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FRIDAY, SEPTEMBER 22, 1978



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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
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CSA	CSC		CSA	CSC
	LABOR			LABOR
	HEW/FDA			HEW/FDA

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

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

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

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To amend the Act of August 29, 1974 (88 Stat. 795; 10 U.S.C. 8202 note), relating to the authorized numbers for the grades of lieutenant colonel and colonel in the Air Force and to authorize the President to suspend certain provisions of law when he determines that the needs of the Armed Forces so require, and for other purposes. (September 19, 1978; 92 Stat. 719). Price $.50.

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[3195-01]

Title 3—The President

PROCLAMATION 4598

National Guard Day, 1978

By the President of the United States of America

A Proclamation

Three hundred and forty-two years ago, the First Militia Regiment of the Massachusetts Bay Colony was organized to enable the colonists to defend themselves and their settlement. That step toward citizen self-defense was the beginning of our National Guard, the oldest military organization in the United States.

Over those three centuries, names have changed—Militia, State Troops, State Volunteers, and, finally, the National Guard—but the spirit of the citizen-soldier has been constant. It is exemplified by those who stand prepared to leave their civilian occupations, don the uniform of their Country, and serve their States and their Nation when the need arises.

In time of war, the Guard is always ready to serve. At King's Mountain, the Meuse-Argonne, Bataan, Omaha Beach, and the Iron Triangle, during the Berlin Airlift and Vietnam, the Guard has served in every major conflict in which this country has engaged.

When disaster strikes in time of peace, the Guard is equally ready to serve—as it has, in recent years, at Johnstown, Texas City, and in the wake of Hurricane Agnes.

In recognition of the debt of gratitude owed by the people of the United States to those who serve as members of the National Guard, the Congress has authorized and requested the President to issue a proclamation designating October 7, 1978, as National Guard Day.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, ask all Americans to celebrate Saturday, October 7, 1978, as National Guard Day and to honor the Army and Air National Guard of the United States for service to their communities, to their States and to their Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of September, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and third.

Jimmy Carter

[FR Doc. 78-26936 Filed 9-21-78; 10:36 am]

rules and regulations

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

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

[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 930—PROGRAMS AND SPECIFIC POSITIONS AND EXAMINATION (MISCELLANEOUS)

Subpart B—Appointment, Pay, and Removal of Administrative Law Judges

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This document amends the regulations to reflect the Civil Service Commission's determination that administrative law judges are not eligible to receive monetary or honor awards under the Government Employees Incentive Awards Act of 1954 for superior accomplishment in performing their adjudicatory functions.

EFFECTIVE DATE: September 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles J. Dullea, Director, Office of Administrative Law Judges, U.S. Civil Service Commission, 1900 E Street NW., Room 2470, Washington, D.C. 20415, Telephone: 202-632-4604.

SUPPLEMENTARY INFORMATION: In December 1960 the Commission held that administrative law judges (then known as hearing examiners) could be granted awards under the Government Employees Incentive Awards Act. In responding to a recent inquiry by an agency as to whether administrative law judges could be granted monetary of honor awards for superior accomplishments, the Commission reexamined its earlier determination. As a result of its reexamination, the Commission has determined that the granting of such awards to Administrative law judges represents an evaluation of their work-related performance and an adjustment in compensation by an agency in violation of the provisions of section 11 of the Administrative Procedure Act which exmpts administrative law judges from the Performance Rating Act and assigns responsibility for determining their compensation to the Commission. This amendment does not prevent an agency from granting awards for accomplishment by administrative law judges unrelated to the performance of their adjudicatory responsibilities.

Accordingly, 5 CFR part 930, subpart B, is amended by revising paragraph (c) of § 930.210 to read as follows:

§ 930.210 Pay.

* * * * *

(c) An agency shall not grant a quality increase under section 5336(a) of title 5, U.S.C., or a monetary or honorary award under section 4503 of title 5, U.S.C., for superior accomplishment by an Administrative Law Judge in the performance of adjudicatory functions.

* * * * *

(5 U.S.C. 1305, 4503.)

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

[FR Doc. 78-26687 Filed 9-21-78; 8:45 am]

[3410-02]

Title 7—Agriculture

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

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 2; Grapefruit Reg. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

PART 944—FRUITS; IMPORT REGULATIONS

Grade and Size Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: These regulations specify minimum grade and size requirements applicable to the handling of Florida oranges, grapefruit, tangerines and tangelos and imported grapefruit. The action is necessary to assure the shipment of ample supplies of fruit of acceptable grades and sizes in the interest of growers and consumers.

EFFECTIVE DATE: September 25 through November 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Findings. (1) Pursuant to the marketing agreement and Order No. 905, both as amended (7 CFR Part 905; 42 FR 59367, 61853), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the recommendations of the committee established under the marketing agreement and order, and upon other available information, it is found that the regulation of shipments of Florida oranges, including Navel, Temple, Valencia, Leu Gim Gong, and similar late maturing oranges of the Valencia type, grapefruit, tangerines, and tangelos, and the regulation of imported grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The specified minimum grade and size requirements reflect the Department's appraisal of the need for regulation of the designated varieties of oranges, grapefruit, tangerines, and tangelos during the period September 25 through November 12, 1978, based on the available supply and current and prospective market demand conditions. Available data indicate that during the 1978-79 season fresh market outlets will take about 19,500 carlots of round oranges, 4,000 carlots of Temple oranges, 10 carlots of seeded grapefruit, 37,500 carlots of seedless grapefruit, 4,800 carlots of tangelos, and 6,100 carlots of tangerines.

The specified minimum grade and size requirements for imported grapefruit are consistent with section 8e of the act. This section requires that

whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

The grade and size requirements for export shipments of oranges, grapefruit, tangerines, and tangelos are necessary to assure the exportation of good-quality fruit and thereby aid the expansion of export markets.

It is concluded that the grade and size requirements hereinafter set forth are necessary to establish and maintain orderly marketing conditions and to provide acceptable quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

(3) It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these regulations until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information became available upon which these regulations are based and the time when these regulations must become effective in order to effectuate the declared policy of the act is insufficient; the recommendation and information for regulation of the aforesaid fruits was developed at an open meeting at which interested persons were afforded an opportunity to submit their views; and the regulations will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time.

Accordingly, it is found that the requirements for the handling of Florida oranges, grapefruit, tangerines, and tangelos and for the handling of imported grapefruit should be and are established as follows:

1. Section 905.302 is added to read:

§ 905.302 Orange, grapefruit, tangerine and tangelo regulation 2.

Order. (a) During the period specified in column (2) of table I no handler shall ship between the production area and any point outside thereof in continental United States, Canada, or Mexico, any variety of fruit listed in column (1) of such table unless such variety meets the applicable minimum grade and size (with tolerances for size as specified in paragraph (c) hereof) specified for such variety in columns (3) and (4) of such table.

TABLE I

Variety	Regulation Period	Minimum Grade	Minimum Diameter (inches)
(1)	(2)	(3)	(4)
ORANGES			
Early & Midseason	9/25/78-11/12/78	U.S. No. 1	2-8/16
Navel	9/25/78-11/12/78	U.S. No. 1 Golden	2-8/16
Valencia & Other	9/25/78-10/8/78	U.S. No. 2 Russet	2-8/16
Late Type	10/9/78-11/12/78	U.S. No. 1	2-8/16
Temple	9/25/78-11/12/78	U.S. No. 1	2-8/16
GRAPEFRUIT			
Seeded, except pink	9/25/78-11/12/78	U.S. No. 1	3-12/16
Seeded, pink	9/25/78-11/12/78	U.S. No. 1	3-12/16
Seedless, except pink	9/25/78-11/12/78	Improved No. 2	3-9/16
Seedless, pink	9/25/78-11/12/78	Improved No. 2	3-9/16
TANGERINES			
Robinson	9/25/78-11/12/78	U.S. No. 1	2-4/16
Dancy	9/25/78-11/12/78	U.S. No. 1	2-6/16
Honey	9/25/78-11/12/78	Florida No. 1	2-11/16
TANGELOS			
Tangelos	9/25/78-11/12/78	U.S. No. 1	2-8/16

(b) During the period specified in column (2) of table II no handler shall ship to any destination outside the continental United States, other than Canada or Mexico, any variety of fruit listed in column (1) of such table unless such variety meets the applicable minimum grade and size (with tolerances for size as specified in paragraph (c) hereof) specified for such variety in columns (3) and (4) of such table.

TABLE II

Variety	Regulation Period	Minimum Grade	Minimum Diameter (inches)
(1)	(2)	(3)	(4)
ORANGES			
Early & Midseason	9/25/78-11/12/78	U.S. No. 1	2-4/16
Navel	9/25/78-11/12/78	U.S. No. 1 Golden	2-4/16
Valencia & Other	9/25/78-10/8/78	U.S. No. 2 Russet	2-4/16
Late Type	10/9/78-11-12-78	U.S. No. 1	2-4/16
Temple	9/25/78-11/12/78	U.S. No. 1	2-4/16
GRAPEFRUIT			
Seeded, except pink	9/25/78-11/12/78	U.S. No. 1	3-9/16
Seeded, pink	9/25/78-11/12/78	U.S. No. 1	3-9/16
Seedless, except pink	9/25/78-11/12/78	Improved No. 2	3-5/16
Seedless, pink	9/25/78-11/12/78	Improved No. 2	3-5/16
TANGERINES			
Robinson	9/25/78-11/12/78	U.S. No. 1	2-2/16
Dancy	9/25/78-11/12/78	U.S. No. 1	2-2/16
Honey	9/25/78-11/12/78	Florida No. 1	2-8/16
TANGELOS			
Tangelos	9/25/78-11/12/78	U.S. No. 1	2-4/16

(c) *Size Tolerances:* In the determination of minimum size as prescribed in tables I and II, the following tolerances are permitted (1) for oranges, as set forth in § 51.1152 of the U.S. standards for grades of Florida oranges and tangelos, except that such tolerances for other than Navel and Temple oranges shall be based only on the oranges in the lot measuring $2^{1}\frac{1}{16}$ inches or smaller in diameter, and the tolerance for Honey tangerines shall be as specified in § 51.1818 of the U.S. standards for grades of Florida tangerines; (2) for grapefruit, as specified in § 51.761 of the U.S. standards for grades of Florida grapefruit; (3) for tangerines, as specified in § 51.1818 of the U.S. standards for grades of Florida tangerines; and (4) for tangelos, as set forth in § 51.1152 of the U.S. standards for grades of Florida oranges and tangelos.

(d) Terms used in the marketing order, including improved No. 2 grade for grapefruit, when used herein, mean the same as is given to the terms in the order; Florida No. 1 grade for Honey tangerines means the same as provided in rule No. 20-35.03 of the regulations of the Florida Department of Citrus, and terms relating to grade, except improved No. 2 grade for grapefruit, and diameter shall mean the same as is given to the terms in the revised U.S. standards for grades of Florida oranges and tangelos (7 CFR 51.1140-51.1180), the revised U.S. standards for Florida tangerines (7 CFR 51.1810-51.1835), or the revised U.S. standards for grades of Florida grapefruit (7 CFR 51.750-51.784).

2. Section 944.102 is added to read:

§ 944.102 Grapefruit regulation 2.

(a) *Applicability to imports.* Pursuant to section 8e of the act and part 944—Fruits; Import Regulations during the period specified in column (2) of table I, § 905.302, the importation into the United States of any variety of grapefruit listed in column (1) of said table is prohibited unless such variety meets the applicable minimum grade and size specified for such variety in columns (3) and (4) of said table. In the determination of minimum size as prescribed in table I, a tolerance is permitted as specified in paragraph (c) of § 905.302.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Quality Division, Food Safety and Quality Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of grapefruit that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of grapefruit, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) and in accordance with the procedure for requesting inspection and designating the agencies to perform required inspection and certification (7 CFR Part 944; 43 FR 19340).

(c) Notwithstanding any other provisions of this regulation, any importation of grapefruit which, in the aggregate, does not exceed 10 standard packed cartons, equivalent to four-fifths (⅘) of a United States bushel of grapefruit, each, or equivalent quantity, may be imported without regard to the requirements specified herein.

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

Dated: September 19, 1978, to become effective September 25, 1978.

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

[FR Doc. 78-26791 Filed 9-21-78; 8:45 am]

[3410-02]

[Lemon Reg. 165]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period September 24-30, 1978. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: September 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader 202-447-6393.

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

The committee met on September 19, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons remains good for sized 140's and larger, but weaker on 165's and smaller.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and post-

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

§ 910.465 Lemon Regulation 165.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period September 24, 1978, through September 30, 1978, is established at 200,037 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: September 21, 1978.

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

[FR Doc. 78-26956 Filed 9-21-78; 11:54 am]

[3410-02]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Amendment of Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the rules and regulations to reapportion the grower member representation on the Lemon Administrative Committee. This action is based on a recommendation of the Lemon Administrative Committtee. The action would reapportion the grower members of the Committee based on proportional amounts of lemons handled by the respective groups

DATES: To become effective September 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: The rules and regulations (Subpart—Rules and Regulations; 7 CFR 910.100-910.180) are effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment of said rules and regulations was unanimously recommended by the Lemon Administrative Committee established under the order as the agency to administer its terms and provisions.

