, Chiyoda-ku, Tokyo, Japan (Category 1);
2. The National Federation of Medium Trawlers, Showa Kiakan, 3-2,

Kasumigaseki 3, Chiyoda-ku, Tokyo, Japan (Category 1);

3. The North Pacific Longline-Gillnet Association, Zenkeiren Building, 2-7-2, Hirakawa-cho, Chiyoda-ku, Tokyo, Japan (Category 5);

4. DALMOR, Gydnia, Poland (Category 1); and

5. ORDA, Swinoujscie, Poland (Category 1);

for the taking of marine mammals incidental to commercial fishing operations within the United States Fishery Conservation Zone, pursuant to 50 CFR 216.24 (42 FR 64551-64560). The general permits are available for public review in the Office of the Assistant Administrator for Fisheries, 3300 Whitehaven Street, N.W., Washington, D.C.

Dated: April 4, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-11017 Filed 4-10-80; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet to discuss the Shark Fishery Management Plan; status of other fishery management plans; foreign fishing applications; other fishery management matters, as well as administrative matters.

DATES: The meeting will convene on Wednesday, May 14, 1980, at approximately 1 p.m., and will adjourn at approximately 1 p.m. on Friday, May 16, 1980. The meeting is open to the public.

ADDRESS: The meeting will take place at the Golden Eagle, Philadelphia Avenue on the Beach, Cape May, New Jersey.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674-2351.

Dated: April 7, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-11014 Filed 4-10-80; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Four Corners Economic Development Region, Southwest Border Economic Development Region; Modification of Boundaries

Pursuant to the provisions of Section 501(a) of the Public Works and Economic Development Act of 1965, as amended, (42 U.S.C. 3181(a)), and having examined pertinent data, I have determined that the Four Corners Economic Development Region, composed of all of Colorado, Nevada, and Utah and parts of Arizona and New Mexico, meets requirements for enlargement to include Otero County, New Mexico. Accordingly, in response to a request from the Executive Committee of the Four Corners Regional Commission and the Governor of New Mexico, and the unanimous resolution of the Southwest Border Regional Commission, I have today, March 24, 1980, modified the boundaries of the Four Corners Region so that it now includes Otero County, New Mexico, and modified the boundaries of the Southwest Border Region so that it no longer includes Otero County, New Mexico.

Inquiries relating to this modification should be addressed to the Special Assistant to the Secretary for Regional Economic Development, Room 2092, Main Commerce Building, 14th and Constitution Avenue N.W., Washington, D.C. 20230.

Philip M. Klutznick,
Secretary of Commerce.

[FR Doc. 80-10972 Filed 4-10-80; 8:45 am]

BILLING CODE 3510-19-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1980 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: April 11, 1980.

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 January 25, 1980, February 1, 1980, and February 8, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (45 FR 6152, 45 FR 7276, and 45 FR 8691) of proposed additions to Procurement List 1980, November 27, 1979 (44 FR 67925).

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodities and services are hereby added to Procurement List 1980:

Class 8465

Fieldpack, Canvas
(Knapsack (Packsack))
8465-00-205-3493

Class 8440

Scarf, Man's Wool
8440-01-005-2558
8440-00-160-6843
8440-00-823-7520

SIC 7349

Janitorial Service
Waltham Federal Center
424 Trapelo Road
Waltham, Massachusetts

SIC 7349

Cardboard & Paper Scrap Recovery
New Cumberland Army Depot
New Cumberland, Pennsylvania
E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 80-10969 Filed 4-10-80; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Champlin Petroleum Co. Application for Permission To Use Multiple Allocation Fractions

AGENCY: Economic Regulatory Administration, Department of Energy.
ACTION: Notice of petition and request for comments.

SUMMARY: The Economic Regulatory Administration of the Department of Energy hereby gives notice that, on March 31, 1980, Champlin Petroleum Company (Champlin), in accordance with the provisions of 10 CFR § 205.90 *et seq.* and § 211.10(b), filed an application for permission to use multiple allocation fractions for the marketing areas served by its Enid, Oklahoma, and Corpus Christi, Texas, refineries.

A copy of Champlin's application, with proprietary material deleted, may

be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the Economic Regulatory Administration, Office of Petroleum Operations, Room 6222-C, 2000 M Street, N.W., Washington, D.C. 20461.

DATE: Interested firms may submit comments on Champlin's application to the address listed below until the close of business fifteen (15) working days after the appearance of this notice in the Federal Register.

ADDRESS: Send comments to: Economic Regulatory Administration, Office of Petroleum Operations, Room 6222, 2000 M Street, N.W., Washington, D.C. 20461, Attn: Alan T. Lockard.

FOR FURTHER INFORMATION CONTACT:

John A. Carlyle, Economic Regulatory Administration, Office of Petroleum Operations, Room 6222-C, 2000 M Street, N.W., Washington, D.C. 20461, Telephone: (202) 653-3431.

Joel M. Yudson, Office of the General Counsel, Room 6A-127, 1000 Independence Avenue, S.W., Washington, D.C. 20461, Telephone: (202) 252-6744.

Issued in Washington, D.C., on the 4th day of April 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-11027 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

**Wisconsin Industrial Fuel Oil, Inc.;
Action Taken on Consent Order**

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: March 20, 1980. Comments by: May 12, 1980.

ADDRESS: Send comments to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri, 64106.

FOR FURTHER INFORMATION CONTACT: Jeannine C. Fox, Chief, Refined Products Programs Management Branch, 324 East 11th Street, Kansas City, Missouri, 64106. (Phone) 816-374-5932.

SUPPLEMENTARY INFORMATION: On March 20, 1980, the Office of Enforcement of the ERA executed a Consent Order with Wisconsin Industrial Fuel Oil, Inc. of Oak Creek, Wisconsin. Under 10 CFR § 205.199j(B), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Wisconsin Industrial Fuel Oil, Inc. (Wisconsin) with its home office located in Oak Creek, Wisconsin is a firm engaged in the marketing of residual fuel oils to resellers and end-users, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Wisconsin Fuel, the Office of Enforcement, ERA, and Wisconsin Industrial Fuel Oil, Inc. entered into a Consent Order.

The Consent Order encompasses Wisconsin's sale of covered products during the period August 19, 1973 through May 31, 1976.

II. Disposition of Refunded Overcharges

In this Consent Order, Wisconsin Fuel agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. above, the sum of Four Hundred Thousand Dollars (\$400,000) Five Years from the effective date of the document. Refunded overcharges will be in the form of:

1. A certified check in the amount of \$268,885.14 made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition; and

2. Cash payments or credit refunds in the amount of \$131,114.86 made to industrial and institutional classes within five years of the effective date of the document.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR § 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either

been passed through as higher prices to subsequent purchasers or offset. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR § 205.199i(a).

III. Submission of Written Comments

A. Potential Claimants. Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments. The ERA invites interested persons to comment on the terms, condition or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816-374-5932.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Wisconsin Fuel Consent Order." We will consider all comments we receive by 4:30 P.M., local time, on May 12, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR § 205.9(F).

Issued in Kansas City, Missouri, on the 3rd day of April, 1980.

William G. Miller,

Manager, Central Enforcement District, Economic Regulatory Administration.

[FR Doc. 80-11019 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL ENERGY REGULATORY COMMISSION

[Project No. EL80-24]

Connecticut Municipal Electric Energy Cooperative v. Power Authority of the State of New York; Complaint

April 7, 1980.

Take notice that on March 27, 1980, the Connecticut Municipal Electric Energy Cooperative (CMEEC) filed a formal complaint and motion for partial summary judgment against the Power Authority of the State of New York (PASNY).

In its complaint, CMEEC requests the Federal Energy Regulatory Commission (Commission) to review PASNY's recent decision to allocate 145 megawatts of out-of-state preference power from the Niagara Project to Allegheny Electric Cooperative (Allegheny), Vermont Public Service Board (Vermont), and Pennsylvania and American Municipal Power-Ohio, Inc. (AMP-Ohio), and to exclude CMEEC, Massachusetts Municipal Wholesale Electric Company (MMWEC),¹ and the Borough of Lansdale, Pennsylvania (Lansdale) from that allocation. Specifically, CMEEC asks the Commission to find on a summary basis that PASNY's failure to allocate any Niagara preference power to CMEEC is in violation of a requirement in the Niagara Redevelopment Act (NRA), 16 U.S.C. 836 (1976), that preference power be distributed "in such manner as to encourage the widest possible use."

In addition, CMEEC states that PASNY's allocation of 145 megawatts of Niagara power to out-of-state preference customers violates the NRA by failing to allocate 10 percent of the power from the Project to those customers. CMEEC requests the Commission to find that the NRA and its legislative history require PASNY to distribute 10 percent of the power from the Project to out-of-state preference customers. In the alternative, if it is found that the standard of the NRA is that a reasonable amount up to 10 percent of the Project's power is to be allocated to out-of-state preference customers, CMEEC asks the Commission to determine whether 145 megawatts constitutes a reasonable amount.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a

¹ On March 4, 1980, MMWEC filed a similar complaint and motion for partial summary judgment against PASNY in FERC Docket No. EL80-19. Notice of MMWEC's complaint in EL80-19 was issued by the Commission on March 14, 1980, setting April 14, 1980 as the last date for filing protests or petitions to intervene.

protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before May 9, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10957 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-95-M

[Project No. 3049]

Windsor Locks Canal Co., Application for Preliminary Permit

April 7, 1980.

Take notice that on February 20, 1980, Windsor Locks Canal Company filed an application for preliminary permit [pursuant to the Federal Power Act, 16 USC 791(a)-825(r)] for the proposed Windsor Locks Canal Project, FERC No. 3049, that would be located on the Connecticut River and utilize the existing Windsor Locks Dam and Canal System, in Hartford County, Connecticut. The existing dam was constructed in 1902. Correspondence with the Applicant should be addressed to: Theodore R. Wirtz, Windsor Locks Canal Company, Box 114, Windsor Locks, Connecticut 06096.

Purpose of the Project.—Power generated by the project would be sold to the Dexter Corporation for use in its manufacture of paper products.

Proposed Scope and Cost of Studies Under Permit.—The work proposed under the preliminary permit would include an economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates

that the cost of the work to be performed under the preliminary permit would be up to \$192,500.

Project Description.—The Windsor Locks Canal Project would utilize an existing 7-foot-high, 1,596-foot-long timber crib diversion dam and a 5.3-mile-long canal system located along the west bank of the Connecticut River. Applicant proposes to construct a powerhouse located near the terminus of the canal system, containing a single tube-type turbine with a total rated capacity of 3,000 kW. Average annual generation would be approximately 25,300,000 kWh.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, the Applicant seeks a 36-month permit.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before June 6, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 5, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests and Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in

accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comment does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before June 6, 1980. The Commission's address is: 825 N. Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-10958 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Austria.

The subsequent arrangement to be carried out under the above mentioned agreements involve approval of the following retransfer: RTD/EU(AT)-12, from Austria to West Germany, fuel spheres and particles containing 1.3 grams of uranium, with 0.5802 grams of U-235, 0.357 grams of U-233, and 20.17 grams of thorium for post-irradiation analysis and subsequent disposal.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect April 28, 1980.

For the Department of Energy.

Dated: April 7, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11020 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: S-EU-635, United States to West Germany, 200 milligrams of plutonium enriched to greater than 98% in Pu-240, and 100 milligrams of plutonium enriched to greater than 90% in Pu-242, to be used for the preparation of accelerator targets for basic research in nuclear fission.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect April 28, 1980.

For the Department of Energy.

Dated: April 7, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11021 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada.

The subsequent arrangement to be carried out under the above mentioned agreement involve approval of the following sale: S-CA-289, United States to Canada, 50 micrograms of thorium-229, to be used as an isotopic tracer for analysis of natural thorium in biological samples.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of this nuclear material will

not be inimical to the common defense and security.

This subsequent arrangement will take effect April 28, 1980.

For the Department of Energy.

Dated: April 7, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11022 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of proposed "subsequent arrangements" under the Agreements for Cooperation Between the Government of the United States of America and the Governments of Australia and Sweden.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of the following sales:

- S-AU-99, United States to Australia, 78.9 grams of natural uranium and 7.1 grams of thorium, as ores, to be used as standards for calibration of equipment.
- S-SW-57, United States to Sweden, 296.8 grams of natural uranium, as ore, to be used as standards for calibration of equipment.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials, will not be inimical to the common defense and security.

These subsequent arrangements will take effect April 28, 1980.

For the Department of Energy.

Dated: April 7, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11023 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Norway.

The subsequent arrangement to be carried out under the above mentioned

agreements involve the approval of the following retransfer: RTD/EU(NO)-29, from Norway to the United Kingdom, 563 grams of uranium, containing 63.5 grams of U-235, and 2.6 grams of plutonium, in the form of four irradiated test rods, for post-irradiation examination, interim storage, and eventual return to the United States.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect April 28, 1980.

For the Department of Energy.

Dated: April 7, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11024 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreements for Cooperation Between the Government of the United States of America and the Governments of Austria, Finland and Japan.

The subsequent arrangements to be carried out under the above mentioned agreements involve the approval for shipment, without charge, of the following materials:

Contract No.	United States to	Description of material
WC-EU-145 ...	Italy	86.9 grams of uranium, enriched to 2.35% uranium-235, and 20 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-146 ...	France	86.9 grams of uranium, enriched to 2.35% uranium-235, and 20 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-147 ...	Belgium	173.9 grams of uranium, enriched to 2.35% uranium-235, and 40 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-148 ...	France	20 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-149 ...	Italy	86.9 grams of uranium, enriched to 2.35% uranium-235.

Contract No.	United States to	Description of material
WC-EU-150 ...	United Kingdom.	4 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-151 ...	United Kingdom.	86.9 grams of uranium, enriched to 2.35% uranium-235, and 20 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-152 ...	Netherlands...	86.9 grams of uranium, enriched to 2.35% uranium-235, and 40 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-153 ...	West Germany.	86.9 grams of uranium, enriched to 2.35% uranium-235.
WC-EU-154 ...	West Germany.	86.9 grams of uranium, enriched to 2.35% uranium-235, and 20 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-155 ...	West Germany.	86.9 grams of uranium, enriched to 2.35% uranium-235, and 20 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-156 ...	West Germany.	20 grams of uranium, enriched to 3.1% uranium-235.
WC-EU-157 ...	West Germany.	20 grams of uranium, enriched to 3.1% uranium-235.
WC-AT-6	Austria	86.9 grams of uranium, enriched to 2.35% uranium-235, and 20 grams of uranium, enriched to 3.1% uranium-235.
WC-FI-4	Finland	86.9 grams of uranium, enriched to 2.35% uranium-235, and 20 grams of uranium, enriched to 3.1% uranium-235.
WC-JA-20	Japan	86.9 grams of uranium, enriched to 2.35% uranium-235.
WC-JA-21	Japan	86.9 grams of uranium, enriched to 2.35% uranium-235, and 40 grams of uranium, enriched to 3.1% uranium-235.

The materials listed above are to be used in the Safeguards Analytical Laboratory Evaluation (SALE) program, which is designed to evaluate the capabilities of participating laboratories to analyze materials to be safeguarded in the nuclear fuel cycle and to provide means by which measurement capability may be improved through the interchange of measurement technology.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect April 28, 1980.

For the Department of Energy.

Dated: April 7, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11025 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Public Information Forum; Status of the Boulder City Area Consolidated Power Marketing Criteria

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Announcement of public information forum, status of the Boulder City Area consolidated power marketing criteria.

SUMMARY: Another of a series of Public Information Forums to consider consolidated power marketing in the Boulder City area is scheduled to be held on May 16, 1980. The power marketing criteria consolidation items to be covered include: (1) technical considerations for the implementation of consolidation; (2) load-resources coordination including future analysis of the Navajo resource; and (3) power delivery conditions.

DATE: A Public Information Forum will be held on May 16, 1980, beginning at 9 a.m. at Sam's Town Hotel, Virginia City Room, in Las Vegas, Nevada.

ADDRESS: For further information or comments concerning the Public Information Forum contact: Mr. R. A. Olson, Area Manager, Western Area Power Administration, Department of Energy, P.O. Box 200, Boulder City, NV 89005, (702) 293-8115.

SUPPLEMENTARY INFORMATION: Through publication in the Federal Register and Public Information Forums, Western is proposing consolidated power marketing criteria for the resources of the Boulder Canyon (Hoover), Parker-Davis, and Central Arizona (Navajo) Projects.

These criteria would provide guidelines for the marketing of each of the Boulder City area resources as power becomes available and will provide guidelines under which applications for power will be accepted. The availability of these resources for allocation and/or renewal will be dictated in part by the inservice dates of proposed capacity additions at the Hoover Powerplant ("Up ratings and Modifications"), the projected inservice dates of power-consuming features of the Central Arizona and Salinity Control Projects, and the expirations of electric service contracts for each project.

These criteria are being developed under the general authority of Reclamation laws including: the Federal Water Power Act of 1920; the Boulder Canyon Project Act of 1928; the Rivers and Harbors Act of 1935; the Reclamation Project Act of 1939; the

Boulder Canyon Project Adjustment Act of 1940; the Flood Control Act of 1944; the Act to Consolidate Parker Dam Power Project and Davis Project of 1954; the Boulder City Act of 1958; the Colorado River Basin Project Act of 1968; and the Department of Energy Organization Act of 1977. In the formulation process, consideration will be given to studies and analyses; public questions and comments; and recommendations from and consultations with customers and other interested parties.

Customers and interested parties are invited to submit written comments directly to Western's Boulder City Area Office and/or present written or oral views, data, or arguments at this Public Information Forum.

Issued at Golden, Colorado, April 4, 1980.
Robert L. McPhail,
Administrator.

[FR Doc. 80-11026 Filed 4-10-80; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[Docket No. ECAO-CD-79-1; FRL 1460-4]

Air Quality Criteria for Particulate Matter and Sulfur Oxides; Availability of External Review Draft

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of external review draft.

SUMMARY: As previously announced, EPA is revising the existing criteria documents for particulate matter and sulfur oxides (PM/SO_x) under Sections 108 and 109 of the Clean Air Act. This notice announces the availability of an external review draft of a revised combined criteria document for PM/SO_x, and invites public comment on its contents.

TO OBTAIN COPIES: Address all written requests for copies to Project Officer for PM/SO_x, Environmental Criteria and Assessment Office, MD-52, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. To place a telephone request dial (919) 541-3746.

DATES: The external review draft will be available for release April 15, 1980, although requests for copies may be made immediately. Public comments on the draft document must be received by July 3, 1980, at the above address.

SUPPLEMENTARY INFORMATION: As discussed in the Federal Register of October 2, 1979 (44 FR 56730), if the

Administrator should decide to propose revised national ambient air quality standards for particulate matter or sulfur oxides, the proposal would be based on a final revised criteria document. Whether or not revised standards are proposed, however, upon issuance of a final criteria document the rulemaking procedures specified in Section 307(d) of the Clean Air Act will be followed in review of the PM/SO_x standards. The present draft criteria document is being circulated to provide public review and an opportunity for the submission of comments. The draft will also be reviewed by the Science Advisory Board's Clean Air Scientific Advisory Committee, at a public meeting to be announced in the Federal Register.

A public docket, ECAO-CD-79-1, has been established at the Environmental Criteria and Assessment Office in Research Triangle Park, N.C., containing materials related to EPA's review and revision of the criteria for PM/SO_x. The docket will also be available for inspection between the hours of 8 to 4 at EPA headquarters in the Central Docket Section, Room 2902, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. Among other things, the docket will contain all public comments submitted, as well as EPA's response to major comments. The Agency welcomes all comments pertaining to this draft document and requests that an original and three copies of all comments be submitted. To facilitate consideration of the comments received on this lengthy and complex document, commentators who submit extensive comments are requested to list at the outset the major comments they wish to see addressed, and to reference in the list those pages in the body of their comments where the major points are discussed.

Section 109(d)(1) of the Clean Air Act, 42 U.S.C. 7409(d)(1), requires EPA to complete its review and (if appropriate) revision of the criteria documents and related standards by December 31, 1980. Therefore, EPA will not entertain requests for extension of the July 3, 1980, deadline for receipt of public comments, barring extraordinary circumstances.

Due to the scope of the materials included in the draft document, it has been prepared in four volumes. Volume I contains a summary of the criteria review, including an assessment of health and welfare effects considered to be significant. Volume II addresses measurement methods, emissions and concentrations, and transport and transformation phenomena associated with PM and SO_x. Volume III addresses

so-called welfare effects caused by these pollutants, including acidic precipitation, vegetation and materials damages, and effects on visibility and climate. Volume IV addresses the health effects of PM and SO_x, including deposition of particles and gases; and a review of animal toxicology, human clinical, and community health (epidemiology) studies. All four volumes will be mailed in response to each request.

Dated: April 7, 1980.

Stephen J. Gage,
Assistant Administrator for Research and Development.

[FR Doc. 80-10074 Filed 4-10-80; 10:02 am]
BILLING CODE 6560-01-M

[FRL 1460-5]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A-104), U.S. Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements (EISs) 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 March 31, 1980 to April 4, 1980.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from April 11, 1980 and will end on May 27, 1980. The 30-day review period for final EIS's as calculated from April 11, 1980 will end on May 12, 1980.

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 of CEQ which are no longer available from the originating agency are available with charge from the following sources:

FOR HARD COPY REPRODUCTION: Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, DC 20036.

FOR HARD COPY REPRODUCTION OR MICROFICHE: Information Resources

Press, 2100 M Street, NW., Suite 316, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review (A-104), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245-3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ Regulations became effective. Pursuant to Section 1506.10(a), the 30-day review period for final EIS's received during a given week will no be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of March 31, 1980 to April 4, 1980 the 30-day review period will be calculated from April 11, 1980. The review period will end on May 12, 1980.

Appendix I sets forth a list of EIS's filed with EPA during the week of March 31, 1980 to April 4, 1980. 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, is listed in this Notice. 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 EPA has approved 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 newly established 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 Agency.

Appendix V sets forth a list of reports or additional supplemental information relating to 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: April 8, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A-104).

Appendix L—EIS's Filed With EPA During the Week of March 24 Through 28, 1980

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412-A Admin. Building, Washington, D.C. 20250 (202) 447-3965.

Forest Service

Draft

Gilbert Bay/Holkham Bay Area, Tongass National Forest, Alaska, April 1: Proposed is recreational development and sale of timber in the Gilbert/Holkham Bay areas of the Tongass National Forest in Alaska. In addition to no action, alternatives for road development, a logging camp and transfer facility, dispersed recreation and mining development are considered for the timber sale. The recreational alternatives include: 1) primitive and semiprimitive development, 2) moderate lodge/resort development, 3) combination of 1 and 2, 4) major lodge/resort development in addition to primitive and semiprimitive recreation, 5) site locations for major lodge/resort development, and 6) no action. (EIS Order No. 800234).

Multitorpor Ski Bowl Master Plan, Mt. Hood National Forest, Clackamas County, Oreg., April 1: Proposed is a management plan for the Multitorpor Ski Bowl located in the Mt. Hood National Forest, Clackamas County, Oregon. The area, which encompasses 640 acres, would receive additional facilities which would increase the ski areas' capacity. The capacity may range from 5,800 to 7,200 people at one time depending upon which combination of lifts are needed. The plan extends ski area development into a 300 acre area southwest of the existing ski permit area. Additional facilities include: 1) new lifts, 2) additional ski runs, 3) restoration of warming hut and expansion of existing lodge and service/rest facilities, 4) additional winter/summer recreation, and 5) improved access and parking. (EIS Order No. 800232).

Final

Mt. Rogers, National Recreation Area, Scenic Highway, several counties, Va., April 2: Proposed is a management plan for the Mount Rogers National Recreation Area in the Jefferson National Forest, Carroll, Grayson, Smyth, Washington and Wythe Counties, Virginia. The plan involves development of campgrounds, information facilities, primitive camping areas, and trail facilities to accommodate developed and dispersed recreation use. Utilization of other resources is permitted where compatible with the recreational objective. The alternatives consider: 1) conventional management, 2) high density recreation, 3) low density recreation, 4) maximum national development, and 5) management as a preservation area. (USDA-PS-R8-FEIS-Admin-78-02). Comments made by: TVA, HUD, DOI, DJUS, EPA, State and local agencies, groups, individuals and businesses. (EIS Order No. 800237).

Rural Electrification Administration

Final

Holcomb Generating and Transmission facility, Finney County, Kans., April 4: Proposed is the awarding of guaranteed loan funds for the construction of the Holcomb-Red Willow 280MW coal-fired generating plant located near Holcomb in Finney County, Kansas. The project includes a 150 mile 345 kV transmission facility, 3.5 miles of rail spur, a pulverized coal boiler, and other features. Water required for condenser cooling and other plant processes will be obtained from a series of wells to be located on the plant site. (USDA-REA-EIS (ADM)-79-9-F). Comments made by: USDA, COE, DOI, EPA, AHP, State and local agencies, groups, individuals and businesses. (EIS Order No. 800239).

U.S. 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

Wiggins Pass Small Boat Navigation Improvement, Collier County, Fla., April 4: Proposed are navigation improvements for Wiggins Pass in Collier County, Florida. Three plans are considered in detail. Plan C involves improvements of Wiggins Pass and the Eastern Channel to the Wiggins Pass Marina. Plan G involves improvement of Wiggins Pass and the Southern Channel to Vanderbilt Lagoon. Plan H is the selected alternative and combines the Gulf and inlet channels with eastern and southern bay waterway improvements. The improvements would consist of widening the channel by dredging and placement of navigational aids. (Jacksonville District). (EIS Order No. 800240).

Aquatic Plant Control Program, S.C., South Carolina, April 3: Proposed is a cooperative aquatic plant control program for waters within the State of South Carolina. Target species include alligator weed, Brazilian elodea and water primrose. Control may be directed at other species if any should significantly interfere with the use of public waters. Alligator weed would be controlled by an integrated program involving insects and herbicides. Brazilian elodea and water primrose would be controlled by herbicides alone. The original draft, #750898, filed 6-23-75, was replaced by a revised draft. (Charleston District). (EIS Order No. 800238).

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary, Environmental Affairs, Department of Commerce, Washington, D.C. 20230 (202) 377-4335.

Economic Development Administration

Draft

Hope City Regional Water System, Little River, Hempstead County, Ark., April 2: Proposed is the awarding of a EDA grant for the development of a regional water system for the City of Hope in Hempstead County,

Arkansas. The plan would consist of a raw sewer intake structure and pump station located on Little River. A 30-inch raw water line would run along Allen's Ferry Road to a 5.3 mgd water treatment plant located near Fulton. The finished water would be pumped along a 20-inch line to a booster pumping station and then into 12-inch lines connecting into the existing distribution system. (EIS Order No. 800235).

DEPARTMENT OF ENERGY

Contact: Dr. Robert Stern, Acting Director, NEPA Affairs Division, Department of Energy, Mail Station 4G-064, Forrestal Bldg., Washington, DC 20585 (202) 252-4600.

Draft Supplement

Energy Performance Standards, New Buildings (DS-1), Regulatory, April 4: Proposed are energy performance standards for new buildings. This statement supplements draft EIS, #791187, filed 11-23-79. This document examines the institutional, socioeconomic and physical environment, which would include adopting, administering, enforcing and monitoring the effectiveness of the standards. Four alternative implementation programs are presented. (DOE/EIS-0061/DS-1). (EIS Order No. 800241).

ENVIRONMENTAL PROTECTION AGENCY

Headquarters

Contact: Ms. Norma Hughes (WH-548), Environmental Protection Specialist, Office of Water and Waste Management, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202) 472-2836.

Final

Atlantic Ocean Waste Disposal Site Designation, Atlantic Ocean, April 2: Proposed is the designation of a 106-mile Chemical Waste Disposal site in the Atlantic Ocean for continuing use. The site is located approximately one hundred nautical miles east of Cape May, New Jersey, and is primarily used by industries located in the New York-New Jersey-Delaware area. The purpose of the action is to provide an environmentally acceptable area for the disposal of wastes which: 1) comply with EPA's rigid marine impact criteria, or 2) must be disposed of until a suitable, land-based disposal method is available. The alternatives include no action, and the use of

other sites. Comments made by: COE, DOE, HEW, DOC, DOT, State and local agencies, groups and businesses. (EIS Order No. 800236).

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) 755-6300.

Section 104(H)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104 (H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Draft

Kenyon Drive/S. Bonneyview Trunk Sewer Extensions, Shasta County, Fla., April 1: Proposed is the awarding of a CDBG for the construction of the Kenyon Drive and South Bonneyview trunk sewer extensions in the City of Redding, Shasta County, California. These extensions would service 2,639 residential units. The alternatives include: (1) no action, (2) replace existing septic tank systems and sewerage only at existing dwellings, (3) alternate design location for trunklines, (4) greater trunkline capacity, and (5) reduced trunkline capacity. (EIS Order No. 800233.)

Nuclear Regulatory Commission

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, Nuclear Regulatory Commission, P-518, Washington, D.C., 20555 (301) 492-8446.

Draft Supplement

Susquehanna Steam Electric Station Water Reservoir, Luzerne County, Pa., April 1: Proposed is the issuance of permits for the construction of a water storage reservoir to be located on a tributary of the Susquehanna River in Conyngham Township, Luzerne County, Pennsylvania. The propose of the reservoir is to supply water to the Susquehanna River during periods of low river-flow to replace the water consumptively used by the Susquehanna Steam Electric Station. The facility would consist of an earth

and rockfill dam constructed across the valley, a spillway, an inlet-outlet structure, a pipeline, and a pumping station. (NUREG-0564) (EIS Order No. 800231.)

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 Highway Administration

Draft

Hammond Railroad Relocation and Consolidation, Lake County, Ind., April 1: Proposed is the Hammond Railroad relocation and consolidation project located in Lake County, Indiana. Several alternatives are considered which include: (1) rerouting of the N&W through Hammond; (2) consolidation of Conrail traffic through Porter, Burns Harbor, Ogden Dunes, Portage, Lake Station and Gary; (3) rerouting of Chessie System through traffic out of the Miller neighborhood of Gary, East Chicago and North Hammond; and (4) a combination plan. In addition, a no action and a limited build alternative are considered. (FHWA-IND-EIS-79-02-D) (EIS Order No. 800230.)

Federal Aviation Administration

Final

Yap State Airport, Improvement, Yap Islands, Trust Territory of the Pacific Islands, April 4: Proposed is the improvement and development of the Yap State Airport located in Yap Islands, a Trust Territory within the Pacific Islands. The improvements and developments would include: (1) relocation of airport northeast of the present site; (2) construction of a 6,000 X 150 foot runway with future capacity to expand runway to 6,900 feet; (3) providing a 6,400 X 500 foot graded safety area centered on the runway centerline and 200 X 150 foot blast pads at each end; (4) installing fencing, grading and relocation of a road; (5) installing runway visual aids; (6) constructing apron and terminal areas; (7) acquisition of property. Comments made by: COE, DOT, DOI, HUD, HEW, EPA, USN, USAF, USA, DOC, AHP, State and local Agencies, Groups and Businesses. (EIS Order No. 800242.)

EIS's Filed During the Week of Mar. 31, 1980, Through Apr. 4, 1980

[Statement Title Index—by State and County]

State	County	Status	Statement title	Accession No.	Date filed	Originating agency No.
Alaska		Draft	Gilbert Bay/Holkham Bay Area, Tongass NF	800234	Apr. 1, 1980	USDA
Arkansas	Hempstead	Draft	Hope City Regional water System, Little River	800235	Apr. 2, 1980	DOC
Atlantic Ocean		Final	Atlantic Ocean Waste Disposal Site Designation	800236	Apr. 2, 1980	EPA
California	Shasta	Draft	Kenyon Drive/S. Bonneyview Trunk Sewer Extensions	800233	Apr. 1, 1980	HUD
Florida	Collier	Draft	Wiggins Pass Small Boat Navigation Improvement	800240	Apr. 4, 1980	COE
Indiana	Lake	Draft	Hammond Railroad Relocation and Consolidation	800230	Apr. 1, 1980	DOT
Kansas	Finney	Final	Holcomb Generating and Transmission Facility	800239	Apr. 4, 1980	USDA
Oregon	Clackamas	Draft	Multitorpor Ski Bowl Master Plan, Mt. Hood NF	800232	Apr. 1, 1980	USDA
Pennsylvania	Luzerne	Supple	Susquehanna Steam Electric Station, Water Reservoir	800231	Apr. 1, 1980	NRC
Regulatory		Supple	Energy Performance Standards, New Buildings (DS-1)	800241	Apr. 4, 1980	DOE
South Carolina		Draft	Aquatic Plant Control Program, S.C. (DR)	800238	Apr. 3, 1980	COE
Trust Territory		Final	Yap State Airport, Improvement, Yap Islands	800242	Apr. 8, 1980	DOT
Virginia	several	Final	Mt. Rogers, Natl. Recreation Area, Scenic Highway	800237	Apr. 2, 1980	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 COMMERCE					
Dr. Sidney R. Galler, Deputy Assistant Secretary Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 377-4335.	Point Reyes Farallon Islands Marine Sanctuary, California, Pacific Ocean, Regulatory.	Draft 800205.....	Mar. 28, 1980....	Extension.....	May 27, 1980.
DEPARTMENT OF AGRICULTURE					
Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412-D Admin. Bldg., Washington, D.C. 20250, (202) 447-3965.	1980 Maine Cooperative Spruce Budworm Suppression.	Final 800185.....	Mar. 24, 1980....	Waiver.....	Apr. 8, 1980.

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
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
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) 755-8300.	Woodlawn Drainage System, City and County of Schenectady, New York.	Draft 790912.....	July 20, 1979....	
		Final 791291.....	January 8, 1980	April 7, 1980

Appendix IV.—Notice of Official Retraction

Federal agency contact	Title of EIS	Status/No.	Date notice published in FEDERAL REGISTER	Reason for retraction
None.				

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.
None.			

Appendix VI.—Official Correction

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Correction
None.				

[FR Doc. 80-11028 Filed 4-10-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1460-1]

Utica Terminal, Inc.

In the matter of the applicability of Title I, Part C of the Clean Air Act (Act) as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for the Prevention of Significant Deterioration of Air Quality (PSD), to Utica Terminals, Inc., Utica, Illinois.

On January 2, 1980, Utica Terminals, Inc. submitted a request to the United States Environmental Protection Agency (U.S. EPA), Region V office, for a determination of applicability of the regulations for PSD.

On February 20, 1980, Utica Terminals, Inc. was notified that it is not subject to a PSD review.

This determination does not relieve Utica Terminals, Inc. of the

responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section

307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed sixty days from the date of this notice.

For further information contact Eric Cohen, Chief, Compliance Section, Region V U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2090.

Dated: March 31, 1980.

John McGuire,
Regional Administrator, Region V.

February 20, 1980.

Mr. B. E. Smith,
Meredosia Terminal, Box 254, Meredosia, IL

Dear Mr. Smith: We are in receipt of your request for a determination of the applicability of the regulations for the Prevention of Significant Deterioration of Air Quality (PSD) at 43 F.R. 26403, June 19, 1978, to a proposed emulsified asphalt manufacturing and shipping plant located in LaSalle County near Utica, Illinois.

The U.S. Environmental Protection Agency (U.S. EPA) has determined that Utica Terminal, Inc. is not subject to a PSD review as a major polluting source. None of the emissions were calculated to exceed 12 tons per year. For a facility in this category, the regulations define a major polluting source as one which has the potential to emit 250 tons per year or more of any pollutant regulated under the Act.

Thank you for your cooperation.

Very truly yours,

Sandra S. Gardebring,
Director, Enforcement Division.

cc: Daniel Goodwin, Manager, Division of Air Pollution Control, Illinois Environmental Protection Agency.
bcc: C. Colantoni.

[FR Doc. 80-10973 Filed 4-10-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans,

Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the **Federal Register**. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No.: 10107-9.

Filing party: Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 10107-9 amends Article 7 of the basic agreement of the Trans-Pacific Freight Conference (Hong Kong)/Independent Lines Rate Agreement to limit a member's voting rights after giving notice of resignation.

Agreement No.: 10108-5.

Filing party: Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 10108-5 amends Article 7 of the basic agreement of the New York Freight Bureau (Hong Kong)/Independent Lines Rate Agreement to limit a member's voting rights after giving notice of resignation.

By Order of the Federal Maritime Commission.

Dated: April 8, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-10949 Filed 4-10-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Hereford Investment Co., Formation of Bank Holding Company, Correction

This notice is a republication of a previous **Federal Register** document (FR Doc. 80-8082) appearing at page 17071 of the issue for Monday, March 17, 1980.

Hereford Investment Co., Hereford, Colorado, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 92.31 percent of the voting shares of Hereford State Bank, Hereford, Colorado. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Hereford Investment Co., Hereford, Colorado, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of Hereford Insurance Agency, Hereford, Colorado.

Applicant states that the proposed subsidiary would engage in the activities of acting as insurance agent or broker for multiple-line insurance, primarily fire, crop, general casualty and automobile insurance sold in a community with a population not exceeding 5,000, and acting as agent or broker for credit life insurance directly related to extensions of credit by Applicant's subsidiaries. These activities would be performed from the offices of Hereford State Bank in Hereford, Colorado, and the geographic area to be served is the area within a 50 mile radius of Hereford, Colorado. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or

at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 18, 1980.

Board of Governors of the Federal Reserve System, March 28, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-10938 Filed 4-10-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 7, 1980. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the *Federal Register* is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC request are invited from all interested persons, organizations, public interest groups and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 29, 1980, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Federal Communications Commission

The FCC requests an extension-without-change clearance of Request for Supplemental Data for Application License on Domestic Satellite Earth Station for Applicant Whose Program Uses Small Dish Antenna. FCC Report and Order 76-1169 authorizes the use of a small diameter satellite earth station antenna (down to 4.5 meters) provided applicant provides certain required supplemental data (set out in section 67 of the Report and Order) in its application to demonstrate that acceptable objectives can be achieved by their proposed facilities. The FCC estimates approximately 500 supplemental requests are received

annually and that respondent burden averages 16 hours per response.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80-10948 Filed 4-10-80; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Radiopharmaceutical Drugs Advisory Committee.....	May 1 and 2, 9 a.m., Conference room M, Parkdawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 1, 12 m. to 1 p.m.; open committee discussion May 1, 9 a.m. to 12 m. and 1 p.m. to 5 p.m.; open committee discussion May 2, 9 a.m. to 5 p.m.; Timothy Ulatowski (HFD-150), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5197.

General function of the Committee.

The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of nuclear medicine.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss the Pediatric

Labeling Progress Report; the proposed study on Adverse Reactions to Radiocontrast Agents; new drug applications (NDA's); PIPIDA Kit, and Safety and Efficacy; update of guidelines for Radiopharmaceutical Drugs and report on Radiopharmaceutical Drug Research Committees.

Committee name	Date, time, and place	Type of meeting and contact persons
2. Teratology Subcommittee of the Science Advisory Board...	May 6, 9 a.m., Teratology Bldg., National Center for Toxicological Research, Jefferson, Ariz.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 3 p.m.; Ruth Magee, National Center for Toxicological Research, Jefferson, Ariz. 72079, 501-541-4528.

General function of the Committee.

The Board advises on the 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.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Subcommittee will discuss the update

on estrogen research; placental transfer and metabolism of glucocorticoids, behavior teratology evaluation, testing, and extrapolation; pharmacokinetics; prenatal hypertension; subcellular mechanisms; morphogenesis of malformation; and future directions.

Committee name	Date, time, and place	Type of meeting and contact person
3. Science Advisory Board.....	May 8 and 9, 8:30 a.m., Bldg. 13, National Center for Toxicological Research, Jefferson, Ariz..	Open public hearing May 8, 8:30 to 9:30 a.m.; open committee discussion May 8, 9:30 a.m. to 5 p.m., May 9, 8:30 a.m. to 3 p.m.; Ruth Magee National Center for Toxicological Research, Jefferson, Ariz. 72079, 501-541-4528.

General function of the Committee. Advises 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.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Board will discuss the future at NCTR:

recent scientific accomplishments; National Toxicology Program; mutagenesis research; teratogenesis research; pathology; INTOX program; chemistry/instrumentation; carcinogenesis research and molecular biology research.

Committee name	Date, time, and place	Type of meeting and contact person
4. Subcommittee of the Pulmonary-Allergy Drugs Advisory Committee.	May 19 and 20, 9 a.m., Conference room J, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 19, 9 a.m. to 10 a.m.; open committee discussion May 19, 10 a.m. to 5 p.m.; May 20, 9 a.m. to 5 p.m.; Conrad Ledet (HFD-160), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3500.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs used in pulmonary disease and makes appropriate recommendations to the Commissioner of Food and Drugs.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Subcommittee will discuss the development of an acceptable clinical protocol for the evaluation of cardiac function following combined administration of beta adrenergic agonist drugs and theophylline.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in

accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner approves the scheduling of meetings at locations outside of the Washington, DC, area on the basis of the criteria of 21 CFR 14.22 of FDA's regulations relating to public advisory committees.

Applications for reimbursement for participation in the meetings listed above should be sent to Ronald Wylie (HF-70), Office of Consumer Affairs, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Hearing Clerk as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application, please call Ron Wylie at 301-443-2932. The time limits for applying for such reimbursement are as follows:

Committee meeting	Meeting date	Reimbursement applications must be received by
1. Radiopharmaceutical Drugs Advisory Committee.	May 1-2	Apr. 21.
2. Teratology Subcommittee of the Science Advisory Board.	May 6	Apr. 24.
3. Science Advisory Board.	May 8-9	Apr. 24.
4. Subcommittee of the Pulmonary Allergy Drugs Advisory Committee.	May 19-20	May 1.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meeting(s) announced in this notice. The Office of Consumer Affairs, FDA, will file any applications for reimbursement for participation in the meeting(s) announced in this notice in the docket for this notice.

Dated: April 8, 1980.
William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 80-10939 Filed 4-10-80; 8:45 am]
BILLING CODE 4110-03-M

Medical Device Panels; Request for Nominations for Voting Members on Advisory Panels

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: This document requests nominations for voting members to serve on certain public advisory panels of the Bureau of Medical Devices. Nominations will be accepted for current vacancies and those that will or may occur on the panels or sections during the next 12 months. The Food and Drug Administration (FDA) has a special interest in ensuring that women, minority groups, and physically handicapped persons are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified females, minority candidates, and physically handicapped persons.

DATES: Because scheduled vacancies occur on various dates throughout each year, no cutoff date is established for the receipt of nominations. However, when possible, nominations should be received at least 4 months before the date of scheduled vacancies for each year, as indicated in this notice.

ADDRESS: All nominations and curricula vitae for the voting members of the respective advisory panels must be sent to: Kay A. Levin, Bureau of Medical Devices (HFK-50), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910 (301-427-7076).

FOR FURTHER INFORMATION CONTACT: Robert S. Kennedy, Bureau of Medical Devices (HFK-400), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7230.

SUPPLEMENTARY INFORMATION: FDA requests nominations for voting members for the following panel or sections of panels:

1. Circulatory Systems Devices Panel: 2 vacancies immediately; 1 vacancy 6/30/80
2. Surgical and Rehabilitation Devices Panel
 - a. General and Plastic Surgery Devices Section: 3 vacancies 8/31/80
 - b. Orthopedic Devices Section: 3 vacancies immediately; 2 vacancies 8/31/80
 - c. Physical Medicine Devices Section: 1 vacancy immediately; 1 vacancy 8/31/80
3. Ophthalmic, Ear, Nose, and Throat; and Dental Devices Panel
 - a. Ophthalmic Devices Section: 1 vacancy immediate; 2 vacancies 10/31/80
 - b. Ear, Nose, and Throat Devices Section: 2 vacancies 10/31/80
 - c. Dental Devices Section: 1 vacancy immediately; 3 vacancies 10/31/80
4. Respiratory and Nervous System Devices Panel
 - a. Anesthesiology Devices Section: 2 vacancies 11/30/80
 - b. Neurological Devices Section: 1 vacancy immediately; 1 vacancy 11/30/80
5. General Medical Devices Panel
 - a. General and Personal Use Devices Section: 1 vacancy immediately; 3 vacancies 12/31/80
6. Obstetrics-Gynecology and Radiologic Devices Panel
 - a. Obstetrics-Gynecology Devices Section: 2 vacancies 1/31/81
 - b. Radiology Devices Section: 1 vacancy immediately; 3 vacancies 1/31/81
7. Clinical Chemistry and Hematology Devices Panel

- a. Clinical Chemistry Section: 2 vacancies 2/28/81
- b. Clinical Toxicology Section: 3 vacancies 2/28/81
- c. Hematology Devices Section: 1 vacancy immediately; 3 vacancies 2/28/81

8. Immunology and Microbiology Devices Panel

- a. Immunology Devices Section: 2 vacancies 2/28/81
- b. Microbiology Devices Section: 1 vacancy immediately

FDA also requests nominations at any time during the year for nonvoting consultants for the panel and sections of panels listed above as well as for the following: Gastroenterology-Urology Devices Section of the General Medical Devices Panel.

In accordance with the Medical Device Amendments of 1976 (Pub. L. 94-295), the functions of the panels listed above are to (1) review and evaluate available data concerning the safety and effectiveness of medical devices currently in use, (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories, (3) recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category, (4) advise on any possible risks to health associated with the use of devices, (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category, (6) review classification of devices to recommend changes in classification as appropriate, (7) recommend exemption of certain devices from the application of portions of the act, (8) advise on the necessity to ban a device, and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Persons nominated for membership shall have adequately diversified experience appropriate to the work of the panel in such fields as clinical and administrative medicine, engineering, biological and physical sciences, and other related professions. The nature of specialized training and experience necessary to qualify the nominee as an expert suitable for appointment may include experience in medical practice, teaching, and/or research relevant to the field of activity of the panel. The term of office is approximately 3 years.

Any interested person may nominate one or more qualified persons for membership on one or more of the

advisory panels or sections. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the advisory panel, and appears to have no conflict of interest that would preclude panel membership. To permit evaluation of possible sources of conflict of interest, FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts.

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: April 1, 1980.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-10691 Filed 4-10-80; 8:45 am]
BILLING CODE 4110-03-M

[Docket No. 80D-0069]

Radioactive Drugs; Proposed Revocation of Interim Enforcement Policy and Notice of Availability of Proposed Guideline for Nuclear Pharmacies Describing Activities That Require Registration as a Drug Establishment

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) proposes to revoke the interim enforcement policy applicable to nuclear pharmacies published in the Federal Register of July 25, 1975 (40 FR 31314). It also announces the availability of and summarizes a proposed FDA guideline for nuclear pharmacies that sets forth criteria for determining when a nuclear pharmacy or similar facility must register as a drug establishment.

DATE: Comments by July 10, 1980.

ADDRESS: Comments (preferably four copies) concerning the guideline should be sent to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

The guideline and supporting documents may be viewed at the office of the FDA Hearing Clerk.

FOR FURTHER INFORMATION CONTACT: For information on the nuclear pharmacy guideline:

Albert Lanvender, Bureau of Drugs (HFD-313), Food and Drug Administration, Department of Health, Education, and Welfare, Rockville, MD 20857, 301-443-3750.

For information on this notice:

Robert D. Bradley, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6490.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 25, 1975 (40 FR 31314), FDA announced its intention to clarify the responsibilities of nuclear pharmacies under the Federal Food, Drug, and Cosmetic Act. Pending this clarification, FDA further announced that, as an interim enforcement policy, the agency would not take regulatory action against a nuclear pharmacy that did not comply with the requirements of the Federal Food, Drug, and Cosmetic Act (the act) and the Public Health Service Act, except where regulatory action is necessary to protect the public health, as long as the pharmacy (1) complies with applicable local laws regulating the practice of pharmacy, and (2) is licensed, where applicable, by the Nuclear Regulatory Commission or an Agreement State to possess, use, or transfer radioactive drugs. In addition, the notice stated that FDA was drafting regulations to define those operations connected with the preparation of radioactive drugs, including radioactive-biological products, that would require registration and would not warrant application of the exemption provided in section 510(g) of the act (21 U.S.C. 360(g)) for the practice of pharmacy.

The agency adopted this interim policy to avoid any disruption in the practice of nuclear pharmacy and nuclear medicine throughout the United States. It became effective on the effective date of regulations also published in the Federal Register of July 25, 1975 (40 FR 31298), which terminated a preexisting exemption for radioactive drugs from FDA's investigational new drug requirements. That exemption was originally published in the Federal Register of January 8, 1963 (28 FR 183). This termination notice required manufacturers and distributors of radioactive drug products to comply with the act and applicable regulations, including requirements for registration, drug listing, current good manufacturing practices, new drug applications, investigational new drugs, labeling, and advertising. The agency concluded that, although radioactive drug manufacturers would be subject to the act, nuclear pharmacies would not be subject to the act, under the conditions specified, until the status of nuclear pharmacies was further clarified.

The notice to nuclear pharmacies published in the Federal Register of July 25, 1975 (40 FR 31314) indicated that

proposed regulations would be drafted to clarify the obligation of nuclear pharmacies under the act. FDA now concludes that a guideline, prepared by FDA's Bureau of Drugs under § 10.90(b) (21 CFR 10.90(b)) of the agency's procedural regulations, will be sufficient to advise nuclear pharmacies of their obligations under the act. A guideline prepared under § 10.90(b) represents the formal position of FDA and, except in unusual situations involving an immediate and significant danger to health, will be followed by the agency until it is amended or revoked.

A draft guideline that states the criteria for determining whether the activities of a nuclear pharmacy would require it to register under section 510(g) of the act, and be subject to additional requirements, has been prepared and is now available from the Hearing Clerk, (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Any interested person may submit written comments on the guideline. The comments (preferably four copies) should be sent to the Hearing Clerk at the above address. Any comments received will be considered in the preparation of a final guideline.

At the time the nuclear pharmacy guideline is final, FDA will simultaneously revoke (1) the interim enforcement policy pertaining to nuclear pharmacies set forth in the Federal Register of July 25, 1975 (40 FR 31314), and (2) any letter issued by FDA prior to the effective date of the guideline that discusses when a nuclear pharmacy should register insofar as the letter is inconsistent with the guideline. FDA currently believes the guideline should be effective 180 days after a notice of its availability is published in the Federal Register. The 180-day period will enable a nuclear pharmacy that is engaged in any procedure that the guideline specifies as requiring registration as a drug establishment sufficient time to comply with the act and the implementing regulations. Nuclear pharmacies or other facilities that are required to register under the act will be subject, among other provisions, to the drug registration provisions of section 510 of the act and Part 207 of the regulations, the current good manufacturing practice provision of section 501 of the act and Parts 210 and 211 (21 CFR Parts 210 and 211), and the factory inspection provisions of section 704 of the act (21 U.S.C. 374). Nuclear pharmacies may obtain information and appropriate forms for registering as a drug establishment from FDA Regional or District offices or by contacting the

Bureau of Drugs, Drug Listing Branch (HFD-315), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857.

Dated: April 4, 1980.

William F. Randolph,
*Acting Associate Commissioner for
Regulatory Affairs.*

[FR Doc. 80-10796 Filed 4-7-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80F-0029]

Voltek, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Voltek, Inc., has filed a petition proposing to amend the food additive regulations to provide for the safe use of azodicarbonamide as a blowing agent for polyethylene foam in food-contact articles.

FOR FURTHER INFORMATION CONTACT: Gerard 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: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 [21 U.S.C. 348(b)(5)]), notice is given that a petition (FAP 7B3260) has been filed by Voltek, Inc., 100 Shepard St., Lawrence, MA 01843, proposing that the food additive regulations be amended to provide for the safe use of azodicarbonamide as a blowing agent for polyethylene foam articles that contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 31, 1980.

Sanford A. Miller,
Director, Bureau of Foods.

[FR Doc. 80-10682 filed 4-10-80; 8:45 am]

BILLING CODE 4110-03-M

Office of Education**Commission on the Review of the Federal Impact Aid Program; Hearing**

AGENCY: Commission on the Review of the Federal Impact Aid Program.

ACTION: Notice of hearing.

SUMMARY: Notice is hereby given that the Commission on the Review of the Federal Impact Aid Program will hold a hearing in Montgomery, Alabama, on May 1, 1980 for the purpose of gathering evidence on the operation and administration of the program authorized by Public Law 874, Eighty-first Congress. At the hearing, the Commission is to take evidence from representatives of local educational agencies in Alabama, Georgia, Florida, South Carolina, Mississippi, Tennessee, and Kentucky. The hearing will be open to the general public, and all interested persons are invited to attend. Those interested in presenting their views should submit a request to testify including: the person testifying, their affiliation, their organization's address and telephone number, the subject matter of testimony, preferred time of day for testifying, and need for an English translator or a qualified interpreter and/or signer for the deaf. The request should be received by the Commission as soon as possible. Those unable to attend the hearings who wish to submit written testimony may do so by forwarding the text to the Commission by the end of April, 1980. Notice of the hearing is given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1).

DATE: May 1, 1980. The Commission will meet at 9:30 a.m. and continue until 4:30 p.m.

ADDRESS: Robert E. Lee High School, Room 250, 225 Ann Street, Montgomery, Alabama 36107.

FOR FURTHER INFORMATION CONTACT: Richard Dallas Smith, Executive Director, Commission on the Review of the Federal Impact Aid Program, 1832 M Street, N.W., Suite 837, Washington, D.C. 20036, tel. no. (202) 653-5817.

AUTHORITY AND FUNCTION: The Commission on the Review of the Federal Impact Aid Program is established under section 1015 of the Education Amendments of 1978 (Public Law 95-961). The Commission is to conduct a review and evaluation of the administration and operation of the Impact Aid Program, authorized under the Act of September 30, 1950 (Public Law 874, 81st Congress), and report its recommendations on that program to the

President and Congress not later than December 1, 1980. Such recommendations are to include proposed legislation to accomplish the recommendations. Public Law 874 requires that the Commissioner make payments to the local educational agencies in accordance with a formula designed to compensate such agencies for the financial burden carried by them by reason of Federal activities—the loss of revenue because of the Federal ownership of real property and provision of education services for federally-connected children—or by reasons of sudden or substantial increases in the school attendance resulting from Federal activities.

RECORDS: Records of all proceedings of the Commission will be kept in accordance with law and will be available for inspection by the public at the offices of the Commission, located at 1832 M Street, N.W., Suite 837, Washington, D.C. 20036.

Signed at Washington, D.C., on the 8th day of April, 1980.

Richard Dallas Smith,

Executive Director, Commission on the Review of the Federal Impact Aid Program.

[FR Doc. 80-11031 Filed 4-10-80; 8:45 am]

BILLING CODE 4110-02-M

Commission on the Review of the Federal Impact Aid Program; Meeting

AGENCY: Commission on the Review of the Federal Impact Aid Program.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Commission on the Review of the Federal Impact Aid Program, the members of which were appointed by the President on August 15, 1979, will hold a special meeting on May 1, 1980, in Montgomery, Alabama. The meeting will be open to the general public, and all interested persons are invited to attend. Notice of the meeting is given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1).

DATE: May 1, 1980. The Commission will meet at 9:00 a.m. and continue until business is completed.

ADDRESS: Robert E. Lee High School, Room 250, 225 Ann Street, Montgomery, Alabama 36107.