The amendment increases by one the number of grower member positions from district 3 allocated to independents (growers not affiliated with any cooperative marketing organization) and decreases by one the number of grower member positions from district 3 allocated to the category of cooperative marketing organization which does not market more than 60 percent of the volume of lemons. The amendment is consistent with § 910.22(h) of the order which provides for reapportionment of the grower members of the committee based on proportional amounts of lemons handled by the respective groups and production within the three districts which comprise the production area.

After consideration of all relevant matter presented, including the recommendation of the committee and other available information, it is hereby found that the amendment, as hereinafter set forth, of said rules and regulations is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is further found that it is unnecessary and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) reapportionment of the grower members of the Lemon Administrative Committee, as described herein, is based on committee records of production and shipment of lemons during the 1977-78 crop year, (2) the recommendation of the committee was made at a public meeting at which all interested parties were afforded an opportunity to attend, and (3) the amendment should be made effective as provided herein to permit the prompt nomination and selection of members of the committee based on said reapportionment for the term which began August 1, 1978.

Therefore, § 910.120 is amended to read as follows.

§ 910.120 Change in grower representation.

Pursuant to § 910.22(h) grower representation on the Lemon Administrative Committee for purposes of §§ 910.20 and 910.22 shall be as follows:

	Co-op more than 60 pct.	Other co-ops	Independents
District 1	1	0	0
District 2	2	1	1
District 3	1	0	2

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

Dated: September 15, 1978, to become effective September 22, 1978.

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

[FR Doc. 78-26648 Filed 9-21-78; 8:45 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Rental Housing Loan Policies, Procedures, and Authorizations

RENTAL ASSISTANCE AGREEMENTS; LEVELS OF OCCUPANCY

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations regarding the size of families permitted to occupy apartment units under the terms of rental assistance agreements. The intended effect of this action is to allow the State Director to authorize exceptions to the established levels of occupancy under unusual circumstances. This amendment is necessary to provide flexibility in meeting the housing needs of low- to moderate-income families.

EFFECTIVE DATE: September 22, 1978. Comments must be received on or before October 23, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Paul R. Conn, 202-447-7207.

SUPPLEMENTARY INFORMATION: Section 5 of Exhibit R-2, Subpart D, Part 1822 of Chapter XVIII, Title 7, Code of Federal Regulations, is amended to authorize the State Director to grant exceptions to the established levels of occupancy for apartments covered by a rental assistance agreement. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption of 5 U.S.C. 553 with respect to such rules. This amendment, however, is being published effective on an interim basis. This action is being taken to allow State Directors to authorize exceptions to the established levels of occupancy in apartments under unusual circumstances. Any delay in implementing this amendment would be contrary to the public interest because a delay in implementation could result in some low- and moderate-income families being denied adequate housing. Comments made pursuant to this notice will be considered in the development of the final rule.

As amended, Exhibit R-2 Section 5 reads as follows:

EXHIBIT R-2—RENTAL ASSISTANCE AGREEMENT

* * * * *

Section 5—Borrower will not permit any tenant to initially occupy a unit and receive rental assistance (or interest credit) if the number of authorized persons in the units is less or in excess of the following:

	Occupants	
	Min.	Max.
0=bedroom	1	1
1=bedroom	1	2
2=bedroom	2	4
3=bedroom	4	6
4=bedroom	6	8
5=bedroom	8	10

In some cases, however, such as a labor housing project being built under the housing standards of the Department of Labor Occupational Safety and Health Administration (OSHA), or when a unit cannot be rented because a family of the size needed to rent the unit is not available, the State Director may, with the prior consent of the National Office, authorize an exception to this section.

(42 U.S.C. 1480; 5 U.S.C. 301; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: September 8, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-26655 Filed 9-21-78; 8:45 am]

[3410-34]

Title 9—Animals and Animal Products

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

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

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Denmark Declared To Be Free of Rinderpest and Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, (USDA).

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to add Denmark to the list of countries declared to be free of rinderpest and foot-and-mouth disease in § 94.1(a)(2) and to the list of specified countries in § 94.11(a) which are declared to be free of rinderpest and foot-and-mouth disease but which may export meat and animal products into the United States under restrictions only. This action is taken because data furnished to the Department establishes that Denmark qualifies for such status as to rinderpest and foot-and-mouth disease.

EFFECTIVE DATE: September 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. J. D. Roswurm, USDA, APHIS, VS, Federal Building, Room 819, Hyattsville, Md. 20782, 301-436-8499.

SUPPLEMENTARY INFORMATION: Veterinary Services has reviewed all the pertinent information and documents submitted by the authorities of Denmark in support of their position that Denmark is free of both rinderpest and foot-and-mouth disease and has concluded that Denmark qualifies for listing as a country declared to be free of rinderpest and foot-and-mouth disease § 94.1(a)(2) of the regulations (9 CFR 94.1(a)(2)). Accordingly, the regulations are being amended to add Denmark to the list of countries, appearing in § 94.1(a)(2) of the regulations, which are declared to be free of both rinderpest and foot-and-mouth disease.

However, Denmark supplements its meat supply through importations of live ruminants and swine and fresh, chilled, or frozen meat of ruminants and swine from countries designated to be infected with rinderpest or foot-and-mouth disease. It also imports these animals and their meat from the infected countries under conditions less restrictive than would be acceptable for importation into the United States. These animals and meat may be commingled with the animals, meat and animal products produced in Denmark, resulting in an undue risk of introducing rinderpest or foot-and-mouth disease into the United States. In addition, Denmark shares a common land border with the Federal Republic of Germany (West Germany), which is designated in § 94.1(a) of the regulations as being affected with rinderpest or foot-and-mouth disease. This proximity offers a potential for the reintroduction of one or both diseases into Denmark. Therefore, meat, animals, and animal products from Denmark shall be imported into the United States only under the restrictions specified in § 94.11 of the regulations (9 CFR 94.11). Accordingly, Denmark is added to the list of countries appearing in § 94.11(a) (9 CFR 94.11 (a)).

Accordingly, Part 94, Title 9, Code of Federal Regulations, is amended in the following respects:

§ 94.1 [Amended]

1. Section 94.1(a)(2) is amended by adding to the list of countries therein the name of the country of "Denmark" before the reference to "Finland."

§ 94.11 [Amended]

2. Section 94.11(a) is amended by adding to the list of countries therein the name of the country of "Denmark" before the reference to "Finland."

(Sec. 306, 46 Stat. 689, as amended (19 U.S.C. 1306); 37 FR 28464, 28477; 38 FR 19141.)

Insofar as the amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the introduction and dissemination of the contagion of rinderpest and foot-and-mouth disease, they should be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, it is found upon good cause, under the administrative procedure provisions in 5 U.S.C. 553, that further notice and other public procedure with respect to the amendments

are impracticable and unnecessary and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of September 1978.

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

PIERRE A. CHALOUX,
Deputy Administrator,
Veterinary Services.

[FR Doc.78-26656 Filed 9-21-78; 8:45 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; FC-0152]

PART 226—TRUTH IN LENDING

Official Staff Interpretation; Suspension of Effective Date and Republication for Public Comment

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Effective date of official staff interpretation suspended; its text reprinted for public comment.

SUMMARY: The Board is suspending the effective date of official staff interpretation FC-0152, regarding the methods by which creditors may disclose a hypothetical immediate increase in the annual percentage rate in variable rate transactions, published on August 8, 1978 (43 FR 35025) and is republishing it for public comment. The agency is taking this action in response to a request for public comment submitted in accordance with 12 CFR 226.1(d)(3).

DATES: The effective date of FC-0152 is suspended until further notice. Comments must be received on or before October 23, 1978.

ADDRESS: Comments including reference to FC-0152 to Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT:

Glenn E. Loney, Section Chief, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3867.

SUPPLEMENTARY INFORMATION: (1) The effective date, September 7, 1978, of official staff interpretation FC-0152, is suspended in accordance with 12 CFR 226.1(d)(2)(ii). This interpretation may not be relied upon until final action is taken. Notice of such action will be published in the FEDERAL REGISTER in approximately 60 days and will become effective upon publication.

(2) The text of official staff interpretation FC-0152, which follows, is republished for comment. Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR 261.6

(3) Interested persons are invited to submit relevant comments. All material should be submitted in writing to: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and should be received not later than October 23, 1978. Comments will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information (12 CFR 261.6(a)).

(4) After comments are considered, this official staff interpretation may be amended, may be rescinded or may remain unchanged. Final action regarding this official staff interpretation will appear in the FEDERAL REGISTER.

(5) Authority: 15 U.S.C. 1640(f).

§ 226.8(b)(8). Variable rate hypothetical examples may be based on increases in contract interest rate rather than in APR (partially rescinds Letter 1232).

Variable rate hypothetical examples must assume that rate increase is immediate and in specified amount; examples showing changes in different amounts or at different times may also be given as additional information.

JULY 18, 1978.

This will reply to your letter of * * *, in which you request clarification of Public Information Letter 1232, concerning the provisions of § 226.8(b)(8) with regard to variable rate mortgages. You ask staff to elaborate on methods creditors could use to determine the increased number of payments or the increased payment amount which would result from a hypothetical immediate increase in the annual percentage rate, in order to make the disclosures called for by § 226.8(b)(8) (iii) and (iv). Specifically, you ask whether appendix B to volume I of the Annual Percentage Rate Tables published by the Board of Governors can be used to make such calculations.

Use of the Board's tables is not required in order to comply with the regulation, but the tables do provide fairly simple methods for determining much of the information required to be disclosed under the regulation. Appendix B to volume I of the tables describes a method of determining the amount of the finance charge and the amount of the level payment in cases where the annual percentage rate is known in a single advance transaction involving equal payments and equal payment periods. These formulas can be used to compute the information called for by § 226.8(b)(8)(iii).

For example, assume a loan with an amount financed of $40,000, to be repaid in 360 monthly installments, with an annual percentage rate of 8 percent. From the annual percentage rate tables we can determine that the finance charge per $100 of amount financed is $164.16. The total finance charge for this loan is $65,664 ($164.16×400=$65,664) and the level monthly payment would be $293.51 (($65,664+$40,000) divided by 360). If we assume a hypothetical immediate increase of one quarter of one percent in the rate, as called for in § 226.8(b)(8)(iii), we can determine from the tables that the finance charge per $100 of amount financed at an annual percentage rate of 8¼ percent is $170.46. The total finance charge under this assumption would be $68,184 ($170.46×400=$68,184). The level monthly payment amount that would be required to amortize this hypothetically increased obligation would be $300.51 (($68,184+$40,000) divided by 360=$300.51), and this figure may be disclosed pursuant to § 226.8(b)(8)(iii). Alternatively, the increase in the payment amount may be expressed as the difference between $300.51 and $293.51, or $7.

Again, we would point out that use of the Board's tables and the calculation methods set out therein is not required in making Truth in Lending disclosures. You may, however, find the method outlined in this letter of some assistance in determining the information required to be disclosed pursuant to § 226.8(b)(8)(iii). You should note that this method cannot be used to determine the information required to be disclosed pursuant to § 226.8(b)(8)(iv); use of volume I of the Board's Annual Percentage Rate Tables requires that you know the number of payments involved, and that is the information that must be calculated.

This information can, however, be estimated in another way. Changes in the annual percentage rate in variable rate mortgages are generally caused by changes in the simple contract interest rate. Since the results from changing the simple contract interest rate on most long-term mortgages are almost equivalent to the result from changing the annual percentage rate, and since § 226.8(b)(8)(iv) calls for a statement of the estimated increase in the number of payments, it is staff's opinion that a creditor may use tables based on simple interest rates to calculate the increased number of payments that would result if the interest rate were increased by one quarter of one percentage point. This approach yields an estimated figure that may be disclosed pursuant to § 226.8(b)(8)(iv). This aproach may also be used, as an alternative to that outlined above, to determine the information called for by § 226.8(b)(8)(iii). To the extent that Public Information Letter 1232 states that the disclosures required by § 226.8(b)(8) (iii) and (iv) may never be made by reference to the contract interest rate, it is hereby rescinded. If this calculation approach is taken, the disclosures should be expressed

as the effects of a one quarter of one percent increase in the interest rate.

Staff would like to point out that the alternatives expressed in this letter do not prohibit a creditor from basing its calculation on an increase in the annual percentage rate itself, which, we understand, is a calculation that can be made relatively simply on inexpensive calculators that are generally available on the market. The procedures outlined in this letter are merely viewed by staff as reasonable alternatives.

You point out in your letter that lenders frequently do not have the authority under applicable statutes or the underlying contract to increase rates immediately. Rather, you believe that most lenders are required to wait a specified period of time before effecting a change. Moreover, you point out that changes in the rate may often be in increments less than the hypothetical one quarter of one per cent mentioned in § 226.8(b)(8) (iii) and (iv). You ask, therefore, whether creditors may provide additional examples of rate changes pursuant to § 226.6(c). We assume that what you wish to disclose are examples of the effect of rate changes occurring at a time later than consummation of the loan as well as rate changes greater than or less than one quarter of one per cent.

The disclosures called for by § 226.8(b)(8) (iii) and (iv) must be made on the assumptions (1) that the rate increase takes effect immediately upon consummation, and (2) that the increase is in a certain amount, i.e., one quarter of one per cent. Although creditors may not effect an increase in that particular amount or at that particular time, the regulation requires that disclosures be made on these assumptions in order to ensure uniformity among lenders and to facilitate comparisons. If a creditor wishes to provide further examples of the effect of a rate change in a different amount or at a different time in the loan term, this may be done as additional information pursuant to § 226.6(c), provided the additional examples are not stated so as to mislead or confuse the customer or contradict obscure, or detract attention from the required information.

This is an official staff interpretation of regulation Z, issued in accordance with § 226.1(d)(2) of the regulation. It will become effective 30 days after publication in the FEDERAL REGISTER unless a request for public comment, made in accordance with the Board's procedures, is received and granted. We will notify you if the effective date of the interpretation is suspended because such a request is received.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

Board of Governors of the Federal Reserve System, September 14, 1978.

JOHN M. WALLACE,
Assistant Secretary of the Board.

[FR Doc. 78-26659 Filed 9-21-78; 8:45 am]

[8025-01]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 4; Amdt. 7]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Loans—LDC Participation

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This rule change will reduce the amount of a Local Development Company's (LDC) participation (cash or in-kind) in a project from 20 percent to 10 percent of the project cost. The intent of this rule is to reduce the confusion now existing in connection with the amount of participation of the company which varies for differing localities.

EFFECTIVE DATE: August 1, 1978.

FOR FURTHER INFORMATION CONTACT:

William B. Dean, Chief, Development Company Loan Program, Small Business Administration, Washington, D.C. 20416, 202-653-6375.

SUPPLEMENTARY INFORMATION: Section 108.502-1(e) sets the reasonable participation of the LDC as 20 percent of project cost with exceptions allowable in ghetto or target areas. This action will reduce the participation to 10 percent of the project cost without regard to location of project.

On June 26, 1978, a notice of a proposed rulemaking was published in the FEDERAL REGISTER (43 FR 27544), covering reduction of the LDC's injection and a proposed ceiling on fees chargeable to an applicant by an LDC. Interested parties were given an opportunity to submit comments by July 26, 1978.

No adverse comments were received on the proposal to reduce the LDC's required injection to 10 percent. This is being made effective. The final rule covering the ceiling on fees and charges will be published at a later date after review of the comments received.

NOTE.—The Small Business Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A107.

Accordingly, pursuant to authority contained in section 308(c) of the Small Business Investment Act of 1958 (SBI Act), 15 U.S.C. 687, as amended notice is hereby given that SBA amends § 108.502-1 as follows:

(a) By amending the first four sentences of paragraph (e);

(b) By amending paragraphs (j) by reserving subparagraph (2) and revising subparagraph (3);

(c) By forming a new paragraph (j-1). (Fee ceiling to be published later.)

§ 108.502-1 Section 502 loans.

* * * * *

(e) *Participation by the development company.* A development company may be required to furnish a reasonable part, as determined by SBA, of the funds necessary to accomplish the plant acquisition, construction, conversion or expansion, or the acquisition of land. For the purposes of this paragraph, the furnishing of not less than 10 percent of the necessary funds generally is considered a reasonable part. Exceptions for a lesser amount may be granted in extreme hardship cases where a project with a high impact would otherwise be lost to the community. SBA may require that the funds to be furnished by the development company be derived from paid-in capital or surplus of the development company, as well as from other sources. * * *

* * * * *

(j) *Use of proceeds.* (1) * * *

(2) [Reserved]

(3) Evidence, satisfactory to SBA, shall be submitted prior to approval and disbursement of said loan, that the identifiable small business concern intends or has the right to use the said plant during a period of time equal at least to the maximum contract term of the section 502 loan or 5 years after full disbursement of the section 502 loan, whichever is the longer period; and that use of said proceeds will assist only the identifiable small business concern. Evidence of such intent and purpose shall be deemed to exist where the proceeds of the section 502 loan will be used by the development company to:

(i) Relend to the identifiable small business concern for acquisition, construction, conversion, or expansion of a plant owned, occupied, and used by said concern;

(ii) Acquire, construct, convert, or expand a plant to be sold immediately to the identifiable small business concern for its occupancy and use;

(iii) Acquire, construct, convert, or expand a plant owned by the development company to be leased to the identifiable small business concern with the right in such concern to apply rentals, under a purchase option arrangement, on the purchase price of the plant;

(iv) Acquire, construct, convert, or expand a plant owned by the development company to be leased to the identifiable small business concern without a purchase option arrangement, but with the right in such concern to occupy the plant during a period of time equal at least to the maximum contract term of the section 502 loan or 5 years after full disbursement of the section 502 loan, whichever is the longer.

(j-1) *Contract terms.* The contract between the development company and said concern will set forth terms, acceptable to the concern and SBA, that will provide the development company with total funds not in excess of those necessary (1) to repay with interest the section 502 loan; (2) for applicable taxes upon the maintenance of the plant; (3) to recover administrative costs and provide a reasonable sum as a reserve for contingencies to cover unusual costs or expenses; and (4) to recover capital investments and expenditures of the development company's own funds in the project with a reasonable return on such capital investments and expenditures.

* * * * *

(Catalog of Domestic Assistance Programs No. 59.013, State and Local Development Company Loans.)

Dated: September 1, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-26572 Filed 9-21-78; 8:45 am]

[3510-17]

Title 15—Commerce and Foreign Trade

SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE

PART 4b—PRIVACY ACT

Amendments to Rules and Appendices

AGENCY: Department of Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce amends its rules which apply exemptions to Privacy Act systems of records to delete reference to three terminated systems of records and to change the name of a reorganized Department component; and revises appendices A and B, which are lists of Department officials to whom individuals should address Privacy Act requests and appeals, to reflect organizational changes.

EFFECTIVE DATE: September 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Marilyn S. McLennan, U.S. Department of Commerce, Office of Organization and Management Systems, Washington, D.C. 20230, telephone 202-377-4217.

SUPPLEMENTARY INFORMATION: Sections 4b.13 and 4b.14 list the systems of records which are exempt from certain requirements of the Privacy Act. These sections include references to systems maintained by the Commerce Department's Domestic and International Business Administration (DIBA). Because of reorganization, this component is now the Industry and Trade Administration (ITA). Thus, all references to COMMERCE/DIBA systems should be changed to COMMERCE/ITA systems.

Section 4b.14(b)(4) lists the systems of records which are exempt from certain requirements of the Privacy Act because the records contain investigatory material, under section 3 of the Privacy Act (5 U.S.C. 552a(k)(5)). Two of the systems listed:

(b)(4)(iii) Trustees for Ship Sales—COMMERCE/MA-13, and (b)(4)(vii) USMMA Ship's Service Employees—COMMERCE/MA-20,

were terminated effective June 28, 1978 (43 FR 28028-29), and should be deleted from paragraph (b)(4).

Another of the systems listed:

(b)(4)(i) Indian Reservation Economic Development Planners and Applicants Records—COMMERCE/EDA-3,

was previously terminated (see 42 FR 6877), and should also be deleted from paragraph (b)(4).

Appendices A and B are revised to reflect organizational changes such as the position title of a Department official or the name of a Department component. Explanation of the changes to the appendices follows:

EXPLANATION OF CHANGES TO APPENDICES

In appendix A, "Officials to Receive Inquiries, Requests for Access and Requests for Correction or Amendment":

i. Change the designated privacy officer for the Bureau of Economic Analysis from "Special Assistant to the Director" to "Chief Planning and Evaluation Officer", and change the ZIP code for BEA from "20005" to "20230".

ii. Change "Domestic and International Business Administration" and "DIBA" to "Industry and Trade Administration" and "ITA", respectively.

iii. Change the designated privacy officer for the National Bureau of Standards from "Associate Director for Administration" to "Director of Administrative and Information Systems".

iv. Change "Office of Telecommunications" and "OTEL" to "National Telecommunications and Information Administration" and "NTIA", respectively; change the designated privacy officer for NTIA from "Administrative Officer" to "Privacy Officer"; and change the address from "1325 G St., N.W., Washington, D.C. 20005" to "U.S. Department of Commerce, Washington, D.C. 20504".

In appendix B, "Officials to Receive Appeals from Adverse Determination on Correction or Amendment":

v. Change the ZIP code for the Bureau of Economic Analysis from "20005" to "20230".

vi. Change "Domestic and International Business Administration" to "Industry and Trade Administration", and change the designated privacy appeals officer from "Assistant Secretary for Domestic and International Business" to "Assistant Secretary for Industry and Trade".

vii. Change "Office of Telecommunications" to "National Telecommunications and Information Administration"; and change the designated privacy appeals officer from "Director, Office of Telecommunications, 1325 G St., N.W., Washington, D.C. 20005" to "Assistant Secretary for Communications and Information, 1800 G St., N.W., Washington, D.C. 20504".

Because the amendments made to §§ 4b.13 and 4b.14, and appendices A and B, involve only administrative management (systems of records which are already terminated or internal organizational changes), the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable and unnecessary.

Accordingly, 15 CFR Part 4b is amended as follows:

1. Section 4b.13 is amended by revising paragraph (b)(1) to read as follows:

§ 4b.13 General exemptions.

* * * * *

(b) * * *

(1) *Individuals identified in Export Administration compliance proceedings or investigations—COMMERCE/ITA-1.* Pursuant to 5 U.S.C. 552a(j)(2), these records are hereby determined to be exempt from all provisions of the Act, except 5 U.S.C. 552a (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i). These exemptions are necessary to insure the proper functioning of the law enforcement activity, to protect confidential sources of information, to fulfill promises of confidentiality, to maintain the integrity of the law enforcement proc-

ess, to avoid premature disclosure of the knowledge of criminal activity and the evidentiary bases of possible enforcement actions, to prevent interference with law enforcement proceedings, to avoid disclosure of investigative techniques, and to avoid the endangering of law enforcement personnel. Section 7(c) of the Export Administration Act of 1969, as amended, also protects this information from disclosure.

* * * * *

2. Section 4b.14 is amended by revising paragraphs (a), (b)(1), (b)(2) (i) and (ii), and (b)(4) to read as follows:

§ 4b.14 Specific exemptions.

(a) Some systems of records under the Act which are maintained by the Department contain, from time to time, material subject to the exemption appearing at 5 U.S.C. 552a(k)(1), relating to national defense and foreign policy materials. The systems of records published in the FEDERAL REGISTER by the Department which are within this exemption are:

COMMERCE/ITA-1, COMMERCE/ITA-2, COMMERCE/ITA-3, COMMERCE/NOAA-11, COMMERCE/PAT-TM-4, COMMERCE/PAT-TM-6, COMMERCE/PAT-TM-7, COMMERCE/PAT-TM-8, COMMERCE/PAT-TM-9, COMMERCE/DEPT-12, COMMERCE/DEPT-13, and COMMERCE/DEPT-14.

The Department hereby asserts a claim to exemption of such materials wherever they might appear in such systems of records, or any systems of records, at present or in the future. The materials would be exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). The reason therefor is to protect the materials required by Executive order to be kept secret in the interest of the national defense and foreign policy.

(b) The specific exemptions determined to be necessary and proper with respect to systems of records maintained by the Department, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for the exemption, are as follows:

(1) *Exempt under 5 U.S.C. 552a(k)(1).* The systems of records exempt hereunder appear in paragraph (a) of this section. The claims for exemption of COMMERCE/DEPT-12, COMMERCE/ITA-1, and COMMERCE/NOAA-11 under this paragraph are subject to the condition that the general exemption claimed in § 4b.13(b)(3) is held to be invalid.

(2) *Exempt under 5 U.S.C. 552a(k)(2).* The systems of records exempt (some only conditionally), the sections of the Act from which exempted, and the reasons therefor are as follows:

(i) Individuals identified in Export Administration compliance proceedings or investigations—COMMERCE/ITA-1, but only on condition that the general exemption claimed in § 4b.13(b)(1) is held to be invalid;

(ii) Individuals involved in export transactions—COMMERCE/ITA-2;

* * * * *

(4) *Exempt under 5 U.S.C. 552a(k)(5). The systems of records exempt (some only conditionally), the sections of the act from which exempted, and the reasons therefor are as follows:*

(i) Applications to U.S. Merchant Marine Academy (USMMA)—COMMERCE/MA-1;

(ii) USMMA Midshipman Medical Files—COMMERCE/MA-17;

(iii) USMMA Midshipman Personnel Files—COMMERCE/MA-18;

(iv) USMMA Non-Appropriated fund Employees—COMMERCE/MA-19;

(v) Applicants for the NOAA Corps—COMMERCE/NOAA-4;

(vi) Commissioned Officer Official Personnel Folders—COMMERCE/NOAA-7;

(vii) Conflict of Interest Records, Appointed Officials—COMMERCE/DEPT-3;

(viii) Investigative Records—Contract and Grant Frauds and Employee Criminal Misconduct—COMMERCE/DEPT-12, but only on condition that the general exemption claimed in § 4b.13(b)(3) is held to be invalid;

(ix) Investigative Records—Persons Within the Investigative Jurisdiction of the Department—COMMERCE/DEPT-13; and,

(x) Litigation, Claims, and Administrative Proceeding Records—COMMERCE/DEPT-14.