TENTATIVE AGENDA: The Commission members will conduct Commission business, consider a report previously submitted by the Commission staff, and consider a report to be submitted to Congress.

FOR FURTHER INFORMATION CONTACT:

Richard Dallas Smith, Executive Director, Commission on the Review of the Federal Impact Aid Program, 1832 M Street, N.W., Suite 837, Washington, D.C. 20036, tel. no. (202) 653-5817.

AUTHORITY AND FUNCTION: The Commission on the Review of the Federal Impact Aid Program is established under section 1015 of the Education Amendments of 1978 (Public Law 95-961). The Commission is to conduct a review and evaluation of the administration and operation of the Impact Aid Program, authorized under the Act of September 30, 1950 (Public Law 874, 81st Congress), and report its recommendations on that program to the President and Congress not later than December 1, 1980. Such recommendations are to include proposed legislation to accomplish the recommendations. Public Law 874 requires that the Commissioner make payments to the local educational agencies in accordance with a formula designed to compensate such agencies for the financial burden carried by them by reason of Federal activities—the loss of revenue because of the Federal ownership of real property and provision of education services for federally-connected children—or by reasons of sudden or substantial increases in the school attendance resulting from Federal activities.

RECORDS: Records of all proceedings of the Commission will be kept in accordance with law and will be available for inspection by the public at the offices of the Commission, located at 1832 M Street, N.W., Suite 837, Washington, D.C. 20036.

Signed at Washington, D.C., on the 8th day of April, 1980.

Richard Dallas Smith,

Executive Director, Commission on the Review of the Federal Impact Aid Program.

[FR Doc. 80-11032 Filed 4-10-80; 8:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of the Regional Administrator**

[Docket No. D-80-598]

Acting Area Manager, Region IV (Atlanta); Designation for Knoxville Area Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Area Manager for the Knoxville Area Office.

EFFECTIVE DATE: January 8, 1980.

FOR FURTHER INFORMATION CONTACT:

George A. Milburn, Jr., Director, Management and Budget Division, Office of Regional Administration, Atlanta Regional Office, Department of Housing and Urban Development, Room 664, 75 Spring Street, SW., Atlanta, Georgia 30303, 404-221-5199.

Designation of Acting Area Manager for Knoxville Area Office

Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence of, or vacancy in the position of, the Area Manager, with all the powers, functions, and duties re delegated or assigned to the Area Manager: Provided, that no official is authorized to serve as Acting Area Manager unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Area Manager.
2. Director Housing Division.
3. Director, Community Planning and Development Division.
4. Director, Administrative Management Division.
5. Area Counsel.

This designation supersedes the designation effective June 18, 1978. (43 FR 39860, 9/7/78).

This designation shall be effective as of January 8, 1980.

Fred O. DeBruhl, Sr.,

Area Manager, Knoxville Area Office.

Geraldine G. Thompson,

Regional Administrator, Region IV (Atlanta).

[FR Doc. 80-10970 Filed 4-10-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Canon City Grazing Advisory Board, Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Canon City District Grazing Advisory Board to be held at 1 p.m., Monday, May 12, 1980 at the Canon City District Office, Hwy. 50 at Dozier Avenue, Canon City, Colorado.

The purpose of the meeting will be to elect officers, review progress on implementation of allotment management plans in the San Luis Resource Area, review plans for implementation of allotment

management plans in the Royal Gorge Resource Area, and to initiate, conduct and settle business pertaining to expenditure of Range Betterment Funds.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first come, first served basis. Any member of the public may file with the Board, a written statement concerning matters to be discussed.

Persons wishing further information concerning the meeting may contact Melvin D. Clausen, District Manager, Bureau of Land Management, 3080 East Main Street, Canon City, Colorado at (303) 275-7494.

Minutes of the meeting will be made available for public inspection 30 days after the meeting.

Dated: March 31, 1980.

Melvin D. Clausen,

District Manager.

[FR Doc. 80-10923 Filed 4-10-80; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS DES 80-18]

Livestock Grazing Management: Gunnison Basin, American Flats/Silverton Area, Colo.; Availability of Draft Environmental Impact Statement and Public Hearing

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an environmental impact statement on livestock grazing management in the Gunnison Basin, American Flats/Silverton Area, Colorado, and invites written comment by June 9, 1980.

The DEIS analyzes the potential impacts that would result from implementation of a livestock grazing management program on approximately 637,000 acres of public land managed by the Bureau of Land Management (BLM) in southwestern Colorado.

The proposal calls for a new system of spring rest to guide livestock grazing use in the area. Also included would be continuation of 34 existing allotment management plans (AMPs) and development of 69 new AMPs. Less intensive management would be applied to 50 allotments, 11 allotments which are presently not allotted for livestock grazing would continue in that status, and livestock grazing would be eliminated from 2 allotments.

A system of rangeland improvements is included in the proposed action. Such improvements would consist of springs, fences, wells, water pipelines, cattle

guards, reservoirs, and trails, all designed to improve livestock distribution and management flexibility. Other improvements would involve rangeland treatments, both mechanical and chemical, designed to reduce sagebrush densities and increase forb and grass vegetation production.

The proposed program would result in improvement of rangeland condition, terrestrial habitat for wildlife, and watershed conditions in the Gunnison River watershed. Rangeland in good and excellent condition would increase by 171,000 acres, poor condition rangeland would decrease by 88,000 acres, and livestock and wildlife vegetation would be expected to increase by over 16,000 animal unit months in the next 20 years.

Five alternatives were considered in addition to the proposed action which provides for spring rest from livestock grazing. They were: (a) no action-continuation of the present program, (b) elimination of all livestock from public lands, (c) an alternative favoring wildlife and watershed values, (d) an alternative favoring livestock grazing, and (e) a fall rest alternative.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Land Management, Room 2063, Interior Building, 18th and C Streets, NW, Washington, D.C. 20240 (Phone: (202) 343-6011)

Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202 (Phone: (303) 837-4481)

Montrose District Office, Bureau of Land Management, Highway 550 South, P.O. Box 1269, Montrose, Colorado 81401 (Phone: (303) 249-7791)

Gunnison Basin Resource Area Office, Bureau of Land Management, 336 South 10th Street, Montrose, Colorado 81401 (Phone: (303) 249-2244)

San Juan Resource Area Office, Bureau of Land Management, 701 Camino Del Rio, Durango, Colorado 81301 (Phone: (303) 247-4082)

Public Libraries

Montrose Regional Library, 434 South First, Montrose, Colorado 81401

Western State College Library, Gunnison, Colorado 81230

Gunnison County Public Library, 307 N. Wisconsin, Gunnison, Colorado 81230

Crested Butte Library, 312 N. Main, Crested Butte, Colorado 81224

Silverton Public Library, 1118 Reese, Silverton, Colorado 81433

Durango Public Library, 1188 Second Avenue, Durango, Colorado 81301

Conservation Library, Denver Public Library, 1357 Broadway, Denver, Colorado 80206

County Courthouses

Montrose County, Montrose, Colorado
Hinsdale County, Lake City, Colorado

San Juan County, Silverton, Colorado
Gunnison County, Gunnison, Colorado
Saguache County, Saguache, Colorado
Ouray County, Ouray, Colorado

Single copies of the draft statement can be obtained from the District Manager, Montrose District Office; the Area Manager, Gunnison Basin Resource Area; or the State Director, Colorado State Office, at the addresses listed above.

Written comments on the draft environmental impact statement should be submitted by June 17, 1980, to the District Manager, Montrose District Office, Bureau of Land Management, Highway 550 South, P.O. Box 1269, Montrose, Colorado 81401.

Oral and written comments will also be received at public hearings on May 20, 1980, at the Community Center in Lake City, Colorado; on May 21, 1980, at Webster Hall in Gunnison, Colorado; and on May 22, 1980, at the Courthouse Annex in Montrose, Colorado. The hearings will all convene at 7:00 p.m.

Oral testimony of 10 minutes maximum duration will be accepted from each witness at the hearing in lieu of written comments or in addition to any written comments submitted by such witness. The 10-minute time limitation will be strictly enforced. The complete text of prepared speeches may be filed with the presiding officer at the hearing whether or not the speaker has been able to finish with oral delivery in the allotted 10 minutes.

Written requests to testify orally should be received at the Montrose District Office at the above address prior to close of business on May 14, 1980. Requests should identify the organization represented and should be signed by the prospective witness. The cut-off date is necessary so that a witness list can be made available on the day before the public hearing.

Speakers will be heard, if present, in their established order on the witness list. After the last listed witness has been heard, the presiding officer will consider the request of any other person present and wishing to testify. Only one witness will be allowed to represent the viewpoints of a single organization. However, any witness will be permitted to give germane testimony if offered as the views or opinions of a private citizen.

Comments on the draft environmental impact statement, whether written or oral, will receive equal consideration in preparation of a final environmental impact statement.

Dated: April 4, 1980.

Ed Hastey,
Associate Director.

[FR Doc. 80-10943 Filed 4-10-80; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 17593]

Order Providing for Opening of Public Lands and National Forest Lands; Proposed Withdrawal and Opportunity for Public Hearing

Correction

In FR Doc. 80-10098 appearing on page 22197 in the issue of Thursday, April 3, 1980, make the following corrections:

1. In the first column of page 22198, the paragraph below the first land description beginning "On January 25, 1980, . . ." should have been designated as paragraph "2."

2. In the same column, 7 lines from the bottom of the page, "... S28°96'E..." should have read "... S28°06'E..."

BILLING CODE 1505-01-M

Oregon, Intensive Wilderness Inventory of Public Lands Along the Proposed Route of the Alaska Natural Gas Transportation System; Final Decisions in Effect

The final decisions on the intensive inventory of approximately 62,550 acres of public land in Oregon located along the proposed route of the Alaska Natural Gas pipeline, announced in the *Federal Register* on February 12, 1980, became effective on March 12, 1980. The decisions are final and in effect for Inventory Units OR-5-1 and OR-5-2 in the Prineville District and for numerous parcels, each with less than 5,000 acres. No protests against any of these decisions were received.

Frank A. Edwards,
Acting State Director.

[FR Doc. 80-11010- Filed 4-10-80; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board; North Atlantic Technical Working Group Committee; Change in Meeting Date, Time, and Place

The meeting for the North Atlantic Technical Working Group, originally scheduled for 15 April, has been rescheduled as follows:

Date: 29 April 1980

Place: State Suites A&B, The Copley Plaza Hotel, 138 James Street, Boston, Massachusetts.

Time: 9:30 a.m. to 3:30 p.m.

Frank Basile,
Manager, New York OCS Office.

[FR Doc. 80-10940 Filed 4-10-80; 8:45 am]

BILLING CODE 4310-84-M

Status of Wilderness Review of Public Land

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Status of Wilderness Review of Public Land.

SUMMARY: This notice summarizes the present status of the wilderness review of roadless public lands and islands required by the Federal Land Policy and Management Act (FLPMA), section 603(a). The purposes of this notice are to provide (1) one source of information summarizing current wilderness review activities, (2) advance notice of upcoming decisions, public review periods, etc., and (3) a statistical update of the wilderness inventory. This notice is divided into two parts: a calendar of events, and a statistical summary table.

DATE: All information in this notice is current through April 4, 1980.

FOR FURTHER INFORMATION CONTACT: Andy Gibbs, Bureau of Land Management, Division of Wilderness and Environmental Areas, 18th and C Streets, N.W., Washington, D.C. 20240, Telephone: (202) 343-8064.

SUPPLEMENTARY INFORMATION: This calendar of events is the third of a series whose last notice appeared in the *Federal Register* March 11, 1980 (p. 15679). The calendar of events focuses only on the current status of all ongoing wilderness review activities. Those inventories whose final decisions are in effect, as well as studies or reports not yet initiated, are not reported in this notice. For detailed information regarding each specific activity, reference is made either to the appropriate notice previously appearing in the *Federal Register*, or to notices which are anticipated to be published in the upcoming 30 days. It must be noted that "anticipated" dates are projected only, and thus are subject to change.

The Bureau of Land Management wilderness review includes (1) an inventory of public lands to identify roadless lands and islands having wilderness characteristics; (2) a study of those areas found to have wilderness characteristics (wilderness study areas or "WSA's"); and (3) a report from the Secretary of the Interior to the President as to whether each WSA is more suitable for wilderness or other resource uses. The President will send his recommendations to Congress. Only

Congress can actually designate an area as wilderness.

The inventory process has two stages: (1) an initial inventory designed to quickly identify and release from wilderness review those lands which clearly and obviously lack wilderness characteristics; and (2) an intensive inventory for those lands which may possess wilderness characteristics. The initial inventory process was completed in the contiguous Western States by October 1, 1979. In instances where important resource use decisions are pending, the inventory process may be accelerated in order to reach final decisions as quickly as possible. Such inventories are referred to as "special project inventories" or "accelerated intensive inventories."

The FLPMA also requires early study of 55 natural and primitive areas which were formally identified by the Secretary of the Interior prior to November 1, 1975. By July 1, 1980, the Secretary will submit to the President recommendations on these areas. They are referred to as "instant study areas" (ISA's).

Dated: April 8, 1980.

Ed Hastey,
Associate Director.

CALENDAR OF EVENTS

Alaska

Accelerated Nonwilderness Assessment

—Alaskan section of Alaska Natural Gas Transportation System notice of intent to conduct a nonwilderness assessment within existing utility and transportation corridors announced in *Federal Register* March 13, 1980 (p. 16355); proposed decision announced in *Federal Register* April 4, 1980 (p. 23071); began 30-day public comment period.

Arizona

Accelerated Intensive Inventory

—Hualapai-Aquarius proposed decision announced in *Federal Register* September 7, 1979 (p. 52340); comment period ended December 12, 1979; final decision anticipated April 1980. Affects units 2-37, 2-43, 2-46, 2-48, 2-50, 2-51 to 2-54, 2-56 to 2-63, 2-65, 2-67.

—Overthrust Belt final decision announced in *Federal Register* February 22, 1980 (p. 11919); protest period ended March 26, 1980; protests received; announcement anticipated April 1980. Affects units: 1-105 to 1-109, 1-112 to 1-115, 1-119 to 1-124, 1-127 to 1-130, 1-134, 1-135.

Study/Reporting

—Aravaipa Canyon Instant Study Area final environmental impact statement and suitability report complete; under Secretarial review.

—Paiute, Paria, and Vermillion Cliffs ISA's draft suitability reports and environmental statements anticipated late April.

California

Statewide Intensive Inventory

—final decision announced in *Federal Register* January 7, 1980, (p. 1457); protest period ended February 5, 1980; protests announced in *Federal Register* April 3, 1980 (p. 22198); protest decision anticipated June.

—proposed decision on several previously deferred interstate units announced in *Federal Register* April 3, 1980 (p. 22198).

Accelerated Intensive Inventory

—California Desert Conservation Area (CDCA) amended decision announced in *Federal Register* January 7, 1980 (p. 1456); protest period ended February 5, 1980; one protest received; but did not address an area open to protest; amended decision in effect.

Units Under Formal Appeal to IBLA

—Notice of appeal announced in *Federal Register* January 7, 1980 (p. 1456). Affects CDCA intensive inventory units: 117, 131, 136, 137-A, 143, 150, 156, 158, 172, 207, 217, 221, 222, 227, 242, 251, 251-A, 263 to 266, 271, 299, 305, 321, 325, 334, 343, 348, 376.

—Notice of appeal announced in *Federal Register* January 7, 1980 (p. 1457). Affects non-CDCA initial inventory units: CA-010-031, 033, 047, 069, 087, 101, CA-020-701, 901, 1001; CA-030-300, 400, and 500.

Study/Reporting

—CDCA draft Plan Alternatives and Environmental Impact Statement released February 15, 1980; 90-day public comment period ends May 15, 1980.

Colorado

Statewide Intensive Inventory

—proposed decision announced in *Federal Register* February 1, 1980 (p. 7312); 90-day public comment period ends April 30, 1980.

Units Under Formal Appeal to IBLA

—Notice of appeal filed with IBLA January 21, 1980. Affects initial inventory unit 070-031.

Study/Reporting

—Powderhorn ISA draft ES and suitability reports anticipated late April.

Eastern States

Statewide Initial Inventory (Minnesota Only)

—final decision announced in *Federal Register* March 21, 1980 (p. 18492); appeal period ends April 21, 1980.

Accelerated Intensive Inventory

—Koochiching Bogs (units 42 and 45) final decision announced in *Federal Register* February 22, 1980, (p. 11921); protest period ended March 24, 1980 without protest; decision in effect.

Idaho

Statewide Initial Inventory

—protest decision announced in *Federal Register* February 8, 1980 (p. 8732); appeal period ended March 10, 1980. One notice of intent to appeal filed with State Director. Affects stateline units 16-48 a, b, and c. 16-53, 16-56a, 16-59, 16-70, 17-19, 17-21, 17-26, 22-1.

—amended decision announced in *Federal Register* February 8, 1980 (p. 8732) for units which were under formal appeal to IBLA; protest period ended March 10, 1980; 51 protests received; affects units 23-1, 35-3, 35-4, 35-5.

Statewide Intensive Inventory

—proposed decision announced in *Federal Register* April 3, 1980 (p. 22195); began 90-day public comment period.

Accelerated Intensive Inventory

—Challis Planning Area protest decision announced in *Federal Register* February 29, 1980 (p. 13542); appeal period ended March 31, 1980; two notices of intent to appeal filed with State Director. Affects units 46-11, 46-13, 46-14, 46-14a.

—Overthrust Belt protest decision announced in *Federal Register* February 15, 1980 (p. 10463); affecting Game Creek (unit 34-8) appeal period ended March 16, 1980 without appeal; decision in effect.

—Owyhee Planning Area final decision announced in **Federal Register** January 16, 1980 (p. 3114); protest period ended February 15, 1980; nine protests received; protest decision anticipated late spring. Affects units 16-26, 16-28, 16-36, 16-40 to 16-42, 16-44, 16-45, 16-47, 16-49 a, b, d, e, and 16-52.

Study/Reporting

—Great Rift (Grassland Kipuka) ISA draft ES released as announced in **Federal Register** March 5, 1980 (p. 14251); public comment period ends April 14, 1980.

Montana

Statewide Intensive Inventory

—proposed decision announced in **Federal Register** March 28, 1980 (p. 20570); began 90-day public comment period.

Accelerated Intensive Inventory

—Bitter Creek (unit 064-356) as affected by proposed Alaska Natural Gas Transportation System proposed decision announced in **Federal Register** October 25, 1979 (p. 61464); comment period ended December 20, 1979; final decision anticipated April.

—Overthrust Belt final decision announced in **Federal Register** February 22, 1980 (p. 11920); protest period announced in **Federal Register** March 28, 1980 (p. 20570); protest period ends April 30, 1980. Affects units 074-151 a and b, 074-155, 075-102, 075-105, 075-106, 075-110, 075-114, 075-115, 075-123 to 126, 075-133, 075-134, 075-138, 076-001 to 004, 076-007 to 011, 076-015, 076-022, 076-024 to 026, 076-028, 076-029, 076-031, 076-033, 076-034, 076-042, 076-043, 076-047, 076-051, 076-054, 076-059, 076-063, 076-069 to 071.

Study/Reporting

—Humbog Spire and Bear Trap Canyon ISA's draft ES and suitability report anticipated April 1980.

Nevada

Statewide Initial Inventory

—decision on protest announced in **Federal Register** February 6, 1980 (p. 8164); appeal period ended March 7, 1980 without appeal; decision in effect. Affects all units identified for intensive inventory.

Statewide Intensive Inventory

—proposed decision announced in **Federal Register** April 1, 1980 (p. 21356); began 90-day public comment period.

Accelerated Intensive Inventory

—Cedar Ridge (unit 010-088) final amended decision announced in **Federal Register** February 14, 1980 (p. 10038); protest period ended March 19, 1980 without protest; decision in effect.

—Macks Canyon and Hickison final decision announced in **Federal Register** February 14, 1980 (p. 10038); protest period ended March 19, 1980 without protest; decision in effect. Affects units 050-0408 and 060-366.

—Pueblo Mountain (units 020-642 a and b) final decision announced in **Federal Register** February 15, 1980 (p. 10461); protest period ended March 19, 1980 without protest, decision in effect.

—Overthrust Belt final decision announced in **Federal Register** February 8, 1980 (p. 8731); protest period ended March 17, 1980; three protests received; announcement anticipated April. Affects units 0161, 0220 to 0226, 0230 to 0233, 0235, 0236, 0238, 0411, 0422, 0423, 0425, 0428, and 04R-15; also 0118, 0121 to 0126, 0157, 0162 to 0164; also 0136, 0137, 0139, 0143, 0144, 0145, 0155, 0159, 0166, 0412, 0414, 0438, 0440, 0441, and 0447.

—Pine Creek Canyon, Pinyon-Joshua, Bristlecone Pine, Goshute Canyon, Lahontan-Cutthroat Trout ISA's accelerated inventory final decision announced in **Federal Register** February 14, 1980 (p. 10037); protest period ended March 19, 1980 without protest; decision in effect.

New Mexico

Statewide Intensive Inventory

—proposed decision announced in **Federal Register** March 28, 1980 (p. 20572); began 90-day public comment period.

Oregon

Statewide Intensive Inventory (Includes Washington)

—proposed decision announced in **Federal Register** March 27, 1980 (p. 20167); began 90-day public comment period.

Accelerated Intensive Inventory

—John Day (units 5-1, 5-2 as affected by proposed Alaska Natural Gas Transportation System) final decision announced in **Federal Register** February 12, 1980 (p. 9349); protest period ended March 13, 1980 without protest; decision in effect.

—Thirty selected units final decision announced in **Federal Register** March 27, 1980 (p. 20166); protest period ends April 28, 1980. Affects units: 1-76 to 1-78, 1-105, 1-111, 2-1, 2-2, 2-11 to 2-17, 2-21, 2-23, 2-24, 2-26, 2-74, 2-79, 2-81, 2-82, 3-

36, 3-151, 3-154, 3-156, 3-199, 5-14, 5-57, 5-58.

Units Under Formal Appeal to IBLA

—Notice of appeal announced in **Federal Register** November 29, 1979 (p. 68526); affects initial inventory unit 11-6.

Utah

Statewide Intensive Inventory

—Proposed decision announced in **Federal Register** March 28, 1980 (p. 20576); began 90-day public comment period.

Accelerated Intensive Inventory

—Deep Creek Mountains (units 020-066 and 050-020) final decision announced in **Federal Register** March 14, 1980 (p. 16569); protest period ends April 14, 1980.

—Unit 050-070 (as affected by Intermountain Power Project) decision on protest announced in **Federal Register** January 31, 1980 (p. 7015); appeal period ended March 1, 1980 without appeal; decision is in effect.

—Dirty Devil (unit 050-236) final decision announced in **Federal Register** February 15, 1980 (p. 10462); protest period ended March 17, 1980; seven protests received; announcement anticipated April.

—Overthrust Belt final decision announced in **Federal Register** February 6, 1980 (p. 8165); decision in effect as announced in **Federal Register** March 20, 1980 (p. 18130). Affects units UT-040-136, 269 to 273, and two interstate units with Nevada, UT-040-123 (NV-050-0166) and UT-040-124 (NV-050-0143).

—Devil's Garden, Joshua Tree, Book Cliffs, and Link Flats ISA's proposed intensive inventory decision announced in **Federal Register** January 18, 1980 (p. 3114); comment period ended February 15, 1980; final decision anticipated early April 1980.

Units Under Formal Appeal to IBLA

—Notice of appeal filed with IBLA January 24, 1980. Affects accelerated intensive inventory units 060-007-011, 060-012, 050-233.

Wyoming

Statewide Intensive Inventory

—Proposed decision announced in **Federal Register** April 4, 1980 (p. 23073); began 90-day public comment period.

Accelerated Intensive Inventory

—Overthrust Belt protest decision announced in **Federal Register** March 6, 1980 (p. 14667); appeal period ends April 11, 1980. Affects units: 040-110, 040-221 to 223.

Statistical Summary Table, BLM Wilderness Inventory Results as of Apr. 4, 1980

State	Public lands subject to wilderness inventory	Acres dropped from inventory	Acres still under inventory			Acres identified as wilderness study areas
			Inventory decision not yet announced	Proposed intensive inventory decision announced		
				Lacking wilderness characteristics	With wilderness characteristics	
1. Contiguous Western States:						
Arizona	12,596,000	7,209,000	4,870,000	0	0	517,000
California	16,585,000	10,118,000	97,000	28,000	4,000	6,338,000
Colorado	7,896,000	6,690,000	0	491,000	765,000	50,000
Idaho	11,949,000	8,983,000	266,000	1,076,000	804,000	820,000
Montana	8,140,000	5,979,000	0	1,378,000	534,000	249,000
Nevada	49,118,000	33,077,000	17,000	11,319,000	3,079,000	1,826,000
New Mexico	12,847,000	10,486,000	14,000	1,327,000	872,000	148,000
North Dakota	68,000	68,000	0	0	0	0
Oklahoma	7,000	7,000	0	0	0	0
Oregon	13,965,000	7,584,000	0	4,192,000	1,750,000	439,000
South Dakota	277,000	272,000	0	5,000	0	0
Utah	22,076,000	16,707,000	0	3,190,000	1,752,000	427,000
Washington	310,000	296,000	0	14,000	15	0
Wyoming	17,793,000	16,678,000	0	582,000	497,000	56,000
Totals	*173,727,000	124,154,000	5,264,000	23,582,000	10,057,000	10,670,000
2. Eastern States:						
Minnesota			*45,000	44,000	1,000	0

* Total acreage reduced by 27,000 acres due to recalculation of O&C lands exempt from wilderness review.

* Other Eastern States will be listed as inventory decisions are announced.

* Includes an estimated 2,000 acres of unsurveyed islands.

[FR Doc. 80-11018 Filed 4-10-80; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Pictured Rocks National Lakeshore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, as amended by Pub. L. 94-409, 90 Stat. 1247, that a meeting of the Pictured Rocks National Lakeshore Advisory Commission will be held on Monday, April 28, 1980, at 2 p.m., e.d.t., at the Munising Community Center, Munising, Michigan.

The Commission was established by Pub. L. 89-668, 80 Stat. 922, 16 U.S.C. 460-s, to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Pictured Rocks National Lakeshore.

The members of the Commission are as follows:

Mr. Glenn C. Gregg (Chairman)
Mr. James Mueller
Mr. James Becker
Mr. Leo R. Garipey
Mr. Lawrence L. Lemanski

Matters to be discussed at this meeting include:

1. Introduce new Commission members and review meeting decorum rules.

2. General update on winter activities at Pictured Rocks National Lakeshore, including staffing reports.

3. Review of the construction program at Munising Falls and the general development program for the Lakeshore.

4. Review of the revised alternatives for the Lakeshore General Management Plan.

5. Briefing by the Alger County Task Force on its activities.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Donald F. Gillespie, Superintendent, Pictured Rocks National Lakeshore, P.O. Box 40, Munising, Michigan 49862, telephone 906-387-2807.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the Pictured Rocks National Lakeshore Headquarters at Sand Point, four miles east of Munising, Michigan.

Dated: April 2, 1980.

J. L. Dunning,
Regional Director, Midwest Region.

[FR Doc. 80-10933 Filed 4-10-80; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

[Federal Leases Nos. U-020305, U-044076, U-0142235, U-0147570, and U-073120]

Availability for Public Review of a Coal Mining and Reclamation Plan for an Underground Coal Mine Proposed by Coastal States Energy Co. and Getty Oil Corp. for the Skyline Mine Emery County, Utah

AGENCY: Office of Surface Mining, Reclamation and Enforcement, Department of the Interior.

ACTION: Availability for Public Review of Coal Mining and Reclamation Plan for an Underground Coal Mine

SUMMARY: Pursuant to § 211.5 of Title 30 and § 1500.2 of Title 40, Code of Federal Regulations, notice is hereby given that the Office of Surface Mining (OSM) has received an application from Coastal States Energy Company and Getty Oil Corporation to mine Federal coal at the Skyline Mine. A brief description of the location follows:

Location of Lands To Be Affected

Applicant: Coastal States Energy Company and Getty Oil Corporation

Mine Name: Skyline Mine

State: Utah

County: Emery

Section, Township, Range: Sections 10, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 of T.13S, R.6E, SLM.

Office of Surface Mining Reference Number: UT-0003

The mine is a new mine operating on non-Federal and Federal coal lands located about four miles southwest of Scofield, Utah.

The proposed plan into the Federal coal lease area involves multiseam underground mining of Federal coal mostly overlain by Federal surface administered by the U.S. Forest Service for 30 years at a production rate of approximately 5 million tons per year at full production. Coal will be conveyed to a train load-out facility at the mouth of Eccles Canyon. The Federal coal lease area is 6,400 acres.

The mining and reclamation plan has been determined to be sufficiently complete to issue this notice to inform the public of the availability of the plan for review. The Office of Surface Mining will prepare a technical analysis (TA) to determine whether the proposed plan meets the requirements of SMCARA and an environmental assessment (EA) which will evaluate the impacts of actions the Department of the Interior may take on the plan. During the analytical review, it is possible that OSM will request additional information

from the Company. Any further information obtained would also be available for public review.

No action on the plan will be taken by the Regional Director for a period of 30 days after publication of this Notice of Availability in the Federal Register. Prior to making a final decision on this proposed modification, the Office of Surface Mining will issue a Notice of Pending Decision pursuant to Section 211.5(c)(2) of Title 30, Code of Federal Regulations.

This plan is available for public review at the Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado, 80202, and at the Division of Oil, Gas and Mining, Department of Natural Resources, 1588 West North Temple, Salt Lake City, Utah, 84116. Comments on the proposed mine plan application may be addressed to the Regional Director, Office of Surface Mining, at the above Denver address.

FOR FURTHER INFORMATION CONTACT:

Dr. Thomas R. Schultz or John Hardaway, Office of Surface Mining, Brooks Towers, 1020 15th Street, Denver, Colorado, 80202.

Donald A. Crane,
Regional Director.

[FR Doc. 80-10941 Filed 4-10-80; 8:45 am]

BILLING CODE 4310-05-M

[Federal Leases Nos. W-313668, W-0311810, and W-0312311]

Correction of the Announcement of a Public Meeting Related to the Surface Coal Mine Proposed by Kerr-McGee Coal Corp., for the East Gillette Mine, Campbell County, Wyo.

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Notice of correction.

SUMMARY: On March 27, 1980 in the Federal Register, the Office of Surface Mining and Reclamation published a notice to hold a public meeting in Gillette, Wyoming on a Coal Mining and Reclamation Plan proposed by the Kerr-McGee Corp. for the East Gillette Mine. A correction should be made to that public notice. The third major change to the proposed mining and reclamation plan should have the "not" removed from between "would" and "be mined," and should read:

Although lease W-311810 includes all of secs. 5 and 6, only W½ of sec. 6 would be mined instead of the west half of sec. 5 and all of sec. 6. Consequently Garner Lake Road would not have to be relocated.

FOR FURTHER INFORMATION CONTACT:

Floyd L. Johnson or John E. Hardaway, Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202 (303) 837-5656.

Donald A. Crane,
Regional Director.

[FR Doc. 80-10942 Filed 4-10-80; 8:45 am]

BILLING CODE 4310-05-M

Water and Power Resources Service

Exchange Water Service Contracts From Buffalo Bill Reservoir; Availability of the Proposed Contracts for Public Review and Comment

The Department of the Interior, through the Water and Power Resources Service, has completed the negotiations for the form of contracts with the Northfork Valley Ditch Company, L. B. and M. E. Bridges, and Carl, Rosetta, and Earl Sauerwein, all of Cody, Wyoming. The three contracts are for exchange water service from Buffalo Bill Reservoir, the principal storage feature of the Service's Shoshone Project. The proposed contract form was prepared pursuant to the Reclamation Project Act of 1939 (53 Stat. 1187).

Buffalo Bill Dam and Reservoir were constructed as a storage feature of the Shoshone Project on the Shoshone River near Cody, Wyoming, for the purpose of impounding water for irrigation, power generation, flood control, and other beneficial uses. Approximately 15,000 acre-feet of water are annually surplus to present needs of existing Shoshone Project users and planned needs for the irrigation of the 19,200 acre Polecat Bench area.

The proposed water service is intended to supplement the existing water rights of the contractors, all of whom are irrigators on the North Fork of the Shoshone River. During periods of drought or low flows, the contracts would allow releases to be made from the reservoir to satisfy prior water rights downstream of the reservoir, thus averting a shutdown of the contractors' diversions by the State of Wyoming.

The contracts are for a maximum of 1,000 acre-feet annually for the Northfork Valley Ditch Company (855 acres), 100 acre-feet annually for L. B. and M. E. Bridges (48.5 acres), an 200 acre-feet annually for Carl, Rosetta, and Earl Sauerwein (272.5 acres). The water service charge under the proposed contracts is \$1.60 per acre-foot, to be paid whether or not water is actually delivered under the contracts. These rates are subject to adjustment at 5-year intervals throughout the 20-year term of the contracts.

The proposed contracts will be available for public review and written comment for 30 days following the date of this notice. The Commissioner of Water and Power Resources will review comments submitted and based on the number, source, and nature of the comments will decide whether to hold a public hearing. All written correspondence concerning the proposed contracts shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

For further information and copies of the proposed contract forms, please contact Gary Anderson, Agricultural Economist, Division of Water and Land, Water and Power Resources Service, P.O. Box 2553, Billings, Montana 59103, telephone (406) 657-6424.

Dated: April 4, 1980.

David R. Schuster,
Acting Assistant Commissioner of Water and Power Resources.

[FR Doc. 80-10822 Filed 4-10-80; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Long- and Short-Haul Application for Relief (Formerly Fourth Section Application)

April 6, 1980.

This application for long-and-short-haul relief has been filed with the I.C.C. Protests are due at the I.C.C. on or before April 28, 1980.

No. 43811, Southwestern Freight Bureau, Agent No. B-60, on petroleum and petroleum products from stations in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma and Texas to stations in Colorado, Utah, Wyoming and Farmington, NM, in Supplement 106 to Southwestern Freight Bureau, Agent's Tariff ICC SWFB 4690, effective May 3, 1980. Grounds for relief—need for additional revenue to cover costs.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-10953 Filed 4-10-80; 8:45 am]

BILLING CODE 7035-01-M

Transportation of Government Traffic; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the Transportation of general commodities, (except classes A and B explosives, radioactive materials, etiologic agents, shipments of secret

materials, and weapons and ammunition which are designated sensitive by the United States Government), between points in the United States (including Alaska and Hawaii), restricted to the transportation of traffic handled for the United States Government or on behalf of the United States Government where the government contractor (consignee or consignor), is directly reimbursed by the government for the transportation costs, under the Commission's regulations (49 CFR 1062.4), pursuant to a general finding made in Ex Parte No. MC-107, *Government Traffic*, 131 M.C.C. 845 (1979).

An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission on or before May 1, 1980. A copy must also be served upon applicant or its representative. Opposition to the applicant's participation will not operate to stay commencement of the proposed operation.

If applicant is not otherwise informed by the Commission, operations may commence May 12, 1980, subject to its tariff publication's effective date, or the filing of an effective tender pursuant to 49 U.S.C. 10721.

GT-51-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: Ploof Truck Lines, Inc., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Government Agency involved: U.S. Government Manual (1979-80 edition).

GT-52-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: Big T Truck Service, Inc., 5878 Buford Highway, Suite 5, Atlanta, Ga 30340. Representative: Stephen J. Habash, Baker & Hostetler—Suite 1800, 100 E. Broad Street, Columbus, OH 43215. Government Agency involved: Department of Defense, and General Services Administration.

GT-53-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: The Andrews Moving & Storage Co., 4811 Van Epps Road, Cleveland, OH 44131. Representative: David A. Turano, Baker & Hostetler—Suite 1800, 100 E Broad Street, Columbus, Oh 43215. Government Agency involved: Department of Defense, and General Services Administration.

GT-54-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: Best Line Inc. P.O. Box 765, Hopkins, MN 55343. Representative:

John L. Clark, President (address same as applicant). Government Agency involved: Department of Defense.

GT-55-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: Republic Portsmouth Storage Corporation, P.O. Box 927, Portsmouth, VA 23705. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW—Suite 1200, Washington, D.C. 20036. Government Agency involved: Department of Defense, Department of Transportation, and General Services Administration.

GT-56-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: International Transport, Inc., 2450 Marion Road SE, Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Building, Fargo, ND 58126. Government Agency involved: Departments of Agriculture, Commerce, Defense Energy, Interior, and Transportation; American Battle Monuments Commission, Civil Aeronautics Board, Commission of Fine Arts, Environmental Protection Agency, Federal Communications Commission, Federal Energy Management Agency, Federal Maritime Commission, General Services Administration, International Communications Agency, National Aeronautic & Space Administration, National Science Foundation, National Transportation Safety Board, Nuclear Regulatory Commission, Tennessee Valley Authority, U.S. Arms Control & Disarmament, U.S. International Trade Commission Agency, and U.S. Postal Service.

GT-57-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: Tillamook Growers Co-op, 7875 Telegraph Road, Pico Rivera, CA 90660. Representative: Ted Vermeulen, Sec/Tres (address same as applicant). Government Agency involved: Department of Defense, US Government Printing Office, and General Services Administration.

GT-58-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: Trans-United, Inc., 425 W. 152nd Street, P.O. Box 2081, E. Chicago, IN 46312. Representative: Joseph Winter, 29 S LaSalle Street, Chicago, IL 60603. Government Agency involved: Department of Defense.

GT-59-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: Leonard Bros. Trucking Co., Inc., 2515 NW 20th Street, Miami, FL 33152. Representative: Robert F. McCaughy (address same as applicant). Government Agency involved: Departments of Energy,

Defense, Army, Air Force, Navy, Agriculture, Treasury, US Coast Guard, General Services Administration, Bureau of Indian Affairs, and National Aeronautic and Space Administration.

GT-60-80 (special certificate—Government traffic), filed March 18, 1980. Applicant: Transcon Lines, 101 Continental Boulevard, El Segundo, CA 90245. Representative: Wentworth E. Griffin, Griffin, Dysart, Taylor, Penner and Lay, PC, 1221 Baltimore Ave., Midland Building, Kansas City, MO 64105. Government Agency involved: General Services Administration, Department of Defense, Federal Prison Industries, US Government Printing Office, Social Security Administration, Veterans Administration, Internal Revenue Service, US Postal Service, US Bureau of Mints, US Department of Energy.

GT-61-80 (special certificate—Government traffic), filed March 20, 1980. Applicant: Madison Brothers Delivery Service, Inc., 101 Indiana Avenue, Toledo, OH 43602. Representative: Floyd Madison (address same as applicant). Government Agency involved: General Services Administration, and Department of Defense.

GT-62-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: Abbott Trucking, Inc., Route 3, Delta, OH 43515. Representative: David A. Turano, Baker & Hostetler, 100 E Broad Street—Suite 1800, Columbus, OH 43215. Government Agency involved: General Services Administration, Department of Defense.

GT-63-80 (special certificate—Government traffic), filed March 20, 1980. Applicant: The Youngstown Cartage Company, 825 West Federal Street, Youngstown, OH 44501. Representative: David A. Turano, Baker & Hostetler, 100 E Broad Street—Suite 1800, Columbus, OH 43215. Government Agency involved: General Services Administration, and Department of Defense.

GT-64-80 (special certificate—Government traffic), filed March 20, 1980. Applicant: Ohio Eastern Express, Inc., 300 West Perkins Avenue, P.O. Box 2297, Sandusky, OH 44870. Representative: David A. Turano, Baker & Hostetler, 100 E Broad Street—Suite 1800, Columbus, OH 43215. Government Agency involved: Department of Defense, General Services Administration, and Housing & Urban Development.

GT-65-80 (special certificate—Government traffic), filed March 20, 1980. Applicant: Doudell Trucking

Company, 555 E Capitol Avenue, P.O. Box 842, San Jose, CA 95106. Representative: Ronald C. Chauvel, Handler, Baker, Greene & Taylor, PC, 100 Pine Street—Suite 2550, San Francisco, CA 94111. Government Agency involved: Department of Defense, and General Services Administration.

GT-86-80 (Special certificate—Government traffic), filed March 19, 1980. Applicant: Santa Claus Associated Trucking, Ltd., P.O. Box 190, Farmingdale, NJ 07727. Representative: Jean Halsey, Secretary-Treasurer (address same as applicant). Government Agency involved: Department of Defense, General Services Administration, Departments of Treasury, State, Transportation, and Justice; Environmental Protection, Atomic Energy Commission.

GT-87-80 (Special certificate—Government traffic), filed March 20, 1980. Applicant: Mercer Marine Transit Corp., P.O. Box 368, Calhoun, GA 30701. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Government Agency involved: Department of Defense, Tennessee Valley Authority, Nuclear Regulatory Commission, General Services Administration, Department of Agriculture, Federal Prison Industries, Department of Energy.

GT-88-80 (Special certificate—Government traffic), filed March 20, 1980. Applicant: Douglas Trucking Company, P.O. Box 698, Corsicana, TX 75110. Representative: Jack K. Williams, President (address same as applicant). Government Agency involved: General Services Administration, Departments of Defense and Agriculture.

GT-89-80 (Special certificate—Government traffic), filed March 20, 1980. Applicant: Jewett Scott Truck Line, Inc., P.O. Box 267, Mangum, OK 73554. Representative: Jewett Scott, Jr. (address same as applicant). Government Agency involved: General Services Administration, and Department of Defense.

GT-70-80 (Special certificate—Government traffic), filed March 20, 1980. Applicant: Adams Trucking, Inc., 1711 W Second Street, Webster City, IA 50595. Representative: Ronald D. Adams (address same as applicant). Government Agency involved: Departments of Defense, Agriculture, and Education; General Services Administration, and Commodities Credit Corporation.

GT-71-80 (Special certificate—Government traffic), filed March 20, 1980. Applicant: Circle B Transportation Corp of North Dakota, P.O. Box 207,

Wheatridge, CO 80033. Representative: Al Lagerheim, General Mgr. (address same as applicant). Government Agency involved: Departments of Defense, and Agriculture; General Services Administration and Treasury Department.

GT-72-80 (special certificate—Government traffic), filed March 20, 1980. Applicant: Petroleum Carriers Company, P.O. Box 762 5104 W 14th Street, Sioux Falls, SD 57101. Representative: Leonard R. Kofkin, 39 S LaSalle Street, Chicago, IL 60603. Government Agency involved: Defense Logistics Agency, Defense Fuel Supply Center, Defense Fuel Region, Central, St. Louis, MO.

GT-73-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: Government Transportation Company, 7800 Route #13, Levittown, PA 19057. Representative: Robert L. Evans, Sr. (address same as applicant). Government Agency involved: Department of Defense, and General Services Administration.

GT-74-80 (special certificate—Government traffic), filed March 20, 1980. Applicant: Arrow Freightways, Inc., 150 Woodward Road SE, P.O. Box 25125, Albuquerque, NM 87125. Representative: Olif Q. Boyd, President (address same as applicant). Government Agency involved: Department of Defense, General Services Administration, Bureau of Indian Affairs, Atomic Energy Commission, U.S. Forest Service, and Bureau of Mines.

GT-75-80 (special certificate—Government traffic), filed March 20, 1980. Applicant: Classic City Moving and Storage, Inc., 120 Oneta Street, Athens, GA 30601. Representative: T. James Brannon, President (address same as applicant). Government Agency involved: Navy Supply Corps School, Athens, GA.

GT-76-80 (special certificate—Government traffic), filed March 20, 1980. Applicant: Pacific Intermountain Express Co., P.O. Box 8004, Walnut Creek, CA 94596. Representative: Alfred G. Krebs, Mgr.—Commerce, 25 North Via Monte, Walnut Creek, CA 94598. Government Agency involved: U.S. Government Manual (1979-80 edition).

GT-77-80 (special certificate—Government traffic), filed March 19, 1980. Applicant: Mercury Van Lines, Inc., 18930 Gaithersburg-Laytonsville Road, Gaithersburg, MD 20760. Representative: Denise Gibson, Assistant Treasurer (address same as applicant) Government Agency

involved: Department of Defense, and General Services Administration.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-10955 Filed 4-10-80; 8:45 am]
BILLING CODE 7035-01-M

Transportation of Used Household Goods in Connection With a Pack-and-Crate Operation on Behalf of the Department of Defense; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of used household goods, for the account of the United States Government, incident to the performance of a pack-and-crate service on behalf of the Department of Defense under the Direct Procurement Method or the Through Government Bill of Lading Method under the Commission's regulations (49 CFR § 1056.40) promulgated in "Pack-and-Crate" operations in Ex Parte No. MC-115, 131 M.C.C. 20 (1978).

An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission on or before May 1, 1980. A copy must also be served upon applicant or its representative. Opposition to the applicant's participation will not operate to stay commencement of the proposed operation.

If applicant is not otherwise informed by the Commission, operations may commence May 12, 1980, subject to its tariff publication effective date.

HG-8-80 (special certificate—used household goods), filed March 19, 1980. Applicant: Elrod Moving & Storage Co., 2796 Grace Road, Macon, GA 31206. Representative: William B. Elrod (address same as applicant). Authority sought: Between points in Houston, Bleckley, Dodge, Jasper, Laurens, Montgomery, Pike, Telfair, Upson, Wilcox, Bibb, Butts, Dooley, Johnson, Lamar, Macon, Pulaski, Teueman, Washington, Wilkinson, Baldwin, Crawford, Hancock, Jones, Monroe, Peach, Putman, Twiggs, Wheeler counties, GA, serving Robins AFB, GA.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-10952 Filed 4-10-80; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacture of Controlled Substances; Notice of Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on June 12, 1979, Western Fher Laboratories Inc., Carretera 132, Km. 25.3, P.O. Box 7468, Ponce, Puerto Rico 00732, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule II controlled substances Phenemetrizine.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than May 13, 1980.

Dated: April 8, 1980.

Peter B. Bensinger,
Administrator, Drug Enforcement
Administration.

[FR Doc. 80-10977 Filed 4-10-80; 8:45 am]
BILLING CODE 4410-09-M

Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958 (h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with Section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on February 5, 1980, Diosynth Inc. 3432 W. Henderson Chicago, ILL 60618, made application to the Drug Enforcement Administration to be registered as an importer of Concentrate of Poppy Straw, a basic class controlled substance in schedule II.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefore, and any existing bulk manufacturer registered therefore, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than May 13, 1980.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in schedule I or II are and will continue to be required to demonstrate to the Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958 (a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e) and (f) are satisfied.

Dated: April 8, 1980.

Peter B. Bensinger,
Administrator, Drug Enforcement
Administration.

[FR Doc. 80-10979 Filed 4-10-80; 8:45 am]
BILLING CODE 4410-09-M

Manufacture of Controlled Substances; Notice of Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on February 5, 1980, Diosynth Inc., 3432 W. Henderson, Chicago, Ill. 60618, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of controlled substances listed below:

Drug:	Schedule
Concentrate of Poppy Straw	II
Codeine	II
Thebaine	II

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than May 13, 1980.

Dated: April 8, 1980.

Peter B. Bensinger,
Administrator, Drug Enforcement
Administration.

[FR Doc. 80-10978 Filed 4-10-80; 8:45 am]
BILLING CODE 4410-09-M

Manufacture of Controlled Substances; Notice of Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on February 11, 1980, Plant Hope, Inc., 19 Clarke Street, Athens, Ohio 45701, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule I controlled substances Marihuana and Tetrahydrocannabinols.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than May 13, 1980.

Dated: April 8, 1980.

Peter B. Bensinger,
Administrator, Drug Enforcement
Administration.

[FR Doc. 80-10980 Filed 4-10-80; 8:45 am]
BILLING CODE 4410-09-M

Manufacture of Controlled Substances; Notice of Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on December 18, 1978, M.D. Pharmaceutical, Inc., 3501 West Garry Avenue, Santa Ana, California 92704, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substances Methylphenidate and Diphenoxylate.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than May 13, 1980.

Dated: April 8, 1980.

Peter B. Bensinger

Administrator, Drug Enforcement Administration.

[FR Doc. 80-10961 Filed 4-10-80; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-6369]

A & W Products Co., Inc.; Affirmative Determination Regarding Application for Reconsideration

On February 1, 1980, the firm on behalf of its workers applied for administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers of A & W Products Company, Inc., Port Jervis, New York. This determination was published in the *Federal Register* on January 18, 1980, (45 FR 3679).

In denying the workers of A & W Products Company, Inc., eligibility to apply for adjustment assistance, the Department cited the results of a survey of customers of A & W Products Company to support the conclusion that increases of imports of school and office supplies have not contributed importantly to the separation of workers and to the declines in sales and production at the workers' firm. The petitioners challenge the results of the Department's survey arguing that the survey was not comprehensive and not representative of the circumstances at their firm. The petitioners submit a list of customers which, the petitioners allege, may have substituted imported school and office supplies for the articles formerly purchased from A & W Products Company.

Conclusion

After review of the application, I conclude that this claim of the petitioners is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 28th day of March 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-10994 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

TA-W-6375]

D & R Coat Co., Inc.; Revised Determination on Reconsideration

On February 7, 1980, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of D & R Coat Company, Inc., Hoboken, New Jersey. This determination was published in the *Federal Register* on February 19, 1980 (45 FR 10976).

In denying the workers of D & R Coat Company, Inc., eligibility to apply for adjustment assistance, the Department concluded that D & R Coat Company suffered losses in sales and employment primarily because the firm was unable to produce a new product line demanded by a major customer.

On reconsideration, the Department reviewed the survey of the manufacturers with which D & R Coat Company contracted. The Department found that a manufacturer that accounted for a majority of D & R Coat Company's business in 1977 and 1978 increased purchases of imported ladies' coats while reducing purchases from D & R Coat Company in 1978 compared with 1977 and in the first five months of 1979 compared with the same period in 1978. The original reason for the Department's denial of D & R Coat Company's workers, i.e., that it was unable to produce a certain type of garment was found to be of little relevance based on lost sales to its major manufacturer.

The ladies' coats produced by D & R Coat Company are included in the import category "Women's, Misses' and Children's Coats and Jackets." Imports in this category increased both absolutely and relative to domestic production in 1978 compared with 1977.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of ladies' coats contributed importantly to

the total or partial separation of workers and former workers at D & R Coat Company, Inc., Hoboken, New Jersey. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers at the Hoboken, New Jersey, plant of D & R Coat Company, Inc., who became totally or partially separated from employment on or after October 25, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of March 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-10992 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6673 and 6878]

Great Western Sugar Co., Loveland, Colo. (TA-W-6673), and Denver, Colo. (TA-W-6878); Negative Determination Regarding Application for Reconsideration

By an application dated March 14, 1980, one of the petitioners requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers at the Loveland, Colorado, Manufacturing Research and Development Laboratory and the Denver, Colorado, offices of the Great Western Sugar Company. The determination was published in the *Federal Register* on March 11, 1980 (45 FR 15725).

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 petitioner claims that layoffs from Great Western Sugar Company's Manufacturing Research and Development Laboratory and General Offices in Loveland and Denver, Colorado, respectively, in September 1979 was because of imports of raw sugar and yet the Department's denial issued on February 29, 1980, was based on the status of the sugar industry in

March 1980. Further, the petitioner cannot see how staff personnel could be denied while other workers at Great Western Sugar were certified.

The Department's review indicated that the Department's negative determination was based on the fact that workers at the Loveland, Colorado, Research and Development Center and the Denver, Colorado, General Offices of Great Western Sugar did not meet the "contributed importantly" test. The instant workers provided services for the company as a whole and did not work for any specific plant. Company sales and production increased, in quantity, in 1979 compared to 1978 and company sales, as a percent of U.S. production, increased in the first nine months of 1979 compared to the first nine months of 1978.

Since only workers producing an article fall within the scope of the Trade Act and since the instant workers worked for the entire company, the Department's determination tied the petitioning workers to the performance of the whole company. No basis is available for certifying the staff personnel since the workers at Great Western Sugar did not meet the "contributed importantly" test nor the production and sales criterion.

The Department's denial was not based on the status of the sugar industry in 1980 nor on the price of sugar in 1980 versus the price in 1979 but on the failure of the worker groups to meet the "contributed importantly" test.

The Department sees no validity in the petitioner's claim concerning the circumstances at Longmont, TA-W-1636; Brighton, TA-W-1635; and the Johnstown Molasses factory, TA-W-1637; where workers were certified eligible for trade adjustment assistance on August 16, 1977, and whose certifications have all expired and the September 1979 circumstances at the Research and Development Center and General Offices at Loveland and Denver, Colorado, respectively. Further, workers at Johnstown, Colorado, filing under TA-W-2283 produced monosodium glutamate and met all the statutory criteria while producing that product. Workers at the Greeley, Colorado, plant, TA-W-1793, were denied certification because their layoffs were attributed to contract difficulties between Great Western Sugar and the beet growers in February 1977 and not imports.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error 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 4th day of April 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-10999 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7336 and 7337]

Island Creek Coal Co.; Big Creek Mines No. 1 and No. 2; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 10, 1980 in response to a worker petition received on February 11, 1980, which was filed by the United Mine Workers of America on behalf of workers and former workers mining coal at the Big Creek Mines #1 (TA-W-7336) and #2 (TA-W-7337) of the Island Creek Coal Company, Sidney, Kentucky.

Big Creek Mines #1 and #2 of the Island Creek Coal Company had been in operation for less than three months at the time of the investigation. Due to the short term of operation of Big Creek Mines #1 and #2, it is not possible to determine trends of sales and production and to statistically measure the impact of imports. In addition, worker qualifying requirements in Section 231 of the Act may not be met by any employees at Big Creek Mines #1 and #2 of the Island Creek Coal Company. Consequently the investigation has been terminated.

Signed at Washington, D.C., this 31st day of March, 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-10993 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7109]

Jones & Laughlin Steel Corp., Northwest Ore Division; Termination of Investigation

Pursuant to Section 223 of the Trade Act of 1974, an investigation was initiated on February 13, 1980, in response to a worker petition received on February 1, 1980, which was filed by the United Steelworkers of America on behalf of workers and former workers of the Virginia, Minnesota plant of the Northwest Ore Division, Jones and Laughlin Steel Corporation. The workers produced finely ground iron ore.

The Virginia, Minnesota, plant had been in operation for less than six months at the time of the investigation, operating only during July, August and September, 1979. It did not operate during 1977, 1978 or at any other time in 1979. Due to the short term of operation of the Virginia, Minnesota, plant, it is not possible to determine trends of sales and production and to statistically measure the impact of imports. In addition, worker qualifying requirements in Section 231 of the Act may not be met by any employees of the Virginia, Minnesota, plant of the Northwest Ore Division, Jones and Laughlin Steel Corporation. Consequently the investigation has been terminated.

Signed at Washington, D.C., this 31st day of March, 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-10996 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7127]

Keolyn Plastics, Inc.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 19, 1980, in response to a petition filed on behalf of workers at Keolyn Plastics, Incorporated, Mount Prospect, Illinois. The workers produce custom molded parts for industry plastics.