The foregoing are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). The reasons for asserting the exemption are to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, to avoid endangering these sources and, ultimately, to facilitate proper selection or continuance of the best applicants or persons for a given position or contract. Special note is made of the limitation on the extent to which this exemption may be asserted. The existence and general character of the information exempted will be made known to the individual to whom it pertains.

* * * * *

3. Appendices A and B are revised to read as follows:

APPENDIX A

OFFICIALS TO RECEIVE INQUIRIES, REQUESTS FOR ACCESS, AND REQUESTS FOR CORRECTION OR AMENDMENT [1]

For records in systems of record located in— [2]	Privacy officer
The Office of the Secretary and all departmental staff offices.	Director, Office of organization and Management Systems, Main Commerce Bldg., Washington, D.C. 20230.
Bureau of Economic Analysis.	Chief Planning and Evaluation Officer, BEA, Tower Bldg., 1401 K St. NW., Washington, D.C. 20230.
Bureau of the Census.	Associate Director for Administration, Bureau of the Census, Federal Bldg. 3, Washington, D.C. 20230.
Economic Development Administration.	Director, Office of Public Affairs, EDA, Main Commerce Bldg., Washington, D.C. 20230.
Industry and Trade Administration.	Director, Office of Management and Systems, ITA, Main Commerce Bldg., Washington, D.C. 20230.
Maritime Administration.	Secretary of the Maritime Administration, Main Commerce Bldg., Washington, D.C. 20230.
National Bureau of Standards.	Director of Administrative and Information Systems, NBS, Administration Bldg., Washington, D.C. 20234.
National Fire Prevention and Control Administration.	Administrative Officer, NFPCA, Washington, D.C. 20230.
National Oceanic and Atmospheric Administration:	
Inquiries only:	
All NOAA except NOAA Corps.	Assistant Administrator for Administration, NOAA, 6010 Executive Blvd., Rockville, Md. 20852.
NOAA Corps	Director, NOAA Corps, 6010 Executive Blvd., Rockville, Md. 20852.
Requests:	
All NOAA including NOAA Corps.	Assistant Administrator for Administration, NOAA, 6010 Executive Blvd., Rockville, Md. 20852.
National Telecommunications and Information Administration.	Privacy Officer, NTIA, U.S. Department of Commerce, Washington, D.C. 20504.

APPENDIX A—Continued

OFFICIALS TO RECEIVE INQUIRIES, REQUESTS FOR ACCESS, AND REQUESTS FOR CORRECTION OR AMENDMENT [1]

For records in systems of record located in— [2]	Privacy officer
National Technical Information Service.	Assistant Director for Administration, NTIS, Sills Bldg., Springfield, Va. 22161.
Office of Minority Business Enterprise.	Privacy Officer, Office of Chief Counsel, OMBE, Main Commerce Bldg., Washington, D.C. 20230.
Patent and Trademark Office.	Assistant Commissioner for Administration, Patent and Trademark Office, Washington, D.C. 20231.
United States Travel Service.	Director, Office of Administration, USTS, Main Commerce Bldg., Washington, D.C. 20230.

[1] National Oceanic and Atmospheric Administration subject to division of responsibilities noted below.

[2] If the location of the records within the Department is unknown, address the inquiry to the privacy officer for the Office of the Secretary and all departmental staff offices.

APPENDIX B

OFFICIALS TO RECEIVE APPEALS FROM ADVERSE DETERMINATION ON CORRECTION OR AMENDMENT

For records in systems of records located in—	Privacy appeals officer
The Office of the Secretary and all departmental staff offices.	Assistant Secretary for Administration, Main Commerce Bldg., Washington, D.C. 20230.
Bureau of Economic Analysis.	Director, Bureau of Economic Analysis, Tower Bldg., 1401 K St. NW., Washington, D.C. 20230.
Bureau of the Census.	Director, Bureau of the Census, Federal Bldg. 3, Washington, D.C. 20233.
Economic Development Administration.	Assistant Secretary for Economic Development, Main Commerce Bldg., Washington, D.C. 20230.
Industry and Trade Administration.	Assistant Secretary for Industry and Trade, Main Commerce Bldg., Washington, D.C. 20230.

APPENDIX B—Continued

OFFICIALS TO RECEIVE APPEALS FROM ADVERSE DETERMINATION ON CORRECTION OR AMENDMENT

For records in systems of records located in—	Privacy appeals officer
Maritime Administration.	Assistant Secretary for Maritime Affairs, Main Commerce Bldg., Washington, D.C. 20230.
National Bureau of Standards.	Director, National Bureau of Standards, Administration Bldg., Washington, D.C. 20234.
National Fire Prevention and Control Administration.	Administrator, National Fire Prevention and Control Administration, Washington, D.C. 20230.
National Oceanic and Atmospheric Administration.	Administrator, National Oceanic and Atmospheric Administration, Main Commerce Bldg., Washington, D.C. 20230.
National Telecommunications and Information Administration.	Assistant Secretary for Communications and Information, 1800 G St. NW., Washington, D.C. 20504.
National Technical Information Service.	Director, National Technical Information Service, Room 620, Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004.
Office of Minority Business Enterprise.	Director, Office of Minority Business Enterprise, Main Commerce Bldg., Washington, D.C. 20230.
Patent and Trademark Office.	Commissioner, Patent and Trademark Office, Washington, D.C. 20231.
United States Travel Service.	Assistant Secretary for Tourism, Main Commerce Bldg., Washington, D.C. 20230.

AUTHORITY: 5 U.S.C. 552a (f) and (k), sec. 3 of the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896).

Dated: September 12, 1978.

GUY W. CHAMBERLIN, Jr.,

(Acting) Assistant Secretary for Administration.

[FR Doc. 78-26570 Filed 9-21-78; 8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER 1—FEDERAL TRADE COMMISSION

PART 422—POSTING OF MINIMUM OCTANE NUMBERS ON GASOLINE DISPENSING PUMPS

Revocation of Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Revocation of trade regulation rule superseded by new Federal law.

SUMMARY: In December 1971, the Federal Trade Commission issued a trade regulation rule requiring the posting of minimum octane numbers on gasoline dispensing pumps. The rule was challenged in court shortly after it was promulgated, and has never become effective. Under title II of the Petroleum Marketing Practices Act, passed in June 1978, the Commission is required to promulgate rules governing the uniform certification and display of octane ratings by members of the automotive gasoline industry. The stated purpose of the Act is to insure prompt and permanent enforcement of an octane posting requirement.

This notice announces the fact that title II of the Act has effectively superseded the Commission's earlier trade regulation rule, and states the basis for the Commission's conclusion.

EFFECTIVE DATE: September 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles H. Slayman, Jr., 202-724-1478, James G. Mills, 202-724-1509, attorneys, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: On December 16, 1971, the Federal Trade Commission promulgated a trade regulation rule requiring the posting of octane ratings on gasoline pumps (16 CFR Part 422). In issuing the rule, the Commission found that the failure to disclose the minimum octane rating of gasoline constituted an unfair method of competition or an unfair or deceptive act or practice under the Federal Trade Commission Act.

Legal challenge has prevented enforcement of the rule since its promulgation. A suit by the National Petroleum Refiners Association challenged the authority of the Commission to issue such a trade regulation rule. On appeal by the Commission, the U.S. Court of Appeals upheld the Commission's right to promulgate trade regulation rules that have the effect of

substantive law, and the case was remanded to the district court. (*National Petroleum Refiners Ass'n* v. *FTC*, 482 F. 2d 672 (D.C. Cir. 1973), cert. denied, 415 U.S. 951 (1974)). The case was dismissed without prejudice on October 27, 1977, but the district court ordered the Commission to complete an environmental impact statement before attempting to put the rule into effect. The court further ordered that it be notified by the Commission prior to the issuance of such a statement. The environmental impact statement has not been completed, and the rule has never become effective.

During its consideration of title II of the Petroleum Marketing Practices Act, Congress recognized that prolonged litigation has prevented enforcement of the Commission's rule. It is evident from the legislative history of the Act that Congress intended the requirements of title II to replace those of the Commission's 1971 rule. This conclusion is bolstered by the fact that the requirements of the Commission's rule have been completely superseded by title II. First, the rule's requirement that the minimum octane rating of the gasoline being dispensed from the pump be clearly and conspicuously disclosed has been legislatively mandated by section 202(c) of the Act. Second, the octane number or octane rating of a gasoline is to be determined under section 202(1) of the Act by the same method as required by the Commission's rule. Finally, the Act's provisions with regard to octane posting require the Commission to promulgate rules more comprehensive than the 1971 rule and permit the Commission to enforce such rules as it does other trade regulation rules.

Accordingly, the Commission, on the advice of counsel, concludes that title II of the Petroleum Marketing Practices Act supersedes 16 CFR Part 422. Therefore, title 16 of the Code of Federal Regulations, Part 422—Posting of Minimum Octane Numbers on Gasoline Dispensing Pumps—is hereby revoked.

By direction of the Commission dated September 19, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-26832 Filed 9-21-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER THE NATIONAL HOUSING ACT

[Docket No. R-78-573]

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Mortgage Insurance for Existing Multifamily Housing

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule extends the date by which incomplete projects financed with State or local assistance must be completed and applications for insurance of mortgages on such projects must be submitted from July 1, 1978 through January 1, 1979. This extension is needed to permit filing of applications for mortgage insurance which would otherwise be precluded by the present deadline.

EFFECTIVE DATE: September 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Sidney B. Severe, Multifamily Insurance Division, Department of Housing and Urban Development, Washington, D.C. 20410, 202-755-9280.

SUPPLEMENTARY INFORMATION: Section 207.32a(k)(1) presently requires that a project be fully completed by July 1, 1978, and that an application for mortgage insurance also be filed prior to that date. We are informed that these deadlines pose a serious hardship for some projects that would be determined ineligible unless an additional extension of 6 months is effected. In order to facilitate the success of this refinancing program and accommodate these projects, we are amending this regulation by extending the date for project completion and for filing of applications for mortgage insurance.

Since the amendments to part 207 are technical in nature and because the presently published expiration date has already passed, the Secretary has determined that advance publication, notice and public procedure are impracticable and unnecessary and that good cause exists for making these amendments effective upon publication. In addition, the Department is presently performing a review of this program, and the effect of these amendments will be evaluated within the scope of the review.

The Department has determined that an environmental impact statement is not required with respect to these amendments. The finding of inapplicability in accordance with HUD's environmental procedures is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 5218, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, part 207 is amended as follows:

Subpart A—Eligibility Requirements

§ 207.32a [Amended]

Section 207.32a(k)(1) is amended by deleting "July 1, 1978," wherever it appears, and inserting in lieu thereof "January 1, 1979".

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Issued in Washington, D.C., on September 11, 1978.

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

[FR Doc. 78-26663 Filed 9-21-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 955-8]

PART 423—STEAM ELECTRIC POWER GENERATING POINT SOURCE CATEGORY

Amendment to BPT Variance Clause

AGENCY: Environmental Protection Agency.

ACTION: Final amendments to rules.

SUMMARY: EPA is issuing amended regulations under the Clean Water Act which apply to the steam electric power industry. The amendments provide, contrary to EPA's original position, that economic factors are legally relevant when considering a powerplant's request for a variance from national effluent limitations guidelines. EPA has changed its original position

in order to comply with a judicial decision.

DATE: The amendments are effective on September 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Edward A. Kramer (EN-336), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-0750.

SUPPLEMENTARY INFORMATION:

I. Background

A. EPA's original variance clause

On October 8, 1974, EPA published regulations under the Clean Water Act setting forth best practicable control technology (BPT) effluent limitations guidelines for the steam electric power industry. 40 CFR Part 423, 39 FR 3686 et seq.

For each subcategory in the power industry category, there was a "variance clause." 40 CFR 423.12(a), 423.22(a), 423.32(a) and 423.42 (introductory paragraph). This clause allowed case-by-case variances from national guidelines where one could show that certain plant-specific factors—such as age or size of the plant—were "fundamentally different" from the factors EPA considered in setting the national guidelines. The variance clause did not specify whether plant-specific economic factors could be considered.

Essentially the same variance clause was included in the BPT effluent limitations guidelines for almost all industries. On August 20, 1974, EPA published a legal interpretation which ruled that economic factors could not be considered in applying this standard variance clause. 39 FR 30073.

B. The Fourth Circuit's Appalachian order

On July 16, 1976, the U.S. Court of Appeals for the Fourth Circuit issued an opinion in response to various legal challenges to EPA's BPT (and other) regulations for the steam electric power industry. *Appalachian Power Co.* v. *Train*, 545 F.2d 1351. The court rejected EPA's exclusion of economic factors from the steam electric BPT variance clause. A request by EPA for recall of mandate as to this portion of the Court's opinion was denied (one judge dissenting) on September 26, 1977.

C. EPA's response to the Fourth Circuit's order

After the court's opinion was issued, EPA changed its position with regard to the steam electric power industry. On March 3, 1978 (43 FR 8812), EPA proposed clarifications to the steam electric variance clause to formalize its changed position.

As proposed, the variance clause allowed the permit issuer to consider "significant cost differentials" and other economic factors applicable to the particular source involved. The clause also specified that the August 20, 1974 legal interpretation would not be applicable to steam electric powerplants.

EPA requested that written public comments be submitted by April 3, 1978. The following parties submitted comments:

1. Consumers Power Co.
2. Richard J. Criqui, Jr.
3. Duke Power Co.
4. Natural Resources Defense Council (NRDC).
5. Synthetic Organic Chemical Manufacturers Association (SOCMA).
6. Union Carbide.
7. Utility Water Act Group (UWAG).

After considering all comments carefully, EPA has decided to issue the final variance clause amendments in the same form as they were proposed.

II. Response to Public Comments

A. Consideration of effluent reduction benefits

The proposed variance clause allowed case-by-case consideration of "significant cost differentials." Several commenters critized EPA for failing to specify that "effluent reduction benefits" were to be weighed against costs in each case.

Upon examination, these criticisms are apparently derived from the commenters' desire for variances based upon receiving water quality. Such types of variances, however, are plainly not authorized by the Act. As explained in detail in the Administrator's decision *In the Matter of Louisiana—Pacific Corp.* and *Crown Simpson Pulp Co.*, 10 ERC 1841 (September 15, 1977), the Act does not allow relaxations of BPT limitations based upon case-by-case variations in water quality impact.

EPA believes that the wording of the proposed regulation is fully consistent with the *Appalachian* decision. In fact, EPA's wording was taken verbatim from the court's opinion:

> In requiring that EPA give weight to the relevant statutory factors in developing a subsequent variance provision, we in no way intend to imply that EPA's regulations must provide for a detailed cost-benefit analysis at the permit granting stage. As we indicated in duPont, * * * an overall cost-benefit analysis for each category or subcategory satisfies the mandate of § 304 in this regard. The variance provision should, however, allow the permit issuer to consider significant cost differentials of the particular point source involved. 545 F.2d at 1360, n. 23 [emphasis added].

B. Limitation to "fundamentally different factors"

UWAG argues that the proposed variance clause improperly fails to distinguish between "facts" and "factors." UWAG states in concluding its argument that "the variance clause must turn on consideration of plant-specific variables, on facts which are fundamentally different from those used in establishing the limitations." [UWAG's emphasis.]

It is not clear to EPA what difference of opinion exists between EPA and UWAG. If UWAG fears that plant-specific variables may not be considered, then it has misinterpreted the clause. As EPA stated in proposing the amendment:

> This clause allows case-by-case variances from national guidelines where one can show that certain plant-specific factors—such as age or size of the plant—are "fundamentally different" from the factors considered in setting the national guidelines. 43 FR at 8812.

Alternatively, if UWAG fears that by the use of the word "factors," EPA intended to foreclose consideration of plant-specific "facts," UWAG is mistaken. Site-specific facts which are fundamentally different from the facts considered by EPA in applying the relevant statutory factors (i.e., raw materials, energy requirements, size of plant), may qualify a facility for a variance. In this sense, "facts" and "factors" mean the same thing.

If, however, UWAG is arguing that any plant-specific fact—even one which does not relate to the statutory factors EPA considered in formulating the regulations—should qualify a facility for a variance, then EPA disagrees with UWAG. Such an interpretation would be incompatible with the "goal of uniformity" in industrywide BPT limitations, *duPont* v. *Train*, 97 S.Ct. 965, 975 (1977), for there are unique site-specific facts at every steam electric plant in the United States.

The *Appalachian* opinion, in fact, directs that EPA's new variance clause take into consideration the "statutory factors" in sections 301(c) and 304. 545 F.2d at 1360 [emphasis added]. And in another case discussing national BPT limitations, the Fourth Circuit said that "the specified factors [in section 304] shall be applied by the permit issuer in determining whether the presumptively valid effluent limitations should apply to a particular source of discharge." *DuPont* v. *Train*, 541 F.2d 1018, 1030 [4th Cir. 1976, emphasis added].

C. Illegality of proposal

NRDC argued that the proposed variance clause is illegal because section 301(c), which provides the exclu-

sive means for case-by-case economic hardship modifications, is limited by its terms to 1983-84 "best available technology" (BAT) limitations as distinguished from BPT. EPA cannot dispute this argument. As stated in the March 3 proposal at 43 FR 8813:

> EPA continues to believe that with respect to variances from national effluent limitations guidelines, economic factors may be considered only in § 301(c) proceedings to modify [BAT] requirements.

Nevertheless, EPA is compelled by the court's order in *Appalachian* to include section 301(c) factors into the BPT variance clause for steam electric powerplants. The court's order relates only to the power industry, however, so EPA has rejected the arguments of SOCMA and Union Carbide that this revision be made applicable to all industries.

D. APPLICATION TO BEST AVAILABLE TECHNOLOGY ("BAT") AND NEW SOURCE PERFORMANCE STANDARDS ("NSPS")

Consumers Power Co. stated that the proposal was "deficient" because it did not apply to BAT or NSPS. (BAT and NSPS limitations are generally more stringent than BPT limitations.) The *Appalachian* Court, however, specifically rejected such an argument as to BAT. 545 F2d. at 1380. As to NSPS, the Supreme Court ruled in *duPont* v. *Train*, 97 S.Ct. 965 (1977) that variances were improper. 97 S.Ct. at 980. On September 26, 1977, the *Appalachian* Court recalled its mandate as to NSPS variances in response to the Supreme Court's decision.

E. STATES' RIGHTS

Duke Power Co. argued that EPA should require States which have a permit-issuing authority to consider economic factors when evaluating variance requests. Such a requirement would in EPA's view be inconsistent with the Act.

As noted in the March 3 proposal at 43 FR 8813, section 510 of the Act preserves the States' rights to impose more stringent limitations than required by Federal law. While one State may in its discretion refuse to relax nationally-applicable BPT regulations on the basis of site-specific economic factors, another State may allow relaxations to the fullest extent permissible under the Act. Section 510 insures that States have this freedom of choice.

Because States are free to ignore site-specific economic factors if they choose, it would be meaningless for EPA to require States to consider such factors.

III. EFFECTIVENESS

A. TRANSITIONAL PROVISIONS

Because there has been some confusion with respect to BPT variances for steam electric plants since the *Appalachian* remand, EPA agrees with UWAG that a new 60-day application period should be provided. Until (60 days from FEDERAL REGISTER publication), any steam electric plant may apply to the appropriate permitting authority for a variance under today's amended clause. (As provided in 40 CFR 423.12(a), 423.22(a), 423.32(a), and 423.42, variances recommended by States must be approved by EPA before they become effective.)

Such an application will not automatically stay any enforcement proceeding which EPA has initiated or may initiate against the applicant. EPA will consider in each case whether a variance request is merely a procedural after-thought designed for delay. In this regard, EPA will consider whether a variance request is likely to succeed on the merits, whether the applicant was aware that EPA has been processing steam electric BPT variance requests for some time, and whether the applicant has made any effort to work out its problems with the appropriate enforcement authorities. It should be noted that any facility which is now in compliance with a BPT limitation may not rely upon a variance application as an excuse for falling out of compliance.

B. IMMEDIATE EFFECTIVENESS

In order to provide an immediate opportunity for applications under the amended regulations and to expedite final resolution of such applications, I hereby find good cause to make these amendments effective immediately.

(Sec. 501(a), Clean Water Act, 33 U.S.C. 1361(a).)

Dated: September 15, 1978.

DOUGLAS M. COSTLE,
Administrator.

§§ 423.12, 423.22, 423.32, and 423.42 [Amended]

40 CFR Part 423 is amended by adding the following two sentences to the end of §§ 423.12(a), 423.22(a), 423.32(a), and 423.42 (introductory paragraph):

* * * * *

* * * In accordance with the decision in *Appalachian Power Co.* v. *Train*, 545 F.2d 1351, 1358-60 (4th Cir. 1976), EPA's legal interpretation appearing at 39 FR 30073 (1974) shall not apply to this paragraph. The phrase "other such factors" appearing above may include significant cost differentials and the factors listed in section 301(c) of the Act.

[FR Doc. 78-26582 Filed 9-21-78; 8:45 am]

[3510-22]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 230—WHALING

Taking of Bowhead Whales by Indians, Aleuts, or Eskimos for Subsistence Purposes

AGENCY: National Oceanic and Atmospheric Administration, National Marine Fisheries Service.

ACTION: Final rule.

SUMMARY: At its 30th annual meeting held in London on June 26-30, 1978, the International Whaling Commission (the "IWC") adopted an amendment to the schedule of the International Convention for the Regulation of Whaling, 1946 (the "Convention") which increased the quota for the taking of the Bering Sea stock of bowhead whales for calendar year 1978 from 12 landed or 18 struck, whichever occurs first, to 14 landed or 20 struck, whichever occurs first. By letter dispatched July 21, the IWC formally notified member countries of the action taken; under the rules of procedure of the IWC, the increased 1978 quota will become effective, in the absence of objection, on October 19, 1978.

On April 3, 1978, the National Oceanic and Atmospheric Administration (NOAA) promulgated regulations under the Whaling Convention Act of 1949, 16 U.S.C. 916, et seq., which allocated the then available 1978 quota among the nine Alaskan villages which engage in subsistence whaling. (43 FR 13883, amended May 24, 1978, 43 FR 22213.) This amendment revises the allocation for 1978 to include the two extra bowhead whales which may be landed or struck in 1978.

DATES: These regulations are effective as of September 22, 1978.

ADDRESSES: Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

William P. Jensen, Marine Mammal and Endangered Species Division,

National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235, telephone 202-634-7461.

SUPPLEMENTARY INFORMATION: On August 29, 1978 (43 FR 38609), the National Marine Fisheries Service (NMFS) published proposed regulations which set forth the proposed village-by-village allocation for the fall bowhead hunt. A minor error in the proposed regulation was corrected on September 8, 1978 (43 FR 40045). No comments were received on the proposed regulations, and the regulations are now being promulgated as proposed. Furthermore, because the fall hunt is imminent, and because it is imperative for each whaling village to know how many landings and strikes it has available to it, these regulations are effective as of the date of publication.

NOTE.—The Department of Commerce has determined that no environmental impact statement needs to be prepared in connection with these regulations. The National Marine Fisheries Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and 11949, and OMB Circular A-107.

Dated: September 19, 1978.

TERRY LEITZELL,
Assistant Administrator for Fisheries.

§ 230.74 [Amended]

50 CFR 230.74 is amended as follows:

1. Paragraph (a) is revised to read as follows:

(a) During the spring season of the calendar year 1978, the quota for bowheads is allocated among whaling villages as follows:

(1) Gambell—1 whale landed or 5 struck, whichever occurs first.

(2) Savoonga—1 whale landed or 1 struck, whichever occurs first.

(3) Wales—0 whales landed or 0 struck, whichever occurs first.

(4) Kivalina—0 whales landed or 0 struck, whichever occurs first.

(5) Point Hope—2 whales landed or 2 struck, whichever occurs first.

(6) Wainwright—2 whales landed or 2 struck, whichever occurs first.

(7) Barrow—4 whales landed or 5 struck, whichever occurs first.

2. Paragraphs (b) and (c) are redesignated as (c) and (d) respectively and a new paragraph (b) is added to read as follows:

(b) During the fall season of the calendar year 1978, the quota for bowheads is allocated among whaling villages as follows:

(1) Kaktovik—1 whale landed or 2 struck, whichever occurs first.

(2) Nuigsut—1 whale landed or 1 struck, whichever occurs first.

(3) Barrow—2 whales landed or 2 struck, whichever occurs first.

During the fall season, and prior to October 19, 1978, these villages shall not exceed a combined quota of 2 whales taken or 3 struck, whichever occurs first. Beginning October 19, 1978, these villages shall not exceed for the fall hunt a combined quota of 4 whales landed or 5 struck, whichever occurs first.

3. Paragraph (e) is added to read as follows:

(e) If for any reason the landing or struck quota for whaling villages is not reached, the part of the quota which remains may be reassigned by the Administrator, upon request of such village, to a second whaling village: *Provided,* That if any other whaling village has exceeded its quota at the time the reassignment is requested, the Administrator shall not reassign the quota if he determines that it is likely to result in the total number of whales landed or struck exceeding the bowhead quota then in effect under the Schedule to the International Convention for the Regulation of Whaling. In making such reassignment, the Administrator shall consult with representatives of as many whaling villages as time reasonably permits.