The petitioners requested withdrawal of the petition. On the basis of the withdrawal, continuing the investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 27th day of March 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-10991 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6359T]

Leather Styles, Inc.; Revision of Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223(d) of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-6359T: investigation regarding termination of certification of eligibility to apply for worker adjustment assistance as prescribed in Section 223(d) of the Act.

On January 15, 1980, workers engaged in employment related to the production of leather apparel at Leather Styles, Inc., New York, New York, were certified as eligible to apply for trade adjustment assistance. The Notice of Certification was published in the *Federal Register* on January 25, 1980, (45 FR 6208).

The investigation regarding termination of certification was initiated on March 11, 1980, to determine whether the group of workers specified above continue to meet the group eligibility requirements of Section 222 of the Act. The Notice of Investigation was published in the *Federal Register* on March 11, 1980, (45 FR 15728). No public hearing was requested and none was held.

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.

Whenever it becomes evident that any of the criteria are no longer met, the certification as issued must be revised to include a termination date. The termination date would apply only with respect to total or partial separations occurring after this date as specified in the revised certification. The investigation reveals that, without regard to whether any of the other criteria have been met, the following criterion is no longer being met with respect to workers at Leather Styles, Inc., New York, New York:

That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

Evidence developed during the termination investigation revealed that Leather Styles, Inc., ceased operations in October, 1979 and vacated the premises. Therefore, all the separations that can occur have occurred.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that total or partial separations of workers engaged in the production of leather apparel at Leather Styles, Inc., New York, New York, are no longer attributable to the conditions specified in Section 222 of the Trade Act of 1974. In accordance with Section 223(d) of the Act, I hereby revise the certification of January 15, 1980, to read as follows:

All workers of Leather Styles, Inc., New York, New York, who became totally or partially separated from employment on or after October 31, 1978, and before April 5, 1980, are eligible to apply for adjustment

assistance under Title II, Chapter 2 of the Trade Act of 1974. Workers separated on or after April 5, 1980, are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 3rd day of April 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-10997 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6765 and 7228]

Motor Wheel Corp.; Determinations 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 January 10, 1980 in response to a petition which was filed by the Allied Industrial Workers of America on behalf of workers at the Centrifuse Division of the Lansing, Michigan plant of Motor Wheel Corporation (TA-W-6765). Workers at the Centrifuse Division produce brake drums for cars, and light, medium and heavy trucks. An investigation was initiated on February 25, 1980 in response to a petition which was filed by the Allied Industrial Workers of America on behalf of workers at the Lansing, Michigan plant, excluding the Centrifuse Division, of Motor Wheel Corporation (TA-W-7228). Workers at the Lansing plant, excluding the Centrifuse Division, produce wheels for cars and light trucks and brake drums for cars and light, medium and heavy trucks.

With respect to the production of brake, 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 ratio of imports to domestic consumption of brake drums for passenger cars and light trucks decreased from 1977 to 1978 and from 1978 to 1979. Industry sources indicate that imports of brake drums for medium

and heavy trucks were negligible from 1977 to 1979.

Surveyed customers of the Lansing plant which decreased purchases from Motor Wheel indicated that they decreased purchases of imported brake drums for cars and light trucks.

Total company sales and production of brake drums for medium and heavy trucks by the Lansing plant increased from 1978 to 1979.

With respect to the production of wheels, all of the requirements have been met.

U.S. imports of wheels for motor vehicle use increased absolutely and relative to domestic production from 1977 to 1978 and in the first 9 months of 1979 compared to the same period of 1978.

Surveyed customers of the Lansing plant decreased purchases from Motor Wheel and increased purchases of imported wheels for automobiles and light trucks from 1978 to 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 wheels for cars and light trucks produced at the Lansing, Michigan plant, excluding the Centrifuse Division, of Motor Wheel Corporation contributed importantly to the decline in sales or production and to the total or partial separations of workers at that part of the plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Lansing, Michigan plant, of Motor Wheel Corporation engaged in employment related to the production of wheels who became totally or partially separated from employment on or after December 20, 1978 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

I further determine that all workers of the Lansing, Michigan plant, including the Centrifuse Division, of Motor Wheel Corporation engaged in employment related to the production of brake drums are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of April 1980.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 80-10990 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

Ship 'N Shore; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

TA-W-6919, 6920: Aston, Pennsylvania
 TA-W-6921: Chester, Pennsylvania
 TA-W-6922, 6923, 6933: New York, New York

TA-W-6924: Montgomeryville, Pennsylvania

TA-W-6927: Atlanta, Georgia
 TA-W-6928: Boston, Massachusetts
 TA-W-6929: Chicago, Illinois
 TA-W-6930: Dallas, Texas
 TA-W-6931: Los Angeles, California
 TA-W-6932: Philadelphia, Pennsylvania
 TA-W-6936: Weissport, Pennsylvania
 TA-W-6937: Richland, South Carolina
 TA-W-6938: Travelers Rest, South Carolina

TA-W-6939: Oley, Pennsylvania
 TA-W-6940: Ephrata (I), Pennsylvania
 TA-W-6942: Forest City, Pennsylvania
 TA-W-6943, 6944: West Hazelton, Pennsylvania

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 February 5, 1980 in response to a worker petition received on January 28, 1980 which was filed on behalf of workers and former workers producing ladies' blouses, shirts, tops, skirts, pants, blazers and vests at the following locations of Ship 'n Shore: Aston, Pennsylvania; Chester, Pennsylvania; New York, New York; Montgomeryville, Pennsylvania; Atlanta, Georgia; Boston, Massachusetts; Chicago, Illinois; Dallas, Texas; Los Angeles, California; Philadelphia, Pennsylvania; Weissport, Pennsylvania; Richland, South Carolina; Traveler's Rest, South Carolina; Oley, Pennsylvania; Ephrata (I), Pennsylvania; Forest City, Pennsylvania; West Hazelton, Pennsylvania. The investigation revealed that the company produces primarily ladies' tops.

In the following determinations, without regard to whether any of the other criteria have been met, for workers engaged in employment related to the production of ladies' sportswear at the Aston, Pennsylvania; Chester, Pennsylvania; New York, New York; Montgomeryville, Pennsylvania; Atlanta, Georgia; Boston, Massachusetts; Chicago, Illinois; Dallas, Texas; Los Angeles, California; and Philadelphia, Pennsylvania locations of

Ship 'n Shore, 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 with customers representing a substantial portion of total company sales by Ship 'n Shore in 1978 and 1979. The survey revealed that, in the aggregate, customers responding to the survey decreased their purchases of ladies' sportswear (including tops, skirts, pants, blazers and vests) from Ship 'n Shore and also decreased their reliance on imported ladies' sportswear in 1979 compared to 1978.

U.S. imports of women's, misses' and children's skirts, slacks and shorts, coats and jackets and women's, girls' and infants' vests declined absolutely in January-September 1979 compared to the same period in 1978.

For workers engaged in employment related to the production of ladies' blouses, shirts, and tops at the following locations of Ship 'n Shore, all of the criteria have been met: Aston, Pennsylvania; Chester, Pennsylvania; New York; Montgomeryville, Pennsylvania; Atlanta, Georgia; Boston, Massachusetts; Chicago, Illinois; Dallas, Texas; Los Angeles, California; Philadelphia, Pennsylvania; Weissport, Pennsylvania; Richland, South Carolina; Travelers Rest, South Carolina; Oley, Pennsylvania; Ephrata, (I) Pennsylvania; Forest City, Pennsylvania; West Hazelton, Pennsylvania.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely in each year from 1975 through 1978 compared to each preceding year and increased relative to domestic production in 1978 compared to 1977. Imports increased absolutely in 1979 compared to the average level of imports for the period of 1975-1978.

A Departmental survey was conducted with customers representing a substantial portion of total company sales by Ship 'n Shore in 1978 and 1979. The survey revealed that, in the aggregate, the respondents to the survey decreased their purchases of ladies' blouses from Ship 'n Shore and increased their reliance on imported ladies' blouses in 1979 compared to 1978. Ladies' blouses represented the overwhelming majority of sales by Ship 'n Shore.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' blouses, shirts, and tops produced at Ship 'n Shore contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with provisions of the Act, I make the following certification:

All workers of Ship 'n Shore in the following locations, engaged in employment related to the production of ladies' blouses, shirts, and tops, who became totally or partially separated from employment on or after the impact dates indicated and before the termination dates indicated are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-	Location	Impact date	Termination date
6919	Bridgewater Rd., Aston, Pa	July 1, 1979	
6920	Tryens Rd., Aston, Pa	Sept. 1, 1979	
6921	I-95, Chester, Pa	June 15, 1979	
6922	1441 Broadway, New York, N.Y	July 1, 1979	
6923	1411 Broadway, New York, N.Y	July 1, 1979	
6924	Montgomeryville, Pa	Apr. 1, 1979	
6927	Atlanta, Ga	June 1, 1979	
6928	Boston, Mass	June 1, 1979	
6929	Chicago, Ill	June 1, 1979	
6930	Dallas, Tex	June 1, 1979	
6931	Los Angeles, Calif	June 1, 1979	
6932	Philadelphia, Pa	June 1, 1979	
6933	New York, N.Y	June 1, 1979	
6936	Weissport, Pa	June 1, 1979	
6937	Richland, S.C	Jan. 22, 1979	Feb. 1, 1980
6938	Travelers Rest, S.C	June 1, 1979	
6939	Oley, Pa	Jan. 22, 1979	Mar. 1, 1980
6940	Ephrata, Pa. (I)	Sept. 8, 1979	Mar. 1, 1980
6942	Forest City, PA	Nov. 1, 1979	
6943	Hazelton, West Hazelton, Pa	Sept. 1, 1979	Mar. 1, 1980
6944	West Hazelton, Pa	April 1, 1979	

Signed at Washington, D.C. this 4th day of April 1980.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 80-10998 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7387]

U & I, Inc.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 17, 1980 in response to a worker petition received on February 19, 1980 which as filed by the American Federation of Grain Millers on behalf of workers and former workers producing sugar at U & I, Incorporated, Garland, Utah.

All other workers at the Garland refinery were previously certified eligible to apply for adjustment assistance benefits (TA-W-2080). The impact date was May 6, 1976. The certification expired on October 31, 1979. The Garland refinery was closed permanently in January 1979.

Since all workers were covered by the previous certification a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 7th day of April 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-10989 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6848]

Washburn Wire Co.; Determinations 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 January 24, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the Washburn Wire Company, E. Providence, Rhode Island. Workers at the plant produce carbon and alloy steel wire and rods. In the following determinations, without regard to whether any of the other criteria have been met for workers producing carbon and alloy steel wire, and carbon steel rods, 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 absolute decline in sales or production.

Sales and production of carbon and alloy steel wire increased in 1979 compared to 1978.

U.S. imports of alloy steel wire declined both absolutely and relative to domestic shipments in 1979 compared to 1978.

U.S. imports of carbon steel wire rods declined both absolutely and relative to domestic shipments in 1978 compared to 1977, and again in 1979 compared to 1978.

For workers producing alloy steel rods all of the criteria have been met.

U.S. import of alloy steel wire rods increased absolutely in 1979 compared to 1978.

A Department of Labor survey revealed that customers with decreased purchases from the Washburn Wire Company and increased purchases of imported alloy steel rods represented a significant proportion of the firm's decline in the sale of alloy steel rods in 1979 compared 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 the alloy steel rods produced at the Washburn Wire 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 engaged in employment related to the production of alloy steel rods at the Washburn Wire Company, E. Providence, Rhode Island who became totally or partially separated from employment on or after April 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of March 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-10995 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a)

of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 21, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 21, 1980.

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 7th day of April 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
General Motors Corp. Saginaw Steering Gear Division (workers)	Athens, Ala.	3/24/80	3/21/80	TA-W-7,544	Steering components for automobiles.
American Nail Corp.	Earth City, Mo.	3/24/80	3/13/80	TA-W-7,545	Machine quality threaded pallet nails.
General Electric Co., Engineered Cast Products Department (United Electrical, Radio & Machine Workers of America)	Elmira, N.Y.	3/24/80	3/21/80	TA-W-7,546	Cylinder jackets for locomotive also stationary parts for steam and gas turbines.
A. O. Smith Corp. (workers)	Milwaukee, Wis.	3/24/80	3/20/80	TA-W-7,547	"A" Frame used by General Motors.
Anderson Shake & Shingle, Inc. (workers)	Cathlamet, Wash.	3/24/80	3/19/80	TA-W-7,548	Shakes and shingles.
Hayes Packing Corp. (workers)	Binghamton, N.Y.	3/24/80	3/19/80	TA-W-7,549	Beef and table cuts.
American Nu-Color, Inc. (company)	Manville, N.J.	3/24/80	3/12/80	TA-W-7,550	Pigment dispersions for the PVC plastic industry.
Universal Clothes, Inc. (company)	New York, N.Y.	3/24/80	3/14/80	TA-W-7,551	Men's sport jackets and suits.
Sherwood Sportswear (workers)	Boston, Mass.	3/24/80	3/13/80	TA-W-7,552	Ladies' shirts and sportswear.
Basic Items, Inc. (ACTWU)	Alliance, Ohio	3/24/80	3/17/80	TA-W-7,553	Ladies' coats and jackets.
Interstate Manufacturing Corp., Inc. (UAW)	Romeo, Mich.	3/24/80	3/17/80	TA-W-7,554	Plastic auto trim and moldings.
AMF, Harley Davidson Motor, Inc. (workers)	Milwaukee, Wis.	3/24/80	3/16/80	TA-W-7,555	Harley Davidson golf cars and motorcycles.
Textron, Inc., Randall Burkart Division (United Brotherhood of Carpenters & Joiners of America)	Wilmington, Ohio	3/24/80	3/11/80	TA-W-7,556	Component parts for the automotive industry.
RCA—Solid State Division (workers)	Somerville, N.J.	3/6/80	2/29/80	TA-W-7,557	Solid state devices.
Craig Byron Co. (workers)	Fall River, Mass.	3/10/80	3/7/80	TA-W-7,558	Ladies' clothing.
Allen Knitting Mills, Standard Textiles Division (workers)	New York, N.Y.	3/21/80	3/11/80	TA-W-7,559	Knit fabrics.
IPM Development Engineering Group (AIWA)	St. Joe, Mich.	3/21/80	3/9/80	TA-W-7,560	BIC turntables.
Cornier Corp. (workers)	Franklin, N.H.	3/13/80	3/10/80	TA-W-7,561	Terry cloth slippers, cut and sew for running suits, shorts etc. also sales.
Central Dye (workers)	Laconia, N.H.	3/13/80	3/10/80	TA-W-7,562	Dye operations.
White Mt. Industries (workers)	Campton, N.H.	3/13/80	3/10/80	TA-W-7,563	Cut and sew operations.
Woodsville Industries (workers)	N. Haverhill, N.H.	3/13/80	3/10/80	TA-W-7,564	Cut and sew operations.
Cornier Construction Co. (workers)	Franklin, N.H.	3/13/80	3/10/80	TA-W-7,565	Erect steel buildings.
Cornier Hosiery Mills, Inc. (workers)	Laconia, N.H.	3/13/80	3/10/80	TA-W-7,566	Hosiery and knit fabrics.
Cloverdale Sports Company, Inc. (ILGWU)	Elmont, N.Y.	3/5/80	3/3/80	TA-W-7,567	Pants, skirts and blouses.
Budd Co. (UAW)	Philadelphia, Pa.	3/20/80	3/18/80	TA-W-7,568	Metal Stampings for trucks and vans.
Hamil Manufacturing Co. (UAW)	Romeo, Mich.	3/24/80	3/17/80	TA-W-7,569	Seat belts and other automotive components.
Hamil Manufacturing Co. (UAW)	Imlay, Mich.	3/24/80	3/17/80	TA-W-7,570	Seat belts and other automotive components.
Hamil Manufacturing Co. (UAW)	Udly, Mich.	3/24/80	3/17/80	TA-W-7,571	Seat belts and other automotive components.
Hamil Manufacturing Co. (UAW)	Bad Axe, Mich.	3/24/80	3/17/80	TA-W-7,572	Seat belts and other automotive components.
National Manufacturing Corp.	Washington, Mich.	3/24/80	3/17/80	TA-W-7,573	Seat belts and other automotive components.
Clinch Valley Coal Corp. No. 2 (workers)	Tonawanda, N.Y.	3/21/80	3/5/80	TA-W-7,574	Paints, caulking compounds, coatings for autos.
Wollman Industries, Inc. (United Textile Workers of America)	North Tazewell, Va.	2/26/80	3/24/80	TA-W-7,575	Metallurgical coal.
New Process Gear Corp. (workers)	Hazleton, Pa.	3/21/80	3/10/80	TA-W-7,576	Woven fabrics.
	E. Syracuse, N.Y.	3/26/80	3/21/80	TA-W-7,577	Gearing for manual transmission of Chrysler automobiles.

[FR Doc. 80-11000 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-28-M

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 80-18; Exemption Application No. D-1425]

Exemption From the Prohibitions for Certain Transactions Involving the Bradford Marine Inc., Profit-Sharing Plan Located in Fort Lauderdale, Fla.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the cash sale by the Bradford Marine Inc., Profit-Sharing Plan (the Plan) of its one-half interest in real property in Ocala, Florida and the cash sale by the Plan of its one-third beneficial interest in real property of the Samuel T. Decker Trust, to Mr. Charles R. Bickle, a party in interest to the Plan.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Newman 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) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 1, 1980 notice was published in the Federal Register (45 FR 7324) 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 Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by sections 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of sections 4975(c)(1) (A) through (E) of the Code, for the cash sale by the Plan of its one-half interest in real property of Ocala, Florida and the cash sale by the Plan of its one-third beneficial interest

in real property of the Samuel T. Decker Trust, to Mr. Charles R. Bickle, a party in interest to 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. The applicant has represented that he has complied with the requirements of the notification to interested persons as set forth in the Notice of Proposed Exemption. No public comments and no request for a

hearing were received by the Department.

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.

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 interests 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. Accordingly the restrictions of sections 406(a), 406(b)(1), and 406(b)(2) of the Act and the taxes imposed by sections 4975 (a) and (b) of the Code, by reason of sections 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale of the Plan's one-half undivided interest in a 56.67 acre tract in Ocala, Marion County, Florida, for \$70,000 and the cash sale of the Plan's undivided one-third beneficial interest in the Samuel T. Decker Trust for \$74,719, to Charles R. Bickle, provided that the sales prices are not less than the fair market value of the property interests at the time of the sales.

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 3rd day of April 1980.

Ian D. Lanoff,

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

[FR Doc. 80-10753 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-19; Exemption Application No. D-1688]

Exemption From the Prohibitions for Certain Transactions Involving Equitable Life Assurance Society of the United States and RREEF USA Fund I Located in Los Angeles, Calif.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would permit the sale of a building (the Building) and adjacent property by the Equitable Life Assurance Society of the United States (Equitable) to RREEF USA Fund I (the Fund) and subsequent to the sale, the lease of space in the Building by the Fund to Equitable. The relationship of Equitable and the Fund is that Equitable is a fiduciary or otherwise a party in interest with respect to several employee benefit plans (the Plans) that have invested in the Fund. However, Equitable has no fiduciary authority with regard to Plan assets that are invested in the Fund.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Sandler 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) 523-8883. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 12, 1980, notice was published in the *Federal Register* (45 FR 9412) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 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 the above described transactions. 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. The applicants represent that they have fully complied with the notice provisions set out in the proposed exemption. No public comments and no requests for a hearing were received by the Department.

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.

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 interests of the Plans and their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly, the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the taxes imposed by section 4975(c)(1)(A) through (E) of the Code shall not apply to the sale of the Building and adjacent property by Equitable to the Fund on January 3, 1980, and the lease of a portion of the Building by the Fund to Equitable, which commenced on January 3, 1980.

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 4th day of April, 1980.

Ian D. Lanoff,

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

[FR Doc. 80-10754 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-21; Exemption Application No. D-1253]

Exemption From the Prohibitions for a Certain Transaction Involving the Edward L. Hollenberg, M.D. Family Practice, Inc. Employees' Money Purchase Plan and Trust Located in Pulaski County, Ind.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the assignment of a land contract by STEBENED FARMS (the Partnership), a partnership in which the Edward L. Hollenberg, M.D. Family Practice, Inc. Employees' Money Purchase Plan and Trust (the Plan) holds the majority interest, to Dr. Edward L. Hollenberg, M.D., a party in interest.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton 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) 523-7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 15, 1980 notice was published in the Federal Register (45 FR 2917) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406(b)(1) and (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 Dr. Edward L. Hollenberg, a party in interest with respect to 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. The applicant has represented that he has complied with the notice requirements contained in the proposed exemption. No public comments and no requests for a hearing were received by the Department.

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.

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 interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact 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 interests 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.

Accordingly, the restrictions of section 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 to the assignment of a land contract by the Partnership, in which the Plan holds the majority interest, to Dr. Edward L. Hollenberg, a party in interest, for \$100,000, provided that this amount is not less than fair market value at the date of the sale.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this exemption.

Signed at Washington, D.C., this 4th day of April, 1980.

Ian D. Lanoff,

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

[FR Doc. 80-10756 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-20; Exemption Application No. D-444]

Exemption From the Prohibitions for Certain Transactions Involving the Herman Frankel Co., Retirement Profit Sharing Plan and Trust and Administrative Services, Inc., Retirement Profit Sharing Plan and Trust Located in Orchard Lake, Mich.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption retroactively permits the sale of respective undivided interests in a parcel of unimproved real estate by the Herman Frankel Company Retirement Profit Sharing Plan and Trust and the Administrative Services Inc. Retirement Profit Sharing Plan and Trust (collectively referred to as the Plans) to Suburban Communities Inc., a party in interest with respect to the Plans.

FOR FURTHER INFORMATION CONTACT: Mr. Paul R. Antsen 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) 523-6915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 1, 1980 notice was published in the *Federal Register* (45 FR 7327) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 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 the sale of respective undivided interests in a parcel of unimproved real estate owned by the Plans to Suburban Communities Inc., a party in interest with respect to the Plans. 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. The applicant has represented that he has complied with the requirements of notification to interested persons as set forth in the notice of pendency. 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.

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 interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly, effective June 25, 1976 the restrictions of section 406(a), 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 cash sale by the Plans for \$40,640 per Plan of their respective undivided interests in a parcel of unimproved real estate to Suburban Communities Inc., provided that the sales price was not less than the fair market value of the Plans' respective undivided interests on the date of 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 4th day of April 1980.

Ian D. Lanoff,

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

[FR Doc. 80-10755 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-22; Exemption Application No. D-1511]

Exemption From the Prohibitions for Certain Transactions Involving the Quabaug Rubber Co. Retirement Plan Located in North Brookfield, Mass.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would permit a loan of \$750,000 by the Quabaug Rubber Company Retirement Plan (the Plan) to the Quabaug Rubber Company (the Employer), the sponsor of the Plan.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Small 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) 523-7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On

February 12, 1980 notice was published in the *Federal Register* (45 FR 9407) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(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 certain loan of money by the Plan to the Employer. 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. The applicant

has represented that a copy of the notice has been provided to all persons to comply with the requirements of notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

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.

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 operate for the requirement of section 401(a) of the Code that a plan must exclusion 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 interests 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.

Accordingly, the restrictions of section 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 reasons of 4975(c)(1) (A) through (E) of the Code shall not apply to the loan of \$750,000 by the Plan to the Employer for a period of five years with an interest rate of the greater of 1% over the prime rate or 12% provided that at the time of the loan the Employer's office building on Ward Street in North Brookfield, Massachusetts which is to be used for collateral for the loan is completed and ready for occupancy.

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 4th day of April 1980.

Ian D. Lanoff,

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

[FR Doc. 80-10757 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-23; Exemption Application No. D-1480]

Exemption From the Prohibitions for Certain Transactions Involving the International Union of Operating Engineers Local No. 37 Pension Fund and the International Union of Operating Engineers Local No. 37 Health and Welfare Fund Located in Baltimore, Md.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption enables the International Union of Operating Engineers Local #37 Pension Fund and the International Union of Operating Engineers Local #37 Health and Welfare Fund (the Plans) to sell, for cash, personal property to Decision-Science, Inc., a party in interest.

FOR FURTHER INFORMATION CONTACT: Hazel Witte 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) 523-8882. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 12, 1980 notice was published in the *Federal Register* (45 FR 9406) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) 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 (D) of the Code, for a transaction described in an application filed on behalf of the Plans. 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. No public comments were received by the Department.

The applicant has represented that notice to interested persons has been given as set forth in the Notice of Proposed Exemption. 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.

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) of the Act and section 4975(c)(1)(E) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

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 interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly, the restrictions of section 406(a) 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 (D) of the Code, shall not apply to the cash sale by the Plans of office furniture and fixtures and a Varian V77-420 computer system to Decision-Science, Inc. for \$86,958.98, provided that this amount is not less than the fair market value at the time of the sale.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C. this 4th day of April, 1980.

Ian D. Lanoff,

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

[FR Doc. 80-10758 filed 4-10-80; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1398]

Proposed Exemption for Certain Transactions Involving the Stokely-Van Camp, Inc. Revised Profit-Sharing Plan for Salaried Employees Located in Indianapolis, Ind.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the International Revenue Code of 1954 (the Code). The proposed exemption would exempt the disposition of certain real property owned by the Stokely-Van Camp, Inc. Revised Profit Sharing Plan for Salaried Employees (the Plan) in accordance with an Agreement executed by the First National Bank of Chicago as trustee (the Trustee) of the Plan and Stokely-Van Camp, Inc. (the Company). The proposed exemption, if granted, would affect participants and beneficiaries of the Plan, the Trustee, the Company and other persons participating in the transactions.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before June 6, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to 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, Attention: Application No. D-1398. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ivan Strasfeld, of the Department of Labor, telephone (202) 523-8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a) and 406(b) (1) and (2) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Trustee and the Company, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). 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. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. In May, 1967, the Company redeemed 97,185 shares of Stokely-Van Camp, Inc. common stock with a fair market value, based on New York Stock Exchange quotations at the time of the redemption, of \$2,296,000 from the Plan. The Company accomplished this redemption by delivering a deed to six non-adjacent farms (the Rochelle farms) to the Plan. The Rochelle farms located in Lee and Ogle Counties, Illinois total approximately 3,023 acres and were valued at \$2,296,000 in May 1967 by an independent real estate appraisal.

2. Following conveyance of the Rochelle farms to the Plan, the Company leased them back from the Plan under an agreement entitled Indenture of Lease (Indenture) for an initial term of ten years, with options to the Company to renew the agreement for four consecutive five-year terms. Under the Indenture, the Company was required to pay the Plan \$137,760 annually, which was computed at 6 percent of the 1967 value of the Rochelle farms.

The Company was required to pay all taxes, insurance and other costs relating to the Rochelle farms. The Plan, under the Indenture, has a "put" option to compel the Company to purchase the Rochelle farms for \$2,296,000 at the termination of the Indenture or if the Company is in default under the terms of the Indenture. In addition, the Company has a "call" option to

purchase the Rochelle farms for \$2,296,000 on May 31, 1985. The Company exercised its option to extend the Indenture for an additional five-year term beginning June 1, 1977, at a rental of \$183,680 annually, which reflects an 8 percent return on \$2,296,000.

3. The Company believes that the presence of the cross-options and an annual rental set at a percentage of the aggregate value of the redeemed stock demonstrates that the Indenture is, in fact, a financing device which represents an extension of credit for the redemption price (\$2,296,000), secured by legal title to the Rochelle farms. Thus, the exercise of the call option by the Company would constitute the repayment of a fixed debt with an attendant return of security within the meaning of the transitional rules contained in section 414(c)(1) and 2003(c)(2)(A) of the Act. The First National Bank of Chicago, as Trustee of the Plan, has not acceded to the Company's position in view of sections 414(c)(3) and 2003(c)(2)(C) of the Act which require that a lessee pay fair market value for property subject to a lease in effect on July 1, 1974.

4. Both the Company and the Trustee desire to resolve their differences as promptly as possible on a basis equitable to plan participants and fair to Company stockholders. Following negotiations between the Company and the Trustee, the parties executed an Agreement on April 1, 1979 providing for the disposition of the Rochelle farms and the allocation of the cash sales proceeds, subject to obtaining an administrative exemption from the Department of Labor.

5. Pursuant to the Agreement, the Trustee was to sell, and the Company was to relinquish its interest in, the Rochelle farms to one or more third-party purchasers. In order to take advantage of favorable market conditions, the vast majority of the Rochelle farms were sold at public auction on July 27, and 28, 1979. Closings for the sales occurred on September 25, 26, and 27, 1979. The gross sales price obtained from the auction was \$8,691,701.10. The unsold property represents less than 10 percent of the total area of the Rochelle farms.

6. Since the Company could have renewed its right to occupy the Rochelle farms under the Indenture until June 30, 1984 (the expiration of the transition rules contained in section 414(c)(2) and 2003(c)(2)(B) of the Act), the reversion of the property to the Plan under the Indenture probably would not have occurred before that date. Thus, the applicants have agreed that the present value of the Plan's interest in Rochelle

farms is the present discounted value of the Rochelle farms on June 30, 1984 without regard to any further rights accorded to the Company under the Indenture. Although not directly determinable at present, that value may be approximated by treating the present fair market value of the Rochelle farms as the 1984 value and adding the present value of future fair market rental payments. Consequently, the Trustee and Company have provided in the Agreement that the value of the Plan's interest in the Rochelle farms consists of the sum of the net proceeds from the sale of the Rochelle farms discounted back from June 30, 1984 to the dates of sale free of the encumbrance contained in the Indenture plus the present value of the future rental payments under the Indenture through June 30, 1984. The excess, if any, of the net sales proceeds will be paid to the Company in recognition of the call option which it had under the terms of the Indenture. Thus, after the \$8,691,701.10 gross sales price is reduced for expenses related to the sale, the Company will receive \$2,037,923.81 under the Agreement and the Plan will receive \$6,311,992.92. These amounts will be adjusted upward as the remainder of the Rochelle farms are sold. The Trustee has received \$2,296,000 from the sales since, under either the Trustee's or Company's interpretation of the Indenture, the Plan is entitled to receive at least \$2,296,000. The remainder of the net proceeds will be placed in escrow to preserve the rights of the Plan and the Company pending the outcome of the exemption proceedings. Although the Company continues to believe that it is involved with the Plan in an arm's-length financing transaction, and not a lease, it has agreed to pay increased monthly payments retroactive to June 1, 1977, pursuant to advice given by Doane Appraisal Service, a division of Doane Agricultural Service, Inc. The Company has paid the excess of the increased monthly payments over the amounts actually paid for the period beginning June 1, 1977 into escrow.

7. The Trustee and the Company believe that a disposition of the Rochelle farms and the allocation of its proceeds in accordance with the Agreement will avoid the expense, delay and uncertainty involved in reaching a binding judicial determination on the complex factual, statutory and constitutional issues presented by the Indenture. Moreover, the Trustee feels that more liquid and higher-yielding investment alternatives are available if the Plan's interest can be liquidated. The sale of the Plan's interest to a third party

by the Trustee at the present time would have subjected the third party to the Company's call option on May 31, 1985, thus depressing the potential sales price obtainable.

8. Under the agreement, the Company will retain the use of three shop and labor camp areas, aggregating approximately 9 acres, located on two of the Rochelle farms, for one year renewable periods not to extend beyond December 31, 1982. The farms on which these shop and labor camp areas are located have been sold subject to the requirement that the purchaser(s) lease such areas to the Company at a fair market rental.

9. In summary, the applicants represent that the statutory criteria contained in section 408(a) of the Act have been satisfied as follows: (1) The Trustee of the Plan represents that the Agreement liquidating the Plan's interest in the Rochelle farms is in the best interests of the Plan and its participants and beneficiaries; (2) The disposition of the Rochelle farms in accordance with the Agreement will avoid the expense, delay and uncertainty involved in reaching a judicial determination on the complex issues presented by the Indenture; and (3) It will allow the Plan to invest the proceeds in more liquid and higher-yielding investments.

Notice to Interested Persons

A copy of this notice of the proposed exemption will be inserted in the pay envelope of every participant employed by the Company. Persons who are currently receiving benefits or who have terminated their employment with the Company will be sent a copy of the notice by first class mail at the address last known to the Company. The notification of interested persons will be made within 25 days after the date of publication in the **Federal Register**.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his 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 it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and if its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a) and 406(b) (1) and (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 disposition of the Rochelle farms and the division of the sales proceeds in accordance with the Agreement executed on April 1, 1979 by the Trustee and Company as described above.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 3rd day of April, 1980.

Ian D. Lanoff,

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

[FR Doc. 80-10751 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D-1634 and 1635]

Proposed Exemption for Certain Transactions Involving the Yakima Orthopedic Clinic, Inc. P.S. Money Purchase Pension Plan and Trust and the Yakima Orthopedic Clinic, Inc. P.S. Profit-Sharing Plan and Trust Located in Yakima, Wash.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of a parcel of real estate and the improvements thereon by the Yakima Orthopedic Clinic, Inc. P.S. Money Purchase Pension Plan and Trust and the Yakima Orthopedic Clinic, Inc. P.S. Profit Sharing Plan and Trust (collectively referred to as the Plans) to Dr. Jack C. Irwin, a party in interest with respect to the Plans. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plans, Dr. Jack C. Irwin and other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before May 28, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to 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, Attention: Application Nos.

D-1634/1635. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT:

Paul R. Antsen of the Department of Labor, telephone (202) 523-6915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by Drs. Jack C. Irwin and James J. Haven, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 13471, April 28, 1975), 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. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Plans, a profit sharing and a money purchase plan, are both individual account plans that permit each participant the right to designate the manner of investment of funds contributed for his account. The real estate which is the subject of the exemption request is in the accounts of Dr. Irwin and currently represents 35% of the assets of those accounts. On October 31, 1979, there were seven participants in each of the Plans with Drs. Irwin and Haven serving as trustees and administrators of the Plans.

2. In December of 1973 Dr. Irwin directed his individual account in both Plans to acquire approximately 20.2 acres of residential farmland for \$55,000 with a cash down payment of \$15,900 and the balance in the form of a real estate contract. The property was acquired from Mr. Curtis Chase, a party represented to be unrelated to Dr. Irwin,

the Plans or the Yakima Orthopedic Clinic, Inc. P.S. As of February 1, 1980 the outstanding balance owed on the real estate was \$18,590.

3. The real estate in question is residential farmland supporting subsistence agricultural activities that returns annual income of less than \$2,000 or approximately two percent of the acquisition cost. The administrative expenses of maintaining the property have recently exceeded the income from such property by \$150 per year.

4. The farmhouse on the property was in need of substantial renovation and remodeling in order to provide any rental income. During the winter months it had been necessary to lease the property rent-free for purposes of protecting the property against vandalism.

5. Dr. Irwin's accounts in the respective Plans have expended approximately \$30,000 for substantial renovation and structural improvements to maintain and protect the home from permanent damage. The expenditures were made at this time because they were essential in order to preserve the value of the asset which would have become unreclaimable had renovation not been undertaken. This expense has been taken into consideration by the independent real estate appraiser, Mr. Ralph D. Wohlers, who has placed the current fair market value of the property and its improvements at \$88,000.

6. It is represented that Dr. Irwin as an individual, partner, or shareholder in a corporate entity does not own, directly or indirectly, any interest in property adjacent to the subject real estate.

7. A sale by the Plans would afford them the opportunity for a higher rate of return on current assets in light of the investment opportunities available in today's market.

8. There is no current expectation of future appreciation of the property and in light of its geographic location and possible national energy conservation measures, there is concern that the value of the property may even decline. Therefore, the Plans propose to sell the real estate and improvements thereon to Dr. Irwin for \$88,000 cash, the appraised value of the property. The Plans would not incur any expense for real estate commissions in connection with the sale.

9. In summary, the applicants represent that the proposed sale meets the criteria of section 408(a) of the Act because: (1) it will be a one time transaction for cash; (2) it would allow the Plans to divest themselves of improved real estate that is relatively illiquid, that represents a substantial

percentage of the assets in the separate accounts of Dr. Irwin and the maintenance of which has recently resulted in small operating losses to those accounts; (3) it will allow the Plans to sell the property for a profit at a price determined by an independent appraisal; (4) the Plans will not be required to pay any real estate commissions with respect to the sale; and (5) the trustees have represented that the proposed sale is in the best interests of the Plans.

Notice to Interested Persons

Within ten working days of publication of the proposed exemption in the *Federal Register*, all present participants in the Plans will receive by personal delivery or first class mail a written summary and description of the transaction, a copy of the notice of pendency and a written statement informing them of their right to comment on the proposed exemption, and their right to request that a hearing be held.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his 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 it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and

not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 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 proposed cash sale of a parcel of real estate and the improvements thereon by the Plans for \$88,000 to Dr. Jack C. Irwin, provided that the sales price is not less than the fair market value of the real estate at the time of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 3rd day of April, 1980.

Ian D. Lanoff,

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

[FR Doc. 80-10752 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-29-M

Office of Pension and Welfare Benefit Programs

Proposed Class Exemption To Permit Certain Loans of Securities by Employee Benefit Plans

AGENCY: Department of Labor.

ACTION: Notice of proposed class exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed class exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed class exemption, if granted, will exempt the lending of securities by employee benefit plans to certain banks and broker-dealers, if the conditions of the proposed exemption are met. If granted, the proposed exemption would affect participants and beneficiaries of employee benefit plans, persons who manage the assets of such plans, and parties in interest who engage in securities lending transactions with such plans.

DATES: Written comments must be received by the Department on or before June 11, 1980.

ADDRESSES: All written comments (preferably three copies) should be addressed to 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, Attention: "Securities Lending".

The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jane Kanter, Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, (202) 523-9146. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of a proposed class exemption from the restrictions of section 406(a)(1) (A) through (D) 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 (D) of the Code.

Four applications have been filed requesting individual exemptions concerning the lending of securities by employee benefit plans. These

applications were filed by Grumman Corporation Pension Trust (D-762), Morgan Guaranty Trust Company (D-1102), Salomon Brothers (D-1108), and Fischer, Francis, Trees & Watts, Inc. (D-1130). In addition, the American Bankers' Association (the ABA) filed an application requesting a class exemption covering the lending of securities by employee benefit plans (D-1323). These applications were filed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

As stated in the above procedure, an application for an individual exemption will not ordinarily be considered separately if a class exemption which may encompass the transaction described in the application is under consideration by the Department. Accordingly, the Department is, with one exception, notifying each applicant for an individual exemption of the fact that its application is not being considered separately from the proposed class exemption, and that its comments with respect to the proposed class exemption are sought by the Department.¹

Section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978), effective December 31, 1978, transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, although the applications for individual exemptions were filed with both the Department and the Internal Revenue Service, this notice is issued solely by the Department.

Summary of Facts and Representations

The applications contain facts and representations with regard to the proposed exemption, which are summarized below. Interested persons are referred to the applications on file with the Department for the complete representations of the applicants.

According to the applicants, institutional investors, other than employee benefit plans, currently lend securities which they hold in their portfolios to broker-dealers.² This practice apparently has developed in

¹ The Department has granted a temporary individual exemption to permit the lending of securities to broker-dealers and banks by the Grumman Corporation Pension Trust (44 FR 31750, June 1, 1979). Under the terms of that exemption, it will terminate upon the final disposition of this class exemption.

² The Grumman Corporation Pension Trust represents that it wishes to lend securities to certain banks that are dealers in United States Government and Agency securities, as well as to broker-dealers.

response to the needs of broker-dealers to borrow securities in order to consummate transactions requiring physical delivery of securities.

Although there has been an increase in recent years in the number of securities transactions that do not involve the transfer of a certificate, physical delivery of certificates is still the principal means of consummating securities transactions, particularly in the case of corporate bonds.

Ordinarily, when corporate stocks and bonds are sold through a broker-dealer, the seller's broker-dealer must deliver certificates for the security within five business days after the trade date. If the seller's broker-dealer fails to receive the certificates from its customer and cannot obtain such certificates from another source, it will be unable to complete the transaction. It is not uncommon for the seller or its broker to be unable to deliver the needed certificates within the five-day period.

In order to complete a securities transaction, a broker-dealer may have to borrow funds from a bank or to liquidate other investments in order to purchase and carry securities needed for delivery. The borrowing of securities certificates on a temporary basis has been advantageous to broker-dealers for several reasons. It has enabled broker-dealers to reduce failures to deliver. In addition, the immediate availability of certificates through borrowing accelerates completion of transactions which improves the cash flow of broker-dealers. Moreover, broker-dealers have been able to reduce their borrowing costs because the cost of borrowing certificates is less than that of bank borrowing. For these reasons, there has been significant demand by broker-dealers to borrow securities certificates.³

Two applicants represent that by lending certificates that are already held in their portfolios, investors can augment the return on those investments without additional capital outlay, without sacrificing the investment income that would otherwise be earned, and without altering the composition of their portfolios.⁴

³Salomon Brothers represents that the volume of securities borrowing by broker-dealers has increased substantially over the last several years. At the end of 1974, New York Stock Exchange member firms had outstanding securities borrowings of approximately \$800 million; this total rose to approximately \$1.5 billion by the end of the first quarter of 1976 and to almost \$2 billion by the second quarter of 1977.

⁴For example, at the time Morgan Guaranty Trust Company submitted its application, it anticipated the possibility of an annual return between .03% and .05% on the principal of the total holdings of loanable securities in the employee benefit plans it manages.

The basic elements of a securities lending transaction are as follows. The loans generally are fully collateralized by cash, bank letters of credit, or liquid securities such as United States Government obligations. The collateral is adjusted, or "marked to market," during the term of the loan in order to maintain full collateralization in the event the market value of the loaned securities or collateral changes. The lender receives compensation in the form of a loan premium. This loan premium may be in the nature of interest that is based on the value of the loaned securities and the duration of the loan, or it may be derived through the use by the lender of cash collateral for short-term investments. A lender also receives payments equal to all dividends, interest, or other distributions made on the loaned securities during the term of the loan. While a lender may terminate a loan at any time by giving notice to the borrower, a loan is ordinarily terminated when the borrower obtains certificates for the securities borrowed and conveys them to the lender. Most securities loans to broker-dealers are outstanding for only a brief period of time, averaging approximately one month. In the event of default, the borrower remains liable for any expenses due to default that are not covered by the collateral.

Salomon Brothers states that the lending of securities certificates is encouraged by the U.S. Securities and Exchange Commission as a means of improving the processing of securities transactions and reducing the number of incompleting transactions.⁵

The applicants argue that the requested exemptions are in the interest of the plans and their participants and beneficiaries, in that they would allow the plans to generate additional income with no additional capital outlay and no change in the composition of their portfolios. They argue that securities lending would not affect a fiduciary's basic investment decisions to buy, sell,

⁵This applicant also asserts that securities lending has been recognized by other authorities. For example, the Office of the Comptroller of the Currency has permitted the lending of securities by a national bank on behalf of agency accounts and trusts under certain conditions. (See letter to First City National Bank of Houston, dated June 27, 1978). In addition, the Internal Revenue Service has determined that the lending of securities by tax exempt organizations constitutes an ordinary or routine investment activity and, therefore, income earned by such lending is not subject to tax under section 511 of the Code as unrelated business taxable income (Revenue ruling 78-88, I.R.B. 1978-10, p. 12). Further, the Board of Governors of the Federal Reserve System permits broker-dealers to borrow securities for the purpose of making deliveries, without regard to the margin limitations otherwise imposed by Regulation T (12 CFR 220.6(h)).

or hold securities because the demand for loans of any particular security is unpredictable and the relatively modest rate of return on securities lending would not act as an economic disincentive in the event that a sale was otherwise desirable in light of market conditions. Accordingly, the lending of securities should not have any effect on the composition of a plan's securities portfolio.

The applicants argue further that the requested exemptions are protective of the rights of plan participants and beneficiaries in that (1) the loans would be fully collateralized during their entire term with cash or U.S. Government securities, (2) the plans could terminate the loans on short notice, and (3) the borrowers would remain liable for any expenses due to default not covered by the collateral.

Discussion of Proposed Exemption

The proposed exemption would apply to the lending of securities from a plan to a broker-dealer or bank if neither the borrower (broker-dealer or bank) nor an affiliate of the borrower is a fiduciary with respect to the plan assets being loaned.⁶

One condition of the proposed class exemption is that, at the time the securities are delivered to the borrower, the plan must receive collateral that consists of cash or securities issued or guaranteed by the U.S. Government or its agencies, or any combination thereof, equal to not less than 102 percent of the market value of the borrowed securities.⁷ The two percent margin must be maintained throughout the duration of the loan. The Department believes that a margin is appropriate in order to protect the interests of the participants and beneficiaries of a plan lending securities in a transaction covered by the proposed exemption. It appears to the Department that the proposed two percent margin should provide sufficient protections without unduly limiting the ability of plans to engage in securities lending transactions. The Department is aware that, under certain circumstances,

⁶For purposes of this class exemption the term "affiliate" of a person shall include: (i) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such person; (ii) Any officer, director, or partner, employee or relative (as defined in section 3(15) of the Act) of such person; and (iii) Any corporation or partnership of which such person is an officer, director or partner. For purposes of this definition the term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

⁷Sample securities lending agreements submitted by various applicants require collateral with a market value ranging from 100 to 102 percent of the market value of the borrowed securities.

financial institutions and institutional investors require margins in excess of two percent when lending securities. In this regard, the Department notes that the two percent margin required in the proposed exemption is a minimum requirement, and that in certain cases it may be appropriate for a plan fiduciary lending securities, in keeping with its fiduciary duties under section 404 of the Act, to require a margin in excess of two percent.

Another condition of the proposed exemption is that the securities must be used solely for purposes described in section 6(h) of Regulation T of the Federal Reserve Board (cited above).⁸ In addition, prior to each loan, the borrower must furnish the plan with the most recent statement of its financial condition and a representation by the borrower that there has been no material adverse change in its financial condition since the date of the statement.

The plan also must receive a reasonable fee that is related to the value of the borrowed securities and the duration of the loan. In addition, the loan must be made pursuant to a written loan agreement, the terms of which are at least as favorable to the plan as would be an arm's length transaction between the borrower and an unrelated party.

Another condition would require the borrower to furnish to the plan by the close of each business day during the term of the loan a report of the market value of all collateral and the market value of all borrowed securities at the close of trading on the previous business day. If the market value of the collateral at the close of trading on the previous business day was less than 102 percent of the market value of the borrowed securities at the close of trading on that day, the borrower would be required to deliver to the plan with the report an additional amount of cash or securities (as described above), the market value of which, together with the market value of all previously delivered collateral, equals at least 102 percent of the market value of all borrowed securities. While the Department believes that daily reporting would be an important protection for plan participants, it appears to the Department that requiring daily reports from the borrower to the lender concerning the market value of borrowed securities and collateral is a safeguard that may not be necessary in all securities lending arrangements. The

Department, therefore, invites comments concerning when, and under what circumstances, the interests of plan participants and beneficiaries would be protected if such reports were required on a less frequent basis, or were not required.⁹ For the purpose of this class exemption, a plan fiduciary who causes a plan to engage in a securities lending transaction covered by the exemption will not be deemed to have caused the plan to have engaged in a transaction prohibited by section 406(a)(1)(A) through (D) of the Act solely by reason of the borrower's failure to comply with a condition of the exemption. For example, if the borrower fails to deliver additional collateral when required by a condition of the exemption, the fiduciary would not be deemed to have violated section 406(a)(1) of the Act solely by virtue of such failure. Under these circumstances, however, the fiduciary may violate the requirements of section 404 of the Act if, among other things, the fiduciary does not act prudently to protect the interests of plan participants and beneficiaries.

Fee Arrangements

Although the draft exemption submitted by the ABA would permit a trustee or other fiduciary who manages the assets of a plan to receive reasonable compensation from the plan for the provision of securities lending services, neither the ABA nor any of the other applicants has requested relief from any specific prohibited transaction provision of the Act of Code for such arrangements.

The furnishing of services to a plan for a fee by a party in interest or disqualified person, including a trustee or other fiduciary, is prohibited by sections 406(a)(1)(C) of the Act and 4975(c)(1)(C) of the Code. Sections 408(b)(2) of the Act and 4975(d)(2) of the Code and the regulations promulgated thereunder¹⁰ provide exemptions from the restrictions of sections 406(a) of the Act and 4975(c)(1)(A) through (D) of the Code for the provision of services to a plan by a party in interest or disqualified person, if certain conditions are met.

However, certain arrangements for the provision of securities lending services may also involve violations of the prohibitions of sections 406(b)(1) of the Act and 4975(c)(1)(E) of the Code, which prohibit a fiduciary of a plan from dealing with the assets of the plan in his

own interest or for his own account.¹¹ It should be noted that it is the Department's view that the exemptions provided by sections 408(b)(2) of the Act and 4975(d)(2) of the Code do not provide relief from the prohibitions of sections 406(b)(1) of the Act or 4975(c)(1)(E) of the Code.¹² Nevertheless, section 408(b)(6) of the Act and 4975(d)(6) of the Code exempt from the restrictions of sections 406(a) and 406(b)(1) of the Act and 4975(c)(1)(A) through (E) of the Code the provision of ancillary services by a bank or similar financial institution to a plan for which it is a fiduciary, if certain conditions are met.¹³

It is the view of the Department, based on information contained in the above described submissions, that the provision of securities lending services to a plan by a bank or similar financial institution that exercises discretionary authority or control respecting management of the plan's assets which include securities, is an ancillary service within the meaning of sections 408(b)(6) of the Act and 4975(d)(6) of the Code.

A trustee or other fiduciary, therefore, may provide securities lending services to a plan for an additional fee if: (1) The transaction meets the requirements of sections 408(b)(2) of the Act and 4975(d)(2) of the Code and does not constitute a violation of sections 406(b) of the Act and 4975(c)(1)(E) or (F) of the Code, or (2) the fiduciary is a bank or similar financial institution, the

¹¹ For example, if a particular arrangement for the provision of securities lending services provides for the payment to a fiduciary of fees that are determined as a percentage per annum of the average daily value of the collateral held by or on behalf of the plan, and if the fiduciary controls the frequency and duration of the loans, the arrangement could give rise to violations of sections 406(b)(1) of the Act and 4975(c)(1)(E) of the Code. See ERISA Advisory Opinion 79-11A, dated February 23, 1979.

¹² See, 29 CFR 2550.408b-2(a) and (e) and 26 CFR 54.4975-6(a)(1) and (5). Thus, a fiduciary may not use the authority, control, or responsibility which makes such a person a fiduciary to cause a plan to pay an additional fee for the provision of a service to such fiduciary, or to a person in which the fiduciary has an interest. However, under certain circumstances, if one fiduciary is retained by a second fiduciary (who has no interest in the first fiduciary) to provide a service to the plan for an additional fee, the fiduciary providing the service has not engaged in an act described in sections 406(b)(1) of the Act and 4975(c)(1)(E) of the Code and the exemptions under sections 408(b)(2) of the Act and 4975(d)(2) of the Code are available if the conditions of those sections are met. In addition, if a fiduciary provides a service to a plan without the receipt of compensation or other consideration, other than reimbursement of direct expenses properly and actually incurred in the performance of the service, the provision of such service does not, in and of itself, constitute an act described in sections 406(b)(1) of the Act and 4975(c)(1)(E) of the Code.

¹³ See, 29 CFR 2550.408b-6 and 26 CFR 54.4975-6(c).

⁹ The conditions of the proposed class exemption are based on conditions contained in sample securities lending contracts submitted with several of the applications and on conditions suggested by various applicants.

¹⁰ 29 CFR 2550.408b-2 and 26 CFR 54.4975-6(a)

⁸ Under section 6(h) of Regulation T, borrowing is permitted for the purpose of making delivery of securities in the case of short sales, failure to receive securities requested for delivery, or other similar cases.

transaction meets the requirements of sections 408(b)(6) of the Act and 4975(d)(6) of the Code, and the transaction does not constitute a violation of sections 406(b)(3) of the Act or 4975(c)(1)(F) of the Code.¹⁴

Because none of the applicants requested relief from any specific prohibited transaction provision of the Act or Code for the provision of securities lending services to a plan by a trustee or other fiduciary for a fee, and because the Department has not been persuaded that any relief, beyond that provided by the statutory exemptions discussed above, is appropriate, no such relief is included in the proposed class exemption.

It should be noted, however, that the Department has made no determination as to whether any particular fee arrangement, or class thereof, including the example referred to in note 11, *supra*, satisfies the conditions of sections 408(b)(6) of the Act and 4975(d)(6) of the Code. Whether a fee arrangement satisfies the conditions of either of the statutory exemptions discussed above depends on the facts and circumstances surrounding that arrangement.¹⁵

Notice to Interested Persons

Because all plan participants and beneficiaries whose plans invest in securities could conceivably be considered interested persons, the Department has determined that the only practical form of notice is publication in the Federal Register.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does

¹⁴ Sections 408(b)(2) and 408(b)(6) of the Act and sections 4975(d)(2) and 4975(d)(6) of the Code provide exemptions only from certain prohibitions of sections 406 and 4975, respectively, and do not affect any other prohibitions, restrictions, or requirements to which a trustee or other fiduciary may be subject under the Act or any other law.

¹⁵ In that regard, it should also be noted that in order for a party in interest (disqualified person) to receive compensation from a plan for any other service in connection with the lending of a plan's securities, such as a finder's fee, the conditions of either of the statutory exemptions discussed above must be satisfied or an administrative exemption must be available. In addition, if the receipt of compensation by a fiduciary, directly or indirectly, from a third party in connection with the lending of a plan's securities, involves violations of sections 406(b)(3) of the Act and 4975(c)(1)(F) of the Code no relief is provided by those statutory exemptions.

not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before any exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan(s) and of participants and beneficiaries, and protective of the rights of the participants and beneficiaries of the plan(s);

(3) This exemption does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code;

(4) This exemption is supplemental to and not in derogation of any other provisions of the Act or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(5) If granted, the pending class exemption will be applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

Written Comments

All interested persons are invited to submit written comments on the proposed exemption to the address and within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the proposed exemption. Comments received will be available for public inspection with the applications for exemption at the address set forth above.

Proposed Exemption

On the basis of the facts and representations set forth in the applications, the Department proposes to grant the following class exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code; and in accordance with the procedures set forth in ERISA Procedure 75-1:

The restrictions of section 406(a)(1)(A) through (D) 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 (D) of the Code shall not apply to the lending of securities that are assets of an employee benefit plan to a broker-dealer registered under the Securities Exchange Act of 1934, or to a bank, if:

1. Neither the borrower nor an affiliate of the borrower is a fiduciary with respect to the plan assets being loaned;

2. Simultaneously with the delivery of the securities, the plan receives from the borrower collateral, consisting of cash or securities issued or guaranteed by the United States Government or its agencies, or any combination thereof, having, at such time, a market value equal to not less than 102 percent of the then market value of the securities loaned;

3. The borrowed securities are used solely for purposes described in section 6(h) of Regulation T of the Federal Reserve Board (12 CFR 220.6(h));

4. Prior to the loan the borrower furnishes the plan with the most recent statement of the borrower's financial condition and a representation by the borrower that there has been no material adverse change in its financial condition since the date of the statement furnished;

5. The loan is made pursuant to a written loan agreement, the terms of which are at least as favorable to the plan as an arm's length transaction between the borrower and an unrelated party would be;

6. The plan receives (i) a reasonable fee that is related to the value of the borrowed securities and the duration of the loan, and (ii) the equivalent of all distributions made to holders of the borrowed securities during the term of the loan, including, but not limited to, cash dividends, interest payments, shares of stock as a result of stock dividends or stock splits and rights to purchase additional securities;

7. The borrower furnishes to the plan by the close of each business day during the term of the loan a report of the market value of all collateral and the market value of all borrowed securities at the close of trading on the previous business day and, if the market value of the collateral at the close of trading on a business day is less than 102 percent of the market value of the borrowed securities at the close of trading on that day, the plan receives from the borrower with the report an additional amount of cash or securities (as described above), the market value of which, together with the market value of all previously

delivered collateral, equals at least 102 percent of the market value of all borrowed securities.

The loan agreement may provide that part of the collateral may be returned to the borrower if the market value of the collateral exceeds 102 percent of the market value of the borrowed securities, as long as the market value of the remaining collateral equals at least 102 percent of the market value of the borrowed securities;

8. The loan may be terminated by the plan at any time, whereupon the borrower shall deliver certificates for securities identical to the borrowed securities (or the equivalent thereof in the event of reorganization, recapitalization or merger of the issuer of the borrowed securities) to the plan within the customary delivery period for such securities, or five business days, whichever is lesser; and

9. In the event the loan is terminated, and the borrower fails to return the borrowed securities or the equivalent thereof within the customary delivery period for such securities or five business days, whichever is lesser: (i) The plan may, under the terms of the agreement, purchase securities identical to the borrowed securities (or their equivalent as described above) and may apply the collateral to the payment of the purchase price, any other obligations of the borrower under the agreement, and any expenses associated with the sale and/or purchase, and (ii) the borrower pays to the plan the amount of any remaining obligations and expenses not covered by the collateral plus interest at a reasonable rate.

If the borrower fails to comply with any condition of this exemption in the course of engaging in a securities lending transaction, the plan fiduciary who caused the plan to engage in such transaction shall not be deemed to have caused the plan to engage in a transaction prohibited by section 406(a)(1)(A) through (D) of the Act solely by reason of the borrower's failure to comply with the conditions of the exemption.

For purposes of this class exemption the term "affiliate" of a person shall include: (i) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such person; (ii) Any officer, director, or partner, employee or relative (as defined in section 3(15) of the Act) of such person; and (iii) Any corporation or partnership of which such person is an officer, director or partner. For purposes of this definition the term "control" means the power to exercise a controlling influence over the

management or policies of a person other than an individual.

Signed in Washington, D.C., this 8th day of April 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-11015 Filed 4-8-80; 4:45 pm]

BILLING CODE 4510-29-M

Wage and Hour Division

Certificates Authorizing the Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-52 Comp., p. 1004) and Administrative Order No. 1-76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers.

Corbin, Ltd., Huntington, WV; 01-22-80 to 01-21-81. (Men's pants)

Crane Mfg. Co., Marionville, MO; 01-08-80 to 01-07-81. (Men's and women's jeans)

Crystal Springs Shirt Corp., Crystal Springs, MS; 03-11-80 to 03-10-81. (Men's and boy's shirts)

Flushing Shirt Mfg. Co., Grantsville, MD; 01-18-80 to 01-17-81. (Men's shirts)

The following certificate was issued in Puerto Rico:

Amertex Enterprises, Ltd., San Lorenzo PR; 12-17-79 to 12-16-80; 50 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period

of 320 hours at the rate of \$2.74 an hour. (Men's coveralls)

Each learner certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before April 28, 1980.

Signed at Washington, D.C. this 4th day of April, 1980.

Arthur H. Korn,

Authorized Representative of the Administrator.

[FR Doc. 80-10987 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (80-27)]

NASA Advisory Council (NAC) Life Sciences Advisory Committee; Meeting

The NAC Life Sciences Advisory Committee (LSAC) will meet at the National Aeronautics and Space Administration Headquarters on May 5, 1980. The meeting will take place from 3:00 p.m. to 5:30 p.m. in Room 5026 of Federal Building 6, 400 Maryland Avenue SW, Washington, DC 20546. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including 11 Committee members and participants).

The Life Sciences Advisory Committee consults with and advises the Council and NASA on the accomplishments and plans of NASA's Life Sciences Programs. These programs bear on the health and well-being of all who travel aboard U.S. spacecraft. As such, they encompass the practice of space medicine, research into the effects of space flight on the human organism and research into systems by which life can be protected and supported in space. The programs also concern the possible use of space flight to enhance understanding of biological processes and they seek to understand how life originated on Earth and whether it occurs elsewhere. The Committee is chaired by Dr. Richard Wurtman. Following is the approved agenda for the meeting:

Agenda

May 5, 1980

- 3:00 p.m. Introductory Remarks
 3:15 p.m. Review of Life Sciences Program
 4:00 p.m. Review of Procedures
 Identification of New Research
 Peer Review Procedures
 Determination of Intramural/Extramural
 Balance
 5:00 p.m. Flight Experiment Planning
 5:30 p.m. Adjourn

For further information please contact Dr. Paul Rambaut, Executive Secretary of the Committee, Code SBR-3, National Aeronautics and Space Administration, Washington, DC 20546, telephone (202) 755-3723.

Russell Ritchie

Deputy Associate Administrator for External Relations.

April 7, 1980.

[FR Doc. 80-10926 Filed 4-10-80; 8:45 am]

BILLING CODE 7510-01-M

**NATIONAL COMMISSION ON
 UNEMPLOYMENT COMPENSATION**
Notice of Meeting

The Twenty-Fourth meeting of the National Commission on Unemployment Compensation is scheduled to be held in the Texas Employment Commission office building at 1117 Trinity Street, Third Floor, Austin, Texas. The meeting will begin at 9:00 A.M., on Thursday, April 17, and conclude at 10:30 A.M., on Saturday, April 19. The agenda is as follows:

Thursday, April 17

- 9 a.m.-9:30 a.m.: Report on Legislative Developments—James M. Rosbrow.
 9:30 a.m.-10:30 a.m.: Review of Tentative Decisions on Special Unemployment Benefit Programs.
 10:30 a.m.-12:30 p.m.: Review of Materials Submitted by Commissioner Ken Morris:
 A. "A Claimant Advocacy Proposal."
 B. "A Proposal for the Protection of Workers * * *"
 12:30 p.m.-2 p.m.: Lunch for the Commission and Staff, in the TEC Building.
 2 p.m.-5:30 p.m.: Review of Recommendations on State Appeals Processes, Murray Rubin.
 Review of State Financing Recommendations.
 Break (5:30 p.m.)

Friday, April 18

- 9 a.m.-10:30 a.m.: Review of Tentative Decisions on Reinsurance.
 10:30 a.m.-12:30 p.m.: Discussion of Federal Requirements.
 12:30 p.m.-2 p.m.: Lunch for Commission and Staff, in the TEC Building.
 2 p.m.-5:30 p.m.: Continuation of Discussion of Federal Requirements.
 Break (5:30 p.m.)

Saturday, April 19

- 8:30 a.m.-10:30 a.m.: Continuation of Discussion of Federal Requirements.
 Agenda for Future Meetings.
 Adjourn (10:30 a.m.)

Since the Commission has concluded its hearings, no testimony will be received at this meeting. However, written statements will continue to be accepted, and will be distributed promptly, upon receipt, to all members. Twenty copies of any statement should be directed to the executive director of the Commission at the address indicated below.

Telephone inquiries and communications concerning this meeting should be directed to: James M. Rosbrow, Executive Director, National Commission on Unemployment Compensation, 1815 N. Lynn Street, Room 440, Rosslyn, Virginia 22209, (703) 235-2782.

Signed at Washington, D.C. this 7th day of April 1980.

James M. Rosbrow,

Executive Director, National Commission on Unemployment Compensation.

[FR Doc. 80-10988 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-30-M

**NUCLEAR REGULATORY
 COMMISSION**
Advisory Committee on Reactor Safeguards; Subcommittee on the Sequoyah Nuclear Plant Units 1 and 2; Meeting

The ACRS Subcommittee on the Sequoyah Nuclear Plant will hold a meeting on April 28, 1980 in Room 1046, 1717 H St., NW., Washington, DC 20555 to continue its review of the Tennessee Valley Authority (TVA) application for a license to operate Units 1 and 2.

In accordance with the procedures outlined in the *Federal Register* on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Monday, April 28, 1980

8:30 a.m. until the conclusion of business.

The Subcommittees may meet in Executive Session, with any of their consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, TVA, their consultants, and other interested persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Background information concerning items to be discussed at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street, N.W., Washington, DC 20555 and at the Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, TN 37402.

Dated: April 4, 1980.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR Doc. 80-10783 Filed 4-10-80; 8:45 am]

BILLING CODE 7590-01-M

Reassertion of Certain Regulatory Authority in the State of Arizona

By letter dated February 8, 1980, Governor Bruce Babbitt, State of Arizona, stated that the State does not wish to retain regulatory authority over (a) uranium mill tailings (by product material as defined in section 11e(2) of the Atomic Energy Act of 1954, as amended), and (b) related milling operations at this time. Therefore, Arizona is making arrangements to transfer to NRC the related files and information on the license issued to

Pinal Minerals and Mining, the only existing license in this category. Governor Babbitt also stated in the February 8, 1980 letter that there are currently no new applications in this category in process.

Pursuant to the provisions of section 274j of the Atomic Energy Act of 1954, as amended, the Nuclear Regulatory Commission found on April 4, 1980 that it is necessary to terminate that part of Arizona's agreement relinquishing NRC authority over uranium milling activities and to reassert NRC licensing and regulatory authority over these activities and the uranium mill tailings produced, in order to protect the public health and safety. This finding ensures that there will be no lapse of licensing and regulatory authority over these activities and materials upon relinquishment of this authority by the State of Arizona. This reassertion of authority will become effective on April 15, 1980.

Persons seeking licenses for activities within Arizona involving byproduct material as defined in section 11e(2) of the Atomic Energy Act of 1954, as amended, or activities resulting in the production of such byproduct material should file such applications with the U.S. Nuclear Regulatory Commission.

Dated at Bethesda, Maryland this 7th day of April, 1980.

For the Nuclear Regulatory Commission.

G. Wayne Kerr,

Acting Director, Office of State Programs.

[FR Doc. 80-10971 Filed 4-10-80; 8:45 am]

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OFFICE OF PERSONNEL MANAGEMENT

Amendment of Manual on Fund-Raising Within the Federal Service for Voluntary Health and Welfare Agencies

AGENCY: Office of Personnel Management.

ACTION: Notice of Amendments.

SUMMARY: The Office of Personnel Management is amending the *Manual on Fund-Raising Within the Federal Service for Voluntary Health and Welfare Agencies*, which sets forth policy and procedures for the Combined Federal Campaign (CFC). Amendments to the *Manual* allow more charitable groups to have access to the Combined Federal Campaign; change the formula by which funds collected during the Campaign are distributed; strengthen the prohibitions against coercion; provide more Federal employee participation in local CFC administration; and require that contributors be better informed as

to the objectives of participating groups and how funds collected are distributed.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Joseph Patti, Assistant to the Director, U.S. Office of Personnel Management, Room 5532, 1900 E Street, NW., Washington, DC. 20415. (202) 632-5544.

SUPPLEMENTARY INFORMATION: On Tuesday, February 12, 1980, the U.S. Office of Personnel Management (OPM) published proposed amendments to the *Manual on Fund-Raising Within the Federal Service for Voluntary Health and Welfare Agencies*. (45 FR 9418, February 12, 1980.) The proposed amendments to the *Manual* provided for:

1. Increased emphasis on voluntary giving and employees' freedom of choice, including the following specifically prohibited fund-raising practices:

—Solicitation of employees by their supervisors.

—Setting 100 percent participation goals.

—Providing contributions lists for purposes other than the routine collection and forwarding of contributions and installment pledges.

—Establishing personal dollar goals or quotas.

2. Creation of a new National and International Service Agencies grouping, to include additional national voluntary organizations which provide direct human services.

3. Revision of eligibility criteria for national voluntary organizations to permit broader participation in CFC by removing the requirement for local chapter structure to deliver services and by relaxing the 25 percent limitation on administrative and fund-raising expenses.

4. Expansion of participation by voluntary organizations at the local level by providing a mechanism for participation by local charities that are not members of the United Way.

5. Increased employee involvement in local CFCs. Inclusion of employee union representatives on local Federal coordinating committees.

Comments on the proposed amendments to the *Manual* were invited.

More than three thousand comments were received. Commenters included national and local voluntary agencies and groups, Federal Executive Boards, Federal employees, Federal employee unions, and private citizens. Most of the comments were supportive of the proposed amendments and did not offer substantive suggestions for change. Many other commenters, however, while they did not make specific proposals for

change criticized the proposed amendments because they did not adopt all the recommendations of the Subcommittee on Civil Service of the House Post Office and Civil Service Committee, submitted to OPM following the Subcommittee's October, 1979 hearings on the Combined Federal Campaign. In response to this, OPM notes that while we did not implement each specific recommendation of the Subcommittee, the amendments are a constructive response to the principles set forth in the recommendations. In considering the Subcommittee's recommendations, the OPM had to take into account the views and interests of all interested parties, including, those presently participating in the CFC and those seeking to participate; and the administrative feasibility of carrying out CFC operations, including our concern that the CFC not result in disruption of Government operations, or that it not throw too large a burden on managers, employees, and voluntary organizations. We believe the amendments represent a fair and logical balance between these interests.

Comments on specific amendments to the *Manual*, and OPM's response to those comments, are discussed below.

Sections 1.6, 2.21, 4.12a, 4.14, 6.2, 6.3, 6.41d, 6.43, 6.43c, 6.621, and I-M of Guidelines (Preventing Coercion and Informing Contributors)

In view of the concerns that have been expressed about possible coercion of Federal employees during CFC campaigns we proposed to supplement the policy statements already present in the *Manual* with even stronger statements against activities which may intrude upon the Federal employee or military member's right to contribute or not contribute or to keep his or her actions confidential or to make them public.

Commenters overwhelmingly agreed with the proposed amendments, although several expressed the opinion that the requirements were overly restrictive. We see no basis for reducing any of the amendments made to strengthen the voluntary nature of the campaign. Rather, OPM is adding to the proposed prohibited actions two issues raised by respondents: (1) "Using" contributor lists for purposes other than the routine collection and forwarding of contribution and installment pledges; and (2) making and using non-contributor lists. These two issues fit very closely with practices earlier proposed to be prohibited (Section 1.6).

A respondent called attention to the need to include a location where military members might get information

on how complaints of coercion are handled in the organization. This comment has been adopted and Sections 2.21e and 4.12a are changed as result.

A respondent suggested that the length of campaigns be clearly limited to six weeks inasmuch as a longer period of solicitation may tend to be coercive. Section 1.42 has been amended to clarify this point.

While there was widespread agreement with the proposed amendments on this subject, one respondent claimed the proposed amendments did not go far enough. Specific suggestions include: that the *Manual* deal with the possible coercion from the repeated requests by a keyworker for the return of the contribution forms. This respondent proposed that Section 6.621 be changed to allow contributors to return a gift either to a keyworker or directly to the payroll unit or central accounting and the gift could be made anonymously in either situation. This respondent also proposed that Section 6.43 be amended to require that keyworkers receive written instruction on prohibited fundraising practices and to require the keyworker to fully inform all potential contributors of their contribution choices. The respondent also suggested that the *Manual* should prohibit management officials or supervisors from conducting small group meetings.

With regard to permitting contributors to return their gifts directly to payroll or central accounting, OPM feels that this would seriously complicate campaign operations in that the payroll or accounting office is often not located in the same geographic area as the contributor. In addition, some gifts, in cash or check, do not need to be processed by the payroll or accounting office. Sections 6.6 and 6.102 of the *Manual* now provide that campaign literature must inform the potential contributor of the right to make a confidential gift and provide for its transmission through the system without identifying the giver. The means are presently available within the system for contributors to make confidential gifts. Campaign procedures now provide (Section 4.14) that orientation sessions should concentrate on adherence to *Manual* policies and procedures protecting the potential contributor's right to make a true voluntary gift. Follow up contacts by keyworkers are a normal and key part of campaign operations and are certainly not inherently coercive. Managers and supervisors should not be excluded from participation in the campaign; in fact,

they are expected to extend their support to the campaign activities. OPM feels that the proposed amendments will be effective in assuring the voluntary nature of the Combined Federal Campaign.

Sections 3.1 and 4.2 (Types of Voluntary Agencies and Authorized Groups)

The increasing number and types of voluntary organizations interested in participating in the Combined Federal Campaign indicates the need for an additional grouping of national voluntary organizations which are not in the health or international service field and not part of the United Way local fund-raising system. The proposed amendments would have added to the existing category of international service agencies, national agencies which have a domestic welfare service function. We found persuasive the comments which alleged that the addition of those agencies to the grouping dedicated to international service would be confusing to contributors who are primarily interested in supporting humanitarian service abroad. We have, therefore, authorized the establishment of a separate National Service Agency category which is distinct from the existing international service category. This new grouping is described in sections 3.1e and 4.2e.

Since establishment of a new grouping in each campaign will be dependent on one or more national service agencies meeting the national eligibility criteria and local service requirements, no provision is being made in this or other parts of the *Manual* (Section 4.5) for participation of the National Service Agencies group in planning campaign operations until some experience is developed. This issue will be reviewed after a period of experience has been established.

In connection with the proposal to establish a new group for the domestic campaigns, several respondents proposed the designation of the United Service Organization (USO) as a fourth group in the Overseas Combined Federal Campaign. These proposals are based upon USO's new status as an organization with a national charter and the urgent service demands levied upon USO in the overseas area.

A national charter for USO was signed into law on December 29, 1979, authorizing it to function as the vehicle through which the American people provide moral-supporting services to the members of the Armed Forces. The charter provides for the President of the United States to appoint a number of members of the corporation and of the

governing body of USO. The Secretary of Defense is an ex-officio member of the governing body and the Department of Defense is authorized to provide support to USO toward achievement of its mission. The new charter gives the USO a status somewhat similar to that of the American Red Cross.

USO has taken the position that its placement as a member of the ISA group within the Overseas Campaign has hampered its ability to bring the organization and its programs to the attention of contributors and that operating as a separate group would give it a higher degree of visibility to contributors.

The great majority of contributors to the Overseas Campaign are military personnel. DOD civilian personnel and representatives of the military services deal with USO on a daily basis at overseas locations in Europe and the Pacific and are fully aware of USO activities and capabilities. They are also totally aware of the needs of overseas military personnel. OPM has received letters of support for the USO position from the Office of the Secretary of Defense, other defense agencies, organizations of military and retired military members and some members of Congress. We agree with these respondents that it is appropriate to link the change in USO status in the Overseas Campaign with other revisions being made in the participating groups at this time.

Section 4.2a (Participation in Federated Campaigns by Local Agencies Not Members of the Local Federated Group)

The proposed requirement that those agencies pre-register through the local United Way has been revised to conform with changes made to the proposed Section 4.22a, Application Procedures.

Section 4.22a (Application Procedures)

The proposed amendments would have required local agencies which are not members of the local federated group to register for participation in the Combined Federal Campaign through the local United Way.

Many who objected to the proposed changes stated that it was improper for one of the current CFC participating groups to review the applications of potential competitors. The OPM concurs to an extent and has revised the amendments to: (1) Provide for application directly to the Federal Coordinating Group instead of the United Way; (2) reserve to the Federal Coordinating Group all eligibility determinations; (3) permit the Federal Coordinating Group to request a

qualified screening organization such as the United Way to assist the Federal Coordinating Group in the review and processing of the applications and to make recommendations for Federal Coordinating Group action. Because all eligibility determinations will be made by the Federal Coordinating Group, there is no need to provide for appeals.

OPM believes this to be a reasonable accommodation of those who felt that the proposed amendments would unfairly exclude local agencies and those who foresaw the possibility that Federal Coordinating Group members would be required to devote an inordinate amount of time to the review process if an initial screening service was not available through whatever qualified organization was selected by the Coordinating Group.

It seems appropriate, in light of the numerous critical comments regarding this section, to emphasize that the eligibility determination made by the Federal Coordinating Group is to be based entirely on the applicant's demonstration that it meets the eligibility criteria specified in Section 4.2a.

Section 4.7 (Division of Receipts)

Under the current distribution formula a dollar base is established for each participating group and is used as a basis for dividing contributed funds among the participant voluntary groups. Contributions designated by contributors to specific agencies are applied to the groups' dollar base and then undesignated contributions are applied as needed to meet each groups' unfilled base.

The proposed amendments would have modified the base period which is used in determining each participating groups' dollar base by expanding the current base period of 1972 through 1976 to all past campaigns. That total history base period would have been updated annually to reflect the results of the most recent campaign. The proposed change would have provided a standard method of reflecting shifts in the groups' relative shares of campaign receipts which have occurred in some CFCs since 1976.

Opposition to that change centered on the belief that the proposal, for numerous reasons, would not adequately reflect distribution patterns for the division of receipts. The National Health Agencies, for example, contend that the proposal would, in the short-run, reduce NHA's share of receipts and advocate the abolishment of the dollar base concept and the distribution of receipts based on a formula which reflects distribution patterns only from

the most immediate past five years.

Other commenters believed it necessary to change the current procedures (which provide that except when designations exceed a group's base, undesignated funds will be distributed in a manner which assures that each group reaches the same percentage of its dollar base) to permit contributors who wish to do so to completely insulate their contributions from agencies to which they are opposed. Other respondents believe that the dollar base concept, which was adopted in the mid-1950's to assure that none of the participating groups would be adversely affected by the transition from separate to a single combined campaign, is now outdated and too inflexible to respond to changes in the programs of the voluntary agencies and the contributor's interest in those programs.

On balance, OPM is persuaded that the dollar base concept is no longer an appropriate method for allocating undesignated contributions among the participating groups. OPM is committed to the policy that Federal employees should determine more directly how their CFC contributions are distributed among the voluntary agencies. Therefore, OPM will not implement the proposed total history dollar base formula. Instead, OPM has adopted for the 1980, 1981, and 1982 CFCs a formula which is not founded on the old dollar base concept and will authorize and encourage experimentation with other means of dividing receipts among CFC participants. One purpose of the experiments is to explore the feasibility of a transition to a complete designation system of donor allocation of contribution. Another purpose is to explore the feasibility of total local option on the distribution of undesignated funds. We encourage the participating groups to submit to OPM by May 2, 1980, written recommendations regarding (1) the methodology they suggest for testing a total designation program; (2) the specific CFCs or categories of CFCs which should be included in the tests; and (3) guidelines for sharing and analyzing test results.

Another purpose is to invite and encourage Federal Coordinating Groups to propose to OPM by May 2, 1980, written recommendations for local experimentation with total local option on the distribution of undesignated funds by the Federal Coordinating Group. By May 30, 1980, OPM will prepare and share with the participating groups its plan and guidelines for the CFC Experimental Receipts Distribution Testing Program.

The formula for all CFC's which are not participating in the distribution experiments provides for the distribution of undesignated funds on the basis of each group's relative percentage share of the total undesignated funds from each CFC's most immediate past five campaigns. Inasmuch as the National Service Agency group, when established in a local CFC, will have no history of undesignated receipts, the local Federal Coordinating Group must determine what portion of the undesignated funds will go to the National Service Agencies. The designations which each group receives will have no bearing on the amount of undesignated funds it receives. The abolishment of the dollar base concept eliminates overbase receipts and the necessity for the local Federal Coordinating Group to decide how those funds will be distributed among the participants. In summary campaign receipts will be distributed in the following manner: in each CFC, designated contributions will be channeled to the designated organization; undesignated contributions are divided among the participating groups in the same proportion that their share of the undesignated funds for the past five years bears to the total undesignated funds for the past five years in the local campaign.

Section 5.23 (Avoidance of Competition)

The intent of the proposed amendment was the removal of Section 5.23, which provided that "approval will not be granted to more than one national health agency within a single field which deals with a physical handicap or disease or to more than one international service agency meeting a particular human need in the same geographic area." The provision was meant originally to avoid duplication of services and unnecessary competition among health and welfare agencies. Another effect may be, however, in some cases, to preclude the approval of newer agencies that may direct more effective, more innovative efforts to a particular need. The objective in amending this section was to open access to whatever health and welfare agencies could meet the eligibility criteria.

The comments on this proposal raise no significant new issues. One respondent suggested that the Eligibility Committee should evaluate each agency's ability to make good use of the funds donated and consider whether an applicant's program would duplicate work already being done by one or more other CFC participants.

We continue to hold that an agency should not be entitled to protection against competition merely because it was the first CFC participant to deal with a particular health or welfare need. Other agencies may be more effective or be more responsive to the public. The Eligibility Committee is not an appropriate mechanism for selecting from among various agencies to represent a particular category of health and welfare service. It is for the contributor, ultimately, to determine which agency he or she will support based on criteria both personal and important to him or her.

Section 5.24b (Public Support)

The proposed amendments would have added to the list of eligibility factors the requirement that at least 50 percent of the agency's income come from donations from the general public. The objective of this provision was to ensure that organizations given access through the CFC to those individual members of the general public who are Federal employees, receive the main part of their support from individuals in the general public, rather than other sources which would be less likely to demonstrate general public acceptance of the organization.

Commenters objected to this criterion on the grounds that it was arbitrarily set; that it would exclude many organizations (some already participating in the CFC) which receive substantial support in the form of grants from governments and private foundations, corporate and government gifts in kind, court awards of attorney's fees, and fees for services; and that small organizations do not have the large fund-raising system to go directly to the general public for support. It was also observed that the 50 percent standard exceeded the Internal Revenue Code's Standard used to determine whether an organization is a "publicly supported charity."

OPM has concluded that while it is desirable for organizations participating in the CFC to have a broad base of support from individual contributors, the proposed 50 percent standard is too stringent, and could have had unforeseen and undesired results. Consequently, OPM is eliminating this paragraph from the amendments. Language already in the *Manual* require organizations to demonstrate that they enjoy broad public support.

Section 5.34 (Administrative and Fund Raising Expenses)

Another amendment intended to facilitate access by more groups to the CFC was a change to section 5.34 of the

Manual, which sets forth as an eligibility requirement that voluntary organizations' administrative and fund-raising expenses be reasonable. Section 5.34 provides that expenditures for administration and fund-raising not exceeding 25% of total support and revenue will be considered reasonable. Voluntary organizations whose administrative and fund-raising expenses exceed this percentage have the opportunity to demonstrate the reasonableness of their expenses. Amendments to this section would have allowed newly established agencies a three-year period in which to attain the 25% level of expenses, and allowed older agencies an opportunity to demonstrate that their receipts from the CFC would reduce the percentage of their expenses to a reasonable level.

Several commenters questioned the constitutionality of section 5.34 in light of *Village of Schaumburg v. Citizens for a Better Environment, et al.*, decided by the U.S. Supreme Court on February 20, 1980. In *Schaumburg*, the Court found that an ordinance which completely barred door-to-door or on-street solicitation of contributions by charitable organizations whose administrative expenses exceeded 25% violated those organization's rights under the First and Fourteenth Amendments. The Court explained that organizations whose primary purpose is to gather and disseminate information about and advocate positions on matters of public concern use their own paid staff to carry out these functions as well as to solicit financial support. In its decision, the Court distinguished and did not reverse an earlier case, *National Foundation v. Forth Worth*, 415 F.2d 41 (1969), cert. denied, 396 U.S. 1040 (1970), which upheld an ordinance which, like section 5.34, permitted an organization unable to comply with an expense limitation to obtain a permit by demonstrating that its solicitation costs were nevertheless reasonable.

In view of the *Forth Worth* case, we have concluded that the *Manual's* 25% standard for reasonable administrative cost is valid. Furthermore, OPM believes that the minimization of administrative expenses is a worthwhile goal, and that setting a limit on these expenses beyond which they must be justified is necessary to protect CFC contributors from groups which misuse the funds contributed to them. However, in view of the *Schaumburg* Decision, we amend section 5.34 to make clear that the *Manual's* 25% standard creates a presumption of reasonable administrative costs but is not a complete bar to eligibility.

Section 5.35 (Fund-Raising Practice)

The Fund-Raising Manual places restriction on the participating agencies' general fund-raising practices. It specifically prohibits several practices including "mailing of unordered tickets or commercial merchandise with a request for money in return". That provision has been criticized as being needlessly restrictive, difficult to interpret and unlikely to affect Federal employees who are solicited at their workplaces. Consequently, the proposed amendments deleted that specific practice from the listing of fund-raising practices which are prohibited if an agency participates in the Combined Federal Campaign. The proposed deletion was opposed by only one responding organization, and the National Easter Seal Society offered persuasive argument for the deletion.

One respondent suggested that in view of the changes in various aspects of local CFC administration, the *Manual* should emphasize that the local Federal Coordinating Group is the final authority for administration of the local CFC. OPM concurs and has revised sections 2.6 and 4.3 accordingly.

Section 5.38 (Financial Reporting)

The proposed amendments contained a provision intended to amend the current requirement that national organizations submit an annual consolidated financial report certified by a CAP and provided instead for an annual combined financial report which utilizes the audited reports of the national headquarters and the affiliates. However, the proposed amendment mistakenly referred in its final sentence, to "The consolidated report" creating some confusion as to the intent of the proposal. The sentence should have read, "The combined report". Several respondents commented on this error. Section 5.38 has been corrected to provide only for "combined reports."

General Issues

A number of respondents commented on the OPM failure to address the issue of the Subcommittee's proposal that all local CFC fiscal agents be independent or disinterested fiduciaries. OPM is not aware of any charge of impropriety concerning the use of participants as fiscal agents for the receipt of pledge cards and drafts from payroll offices for distribution among the participating groups. To have required a change at this time would have required most of the 500 local campaigns to negotiate and arrange different fiscal agents during the process of collecting this year's contributions. This would have placed a

heavy administrative burden on both the voluntary groups and the Federal payroll offices. We note that the Subcommittee requested the General Accounting Office to inquire into the matter of whether greater safeguards are needed in the operation of CFC fiscal agents. We will look into this matter further when GAO has completed its review.

The proposed amendments added a requirement for the contributor's leaflet to provide instructions as to how an employee may obtain more specific information about agencies participating in the campaign, their programs and their finances (Section 4.12a). Although few comments were received on this point, several comments were received suggesting that Federal employees be provided with more information on the method used to distribute campaign receipts and the division of receipts from the prior year's campaign. We agree with these suggestions, especially in view of the fact that the *Manual* establishes a new method for distributing collected funds, effective for the upcoming campaign. Therefore, we have added requirements that the contributor's leaflet provide a clear description of the method used to distribute funds and furnish information on the division of receipts from the previous campaign in accordance with a standard format (see Attachment A to Chapter 4).

A number of respondents observed that the proposed amendments did not provide access to the CFR for charitable of non-profit organizations which are not voluntary health and welfare agencies. OPM continues to believe that for reasons of administrative feasibility and otherwise the language of E.O. 10927 should be interpreted to include only health and welfare agencies and organizations with substantially similar purposes and modes of operation.

Accordingly, the Office of Personnel Management is amending the *Manual on Fund-Raising Within the Federal Service for Voluntary Health and Welfare Agencies* as set forth below. Office of Personnel Management.

Kathryn Anderson Fetzer,

Assistant Issuance System Manager.

1.42 Assigned Campaign Periods.

Federal fund-raising campaigns are assigned to fall, winter, or spring periods. In the United States, Combined Federal Campaigns are held in the fall; the DOD Overseas Combined Federal Campaign is also held during the fall. The solicitation period for a Combined Federal Campaign is limited to six weeks. Where there is no Combined Federal Campaign, the fall period is

designated for united funds, community chest, or other local federated groups; the winter period for national health agencies and international service agencies; and the month of March for the American Red Cross, except in communities where it participates in a local united fund or Combined Federal Campaign.

Section 1.6 Preventing Coercive Activity

True voluntary giving is the basic concept underlying Federal fund-raising activities. Actions which provide or create the perception that employees do not have the free choice to give or not give or to publicize their gifts or keep them confidential, is contrary to the intent of Federal fund-raising policy. The following activities are not in accord with the intent of Federal fund-raising policy and, in the interest of preventing coercive activities in Federal fund-raising, are not permitted in Federal fund-raising campaigns:

1. Supervisory solicitation of employees supervised.
2. Setting 100% participation goals.
3. Providing and using contributor lists for purposes other than the routine collection and forwarding of contributions and installment pledges.
4. Establishing personal dollar goals or quotas.
5. Developing and using lists of non-contributors.

2.21 Federal Agency Heads. The head of each executive department and agency is responsible for:

- a. Seeing that voluntary fund-raising within the department or agency is conducted in accordance with the policies and procedures prescribed by this *Manual*.
- b. Designating a top-level representative as Fund-Raising Program Coordinator to work with the Director of the U.S. Office of Personnel Management as necessary in the administration of the fund-raising program within the agency.
- c. Assuring full participation and cooperation from his/her installations in local fund-raising campaigns.
- d. Assuring that the policy of voluntary giving and clear employee choice is upheld during the fund-raising campaign.
- e. Providing a mechanism to look into employee complaints of undue pressure and coercion in Federal fund-raising. Agencies shall provide procedures and assign responsibility for investigation of such complaints. Personnel offices should be responsible for informing employees of the proper organizational channels for pursuit of such complaints.

2.6 Local Federal Coordinating Groups. When there are a number of Federal agency offices and installations in the same local area, some interagency coordination is necessary in order to achieve effective community-wide campaigns and to improve general understanding and compliance with the fund-raising program. The Director, Office of Personnel Management assigns the responsibility for local coordination of existing organizations of Federal agency heads whenever possible, and to special committees where needed.

The local Federal coordinating group is authorized to make final decisions within the provisions and policies established in the *Manual*, on all aspects of the local campaign.

2.61 Authorized Local Federal Coordinating Groups. Coordinating responsibility is assigned to one of the following organizations:

a. Federal Executive Boards. These boards exist in principal cities of the United States for the purpose of improving interagency coordination. They are composed of local Federal agency heads who have been designated as Board members by the heads of their departments and agencies under Presidential authority.

b. Federal Executive Associations and Business Associations. These self-organized associations of local Federal officials exist at many points of Federal concentration for the purpose of general interagency cooperation.

c. Fund-Raising Program Coordinating Committees. These committees are established in communities, as needed, under the authority of E.O. 10927, where there is no Federal coordinating group in existence. Leadership in organizing such a committee is the responsibility of the head of the local Federal installation which has the largest number of civilian and military personnel. Local Federal agency heads or their designated representatives serve on the committee and determine all organizational arrangements.

d. Employee Union Representation. In order to insure employee participation in the planning and conduct of the CFC, employee representatives from the principal employee unions of local Federal installations should be invited to serve in whatever organization exercises local coordinating responsibilities.

3.1 Types of Voluntary Agencies. Voluntary agencies are private, self-governing organizations financed primarily by contributions from the public. Some are national in scope, with a national organization that provides services at localities throughout the nation, often through state or local

chapters or affiliates. Others are primarily local, both in form of organization and extent of services. The Federal program involves solicitation arrangements for the following broad categories of such agencies:

a. Local health, welfare, or recreational services agencies, such as visiting nurse associations, homes and clinics for children and the aged, and neighborhood centers for youth recreation and guidance.

b. National health agencies providing research and public education on a national basis as well as local services, e.g., the American Cancer Society and American Heart Association.

c. National and international welfare, recreational services, and emergency relief—the American National Red Cross.

d. National agencies having an international service function which involves health or welfare programs in foreign countries, such as CARE and Project HOPE.

e. National agencies having a domestic welfare service function which includes direct services to meet basic health and welfare needs.

3.541 *DOD Overseas Combined Federal Campaign.* A Combined Federal Campaign is authorized for all Department of Defense activities in the overseas areas during a six week period in the fall. Groupings of agencies that may participate in the Overseas Combined Federal Campaign will consist of: The American Red Cross; the United Service Organization; those national health agencies recognized for campaigns in the domestic area (the Federal Service Campaign for the National Health Agencies); and those international service agencies recognized for campaigns in the domestic area, plus any national voluntary agency recognized for overseas campaigns.

4.12 *Campaign and Publicity Materials.*

* * * * *

a. *Contributor's Leaflet.* This will be the only informational material distributed to individual contributors. It will describe the CFC arrangement, name and describe the participating groups, explain the provisions for designations, the payroll deduction privilege, etc., provide a clear description of the method used to distribute funds, and furnish information on the division of receipts from the prior year's campaign in accordance with the format in Attachment A. It will list each member organization of the voluntary group with a brief statement of about 25 words on its program. It will provide

instructions as to how an employee may obtain more specific information about agencies participating in the campaign, their programs and their finances. The contributor's leaflet will also inform employees of their right to pursue complaints of undue pressure or coercion in Federal fund-raising activities. The leaflet will refer civilian employees to consult with their personnel office and military personnel with their commanding officers to identify the organization handling such complaints in the agency.

Some sample CFC text items are included in Attachment A to chapter 4.

* * * * *

4.14 *Orientation, Training and Publicity Arrangements.* A formal plan should be developed to cover the orientation of management and employee organization officials, the training of keyworkers and publicity to employees and service members.

Federal officials should assist campaign leaders by making an enthusiastic and purposeful statement of support in their installations in order to insure maximum group interest and response. Orientation sessions, however, should stress adherence to *Manual* policies and procedures on prohibitions against individual employee quotas, assessments, or any other form of coercive action, and on the employee's right of confidentiality as to the amount of his gift. Contributions must be voluntary.

It is essential that keyworkers be trained effectively on CFC procedures and be equipped to answer any questions or problems the contributors may have as well as questions of a substantive nature regarding the programs of the voluntary agencies.

Employees and service members should be told the background and purpose of the combined campaign arrangements, including the use of installment payment through payroll withholding. Special stress should be placed on pledging generously on a once-a-year basis in order to provide a fair amount of support for all authorized voluntary groups.

Care should be taken that the Combined Federal Campaign kick-off ceremony emphasizes the joint appeal aspect and the combined effort of the voluntary agencies involved. In addition, there should be no publicity within Federal establishments given to specific voluntary agency needs that acts to detract from the consolidated effort represented by CFC.

Section 4.2 *Authorized Voluntary Groups*

Arrangements for each local CFC will be worked out through negotiations between the local Federal officials and representatives of the major voluntary groups (United Way, National Health Agencies, International Service Agencies). The five authorized voluntary groups are as follows:

a. A local united fund, community chest, or other local federated group which is a member in good standing of, or is recognized by, the United Way of America, is eligible to solicit in a CFC. The number of member agencies in a fund or chest campaign varies from around 20 to over 200, depending upon the locality. (Local health and welfare service agencies that are not participating members of the local federated fund-raising group may participate in the Federal campaign for designated contributions only in accordance with the provisions of Sections 4.2A, 4.21A, and 4.22A).

b. The National Health Agencies. Eligibility of recognized national health agencies to solicit in a CFC is limited to those locations where the national agency is organized to provide direct and substantial service in the local area (county), and where it is not a member agency of the local united fund or chest. The extent of services in the campaign area could, of course, vary from area to area and among individual health agencies. Some examples of direct and substantial services are: health counseling; disease prevention programs, inoculations; screening for detection of disease, and referrals; clinics and treatment of illnesses and handicaps; educational and information services. As a minimum a health agency should be performing one or more of the above services in the campaign area to be eligible to participate in the local CFC. As a general rule employees in the solicitation area, or their families, should be able to receive service from a particular health agency, if needed, within a reasonable distance of the employment station. The determination on whether a particular health agency is providing such service in the area is made by the local Federal coordinating group.

c. The International Service Agencies. Program operations of International Service Agencies are generally conducted overseas, so that fund-raising eligibility is not limited to the places where they have local chapters or committees. However, if a local chapter participates as a member of the local United Way campaign, it cannot

participate as a member of the ISA group in the Federal campaign.

d. The American Red Cross. Red Cross chapters constitute the fourth authorized group. Eligibility to solicit in a CFC is limited to those locations where Red Cross does not raise funds with the local united fund or chest.

e. The National Service Agencies. These national agencies have a domestic welfare service function which includes direct services to meet basic human welfare needs. National Service Agencies may solicit a CFC only in those areas where the national agency provides direct and substantial service in the local area. The extent of services in the campaign area could, of course, vary from area to area and among individual Service Agencies. Some examples of direct services are: Income assistance, mental health, and nutritional counseling; recreational therapy program; and information and referral services. As a general rule, employees in the solicitation area, or their family, should be able to receive service from a particular Service Agency, if needed, within a reasonable distance of his employment station. The determination whether a particular Service Agency is providing such service in the area is made by the local Federal Coordinating Group.

4.2A Participation in Federal Campaigns by Local Agencies not Members of the Local Federated Group. Arrangements will be established by each local Federal Coordinating Group to permit employees to designate a contribution to approved local health or welfare agencies that are not members of the local federated group. These procedures will require eligible local voluntary agencies to pre-register with the Federal Coordinating Group to participate in that year's Combined Federal Campaign for designated contributions only. Arrangements will be made by the Central Receipt and Accounting Point to distribute designated contributions to those agencies after appropriate adjustments are made for shrinkage and campaign costs.

4.21A Eligibility Criteria. To be eligible to participate for designated contributions through these arrangements local voluntary agencies must meet the minimum requirements listed below:

a. A non-profit, tax exempt charitable organization supported by direct contributions from the general public.

b. The agency is providing a bona-fide program of health or welfare services in the area covered by the local CFC.

c. The agency must operate without discrimination and must carry out

affirmative action programs to assure equal employment opportunity. This policy applies to persons served by the agency, to the staff of the agency and to membership on its governing board and committees.

d. The agency's financial records are audited annually by an independent public accountant whose examination conforms to generally accepted auditing standards. Financial reports to the public must provide full disclosure of all support, revenue, and expenditures and must comply with Standards of Accounting and Financial reporting for Voluntary Health and Welfare Organizations.

e. The agency's administrative and fund-raising costs must conform to the requirements of Section 5.34.

4.22A Application Procedures. In order to be eligible for participation in the Federal Campaign for employee designation of contributions, local agencies not members of the federated group must submit an application for registration in the CFC to the local Federal Coordinating Group. The Federal Coordinating Group is responsible for reviewing and taking action on the applications based on eligibility requirements in Section 4.2A. The Federal Coordinating Group may request a qualified screening organization to assist in the processing and review of applications by making an initial screening of applications against the eligibility requirements and recommending approval or denial of the application. Agencies that meet the eligibility requirements are listed and participate in the CFC for *designations only*. If the Federal Coordinating Group determines that the eligibility requirements are not met, reasons for that determination will be provided to the agency within 60 days of the receipt of the application. Decisions of the Federal Coordinating Group are final.

4.3 Responsibility of Local Federal Coordinating Groups. Each Federal coordinating group is required to organize a Combined Federal Campaign in the local area for which it has fund-raising responsibility. The heads of executive departments and agencies will request their local officials to cooperate fully with the decisions of the Federal coordinating group in all aspects of CFC arrangements.

The Federal coordinating group makes all final decisions on all aspects of the local campaign. The Federal Coordinating Group's decision must be consistent with the provisions and policies of the *Manual*.

4.5 Organizing the Local Campaign. As previously mentioned, direction of the campaign shall be under the overall

policy guidance of the Federal coordinating group and such other arrangements as necessary shall be made to assure the greatest possible success for the campaign. This will include the appointment of a campaign chairman who should carry out campaign duties in an impartial manner, insuring full participation of the voluntary groups in planning campaign arrangements. The major voluntary groups—the United Way, the National Health Agencies, and the International Service Agencies—will have much expertise and campaign know-how which can be helpful in the conduct of the Federal campaign. Decisions on expenditures for campaign arrangements will be made through agreement among those voluntary groups, after consultation with the local Federal coordinating group. When complete, the detailed campaign arrangements will be formalized in a written agreement that includes a budget bearing the signature of the representatives of these authorized voluntary groups and the chairman of the Federal coordinating group, signifying approval of the campaign arrangements.

4.51 CFC Committee. Where necessary, the local Federal Coordinating Group will designate a committee from among its principal members, called the CFC Committee, to give top leadership and direction to the planning, conduct, and evaluation of the local combined campaign. The Federal coordinating group may redelegate any of the authority for the campaign to the CFC Committee. In order to insure employee participation in the planning and conduct of the CFC, employee representatives from the principal employee unions of local Federal installations should be invited to serve on the CFC Committee or whatever organization exercises local coordinating responsibilities.

Section 4.7 Division of Receipts

Dollars donated or pledged in a Combined Federal Campaign are either designated by the contributor for a specific voluntary organization, or undesignated. Undesignated funds are those contributions not designated to any particular beneficiary organization. Designated receipts are always credited to the designated organization.

The following method will be used for distribution of undesignated receipts for all CFCs which have been in existence for five years, unless the representative of the participating voluntary groups unanimously agree on another method: The local Federal Coordinating Group will allocate what it believes to be a

reasonable portion of the undesignated funds to the National Service Agencies which participate in that CFC. The balance of the undesignated funds will be distributed to the United Way, the National Health Agencies, the International Service Agencies and, when it is not part of the local United Way, the American Red Cross in the same proportions that their respective shares of undesignated funds from the past five campaigns bear to that CFC's total undesignated receipts from its last five campaigns. Overbase money from the 1975 through 1979 campaigns will be treated as undesignated funds in computing the shares of the groups. Local agencies participating in the CFC independently of the local United Way are not eligible for undesignated funds.

The Federal Coordinating Group for a Combined Federal Campaign which does not have five years of experience will determine how undesignated receipts will be distributed. Those Federal Coordinating Groups may use any system they find reasonable except that undesignated funds may not be allocated among the participating groups on the basis of their respective shares of designated contributions.

Sample Text Items (Attachment A—Chapter 4)

How are pledges divided among the campaign organizations? (The language below is intended as an example of how the contributor's leaflet should explain division of receipts from the 1980-81 campaign, the first drive utilizing the new formula. Each local CFC will need to review the suggested language carefully and make any modifications necessary to reflect accurately the local situation. After the 1980-81 campaign, delete the explanation of the earlier method for distributing funds.)

Sample Text

"Approximately 97% of this year's CFC contributions will go to the more than 200 volunteer agencies listed in this booklet. All designated gifts to specific agencies are channeled to the specified agency—either through the appropriate partner (NHA, ISA, NSA, or UW) or, in the case of local groups not part of the United Way, directly to the specified agency. All undesignated gifts are allocated among the four partners according to a formula based on previous campaign experience.

Last year nearly \$1 million in collected contributions was distributed approximately as follows:

"dollar base" formula; each of the major voluntary groupings was assigned a dollar base determined by past campaign experience. Designated gifts were first credited toward each group's dollar base; then undesignated funds were distributed in such a manner as to assure that each group achieved its established dollar base, or if collected funds were not sufficient, to assure that each group received an equal percentage of its predetermined dollar base.

Beginning with this year's campaign, contributions will be distributed in the following manner: First, designated gifts will be channeled to the specified agency; then, undesignated gifts will be allocated among the four agency groupings in proportion to each group's average share of undesignated funds over the last five campaigns. This formula does away with the dollar base method for distributing CFC funds. You may be sure that all signed designations are honored."

Note.—The figures in this sample text are illustrative only, and are based on aggregate statistics for total CFC receipts nationwide. Specific data are to be developed and used locally for each CFC, based on experience in the local campaign.

5.23 *Avoidance of Competition.* [This section is deleted.]

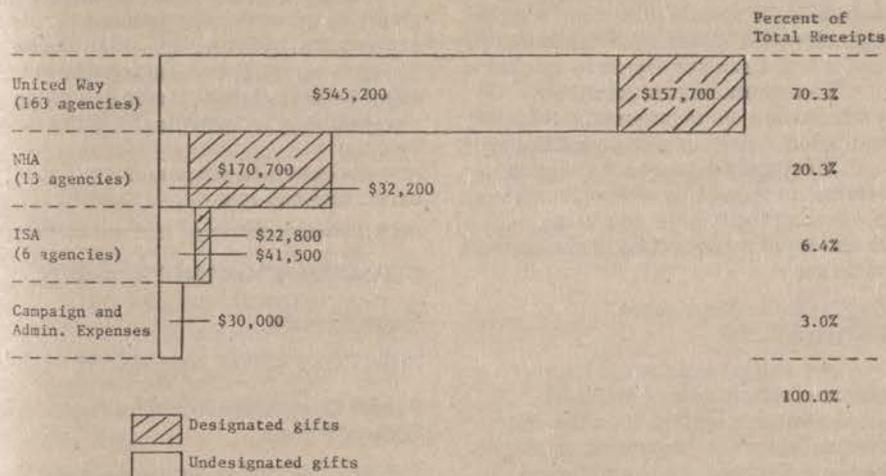
5.24 *National Scope.* The voluntary agency must demonstrate that:

a. It is organized on a national scale with a national association which is representative of its constituent parts and which, through its board of directors, exercises close supervision over the operations and fund-raising policy of any local chapters or affiliates.

b. It has earned good will and acceptability throughout the United States, particularly in cities or communities within which or nearby are Federal offices or installations with large numbers of personnel.

Good will and acceptability can be demonstrated:

1. When a voluntary agency provides a service in all or most of the States;
2. When contributor support comes from all or most parts of the Nation;
3. By the extent of public support and the number and location of contributors;
4. By the national character of any public campaign;
5. By the reputation of the organization nationally; and



This year, with the addition of the National Service Agencies, undesignated gifts will be allocated among four major voluntary groupings rather than three. In addition, the

formula used to distribute undesignated funds will be different from previous years.

Prior to this year's campaign, CFC contributions were distributed using a

6. By the proportionate effect of the organization's participation in CFC on total income.

c. It has sufficient fund-raising representatives at decentralized locations to be able to enter into full participation with a group of voluntary agencies in conducting local campaigns throughout the United States.

d. If it is a national health agency, it has a well-defined national program involving research, education, and community services with sufficiently developed local coverage to implement its national program and local service programs in cities or communities within which or nearby are Federal offices or installations with large numbers of personnel.

e. If it is a national service agency, it has a well-defined program which meets basic health or welfare needs in the United States in cities or communities with which or nearby are Federal offices or installations with large numbers of personnel.

f. If it is an international service agency, it has a well-defined program which meets basic human needs in an overseas area.

5.34 *Administrative and Fund-Raising Expense.* Administrative and fund-raising expenses must be reasonable. Expenditures for administrative and fund-raising not exceeding 25% of total support and revenue will be considered reasonable. Where administrative and fund-raising expense exceeds this percentage, the burden is on the voluntary organization to demonstrate the reasonableness of its fund-raising and administrative expenses under all the circumstances in its case. Circumstances which could demonstrate the reasonableness of administrative and fund-raising expenses include, but are not limited to:

a. Newly established agencies which can demonstrate the likelihood of reducing their administrative and fund-raising expenses to a reasonable level within a reasonable period.

b. Older agencies which can demonstrate that the impact of CFC contributions on their administrative and fund-raising costs is likely to bring those expenses to within a reasonable level.

5.35 *Fund-Raising Practice.* The voluntary agency's publicity and promotional activities must be based upon the actual program and operations of the agency, must be truthful and nondeceptive, and must include all material facts. The agency's fund-raising practices must assure protection against unauthorized use of agency contributors' lists; no payment of commissions, kickbacks, finders fees, percentages,

bonuses, or overrides for fund-raising; and no general telephone solicitation of the public.

5.38 *Financial Reports.* Preparation of a combined annual financial report to the general public in accordance with the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations is required. The combined report shall include all income and expenditure for the national operations and all chapters, committees, affiliates, or satellites.

Section 6.2 True Voluntary Giving

True voluntary giving is the free response of an individual to an appeal which provides full knowledge of the human needs at stake and encourages a generous contribution in relation to the individual's financial ability and responsibility as a good citizen. Employees must have the clear choice to give or not give and no action may be taken which creates the appearance that the employee has no choice.

6.3 *Campaign Objectives.* The purposes of the Federal fund-raising campaign are:

a. To inform Federal employees of the essential role that voluntary agencies play in the community and the nation and their need for public support.

b. To provide an opportunity for every individual to donate to specific worthy agencies with which he or she is familiar and which he or she wants to support.

c. To seek maximum voluntary participation while preserving the individual's right to give or not to give.

d. To stimulate generous giving in relation to the ability of the giver while preserving the right to give in a confidential manner if he or she chooses to do so.

Section 6.43 Keyworker Responsibilities

A key worker is selected for the personal solicitation of about 25 employees, depending upon the unit organization. The keyworker should not be the supervisor of the employees solicited. They should be chosen for leadership qualifications, compatibility with coworkers and motivation toward successful performance. Since a keyworker is acting, in effect, as an agent of the recognized voluntary agencies in contacting potential contributors, it is important that each keyworker be given a thorough briefing on the program and purpose of the participating voluntary agencies, preferably by representatives of the fund-raising agencies themselves. The keyworker's responsibilities are to:

a. Personally contact each prospective contributor in the assigned group and

provide the educational literature and contributor's card or envelopes appropriate to the campaign;

b. Explain the services performed by the voluntary agencies and answer any questions about them and the Federal fund-raising program;

c. Urge a generous gift, with the goal of maximum voluntary participation in mind; where appropriate call attention to local suggested giving guides;

d. Collect employee contributions, forward them and make reports in accordance with local arrangements for the particular campaign.

6.621 *Solicitation.* Each potential giver must be given full opportunity to exercise his/her option to contribute or not to contribute and to disclose the amount of his/her gift or keep it confidential. No action which might be coercive or contrary to the principles of true voluntary giving is permitted.

Attachment to Chapter 6

Campaign Guidelines for Voluntary Giving.

* * * * *

I. Agency or Installation Heads, Campaign Chairmen, and Division Campaign Chairmen.

* * * * *

M. Discourage contact with individual givers by other than designated keypersons. Management officials and supervisors should not be solicitors and should always talk to givers in a group, never putting an individual "on the spot".

[FR Doc. 80-11030 Filed 4-10-80; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, Rev. Supp. No. 15]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of \$2,871,000 has been established for the company.

Name of Company, Business Address, and State in Which Incorporated

National Farmers Union Property and Casualty Company, 12025 East 45th Avenue, Denver, Colorado 80251.

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent

annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of Treasury Circular 570, 1979 Revision, at page 38095 to reflect this change. Copies of the 1980 Revision, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: April 3, 1980.

Gerald Murphy,

Acting Commissioner, Bureau of Government Financial Operations.

[FR Doc. 80-10975 Filed 4-10-80; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on May 14, 1980, at 9:00 a.m., the Portland, Oregon Regional Office Station Committee on Educational Allowances shall at Room 1427, Federal Building, 1220 SW. Third Avenue, Portland, Oregon, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in McMinnville Aviation Incorporated, McMinnville, Oregon, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: April 3, 1980.

R. J. Vogel,

Director, VA Regional Office.

[FR Doc. 80-10976 Filed 4-10-80; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) on the Peaceful Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves the transfer of the following nuclear materials to the IAEA for the research reactor at the Bandung Reactor Centre in Bandung, Republic of Indonesia:

12.680 kilograms of uranium, containing 2.523 kilograms of U-235 (19.9%) for use as fuel in the TRIGA Mark II reactor.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: April 9, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-11249 Filed 4-10-80; 8:45 am]

BILLING CODE 6450-01-M

Sunshine Act Meetings

Federal Register

Vol. 45, No. 72

Friday, April 11, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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[M-277; April 9, 1980]

CIVIL AERONAUTICS BOARD.