[FR Doc. 78-26903 Filed 9-21-78; 8:45 am]

proposed rules

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

[3410-37]

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

[7 CFR Part 2852]

U.S. STANDARDS FOR GRADES OF CANNED GRAPES AND U.S. STANDARDS FOR GRADES OF CANNED PEARS [1]

Study Drafts Available for Review and Comments; Proposed Revision

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Fruit and Vegetable Quality Division of the Food Safety and Quality Service, U.S. Department of Agriculture, has study drafts available for review and comment in its consideration of the proposed revisions of the U.S. standards for grades of canned grapes and the U.S. standards for grades of canned pears.

DATE: Comments must be received on or before December 31, 1978.

ADDRESS: Send requests for study drafts and comments to: Howard W. Schutz, Standardization Section, Processed Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Howard W. Schutz, 202-447-6247.

SUPPLEMENTARY INFORMATION: The preliminary proposed revisions for grades of canned grapes and grades of canned pears were developed following public requests for revision of the U.S. standards for grades of canned clingstone peaches.

The U.S. standards for canned clingstone peaches, effective June 1, 1978, are based on statistical procedures. Standards for the other major canned fruits are based on non-statistical procedures. Since many users of the canned clingstone peach standards process other major canned fruits, it was suggested that all U.S. standards for the major canned fruits be brought under the same format to avoid a proliferation of grading procedures.

The standards would be implemented on a voluntary basis and a charge would be made for the Department's services. When canned grapes and canned pears are officially graded, the "regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products" (7 CFR 2852.1-2852.83) would be in effect. This advance notice of proposed rulemaking is issued under the authority of the Agricultural Marketing Act of 1946, secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; (7 U.S.C. 1622, 1624).

Done at Washington, D.C., on September 18, 1978.

NOTE.—The Food Safety and Quality Service has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

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

[FR Doc. 78-26658 Filed 9-21-78; 8:45 am]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

[3410-37]

[9 CFR Part 316]

MARKING OR LABELING SMALL SAUSAGES WITH OFFICIAL INSPECTION LEGEND AND INGREDIENT STATEMENT

Proposed Rulemaking

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Federal meat inspection regulations with respect to labeling certain sausages and other meat products in casings or link form to reflect weight limitations in kilograms rather than in pounds. This would not appear to have any significant effect upon the industry and consumers and would be in compliance with the U.S. policy to convert to the metric system.

DATES: Comments must be received on or before November 21, 1978.

ADDRESSES: Comments to: Ann Langlois, Executive Secretariat, Room 3167, South Building, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Mr. Irwin Fried, Acting Director, Products Standards and Labels Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6042.

SUPPLEMENTARY INFORMATION:

COMMENTS

Interested persons are invited to submit comments concerning this proposal. Comments must be sent in duplicate to the Executive Secretariat and should bear a reference to the date and page number of this issue of the FEDERAL REGISTER. All comments submitted pursuant to this notice will be made available for public inspection in the office of the Executive Secretariat during regular hours of business.

BACKGROUND

For many years the Federal meat inspection regulations (9 CFR 316.10(a)) have required that small sausages and similar products, in casings or link form, bear one or more inspection legends and one or more lists of ingredients on each 2 pounds of product. This requirement makes readily available to the consumer the list of ingredients on each 2 pounds of product and assures the consumer that the product has been packed under Federal inspection. Fully labeled immediate containers of 10 pounds or less of product need not bear the official inspection legend and list of ingredients on each 2 pounds of product, since containers of product 10 pounds or less are customarily sold at retail intact.

The Food Safety and Quality Service has been requested to convert the 2 pound limitation to a kilogram (2.205 lbs) and the 10-pound container size to 5 kilograms (11.025 lbs). This change would comply with the U.S. policy to convert to the metric system. In converting to whole number kilograms, the result is an increase in the weight limitation. It does not appear that this increase would have a significant effect upon the industry or consumers.

Accordingly, it is proposed that § 316.10(b) of the Federal meat inspec-

tion regulations (9 CFR 316.10(b)) be amended to read as follows:

§ 316.10 Marking of meat food products with official inspection legend and ingredient statement.

* * * * *

(b) Inspected and passed sausage and other products, in casings or in link form, of the smaller varieties, shall bear one or more official inspection legends and one or more lists of ingredients in accordance with part 317 of this subchapter on each kilogram (2.205 lbs) of product, except where such products leave the official establishment completely enclosed in properly labeled immediate containers having a capacity of 5 kilograms (11.025 lbs) or less and containing a single kind of product: *Provided*, That such products in properly labeled closed containers exceeding 5 kilograms (11.025 lbs) capacity,* * *

* * * * *

NOTE—The Food Safety and Quality Service has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Done at Washington, D.C., on September 18, 1978.

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

[FR Doc. 78-26657 Filed 9-21-78; 8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 306]

RULES GOVERNING THE CERTIFICATION AND POSTING OF OCTANE RATINGS UNDER TITLE II OF THE PETROLEUM MARKETING PRACTICES ACT

Proposed Rules

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Petroleum Marketing Practices Act, passed in June 1978, requires the Federal Trade Commission to issue rules providing a uniform method for the certification and posting of octane ratings of automotive gasoline. This rule prescribes such uniform methods for members of the automotive gasoline industry. The rule is intended to provide consumers with important information to assist them in purchasing gasoline with the proper octane rating for their cars.

This notice sets out the text of the proposed rule, the procedures to be followed, a list of general questions and issues on which the Commission particularly desires comment, an invitation for written comments, and instructions for prospective witnesses and other interested persons who desire to testify or otherwise participate in the proceedings.

DATES: Notification of intention to present views orally must be received on or before October 6, 1978. Written comments must be received on or before October 20, 1978. Public hearings commence October 16, 1978, in Washington, D.C.

ADDRESS: Submit written comments and exhibits in quintuplicate to Denis E. Hynes, Presiding Officer, Office of the General Counsel, Federal Trade Commission, Washington, D.C. 20580. The hearing will be held at 633 Indiana Avenue, Room 524, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

James G. Mills, Attorney, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, 202-724-1509 or 202-724-1524.

SUPPLEMENTARY INFORMATION: The Petroleum Marketing Practices Act, passed in June 1978, requires refiners of automotive gasoline to test the octane ratings of their products and to certify those ratings to industry members who purchase the gasoline from them. Distributors who transfer automotive gasoline to other distributors or to retailers must certify the octane ratings of their products consistent with prior certifications received by them. Gasoline retailers must display, in a clear and conspicuous manner at the point of sale, the octane rating of any gasoline they dispense to consumers.

The statutory duties will take effect irrespective of any rules issued by the Federal Trade Commission. However, the Commission is required to promulgate, by December 20, 1978, uniform methods for the certification and posting of octane ratings by industry members. When a final rule takes effect, the statutory duties to certify and post can only be satisfied through compliance with the Commission's rule.

An octane rating is a measure of how well an automotive gasoline will resist "knocking" in an engine. Although the octane rating is only one of many gasoline features, it has great significance for consumers. Engine knocking, which is caused by spontaneous combustion in localized areas of an engine, wastes power and lowers the effectiveness of the engine. Persistent or severe knocking can seriously damage the engine. Thus, the consumer should buy gasoline with an octane rating that is high enough to prevent engine knocking.

On the other hand, since higher octane gasolines often cost more than the lower octanes, consumers who buy more octane than is needed to control engine knock may derive no benefit from the additional money they spend. Discouraging octane overbuying can save energy that is used to produce higher octane gasolines, and it may reduce air pollution caused by the lead in automobile exhaust gases.

By requiring the disclosure of octane ratings for automotive gasoline, the statute and the proposed rule seek to provide information without which it would be difficult for consumers to make an intelligent purchasing decision. With this information, consumers will have the opportunity simultaneously to conserve energy, save money, reduce air pollution, and protect their cars against engine damage.

Under the proposed rule, refiners and distributors who sell gasoline to other industry members are required to certify the octane rating of the gasoline. The rating must be determined in accordance with ASTM D439-78, Standard Specifications for Automotive Gasoline, and must be rounded to a whole number less than or equal to the rating. The Commission will not consider in this rulemaking proceeding whether a formula different from that prescribed in ASTM D439-78 should be used to determine gasoline octane ratings.

The proposed rule does not require the use of a special form for certifying octane ratings. Instead, the rule permits the use of ordinary transfer documents, such as delivery invoices or bills of lading, as long as certain prescribed information appears on the certifying document. Among other things, the certification document must identify the parties to the transaction, specify the octane rating, and indicate that the octane rating was determined in accordance with the provisions of the rule.

The statute requires the Commission to prescribe a uniform method by which gasoline retailers must display octane ratings at the pump. The Commission believes that this is best accomplished by requiring that a label disclosing minimum octane ratings appear in immediate proximity to the price per gallon of each different gasoline dispensed from the pump. Placement of this label near the price per gallon should help assure that the consumer sees the rating prior to purchase.

The proposed labels have bold, contrasting colors and are large enough to accommodate highly visible numbers. In addition, the labeling provisions specify such matters as adhesiveness, weatherproofing requirements, and the use of materials that are not harmed by gasoline. Despite the high

quality of the labels, the Commission believes that their cost will be minimal. To further minimize costs by encouraging bulk purchases of the labels, and to facilitate compliance by retailers, the proposed rule states that the person who determines the octane rating of the gasoline must supply the labels.

Interested persons are invited to comment on any of the proposed rule provisions, on any of the issues listed in section C after the proposed rule, or on any other issue of fact, law, or policy which may have some bearing on the proposed rule.

A memorandum of the Commission's staff discussing the proposed rule will be made available for examination during normal business hours (9 a.m. to 5 p.m., Monday through Friday) by interested persons in room 130 of the public reference room of the Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D.C.

SECTION A. PROPOSED RULES

In consideration of the foregoing, the Commission proposes the following rule, pursuant to title II of the Petroleum Marketing Practices Act (Pub. L. 95-297), and section 553 of subchapter II, chapter 5, title 5 of the U.S. Code (Administrative Procedure). This would amend title 16, chapter 1 by adding to subchapter C—Regulations Under Specific Acts of Congress, a new part 306 of that subchapter. The new part 306 would read as follows:

PART 306—RULES GOVERNING THE CERTIFICATION AND POSTING OF OCTANE RATINGS UNDER TITLE II OF THE PETROLEUM MARKETING PRACTICES ACT

GENERAL

Sec.

306.0 Terms defined.
306.1 Persons to whom this part applies.
306.2 Prohibited acts or practices.
306.3 Severability.
306.4-306.9 [Reserved]

UNIFORM METHOD OF CERTIFYING OCTANE RATING

306.10 Delivery invoices.
306.11 Recordkeeping.
306.12-306.19 [Reserved]

UNIFORM METHOD OF DISPLAYING OCTANE RATING

306.20 Display of octane rating.
306.21 Face labels.
306.22 Supplying of labels.
306.23 Recordkeeping.

APPENDIX

Illustration: Layout for face label.

AUTHORITY: Title II of the Petroleum Marketing Practices Act (Pub. L. 95-297).

GENERAL

§ 306.0 Terms defined.

(a) The term "Act" means title II of the Petroleum Marketing Practices Act (Pub. L. 95-297).

(b) The term "octane rating" means the rating of the antiknock characteristics of a grade or type of automotive gasoline as determined by dividing by 2 the sum of the research octane number plus the motor octane number.

(c) The terms "research octane number" and "motor octane number" have the meanings given such terms by the American Society for Testing and Materials (ASTM) in ASTM D439-78, entitled "Standard Specifications for Automotive Gasoline." With respect to any grade or type of automotive gasoline, the research octane number and the motor octane number are to be determined in accordance with ASTM standard test methods designated D2699-75 and D2700-75.

(d) The term "knock" means the combustion of a fuel spontaneously in localized areas of a cylinder of a spark-ignition engine, instead of the combustion of such fuel progressing from the spark.

(e) The term "refiner" means any person engaged in—

(1) The refining of crude oil to produce automotive gasoline; or

(2) The importation of automotive gasoline.

(f) The term "distributor" means any person who receives automotive gasoline and distributes such automotive gasoline to another person other than the ultimate purchaser.

(g) The term "gasoline retailer" means any person who markets automotive gasoline to the general public for ultimate consumption.

(h) The term "ultimate purchaser" means, with respect to any item, the first person who purchases such item for purposes other than resale.

(i) The term "automotive gasoline" means gasoline of a type distributed for use as a fuel in any motor vehicle.

(j) The term "motor vehicle" means any self-propelled four-wheeled vehicle, of less than 6,000 pounds gross vehicle weight, which is designed primarily for use on public streets, roads, and highways.

(k) The term "consistent with" as used in section 306.10(a) means a whole number which is the same as or less than the octane rating as determined by the refiner.