Short notice of closed board meeting.

TIME AND DATE: 1:00 p.m., April 9, 1980.

PLACE: Room 1011, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Negotiations with the People's Republic of China to be held in Beijing on April 15, 1980.
2. Negotiations with New Zealand.
3. Recommended Position for U.S. Netherlands Negotiations, April 22, 1980, The Hague.
4. Alitalia's Petition for Reconsideration of Order 79-12-208.

SUPPLEMENTARY INFORMATION: Because of the heavy negotiating schedule and the travel required by the staff, this is the only time in the next three weeks that we will be able to have all the participants available. There are upcoming consultations with several countries and in order to formulate a coordinated U.S. Government position, the Board Members have voted that agency business requires that the Board meet on these items on less than seven days' notice because staff work was not completed at this time and that no earlier announcement of the meeting was possible.

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, George A. Dalley

This memo concerns strategy and positions that have been or may be taken by the United States in consultations with Ireland. Public disclosures, particularly to foreign governments, of opinions, evaluations,

and strategies relating to the issues could seriously compromise the ability of the United States Delegation to achieve agreements which would be in the best interest of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(b) and 14 CFR Section 3106.5(i)(2) and that any meeting on this item should be closed.

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, George A. Dalley

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Elizabeth E. Bailey; and Member George A. Dalley.
Assistants to Board Members.—Mr. David Kirstein, Mr. Vance Forte, Mr. Steven Lachter, and Mr. Bernard Diederich.
Managing Director.—Mr. Cressworth Lander.
Executive Assistant to the Managing Director.—Mr. John R. Hancock.
Office of the General Counsel.—Ms. Mary Schuman, Mr. Peter Schwarzkopf, and Mr. Michael Schopf.
Bureau of International Aviation.—Mr. Dan Casper, Mr. Ivars Mellups, Mr. Doug Leister, Mr. Don Litton, Mr. Frank Murphy, Mr. Jim Horneman, Mr. Jim McMahan, Mr. Herb Aswall, Mr. Rich Loughlin, and Mr. Regis Milan.
Bureau of Consumer Protection.—Mr. Reuban Robinson.
Office of Economic Analysis.—Mr. Robert Frank.
Office of the Secretary.—Mrs. Phyllis T. Kaylor and Mrs. Deborah A. Lee.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552(c)(9)(B) and 14 CFR Section 3106.5(i)(2) and that this meeting may be closed to public observation.

Phyllis T. Kaylor,
Secretary.

Mary McInnis Schuman,
General Counsel.

[S-736-80 Filed 4-9-80; 3:55 pm]

BILLING CODE 6320-01-M

2

[M-276, Amdt. 1; April 8, 1980]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the

April 10, 1980 meeting agenda.

TIME AND DATE: 9:30 a.m., April 10, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C.

SUBJECT:

10. Docket 33830, Final rule extending the Board's fare flexibility policy to the Puerto Rico/Virgin Islands markets. (BDA)

17. Dockets EAS-489, 490 and 499, Appeal of Essential Air Transportation Determinations filed by Alliance, Chadron and Sidney, Nebraska, and the Nebraska Aeronautics Commission. (OGC, OCCR, BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Items 10 and 17 are being deleted because additional time is needed for staff preparation. Accordingly, the following Members have voted that Items 10 and 17 be deleted from the April 10, 1980 agenda and that no earlier announcement of these deletions was possible.

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer
Member, George A. Dalley

[S-737-80 Filed 4-9-80; 3:55 pm]

BILLING CODE 6320-01-M

3

[M-276, Amdt. 2; April 8, 1980]

CIVIL AERONAUTICS BOARD.

Notice of addition of items to the April 10, 1980 meeting agenda.

TIME AND DATE: 9:30 a.m., April 10, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

2a. Warsaw Convention Liability Limits (BCP).

3a. The effect of check-in deadlines on the right to a no-smoking seat. (OGC).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 2a was intended to be placed on the agenda for the meeting scheduled for April 10, 1980, however, due to a clerical error it was omitted from this agenda. This item raises important questions on which the staff needs instructions from the Board in order to permit them to continue their work, so it can not be

held until the next meeting. Item 3a is being added to the April 10, 1980 agenda because of the need for careful consideration of the issues presented, the staff was unable to present this item to the Board by the usual deadline. The issues it raises, however, are closely related to those of Item 3. It is important that they be considered together and therefore agency business requires that Item 3a be added to the April 10, 1980 agenda. Accordingly, the following Members have voted that agency business requires the addition of Items 2a, and 3a to the April 10, 1980 agenda and that no earlier announcement of these additions was possible:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer
Member, George A. Dalley

[S-738-80 Filed 4-9-80; 3:55 pm]
BILLING CODE 6320-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Tuesday, April 8, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director John G. Heimann (Comptroller of the Currency), concurred in by Director William M. Isaac (Appointive), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of The Bank of Inverness, Inverness, Florida, for consent to establish a branch in Unincorporated Citrus County (P.O. Floral City), Florida.

Notice of acquisition of control: United of America Bank, Chicago, Illinois.

Discussion of proposed legislation.

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" 5 (U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: April 8, 1980.

Federal Deposit Insurance Corporation.

Hannah R. Gardiner,
Assistant Secretary.

[S-735-80 Filed 4-9-80; 3:55 pm]

BILLING CODE 6714-01-M

5

April 9, 1980.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10:00 a.m., April 16, 1980.

PLACE: 825 North Capitol Street, N.E., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth F. Plum, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Power Agenda—446th Meeting, April 16, 1980, Regular Meeting (10:00 a.m.)

CAP-1. Docket No. ER80-256, Wisconsin Power & Light Co.

CAP-2. Docket No. ER80-246, Edison Sault Electric Co.

CAP-3. Docket No. ER78-80, Central Illinois Public Service Co.

CAP-4. Docket No. ER77-89, Central Illinois Public Service Co.

CAP-5. Docket No. ER78-380, Indiana & Michigan Electric Co.

CAP-6. Docket No. ER76-716, Indiana & Michigan Electric Co.

CAP-7. Docket No. EL80-3, Pacific Power and Light Co.

Gas Agenda—446th Meeting, April 16, 1980, Regular Meeting

CAG-1. Docket No. TA80-1-26 (PGA80-2, IPR80-2, AP80-1, GRI80-2, LFUT80-1, TT80-1, and PGA80-2a).

CAG-2. Docket No. CI79-408, Shell Oil Co.

CAG-3. Docket Nos. G-14515, CI77-123, CI78-674, CI78-993, and G-12154, Gulf Oil Corp.

CAG-4. Docket No. CI66-919, et al., Mobil-GC Corp. (successor to General Crude Oil Co.);

Docket No. CI79-108, CNG Producing Co.;

Docket No. CI77-252, Placid Oil Co.;

Docket No. CI77-257, Hunt Oil Co.;

Docket No. CI77-260, Hassie Hunt

Exploration, Co., et al.;

Docket No. CI77-261, Highland Resources,

Inc.;

Docket No. CI77-280, Ashland Exploration,

Inc.;

Docket No. CI79-643, Tenneco Exploration

Ltd.;

Docket No. G-9299, et al., Phillips Petroleum

Co., et al.

Docket No. CI77-532, Exxon Corp.;

Docket No. CI62-588, Amoco Production Co.;

Docket No. CI72-171, The Superior Oil Co.;

Docket No. CI72-235, Placid Oil Co.;

Docket No. CI72-238, Hunt Oil Co.;

Docket No. CI72-240, Hunt Petroleum Corp.;

Docket No. CI72-255 and CI75-24, Getty Oil Co.;

Docket No. CI72-295, Canadian Superior Oil (U.S.) Ltd.

Docket No. CI72-398, Transocean Oil, Inc.

Docket No. CI72-583, Highland Resources, Inc.

Docket No. CI79-471 and CI79-516, Mesa Petroleum Co.;

Docket No. CI79-467 and CI79-468, Kerr-McGee Corp.;

Docket No. CI79-508, Cities Service Co.;

Docket No. CI78-994, CNG Producing Co.;

Docket No. CI78-967, CNG Producing Co.;

Docket No. CI75-481, et al., The Superior Oil Co. et al.;

Docket No. CI75-482, The Superior Oil Co.;

Docket No. CI78-1151, Transco Exploration Co.;

Docket No. CI76-535 (CS71-775), Northern Michigan Exploration Co.;

Docket No. CI80-31, Texas Eastern Exploration Co.;

Docket No. CI80-115, et al., Mobil-GC Corp. (Successor to General Crude Oil Co.);

Docket No. CI74-274, Phillips Petroleum Co.;

Docket No. CI78-1217, Cities Service Co.;

Docket No. CI79-534, The Superior Oil Co.;

Docket No. CI80-118 (CS72-544), Mobil-GC Corp.;

Docket No. CI77-400, Texaco, Inc.

Docket No. CI79-648, Champlin Petroleum Co.;

Docket No. CI76-93, et al., Texaco, Inc., et al.;

Docket No. CI80-175, Pennzoil Producing Co.;

Docket No. G-19284, et al., General American Oil Co. of Texas, et al.

Docket No. CI80-32, Transco Exploration Co.;

Docket No. CI80-103, Texas Eastern Exploration Co.;

Docket No. G-13633, et al., Pennzoil Producing Co., et al.;

Docket No. CI79-438, General American Oil Co. of Texas, et al.;

Docket No. CI80-66, General American Oil Co. of Texas, et al.;

Docket No. CI80-172, Shell Oil Co.;

Docket No. CS71-210, et al., Gould Oil Inc. (Barnett Oil Co.).

CAG-5. Docket No. CP78-532, Ozark Gas Transmission System.

CAG-6. Docket No. CP77-476, Columbia Gas Transmission Corp.

CAG-7. Docket No. CP79-501, Gas Gathering Corp.

CAG-8. Docket No. CP79-494, Florida Gas Transmission Co.

CAG-9. Docket No. CP79-482, United Gas Pipe Line Co.

CAG-10. Docket No. CP80-173, Cities Service Gas Co.

CAG-11. Docket No. CP79-502, Transcontinental Gas Pipe Line Corp.

CAG-12. Docket No. CP79-457, Mississippi River Transmission Corp.

Docket No. CP79-376, Panhandle Eastern Pipeline Corporation and Trunkline Gas Co.

Docket No. CP80-143, Kansas-Nebraska Natural Gas Co.

CAG-13. Docket No. CP79-453, ANR Storage Co.;
 Docket No. CP78-527, Great Lakes Gas Transmission Co.;
 Docket No. CP78-545, Michigan Wisconsin Pipe Line Co.;
 Docket No. CP79-438, Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.;
 Docket No. CP79-465, Michigan Consolidated Gas Co., Interstate Storage Division.
 CAG-14. Docket No. CP80-266, Consolidated Gas Supply Corp.
 CAG-15. Docket No. CP79-299, El Paso Natural Gas Co.

Power Agenda—446th Meeting, April 16, 1980, Regular Meeting

I. Electric Rate Matters

ER-1. Docket No. ER80-243, Southern Company Services, Inc.
 ER-2. Docket Nos. ER77-488 and ER78-520 (Phase I), El Paso Electric Co.
 ER-3. Docket No. ER77-411, et al., and ER77-23, et al., Illinois Power Co.
 ER-4. Docket Nos. E-9520 and ER77-531, Illinois Power Co.
 ER-5. Docket No. EL 79-8, Central Power & Light Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, and West Texas Utilities Co.

Miscellaneous Agenda—446th Meeting, April 16, 1980, Regular Meeting

M-1. Docket No. RM79-28, Amendments to Part 32 of the Regulations Under the Federal Power Act; Regulation Governing Interchange Energy Transmission Rates for Section 202(c) Emergencies.
 M-2. Docket No. RM79-29, Amendments to Part 35 of the Regulations Under the Federal Power Act; Proposed Limitations on Adders for All Electric Rates.
 M-3. Docket No. RM79-55, Small Power Production and Cogeneration Facilities—Rates and Exemptions.
 M-4. Docket No. RM80- , Discontinuance of the Form RO211 and of Lists of Approved Forms, Statements and Reports.
 M-5. Reserved.
 M-6. Docket No. RM79-67, Procedures Governing Applications for Special Relief Under Sections 104, 106, and 109 of the Natural Gas Policy Act of 1978.
 M-7. Docket No. RM79-76, High-cost Natural Gas Produced From Tight Formations.
 M-8. Docket No. RM80- , Revision of Filing Requirements of Part 273 of the Commission's Regulations.
 M-9. Docket No. RM76-10, rate Schedule Analysis on a Continuing Basis: FERC Form No. 108. Docket No. RM76-15, Regulation of Small Producers.

Gas Agenda—446th Meeting, April 16, 1980, Regular Meeting

I. Pipeline Rate Matters:

RP-1. Docket No. RP78-88, Transwestern Pipeline Co.

II:

CI-1. Docket No. G-17136, Trice Production Co.;
 Docket No. G-18516, Oleum Inc.;
 Docket No. RI60-234, Trice Production Co.
 CI-2. Docket No. RI75-112, Certain Producer and Pipeline Respondents.

III. Pipeline Certificate Matters:

CP-1. Docket Nos. CP78-123, et al., Northwest Alaskan Pipe Line Co., et al. (Northern Border Pre-Build).

Kenneth F. Plumb,
 Secretary.

[S-734-80 Filed 4-9-80; 3:55 p.m.]

BILLING CODE 6450-01-M

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FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45 F.R. 21436, April 1, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., April 3, 1980.

PLACE: 1700 G Street, N.W., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The following item was added to the agenda for the open meeting:

Targeted Advances Program and Changes to the Dividend Policy for the Federal Home Loan Banks for 1980.

Announcement is being made at the earliest practicable time.

No. 335, April 3, 1980.

[S-731-80 Filed 4-9-80; 10:19 am]

BILLING CODE 6720-01-M

7

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45 FR 23576, April 7, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., April 10, 1980.

PLACE: 1700 G Street, N.W. Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The following items have been added to the agenda for the open meeting:

Holding Company Acquisition and Merger—PennCorp Financial, Inc., Santa Monica, California and Houston First Financial Group, Houston, Texas, to acquire Capitol City Savings Association, Austin, Texas, and to merge said association into Houston First American Savings Association, Houston, Texas.

Application to Acquire Control of—First Savings and Loan Association of Midland, Midland, Texas—Southern Union Company and Southern Union Financial Corporation.

The following item has been withdrawn from the agenda for the open meeting:

Merger—Tuscon Savings and Loan Association, Baltimore, Maryland, into Chesapeake Federal Savings and Loan Association, Baltimore, Maryland.

Announcement is being made at the earliest practicable time.

No. 336, April 9, 1980.

[S-739-80 Filed 4-9-80; 3:55 pm]

BILLING CODE 6720-01-M

8

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., April 16, 1980.

PLACE: 1700 G Street, N.W., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

MATTERS TO BE CONSIDERED:

Application for Branch Office—Naples Federal Savings and Loan Association, Naples, Florida.
 Application for Branch Office—Florida Federal Savings and Loan Association, St. Petersburg, Florida.
 Application for Branch Office—Bridgeport Federal Savings and Loan Association, Bridgeport, Pennsylvania.
 Request for Extension of Time to Open a Branch Office—Republic Federal Savings and Loan Association, Altadena, California.

Bank Membership and Insurance of Accounts—Frontier Savings and Loan Association, Redondo Beach, California.
 Bank Membership and Insurance of Accounts—Mt. Whitney Savings and Loan Association, Exeter, California.

Commitment of Insurance of Accounts—Lincoln Savings and Loan Association, Miami, Unincorporated Dade County, Florida.

Preliminary Application for Conversion into a Federal Mutual Association—Cherryville Savings and Loan Association, Cherryville, North Carolina.

Conversion to a State-Chartered Mutual Association—St. Augustine Federal Savings and Loan Association, St. Augustine, Florida.

Liquidity Deficiency Penalties—North Louisiana Federal Savings and Loan Association, Lake Providence, Louisiana.

Application to Issue Secured Short-Term Notes—Continental Federal Savings and Loan Association, Oklahoma City, Oklahoma.

Service Corporation Application—C K Federal Savings and Loan Association, Concord, North Carolina.

Travel Authorization for Members of the Federal Savings and Loan Advisory Council.

No. 337, April 9, 1980.

[S-740-80 Filed 4-9-80; 3:55 pm]

BILLING CODE 6720-01-M

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FEDERAL MARITIME COMMISSION.**DATE AND TIME:** April 16, 1980, 10:00 a.m.**PLACE:** Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.**STATUS:** Open.**MATTERS TO BE CONSIDERED:**

1. Petition of Totem Ocean Trailer Express, Inc. for the Commission to exercise jurisdiction over commodity rates exempt from regulation by the Interstate Commerce Commission.

2. Docket No. 79-91: Pan Ocean Bulk Carriers, Ltd.—Investigation of Rates on Neo-Bulk Commodities in the Trade Between the United States and South Korea—Recommendation of Hearing Counsel for further staff investigation.

CONTACT PERSON FOR MORE**INFORMATION:** Francis C. Hurney, Secretary (202) 523-5725.

[S-732-80 Filed 4-9-80; 12:54 pm]

BILLING CODE 6730-01-M

ADDITIONAL INFORMATION: Changes in Schedule for *Thursday, April 10*; "Briefing on Salem" is postponed to Tuesday, April 15. The "Affirmation Session" on April 10 will be held in the afternoon.

CONTACT PERSON FOR MORE**INFORMATION:** Walter Magee (202) 634-1410.**AUTOMATIC TELEPHONE ANSWERING****SERVICE FOR DAILY UPDATE:** (202) 634-1498. Those planning to attend a meeting should reverify the status whenever possible.

Roger M. Tweed,

Office of the Secretary.

[S-733-80 Filed 4-9-80; 3:11 pm]

BILLING CODE 7590-01-M

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NUCLEAR REGULATORY COMMISSION.**TIME AND DATE:** Tuesday, April 15 and Wednesday, April 16, 1980.**PLACE:** As indicated.**STATUS:** Open and closed.**Tuesday, April 15; Bethesda (East-West Towers—Room 550) 4350 East-West Highway**

10:00 a.m.

1. Briefing on Low-Power License for Salem (approximately 2 hours, rescheduled from 4/10) (public meeting).

2:00 p.m.

1. Briefing on Interim Actions on Performance Testing for Personnel Dosimetry (approximately 1 hour, public meeting).

2. Briefing on Investigation of QA-QC Problems at South Texas Nuclear Project (approximately 1 hour, closed—exemption 5).

Wednesday, April 16; Commissioners' Conference Room—1717 H Street NW.

10:00 a.m.

1. Discussion of Accident Considerations Under NEPA (approximately 2 hours, public meeting).

2:00 p.m.

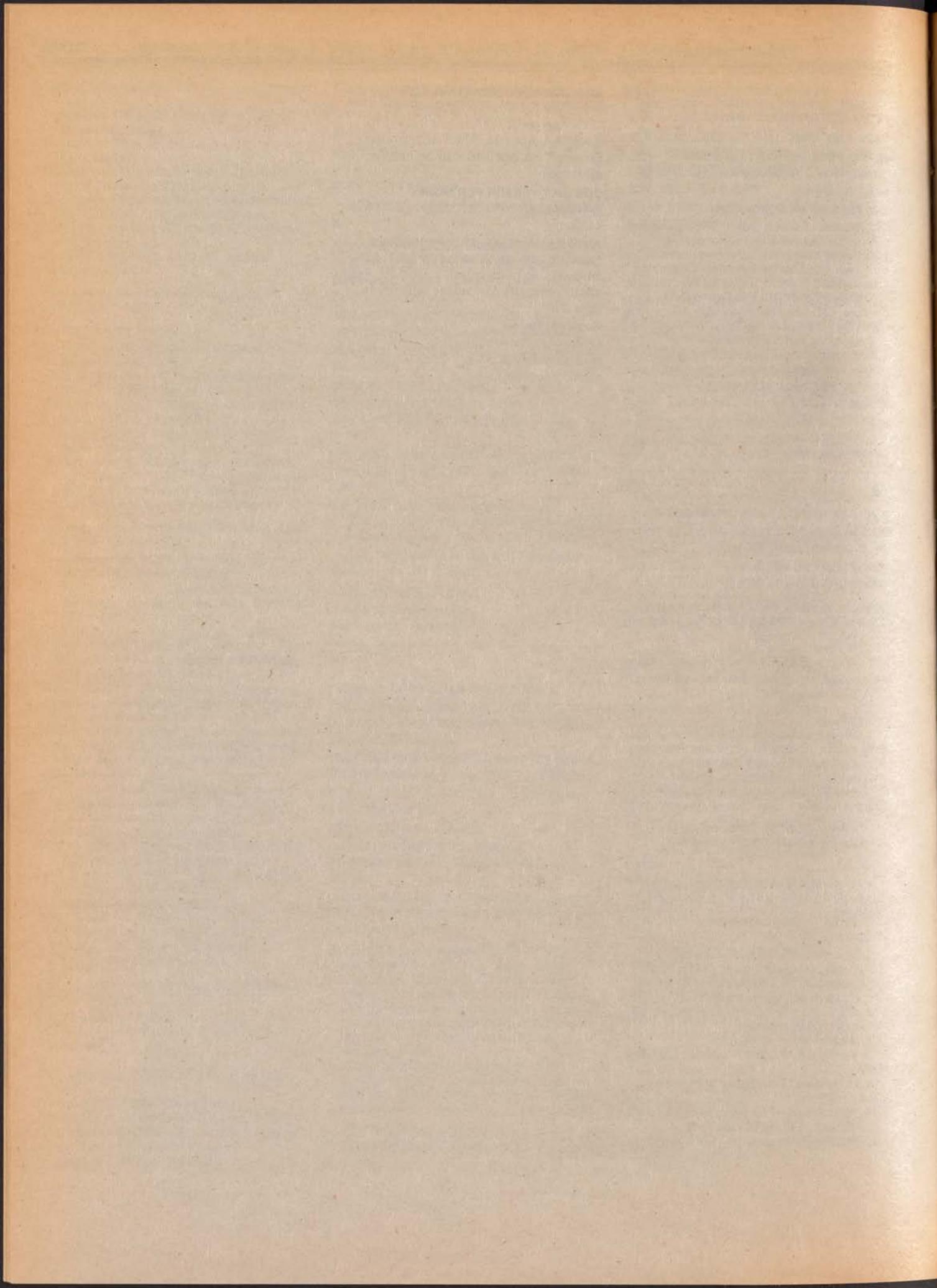
1. Briefing on Status of Review of Environmental Qualification of Electrical Components at Operating Power Reactors (approximately 2 hours, public meeting).

2. Affirmation Session (approximately 10 minutes, public meeting):

a. Buckley FOIA Appeal,
b. Review of ALABs 577 and 581 (Carolina P&L),

c. Delegation of Authority to Regional Directors.

3. Time Reserved for Discussion and Vote on Affirmation Items (If required) (approximately 15 minutes, public meeting).



Federal Register

Friday
April 11, 1980

Part II

**Department of
Health, Education,
and Welfare**

National Institutes of Health

**Recombinant DNA Research; Physical
Containment Recommendations for
Large-Scale Uses of Organisms
Containing Recombinant DNA Molecules**

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

National Institutes of Health

**Recombinant DNA Research; Physical
Containment Recommendations for
Large-Scale Uses of Organisms
Containing Recombinant DNA
Molecules**

AGENCY: National Institutes of Health (NIH), HEW.

ACTION: Publication of physical containment recommendations for large-scale uses of organisms containing recombinant DNA molecules.

SUMMARY: These physical containment recommendations for large-scale uses of organisms containing recombinant DNA molecules are published for public information in accordance with the recommendation of the NIH Recombinant DNA Advisory Committee.

FOR FURTHER INFORMATION CONTACT:

Dr. W. Emmett Barkely, Director, Division of Safety, Building 13, Room 2E45, National Institutes of Health, Bethesda, Maryland 20205.

SUPPLEMENTAL INFORMATION: The NIH Guidelines for Research Involving Recombinant DNA Molecules (45 FR 6724, January 29, 1980) specify in Section IV-E-1-b-(3)-(d) that the Director, NIH, is responsible for "authorizing, under procedures specified by the RAC, large-scale experiments (i.e., involving more than 10 liters of culture) for recombinant DNAs that are rigorously characterized and free of harmful sequences."

At its September 6-7, 1979, meeting, the NIH Recombinant DNA Advisory Committee (RAC) adopted (by a vote of 14 in favor, none opposed, and 3 abstentions) procedures to be followed in reviewing such large-scale experiments. These procedures included the submission by the applicant of certain information including "a description of the applicant's laboratory practices, containment equipment, and facilities relevant to the containment of large volumes of culture."

At its May 21-23, 1979, meeting, the RAC approved (by a vote of 19 in favor, none opposed, and no abstentions) the creation of a working group to "examine physical containment requirements for large-scale experiments and that a document should be prepared."

At its December 6-7, 1979, meeting, the RAC reviewed Draft Physical Containment Guidelines for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules and voted (15 in favor, none opposed, and no

abstentions) that additional comments be solicited on the draft standards.

At its March 6-7, 1980, meeting, the RAC reviewed Draft Physical Containment Guidelines for Large-Scale Use of Organisms Containing Recombinant DNA Molecules which had been revised from the earlier draft, based upon comments received. Following considerable discussion at the meeting, a motion was passed (with 16 in favor, 2 opposed, and 1 abstention) that the document be published in the **Federal Register**.

The document which is now published in the **Federal Register** contains changes from that reviewed by the RAC on March 7, 1980, based upon suggestions made at the March 7 meeting. These changes are:—(1) To eliminate what was Section VII-C-6 in the draft reviewed by the RAC on March 7, 1980; Section VII-D-6 which consists of identical text has been retained.—(2) To change the phrase "using a non-debilitated strain of the host organisms used in the research or production process" to "using the organism that will serve as the host for propagating the recombinant DNA molecules" in Section VII-B-2, VII-B-5, VII-C-2, VII-C-5, VII-C-8, VII-D-2, VII-D-5, and VII-D-9.

When earlier drafts of this document had been prepared it was proposed that it might eventually be formally promulgated as Part VII of the NIH Guidelines for Research Involving Recombinant DNA Molecules. It has not in fact been formally adopted as Part VII of the NIH Guidelines. The format has, however, been retained in this *Draft Part VII*. This document, while not formally part of the NIH Guidelines, can serve as a model for those preparing submissions to the NIH under the NIH Guidelines.

The document now published in the **Federal Register** is endorsed by the NIH Division of Safety as physical containment recommendations appropriate for large-scale uses of organisms containing recombinant DNA molecules.

Dated: March 31, 1980.

Donald S. Fredrickson,

Director, National Institutes of Health.

**Draft Part VII of the NIH Guidelines for
Research Involving Recombinant DNA
Molecules**

*VII. Physical Containment for Large-Scale
Uses of Viable Organisms
Containing Recombinant DNA
Molecules*

This part of the NIH Guidelines specifies physical containment guidelines for large-scale (greater than 10 liters of culture) research or

production involving viable organisms containing recombinant DNA molecules. It shall apply to all large-scale research or production activities approved by the Director, NIH in accordance with Sections IV-E-2-b-(1)-(e) and IV-E-1-b-(3)-(d) of the NIH Guidelines.

All provisions of the NIH Guidelines shall apply to large-scale research or production activities with the following modifications:

- Part VII shall replace Section II-B when quantities in excess of 10 liters of culture are involved in research or production.
- The institution shall appoint a biological safety officer if it engages in large-scale research or production activities involving viable organisms containing recombinant DNA molecules. The duties of the biological safety officer shall include those specified in Section IV-D-4.
- The institution shall establish and maintain a health surveillance program for personnel engaged in large-scale research or production activities involving viable organisms containing recombinant DNA molecules which require P3 containment at the laboratory scale. The program shall include: preassignment and periodic physical and medical examinations; collection, maintenance and analysis of serum specimens for monitoring serologic changes that may result from the employee's work experience; and provisions for the investigation of any serious, unusual or extended illnesses of employees to determine possible occupational origin.

VII-A. Selection of Physical Containment Levels. The selection of the physical containment level required for recombinant DNA research or production involving more than 10 liters of culture is based on the containment guidelines established in Part III of the Guidelines. For purposes of large-scale research or production, three physical containment levels are established. These are referred to as P1-LS, P2-LS, and P3-LS. The P1-LS level of physical containment is required for large-scale research or production of viable organisms containing recombinant DNA molecules which require P1 containment at the laboratory scale. The P2-LS level of physical containment is required for large-scale research or production of viable organisms containing recombinant DNA molecules which require P2 containment at the laboratory scale. The P3-LS level of physical containment is required for large-scale research or production of viable organisms containing recombinant DNA molecules which require P3 containment at the laboratory scale. No provisions

are made for large-scale research or production of viable organisms containing recombinant DNA molecules which require P4 containment at the laboratory scale. If necessary, these requirements will be established on an individual case basis.

VII-B. P1-LS Level.

VII-B-1. Cultures of viable organisms containing recombinant DNA molecules shall be handled in a closed system (e.g., closed vessel used for the propagation and growth of cultures) or other primary containment equipment (e.g., biological safety cabinet containing a centrifuge used to process culture fluids) which is designed to reduce the potential for escape of viable organisms. Volumes less than 10 liters may be handled outside of a closed system or other primary containment equipment providing all physical containment requirements specified in Section II-B-1. of the Guidelines are met.

VII-B-2. Culture fluids (except as allowed in VII-B3.) shall not be removed from a closed system or other primary containment equipment unless the viable organisms containing recombinant DNA molecules have been inactivated by a validated inactivation procedure. A validated inactivation procedure is one which has been demonstrated to be effective using the organism that will serve as the host for propagating the recombinant DNA molecules.

VII-B-3. Sample collection from a closed system, the addition of materials to a closed system and the transfer of culture fluids from one closed system to another shall be done in a manner which prevents the release of aerosols or contamination of exposed surfaces.

VII-B-4. Exhaust gases removed from a closed system or other primary containment equipment shall be treated by filters which have efficiencies equivalent to HEPA filters or by other equivalent procedures (e.g., incineration) to prevent the release of viable organisms containing recombinant DNA molecules to the environment.

VII-B-5. A closed system or other primary containment equipment that has contained viable organisms containing recombinant DNA molecules shall not be opened for maintenance or other purposes unless it has been sterilized by a validated sterilization procedure. A validated sterilization procedure is one which has been demonstrated to be effective using the organism that will serve as the host for propagating the recombinant DNA molecules.

VII-B-6. Emergency plans required by Section IV-D-3-d. shall include methods and procedures for handling large losses of culture on an emergency basis.

VII-C. P2-LS Level.

VII-C-1. Cultures of viable organisms containing recombinant DNA molecules shall be handled in a closed system (e.g., closed vessel used for the propagation and growth of cultures) or other primary containment equipment (e.g., Class III biological safety cabinet containing a centrifuge used to process culture fluids) which is designed to prevent the escape of viable organisms. Volumes less than 10 liters may be handled outside of a closed system or other primary containment equipment providing all physical containment requirements specified in Section II-B-2. of the Guidelines are met.

VII-C-2. Culture fluids (except as allowed in VII-C-3.) shall not be removed from a closed system or other primary containment equipment unless the viable organisms containing recombinant DNA molecules have been inactivated by a validated inactivation procedure. A validated inactivation procedure is one which has been demonstrated to be effective using the organism that will serve as the host for propagating the recombinant DNA molecules.

VII-C-3. Sample collection from a closed system, the addition of materials to a closed system, and the transfer of culture fluids from one closed system to another shall be done in a manner which prevents the release of aerosols or contamination of exposed surfaces.

VII-C-4. Exhaust gases removed from a closed system or other primary containment equipment shall be treated by filters which have efficiencies equivalent to HEPA filters or by other equivalent procedures (e.g., incineration) to prevent the release of viable organisms containing recombinant DNA molecules to the environment.

VII-C-5. A closed system or other primary containment equipment that has contained viable organisms containing recombinant DNA molecules shall not be opened for maintenance or other purposes unless it has been sterilized by a validated sterilization procedure. A validated sterilization procedure is one which has been demonstrated to be effective using the organism that will serve as the host for propagating the recombinant DNA molecules.

VII-C-6. Rotating seals and other mechanical devices directly associated with a closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be designed to prevent leakage or shall be fully enclosed in ventilated housings that are exhausted through filters which have efficiencies

equivalent to HEPA filters or through other equivalent treatment devices.

VII-C-7. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules and other primary containment equipment used to contain operations involving viable organisms containing recombinant DNA molecules shall include monitoring or sensing devices that monitor the integrity of containment during operations.

VII-C-8. A closed system used for the propagation and growth of viable organisms containing the recombinant DNA molecules shall be tested for integrity of the containment features using the organism that will serve as the host for propagating recombinant DNA molecules. Testing shall be accomplished prior to the introduction of viable organisms containing recombinant DNA molecules, and following modification or replacement of essential containment features. Procedures and methods used in the testing shall be appropriate for the equipment design and for recovery and demonstration of the test organism. Records of tests and results shall be maintained on file.

VII-C-9. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be permanently identified. This identification shall be used in all records reflecting testing, operation, and maintenance and in all documentation relating to the use of this equipment for research or production activities involving viable organisms containing recombinant DNA molecules.

VII-C-10. The universal biohazard sign shall be posted on each closed system and primary containment equipment when used to contain viable organisms containing recombinant DNA molecules.

VII-C-11. Emergency plans required by Section IV-D-3-d shall include methods and procedures for handling large losses of culture on an emergency basis.

VII-D. P3-LS Level.

VII-D-1. Cultures of viable organisms containing recombinant DNA molecules shall be handled in a closed system (e.g., closed vessels used for the propagation and growth of cultures) or other primary containment equipment (e.g., Class III biological safety cabinet containing a centrifuge used to process culture fluids) which is designed to prevent the escape of viable organisms. Volumes less than 10 liters may be handled outside of a closed system providing all physical containment requirements specified in Section II-B-3 of the Guidelines are met.

VII-D-2. Culture fluids (except as allowed in VII-D-3) shall not be removed from a closed system or other primary containment equipment unless the viable organisms containing recombinant DNA molecules have been inactivated by a validated inactivation procedure. A validated inactivation procedure is one which has been demonstrated to be effective using the organisms that will serve as the host for propagating the recombinant DNA molecules.

VII-D-3. Sample collection from a closed system, the addition of materials to a closed system, and the transfer of culture fluids from one closed system to another shall be done in a manner which prevents the release of aerosols or contamination of exposed surfaces.

VII-D-4. Exhaust gases removed from a closed system or other primary containment equipment shall be treated by filters which have efficiencies equivalent to HEPA filters or by other equivalent procedures (e.g. incineration) to prevent the release of viable organisms containing recombinant DNA molecules to the environment.

VII-D-5. A closed system or other primary containment equipment that has contained viable organisms containing recombinant DNA molecules shall not be opened for maintenance or other purposes unless it has been sterilized by a validated sterilization procedure. A validated sterilization procedure is one which has been demonstrated to be effective using the organisms that will serve as the host for propagating the recombinant DNA molecules.

VII-D-6. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be operated so that the space above the culture level will be maintained at or slightly below atmospheric pressure.

VII-D-7. Rotating seals and other mechanical devices directly associated with a closed system used to contain viable organisms containing recombinant DNA molecules shall be designed to prevent leakage or shall be fully enclosed in ventilated housings that are exhausted through filters which have efficiencies equivalent to HEPA filters or through other equivalent treatment devices.

VII-D-8. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules and other primary containment equipment used to contain operations involving viable organisms containing recombinant DNA molecules shall include monitoring or sensing devices that monitor the integrity of containment during operations.

VII-D-9. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be tested for integrity of the containment features using the organisms that will serve as the host for propagating the recombinant DNA molecules. Testing shall be accomplished prior to the introduction of viable organisms containing recombinant DNA molecules, and following modification or replacement of essential containment features.

Procedures and methods used in the testing shall be appropriate for the equipment design and for recovery and demonstration of the test organism. Records of tests and results shall be maintained on file.

VII-D-10. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be permanently identified. This identification shall be used in all records reflecting testing, operation and maintenance and in all documentation relating to the use of this equipment for research or production activities involving viable organisms containing recombinant DNA molecules.

VII-D-11. The universal biohazard sign shall be posted on each closed system and primary containment equipment when used to contain viable organisms containing recombinant DNA molecules.

VII-D-12. Emergency plans required by Section IV-D-3-d shall include methods and procedures for handling large losses of culture on an emergency basis.

VII-D-13. Closed systems and other primary containment equipment used in handling cultures of viable organisms containing recombinant DNA molecules shall be located within a controlled area which meets the following requirements:

VII-D-13-a. The controlled area shall have a separate entry area. The entry area shall be a double-doored space such as an air lock, anteroom or change room that separates the controlled area from the balance of the facility.

VII-D-13-b. The surfaces of walls, ceilings, and floors in the controlled area shall be such as to permit ready cleaning and decontamination.

VII-D-13-c. Penetrations into the controlled area shall be sealed to permit liquid or vapor phase space decontamination.

VII-D-13-d. All utilities and service or process piping and wiring entering the controlled area shall be protected against contamination.

VII-D-13-e. Handwashing facilities equipped with foot-, elbow-, or automatically-operated valves shall be

located at each major work area and near each primary exit.

VII-D-13-f. A shower facility shall be provided. This facility shall be located in close proximity to the controlled area.

VII-D-13-g. The controlled area shall be designed to preclude release of culture fluids outside the controlled area in the event of an accidental spill or release from the closed systems or other primary containment equipment.

VII-D-13-h. The controlled area shall have a ventilation system that is capable of controlling air movement. The movement of air shall be from areas of lower contamination potential to areas of higher contamination potential. If the ventilation system provides positive pressure supply air, the system shall operate in a manner that prevents the reversal of the direction of air movement or shall be equipped with an alarm that would be actuated in the event that reversal in the direction of air movement were to occur. The exhaust air from the controlled area shall not be recirculated to other areas of the facility. The exhaust air from the controlled area may be discharged to the outdoors without filtration or other means for effectively reducing an accidental aerosol burden provided that it can be dispersed clear of occupied buildings and air intakes.

VII-D-14. The following personnel and operational practices shall be required:

VII-D-14-a. Personnel entry into the controlled area shall be through the entry area specified in section VII-D-13-a.

VII-D-14-b. Persons entering the controlled area shall exchange or cover their personal clothing with work garments such as jumpsuits, laboratory coats, pants and shirts, head cover, and shoes or shoe covers. On exit from the controlled area the work clothing may be stored in a locker separate from that used for personal clothing or discarded for laundering. Clothing shall be decontaminated before laundering.

VII-D-14-c. Entry into the controlled area during periods when work is in progress shall be restricted to those persons required to meet program or support needs. Prior to entry all persons shall be informed of the operating practices, emergency procedures, and the nature of the work conducted.

VII-D-14-d. Persons under 18 years of age shall not be permitted to enter the controlled area.

VII-D-14-e. The universal biohazard sign shall be posted on entry doors to the controlled area and all internal doors when any work involving the organism is in progress. This includes periods when decontamination

procedures are in progress. The sign posted on the entry doors to the controlled area shall include a statement of agents in use and personnel authorized to enter the controlled area.

VII-D-14-f. The controlled area shall be kept neat and clean.

VII-D-14-g. Eating, drinking, smoking and storage of food are prohibited in the controlled area.

VII-D-14-h. Animals and plants shall be excluded from the controlled area.

VII-D-14-i. An effective insect and rodent control program shall be maintained.

VII-D-14-j. Access doors to the controlled area shall be kept closed, except as necessary for access, while work is in progress. Service doors leading directly outdoors shall be sealed and locked while work is in progress.

VII-D-14-k. Persons shall wash their hands when leaving the controlled area.

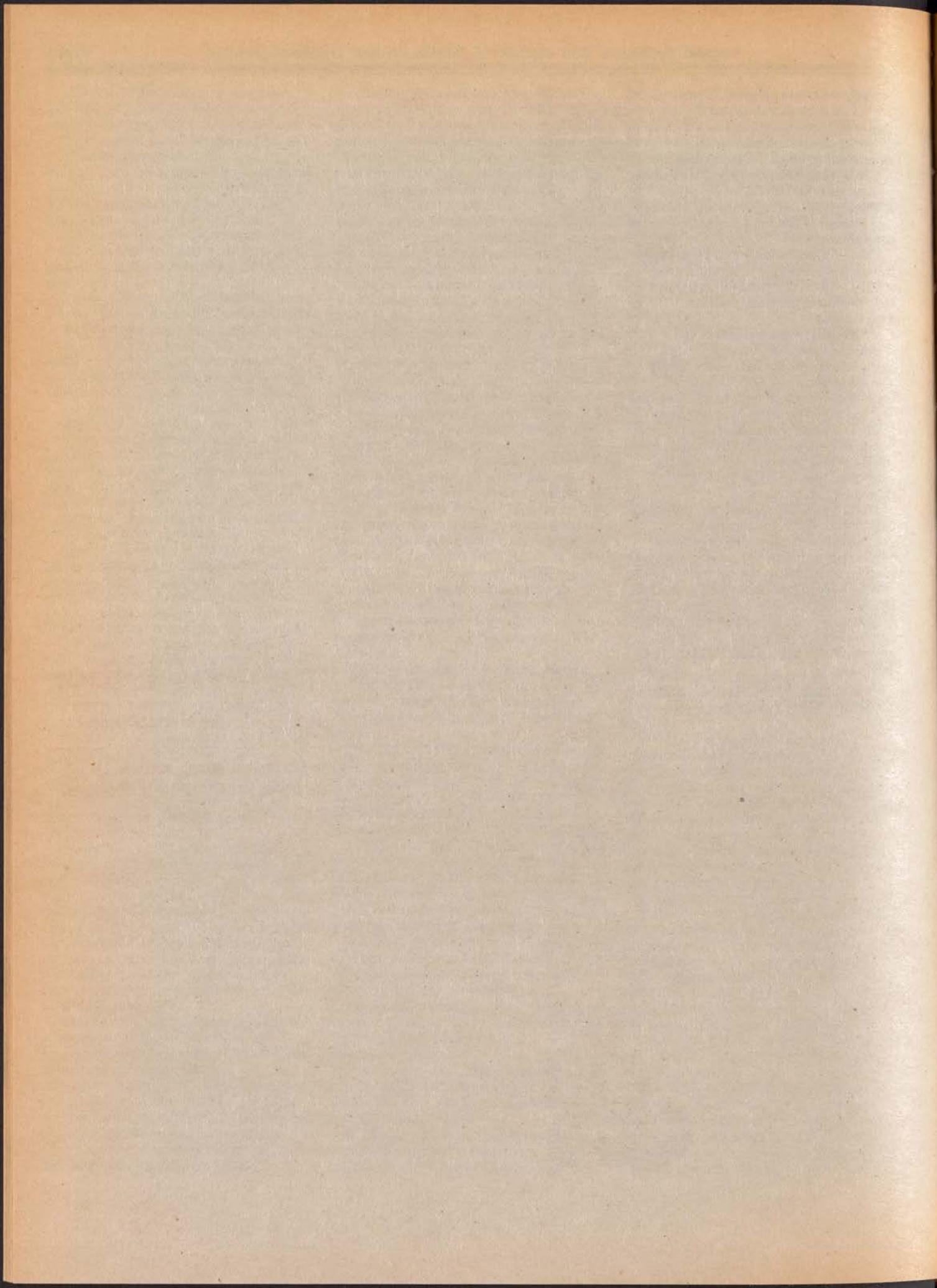
VII-D-14-l. Persons working in the controlled area shall be trained in emergency procedures.

VII-D-14-m. Equipment and materials required for the management of accidents involving viable organisms containing recombinant DNA molecules shall be available in the controlled area.

VII-D-14-n. The Controlled area shall be decontaminated in accordance with established procedures following spills or other accidental release of viable organisms containing recombinant DNA molecules.

[FR Doc. 80-10290 Filed 4-10-80; 8:45 am]

BILLING CODE 4110-08-M



Federal Register

Friday
April 11, 1980

Part III

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
DivisionMinimum 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 projects 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 Determination Decision.

New General Wage Determination
Decisions

Maryland.—MD80-3021.

Modifications to General Wage
Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California:	
CA80-5110	Mar. 14, 1980.
Florida:	
FL78-1086	Oct. 6, 1978.
Georgia:	
GA79-1014	Jan. 5, 1979.
GA79-1122	Aug. 31, 1979.
Maryland:	
MD78-3046	May 19, 1978.
Massachusetts:	
MA79-2008	Mar. 16, 1979.
Mississippi:	
MS80-1031	Jan. 11, 1980.
New York:	
NY79-3030	Aug. 31, 1979.
NY80-3001	Feb. 29, 1980.

Supersedeas Decisions to General Wage
Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Indiana:	
IN79-2004(IN80-2019)	Jan. 26, 1979.
IN79-2060(IN80-2015)	June 22, 1979.
Missouri:	
MO79-4092(MO80-4023)	Dec. 7, 1979.
New York:	
NY78-3077(MO80-3023)	Oct. 20, 1978.
Pennsylvania:	
PA78-3121(PA80-3025)	Sept. 22, 1978.
PA78-3016(PA80-3026)	Apr. 14, 1978.
PA78-3069(PA80-3028)	Oct. 6, 1978.

**Cancellation of General Wage
Determination Decisions**

This is to advise all interested parties that the Department of Labor intends to withdraw 30 days from the date of this notice the following General Wage Determinations applicable to residential construction consisting of single family homes and apartments up to and including four (4) stories:

- NJ75-3068—Cape May County, New Jersey, dated July 11, 1975 in 40 FR 29437
- NJ75-3097—Union County, New Jersey, dated September 19, 1975 in 40 FR 43414
- MI75-2120—Muskegon County, Michigan, dated October 24, 1975 in 40 FR 49955
- MI77-2104—Chippewa County, Michigan, dated July 22, 1977 in 42 FR 37699

Signed at Washington, D.C., this 4th day of April 1980.

Dorothy P. Come,
*Assistant Administrator, Wage and Hour
Division.*

BILLING CODE 4510-27-M

MODIFICATION PAGE 1

NEW DECISION

STATE: Maryland
 COUNTIES: Montgomery, Prince Georges
 DATE: Date of Publication
 DESCRIPTION OF WORK: Residential Construction consisting of single family houses and apartments up to and including 4 stories

DECISION NO.: MD80-3021

DATE: Date of Publication

DECISION NO. CA80-5110 - Mod. #1
 (45 FR 16796 - March 14, 1980)

Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California

Add:
 Communications and Systems Technicians:
 Monterey County
 Remaining Counties

Painters:
 Sacramento, Sierra and Solano Counties:
 Brush
 Spray
 Tapers

Change:
 Plasterers:
 Alameda and Contra Costa Counties
 Monterey County
 Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen (southern half), Nevada, Placer, Plumas, Sacramento, San Joaquin, Sierra, Sutter, Yolo and Yuba Counties

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
RESIDENTIAL CONSTRUCTION					
Bricklayers	12.00				
Carpenters	6.32				
Carpet Layers	7.00				
Cement Masons	9.89				
Dry Wall Finishers	9.29				
Dry Wall Hangers	9.82		3%		
Electricians	8.65	.70			
Labors:					
Unskilled	4.80				
Mason Tender	5.44				
Lathers	8.00				
Painters	6.74				
Plasterers	8.00				
Plumbers	8.38				
Roofers	5.50				
Sheet Metal Workers	6.00				
Soft Floor Layers	7.00				
Tile Setters	8.50				
Truck Drivers	5.98				
Power Equipment Operators					
Asphalt Paver	5.97				
Asphalt Roller	7.02				
Backhoe	8.00				
Bulldozer	9.26				
Gradall	6.45				
Grader	7.50				
Loader	7.89				

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
	\$14.85	1.15	3%+3.71	1.87	.10
	10.80	.70	.30		
	14.90	1.50	2.00	.80	.06
	15.40	1.50	2.00	.80	.06
	15.70	1.50	2.00	.80	.06
	12.94	1.10	2.60		.03
	14.51	1.00	1.35		.01
	13.21	1.21	2.15		.03

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
7.63	.55	.30	.50	.04
Decision No. FL78-1086 - Mod. # 1 (43 FR-46449 - October 6, 1978) Brevard & Volusia County, Florida Change: Sheet Metal Workers (Volusia Co.				
\$11.40	.80	.53		.11
7.30	.30	.33		.10
7.52	.30	.33		.10
7.80	.30	.33		.10
8.05	.30	.33		.10
8.37	.30	.33		.10
11.90	1.00	.85		.11
DECISION #GA79-1014 - Mod. #8 (44 FR 1632 - January 5, 1979) Clayton, DeKalb, & Fulton Counties, Georgia CHANGE: Glaziers Laborers: Group 1 Group 2 Group 3 Group 4 Group 5 Plumbers & Pipefitters				
\$ 7.30	.30	.33		.10
7.52	.30	.33		.10
8.05	.30	.33		.10
8.37	.30	.33		.10
9.90	.30	.33		.10
11.90	1.00	.85		.11
DECISION #GA79-1122 - Mod. #4 (44 FR 51191 - August 31, 1979) DeKalb & Fulton Counties, Georgia CHANGE: Laborers: Unskilled Air tool operators (air, electric or gas powered, such as jackhammer, paving breaker, tamper, vibrator, spade, chipping hammer, & banco tamp), & pipelayers Tunnel laborers Powdermen Miners Plumbers & Pipefitters				

DECISION NO. CA80-5110 (CONT'D)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.60	1.13	.95	1.25	.01
11.10	1.20	2.50	2.00	
17.87	1.40	2.39		.26
16.32	1.62	2.07		.14
12.43	1.10	1.40	2.43	.09
12.68	1.10	1.40	2.43	.09
14.43	1.10	1.40	2.43	.09
13.21	.80	1.50	1.90	.09
13.46	.80	1.50	1.90	.09
14.21	.80	1.50	1.90	.09
16.37	.895	.69	a	.03
Plasterers: Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Cos. Mariposa, Merced, Stanis- laus and Tuolumne Cos. Plumbers: Contra Costa County Plumbers; Steamfitters: Amador (Northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer and Sierra Cos. (excluding Lake Tahoe area) Roofers: Lake, Mendocino, Napa, Solano and Sonoma Cos.: Roofers Mastic Workers; Kettle men (2 kettles w/o pumps) Bitumastic; Enamelers; Pipewrappers; Coal Tar pitch San Francisco and San Mateo Counties: Roofers Mastic Workers; Kettle men (2 kettles w/o pumps) Bitumastic; Enamelers; Pipewrappers; Coal Tar pitch Elevator Constructors				

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION NO. MA79-2008 - MOD. #2 (44 FR 16313 - March 16, 1979) Essex County, Massachusetts					
Change: Carpenters & Soft Floor Layers: Amesbury, Boxford, Georgetown, Groveland, Haverhill, Newbury, W. Newbury, Lynn, Lynnfield, Nahant, Sangus, and Swampscott, Andover, Lawrence, Methuen, N. Andover, & W. Andover	\$ 11.65	.95	1.00		.10
Electricians: Andover, Lawrence, Methuen, North Andover, Salisbury, West Newbury, Amesbury, Boxford, Georgetown, Groveland, Harverhill, Merrimac, Newbury, Newburyport, and Rowley	12.37	.75	38+.60		.02
DECISION NO. MS-80-1031-Mod. #3 (45 FR 2492 - January 11, 1980) Hancock, Harrison, Jackson and Pearl River Counties, Mississippi					
CHANGE: Plumbers and Steamfitters	\$11.43	.56	.75		.05

DECISION #MD 78-3046-Mod. # 7
(42 FR 21813-Way 19, 1978)
Baltimore City, Maryland

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Change: Carpenters	11.70	.75	.69		.07
Laborers:					
Power Tool Operators	7.05	.35	.55		.075
Pipelayers, Wagon Drill operators, Air track drillers, Burners (demolition)	7.15	.35	.55		.075
Mason Tenders & Mortar Mixers (brick & stone work only)	7.55	.35	.55		.075
	8.20	.30	.50		.075
Add: Laborers: Jackhammer Operators-80 # and over	7.30	.35	.55		.075

DECISION #NY79-3030 - Mod. #1
(44 FR 51481 August 31, 1979)
Steuben County, New York

Change:	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Asbestos Workers	13.07	1.40	.90		.01
Bricklayers, Cement Masons, Marble Masons, Plasterers, Tile and Terrazzo Workers	11.05		.50		
Cement Masons, Heavy and Highway Glaziers	11.20	.45	.50		.03
Ironworkers:	9.60		.60		
Twps. of Atlantic and South:					
Dansville:					
Structural, Ornamental, Reinforcing, Machinery Movers, Riggers, Rodmen, Fence Erectors and Stone Derricks	12.10	1.00	1.05		.10
Sheeters	12.35	1.00	1.05		.10
Sheeters, Bucker-up	12.225	1.00	1.05		.10
Remainder of County:					
Structural, Ornamental, Reinforcing, Machinery Movers, Fence Erectors Riggers, Rodmen, and Stone Derricks	10.98	.85	1.05		.05
Sheeters	11.23	.85	1.05		.05
Sheeters, Bucker-up	11.10	.85	1.05		.05
Plumbers and Steamfitters:					
Twps. of Avoca, Canisteo, Cohocton, Dansville, Fomont, West Union, Greenwood, Hartsville, Hornellville, Howard, Wheeler, Jasper, Prattsburg, Pultney, Troupsburg, Wayland, Woodhill, Camerton, Rathbone and Tuscarora	13.18	2.485	1.22		.20
Sheet Metal Workers	11.22	.60	3%+.80		.10
Sprinkler Fitters	13.54	.75	1.05		.08
POWER EQUIPMENT OPERATORS:					
HEAVY AND HIGHWAY CONSTRUCTION					
Group I	12.35	1.15	1.25	a	.15
Group II	11.94	1.15	1.25	a	.15
Group III	10.78	1.15	1.25	a	.15
Group IV	9.75	1.15	1.25	a	.15

DECISION #NY79-3030 - Mod. #1

Line Construction	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Electrical Overhead and Underground Distribution Work:	11.00	1.40	3%+.75	k	
Linemen and Technicians	14.45	1.40	3%+.75	k	
Cable Splicers					
Groundmen Digging Machine Operator and Groundman Dynamite man	9.90	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	8.80	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer)	9.35	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	8.25	1.40	3%+.75	k	
All Overhead Transmission Line Work and Lighting for Athletic Fields:					
Lineman and Technician	12.50	1.40	3%+.75	k	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.25	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.00	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	10.625	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	9.375	1.40	3%+.75	k	
Sub-Station, Switching Structures (when not part of the line), Traffic Signal, Street Lighting, and Electrical, Telephone or CATV Commercial Work:					
Linemen and Technicians	13.15	1.40	3%+.75	k	
Cable Splicers	14.465	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.52	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	11.1775	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	9.8625	1.40	3%+.75	k	

DECISION #NY79-3030 - Mod. #1

Line Construction (cont'd)	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Groundmen Digging Machine Operator, Groundman Dynamite Man	11.835	1.40	37+.75	k	
Telephone and other Communication Systems, Both overhead and underground:					
Linemen and Installer Repairmen	8.34	.40	37+.25	k	17
Splicers	8.89	.40	37+.25	k	17
Groundman Digging Machine Operator	7.73	.40	37+.25	k	17
Groundman	5.72	.40	37+.25	k	17
Groundman Truck Driver	6.82	.40	37+.25	k	17
Groundman Dynamite Man	6.60	.40	37+.25	k	17

Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

k. Paid Holidays: A through F, Washington's Birthday, Good Friday, and Election Day for President of the United States and Governor of New York State, provided the employee works the day before and after the holiday.

DECISION #NY80-3001 - Mod. #1
(45 FR 13617 February 29, 1980)
Dutchess County, New York

Change:	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation	Education and/or Appr. Tr.	
LABORERS, BUILDING: General laborers, mason tender, carpenter tender, labor stripping, cleaning forms, labor sweepers, cleaners, grading, digging ditches	8.98	1.10	1.71	a+.40		
Hod Carriers, plasterers tenders, scaffold builders (padlock and self supporting scaffold 14' or under, all runways) mortar mixers (machine and hand), concrete mixers (by machine under 21E), vibrators, form setters, pipelayers, asphalt takers, handling reinforcement rods, drillers, jackhammer operator, signalman, gunniting, motorbugs, water pump 2" or under, barco machine, wrenchers, paving breakers, power saw operators, other machine operators	9.23 9.38 10.90	1.10 1.10 1.86	1.71 1.71 3.30	a+.40 a+.40 1.60		
IRONWORKERS POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION (Northern part of Dutchess to the Northern boundary line of the city of Poughkeepsie)	12.35 11.94 10.78 9.75	1.15 1.15 1.15 1.15	1.25 1.25 1.25 1.25	a a a a	.15 .15 .15 .15	
GROUP I						
GROUP II						
GROUP III						
GROUP IV						

SUPERSEDESAS DECISION

STATE: INDIANA
 COUNTIES: *See Below
 DECISION NO.: IN80-2019 DATE: Date of Publication
 Supersedes Decision No. IN79-2004 dated January 26, 1979 in
 44 FR 5621
 DESCRIPTION OF WORK: Building Construction Projects (Does not
 include single family homes & apartments up to & including
 4 stories)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$13.65	.50	1.20			.03
12.91	.45	1.00			.03
14.25	1.275	1.00			
11.78	1.00	.75			.04
12.65	.60	1.00			
12.05	.58	.70			.02
12.55	.58	.70			.02
11.50	.70	.77			.02
11.90	.70	.77			.02
12.10	.72	.60			.01
12.35	.72	.60			.01

DECISION NO. IN80-2019

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
13.15	.75	.85			.08
12.27	.70	1.00			
12.52	.70	1.00			
10.20	.60	.25			
11.05	.80	.80			.04
12.05	.60	1.00			
12.30	.85	.65			
13.25	.55	38+.70			.01
13.85	.50	3%			4%
12.85	.55	38+.70			.01
13.70	4%	7%			4%
13.17	.50	38+.50			.25%
12.79	.745	.56	a+b		.035
12.86	.745	.56	a+b		.035
14.19					
10.905	.48	.50	.25		

Parke (East of Twps. of Jessup, Rosedale, Carbondale, & Portland), Putnam, & Vermillion (North of the South city limit of Summit Grove):
 Carpenters
 Pike Co. (exclu. Jefferson & Washington Twps.):
 Carpenters
 Piledrivers
 CEMENT MASONS:
 Clay, Parke, Putnam, Vermillion, & Vigo Cos.
 Daviess, Gibson, Knox, Martin & Pike Cos.
 Greene & Sullivan Cos.
 Posey & Vanderburgh Cos.
 ELECTRICIANS:
 Clay, Greene, Knox (Electrical contracts over \$5,000.00), Parke, Sullivan & Vigo Cos.
 Daviess, Gibson, Martin, Pike, Posey, & Vanderburgh Cos.
 Knox (Electrical contracts under \$5,000.00) Co.
 Putnam County
 Vermillion County
 ELEVATOR CONSTRUCTORS:
 Clay, Greene, Parke, Putnam, Vermillion & Vigo Cos.
 Daviess, Gibson, Knox, Martin, Pike, Posey, Sullivan & Vanderburgh Cos.
 GLAZIERS:
 Clay, Greene (N $\frac{1}{2}$), Parke, Putnam, Sullivan (N $\frac{1}{2}$), Vermillion & Vigo Cos.
 Gibson, Knox, Pike, Posey, Sullivan (S $\frac{1}{2}$) & Vanderburgh Cos.

DECISION NO. IN80-2019

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
9.00				
9.50				
10.05				
10.50				
10.25				
10.75				
11.30	.55			
12.10	.55			
12.60	.55			
11.45	.55			
12.15	.55			
12.95	.55			
12.30	.55			
13.10	.55			
11.25				
11.00				
11.50				
12.25				
13.25				
9.00				
10.00				
9.10				
10.65				.50
12.65				.50
12.15				.50

PAINTERS:
 Clay & Putnam (City of Greencastle) Cos.;
 Brush; Drywall; Paper-hanging; Pointing & Taper
 Brush-Steel; Roller
 Brush-Swing Stage
 Spray-Steel
 Spray
 Sandblasters; Spray-Swing Stage
 Davies & Knox Cos.;
 Brush up to 30 ft.
 Brush over 30 ft.
 Wall Covering Hangers
 Drywall Preparing
 Roller up to 30 ft.
 Roller over 30 ft.
 Sandblasting, Spray up to 30 ft.
 Sandblasting, Spray over 30 ft.
 Greene, Sullivan & Vigo Cos.;
 Brush; Drywall w/o Tools; Paperhangers w/o Tools; & Rollers
 Spray
 Structural Steel to 30 ft.
 Structural Steel 30 ft. to 100 ft.; Drywall w/Tools; Paperhangers w/Tools; Spray
 Structural Steel over 100 ft.; Sandblasting Martin Co.
 Brush; Roller; Drywall Sandblasting; Spray
 Vinyl Hanging
 Parke & Vermillion Cos.;
 Brush; Paperhangers; Tapers
 Sandblasting
 Spray

DECISION NO. IN80-2019

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
11.85	1.00	2.30		.10
11.04	.61	.45		.04
11.97		.20		.01
11.10	.75	.75		.04
12.25	.60	1.00		
8.50	.60	1.00		.04
13.15	.75	.85		.08
12.10	.70	.77		.02
12.85	.77	.64		.01
12.29	.60	.90		

IRONWORKERS (except Gibson, Pike, Posey, & Vanderburgh Cos.)
LATHERS:
 Clay, Daviess (N $\frac{1}{2}$), Greene, Martin, Parke, Vermillion, & Vigo Cos.
 Daviess (S $\frac{1}{2}$), Gibson, Knox, Pike, Posey, & Vanderburgh Cos.
MARBLE SETTERS; Terrazzo Workers; & Tile Setters: Posey & Vanderburgh Cos. Remaining Cos.
MARBLE SETTERS' FINISHERS; Terrazzo Workers' Finishers; & Tile Setters' Finishers:
 All Counties, except Posey & Vanderburgh Cos.
MILLWRIGHTS:
 Clay (N. of Hwy. 246 including Brazil), Parke, Putnam, Vermillion & Vigo Cos.
 Clay (S. of Hwy. 246 excluding Brazil), Daviess, Gibson (Princeton), Greene (excl., Beech, Center & Jackson Twp.), Knox, Martin, Pike (Jefferson & Washington Twp.), & Sullivan Cos.
 Greene (Jackson, Center, & Beech Twp.) Co.
 Pike (Rem. of Co.), Posey, & Vanderburgh Cos.

DECISION NO. IN80-2019

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
11.25	.70			
11.50	.70			
12.25	.70			
14.52				
11.90	.80	.40		
12.90	.80	.40		
12.15	.80	.40		
11.05	.80	.80		.04
12.65	.60	1.00		
13.38				
13.85	.60	1.00		.10
14.35	.60	1.00		.08
13.60	.60	1.00		.15
12.20	.50	.20		
12.28	.75	.70		
12.53	.75	.70		

Putnam Co. (exclu. City of Greencastle):
 Brush; Roller; Drywall Tapers & Finishers
 Structural Steel Sandblasting
 Spray
 Gibson (Power Plant in Princeton), Pike, Posey, & Vanderburgh Cos.:
 Brush; Roller Sandblasting; Spray; Steamcleaning; & Water-blasting
 Drywall Tapers
 PLASTERERS:
 Daviess, Gibson, Knox, & Martin Cos.
 Greene & Sullivan Cos.
 Pike, Posey, & Vanderburgh Cos.
 PLUMBERS; Steamfitters:
 Clay, Greene, Knox (N. of Hwy. #50), Parke, Pike (Hoosier Energy Power Plant), Putnam, Sullivan, Vermillion & Vigo Cos.
 Daviess, Gibson, Knox (S. of Hwy. #50), Pike (Rem. of Co.), Posey, & Vanderburgh Cos.
 Martin County
 ROOFERS:
 Clay, Greene, Knox, Parke, Sullivan, Vermillion, & Vigo Cos.
 Daviess, Gibson, Martin, Pike, Posey, & Vanderburgh Cos.
 Composition & Water-proofers
 Slate, Tile; Concrete Slab; Gypsum Plank

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
12.50	.65	.50		
12.75	.65	.50		
13.41	.50+c	1.10		.09
12.97	.55	.55		.03
13.33	.75	1.05		.08

Putnam Co.:
 Composition & Waterproof Slate, Tile, Asbestos & Precast Slab
 SHEET METAL WORKERS:
 Clay, Parke, Putnam, Sullivan, Vermillion & Vigo Cos.
 Daviess, Gibson, Knox, Martin, Pike, Posey, & Vanderburgh Cos.
 SPRINKLER FITTERS

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:

- a. 7 paid holidays: A through F & Day after Thanksgiving
- b. Employer Contributes 8% of Regular Hourly Rate to Vacation Pay Credit for Employee who has worked in Business more than 5 Years. 6% for Employee who has worked in Business Less than 5 Years.
- c. 3% of Gross Earnings to SASMI

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LABORERS:

Davies, Gibson, Knox, Pike, Posey, & Vanderburgh Cos.

- GROUP I
- GROUP II
- GROUP III
- GROUP IV
- Remaining Counties
- GROUP I
- GROUP II
- GROUP III
- GROUP IV

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
9.90	.85	.75			.09
10.10	.85	.75			.09
10.20	.85	.75			.09
10.90	.85	.75			.09
9.30	.85	.75			.09
9.50	.85	.75			.09
9.60	.85	.75			.09
10.30	.85	.75			.09

GROUP I - Building & Construction Laborers; Scaffold Builders (Other than for Masons or Plasterers); Ironworker Tenders; Mechanic Tenders; Civil Engineer Tenders & Surveyor Tenders; Rodmen & Chainmen; Window Washers & Cleaners; Roofer's; Tenders; Railroad Workers; Masonry Wall Washers (interior & exterior); Cement Finisher Tenders; Carpenter Tenders; Tenders of All other Crafts not listed; All Portable Water Pumps With Discharge Up to 3 Inches

GROUP II - Waterproofing; Handling of Creosote Lumber of Like Treated Material (excluding Railroad Material); Asphalt Rakers & Luteman; Kettlemen; Air Tool Operators, Vibrators, Chipping Hammer Operators and All Pneumatic Tool Operators; Earth Compactors; Jackmen & Sheetmen Working Ditches Deeper than 6 ft. in Depth; Laborers Working Ditches 6 ft. in Depth or Deeper; Assembly of Unicrete Pump; Chain Saw Operators; Tile Layers (sewer or field) & Sewer Pipe Layers (metallic or non-metallic); Motor Driven Wheelbarrows & Concrete Buggies; Hyster Operators; Pump Crete Assemblers; Conveyor Assemblers; Core Drill Operators; Cement, Lime or Silica Clay Handlers (bulk or bag); Handling of Toxic Materials Damaging to Clothing; Pneumatic Spikers; Deck Engine & Winch Operators; Water Main & Cable Ducking (Metallic & non-metallic)

GROUP III - Plasterers' Tenders; Mason Tenders; Mortar Mixers; Welders (acetylene or electric); Cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders when Working for Plasterers; Scaffold Builders when Working for Masons

GROUP IV - Dynamite Men; Drillers - Air Track or Wagon Drilling for Explosives

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POWER EQUIPMENT OPERATORS

Clay, Davies, Greene, Knox, Parke, Putnam, Sullivan, Vermillion & Vigo Cos.

- GROUP I
- GROUP II
- GROUP III
- GROUP IV

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
13.15	.55	.75		.08
13.05	.55	.75		.08
12.85	.55	.75		.08
8.00	.55	.75		.08

CLASSIFICATIONS

- GROUP I - Master Mechanics
- GROUP II - Utility Operator

GROUP III - Power Cranes; Draglines; Derricks; Electric Overhead Cranes; Shovels; Gradall; Mechanics; Repair and Maintenance of all Equipment; Tractor Highlift; Fork Lifts; Tournadozer; Mixer over 14S Capacity; Tournamixer; Two Drum Machine or Two Cage Hoists; Cableways; Tower Machines; Motor Patrol; Boom Tractor; Boom or Winch Truck; Truck Crane; Tournapull; Tractor Operating Scoops; Bulldozer; Push Tractor; Finishing Machine on Asphalt; Large Rollers & Rollers on Asphalt; Gravel; Macadam and Brick Surface; Ross Carrier or Similar Machine; Gravel Processing Machine; Asphalt Plant Engineer or Pug Mill; Two Air Compressors; Hetherington Paver Operator; Farm Tractor with Half Yard Bucket and/or Back Hoe Attachment; Trench Machines Cutting over 24"; Dredging Equipment; Central-Mix Plant Engineer; CMI or Similar Type Machine; Concrete Spreader; Cherry Picker; Standard or Dinkey Locomotives; Scoopmobiles; Euclid Loader; Soil Cement Machines; Back-Filler; Elevating Machine; Power Blade; Asphalt Plant Engineer; Well Drilling Machines; Paint Machine; pipe cleaning Machines; Pipe Wrapping Machine; pipe Bending Machine; Apsco Paver; Boring Machine; Tractor Without Winch; Head Equipment Greasers; Barber Green Loaders; Formless Paver; Well Point System Hydra Ax; Resco Concrete Saw; Marine Scoops; Brush Mulcher; Brush Burner; Mesh Placer; Tree Mover; Helicopter Crew (3); Pile Driver Skid or Crawler; Stump Remover; Root Rake; Tug Boat Operator; Refrigerating Machine Freezing Operator; Chair Cart - Self Propelled; Hydra Seeder; Straw Blower; Concrete Mixers with Skip; All one Drum Hoists with Tower or Boom; Dredge Engineer; Dredge Operator; Rock Spreader; Truck or Skid Mounted Tower Crane; Engine or Rock Crusher Plant; Boiler Operator; Concrete Plant Engineer; Loaders; Hydra Crane Caissons; Shafts or any Similar Type Drilling Machine; Concrete Curb Machine - Self Propelled; Winch or Hydraulic Boom Truck

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POWER EQUIPMENT OPERATORS (CONT'D)

GROUP IV - Mixers 14S Capacity or Less; Trench Machine Cutting 24" and under; Farm Tractor with less than Half Yard Bucket and Other Attachments Except Back Hoe; truck Crane Oiler; Power Subgrader Bull Float; Form Grader; Finishing Machine; Pavement Breaker; Rock Crushers; One Drum Machine; One Air Compressor; Concrete Pump; Guniting Machine; Air Tuggers; Truck Crane Drivers; House Elevators When Used for Hoisting Material; Two to Four Generators or Welding Machines; Mechanized Heaters Irrespective of Motor Power When Used for Temporary Heat; Small Rollers on Earth; Engine Tenders; Wagon Drill; Flexplane; Conveyor; Two to Four Water Pumps; Siphon and Pulsometer; Distributor Operator on Trucks; Tampers; Power Broom; Post Hole Digger; Self-Propelled Concrete Saw; Striping Machine (Motor Driven); Form Tamper; Seaman Tiller; Bulk Cement Plant Equipment Greaser; Track Jack; Mud Jack; Concrete Buggies Motor Driven; Oilers; Barrel Type Mixer; One Welding Machine or One Water Pump; Air Valves of Steam Valves from Plant; Concrete Mixers Without Skip; Curling Machine; Concrete & Blacktop Curb Machine; Deck Hands

Cranes with Booms from 149 ft. to 199 ft. Including Jib Receive Additional \$.75 Per Hour
 Cranes with Boom over 199 ft. Including Jib Receive Additional \$1.25 Per Hour

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the Labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

STATE: Indiana
 DECISION NUMBER: IN80-2015
 Supersedes Decision No.: IN79-2060, dated June 22, 1979 in FR 36683

COUNTIES: *See below
 DATE: Date of Publication
 DESCRIPTION OF WORK: Heavy and Highway Construction Projects

*Statewide, except Lake, LaPorte, Porter and St. Joseph Counties

CARPENTERS:

Jasper, Newton and Starke Counties
 Elkhart County
 Bartholomew (Camp Atterbury), Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson (except Edinburg), Marion, Montgomery, Morgan (except Washington), Parke (except portion lying west of a line south and north running through Jessup, Rosedale, Carbondale, and Poland), Putnam, Vermillion (north of the south city limits of Summit Grove) and Warren Counties

REMAINDER OF STATE OF INDIANA

CEMENT MASONS:
 Adams, Allen, DeKalb, Noble, Steuben and White Counties
 Brown, Jackson, Jefferson, Jennings, Lawrence, Orange Scott & Washington Cos. Benton (Eastern 2/3), Carroll, Cass, Clinton, Fountain (Eastern 1/2), Howard, Jasper (Southern 2/3), Miami, Montgomery, Newton (Southern 2/3), Tippecanoe, Warren (Eastern 2/3), & White Cos.

Basic Hourly Rates	Fringe Benefits, Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
13.53	.75	.82		.15
11.97	.90	.90		.05
12.80	.75	.70		.08
11.93	.70	.70		.05
10.85	.75	.80		.02
11.00				
10.75	.60	.75		

Basic Hourly Rates	Fringe Benefits, Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
11.05	.80	.80		
10.20	.60	.25		
12.35	1.00	1.70		.02
11.95	1.00	1.98		.03
13.62	.90	1.66		.09
12.00	1.40	1.45		.06
12.10	1.00	1.95		.05

Daviess, Gibson, Knox, Martin & Pike Cos.
 Clay, Owen (extreme western part of Co.), Parke, Putnam, Vermillion, & Vigo Cos.
IRONWORKERS:
 Adams, Allen, Blackford, DeKalb, Delaware (North-eastern 1/3 of Co.), Grant (excluding S/W portion), Huntington, Jay, Kosciusko (SW portion incl. Warsaw), LaGrange (Eastern 1/2 of Co.), Noble, Randolph (N. part of Co. excluding Union City but including Winchester), Steuben, Wabash, Wells & Whitley Counties
 Elkhart, Fulton, Kosciusko (Rem. of Co), LaGrange (Western 1/2 of Co), Marshall, Pulaski & Starke, Counties
 Jasper (Northern 1/2 of Co), & Newton Counties
 Clark, Crawford, Floyd, Harrison, Jackson (Southern 1/2 of Co.), Jefferson, Jennings (Southern 1/2 of Co.), Lawrence (Southern 2/3 of Co.), Martin (Eastern 1/2 of Co.), Orange, Scott & Washington Counties
 Marion County

Basic Hourly Rates	Fringe Benefits, Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
12.75	1.00	1.00		.06
11.23	.85	.80		.04
10.75	.60	.80		.04
9.88	1.00	.70		.02
12.28		.30		
11.16	.75	.75		.04
12.30	.85	.65		.04
12.05	.06	1.00		
11.66	.65	.50		.08
11.42	.90	.60		.03
10.35		1.80		

Jasper (Northeastern portion of Co. west to, but not including Wheatfield), Pulaski (Northern 2/3 of Co.), & Starke Counties
 Fulton, Marshall & Pulaski (S) Counties
 Blackford, Delaware, Grant, Huntington, Jay, Randolph, Wabash, & Wells Counties
 Clark, Floyd, & Harrison Counties
 Elkhart, Kosciusko & LaGrange Counties
 Boone, Hamilton (Southern 1/2 of Co., North to the new Rte. Indiana Hwy #32 incl. Noblesville), Hancock (southern & western part, north to but not incl. Wilkin-son & east to, but not incl. Fortville), Hendricks, Johnson, Marion & Morgan (Northern 1/2 of Co.) Counties
 Crawford, Dubois, Perry, Posey, Spencer, Vanderburgh, & Warrick Cos.
 Greene & Sullivan Cos.
 Hamilton (Northern 1/2 of Co.), Hancock (Eastern 1/2 of Co.), Henry, Madison & Tipton Cos.
 Newton (Northern 1/3) Co.
 Decatur, Fayette, Franklin, Rush, Union & Wayne Cos.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Bartholomew, Boone (South-eastern 1/2 of Co.), Brown, Clinton (Eastern 1/3 of Co.), Decatur (Western 1/2 of Co.), Delaware (Southern 2/3 of Co.), Fayette (Western 1/2 of Co.), Franklin (NW Tip of Co.), Grant (SW portion), Hamilton, Hancock, Hendricks, Henry, Howard, Jackson (Northern 1/2 of Co.), Jennings (Northern 1/2 of Co.), Johnson, Lawrence (Northeastern 1/6 of Co.), Madison, Monroe, Morgan, Owen, Putnam (Eastern 1/2 of Co., excluding Green-castle), Rush, Shelby, & Tipton Counties	1.00	1.95			.05
12.25	1.00	1.65			.02
12.24	1.00	1.45			.06
12.36	1.00	2.30			.10
11.85	1.00	1.45			.03
13.08	1.00				

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
9.90	.60	.85			.12
10.90	.60	.85			.12
9.45		.50			
10.45		.50			
11.25	.70				
11.50	.70				
12.25	.70				
14.52	.70				
10.80		.80			
11.80		.80			
11.24	.78	.48			
12.24	.78	.48			
8.90			.30		
9.65			.30		
9.90			.30		

PAINTERS:

Adams, Allen, Dekalb, Grant, Huntington, LaGrange, Noble, Steuben, Wabash, Whitley & Wells (Northern 1/2 of Co. to & incl. Bluff-ton);
 Brush, Paperhangers; Rollers & Tapers
 Sandblasters; Spray
 Bartholomew, Decatur, Jackson & Jennings Cos.;
 Brush; Roller & Steel Spray
 Benton, Clinton, Fountain, Montgomery, Putnam (except City of Green-castle), Tippecanoe, & Warren Cos.;
 Brush; Roller Structural Steel
 Sandblasting
 Spray
 Blackford, Cass, Delaware, Fulton, Howard, Jay, Madison, Miami, Tipton, & Wells (to the South city limits of Bluffton) Counties;
 Brush
 Spray
 Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan (North 1/2 of Co.) & Shelby Cos.;
 Brush
 Spray
 Brown, Monroe, Morgan (excluding North 1/2 of Co.) & Owen Cos.;
 Brush
 Structural Steel
 Spray

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
12.65	.79	.60		.05
13.40	.79	.60		.05
9.83	.35	.20		.03
10.28	.35	.20		.03
9.00				
9.50				
10.05				
10.25				
10.50				
10.75				
10.55	.55			
11.35	.55			
11.55	.55			
12.35	.55			
11.50				
11.50				
12.00				
12.60				

Carroll, Jasper, Newton, & White Counties:
 Brush
 Sandblasting; Sign & Spray
 Clark, Crawford, Floyd, Harrison, Jefferson, Scott, & Washington Counties:
 Brush
 Spray
 Clay & Putnam (City of Greencastle) Cos.:
 Brush; Drywall; Paperhanger; Pointing & Taping
 Brush-Steel; Roller
 Brush-Swing Stage
 Spray
 Spray-Steel
 Sandblasting; Spray-Swing Stage
 Stage
 Daviess, Gibson & Knox Cos.:
 Brush up to 30'
 Brush over 30'
 Spray up to 30'
 Spray over 30'
 Dearborn, Ohio, Ripley & Switzerland Counties:
 Brush; Roller; Wallwashing; Drywall Taping & Finish; Paperhanging & Vinyl; Seamless Floors & Finishing Floors; Sanding
 Sandblasting & Steam Clean Spray; Epoxy
 Tanks, Elevators, Bridges, Steeples over 40 ft.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
13.05	.80	.40		
14.05	.80	.40		
10.44		.40		15.00p/yr
10.34		.40		15.00p/yr
9.35				
10.35				
9.60				
9.00				
10.65			.50	
12.15			.50	
11.25				
12.25				
11.50				
12.25				
13.25				

Dubois, Perry, Pike, Posey, Spencer, Vanderburgh & Warrick Counties:
 Brush
 Spray
 Elkhart, Kosciusko, Marshall, Pulaski & Starke Counties:
 Brush
 Drywall Taping & Finish; Paperhangers; Spray & Vinyl
 Fayette, Franklin, Henry, Randolph, Rush, Union & Wayne Counties:
 Brush
 Sandblasting; Spray
 Structural Steel;
 Scaffold over 30 ft.
 Lawrence, Martin & Orange Counties:
 Brush; & Structural Steel
 Parke, & Vermillion Cos.:
 Brush
 Spray
 Greene, Sullivan & Vigo Counties:
 Brush
 Spray
 Structural Steel up to 30'
 Structural Steel 30' to 100'
 Structural Steel over 100'

LABORERS: SEWER, TUNNEL, & WATER CONSTRUCTION

	ZONE 2		ZONE 2A		ZONE 3		ZONE 4		ZONE 5	
	Basic Hourly Rates	Fringe Benefits Payments	Basic Hourly Rates	Fringe Benefits Payments	Basic Hourly Rates	Fringe Benefits Payments	Basic Hourly Rates	Fringe Benefits Payments	Basic Hourly Rates	Fringe Benefits Payments
GROUP 1	9.20	9.00	9.20	9.00	9.20	9.00	9.20	9.00	9.20	9.00
GROUP 2	9.35	9.15	9.35	9.15	9.35	9.15	9.35	9.15	9.35	9.15
GROUP 3	9.40	9.20	9.40	9.20	9.40	9.20	9.40	9.20	9.40	9.20
GROUP 4	9.50	9.30	9.50	9.30	9.50	9.30	9.50	9.30	9.50	9.30
GROUP 5	10.05	9.85	10.05	9.85	10.05	9.85	10.05	9.85	10.05	9.85
GROUP 6:										
A.	9.40	9.20	9.40	9.20	9.40	9.20	9.40	9.20	9.40	9.20
B.	9.55	9.35	9.55	9.35	9.55	9.35	9.55	9.35	9.55	9.35
C.	10.00	9.80	10.00	9.80	10.00	9.80	10.00	9.80	10.00	9.80
D.	9.50	9.30	9.50	9.30	9.50	9.30	9.50	9.30	9.50	9.30
	Fringe Benefits Payments									
	H & W	Pensions	Vacation	Education end/or Appr. Tr.						
	.85	.75		.09						

LABORERS: HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 1	9.00	.85	.75		.09
GROUP 2	9.15	.85	.75		.09
GROUP 3	9.20	.85	.75		.09
GROUP 4	9.30	.85	.75		.09
GROUP 5	9.85	.85	.75		.09

LABORERS

GROUP 1 - Carpenter Tender; Chainman; Construction Laborers; Continuous Steel Rod or Mat Installer; Fence Erector; Grade Checker; Guard Rail Erector; Joint Man (Mortar, Mastic & all other Types); Lighting Installer; Lineman for Automatic Grade Maker or Paving Machine; Mortar Man; Multi-plate Erector; Rip-Rep Installer; Road Marking & Delineation Laborer; Rodman; Setting & Placing of All Precast Concrete Products; Spraying of Epoxy, Curing compound or Like Material; Survey Crew Man; Wire Mesh Layer; Sign Installation, Including Supporting Structures

GROUP 2 - Air Tool, Power Tool, & Power Equipment Operator; Asphalt Lute Man; Asphalt Raker Man; Batch Truck Dumper; Cement Handler (Bulk or Bag Cement); Chain Saw Man; Concrete Conveyor Assembly Man; Concrete Puddler; Concrete Rubber; Concrete Saw Operator; Core Drill Operator; Hand Blade Operator; Hydro Seeder Man; Motor Driven Georgia Buggy Operator; Power Driven Compactor or Tamper Operator; Eye Level; Power Saw Operator; Pumpcrete Assembler Man; Seallet Applicator for Asphalt, Toxic; Side Rail Setter - For Sidewalks, Side Ditches, Radii & Pavements; Spreader Box Tender; Straw Blower Man; Subsurface Drain & Culvert Pipe Layer; Transverse & Longitudinal Hand Bull Float Man; Bridge Hand Rail Erector; Laborers Instrument Man; Screenshot Man or Screw Man on Asphalt Paver; Rebar Installer; Sandblaster Man; Setting & Placing Prestressed or Precast Concrete Structural Members Pipe Grade Man; Winch & Windlass Operator

GROUP 3 - Horizontal Boring & Jacking Man; Jackman & Sheetman; Pipe Grade Man; Winch & Windlass Operator

GROUP 4 - Conduit Installer; Cutting Torch Burner; Laser Beam Aligner; Welders (Electric or Oxy-Acetylene); Sewer Pipe Layer; Water Line Installer; Manhole Erector

GROUP 5 - Air Track & Wagon Drillman; Concrete Finisher; Dynamite & Powder Man

ZONES

ZONE 1: Jasper, Lake, LaPorte, Newton, Porter, & Starke Counties (Excluded from this schedule)

ZONE 2: Elkhart & St. Joseph Counties

ZONE 2A: Kosciusko, Lagrange, & Marshall Counties

ZONE 3: Benton, Blackford, Boone, Carroll, Cass, Clinton, Delaware, Fayette, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Jay, Madison, Miami, Montgomery, Pulaski, Randolph, Rush, Tippecanoe, Tipton, Union, Wayne, & White Counties

ZONE 4: Marion & Shelby Counties

ZONE 5: Bartholomew, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, Dubois, Floyd, Fountain, Franklin, Gibson, Greene, Harrison, Hendricks, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Morgan, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Ripley, Scott, Spencer, Sullivan, Switzerland, Vanderburgh, Vermillion, Vigo, Warren, Warrick, & Washington Counties

LABORERS (SEWER, TUNNEL, & WATER CONSTRUCTION)

GROUP 1 - Carpenter Tender; Chainman; Construction Laborers; Continuous Steel Rod or Mat Installer; Fence Erector; Grade Checker; Guard Rail Erector; Joint Man (Mortar, Mastic & all other Types); Lighting Installer; Lineman for Automatic Grade Maker or Paving Machine; Mortar Man; Multi-plate Erector; Rip-Rap Installer; Road Marking & Delineation Laborer; Rodman; Setting & Placing of All Precast Concrete Products; Spraying of Epoxy; Curing compound or Like Material; Survey Crew Man; Wire Mesh Layer; Sign Installation, Including Supporting Structures

GROUP 2 - Air Tool, Power Tool, & Power Equipment Operator; Asphalt Lute Man; Asphalt Raker Man; Batch Truck Dumper; Cement Handler (Bulk or Bag Cement); Chain Saw Man; Concrete Conveyor Assembly Man; Concrete Puddler; Concrete Rubber; Concrete Saw Operator; Core Drill Operator; Hand Blade Operator; Hydro Seeder Man; Motor Driven Georgia Buggy Operator; Power Driven Compactor or Tamper Operator; Eye Level; Power Saw Operator; Pumpcrete Assembly Man; Sealer Applicator for Asphalt, Toxic; Side Rail Setter - For Sidewalks, Side Ditches, Radii & Pavements; Spreader Box Tender; Straw Blower Man; Subsurface Drain & Culvert Pipe Layer; Transverse & Longitudinal Hand Bull Float Man; Bridge Hand Rail Erector; Laborers Instrument Man; Scream Man or Screw Man on Asphalt Paver; Rebar Installer; Sandblaster Man; Setting & Placing Prestressed or Precast Concrete Structural Members

GROUP 3 - Horizontal Boring & Jacking Man; Jackman & Sheetman; Pipe Grade Man; Winch & Windlass Operator

GROUP 4 - Conduit Installer; Cutting Torch Burner; Laser Beam Aligner; Welders (Electric or Oxy-Acetylene); Sewer Pipe Layer; Water Line Installer; Manhole Erector

GROUP 5 - Air Track & Wagon Drillman; Concrete Finisher; Dynamite & Powder Man

GROUP 6 - A. Bottom Man; Concrete Man
 B. Concrete Headman
 C. Miner or Header Man
 D. Mucker & Tunnel Laborer

LABORERS: SEWER, TUNNEL, & WATER CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Adams, Allen, DeKalb, Huntington, Noble, Steubens, Wabash, Wells, & Whitley Counties					
Air Tool Operators; Jack-hammers; Top Laborers; Well Point Leadman	9.00	.85	.75		.09
Pipelayer Tender	9.20	.85	.75		.09
Pipelayer	9.30	.85	.75		.09
Air Track Drillers; Wagon Drill Men; Dynamite Men; Powderman	9.85	.85	.75		.09
Free Air Tunnel & Caisson Work:					
Miners	9.80	.85	.75		.09
Muckers & Tunnel Laborers	9.25	.85	.75		.09
Bottom Men; & Concrete Men	9.30	.85	.75		.09

Adams, Allen, DeKalb, Huntington, Noble, Steubens, Wabash, Wells, & Whitley Counties

Air Tool Operators; Jack-hammers; Top Laborers; Well Point Leadman
 Pipelayer Tender
 Pipelayer
 Air Track Drillers; Wagon Drill Men; Dynamite Men; Powderman
 Free Air Tunnel & Caisson Work:
 Miners
 Muckers & Tunnel Laborers
 Bottom Men; & Concrete Men

POWER EQUIPMENT OPERATORS

DECISION NO. IN80-2015 POWER EQUIPMENT OPERATORS (Heavy & Highway Construction)	Fringe Benefits Payments			Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	
Adams, Allen, Benton, Blackford, Carrroll, Cass, Clinton, Dekalb, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Howard, Hunting- ton, Jay, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Steuben, Tippecanoe, Tip- ton, Union, Wabash, Wayne, Wells, White, & Whitley Counties:				
GROUP I	\$12.44	.75	.65	.10
GROUP II	11.13	.75	.65	.10
GROUP III	10.46	.75	.65	.10
GROUP IV	9.29	.75	.65	.10
Elkhart, Fulton, Jasper, Koscius- sko, LaGrange, Marshall, Newton, Noble, Pulaski, & Starke, Cos.:				
GROUP I	11.26	1.25	1.35	.08
GROUP II	9.95	1.25	1.35	.08
GROUP III	9.28	1.25	1.35	.08
GROUP IV	8.11	1.25	1.35	.08
Bartholomew, Brown, Clark, Crawford, Dearborn, Decatur, Dubois, Floyd, Franklin, Gibson, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Ripley, Scott, Spencer, Switzer- land, Vanderburgh, Warrick, & Washington Counties:				
GROUP I	12.56	.50	.80	.08
GROUP II	11.25	.50	.80	.08
GROUP III	10.58	.50	.80	.08
GROUP IV	9.41	.50	.80	.08
Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren Counties:				
GROUP I	12.36	.75	.75	.08
GROUP II	11.05	.75	.75	.08
GROUP III	10.38	.75	.75	.08
GROUP IV	9.21	.75	.75	.08

Group 1: Air Compressors in Manifold with throttle valve; Asphalt Plant Engineer; Auto Grade or similar type machine; Auto Patrol; Backhoe on Farm type Tractor, 45 H.P. and over; Ballast Regulator (R. R.); Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Bull Dozer; Caisson Drilling Machine; Cherry Picker - 15 ton or over; Chip Spreader; Concrete Mixer 21 cu. ft. or over; Core Drilling Machine; Crane or Derrick with any attachment including clamshell, dragline, shovel, backhoe, etc.; Dredge Engineer; Drilling Machine on which the drill is an integral part; Earth Mover - rubber tired (paddle wheel, 619, 631, TS-24 or similar type); Earth Mover, rubber tired - tandem (50 cents per hour additional for each bowl); Elevating Grader; Fork Lift (10 ton or over); P.C.C. Formless Paver; Gradall; Gravel Processing Plant (Portable); Operator of Guard Rail Post Driver; Highlift Shovel - 1-1/2 cu. yd. or over; Hoist (2 drums and over); Helicopter - Crew; Hydraulic Boom Truck; Keystone (Skimmer Scoop); Loader - self-propelled (Belt-chain Wheel); Locomotive Operator; Mucking Machine; Panel Board Concrete Plant (Central Mix type); Paver-Weathering; Pile Driver - Skid or Crawler; Road Paving Mixer; Rock Breaking Plant; Rock Crushing Plant (portable); Roller - Asphalt, Waterbound Macadam; Bituminous Macadam, Brick Surface; Roller with Dozer Blade; Root Rake; Tractor Mounted; Self-propelled Widener; Stump Remover, Tractor Mounted; Surface Heater and-Planer; Tandem Push Tractor (50 cents per hour additional); Tractor - Boom, Winch or Hcc Head; Tractor Push; Tractor Mounted Spreader; Tree Mover; Trench Machine (over 24"); Tug Boat Operator; Well Drilling Machine; Winch Truck with A-Frames; Tractor with scoop

Group 2: Air Compressor with throttle valve or Clever Brooks type combination; Backfiller; Back Hoe on Farm type Tractor, under 45 H.P.; Bull Float; Cherry Picker under 15 ton; Chip Spreader (self-propelled); Concrete Pump; Concrete Mesh Depressor - independently operated; Concrete Spreader - power driven; End Loader under 1-1/2 cu. yd.; Excavating Loader - portable; Finishing Machine and Bull Float; Gunit Machine; Head Greaser; Mechanic; Mesh or Steel Placer; Multiple Tamping Machine (R.R.); P.C.C. Concrete Belt Placer; Pull Grader - power control; Refrigerating Machine - freezing operation; Ross Carrier; Sheepfoot Roller (self-propelled); Tamper - Multiple Vibrating - Asphalt, Waterbound Macadam, Bituminous Macadam, Brick Surface; Trench Machine 24" and under; Tube Float; Welder

POWER EQUIPMENT OPERATORS (Cont'd) 3 of 3

Group 3: Assistant Plant Engineer; Base Paver (Jersey or similar type machine); Concrete Finishing Machine; Concrete Mixer - less than 21 cu. ft.; Curb Machine; Farm Tractor - including farm tractor with all attachments except backhoe and including high lift end loaders of 1 cu. yd. capacity or less; Fireman (on boiler); Hoist (one drum); Operator, 5 pieces of minor equipment; Paving Breaker; Power Broom, self-propelled; Roller (Earth and Sub-base material); Slurry Seal Machine; Spike Machine (R.R.); Tamper - Multiple Vibrating - Earth and Sub-base material); Throttle Valve; Throttle Valve and Fireman combination on horizontal or upright boiler; Tractaire with Drill; Tractor - 50 H.P. or over; Well Point System; Widener (Apsto or similar type)

Group 4: Air Compressor; Assistant to Engineer - Oiler; Automatic Dry Bath Plant; Bituminous Distributor; Bituminous Patching Tamper; Belt Spreader; Broom and Belt Machine; Chair Cart (self-propelled); Coleman Type Screen; Conveyor (portable); Deck Hand; Digger Post Hole (power driven); Fork lift - under 10 ton; Form Grader; Form Tamper (motor driven); Generator; Greaser Tender; Hetherington Driver; Hetherington Tender; Hydra Seeder; Mechanics Tender; Mechanical Heater; Operator 1 thru 4 pcs. of minor equipment; Outboard or Inboard Motor Boat; Power Curing Spraying Machine; Power Saw - Concrete (power driven); Pug Mill; Pull Broom (power type); Seaman Filler; Straw Blower or Brush Mulcher; Striping Machine, Paint (motor driven); Sub-grader; Tractaire; Tractor (below 50 H.P.); Truck Crane Oiler - Driver; Spreader; Water Pump; Welding Machine - 2 of 300 amps or over

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POWER EQUIPMENT OPERATORS (Tunnel & Sewer Construction)

Adams, Allen, Blackford, DeKalb, Huntington, Jay, Steuben, Wells, & Whitley Counties:
 GROUP I
 GROUP II
 GROUP III
 GROUP IV
 Benton, Carroll, Cass, Clinton, Delaware, Fayette, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Tippecanoe, Tipton, Union, Wabash, Wayne & White Counties:
 GROUP I
 GROUP II
 GROUP III
 GROUP IV

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$12.44	.75	.65		.10
11.13	.75	.65		.10
10.46	.75	.65		.10
9.29	.75	.65		.10
12.50	.55	.65		.10
11.50	.55	.65		.10
9.60	.55	.65		.10
8.50	.55	.65		.10

CLASSIFICATIONS

Group 1: Air Compressor (pressurizing shafts, tunnels and divers); Air Tugger; Auto Patrol; Back Filler; Backhoe; Boom Cat; Boring Machine; Bull Dozer; Caisson Drilling Machine; Cherry Picker; Compactor (with dozer blade); Concrete Mixer (dual drum); Concrete Plant; Concrete Pump; Crane with all attachments; Crane - electric overhead; Derrick; Dual Purpose Truck (pitman type); Ditching Machine (18" and over); Dredge; Elevators (when hoisting material or tools); Fork Lift; Formless Paver; Generator (power for welders or compressors); Grapple; Helicopter; Helicopter Winch Operator; High Lift - Front End Loader; Hoist; Locomotive and/or Dinky Engine; Mechanic on job site; Mucking Machine; Panel Board Concrete Plant; Pile Driver; Push Cat; Scoop and Tractor; Scraper - rubber tired; Spreader - tractor mounted; Straddle Carrier - Moss type; Sub Base Finish Machine (C.M.I. or similar); Tower Crane; Tractor with backhoe (1/2 yard and over); Trench Box - power driven; Tunnel Shield; Welder (craft)

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CLASSIFICATIONS

Group 1: A-Frame Winch Truck; Air Compressor, 900 cu. ft. and over; Air Tugger; Auto-grade (CHI); Auto Patrol; Backhoe; Ballast Regulator (RR); Batcher Plant (electric control concrete); Bending Machine (Pipe); Bituminous Plant; Bituminous Mixer Travel Plant; Bituminous Paver; Roller; Bulldozer; Cable Way; Chicago Boom; Clamshell; Concrete Mixer (21 cu. ft. or over); Concrete Paver; Concrete Pump (Crete); Crane; Crane; Crusher Plant; Derrick; Derrick Boat; Dimsky; Dope Pots (Pipeline); Dragline; Dredge Operator; Dredge Engineer; Drill Operator; Elevating Grader; Elevator; Ford Hoe (or similar type equipment); Forklift; Formless Paver; Gantry Crane; Grapple; Grader; Grout Pump; Helicopter Crew; Hetherington Paver; Highlift; Hoist; Hopto; Hough Loader (or similar type); Hydro Crane; Hydro Hammer; Locomotive Crane; Locomotive; Mechanic; Mobile Mixer; Motor Crane; Mucking Machine; Multiple Tamping Machine (RR); Overhead Crane; Pile Driver; Pulls; Push Dozer; Push Boats; Roller (Sheepfoot); Ross Carrier; Scoop; Shovel; Side Boom; Swing Crane; Tail Boom; Tar Machine (Pipeline); Throttle Valve; Tower Crane; Trench Machine; Welder, heavy duty; Truck Mounted Concrete Pump and Drill; Well Point; Whirlleys

Group 2: Air Compressor (up to 900 cu. ft.); Brakeman; Bull Float; Concrete Mixer (over 10S and under 21S); Concrete Spreader or Puddler; Deck Engine; Electric Vibrator Compactor (earth or rock); Finishing Machine; Fireman; Greaser (on grease facilities servicing heavy equipment); Material Pump; Motor Boats; Portable Loader; Post Hole Digger; Power Broom; Rock Roller; Roller-wobble wheel (earth and rock); Spike Machine (RR); Seaman Tiller; Spreader Rock; Sub-grader; Tamping Machine; Welding Machine; Widener (Apsco or similar type)

Group 3: Bituminous Distributor; Cement Gun; Concrete Saw; Conveyor; Deck Hand Oiler; Drill Tender; Earth Roller; Form Grader; Generator; Guard Rail Driver; Heater; Oiler; Paving Joint Machine; Steam Jenny; Truck Crane Oiler; Vibrator; Water Pump

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Group 2: A-Frame Truck; Batcher Plant (Automatic Dry Batch); Bending Machine - power driven; Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Boatman; Bull Float; Compactor or Tampor - self-propelled; Concrete Mixer (21 cu. ft. or over); Concrete Spreader - power driven; Ditching Machine (less than 18"); Drilling Machine; Finish Machine and Bull Float; Finishing Machine; Fireman - Pile Driving and Boilers; Gunite Machine; Head Greaser; Mesh Depressor - Mesh Placer; P.C.C. Concrete Belt Placer; Roller - Asphalt, Stone and Sub Base; Rotary Drill; Sheepfoot Roller - self-propelled; Spreader or Base Paver - self-propelled; Sub Grader; Throttle Valve with Air Compressor or Boiler; Tractor with Backhoe (under 1/2 yard); Tractor - High Lift, farm type; Tractor, industrial type; Tractor with Winch; Well Points; Winch Truck

Group 3: Air Compressor (210 cu. ft. and over); Bituminous Distributor; Chair Cart; Concrete Curing Machine; Concrete Saw; Dope Pot, power agitated; Flex Plane; Form Grader; Hydrohammer; Jacks - Hydraulic, power driven; Minor Equipment Operator 2, 3, 4 or 5; Paving Joint Machine; Post Hole Digger; Roller, earth; Throttle Valve; Track Jack, power driven; Tractor, farm type; Truck Crane Driver

Group 4: Air Compressor (less than 210 cu. ft.); Concrete Mixer (under 21 cu. ft.); Conveyor; Generator; Mechanical Heater; Oiler; Power Broom; Pump Welding Machine; Tenders

POWER EQUIPMENT OPERATORS
(Sewer, Tunnel, & Water Construction)

Bartholomew, Brown, Clark, Crawford, Dearborn, Decatur, Dubois, Floyd, Franklin, Gibson, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Ripley, Scott, Spencer, Switzerland, Vanderburgh, Warrick, & Washington Counties

	Basic Hourly Rates	Fringe Benefits, Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Yr.
Group 1	\$10.25	.40	.45		.08
Group 2	9.15	.40	.45		.08
Group 3	7.91	.40	.45		.08

POWER EQUIPMENT OPERATORS
(Tunnel & Sewer Construction)
Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren Counties:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP I	13.15	.55	.75		.08
GROUP II	13.05	.55	.75		.08
GROUP III	12.85	.55	.75		.08
GROUP IV	8.00	.55	.75		.08

CLASSIFICATIONS

GROUP I Master Mechanics

GROUP II Utility Operator

GROUP III Power Cranes; Draglines; Derricks; Electric Overhead Cranes; Shovels; Gradall; Mechanics; Repair and Maintenance of all Equipment; Tractor Highlift; Fork lifts; Tournadozer; Mixer over 145 Capacity; Tournamixer; Two Drum Machine or Two Cage Hoists; Cableways; Tower Machines; Motor Patrol; Boom Tractor; Boom or Winch Truck; Truck Crane; Tournapull; Tractor operating Scoops; bulldozer; Push Tractor; Finishing Machine on Asphalt; Large Rollers & Rollers on Asphalt; Gravel; Macadam and Brick Surface; Ross Carrier or similar Machine; Gravel Processing Machine; Asphalt Plant Engineer or Pug Mill; Two Air Compressors; Hetherington Paver Operator; Farm Tractor with half yard bucket and/or Back Hoe Attachment; Trench Machines cutting over 24"; Dredging Equipment; Central Mix Plant Engineer; CMI or similar type Machine; Concrete Spreader; Cherry Picker; Standard or Dinkey Locomotives; Scoopmobiles; Euclid Loader; Soil Cement Machines; Back Filler; Elevating Machine; Power Blade; Asphalt Plant Engineer; Well Drilling Machines; Paint Machine; Pipe Cleaning Machines; Pipe Wrapping Machine; Pipe Bonding Machine; Apsco Paver; Boring Machine; Tractor Without Winch; Head Equipment Greasers; Barber Green Loaders; Formless Paver; Well Point System Hydra Ax; Resco Concrete Saw; Marine Scoops; Brush Mulcher; Brush Burner; Mesh Placer; Tree Mover; Helicopter Crew (3); Pile Driver Skid or Crawler; Stump Remover; Root Rake; Tug Boat Operator; Refrigerating Machine Freezing Operator; Chair Cart - Self Propelled; Hydra Seeder; Straw Blower; Concrete Mixers with Skip; all one Drum Hoists with Tower or Boom; Dredge Engine; Dredge Operator; Rock Spreader; Truck or Skid Mounted Tower Crane; Engine or Rock Crusher Plant; Boiler Operator; Concrete Plant Engineer; Loaders; Hydra Crane Calissons; Shaft or any similar type Drilling Machine; Concrete Curb Machine - Self Propelled; Winch or Hydraulic Boom Truck

GROUP IV Mixers 145 capacity or less; Trench Machine cutting 24" and under; Yarm Tractor with less than half yard bucket and other Attachments except Back Hoe; Truck Crane Oiler; Power Subgrader; Bull Float; Form Grader; Finishing Machine; Pavement Breaker; Rock Crushers; One Drum Machine; One Air Compressor; Concrete Pump; Concrete Machine; Air Tuggers; Truck Crane Drivers; House Elevators when used for hoisting Material; Two to Four Generators or Welding Machine; Mechanized Heaters irrespective of Motor Power when used for temporary heat; Small Rollers on Earth; Engine Tenders; Firemen; Wagon Drill; Flexplane; Conveyor; Two to Four Water Pumps; Siphon and Pulsometer; Switchman on Paint Pots; Fireman on Asphalt Plants; Distributor Operator on Trucks; Tamper; Power Broom; Post Hole Digger; Self-propelled Concrete Saw; Striping Machine (Motor Driven); Form Tamper; Seaman Tiller; Bulk Cement Plant Equipment Greaser; Track Jack; Mud Jack; Concrete Buggies motor driven; Oilers; Barrel; Type Mixer; One Welding Machine or One Water Pump; Air Valves or Steam Valves from Plant; Concrete Mixers without Skip; Curing Machine; Concrete & Blacktop Curb Machine; Deck Hands

Cranes with booms from 149 ft. to 199 ft. including job. receive additional \$.75 per hour

Cranes with boom over 199 ft. including job receive additional \$1.25 per hour.

DECISION NO. IN 80-2015

TRUCK DRIVERS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
GROUP A	\$ 9.805	31.00a	37.00a		
GROUP B	9.755	31.00a	37.00a		
GROUP C	9.705	31.00a	37.00a		
GROUP D	9.655	31.00a	37.00a		
GROUP E	9.605	31.00a	37.00a		
GROUP F	9.555	31.00a	37.00a		
GROUP G	9.505	31.00a	37.00a		
GROUP H	9.455	31.00a	37.00a		
GROUP I	9.405	31.00a	37.00a		
GROUP J	9.355	31.00a	37.00a		
GROUP K	9.305	31.00a	37.00a		
GROUP L	9.205	31.00a	37.00a		

CLASSIFICATIONS

- GROUP A - Acey Wagons over 3 Buckets
- GROUP B - Acey Wagons to and including 3 Buckets
- GROUP C - Tandem-tandem Semi-Trucks; Truck Mechanics and Welders; Heavy Equipment Type Water Wagon over 5,000 Gallons; Tri-Axle Trucks pulling Tilt-Top Trailers; Low Boys, Tandem-tandem Axle
- GROUP D - Tri-Axle Trucks; Tandem Axle Trucks; Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.; Tandem Axle Trucks pulling Tilt-Top Trailers; LowBoys; Tandem Axle Tri-Axle Batch
- GROUP E - Tandem "Dog-Legs" Trucks; Semi-Water Trucks; Sprinkler Trucks; Heavy Equipment Type Water Wagons 5,000 Gallons & Under
- GROUP F - Truck Mounted Pavement Breakers; Tandem Trucks over 15 Ton Payload; Single Axle Semi-Trucks; Farm Tractors hauling material; Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, All Types; Single Axle Trucks pulling Tilt-Top Trailer; LowBoys, Single Axle Tandem Axle Fuel Trucks; Tandem Axle Water Trucks; Bituminous Distributor (one man)
- GROUP H - Single Axle Dog-Legs; Tandem Trucks or Dog Legs; Winch Trucks or A Frames used for Transportation; Batch Trucks Wet or Dry over 3 (34E) Batches-Crease and Maintenance Truck Servicing Tandem Axle Trucks
- GROUP I - Single Axle Fuel Trucks; Single Axle Water Trucks; Bituminous Distributors, (two man)
- GROUP J - Single Axle Straight Trucks; Wet or Dry 3 (34E) Batches or less; Grease & Maintenance Trucks servicing Single Axle Trucks
- GROUP K - Tenders; Greasers; Tire men; Batch Board Tenders
- GROUP L - Pack-Up trucks

FOOTNOTE: 4-PER WEEK PER EMPLOYEE.