(l) The term "consistent with" as used in section 306.10(b) means:

(1) In the case of automotive gasoline which consists of a blend, a whole number which is the same as or less than the average, weighted by volume, of the ratings which were certified for each gasoline in the blend; or

(2) In the case of automotive gasoline which does not consist of such a blend, the octane rating which was certified for such gasoline.

(m) The term "blend" means a mixture of two or more automotive gasolines for which different octane ratings have been certified.

(n) The term "delivery invoice" means a document that accompanies a distribution of automotive gasoline in commerce to any person other than the ultimate purchaser. It may be in the form of an invoice, bill of lading, bill of sale, terminal ticket, delivery ticket, or any other written evidence of transfer.

(o) The term "person who determines the octane rating" means:

(1) A refiner who tests automotive gasoline; or

(2) A distributor or retailer who computes the octane rating of a blend of automotive gasoline, pursuant to the requirements of section 306.0(l)(1).

(p) The term "Commission" means the Federal Trade Commission.

(q) The term "commerce" means any trade, traffic, transportation, exchange, or other commerce:

(1) Between any State and any place outside of such State; or

(2) Which affects any trade, transportation, exchange, or other commerce described in subparagraph (1).

(r) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and any other commonwealth, territory, or possession of the United States.

(s) The term "person," for purposes of applying any provision of the Federal Trade Commission Act with respect to any provision of this part, includes a partnership and a corporation.

§ 306.1 Persons to whom this part applies.

Provisions of this part apply to refiners, distributors, and retailers engaged in distributing or marketing automotive gasoline in commerce.

§ 306.2 Prohibited acts or practices.

It is an unfair or deceptive act or practice in or affecting commerce within the meaning of section 5 of the Federal Trade Commission Act for a person to fail to comply with a requirement of this part that applies to such person.

§ 306.3 Severability.

If any part of this regulation is stayed or held invalid, the remaining provisions will continue in force.

UNIFORM METHOD OF CERTIFYING OCTANE RATING

§ 306.10 Delivery invoices.

(a) Each refiner shall include a delivery invoice with each transfer of automotive gasoline to any person other than the ultimate purchaser. The delivery invoice under this subsection shall include:

(1) The name of the person who is transferring the gasoline and the name of the person to whom the transfer is made;

(2) The date of transfer;

(3) The quantity of gasoline transferred;

(4) The octane rating of the gasoline;

(5) The signature of the person who is transferring the gasoline; and

(6) The statement: "I certify that the octane rating specified on this delivery invoice is consistent with my determination of the octane rating."

(b) Each distributor of automotive gasoline shall include a delivery invoice with each transfer of such gasoline to any person other than the ultimate purchaser. The delivery invoice under this subsection shall include the information required under section 306.10(a) (1)-(5) and the statement: "I certify that the octane rating specified on this delivery invoice is consistent with the octane rating on the delivery invoice or invoices which accompanied the transfer of this gasoline."

(c) Information which is inconsistent with the requirements of this part may not appear on the delivery invoice.

§ 306.11 Recordkeeping.

(a) Records of tests performed by or for refiners and used as a basis for certification under section 306.10(a) shall be kept on file by such refiners for a period of three (3) years and be available for inspection by persons authorized to administer, investigate, or enforce the provisions of the Act or of this part.

(b) Delivery invoices received by distributors and used as a basis for certification under section 306.10(b) shall be kept on file by such distributors for a period of one (1) year and be available for inspection by persons authorized to administer, investigate, or enforce the provisions of the Act or of this part.

UNIFORM METHOD OF DISPLAYING OCTANE RATING

§ 306.20 Display of octane rating.

Each gasoline retailer shall display the octane rating of each automotive gasoline sold to ultimate purchasers, by attaching face labels to all automotive gasoline dispensing pumps.

(a) "Face" label refers to labels attached to that portion of an automotive gasoline dispensing pump where the price per gallon and price of purchase appear. The face label shall:

(1) Contain the octane rating certified to the retailer under section 306.10, or, if the gasoline consists of a blend, an octane rating which is a whole number the same as or less than the average, weighted by volume, of the ratings which were certified for each gasoline in the blend;

(2) Be a separate label for each gasoline with a different octane rating which is dispensed from a single pump; and

(3) Be attached to the face of the pump and appear in immediate proximity to the number representing the price per gallon of the gasoline.

(b) Retailers shall maintain or replace face labels as necessary to insure that the information may be seen and read easily by the ultimate purchasers of the automotive gasoline.

§ 306.21 Face labels.

All face labels required to be displayed by this part shall conform to the following specifications:

(a) *Layout.* The face label is 3 inches wide by 2½ inches long. The illustration appearing at the end of this part is a prototype label that demonstrates the proper layout. Helvetica type is used throughout to maintain uniformity and consistency for immediate consumer recognition and readability. Spacing of the label is ¼ inch between the top border and the first line of text, ⅛ inch between the first and second line of text, ¼ inch between the octane rating and the line of text above it. All text and numerals are centered within the interior borders.

(b) *Type size and setting.* The Helvetica series shall be used and is available in a variety of phototype setting systems and by linotype. The top line of the label is set in 10-point Helvetica Bold, all capitals, with letterspace set at 10½ points. The line "Minimum octane rating" is set in 12-point Helvetica Bold, with letterspace set at 12½ points, all capitals. The octane number is set in 96-point Helvetica Medium Bold with ⅛ inch space between the numbers.

(c) *Colors.* The basic color of all labels shall be process yellow. All type is process black. All borders are process black. Both colors must be nonface.

(d) *Paper stock.* The paper shall be pressure-sensitive with permanent adhesive having a minimum adhesive capacity of 40 ounces per inch width (P.S.T.C. No. 1).

(e) *Contents.* The contents are as shown in the illustration. The appropriate octane rating for each gasoline will be shown on the face label. No marks or information other than that specified in this part shall appear on the label.

(f) *Special label protection.* All labels shall be capable of withstanding extremes of weather conditions for a period of at least 1 year. The labels shall be resistant to gasoline, oil, grease, solvents, detergents, and water. Paper stock shall be 0.004 inch polyvinyl chloride including adhesive with a 0.001 inch clear lamination of mylar or equivalent material.

§ 306.22 Supplying of labels.

Labels required under this part to be posted on gasoline pumps shall be made available to the gasoline retailer by the person who determines the octane rating of the gasoline. Failure by this person to supply labels does not excuse the retailer from the duty to display the octane rating of the gasoline.

§ 306.23 Recordkeeping.

All delivery invoices received by gasoline retailers and used as the basis for the octane rating displayed under section 306.20(a)(1) shall be kept on file by such retailers for a period of one (1) year and be available for inspection by persons authorized to administer, investigate, or enforce the provisions of the Act or of this part.

All text and numerals
centered in box

Box is 2-1/2" x 3"



Illustration: Layout for face label

Six point border bleeds on all
four sides, rounded interior
corners, square exterior corners

1/4" space between border and first line of text

First line of text is 10 point Bold Helvetica,
with letter space set at 10-1/2 points, all
capitals

1/8" between lines of text

Text in second line is 12 point Bold Helvetica,
with letter space set at 12-1/2 points, all
capitals

1/4" between text line and octane rating

Octane rating is 96 point medium Bold Helvetica
with 1/8" space between numerals

SECTION B. INVITATION TO COMMENT

All interested persons are hereby notified that they may submit to Denis E. Hynes, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580, data views, or arguments on any issue of fact, law, or policy which may have some bearing upon the proposed rule. Such written comments will be accepted until October 20, 1978. To assure prompt consideration, comments should be identified as "Octane Certification and Posting Rule Comment" and furnished where at all possible in five (5) copies.

SECTION C. GENERAL QUESTIONS AND ISSUES

While interested persons are invited to address any questions of fact, law, or policy which they feel may have bearing upon the proposed rule, listed below are several general questions and issues of fact bearing upon certain aspects of the proposed rule concerning which the Commission particularly desires comment, orally or in writing, by persons concerned with and participating in this proceeding:

1. Under the proposed rule, only refiners may test the octane rating of automotive gasoline. Are there situations when it would be appropriate to permit distributors or retailers to test octane ratings? Is such testing currently performed by distributors or retailers? If so, to what extent and under what circumstances? Does distributor or retailer testing differ in any way from testing done by refiners? If so, how? If distributor or retailer testing were permitted, should any limitations be placed on such testing?

2. The proposed rule states that octance ratings must be rounded to minimum whole numbers. Should the rule require the use of exact numbers, rather than minimum whole numbers? If so, why?

3. Is there a more accurate method for determining the octane rating of blended gasoline than the weighted average formula prescribed by the proposed rule? If so, describe the method and explain why it is preferable to the weighted average formula. Is there a particular need for a different formula if distributor or retailer testing is not permitted? Does the use of minimum whole numbers, in conjunction with the weighted average formula for blends, result in unreliable octane ratings for blended gasolines? Are there any other problems, related to the blending of gasolines, of which the Commission should be aware? For example, to what extent does blending of leaded and unleaded gasolines occur? Is there any problem in accurately determining the octane rating of such a blend by the weighted average formula?

4. (a) The extent to which consumers understand octane ratings is unclear. Should the Commission require the disclosure of information explaining octane ratings to consumers? An example of such additional information might be the following:

Using gas with the proper octane rating can help you save money, protect against engine damage, conserve energy, and control air pollution. If your engine is knocking, try gas with a higher octane rating. If your car isn't knocking, you may be able to use a lower octane gas. Check your owner's manual or see your car dealer to find out what octane your car needs.

Is the information contained in this statement sufficient to enable consumers to understand octane ratings? If not, what additional information should be disclosed?

(b) If consumers need an explanation of octane ratings, at point of sale, how should the information be disclosed? Should the face label disclose, in addition to the octane rating of the gasoline, any relevant explanatory information? How large would the proposed label have to be in order to contain both a prominent octane number and an explanation that is easily readable from the driver's side of a car? Is there enough space on gasoline pump faces to accommodate larger face labels containing this information? Where on the gasoline pump should the label be placed to insure its visibility to consumers?

As an alternative, should the Commission require than any explanatory information be disclosed on a separate label? If so, where should this label be placed to insure that the information is communicated to the widest possible audience?

(c) Assuming that consumers do not understand octane ratings, does the Petroleum Marketing Practices Act authorize the Commission to require the disclosure of additional information explaining octane ratings? If so, is the use of the two labels, with one label disclosing the octane rating and the other label disclosing any necessary explanatory information, consistent with the provisions of the Act?

(d) Will differences in pump design make it difficult for some retailers to comply with the proposed requirement that face labels be displayed in immediate proximity to the price per gallon of the gasoline? If so, where on such pumps should the Commission require that labels be displayed? Would differing display requirements, based on pump design differences, be consistent with the statutory requirement that the method of display be uniform?

5. Approximately what percentage of cars on the road today have owner's manuals that recommend octane based only on the research octane number? Would a "conversion table" showing how the research octane number compares with the (R+M)/2 number help the owners of such cars to determine the octane requirements of their cars? If so, can conversion numbers be easily calculated, or are reliable tables available for this purpose? Where on the label should such a conversion table appear?

6. The proposed rule states that the person who determines the octane rating of the gasoline must supply labels to retailers. How will such labels be made available to the retailer? Should the labels be provided without charge, or at cost? Are there better means of providing labels, such as through retail dealer associations?

Distributors and retailers who blend gasoline are required under the proposed rule to supply their own labels. Is this an unduly burdensome requirement? If so, who should be required to supply labels when gasoline is blended?

7. What recordkeeping practices currently exist in the industry? Will it be possible under the recordkeeping provisions of the proposed rule to trace specific quantities of gasoline back through the chain of transfer? Will it be possible to determine what the tested octane rating of the gasoline was and what rating was certified by each link in the chain of transfer? What additional information should be included with the certification or testing records to facilitate this process?

8. Variations in the formula used for determining octane ratings will not be considered in this proceeding. However, the Petroleum Marketing Practices Act authorizes the Commission to initiate a separate rulemaking for the purpose of considering such variation. Although comments on the formula itself should not be submitted in this rulemaking proceeding, interested parties may state whether or not a separate rulemaking should be initiated at a future date to consider variations in the octane rating formula.

9. Under the Petroleum Marketing Practices Act, the statutory duties to certify and post octane ratings take effect on April 1, 1979. Assuming that the rule is promulgated in its final form by January 30, 1979, is there any reason why it should not take effect on April 1, 1979? How will industry members satisfy their statutory duties to certify and post-octane ratings if the Commission's rule does not take effect on April 1, 1979?

SECTION D. PUBLIC HEARINGS

Public hearings on the proposed rule will be held commencing on October 16, 1978, at 9 a.m. in room 524 of the Indiana Building, 633 Indiana Avenue NW., Washington, D.C. Persons desir-

ing to present their views orally at these hearings should so advise Denis E. Hynes, Presiding Officer, 202-523-3421, Federal Trade Commission, Washington, D.C. 20580, no later than October 6, 1978.