DECISION NO. IN 80-2015

POWER EQUIPMENT OPERATORS

(Tunnel & Sewer Construction) Jasper, Newton, Pulaski, & Starke Counties

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
Group 1	\$13.20	\$1.10	\$1.10		.05
Group 2	12.70	1.10	1.10		.05
Group 3	11.15	1.10	1.10		.05
Group 4	10.15	1.10	1.10		.05

CLASSIFICATIONS

- Group 1: Mechanic; Asphalt Plant; Autograde; Batch Plant; Benoto (requires two engineers); Boiler and Throttle Valve; Boring Machine (Mining Machine); Calsson Rigs; Central Redimix Plant; Combination Backhoe, Front End Loader with Backhoe Bucket, over 1/2 cu. yd.; Combination Tugger Hoist and Air Compressor; Compressor and Throttle; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Paver 27E cu. ft. and under; Concrete Pump with Boom (truck mounted); Concrete Tower; Cranes, all; Cranes, Hammerhead Tower; Creter Crane; Derricks, all; Derricks, traveling; Forklift - Lull type; Forklift - 10 ton and over; Hoists, one, two, and three drum; Hoist, two tigger, one floor; Hydraulic Boom Truck; Locomotive, all; Motor Patrol; Mucking Machine; Pile Drivers and Skid Rig; Pit Machines; Prestress Machine; Pump Cretes and similar types; Rock Drill (self-propelled); Rock Drill (truck mounted); Slipform Paver; Straddle Buggies; Tractor with Boom and Side Boom; Trenching Machine; Winch Tractors
- Group 2: Asphalt Spreader; Boiler; Bulldozers; Combination Backhoe, Front-end Loader with Backhoe Bucker, 1/2 cu. yd. and under; Grader, Elevating; Greater Engineer; Grouting Machines; Highlift Shovelers or Front Endloader; Hoist, automatic; Cowboy Drilling Machines; Hoists, all elevators; Hoists, Tugger, single drum; Post Hole Digger; Rollers, all; Scoops - tractor drawn; Stone Crushers; Tournapull; Winch Trucks
- Group 3: Concrete Mixer (2 bag and over); Conveyor, portable; Steam Generator; Tractors, farm and similar type; Air Compressor - small, 150 and under (1 to 5 not to exceed a total of 300 ft.); Air Compressor - large, over 150; Combination - small equipment operator; Forklift - under 10 tons; Generators; Pumps (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Welding Machines (2 through 5); Winches, 4 electric Drill Winches
- Group 4: Heaters, Mechanical (1 to 5); Oilers & Greaseman

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocaton	
Statewide, except Clark, Clinton (Frankfort), Crawford, Dearborn, DuBois, Floyd, Fountain, Gibson, Harrison, Jackson, Jefferson, Miami (Peru & Bunker Hill Air Base), Newton, Perry, Pike, Posey, Scott, Spencer, Switzerland, Vanderburgh, Vermillion, Warren, Warrick and Washington, Counties: Linemen; Technicians	12.27	.45	3%		.5%
Equipment Operators	9.58	.45	3%		.5%
Powder & Equipment Mechanic	9.37	.45	3%		.5%
Groundman Truck Driver w/w	8.00	.45	3%		.5%
Groundman	7.68	.45	3%		.5%
Clark, Floyd, Harrison, Jackson, Jefferson, Scott, & Washington, Counties:					
Linemen; Line Truck Driver; Mechanized Equipment	15.20	.45	3%		.5%
Operators	9.42	.45	3%		.5%
Groundmen					
Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick Counties:					
Linemen; Line Truck Operators; Hole Digger; Cable Splicer	13.90	.45	3%		.5%
Truck Driver	12.85	.45	3%		.5%
Groundman	12.54	.45	3%		.5%
Newton County:					
Linemen	14.98	.45	3%		.5%
Fountain, Vermillion, & Warren Counties:					
Linemen; Groundman Equipment	13.67	.45	3%		.5%
Operator					
Groundman Truck Driver with Winch	11.22	.45	3%		.5%
Groundman Truck Driver without Winch	10.53	.45	3%		.5%
Groundman	10.00				
Clinton (Frankfort Only) & Miami (Peru & Bunker Hill Air Base Only) Counties:					
Linemen; Heavy Equipment					
Operators "A"	12.38	.45	3%		.5%
Cable Splicers	13.46	.45	3%		.5%
Heavy Equipment Operators "B"	9.98	.45	3%		.5%
Powderman; Equipment Mechanic	9.75	.45	3%		.5%
Groundman - Truck Driver with Winch	8.17	.45	3%		.5%
Groundman	7.79	.45	3%		.5%
Groundman - Truck Driver without Winch	6.99	.45	3%		.5%

LINE CONSTRUCTION

Dearborn & Switzerland Counties
Up to & including 18 mi. radius of Hamilton Co., Court House, Cincinnati, Ohio
Linemen; Operator all Mechanized equipment operators
Groundmen

Over 18 up to & including 21 mi radius of Hamilton Co., Court House, Cincinnati, Ohio
Linemen; Operators all Mechanized equipment operators
Groundmen

Over 21 up to & including 25 mi. radius of Hamilton Co., Court House, Cincinnati, Ohio
Linemen; Operators all Mechanized equipment operators
Groundmen

Over 25 mi. radius of Hamilton Co., Court House, Cincinnati, Ohio
Linemen; Operators all Mechanized equipment operators
Groundmen

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the Labor standards contract clauses (29 CFR, 5,5 (a)(1)(ii)).

DECISION NO. MO80-4023

STATE: Missouri
 COUNTY: Statewide
 DECISION NO.: MO80-4023
 DATE: Date of Publication
 Supersedes Decision No. MO79-4092 dated December 7, 1979 in 44 FR 70637

DESCRIPTION OF WORK: Heavy and Highway Construction Projects

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
11.675	.65	.50		
10.93		.95		
9.50	1.00	.50		
12.50	.65	.50	.55	
7.50	.85	.50		
8.75				
10.43				
11.05				
7.40		.50		
11.30	.65			
10.55		.95		
10.15	1.00			

CEMENT MASONS

- Zone 1
- Zone 2
- Zone 3
- Zone 4
- Zone 5
- Zone 6
- Zone 7
- Zone 8
- Zone 9
- Zone 10
- Zone 11
- Zone 12

AREAS COVERED BY CEMENT MASONS ZONES

Zone 1 - Bates, Carroll, Cass and Lafayette Counties
 Zone 2 - Dent, Phelps, Pike, Pulaski and Texas Counties
 Zone 3 - Crawford, Franklin, Iron, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren & Washington Counties on projects less than \$100,000.00
 Zone 4 - Clay, Jackson, Platte and Ray Counties
 Zone 5 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Scott, Stoddard and Wayne Counties
 Zone 6 - Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Stone, Taney, Webster & Wright Counties
 Zone 7 - Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties
 Zone 8 - Adair, Audrain, Boone, Chariton, Cooper, Howard, Linn, Macon, Monroe, Monroeville, Randolph, Shelby, Schuyler, Sullivan, and Putnam Counties
 Zone 9 - Barry, Barton, Jasper, Lawrence, McDonald, Newton and Vernon Counties
 Zone 10 - Andrew, Atchinson, Buchanan, Caldwell, Clinton, Daviess, Dekalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth Counties
 Zone 11 - Callaway, Camden, Cole, Gasconade, Maries, Miller, Montgomery and Osage Counties
 Zone 12 - St. Louis City and County, Jefferson, and St. Charles Counties, and Counties of Crawford, Franklin, Iron, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Watren and Washington on projects \$100,000.00

CARPENTERS & PILEDRIVMEN:

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
11.76	.65	.70	.50	.03
11.36	.65	.70	.50	.03
11.21	.65	.70	.50	.03
11.90	.50	.40		.03
11.30	.50	.40		.03
10.35	.65	.70	.50	.03
11.87	.33			.03
11.87	.33			.03
11.57	.33	.30		.03
11.47	.53			.03
11.00	.50	.30		.05
11.96	.75	.90		

AREAS COVERED BY CARPENTERS & PILEDRIVMEN ZONES

Zone 1 - Franklin, Jefferson, St. Charles, Counties
 Zone 1A - Lincoln, Warren Counties
 Zone 2 - Pike, St. Francois & Washington Counties
 Zone 3 - Cass and Lafayette Counties
 Zone 4 - Acheson, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, Dekalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties
 Zone 5 - Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon & Texas Counties
 Zone 6 - Boone, Cooper & Howard Counties
 Zone 7 - Adair, Audrain, Benton, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Morgan, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties
 Zone 7A - Callaway, Cole, Miller, Moniteau and Osage Counties
 Zone 8 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties
 Zone 9 - Clay, Jackson, Platte and Ray Counties
 Zone 10 - St. Louis County & City

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ELECTRICIANS CONT'D:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 11	12.305	.47	38+1.00	6%	.02
ZONE 12	12.795	.47	38+1.00	6%	.02
ZONE 13	11.84	.60	38+1.00	7%	.02
ZONE 14	10.54	.65	38+.75	5%	.01
Electricians Cable splicers	10.89	.65	38+.75	5%	.01
ZONE 15	13.00	.47	38+.50	7%+.30	.01
Electricians Cable splicers	13.25	.47	38+.50	7%+.30	.01

AREAS COVERED BY ELECTRICIANS ZONES

ZONE 1 - Adair, Audrain (that part of east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Rails, Schuyler, Scotland, Shelby and Sullivan Cos. Electrical contracts over \$15,000.00
 Electrical contracts \$15,000.00 and under

ZONE 2 - Area bounded on the North by State Highway 92 in Platte & Clay Counties; east by a straight line from Intersection of State Highway 92 & 33 in Clay County Intersection of U. S. Highway 24 & State Highway 7 in Jackson County; south on Highway 7 to Pleasant Hill; South from Pleasant Hill due west to the Missouri-Kansas State Line; West by the Missouri-Kansas State Line. Towns of Pleasant Hill & Blue Springs are excluded

ZONE 3 - Portion of Cass, Clay, Jackson and Platte Counties not included in Zone 2

ZONE 4 - Bates, Benton, Henry, Johnson, Lafayette and Pettis Cos.

ZONE 5 - Carroll, Cooper, Morgan, Ray and Saline Counties

ZONE 6 - St. Charles County, St. Louis County and City

ZONE 7 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Lincoln, Madison, Mississippi, New Madrid, Pemisicot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Warren, Washington, and Wayne Cos.:
 Electrical contract over \$15,000.00

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ELECTRICIANS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 1 Electrical contract over \$15,000.00	12.30	.54	3%	11.5%	1/8
Electrical contracts \$15,000.00 & under	10.49	.54	3%	11.5%	1/8
ZONE 2	13.38	.69	38+.70	.95	.12
ZONE 3 Electrical contracts not to exceed 2000 man hours	12.38	.69	38+.70	.95	.12
Electrical contracts 2000 man hours and over	13.38	.69	38+.70	.95	.12
ZONE 4 Electrical contracts not to exceed 2000 man hours	12.38	.69	38+.70	.95	.12
Electrical contracts 2000 man hours and over	13.38	.69	38+.70	.95	.12
ZONE 5 Electrical contract not to exceed 2000 man hours	11.78	.69	38+.70	.95	.12
Electrical contracts 2000 man hours and over	13.38	.69	38+.70	.95	.12
ZONE 6	12.25	.70	38+5 1/2%	15 1/2%	.12
ZONE 7 Electrical contracts over \$15,000.00	12.25	.70	38+5 1/2%	15 1/2%	.10
ZONE 8 Electrical contract \$15,000.00 and under	11.46	.70	38+5 1/2%	15 1/2%	.10
ZONE 9 Electrical contract \$15,000.00 and under	8.86	.70	38+5 1/2%	15 1/2%	.10
ZONE 10 Electrical contract \$15,000.00 and under	6.26	.70	38+5 1/2%	15 1/2%	.10

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ELECTRICIANS (CONT'D)

- ZONE 8 - Franklin, Jefferson, Lincoln, and Warren Counties. Electrical contracts \$15,000.00 and under
- ZONE 9 - Bollinger, Cape Girardeau, Perry, Scott, St. Francois, and Ste. Genevieve Counties: Electrical contracts \$15,000.00 and under
- ZONE 10 - Butler, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscolt, Ripley, Reynolds, Stoddard, Washington, and Wayne Counties: Electrical contracts \$15,000.00 and under
- ZONE 11 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon, Ozark, Polk, Shannon, Stone, Taney, Texas, Webster, and Wright Counties
- ZONE 12 - Pulaski County
- ZONE 13 - Andrew, Buchanan, Clinton, and DeKalb Counties
- ZONE 14 - Barry, Barton, Caldwell, Cedar, Dade, Daviess, Gentry, Holt, Jasper, McDonald, Newton, Nodaway, St. Clair, Vernon, and Lawrence Counties
- ZONE 15 - Atchinson, Audrain (except Cuivre Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Grundy, Harrison, Howard, Livingston, Maries, Mercer, Miller, Moniteau, Osage, Phelps, Randolph and Worth Counties

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
12.075	.55	1.05			.09
12.35	.80	1.50	1.00		.05
12.235	.80	1.50	1.00		.05
11.30	.75	.65			.12
12.25	.55	1.05			.06
10.00	.45	.55			.04
9.90	.45	.65			.02

IRONWORKERS:

- Zone 1
- Zone 2
- Zone 3
- Zone 4
- Zone 5
- Zone 6
- Zone 7

AREAS COVERED BY IRONWORKERS ZONES

- ZONE 1 - Audrain, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Montgomery, Osage, Perry, Phelps, Pike, Pulaski, Reynolds, Shannon, St. Charles, St. Francois, St. Louis & City, Ste. Genevieve, Texas, Warren, Washington, and Wright Cos.
- ZONE 2 - Andrew, Atchinson, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Clay, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Johnson, Laclede, Lafayette, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Sullivan, Vernon and Worth Cos.
- ZONE 3 - Christian, Dade, Douglas, Greene and Webster Cos.
- ZONE 4 - Barry, Jasper, Lawrence, McDonald, Newton and Stone Cos.
- ZONE 5 - Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Cos.
- ZONE 6 - Howell, Oregon, Ozark and Taney Cos.
- ZONE 7 - Butler, Bollinger, Carter, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscolt, Ripley, Scott, Stoddard and Wayne Counties.

LABORERS CLASSIFICATION DEFINITIONS ZONES 1 and 2

GROUP 1 - General Laborer - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers, and conveyors; track men and all other general laborers

GROUP 2 - First Semi-skill - Air tool operator; cement handler, bulk or sack; dump man on earth fill; geogie bugie man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines, power tool operator, all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzle man

GROUP 3 - Second Semi-skill - Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river

GROUP 4 - Third Semi-skill - Laser beam man; asphalt raker; barco tamper; jackson or any other similar tamp; wagon driller; churn drills; air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, hot mastic kettelman, hot tar applicator, hand blade operators, manhole bulder helpers and mortar men on brick or block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills string line man for electronic grade control; pressure groutmen

GROUP 5 - Fourth Semi-skill - Manhole builders, - brick or block; dynamite and powder men; welder

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LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 1	10.09	.60	.60	.75	.10
Zone 1	8.69	.60	.60	.75	.10
Zone 2	10.10	.60	.50	.50	.10
Zone 3	9.20	.60	.50	.50	.10
Zone 4					
GROUP 2	10.24	.60	.60	.75	.10
Zone 1	8.84	.60	.60	.75	.10
Zone 2	10.25	.60	.50	.50	.10
Zone 3	9.35	.60	.50	.50	.10
Zone 4					
GROUP 3	10.39	.60	.60	.75	.10
Zone 1	8.99	.60	.60	.75	.10
Zone 2	10.40	.60	.50	.50	.10
Zone 3	9.50	.60	.50	.50	.10
Zone 4					
GROUP 4	10.59	.60	.60	.75	.10
Zone 1	9.19	.60	.60	.75	.10
Zone 2	10.60	.60	.50	.50	.10
Zone 3	9.70	.60	.50	.50	.10
Zone 4					
GROUP 5	10.84	.60	.60	.75	.10
Zone 1	9.44	.60	.60	.75	.10
Zone 2	10.85	.60	.50	.50	.10
Zone 3	9.85	.60	.50	.50	.10
Zone 4					

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LABORERS CLASSIFICATION DEFINITIONS ZONES 3 and 4

GROUP 1 - General Laborer - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers, and conveyors; track men and all other general laborers

GROUP 2 - First Semi-skill - Air tool operator; cement handler, bulk or sack; dump man on earth fill; geogie buggy man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzleman

GROUP 3 - Second Semi-skill - Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river

GROUP 4 - Third Semi-skill - Laser beam man; asphalt raker; barco tamper; Jackson or any other similar tamp; wagon driller; churn drills; air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, manhole builder helpers and mortar men on brick or block manholes; sandblasting and guniting nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills string line man for electronic grade control; pressure groutmen

GROUP 5 - Fourth Semi-skill - Manhole builders, - brick or block; dynamite and powder men; welder

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AREA COVERED BY LABORERS

ZONE 1 - Buchanan, Cass and Lafayette Counties

ZONE 2 - Andrew, Atchison, Barry, Barton, Bates, Benton, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Greene, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Morgan, Newton, Nodaway, Ozark, Pettis, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Wright and Worth Counties

ZONE 3 - Franklin, Jefferson and St. Charles Counties

ZONE 4 - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Chariton, Clark, Cole, Cooper, Crawford, Dent, Dunklin, Gasconade, Howard, Howell, Iron, Knox, Lewis, Linn, Lincoln, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Sullivan, Texas, Warren, Washington and Wayne Counties

LABORERS: ZONE 5	Basic Hourly Rates	Fringe Benefits Payments				Education end/or Appr. Tr.
		H & W	Pensions	Vacation		
Group 1	9.65	.60	.60	.75	.10	
Group 2	9.80	.60	.60	.75	.10	
Group 3	9.95	.60	.60	.75	.10	
Group 4	10.15	.60	.60	.75	.10	
Group 5	10.45	.60	.60	.75	.10	

CLASSIFICATION DEFINITIONS

GROUP 1 - General laborer - Carpenter tenders, salamander tenders; dump man, & ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers

GROUP 2 - First Semi-skill - Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole man working below ground); riprap pavers rock, block or brick; signal man; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; from setter helpers; puddlers (paving only)

GROUP 3 - Second Semi-skill - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe & ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used.

GROUP 4 - Third Semi-skill - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any other similar tamp; wagon driller, churn drills, air track drills and all other similar drills; cutting torch man; form setter; liners and stringline men on concrete paving, curb, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builders helpers and mortar men on brick or block manholes; sand blasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels

GROUP 5 - Fourth Semi-skill - Manhole builder (brick or block); dynamite and powder men.

AREA COVERED BY LABORERS

ZONE 5 - Clay, Jackson, Platte and Ray Counties

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LABORERS:

ZONE 6 - St. Louis City and County:

General laborer
Dynamiter or powderman
Pier hole

LINE CONSTRUCTION:

ZONE 1

Lineman
Lineman operator
Groundman powderman
Groundman
Groundman (1st 6 mos.)

ZONE 2

Lineman
Lineman operator
Groundman powderman
Groundman
Groundman (1st 6 mos.)

ZONE 3

Lineman & cable splicers
Groundman - winch driver
Groundman - driver
Equipment operator
Groundman - 1st 6 mos.
Groundman - next 12 mos.
Groundman - next 12 mos.
Groundman - thereafter

ZONE 4

Lineman
Groundman equipment op.
Groundman - Class A

ZONE 5 - Railroad and Cross County Transmission Lines

Lineman
Lineman operator
Groundman powderman
Groundman
Pole treating specialist
Pole treating truck driver
Pole treating groundman

Basic Hourly Rates	Fringe Benefits Payments				Education end/or Appr. Tr.
	H & W	Pensions	Vacation		
10.575	.45	1.00			ks
11.075	.45	1.00			ks
10.825	.45	1.00			ks
14.32	.45	38+.25			ks
13.33	.45	38+.25			ks
9.94	.45	38+.25			ks
9.44	.45	38+.25			ks
8.08	.45	38+.25			ks
13.68	.45	38+.25			ks
13.04	.45	38+.25			ks
9.48	.45	38+.25			ks
8.75	.45	38+.25			ks
6.64	.45	38+.25			ks
12.16	.50	38	12ks		ks
8.93	.50	38	12ks		ks
8.61	.50	38	12ks		ks
10.87	.50	38	12ks		ks
6.91	.50	38	12ks		ks
7.20	.50	38	12ks		ks
7.90	.50	38	12ks		ks
8.61	.50	38	12ks		ks
12.70	.45	38+.78			ks
11.27	.45	38+.78			ks
7.99	.45	38+.78			ks
12.13	.45	38+.25			ks
11.22	.45	38+.25			ks
8.34	.45	38+.25			ks
7.78	.45	38+.25			ks
12.73	.45	38+.25			ks
8.34	.45	38+.25			ks
7.78	.45	38+.25			ks

AREA COVERED BY LINE CONSTRUCTION

ZONE 1 - Bates, Benton, Carroll, Cass, Clay, Henry, Johnson, Jackson, Lafayette, Pettis, Platte, Ray and Saline Counties
 ZONE 2 - Andrew, Atchinson, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Jasper, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties
 ZONE 3 - Crawford, Franklin, Iron, Jefferson, Reynolds, St. Charles, St. Francois, St. Louis, Washington, Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties
 ZONE 4 - Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Counties
 ZONE 5 - Atchinson, Andrew, Buchanan, Bates, Benton, Barton, Barry, Clinton, Caldwell, Clay, Carroll, Cass, Cedar, Christian, DeKalb, Daviess, Dallas, Dade, Douglas, Grundy, Greene, Gentry, Harrison, Holt, Henry, Hickory, Jackson, Johnson, Jasper, Livingston, Lafayette, Laclede, Lawrence, Mercer, McDonald, Nodaway, Newton, Ozark, Platte, Pettis, Polk, Ray, Saline, St. Clair, Stone, Taney, Vernon, Worth, Webster and Wright Counties

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PAINTERS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Brush and roller	12.19	.55	.70		.08
Spray	13.19	.55	.70		.08
Bridge	12.94	.55	.70		.08
ZONE 2					
Brush	10.50		.25		.01
Spray	11.25		.25		.01
ZONE 3					
Brush	7.85				
Spray	8.35				
ZONE 4					
Brush and roller	10.25	.70	.35		
Spray, structural steel and sandblasting	11.50	.70	.35		
ZONE 5					
Brush	11.25				
Bridge	12.00				
Spray, sandblasting opr.; work performed on bridges 75 ft. in height	12.25				
All structural steel over 50 ft. in height	12.00				
ZONE 6					
Brush	10.95	.85	.35		
Spray	11.95	.85	.35		
Steel, storage bin & tank	12.25	.85	.35		
Bridge, stage; belt; bazooka	12.35	.85	.35		
ZONE 7					
Brush	7.25				
Spray	7.75				
ZONE 8					
Brush, roller	9.87		.45		
Spray	10.245		.45		
ZONE 9					
Brush	10.20		.20		
Spray	10.70		.20		
ZONE 10					
Brush	11.24	.68	.33		.08
Spray	12.74	.68	.33		.08
ZONE 11					
Brush	9.90	.50			
Spray, bridgemen, steelmen	10.40	.50			

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 12					
Brush	7.50				
Structural steel	8.00				
Spray	6.80				
ZONE 13					
Brush	8.00				

AREA COVERED BY PAINTERS

- ZONE 1 - Bates, Caldwell, Carroll, Clinton, Cass, Clay, Daviess, Grundy, Henry, Harrison, Jackson, Johnson, Lafayette, Livingston, Mercer, Platte, and Ray Counties
- ZONE 2 - Bollinger, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott and Stoddard Counties
- ZONE 3 - Lincoln and Pike Counties
- ZONE 4 - Camden, Crawford, Dent, Laclède, Maries, Miller, Phelps, Pulaski and Texas Counties
- ZONE 5 - Benton, Cooper, Moniteau, Morgan, Pettis, and Saline Counties
- ZONE 6 - Andrew, Atchinson, Buchanan, DeKalb, Gentry, Holt, Nodaway and Worth Counties
- ZONE 7 - Adair, Knox, Linn, Macon, Putnam, Schuyler, Scotland, Shelby and Sullivan Counties
- ZONE 8 - Barry, Barton, Cedar, Dade, Jasper, Lawrence, McDonald, Newton, St. Clair and Vernon Counties
- ZONE 9 - Audrain, Boone, Callaway, Chariton, Cole, Gasconade, Howard, Monroe, Montgomery, Osage and Randolph Counties
- ZONE 10 - Jefferson, St. Charles and St. Louis & City Counties
- ZONE 11 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties
- ZONE 12 - St. Francois and Ste. Genevieve Counties
- ZONE 13 - Marion County

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POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 1					
GROUP I	11.90	.75	1.00	.75	.10
GROUP II	11.65	.75	1.00	.75	.10
GROUP III	10.95	.75	1.00	.75	.10
GROUP IV	9.45	.75	1.00	.75	.10
GROUP V	12.15	.75	1.00	.75	.10
GROUP VI	11.90	.75	1.00	.75	.10
GROUP VII	9.95	.75	1.00	.75	.10
ZONE 2					
GROUP I	10.52	.50	1.00		
GROUP II	9.97	.50	1.00		
GROUP III	9.52	.50	1.00		
GROUP IV:					
(a)	11.32	.50	1.00		
(b)	12.07	.50	1.00		
(c)	12.52	.50	1.00		
(d)	13.27	.50	1.00		
(e)	11.02	.50	1.00		
ZONE 3					
GROUP I	11.85	.75	1.00	.40	.02
GROUP II	11.65	.75	1.00	.40	.02
GROUP III	11.45	.75	1.00	.40	.02
GROUP IV	10.85	.75	1.00	.40	.02
GROUP V	12.10	.75	1.00	.40	.02
GROUP VI	12.35	.75	1.00	.40	.02
GROUP VII	12.60	.75	1.00	.40	.02
ZONE 4					
GROUP I	10.85	.75	1.00	.40	.02
GROUP II	10.50	.75	1.00	.40	.02
GROUP III	10.30	.75	1.00	.40	.02
GROUP IV	9.45	.75	1.00	.40	.02
GROUP V	11.10	.75	1.00	.40	.02
GROUP VI	11.35	.75	1.00	.40	.02
GROUP VII	11.60	.75	1.00	.40	.02

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS ZONE 1

GROUP I - Asphalt paver and spreader; asphalt plant console operator; auto grader; back hoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator; central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engine man; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader-fork lift; and welders, field or shop; maintenance operator; mucking machine; piledriver operator; pitman crane operator; pump-2; quad-trac; scoop operator-all types; pushcat operator; scoops in tandem; self-propelled rotary drill (Leroy or Equal-not Air Trac); shovel operator; side discharge spreader; side boom cats; skimmer scoop operator; slip form paver (CMI, REX, OR Equal); throttle man; truck crane; welding machine maintenance operator-2

GROUP II - "A" frame truck; asphalt hot mix silo; asphalt plant fireman; drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator; skip loader; concrete pump operator; crusher operator; elevating grader; greaser; hoisting engine-1 drum; Latourneau roofer; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator-over 50 h.p.

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; roller operator, other than dredge; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator, self-propelled street broom or sweeper, siphons and jets; sub-grading machine operator; tank car heater operator-combination boiler and booster; tractor 50 hp or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator - 1

GROUP IV - Mechanic's helper, oiler
 GROUP V - Clamshells, 3 yd. capacity or over, crane or rigs 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; pile drivers, 80 ft. of boom or over (including jib); shovels and backhoes, 3 yd. capacity or over

GROUP VI - Hoist (each additional drum over 1 drum)
 GROUP VII - Oiler driver, all types
 Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50¢) per hour above the regular classification.

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POWER EQUIPMENT OPERATORS

CONT'D.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 5					
GROUP I	12.45	.85	1.00	1.05	.10
GROUP II	12.20	.85	1.00	1.05	.10
GROUP III	11.50	.85	1.00	1.05	.10
GROUP IV	10.00	.85	1.00	1.05	.10
GROUP V	12.70	.85	1.00	1.05	.10
GROUP VI	12.95	.85	1.00	1.05	.10
GROUP VII	13.20	.85	1.00	1.05	.10
ZONE 6					
GROUP I	11.65	.85	1.00	1.05	.10
GROUP II	10.30	.85	1.00	1.05	.10
GROUP III	10.10	.85	1.00	1.05	.10
GROUP IV	8.80	.85	1.00	1.05	.10
GROUP V	11.90	.85	1.00	1.05	.10
GROUP VI	12.15	.85	1.00	1.05	.10
GROUP VII	12.40	.85	1.00	1.05	.10
ZONE 7					
GROUP I	12.07	.60	1.00	.46	
GROUP II	10.95	.60	1.00	.46	
GROUP III	10.75	.60	1.00	.46	
GROUP IV	9.20	.60	1.00	.46	
GROUP V	12.32	.60	1.00	.46	
GROUP VI	12.57	.60	1.00	.46	
GROUP VII	12.82	.60	1.00	.46	
ZONE 8					
GROUP I	12.07	.60	1.00	.46	
GROUP II	10.95	.60	1.00	.46	
GROUP III	10.75	.60	1.00	.46	
GROUP IV	9.20	.60	1.00	.46	
GROUP V	12.32	.60	1.00	.46	
GROUP VI	12.57	.60	1.00	.46	
GROUP VII	12.82	.60	1.00	.46	
ZONE 9					
GROUP I	11.30	.75	1.00	.40	.02
GROUP II	11.10	.75	1.00	.40	.02
GROUP III	10.90	.75	1.00	.40	.02
GROUP IV	10.30	.75	1.00	.40	.02
GROUP V	11.55	.75	1.00	.40	.02
GROUP VI	11.80	.75	1.00	.40	.02
GROUP VII	12.05	.75	1.00	.40	.02

POWER EQUIPMENT OPERATORS ZONE 2

GROUP I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted - 16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; grapple; crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer, shovel, power (steam, gas, electric, or other powers), switch boat; whirley, air tugger 2/air compressor; anchor-placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine, boat operator-push boat or tow boat (job-site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer such as mixer/mobile; compressors, two, not more than 20 ft. apart; compressors, not more than five ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as a pump-crete machine; concrete spreader; conveyor, large (not self-propelled), hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers jack-hammers and barco equipment - no engineer required); elevating grader; engineman, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist; concrete and brick (brick cages on concrete skips operating in or on tower, tower/mobile, or similar equipment); hoist; stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-green); mechanic, on job site; mixer, paving; mixer/mobile; mucking machine; pipe cleaning machine; pipe wrapping machines; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing-job site; plant power, generating-job site; pump, self-powered, over 2" (one operator will operate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or sub-grade; scoop, tractor drawn; spreader box; sub-grader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine; automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine

POWER EQUIPMENT OPERATORS ZONE 2 CONT'D:

GROUP II - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor air (mounted on truck); concrete saw, self-propelled moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist; one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, with outside loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street, welding machine, one over 400 amp.; winch operating from truck

POWER EQUIPMENT OPERATORS ZONE 2 CONT'D:

GROUP III - Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardless of how used; oiler; sweeper, floor

GROUP IV - (a) Air pressure, oiler engineer; operating under ten pounds (b) Air pressure, oiler engineer operating over ten pounds (c) Air pressure engineer operating under ten pounds. (d) Air pressure engineer operating over ten pounds. (e) Crane-piledriving and extracting; crane using rock socket tool; drag-line - 7 cu. yds. & over; shovel, power - 7 cu. yds. and over; crane, climbing such as Linden); derrick, diesel, gas, electric hoisting material and erecting steel - 150' or more above ground; hoist, three or more drums; scoop, tandem; tractor, tandem crawler

Crane with boom (including jib), over 100' from pin to pin (add 1¢ per foot to maximum of 75¢) above basic rate for crane

Work in tunnel or tunnel shaft, .25¢ above base rate.

POWER EQUIPMENT OPERATORS ZONES 3, 4, and 9

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; back hoe; blade operator - all types; boat operator - tow; boiler - 2; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline opr.; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; high loader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gauge; mechanics and welder; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; scoop operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane, shovel operator

GROUP II - A-Frame; asphalt hot-mix silo; asphalt roller operator; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; dredge oiler; elevating grader operator; fork lift; grease fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker powerbroom - self propelled; power shield; roter; slip-form finishing machine; stumpcutter machine; side discharge concrete spreader; throttlemans; tractor operator (over 50 hp); winch truck

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; compressor over 105 CFM 2 - 3 pumps 4" & over; 2 - 3 light plant 7.5 KWA or any combination thereof; clef plane opr.; compressor operator; compressor maintenance operator 2 or 3; concrete saw operator (self-propelled); curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator; other than high type asphalt; other than high type asphalt; screening & washing plant operator; siphons & jets; subgrading machine operator; spreader box operator; self-propelled (not asphalt); tank car heater operator (combination boiler & booster); ulmac, ulric, or similar spreader; vibrating machine operator; not hands; tractor operator (50 hp or less)

GROUP IV - Oiler, grout machine

GROUP V - Crane with 3 yds. & over buckets; Dragline operator - 3 yds. & over; shovel - 3 yds. & over; piledrivers - all types; clamshell - 3 yds. & over; crane rigs, 100' of boom (including jib); hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs 150' to 200' or over (incl. jib)

GROUP VII - Crane, rigs 200' or over (incl. jib)

POWER EQUIPMENT OPERATORS ZONES 5, 6, 7 and 8

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; automatic slipform paver; autograder; backhoe; blade operator, - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clam-shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; high loader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator; - standard gauge; mechanics and welder; mucking machine; piledriver operator; sideboom cats; skimmer scoop operators; trenching machine operator; truck crane; scoop operators - all types

GROUP II - A-frame; asphalt hot mix silo; asphalt plant fireman (drum or boiler); asphalt roller operator; asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridges and dams); chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker; power - broom - self-propelled; power shield; roter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); winch truck

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; concrete saw operator (self-propelled); curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator; other than high type asphalt; screening & washing plant operator; siphons & jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); ulmac, ulric, or similar spreader; vibrating machine operator, not hands; tractor operator (50 hp or less)

GROUP IV - Oiler, driver, fireman - rig; maintenance operators

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rigs or piledrivers, 100' of boom or over (incl. jib); hoists - each additional active drum over 2 drums

POWER EQUIPMENT OPERATORS ZONEE 5,6,7, and 8 CONT'D:

- GROUP VI - Tandem scoop operator; crane, rigs or piledrivers 150' to 200' of boom (inc. jib)
- GROUP VII - Crane rigs, or piledrivers 200 ft. of boom or over (incl. jib)

AREAS COVERED BY POWER EQUIPMENT OPERATORS ZONES

- ZONE 1 - Clay, Jackson, Platte and Ray Counties
- ZONE 2 - St. Louis City and County
- ZONE 3 - Franklin, Jefferson, St. Charles Counties
- ZONE 4 - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscolt, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington, and Wayne Counties
- ZONE 5 - Buchanan, Cass, Clinton and Lafayette Counties
- ZONE 6 - Andrew, Atchinson, Bates, Benton, Caldwell, Carroll, Chariton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties
- ZONE 7 - Christian, Greene, Jasper, Lawrence and Rane County
- ZONE 8 - Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties
- ZONE 9 - Lincoln and Warren Counties

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
6.99	a	b	c&d	
7.19	a	b	c&d	
7.29	a	b	c&d	

TRUCK DRIVERS
 ZONE 1 - St. Louis City and County
 GROUP 1
 GROUP 2
 GROUP 3

FOOTNOTES:

- a - Employer contribution of \$12.50 per week
- b - Employer contribution of \$12.50 per week
- c - Paid Holidays; New Year's Day, Thanksgiving Day, Memorial Day, Independence Day, Friday after Thanksgiving Day, Labor Day, Veterans Day, Christmas.
- d - Paid vacation of 3 days for 600 hours of service any one contract year;
 4 days paid vacation for 800 hours of service in any one contract year;
 5 days paid vacation for 1,000 hours of service in any one contract year

CLASSIFICATION DEFINITIONS

- GROUP 1 - Truck or trailers of a water level capacity of 11.99 cu. yds. or less for lift trucks, job site ambulances, pick-up trucks, flat bed trucks
- GROUP 2 - Trucks or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity
- GROUP 3 - Truck or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity

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TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 2					
GROUP 1	9.99	.75	1.25	.75	
GROUP 2	10.19	.75	1.25	.75	
GROUP 3	10.50	.75	1.25	.75	
GROUP 4	10.65	.75	1.25	.75	
GROUP 5	9.765	.75	1.25	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

- GROUP 1 - One team; station wagons; pickups, material, single axle; tank wagon, single axle
- GROUP 2 - Two teams; material tandem; semi-trailers; winch, fork distributor drivers and operators, agitator and transit mix, tank wagon, tandem or semi-trailers, insley wagons, dump excavating, 5 cu. yds. & over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment
- GROUP 3 - A-frame, low boy, boom
- GROUP 4 - Mechanics & welders
- GROUP 5 - Mechanic's helpers, oilers, & greasers

AREA COVERED BY TRUCK DRIVERS ZONES

- ZONE 2 - Clay, Jackson, Platte and Ray Counties

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TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 3					
GROUP 1	12.80				
GROUP 2	12.95				
GROUP 3	13.02				
GROUP 4	12.91				
GROUP 5	12.70				
ZONE 4					
GROUP 1	11.75				
GROUP 2	11.90				
GROUP 3	11.97				
GROUP 4	11.86				
GROUP 5	11.65				
ZONE 5					
GROUP 1	12.15	1.00	1.25		
GROUP 2	12.30	1.00	1.25		
GROUP 3	12.37	1.00	1.25		
GROUP 4	12.26	1.00	1.25		
GROUP 5	12.05	1.00	1.25		
ZONE 6					
GROUP 1	10.94	1.00	1.25		
GROUP 2	11.09	1.00	1.25		
GROUP 3	11.21	1.00	1.25		
GROUP 4	11.10	1.00	1.25		
GROUP 5	10.84	1.00	1.25		
ZONE 7					
GROUP 1	10.21	1.00	1.25		
GROUP 2	10.36	1.00	1.25		
GROUP 3	10.48	1.00	1.25		
GROUP 4	10.37	1.00	1.25		
GROUP 5	10.11	1.00	1.25		

STATE: New York COUNTY: Westchester
 DECISION NO.: NY80-3023 DATE: Date of Publication
 Supersedes Decision No. NY78-3077 dated October 20, 1978 in 43 FR 49196
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including 4 stories), Heavy and Highway Construction Projects.

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

- GROUP 1 - Flat bed trucks - single axle; station wagon; pickup trucks; material trucks - single axle; tank wagon - single axle
- GROUP 2 - Flat bed trucks - tandem axle; material trucks, tandem axle; tank wagon - tandem axle
- GROUP 3 - Semi and/or pole trailers; winch fork and steel trucks; Insley wagons, dumpsters, half trucks, speedace, euclids, and other similar equipment, a-frame and derrick trucks, float or low boy, distributor drivers and operators, tank wagon, semi-trailer
- GROUP 4 - Agitator and transit mix trucks
- GROUP 5 - Warehouseman

AREAS COVERED BY TRUCK DRIVERS ZONES

- ZONE 3 - Franklin, Jefferson and St. Charles Counties
- ZONE 4 - Lincoln and Warren Counties
- ZONE 5 - Buchanan, Cass, Johnson and Lafayette Counties
- ZONE 6 - Andrew, Audrain, Barton, Bates, Benton, Bollinger, Boone, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Gasconade, Greene, Henry, Hickory, Howard, Iron, Jasper, Laclede, Lawrence, Linn, Livingston, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscol, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Saline, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster and Wright Counties
- ZONE 7 - Adair, Atchison, Barry, Butler, Clark, Dunklin Gentry, Grundy, Harrison, Holt, Howell, Knox, Lewis, McDonald, Mercer, Nodaway, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone, Sullivan, Taney and Worth Counties

"Unlisted classifications needed for work not including within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(ii))."

	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	14.77	.8617	1.7233	7%	.02
Boilermakers	13.19	5%	15%		
Bricklayers, Cement Masons, Plasterers, Pointers, Caulkers, Cleaners and Stone Masons	13.05	1.00	2.00	a	.07
Carpenters	10.40	1.40	1.25	1.30	.135
Dockbuilders	12.59	1.70	1.03	1.01	.05
Electricians	12.75	6%	9%+b	10%	.5%+.02
Elevator Constructors	11.32	.745	.35+j	c+d	.02
Glaziers	12.85	.66	1.91	.67	.01
Ironworkers:					
Ornamental	11.53	1.51	3.05	1.00	.14
Structural	12.50	1.86	3.85	1.60+c	.11
Reinforcing	10.79	1.325	1.985	.75+d	.03
Laborers, Buildings:					
Unskilled	8.50	1.15	1.05	.75+e	
Equipment Operators, Drillers, Swinger Operators on Conveyor Belt, Pavement Breakers, Plastering, Acoustic Pumps, Barco and all Air Tamper, Vibrator Operators, Power Buggies, Fork Lifts, Power Jacks and all Pneumatic Equipment	8.75	1.15	1.05	.75+e	.03
Lathers:					
Metal	10.79	1.325	1.985	.75+d	.01
Nail on	12.00			f	
Leadburners	10.75	.40	.25		
Marble Setters:					
Cutters and Setters	10.25	1.21	1.71	8	.05
Carvers	10.45	1.21	1.71	8	.05
Polishers	10.93	1.21	1.71	8	.05
Crane Operators	9.55	1.21	1.71	8	.05
Painters:					
Brush	9.55	.65	1.08	.40	.05
Spray	10.35	.65	1.08	.40	.05
Tapers	10.35	.65	1.08	.40	.05
Steel and Swing Stage and Boatswain Chair	10.91	.65	1.08	.40	.05
Fildrivers and Soft Floor Layers	12.69	1.70	1.78	1.05	.04

	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Plumbers	12.01	1.788	1.14	1.20	.30
Roofers	10.50	2.69	2.70		.10
Sheet Metal Workers	13.32	2.093	1.903		.13
Sprinkler Fitters	13.56	.75	1.05		.08
Terrazzo Workers	11.88	1.32	1.50		
Terrazzo Finisher	9.84	1.21	1.50		
Terrazzo Finisher Machine Operator	9.99	1.21	1.50		
Tile Setters	11.225	1.15	1.10		

Welders - receive rate prescribed for craft performing operation to which welding is incidental

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5 (a)(1)(ii)).

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTES:

- Paid Holidays: Columbus Day and one hour off with pay on Election Day
- Employer contributes \$7.50/day to a Security Benefit Fund
- Paid Holidays: A and F provided the employee works a full half day preceding or following the holiday.
- Work of Christmas Eve and New Years Eve will terminate at 12 noon but employees will receive a full days pay.
- One hr. off to vote on election day
- Holidays A through F; Washington's Birthday, Good Friday, Christmas Eve, providing employee has worked 30 full days during the 90 calendar days preceding and following the holiday
- Holiday: 1/2 day's pay for Labor Day

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
HEAVY CONSTRUCTION						
Labors:						
Blasters, blaster (quarry master), Joy drillers, wagon drillers, air track drillers, concrete form aligner, concrete form and curb form highway (steel), and deck winches on scows, jumbo driller	10.40	9%	9%	a+.82		
Asphalt curb machine operator, jeoper operator, pavement breaker operator, rock scalers, power saw operator, bit grinder or grinders. barco rammer operator, air tamper and all type powered tampers not covered by any other classification, steel kings, power buggy operator, jack hammer drillers, all type pneumatic tool and gasoline drillers, concrete saw or saws, asphalt screeder on barbergreen, form pin puller railroad spike puller, pumps and their operation, and pneumatic tools and service of air power, gunniting	9.75	9%	9%	a+.82		
General concrete laborers or any thing pertaining to concrete which means any men handling aggregate or concrete materials and carpenters tender and steel handling, pipe layers, puddlers, asphalt worker, fine grade men between forms, epoxy and water-proofing	9.60	9%	9%	a+.82		
Joy driller's helper, wagon driller helper, air track driller helper, common laborers, signal men and pitman, truck spotters, powdermen, landscape and nursery men, and dump men	9.50	9%	9%	a+.82		

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HEAVY CONSTRUCTION

Laborers: (CONT'D)

Wrecking:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Blasters	10.50	9%	9%	at .82		
Barnen, and burner	10.00	9%	9%	at .82		
Barnen helpers and laborers	9.85	9%	9%	at .82		
Shaft and Tunnel in Free Air:						
Blasters	10.65	9%	9%	at .82		
Concrete setters	10.85	9%	9%	at .82		
Form setters	10.35	9%	9%	at .82		
Miners, drill runners air, tug gers, chippers, pneumatic tools and source of air-power pumps and their operations and vibrator operators	10.15	9%	9%	at .82		
Puddlers	10.10	9%	9%	at .82		
Chuck tenders, nippers, concrete laborers, tunnel sewer and wafer pipe reliners and Boring Laborers	10.00	9%	9%	at .82		
Powder carriers, signalmen	9.75	9%	9%	at .82		
Brakemen	9.70	9%	9%	at .82		
Outside laborers	9.65	9%	9%	at .82		
	9.60	9%	9%	at .82		

PAID HOLIDAYS:
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; F-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
 a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; November Election Day; Veterans' Day; and Good Friday, provided employee works (2) two or more days in the calendar week in which the holiday falls.

DECISION NO. NY80-3023

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Line Construction: Street Lighting Systems, installation of Signal Cable Systems, Overhead and Under-ground when installed on streets and right of way: Linemen	9.28	5½+a	7½	10%	.02	
Compressor	7.68	5½+a	7½	10%	.02	
Lamp Changer	7.16	5½+a	7½	10%	.02	
Utility Outside Work: Linemen	10.71	6½+b	9½	10%	.02	
Compressor	8.67	6½+b	9½	10%	.02	
Boring Machine	9.32	6½+b	9½	10%	.02	
Dynamite Man	9.53	6½+b	9½	10%	.02	
Groundman	7.28	6½+b	9½	10%	.02	
Driver Groundman	8.14	6½+b	9½	10%	.02	
New Constructions of Steel Towers Substations, All Railroad Work Underground: Linemen and Cable Splicers Equipment Operators Heavy Driver groundman Driver Groundman Groundman Dynamite and Transit Men Mechanic	13.26 12.20 10.57 10.21 9.68 11.80 11.54	6½+b 6½+b 6½+b 6½+b 6½+b 6½+b 6½+b	9½ 9½ 9½ 9½ 9½ 9½ 9½	10% 10% 10% 10% 10% 10% 10%	.02 .02 .02 .02 .02 .02 .02	

FOOTNOTES:
 a. Employer contributes \$3.00 per hour to Supplementary Unemployment Benefit Fund.
 b. Employer contributes \$7.00 per hour to Supplementary Unemployment Benefit Fund.

POWER EQUIPMENT OPERATORS, BUILDING CONSTRUCTION PROJECTS:

- GROUP I-A
- GROUP I-B
- GROUP II
- GROUP III-A
- GROUP III-B
- GROUP IV-A
- GROUP IV-B
- GROUP V-A
- GROUP V-B
- GROUP VI-A-1
- GROUP VI-A-2
- GROUP VI-A-3
- GROUP VI-A-4
- GROUP VI-A-5
- GROUP VI-A-6
- GROUP VI-A-7
- GROUP VI-B-1
- GROUP VI-B-2
- GROUP VI-B-3
- GROUP VI-B-4
- GROUP VII

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
14.5725	68+1.20	10%	a	2%
14.105	68+1.20	10%	a	2%
13.66	68+1.20	10%	a	2%
13.5175	68+1.20	10%	a	2%
13.0475	68+1.20	10%	a	2%
13.2350	68+1.20	10%	a	2%
12.905	68+1.20	10%	a	2%
12.2325	68+1.20	10%	a	2%
11.7625	68+1.20	10%	a	2%
15.94	68+1.20	10%	a	2%
15.0875	68+1.20	10%	a	2%
14.0875	68+1.20	10%	a	2%
14.8025	68+1.20	10%	a	2%
18.8025	68+1.20	10%	a	2%
12.2325	68+1.20	10%	a	2%
18.5175	68+1.20	10%	a	2%
10.7325	68+1.20	10%	a	2%
12.3325	68+1.20	10%	a	2%
10.8175	68+1.20	10%	a	2%
13.93	68+1.20	10%	a	2%
14.575	68+1.20	10%	a	2%

POWER EQUIPMENT OPERATORS, BUILDING CONSTRUCTION PROJECTS

GROUP I-A: Backhoe Oliver 88, Fordson, Dynahoe dual purpose and similar machines; barber green loader-eucild loader or similar type; convey or similar mucking machines; dragline, gradall, shovel, backhoe, etc. (crawler or truck); front end loaders; hydraulic boom; Jersey spreader; letournau or tournapull (scrapers over 20 yards struck); mucking machines; pavement breaker (air ram); paver (concrete); road boring machine; road mix machines; ross carrier and similar machines; post hole digger; shovel (tunnels); side boom; spreader (asphalt); scoomobile-tractor-shovel over 1 1/2 yards; trenching machines-vermeer concretesaw trencher and similar; tractor type demolition equipment; winch truck (A Frame); hydraulic crane under 25 ton and cherry picker under 25 ton

GROUP I-B: Compressor (steel erection); pulse meter and push button (buzz box) elevator

GROUP II: Compactor self-propelled; grader; bulldozer D7 and similar tractors with a draw bar horsepower of 100 or over; mechanic (outside) all types; welder scrapers-20 yards struck and under; machine pulling Sheep's Foot Roller; vibratory rollers, etc. and roller 4 ton and over

GROUP III-A: Asphalt plant; boiler (high pressure); Bulldozer D6 and similar tractors with a draw bar Horse Power less than 100; concrete mixing plants; concrete pump; firemen; forklift; forklift (electric); joy drill or similar tractor drilling machine; loader-1 1/2 yards and under; locomotive (all sizes); mixer concrete-21E and over; portable asphalt plant; portable batch plant; portable crusher; quarry master; stone crusher; well drilling machine and well point system

GROUP III-B: Compressor over 125 cu. feet; conveyor belt machine regardless of size; lighting unit (portable & generator); welding machine (steel erection and excavation); and compressor plant

GROUP IV-A: Air tractor drill; batch plant; bending machines; concrete breaker; concrete spreader; curb cutter machine; farm tractor (all types); finishing machine-concrete; material hopper-sand stone-cement; mixer-concrete-under 21E; mulching grass spreader; pump-gypsum, etc.; pump-plaster; roller under 4 ton; spreading and fine grading machine; syphone pump-air-steam; tar joint machine; turbo jet burner or similar equipment; vibrator (1 to 5); fine grading machine and roof hoist (tugger hoist)

POWER EQUIPMENT OPERATOR, BUILDING CONSTRUCTION PROJECTS CONT'D

- GROUP IV-B: Compressor to 125 feet; dust collector; heater all types; pump; pump station (water and sewer); steam Jenny and sweeper
- GROUP V-A: Concrete saw; oiler fuel truck and oiler grease truck
- GROUP V-B: Mechanics helper; oiler; paint compressor; welder's helper and motorized roller (walk behind)
- GROUP VI-A-1: Master mechanic and assistant master mechanic
- GROUP VI-A-2: Helicopter hoist operator
- GROUP VI-A-3: Welder certified
- GROUP VI-A-4: Engineer pile driver
- GROUP VI-A-5: Helicopter pilot
- GROUP VI-A-6: Helicopter signalman
- GROUP VI-A-7: Engineer, all tower cranes, all climbing cranes and all cranes of 100 ton capacity or greater (3900 Manitowac or similar) irrespective of manufacturer and regardless of how the same is rigged (except for pile rigs)
- GROUP VI-B-1: Utility man
- GROUP VI-B-2: Second engineer
- GROUP VI-B-3: Oiler (asphalt paver)
- GROUP VI-B-4: Cable splicer
- GROUP VII: Concrete-portable hoist; crane & hoist engineer-steel (concrete, material, supper structure sub-structure); derrick (stone-steel); elevator & cage; hoist-single, double, or triple drum; hoist-portable mobile unit; hoist engineer-concrete (crane-derrick-mine hoist); hoist engineer-material; overhead crane and power house plant

POWER EQUIPMENT OPERATORS,
HEAVY & HIGHWAY:

- Group I-A
- Group I-B
- Group II-A
- Group III-A
- Group III-B
- Group IV-A
- Group IV-B
- Group V-A
- Group V-B
- Group VI-A
- Class I
- Class II
- Class III
- Class IV
- Class V
- Class VI
- Class VII
- Group VI-B
- Miscellaneous
- Class I
- Class I.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocetion	
13.25	68 + a	9 1/2%	b	28
12.625	68 + a	9 1/2%	b	28
12.45	68 + a	9 1/2%	b	28
12.325	68 + a	9 1/2%	b	28
11.70	68 + a	9 1/2%	b	28
12.20	68 + a	9 1/2%	b	28
11.575	68 + a	9 1/2%	b	28
11.20	68 + a	9 1/2%	b	28
10.575	68 + a	9 1/2%	b	28
14.45	68 + a	9 1/2%	b	28
13.70	68 + a	9 1/2%	b	28
16.70	68 + a	9 1/2%	b	28
13.45	68 + a	9 1/2%	b	28
16.95	68 + a	9 1/2%	b	28
11.20	68 + a	9 1/2%	b	28
12.2875	68 + a	9 1/2%	b	28
10.575	68 + a	9 1/2%	b	28
9.75	68 + a	9 1/2%	b	28

CLASSIFICATION DEFINITIONS

- GROUP I-A - Auger, auto grader, backhoe oiliver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader - euclid loader or similar type machine, central mix plant operator, cherry picker (Cableway), compactor with blade, concrete portable hoist, S.M.I. or similar, convey or similar mucking machines, crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, letourneau or tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsemeter, push button (buzz box) elevator, road mix machines, ross carrier and similar machines, shovels (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1 1/2 yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" frame
- GROUP I-B - Compressor (steel erection)
- GROUP II - Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 or over, maintenance engineer, mechanic (outside) all types, welder, scraper - 20 Yards struck and under, vibrator roller, etc., roller 4 ton and over
- GROUP III-A - Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor plant, concrete pump, conveyor belt machine - irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader - 1 1/2 yards and under, locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete - 2 1/2 and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, well drilling machine, well point system

GROUP III-B - Compressor, lighting unit (portable & generator), Welding machine (steel erection excavation)

GROUP IV-A - Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, curb cutter machine, farm tractor (all types), finishing machine - concrete, material hopper - sand - stone - cement, mulching grass spreader, roller under 4 ton, spreading & fine grading machine, steel cutting machine, sweeper, turbo jet burner or similar equipment, fine grading machine

GROUP IV-B - Compressor to 125 cu. ft., dust collector, mixer - concrete under 21E, heater - all types, pump 4 inches and over, pump station (water & sewer), pump - gypsum, etc., pump - plaster, steam jenny, syphon pump - air - steam, tar joint machine, vibrator (1 to 5)

GROUP V-A - Concrete saw, oiler (fuel or grease truck)

GROUP V-B - Oiler, stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4", roller motorizer (walk behind)

GROUP VI-A MISCELLANEOUS:

CLASS I - Master mechanic, Asst. master mechanic

CLASS II - Helicopter hoist operator

CLASS III - Engineer- all Tower Cranes, all climbing cranes and all cranes of greater (3900 Manitowac or similar) irrespective of manufacturer and regardless of how the some is rigged (except for pile rigs).

CLASS IV - Hoist engineer - steel sub-structure, engineer - pile driver

CLASS V - Helicopter Pilot

CLASS VI - Helicopter Signalman

CLASS VII - Jersey spreader, pavement breaker (air ram), Post hole digger

GROUP VI-B MISCELLANEOUS:

CLASS I - Safety man 60 ton crane & over

CLASS II - Oiler asphalt paver and utility man

Footnotes

a. Employer contributes \$1.20 per hour to Supplemental Unemployment Benefit Fund.

b. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, November Election Day, Veteran's Day, Thanksgiving Day and Christmas Day.

STATE: Pennsylvania
 COUNTY: Adams & York
 DECISION NO.: PA80-3025
 DATE: Date of Publication
 Supersedes Decision No. PA78-3121 dated September 22, 1978, in 43 FR 43232.
 DESCRIPTION OR WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Asbestos Workers	\$11.61	1.12	.90		.01
Boilermakers	14.64	1.175	1.00		.02
Bricklayers & Stonemasons	10.65	.60	.45		.03
Carpenters (York County)	10.44	.75	.70		.05
Carpenters (Adams County)	10.92	.55	.65		.05
Cement Masons (Adams County)	10.79	.70	.70		.01
Cement Masons (York County)	9.94	.35	.25		
Electricians: Franklin, Carrol, Monaghan, and Fairview Townships in York County	11.36	.65	3%+.67		1/4%
Remainder of York County, and Adams County in its entirety	11.95	.45	3%+.15		.01
Elevator Constructors	11.23	.745	.56	a+b	.025
Elevator Constructors Helpers	7.86	.745	.56	a+b	.025
Elevator Constructors Helpers (Prob.)	5.615				
Glaziers	10.14	.55	.60		.01
Ironworkers	12.505	1.24	1.36		.03
Laborers: General laborers	7.20	.50	.62		
Operator of jackhammer (etc.)	7.40	.50	.62		
Wagon drill operator	7.50	.50	.62		
Handling of all materials(etc.)	7.35	.50	.62		
Laborers assisting tile (etc.)	7.25	.50	.62		
Handling & using dynamite	7.53	.50	.62		
Caisson work (top men)	7.45	.50	.62		
Caisson work (bottom men)	7.65	.50	.62		
Mixer man	7.60	.50	.62		
Line Construction: Linemen, cable splicers	12.05	.45	3%		3/8%
Winch truck operators	8.43	.45	3%		3/8%
Groundman	7.23	.45	3%		
Marble, tile & terrazzo workers	9.20	.45	.45		.05
Millwrights (Adams County)	12.57	.55	.65		.03
Millwrights (York County)	10.94	.75	.70		

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Painters:						
Brush	\$8.40	.35	.15			
Steel & Spray	8.95	.35	.15			
Piledrivers	11.52	2.48	1.40	c	.13	
Plasterers (York County)	8.60	.35	.25		.01	
Plasterers (Adams County)	9.85	.70	.70		.12	
Plumbers	11.55	.85	.90			
Roofers:						
Composition	10.00	.61	.30	.25		
Slate & tile	10.60	.61	.30	.25		
Sheet Metal Workers	11.06	1.42	1.18		.14	
Soft Floor Layers:						
Adams County	9.20	.55	.65		.05	
York County	10.44	.75	.70		.03	
Sprinkler Fitters	13.55	.75	1.05		.08	
Steamfitters	11.55	.85	.90		.12	
Truck Drivers:						
Pickup, Dump, Service Trucks, Flat Trucks to and including Z License Highway Plates	8.39	d	e			
Transit Mix, Winch Trucks, Tractor Trailers, all types of Euclid, Ross Lumber Carriers, and Trucks over Z Plates	8.64	d	e			
Welder- Receive rate for craft						

PAID HOLIDAYS (Where Applicable)

- A-New Year's Day; B-Memorial Day;
- C-Independence Day; D-Labor Day;
- E-Thanksgiving Day; F-Christmas Day.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		

FOOTNOTES:

- a. Employer contributes 8% basic hourly rate for 5 years of more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- b. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.
- c. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day; Thanksgiving Day.
- d. Employer shall contribute \$71.37 per month to a Health & Welfare Fund.
- e. Employer shall contribute \$46.80 per month to a Pension Fund.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))."

SUPERSEDEAS DECISION

DECISION NO. PASO-3025

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
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%

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 3-1/2 c.v. 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 3-3/4 cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTES:

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.

STATE: Pennsylvania
 COUNTY: Lehigh
 DECISION NO.: PASO-3026
 DATE: Date of Publication
 Supersedeas Decision No. PA78-3016 dated April 14, 1978, in 43 FR 16106.
 DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
Asbestos Workers	\$11.61	1.12	.90		.01
Boilem makers	14.64	1.175	1.00		.02
Bricklayers	10.90	1.00	1.15		.01
Carpenters	11.10	.84	.72		.05
Cement/Masons	11.27	1.00	.41		.02
Electricians	11.75	.70	3**80		.025
Elevator constructors	11.61	.745	.56	a+b	.025
Elevator Constructors' Helpers	70%JR	.745	.56	a+b	.025
Elevator Constructors' Helpers (Probationary)	50%JR	.40	.40		.01
Glaziers	9.19	1.14	1.36		
Ironworkers, Structural	12.45	1.14	1.36		
Ironworkers, Reinforcing	12.45	1.14	1.36		
Ironworkers, Ornamental	12.45	1.14	1.36		
Laborers:					
Laborers & window cleaners	8.09	.62	.59		
Operator of jackhammer, paving breaking and other pneumatic and mechanical tools coming under the jurisdiction of laborers, laying of all clay terra cotta, ironstone, vitrified concrete or non metallic pipe and the making of joints for same and cofferdams (below 10')	8.34	.62	.59		
Wagon drills and men handling burning torches in the wrecking of buildings					
Plaster and mason tenders, scaffold builders and handling of all material to be used by plasterers and masons, brick and block loaded on pallets, cement finisher tenders, gunning and moldco-D and sand-blaster helpers, power buggies, all floor hardner and "cure" application shall be work of the mason tender, all pumps such as the concrete, plaster mortar and water, installing plastic or other non-solid	8.84	.62	.59		

PAID HOLIDAYS:
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day

FOOTNOTES:

- a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
- b. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.
- c. Eight paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing the employee has worked 45 full days for the same employer during the 120 calendar days prior to the holiday, & is available for work the days preceding & following the holiday.
- d. Paid Holidays: Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans' Day, Thanksgiving Day and Christmas Day..
- e. Employer contributes \$83.03 per month to a Health & Welfare Fund.
- f. Employer contributes \$56.35 per month to a pension fund.
- g. When an employee has been employed for one year but less than five years he shall receive one weeks vacation.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (II))."

Laborers: (Cont'd)	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
refractory materials in connection with the boiler work	\$8.49	.62	.59		
Barke Tamper Operator	9.11	.62	.59		.01
Lathers	11.11	.65	.40		.01
Lead Burners	10.75	.40	.25	c	
Line Construction:					
Linemen & cable splicers	12.61	.45	3%		3/8 of 1%
Groundmen	7.57	.45	3%		3/8 of 1%
Winch truck operator	8.83	.45	3%		3/8 of 1%
Marble Setters	9.65	1.00	1.15		
Millwrights	11.50	.84	.72		.05
Painters:					
Brush	10.65	1.23	.75		.05
Structural steel	11.75	1.23	.75		.05
Spray	11.65	1.23	.75		.05
Plasterers	11.12	1.00	.41		.01
Plumbers	12.73	.85	1.40		.14
Roofers, composition & slate	12.03	1.30	1.30		.14
Sheet Metal Works	11.06	1.42	1.18		.08
Soft Floor Layers	9.95	.64	.72		.13
Sprinklers Fitters	13.55	.75	1.05	d	.11
Piledrivermen	11.52	2.48	1.40		.01
Steamfitters	12.76	.80	1.45		.01
Stone Masons	10.90	1.00	1.15		.01
Terrazzo Workers	9.90	1.00	1.15		
Tile Setters	9.65	1.00	1.15		
Truck Drivers	8.95	e	f	g	

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

STATE: Pennsylvania COUNTY: Berks
 DECISION NO.: PA80-3028 DATE: Date of Publication
 Supersedeas Decision No. PA78-3069 dated October 6, 1978, in 43 FR 46475.
 DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories).

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.61	1.12	.90		.01
14.64	1.175	1.00		.02
10.40	.90	.85		
10.48	.77	.65		
10.29		1.65		
11.75	.70	38+.80		.02
10.09	.65	37+.67		1/4%
12.49	.78	37+.30	b+c	.03
11.615	.745	.56	b+c	.025
70% of JR	.745		b+c	.025
50% of JR				
9.19	.40	.30		.01
12.40	1.24	1.36		.02
12.40	1.24	1.36		.02
8.00	.45	.35		
8.23	.45	.35		
8.28	.45	.35		
8.39	.45	.35		
8.43	.45	.35		
8.45	.45	.35		

Asbestos workers
 Boilermakers
 Bricklayers & Stonemasons
 Carpenters
 Cement Masons
 Electricians:
 Herford, Longswamp & Washing-
 ton, Twp., portion of Maxataw-
 ney, Twp., east of Sacony Creek
 Marion, Tulpehocken & Bethel
 Twp.
 Remainder of County
 Elevator Constructors
 Elevator Constructors' Helpers
 Elevator Constructors' Helpers
 (Prob.)
 Glaziers
 Ironworkers, structural &
 ornamental, bridge
 Ironworkers, reinforcing
 General Laborers
 Operators of jackhammer, paving
 breaking and other pneumatic,
 electrical and mechanical tools
 coming under the jurisdiction of
 laborer, laying of all clay,
 terra cotta, ironstone, vitri-
 fied concrete or non-metallic
 pipe and the making of joints
 for same, wagon drill operators
 and concrete power buggies
 Cofferdam, (below 10'), tunnel
 free air muckers
 Handling and Using cutting or
 burning torches in the wrecking
 of buildings, plasterer tenders,
 scaffold builders and removal
 for plasterers
 Mason tenders, scaffold builders,
 removal for mason and power bug-
 gies
 Blasters

POWER EQUIPMENT OPERATORS

GROUP	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
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%

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, build- ing hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-2 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, bull- dozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-2 cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day be- fore and after the holiday.

DECISION NO. PA80-3028

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. 9 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.
- b. 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.
- c. Six paid holidays: A through F, plus the Friday after Thanksgiving.
- d. Paid holidays: Election Day and Labor Day.
- e. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veteran's Day and Thanksgiving Day.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))."

	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lathers	\$11.28	.40	.25	a	.01
Lead Burners	10.75		.25		.01
Line Construction:					
Lineman	12.61	.45	3%		3/8 of 1%
Groundman	7.57	.45	3%		3/8 of 1%
Winch truck operator	8.83	.45	3%		3/8 of 1%
Millwrights	11.00	.77	.65		
Painters:					
Brush	9.75	.75	.80		
Bridge, tower, stacks & tanks	11.20	.75	.80		
Spray and steel	10.80	.75	.80		
Piledrivers	11.52	2.48	1.40	e	.13
Plasterers	10.31		1.65		.01
Plumbers	12.73	.85	1.40		.14
Roofers:					
Albany, Maxstany and Windsor	12.03		1.30		
Composition and slate					
Remainder of County	13.47	1.40	.95	d	
Composition, damp & waterproof	6.50	1.40	.95	d	
Roof Assistant					
Sheet metal workers	11.06	1.42	1.18		.14
Soft floor layers	10.48	.77	.65		.08
Sprinkler Fitters	13.55	.75	1.05		
Steamfitters	12.76	.80	1.45		.11
Stone masons	10.40	.90	.85		
Truck Drivers:					
Truck drivers					
Truck drivers, helpers					

DECISION NO. PA80-3028

DECISION NO. PASO-1028

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
GROUP 1	12.86	7%	10.3%	8	1.8%
GROUP 2	12.57	7%	10.3%	a	1.8%
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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- $\frac{1}{2}$ c.y. and over, tandem scrapers, pipin 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 toumapulls, 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- $\frac{1}{2}$ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.):
100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTES:

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.

[FR Doc. 80-10732 Filed 4-10-80; 8:45 am]

BILLING CODE 4510-27-C

federal register

Friday
April 11, 1980

Part IV

Equal Employment Opportunity Commission

**Sex Discrimination Harassment; Adoption
of Interim Guidelines**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1604

Discrimination Because of Sex Under Title VII of the Civil Rights Act of 1964, as Amended; Adoption of Interim Interpretive Guidelines

AGENCY: Equal Employment Opportunity Commission.

ACTION: Interim amendment to guidelines on discrimination because of sex.

SUMMARY: The Equal Employment Opportunity Commission is amending its Guidelines on Discrimination Because of Sex on an interim basis, in order to clarify its position on the issue of sexual harassment and to invite the public to comment on the issue. This amendment will re-affirm that sexual harassment is an unlawful employment practice. These Interim Guidelines are in full effect from the date of their publication; however, EEOC will receive comments for 60 days subsequent to the date of publication. After the comment period EEOC will evaluate the comments, make whatever changes to the Interim Guidelines may seem appropriate in light of the comments, and publish the final Guidelines.

DATES: Effective date: April 11, 1980. Comments must be received on or before June 10, 1980.

ADDRESSES: Written comments may be addressed to: Executive Secretariat, Equal Employment Opportunity Commission, 2401 E Street, NW., Room 4096, Washington, D.C. 20506.

All envelopes should be marked Sexual Harassment on the lower left corner.

All public comments may be reviewed from 9:30 a.m. to 4:30 p.m., Monday through Friday, at: Library (Room 2303), EEOC, 2401 E Street, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Frederick D. Dorsey, Director, Office of Policy Implementation, Room 4002, 2401 E Street, NW., Washington, DC 20506, (202) 634-7060.

SUPPLEMENTARY INFORMATION: Sexual harassment like harassment on the basis of color, race, religion, or national origin, has long been recognized by EEOC as a violation of Section 703 of Title VII of the Civil Rights Act of 1964, as amended. However, despite the position taken by the Commission, sexual harassment continues to be especially widespread. Because of the continued prevalence of this unlawful practice, the Commission

has determined that there is a need for guidelines in this area of Title VII law. Therefore, on an interim basis EEOC is amending its Guidelines on Discrimination Because of Sex (37 FR 6836, April 5, 1972, as amended) to add § 1604.11, Sexual Harassment.

Interim § 1604.11(a) provides that harassment on the basis of sex is a violation of Title VII and states that such unwelcomed behavior may be either physical or verbal in nature. The interim section also sets out three criteria for determining whether an action constitutes unlawful behavior. These criteria are (1) submission to the conduct is either an explicit or implicit term or condition of employment; (2) submission to or rejection of the conduct is used as the basis for employment decisions affecting the person who did the submitting or rejecting; or (3) the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. It is the Commission's position that sexual harassment, like racial harassment, generates a harmful atmosphere. Under Title VII, employees should be afforded a working environment free of discriminatory intimidation whether based on sex, race, religion, or national origin. Therefore, the employer has an affirmative duty to maintain a workplace free of sexual harassment and intimidation.

Interim § 1604.11(b) recognizes that the question of whether a particular action or incident establishes a purely personal, social relationship without a discriminatory employment effect requires a factual determination. In making such a determination, the Commission will look at the record as a whole and at the totality of the circumstances, emphasizing the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

Interim § 1604.11(c) applies general Title VII principles to the issue of sexual harassment and states that an employer is responsible for the acts of its supervisory employees or agents, regardless of whether the acts were authorized or forbidden by the employer and regardless of whether the employer knew or should have known of the acts. This paragraph (c) of § 1604.11 further states that the Commission will determine whether an individual acts in either an agency or a supervisory capacity on a case by case basis, examining the circumstances of the

particular employment relationship and the job functions performed by the individual, rather than accepting an individual's title as being controlling.

Interim § 1604.11(d) distinguishes the employer's responsibility for the acts of its agents or supervisors from the responsibility it has for the acts of other persons. This paragraph (d) of 1604.11 states that liability for the acts of those persons not mentioned in paragraph (c) exists only when the employer, or its agents or supervisory employees, knows or should have known of the conduct. The paragraph further provides that the employer may rebut this apparent liability for the conduct by showing that it took immediate and appropriate corrective action.

Consistent with the policy of voluntary compliance under Title VII, § 1604.11(e) recognizes that the best way to achieve an environment free of sexual harassment is to prevent the occurrence of sexual harassment by utilizing appropriate methods to alert the employees to the problem and to stress that sexual harassment, in any form, will not be tolerated. This paragraph (e) of § 1604.11 requires an employer to take all steps necessary for the prevention of sexual harassment and gives the following as examples of steps which might be deemed necessary: Affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise the issue of sexual harassment under Title VII, and developing methods to sensitize all concerned.

This amendment to the "Guidelines on Discrimination Because of Sex" is a significant regulation under Executive Order 12044, "Improving Government Regulations" (43 FR 12661, March 24, 1978). There are no regulatory burdens or recordkeeping requirements necessary for compliance with the amendment. The Commission has determined that these proposed guidelines will not have major impact on the economy and that a regulatory analysis is not necessary.

In compliance with Executive Order 12067 (43 FR 28967, July 5, 1978), the Commission has consulted with representatives of the Office of Personnel Management, Department of Justice, Department of Labor, and Department of Health, Education, and Welfare. At the end of the 60 day comment period, the Commission will again consult with these agencies on the issues raised through the public comment process.

Signed at Washington, D.C. this 3rd day of April, 1980.

Eleanor H. Norton,

Chair, Equal Employment Opportunity Commission.

Accordingly, 29 CFR Chapter XIV, Part 1604 is amended by adding § 1604.11 to read as follows:

PART 1604—GUIDELINES ON DISCRIMINATION BECAUSE OF SEX

§ 1604.11 Sexual harassment.

(a) Harassment on the basis of sex is a violation of Sec. 703 of Title VII.¹ Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(b) In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

(c) Applying general Title VII principles, an employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as "employer") is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. The Commission will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.

(d) With respect to persons other than those mentioned in paragraph (c) of this section, an employer is responsible for acts of sexual harassment in the

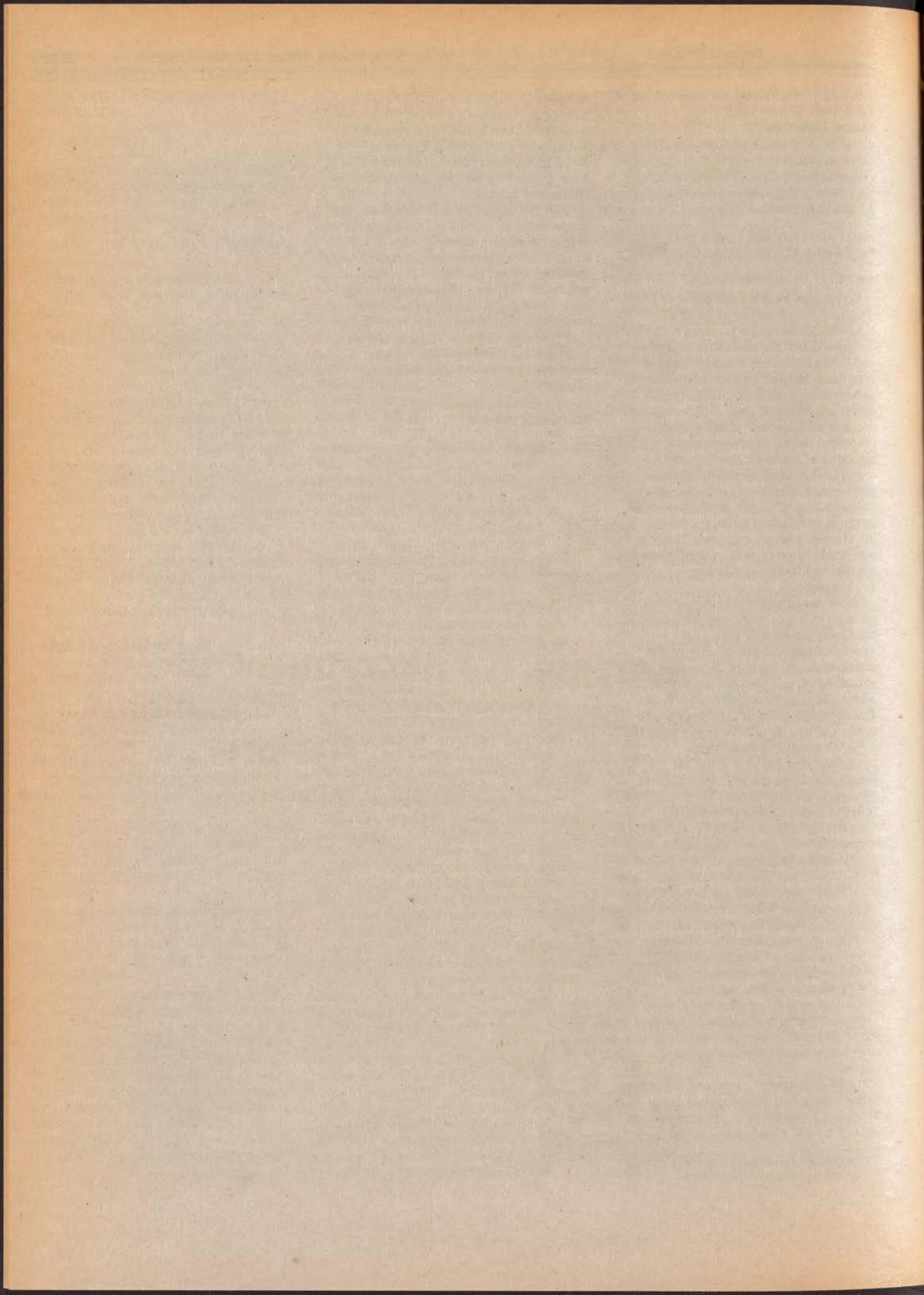
workplace where the employer, or its agents or supervisory employees, knows or should have known of the conduct. An employer may rebut apparent liability for such acts by showing that it took immediate and appropriate corrective action.

(e) Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned.

[FR Doc. 80-10946 Filed 4-8-80; 12:15 pm]

BILLING CODE 6570-06-M

¹ The principles involved here continue to apply to race, color, religion or national origin.



Federal Register

Friday
April 11, 1980

Part V

**Department of
Health, Education,
and Welfare**

Office of Education

Emergency School Aid

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Office of Education

45 CFR Part 185

Emergency School Aid

AGENCY: Office of Education, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commissioner of Education proposes to amend the regulations governing nonprofit organization grants under the Emergency School Aid Act. Under this program, a nonprofit organization supports a local educational agency in the development or implementation of a qualifying desegregation plan. These proposed regulations implement changes in the program made by Pub. L. 95-561, address concerns raised by the public in response to a prior notice of proposed rulemaking, and take into account the reduction in appropriations for the program from \$17.5 million in FY 1979 to \$5 million in FY 1980.

DATE: Comments must be received on or before May 27, 1980.

ADDRESS: Comments should be addressed to Dr. Shirley McCune, U.S. Office of Education, Room 2001, FOB-6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Ms. L. Ann Benjamin, (202) 245-8230.

SUPPLEMENTARY INFORMATION: The authority for these proposed regulations is the Emergency School Aid Act ("ESAA" or "the Act"), Title VI of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 3191 *et seq.*).

Background

On June 29, 1979, a notice of proposed rulemaking (NPRM) for programs authorized under ESAA was published in the *Federal Register* (44 FR 38364). The ESAA NPRM included regulations that would govern nonprofit organization (NPO) grants. The public had 60 days to comment on the NPRM. Public hearings were held on August 1 in the ten HEW regional offices.

Among the most controversial sections of the ESAA NPRM were those related to the NPO program. Numerous comments were received concerning the priority given to applications that related to recent desegregation plans and the elimination of compensatory education and in-service training activities, as well as the statutory abolition of the State apportionment feature of the program. A new notice of

proposed rulemaking is being published to give the public an opportunity to comment on the revisions. Among the major changes to the sections of the ESAA NPRM relating to the NPO program are the following:

(a) The elimination of categories relating to the recency of a cooperating local educational agency's desegregation plan as a means of evaluating applications.

(b) The addition of several new selection criteria addressing recency of the plan, project design, the evaluation plan, and the budget.

(c) The addition of training to LEA staff and specialized technical assistance as authorized activities.

Also included is a new criterion relating to the applicant's recruitment of members of minority groups. The Commissioner believes that the inclusion of minority group members on an applicant's staff may enhance its ability to carry out desegregation-related activities. Where an applicant's staff does not include these persons, the Commissioner wishes to encourage it to expand the pool from which it selects employees. This is the purpose of the criterion.

The criterion assumes that an applicant selects employees from the expanded pool on a nondiscriminatory basis. It does not authorize the applicant to apply any preference in favor of minority group members, or to select a candidate who is not, on the basis of nondiscriminatory criteria, best suited for the job. In addressing the criterion, an applicant should either show that its staff includes minority group members or describe its efforts to recruit these persons for employment.

The following comments were submitted in response to the proposed regulations. After the summary of each comment, a response states the changes that have been made in the regulations or the reasons why no change is considered appropriate. The comments are grouped according to the sections of the proposed regulations with which they are concerned.

General

Comment. Several commenters objected to the absence of a requirement that each NPO establish an advisory group.

Response. No change has been made. The statute does not require the establishment of an advisory group under the NPO program as it does under other ESAA programs providing assistance to local educational agencies (LEAs). However, the selection criteria address the extent to which an NPO involves parents, students and

community members in the development and implementation of the project.

§ 185.112 Authorized activities.

Comment. A number of commenters objected to the ban on activities related to the provision of compensatory education, the development of basic skills, and the training of a local educational agency's staff.

Response. Training of LEA staff related to the development or implementation of a qualifying plan has been added as an authorized activity.

However, the prohibition on the provision of compensatory education and the development of basic skills under an NPO grant still applies. An evaluation of the NPO program by the Rand Corporation ("An Evaluation of the Emergency School Aid Act Nonprofit Organization Program", Vols. I-IV, 1978) revealed that these activities undermine the effectiveness of the NPO in facilitating school desegregation. Moreover, the legislative history of amendments to the Act made by Pub. L. 95-561 calls into question the emphasis given to these activities in the past and indicates a Congressional preference for activities more closely related to the desegregation process. (H.R. Rep. No. 1137, 95th Cong., 2d Sess. 96-97 (1978))

Comment. One commenter questioned why an applicant that proposes to support the development of a nonrequired qualifying plan must receive a written request from the LEA for that assistance.

Response. No change is necessary. In the case of a nonrequired plan, unlike a plan required by a court agency, there is no assurance that the LEA will adopt a plan at the end of the project period. A request for assistance in the development of the plan is an indication that the LEA intends to adopt a plan.

§ 185.113 Application procedures.

Comment. One commenter asked that LEAs and NPOs requesting ESAA assistance in support of the same qualifying plan be permitted to develop their needs assessments jointly.

Response. No change is necessary. A joint needs assessment is permitted under the proposed regulations and is encouraged by the selection criterion that addresses the extent to which the NPO demonstrates that the needs it identifies are related to the LEA's qualifying plan.

Comment. One commenter suggested that a State educational agency (SEA) be given the opportunity to review NPO applications from within the State.

Response. No change has been made. The statute does not require SEA review of NPO applications, as it does for

applications submitted by LEAs. The Commissioner believes that it is unduly burdensome on applicants to impose this requirement when the statute fails to do so.

§ 185.114 Approval of new projects.

Comment. A number of commenters advocated a return to State competitions for NPO applications. One commenter suggested that if the NPO national competition were to be retained in the final regulations, some funds should be set aside for applicants proposing to support desegregation-related activities in small LEAs.

Response. No change has been made. The State apportionment feature of the NPO program contained in previous legislation was abolished by Pub. L. 95-561. In order to provide an equal chance to compete for all applicants, no funds will be set aside.

§ 185.115 Approval of projects to support the implementation of a plan.

Comment. Several commenters requested that multi-year awards be available to NPO applicants.

Response. The regulation provides for project periods of up to 36 months.

Comment. Many commenters objected to the use of the categories reflecting the recency of plan implementation as a means of evaluating NPO applications.

Response. The categories will not be used. However, a selection criterion addressing the recency of plan implementation has been added.

Comment. One commenter asked why experience with other community organizations was considered a relevant criterion. This commenter suggested that experience in setting up and offering programs would be a more relevant criterion.

Response. No change has been made. The Rand study of the NPO program indicated that organizations that achieved the greatest impact in promoting desegregation were those that utilized citizen action strategies such as informing the public on desegregation issues or forming coalitions with other community organizations. This finding was taken into consideration in developing the criterion.

§ 185.116 Approval of projects to support the development of a plan.

Comment. One commenter asked what kind of evidence would be "convincing" with respect to the probable adoption of a plan to be developed under an NPO grant.

Response. This criterion has been revised to address the LEA's commitment to the adoption of a plan. Evidence of this commitment might

include minutes of a school board meeting or public statements made by authorized officials indicating the LEA's intention to cooperate with the applicant and to adopt and implement a plan.

Invitation to Comment

Interested persons are invited to submit written comments, suggestions, and recommendations to be considered prior to the issuance of the final regulations. Comments, suggestions, and recommendations may be sent to the address given at the beginning of this document. All comments received on or before the 45th day after publication of this document will be considered.

Commenters should (1) identify the section of the proposed regulations with which the comments are concerned; (2) describe their concern with respect to that section; and (3) recommend specific action. This is the kind of information that is needed in order to give maximum consideration to each commenter's concerns.

All written comments submitted in response to this notice will be available for inspection, both during and after the comment period, in Room 2001, FOB-6, 400 Maryland Avenue, S.W., Washington, D.C. between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of the proposed regulations. The first citation is the appropriate section of the Act (Title VI of the Elementary and Secondary Education Act of 1965, as amended). This is followed by a citation to the same provision in the United States Code.

Accordingly, the Commissioner proposes to revise 45 CFR Part 185 as set forth below.

Dated: March 12, 1980.

William L. Smith,
U.S. Commissioner of Education.

Approved: March 14, 1980.

Peter D. Relic,
Acting Assistant Secretary for Education.

Approved: April 7, 1980.

Patricia Roberts Harris,
Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance Program No. 13.529, Nonprofit Organization Grants.)

1. The table of contents is amended by adding a new entry for Subpart G to read as follows:

PART 185—EMERGENCY SCHOOL AID

Subpart G—Nonprofit Organization Grants

Sec.	
185.120	Purpose.
185.121	Other applicable regulations.
185.122	Eligible applicants.
185.123	Authorized activities.
185.124	Application procedures.
185.125	Approval of new projects.
185.126	Selection criteria.
185.127	Selection criterion: Recency of qualifying plan.
185.128	Selection criterion: Need.
185.129	Selection criterion: Project design.
185.130	Selection criterion: Organizational experience.
185.131	Selection criterion: Personnel.
185.132	Selection criterion: Evaluation plan.
185.133	Selection criterion: Budget.
185.134	Selection criterion: Commitment to plan adoption.

2. A new Subpart G is added to read as follows:

Subpart G—Nonprofit Organization Grants

§ 185.120 Purpose.

The purpose of a nonprofit organization grant is to support a local educational agency's (LEA's) development or implementation of a qualifying plan described in section 185.32 of the Emergency School Aid Act regulations published in the *Federal Register* on June 29, 1979 (44 FR 38364) in a notice of proposed rulemaking (hereinafter referred to as the ESAA NPRM).

(Section 604(b)(3), 608(b); 20 U.S.C. 3194(b)(3), 3198(b))

§ 185.121 Other applicable regulations.

(a) Awards under this subpart are subject to the language contained in the provisions of the ESAA NPRM set out in this paragraph.

(1) Section 185.1(b), relating to the purposes of the Emergency School Aid Act.

(2) Section 185.3, except 185.3(b)(2) and (5), relating to other applicable regulations.

(3) Section 185.4, containing definitions.

(4) Section 185.32, relating to qualifying plans.

(b) All references in this subpart to sections in Part 185 refer to sections in the ESAA NPRM.

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.122 Eligible applicants.

(a) Any public or private nonprofit agency, institution or organization (NPO), other than an LEA, is eligible to apply for a grant under this subpart.

(b) An NPO may receive a grant under this subpart regardless of whether the

LEA whose plan the NPO proposes to support applies for assistance under the Act.

(c) An NPO that proposes to support the development of a qualifying plan must receive a written request for that assistance from the LEA, except in the case of plan described in § 185.32(a) that has been required but not yet adopted.

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.123 Authorized activities.

(a) Except as provided in paragraph (b) of this section, an NPO may apply for any activity that is designed to support the development or implementation of a qualifying plan. These activities include, but are not limited to—

(1) Encouraging parental and community involvement in matters relating to the development or implementation of the plan;

(2) Providing information to parents and community members on the contents of the plan;

(3) Monitoring the implementation of the plan;

(4) Carrying out activities designed to promote interracial and intercultural understanding among students who are affected by, or are reasonably likely to be affected by, the implementation of the plan;

(5) Carrying out activities designed to stimulate a desire to learn in those students;

(6) Addressing non-academic problems faced by those students—at home, in school, or in the community—that affect their adjustment to schools to which the plan relates;

(7) Promoting student understanding of and support for the plan;

(8) Providing training to LEA staff related to the development or implementation of the plan; and

(9) Providing specialized technical assistance to LEA staff in areas related to the development or implementation of the plan, such as the development of affirmative action programs or the review of curricular materials.

(b) (1) An NPO may not use funds under this subpart in connection with the provision of compensatory education or the development of basic skills.

(2) An NPO may not use funds under this subpart for monitoring the implementation of the plan where a court-appointed group is conducting a similar activity.

(Section 608(b); 20 U.S.C. 3198(b))

§ 184.124 Application procedures.

(a) An NPO may include in an application activities in support of only

one qualifying plan. However, an NPO may submit more than one application.

(b) An NPO shall include in its application a needs assessment that shows the severity of the needs addressed by the proposed activities and the relationship of those needs to the development or implementation of a qualifying plan.

(c) An NPO shall address each selection criterion in §§ 185.127–185.134 that applies to its application.

(d) An NPO that proposes to support the implementation of a qualifying plan shall include in its application—

(1) A copy of the LEA's qualifying plan or a detailed description of that plan; and

(2) The date when the LEA adopted the plan.

(e) An NPO that proposes to support the development of a plan shall include a copy of the LEA's request for that assistance, if a request is required under § 185.122(c).

(f) An NPO shall include in its application an assurance that it has met and will meet the applicable requirements of the Act and this part.

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.125 Approval of new projects.

(a) Applications for projects to support the development of qualifying plans and those to support the implementation of plans are considered separately. The Commissioner states in the application notice published in the *Federal Register* the amount of funds available for each type of project.

(b) The Commissioner evaluates applications for projects that support the development of qualifying plans on the basis of the selection criteria in §§ 185.128–185.134. The Commissioner evaluates applications for projects that support the implementation of qualifying plans on the basis of the selection criteria in §§ 185.127–185.133.

(c) If more than one otherwise approvable project relates to the same qualifying plan, the Commissioner—

(1) Reviews the approvable activities to identify any duplication in the needs addressed by those activities; and

(2) In the case of duplication, approves only the activity contained in the highest ranking application.

(d) The Commissioner may approve a project period of up to 36 months.

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.126 Selection criteria.

The selection criteria in §§ 185.128–185.134 apply to an application for a project that supports the development of a qualifying plan. The selection criteria in §§ 185.127–185.133 apply to an

application for a project that supports the implementation of a qualifying plan. The number of points awarded for each criterion depends on how well the application addresses all the factors under the criterion. The total possible score is 100 points.

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.127 Selection criterion: Recency of qualifying plan (10 points).

(a) In the case of an application for a project that supports the implementation of a qualifying plan, the commissioner considers the recency of the implementation date of the qualifying plan on which the applicant bases its application.

(b) In assessing the recency of a qualifying plan, the Commissioner uses the table set out below. The Commissioner assigns each application the number of points in column B that corresponds to the period of time in column A between—

(1) The implementation date of the LEA's plan on which the applicant bases its eligibility, as described in § 185.35(c)(2); and

(2) The July 1 that follows the deadline date for applications under this subpart.

Table

Column A—implementation date	Column B—points
3 years or less	10
More than 3 years but not more than 6 years	5
More than 6 years	1

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.128 Selection criterion: Need (20 points).

The Commissioner considers:

(a) The severity of the needs to be addressed (10 points).

(b) The extent to which the identified needs are directly related to the development or implementation of the qualifying plan (10 points).

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.129 Selection criterion: Project design (25 points).

The Commissioner considers the extent to which:

(a) The project objectives are likely to meet the identified needs (5 points).

(b) The proposed activities are designed to meet the objectives within the project period (5 points).

(c) Parents, students, and community members are involved in the development and implementation of the project (5 points).

(d) The applicant demonstrates sensitivity to the community and the population to be served (5 points).

(e) The applicant's management plan is effective in terms of resource allocation, realistic schedules, and a sufficient amount of time to be spent on the project by the proposed staff members (5 points).

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.130 Selection criterion: Organizational experience (10 points).

The Commissioner considers the extent to which the applicant has experience in working effectively with the LEA and with community organizations, especially on matters related to school desegregation and race relations.

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.131 Selection criterion: Personnel (15 points).

The Commissioner considers (a) the extent to which the project director and other key project staff members are qualified, on the basis of training and experience, to carry out the project (10 points).

(b) If the applicant's staff does not include members of minority groups, the extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of those groups (5 points).

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.132 Selection criterion: Evaluation plan (5 points).

The Commissioner considers the quality of the proposed plan for evaluating the success of the project in achieving the stated objectives.

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.133 Selection criterion: Budget (5 points).

The Commissioner considers the extent to which proposed costs are reasonable in relation to the expected benefits of the project.

(Section 608(b); 20 U.S.C. 3198(b))

§ 185.134 Selection criterion: Commitment to plan adoption (10 points).

In the case of an application for a project that supports the development of a qualifying plan, the Commissioner considers the extent to which the cooperating LEA is committed to the adoption of a qualifying plan.

(Section 608(b); 20 U.S.C. 3198(b))

[FR Doc. 80-10985 Filed 4-10-80; 8:45 am]

BILLING CODE 4110-02-M

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Office of Education

Emergency School Aid Act

AGENCY: Office of Education, HEW.

ACTION: Notice of closing date for receipt of applications for nonprofit organization grants.

SUMMARY: Applications are invited for grants to public or private nonprofit organizations (NPOs), other than local educational agencies, under the Emergency School Aid Act (ESAA.)

SUPPLEMENTARY INFORMATION:

Authority for this program is contained in Section 608(b) of Title VI of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978.

(20 U.S.C. 3198(b))

The purpose of a nonprofit organization grant is to support a local educational agency's development or implementation of a qualifying desegregation plan.

Closing Date for Transmittal of Applications—An application for a grant must be mailed or hand delivered by May 28, 1980.

Applications Delivered by Mail—An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.529, Nonprofit Organization Grants, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office. An applicant is encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand—An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information—Proposed regulations for the Nonprofit Organization Grants Program are published in this issue of the **Federal Register**. Applicants should review these regulations, particularly the selection criteria in §§ 185.127-185.134, before preparing their applications. Applicants also should note that the Commissioner will approve project periods of no more than thirty-six months under this program.

Available Funds—Five million dollars is available for nonprofit organization grants in fiscal year 1980. Of that amount, approximately \$200,000 is expected to be available for projects that support the development of qualifying plans and no more than \$4,800,000 for projects that support the implementation of qualifying plans. These amounts are only estimates and do not bind the Office of Education. Application forms and program information packages are expected to be ready for mailing by April 17, 1980. They may be obtained by writing to the Division of Program Operations, Equal Educational Opportunity Programs, Office of Education, Room 2007 A, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 40 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable Regulations—Regulations applicable to the Nonprofit Organization Grants Program include the following:

(1) Regulations governing the Nonprofit Organization Grants Program (45 CFR Part 185).

Regulations for the Nonprofit Organization Grants Program are published in proposed form in this issue of the **Federal Register**.

Applicants should base their applications on the proposed regulations

in this issue. When they are published as final regulations and become effective, these regulations will govern applications and grants under this program.

(2) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c).

These regulations were published in final on April 3, 1980 (45 FR 22494). When they become effective, they will supersede the Office of Education general provisions regulations (45 CFR Parts 100a through 100d) and will govern awards under this program.

If changes that relate to the preparation of applications for fiscal year 1980 are made in final regulations governing this program, the Commissioner may extend the closing date to permit applicants to amend their applications.

FURTHER INFORMATION: For further information, contact Ms. L. Ann Benjamin, Division of Program Development, Equal Educational Opportunity Programs, U.S. Office of Education, 400 Maryland Avenue SW., Room 2011 A, Washington, D.C. 20202. Telephone: (202) 245-8230.

(20 U.S.C. 3198)

(Catalog of Federal Domestic Assistance Number: 13.529)

Dated: March 19, 1980.

William L. Smith,
U.S. Commissioner of Education.

[FR Doc. 80-10968 Filed 4-10-80; 8:45 am]

BILLING CODE 4110-02-M

federal register

Friday
April 11, 1980

Part VI

Department of Commerce

International Trade Administration

**Ferrous Scrap; Receipt of Petition
Requesting Monitoring of Exports; Public
Hearings and Invitation To Comment**

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 377

Receipt of Petition Requesting Monitoring of Exports of Ferrous Scrap, Notice of Public Hearings and Invitation To Comment

AGENCY: Office of Export Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of receipt of petition requesting monitoring; notice of public hearings and invitation to comment.

SUMMARY: The Department has received a petition requesting the monitoring of exports of ferrous scrap and public hearings thereon. This Notice defines the scope of the Department's intended proceeding on the petition, establishes hearing dates and locations, and invites public comment on the subject of the proceeding.

DATES: Hearings: Washington, DC—April 28-29, 1980; New Orleans, Louisiana—May 1-2, 1980; Chicago, Illinois—May 12-13, 1980; San Francisco, California—May 15-16, 1980.

The precise locations and times will be announced in a subsequent Federal Register notice.

Comments: By May 27, 1980.

ADDRESS: Send comments in twenty copies to Office of Export Administration, Attention: Short Supply Division, P.O. Box 7138, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Mr. Converse Hettinger, Director, Short Supply Division, Office of Export Administration, (202) 377-3984.

SUPPLEMENTARY INFORMATION: By rule published in the Federal Register on January 4, 1980 (45 FR 1007), the Department issued regulations implementing Section 7(c) of the Export Administration Act of 1979 by establishing procedures to be followed in petitioning the Secretary of Commerce for the imposition of monitoring of exports or export controls, or both, on metallic materials capable of being recycled, and for the conduct of public hearings relating to export monitoring or controls.

On March 26, 1980, the Department received a petition requesting the monitoring of exports of ferrous scrap submitted by the Ferrous Scrap Consumer's Coalition, Suite 308, 1055 Thomas Jefferson Street, NW, Washington, DC 20007. The petition requested that public hearings be held. After reviewing this petition, the

Department has determined that it substantially meets the criteria established by the regulations cited above and the Department has accordingly accepted it for consideration under those regulations.

In order to assure a comprehensive examination of the ferrous scrap market situation and the possible need for governmental action under the Export Administration Act in response thereto, the Department has decided to expand the scope of the proceeding on this matter to include not only the ferrous scrap commodities identified by the petitioner but also certain other commodities that can be used as ferrous scrap.

The commodities to be considered by the Department in this proceeding are:

Iron and Steel Waste and Scrap, and Related Commodities as follows:

Schedule B No.	Commodity description
CARBON STEEL AND IRON	
607.0810	No. 1 Heavy melting
607.0815	No. 2 Heavy melting
607.0820	No. 1 Bundles
607.0825	No. 2 Bundles
607.0830	Borings, shoveling and turnings
607.0835	Shredded
607.0840	Iron scrap
607.0845	Other
ALLOY STEEL	
607.0910	Stainless steel
607.0920	Other
RELATED COMMODITIES	
610.2230	Used rails
690.2500, through 690.7710	Other used railroad parts and equipment of iron and steel
610.1800, 610.1900, 610.2400	
699.0100	Ships, boats, and other vessels exported for scrapping
690.1000	Self-propelled rail vehicles designed to carry passengers or articles, used
690.1535	Passenger, baggage, mail, freight and other cars not self-propelled, used or rebuilt

Public Comments

To assist the Department in its evaluation of this matter, interested persons are encouraged to submit written comments, views, or data concerning the need for export monitoring or export controls on the commodities listed above, the extent to which market developments have met the criteria set forth in Sections 7(b)(1) and/or 3(2)(C) of the Export Administration Act of 1979; the desirability of imposing export monitoring or export controls at this time on one or more of the commodities under consideration; and any other

matters which are relevant to the subject of this proceeding.

In order to assure that comments may be given the fullest possible consideration, interested persons are urged to submit their comments at the earliest possible date and not to wait to present them during one of the public hearings. Persons selected to testify at a hearing will be limited in the time they are permitted to speak and they will be expected to summarize their testimony rather than to present it in full. Public comments will receive full and equal consideration whether submitted in writing or presented orally.

The period for submission of comments on the action under consideration will end as of 5:00 p.m. EDT May 27, 1980. Because of the statutory deadlines, the date for the receipt of comments to be considered will not be extended. All comments received by the Department prior to that time and date, including testimony presented at the public hearings described below, will be considered by the Department in its final decision on this matter. All relevant comments on the petition received prior to the publication of this Notice will also be considered. However, no comments received after the close of the comment period will be accepted or considered by the Department. Similarly, written public comments which are accompanied by a request that part or all of the material be treated as confidential because of its proprietary nature or for any other reason must be submitted in accordance with the provisions of 15 CFR 377.8(i). In accordance with that provision, information which is not accepted by the Department as confidential will be returned to the submitter and will not be considered unless it is resubmitted as nonconfidential information.

All public comments on the subject of this proceeding will be made a matter of public record and will be available for public inspection and copying. This procedure shall not, however, apply to communications from agencies of the United States or from foreign governments. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, the Department official receiving such comments will prepare a memorandum summarizing the substance of the comments and identifying the individual making the comments as well as the person or organization on whose behalf they are purported to be made. All such memoranda will also be a matter of

public record and will be available for public review and copying.

The public record concerning this subject will be maintained in the International Trade Administration, Freedom of Information Records Inspection Facility, Room 3012, Main Building, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

Public Hearings

The Department will hold public hearings on this matter on the dates and at the locations listed below:

Washington, DC, April 28-29, 1980.
New Orleans, Louisiana, May 1-2, 1980.
Chicago, Illinois, May 12-13, 1980.
San Francisco, California, May 15-16, 1980.

The precise locations and times will be announced in a subsequent Federal Register Notice.

Persons desiring to present testimony at a hearing on the need for export monitoring or export controls on the commodities listed above must make a written request to the Office of Export Administration, Attention: Short Supply Division, at the address listed above. The request should contain a phone number where such person may be reached through the day before the hearing. Since it may be necessary to limit the number of persons making such presentations, requests to make an oral presentation should: describe the requestor's interest in the proceeding, explain why that person is an appropriate representative of a group or class of persons that has such an interest, and enclose a concise summary of the proposed oral presentation.

The Department will notify each person selected to be heard before 12:00 noon on the day prior to the hearing. Persons selected to be heard should bring 100 copies of their statement to the hearing on the day they are scheduled to testify. If statements are lengthy, oral testimony should be limited to summarizing the written statements. All presentations at a hearing will be made a part of the public record with respect to this proceeding.

The Department reserves the right to select the persons to be heard at each hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. No person or organization will be permitted to testify at more than one hearing and the length of each presentation will be limited, based on the number of persons requesting to be heard.

A Department official will be designated to preside at the hearings. These will be fact-finding and not judicial or evidentiary-type hearings. Only members of the hearing panel may ask questions and there will be no cross-examination of persons presenting statements.

Persons who wish to do so may submit questions to be asked of any person making a statement at the hearing to the address indicated for requests to speak. Such questions must be received no later than 5:00 p.m. two days prior to the hearing and, if deemed appropriate, may be posed by the panel members during the hearing. Questions may also be submitted in writing to the presiding officer at the time of the hearing. The Department or, if the question is submitted at the hearing, the presiding officer, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of a hearing will be announced in the Federal Register or by the presiding officer at the hearing.

A transcript of each hearing will be made and the Department will retain the entire record of the hearing, including the transcript, which will be made available for inspection at the Freedom of Information Office at the address listed above. Copies of the transcript may be purchased by interested persons from the reporter.

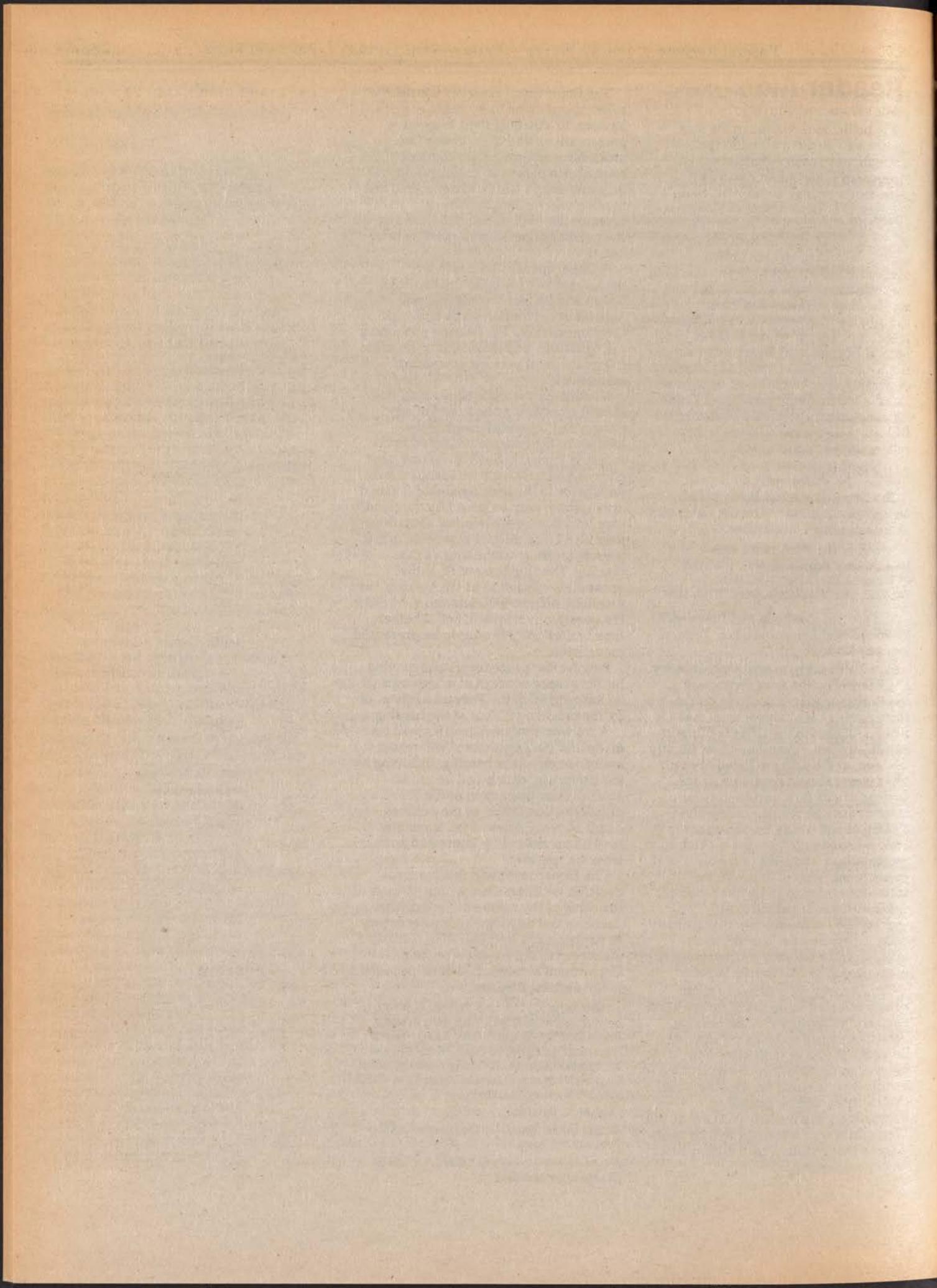
The Department will reach a final decision on this matter within 45 days of the close of the comment period. This decision and any regulations necessary to implement it, together with a detailed statement of the reasons for the Department's decision, will be published in the Federal Register.

Authority: 3, 7, 15, and 21, Pub. L. 96-72, to be codified at 50 U.S.C. App. 2401 et seq.; E.O. 12002, 42 FR 35823 (1977); Department Organization Order 10-3, 45 FR 8141 (January 25, 1980); International Trade Administration Organization and Function Order 41-1, 45 FR 11862 (February 22, 1980).

Donald A. Furtado,
Acting Under Secretary for International Trade.

[FR Doc. 80-11239 Filed 4-10-80; 9:39 am]

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Federal Register

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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/SLSDC	HEW/FDA		DOT/SLSDC	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

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Community Planning and Development—Office of the Assistant Secretary—

- 15927 3-12-80 / Community development block grants; small cities program; revision of regulations

TRANSPORTATION DEPARTMENT

Coast Guard—

- 15176 3-10-80 / Drawbridge operations; Delaware River (Back Channel), N.J.

TREASURY DEPARTMENT

Customs Service—

- 10758 2-19-80 / Addition of Austria to list of qualified countries whose aircraft are exempt from duties and taxes

Rules Going Into Effect April 12, 1980

TREASURY DEPARTMENT

Internal Revenue Service—

- 16177 3-13-80 / Wage withholding on remuneration for which a corresponding deduction is allowable under section 913

List of Public Laws

Last Listing April 10, 1980.

This is a continuing listing 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 202-275-3030).

H.R. 6585 / Pub. L. 96-230 To extend the reorganization authority of the President under chapter 9 of title 5. (Apr. 8, 1980; 94 Stat. 329) Price \$1.00.

S.J. Res. 131 / Pub. L. 96-231 Designating April 10, 1980, as "ORT Centennial Day". (Apr. 8, 1980; 94 Stat. 330) Price \$1.00.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 2½ hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between Federal Register and the Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

- WHEN:** April 18; May 2, 16, and 30; at 9 a.m. (identical sessions).
- WHERE:** Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.
- RESERVATIONS:** Call Mike Smith, Workshop Coordinator, 202-523-5235. Gwendolyn Henderson, Assistant Coordinator, 202-523-5234.

LOS ANGELES, CALIF.

- WHEN:** April 14, 15, and 16; at 9 a.m. (identical sessions.)
- WHERE:** Room 8544, Federal Building, 300 N. Los Angeles Street, Los Angeles, Calif.
- RESERVATIONS:** Call the Los Angeles Federal Information Center, 213-688-3800.

BOSTON, MASS.

- WHEN:** April 24; at 9 a.m.

WHERE: Room 2003A, John F. Kennedy Federal Bldg., Government Center, Boston, Mass. 02203.

WHEN: April 25; at 9 a.m.

WHERE: Room E226, Executive Dining Room, John F. Kennedy Federal Bldg., Government Center, Boston, Mass. 02203. (identical sessions).

RESERVATIONS: Call the Boston Federal Information Information Center, 213-688-3800.

NEW YORK, N.Y.

WHEN: April 28, 29, and 30; at 9 a.m. (identical sessions.)

WHERE: Room 305A, 26 Federal Plaza, New York, N.Y. 10007.

RESERVATIONS: Call Dorothy Gemallo, 212-264-3514.

NEW ORLEANS, LA.

WHEN: May 8 and 9; at 9 a.m. (identical sessions.)

WHERE: Room 125, Hale Boggs Federal Bldg. (identical sessions.)
500 Camp Street, New Orleans, La.

RESERVATIONS: Call Mary Malouse, 504-589-6601.

SALT LAKE CITY, UTAH

WHEN: May 19 and 20; at 9 a.m. (identical sessions.)

WHERE: Room 3421, Federal Bldg., 125 S. State St., Salt Lake City, Utah.

RESERVATIONS: Call Helen Ferderber, Salt Lake City, Federal Information Center, 801-524-5353.

SEATTLE, WASH.

WHEN: May 23; 9 a.m.

WHERE: North Auditorium, Federal Bldg., 915 2nd Avenue, Seattle, Wash.

RESERVATIONS: Call the Seattle Federal Information Center, 206-442-0570.

CHICAGO, ILL.

WHEN: May 28 and 29; at 9 a.m. (identical sessions.)

WHERE: Room 204A, Dirksen Federal Bldg., Chicago, Ill.

RESERVATIONS: Call Ardean Merrifield, 312-353-0339.

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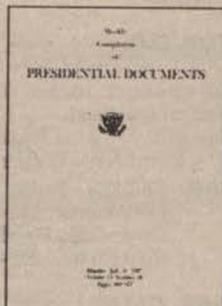
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