SECTION E. MOTIONS OR PETITIONS

Any motions or petitions in connection with this proceeding must be filed with the presiding officer, who is responsible for the orderly conduct of the proceeding and shall have all powers necessary to that end, including the authority to rule on all motions or petitions filed. Applications for review of a ruling will not be entertained by the Commission prior to its review of the record unless the presiding officer certifies in writing to the Commission that a ruling involves a controlling question of law or policy as to which there is substantial ground for difference of opinion and that an intermediate review of the ruling may materially advance the ultimate termination of the proceeding or subsequent review will be an inadequate remedy.

SECTION F. INSTRUCTIONS TO WITNESSES

1. *Advance notice.* FTC invites any person who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class of persons that has an interest, to make an oral presentation. Such a request should be directed to the presiding officer identified above and must be received no later than October 6, 1978. Witnesses are required to submit a written statement that can be entered into the record as submitted. It will, therefore, not be necessary to repeat this statement at the hearing. Submission of the written statement enables the witness to appear at the hearing, to answer questions posed by only the presiding officer and staff with regard to the written statement, and to deliver a short summary of the most important aspects of that statement within time limits which are established by the presiding officer. As a general rule, oral summaries should not exceed 10 minutes. There will be no opportunity for interested persons to cross-examine witnesses.

2. *Use of exhibits.* Use of exhibits during oral testimony is encouraged, especially when they are to be used to help clarify technical or complex matters. If you plan to offer documents as exhibits, file them as soon as possible during the general comment period, but no later than October 6, 1978. Mark each of the documents with your name, and number them in sequence, e.g., Jones exhibit 1. The presiding officer has the power to refuse to accept for the public record any hearing exhibits that are not furnished by the deadline.

3. *Expert witnesses.* If you are going to testify as an expert witness, you must attach to your statement curriculum vitae, biographical sketch, resumé or summary of your professional background and a bibliography of your publications. It would be helpful if you would also include documentation for the opinions and conclusions you express by footnotes to your statements or in separate exhibits. If your testimony is based upon or chiefly concerned with one or two major scientific works, copies should be furnished. The remaining citations to other works can be accomplished by using footnotes in your statement referring to those works.

4. *Results of surveys and other research studies.* If in your testimony you will present the results of a survey or other research study, as distinguished from simple references to previously published studies conducted by others, you must also present as an exhibit or exhibits in compliance with paragraph 2 above the following:

a. A complete report of the survey or other research study and the information and documents listed in (b) through (e) below if they are not included in that report.

b. A description of the sampling procedures and selection process including the number of persons contacted, the number of interviews completed, and the number of persons who refused to participate in the survey.

c. Copies of all completed questionnaires or interview reports used in conducting the survey or study if respondents were permitted to answer questions in words of their choice rather than to select an answer from one or more answers printed on the questionnaire or suggested by the interviewer.

d. A description of the methodology used in conducting the survey or other research study, including the selection of and instructions to interviewers, introductory remarks by interviewers to respondents, and a sample questionnaire or other data collection instrument.

e. A description of the statistical procedures used to analyze the data and all data tables which underlie the results reported.

Other interested persons may wish to examine the questionnaires, data collection forms and any other underlying data not offered as exhibits and which serve as a basis for your testimony. This information along with punch cards or computer tapes which were used to conduct analyses should be made available (with appropriate explanatory data) upon request of the presiding officer. The presiding officer will then be in a position to permit their use by other interested persons.

5. *Identification, number of copies, and inspection.* To assure prompt consideration, all materials, including written statements, filed by prospective witnesses pursuant to the instructions contained in paragraph 1-4 of this section should be identifed both on the document and on the envelope as "Octane Certification and Posting Statement" ("and Exhibits," if appropriate), and submitted in five copies when feasible and not burdensome not later than October 6, 1978.

Copies of all materials filed by witnesses will be made available for examination in Room 130, public reference room, Federal Trade Commission, Pennsylvania Avenue at Sixth Street NW., Washington, D.C.

6. *Reason for requirements.* The foregoing requirements are necessary to permit us to schedule the time for your appearance and that of other witnesses in an orderly manner. The Commission staff and the presiding officer must have your expected testimony and supporting documents available for study before the hearing to prepare appropriate questions. Also, such data should be of assistance to interested persons in the preparation of the filing of contradictory statements (rebuttal).

The deadline established by this notice will not be extended and hearing dates will not be postponed unless hardship to participants can be demonstrated.

SECTION G. POST-HEARING PROCEDURES

Interested persons will be afforded 10 days after the close of the hearings to file rebuttal submissions, which must be based only upon identified, properly cited matters already in the record. The presiding officer will reject all submissions which are essentially additional written comments in contrast to rebuttal. The 10-day rebuttal period will commence when the transcript of the final day of hearings is available.

Not later than 30 days after the close of the rebuttal period, the staff shall submit a recommendation for the final rule. The staff's report will be placed on the public record for 30 days, during which time interested persons will be afforded the opportunity to submit comments for consideration by the Commission in reaching a decision on this rule. Comments will be submitted to Secretary, Federal Trade Commission, Washington, D.C. 20580. To assure prompt consideration, each comment should be identified both on the document and on the envelope as "Octane Certification and Posting Rule Comment" and furnished when possible in five (5) copies.

SECTION H. COMPENSATION FOR REPRESENTATION IN RULEMAKING PROCEEDINGS

Funds may be available for reimbursement of public participation costs incurred in this proceeding to those who satisfy the requirements of § 1.17 of the Commission's rules. For further information, contact Bonnie Naradzay, Special Assistant for Public Participation, Office of the General Counsel, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580, 202-523-3520.

By direction of the Commission, dated September 19, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-26833 Filed 9-21-78; 8:45 am]

[6351-01]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 150]

LIMITS ON POSITIONS AND DAILY TRADING

Proposed Rulemaking and Request for Comment

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission is proposing to remove the daily limits on speculative trading for all commodities where such limits are now in effect in order to eliminate unnecessary restrictions on the markets and to enhance competition and market liquidity. The Commission has considered these limits, which were generally established prior to the creation of the Commission in 1974, and has concluded that daily trading limits (1) are not necessary to diminish, eliminate or prevent excessive speculation, and (2) may at times impede market liquidity.

DATES: Comments must be received on or before November 21, 1978.

ADDRESS: Comments on the proposal should be sent to: Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT:

Blake Imel, Acting Chief Economist, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, 202-254-6124.

SUPPLEMENTARY INFORMATION: Section 4a(1) of the Commodity Exchange Act, as amended (the "Act"), 7 U.S.C. 6a(1) (1976), expresses a congressional determination that "excessive speculation" in commodity futures traded on contract markets causing sudden or unreasonable price fluctuations or unwarranted price changes is an undue burden on interstate commerce. In order to prevent these adverse effects, section 4a(1) of the Act authorizes the Commission to "fix * * * limits on the amount of trading which may be done or positions which may be held by any person * * * as the Commission finds are necessary to diminish, eliminate or prevent such burden." [1] Pursuant to this section of the Act, Commission rules 150.1(b), 150.2(b), 150.3(b), 150.4(b), 150.5(b), 150.10(b), 150.11(b), and 150.12(b) establish daily limits on speculative trading on a contract market in grains (defined to include oats, barley and flaxseed), cotton, rye, soybeans, eggs, potatoes, corn and wheat, respectively. Speculative position limits in these commodities were also adopted as subsection (a) of rules 150.1, 150.2, 150.3, 150.4, 150.5, 150.10, 150.11 and 150.12, respectively, to establish the maximum net positions a person may hold or control on a contract market.

The authority to fix limits on speculative activities had its origins in the longstanding congressional concern that the grain futures markets were either frequently or severely disrupted by large scale speculation, which involved the accumulation and liquidation of inordinately large positions.[2] When the Commodity Exchange Act was enacted in 1936, Congress empowered the Commodity Exchange Commission to fix limits on the amount of speculative trading that might be done. That Commission construed section 4a(1) to permit it to limit the net long or short positions of traders, as well as the volume of their trading.[3] Accordingly, in 1938 the Commodity Exchange Commission, pursuant to section 4a(1) of the Act, established both trading and position limits for grain futures.[4] On April 21, 1975, when the Commodity Futures Trading Commission was created, trading and position limits were in effect for grains (including wheat), cotton, rye, soybeans, eggs, potatoes, and corn. To date the Commission has maintained these trading and position limits, having amended only the levels specified for wheat.[5] Neither trading nor position limits have been established for any additional commodities.

The Commission has for some time been reviewing the efficacy of both trading and position limits. Among other things the Commission has considered the report of its Advisory Committee on the Economic Role of Contract Markets,[6] reports from its staff, and its own experience with potential and actual market disruptions.

The advisory committee considered the role of speculative trading and position limits and concluded that neither represented very effective regulatory tools. The advisory committee was of the view that the current daily trading limits are a greater threat to market liquidity than position limits. The committee recommended that daily trading limits be substantially liberalized by a conversion to daily limits on net position changes.

The Commission has also reviewed the proceedings which led to the establishment of the current trading and position limits. It appears that the original purpose in the establishment of position and trading limits was to prevent possible market disruptions arising from large positions and position changes effected by speculative traders. There is, however, little or no evidence that the Commodity Exchange Commission was concerned with large individual trading volume which did not result in large position changes. Accordingly, without questioning the initial premise for speculative position limits at this time, it does not appear that daily trading limits are required to diminish, eliminate or prevent "excessive speculation." It may also be that daily trading limits offer a real potential for diminishing market liquidity. Indeed, some profes-

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[1] Section 4a(1) does not require that both speculative trading and position limits be established in the event the Commission finds that one or the other is appropriate. Purchases and sales which fall within the definition of bona fide hedging contained in § 1.3(z) of the Commission's regulations, 17 CFR 1.3(z), as amended, 42 FR 42748 (August 14, 1977), are exempted from application of both the speculative trading and position limits.

[2] See H.R. Rep. No. 421, Accompanying H.R. 6772, 47th Cong., 1st Sess. 1 (1935).

[3] Although the Commodity Exchange Commission construed its authority under section 4a(1) to allow it to set limits on the amount of speculative buying and selling that may be done and on the size of positions that may be held, section 4a(1) specifically referred to "limits on the amount of trading." In 1968, section 4a(1) of the Act was amended to clarify the authority to impose limits on "positions which may be held." Section 4a(1) was also amended to provide that trading done and positions held by two or more persons acting pursuant to an express or implied understanding shall be treated as if done or held by a single person. See Rep. No. 947, 90th Cong., 2d Sess., 5 (1968). See also, Hearings on H.R. 11930 and H.R. 12317 before the House Committee on Agriculture, 90th Cong., 2d Sess. 1967.

[4] 3 FR 3145 (Dec 24, 1938).

[5] Effective August 20, 1976, the trading and position limits for wheat were specified separately from those for grain and raised from 2 million bushels to 3 million bushels (41 FR 35060 (Aug. 19, 1976)).

[6] July 17, 1976. This advisory committee was Chaired by Commissioner Gary L. Seevers.

sional speculative day traders who trade a large number of contracts without ever accumulating a large position may at times be limited in their activities by the current daily trading limits.

The Commission has considered several alternative means of deemphasizing or phasing out daily trading limits. These are: (1) Elimination of daily trading limits, (2) trading limits on intraday time brackets, (3) net daily position-change limits, (4) net daily trading limits, and (5) increasing the current gross daily limits. Alternatives (2) through (5) were each considered to be either too complex, of limited usefulness, and/or difficult to enforce effectively. Accordingly, the Commission believes that the most appropriate course of action is simply to eliminate its present daily trading limits. The Commission is not, however, proposing to alter the current position limits. The Commission understands that removing daily trading limits (with position limits remaining in effect) will allow larger daily position changes than were allowed by the trading limits. The Commission requests comment on its proposal.

In consideration of the foregoing, the Commission, pursuant to the authority contained in sections 4(a) and 8a of the Act, 7 U.S.C. 6a and 12a (1976), proposes to amend part 150 of chapter I of title 17 of the Code of Federal Regulations by deleting paragraph (b) from each of §§ 150.1, 150.2, 150.3, 150.4, 150.5, 150.10, 150.11 and 150.12 and effecting any further technical conforming amendments which are necessary to other paragraphs of those sections.

Issued in Washington, D.C., on September 18, 1978, by the Commission.

GARY L. SEEVERS,
Vice Chairman, Commodity Futures Trading Commission.

[FR Doc. 78-26571 Filed 9-21-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 241 and 249]

[Release No. 34-15159]

LOST AND STOLEN SECURITIES PROGRAM

Extension of Comment Period

AGENCY: Securities and Exchange Commission.

ACTION: Extension of public comment period for advance notice of intent to engage in rulemaking.

SUMMARY: The Commission today extended until October 15, 1978, the public comment period with respect to its advance notice of intent to engage in rulemaking concerning the lost and stolen securities program.

DATES: Comments must be submitted on or before October 15, 1978.

ADDRESSES: Persons wishing to submit written views, data, and comments should file three copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All submissions should refer to file No. S7-611 and will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Gregory C. Yadley, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, 202-376-8129.

SUPPLEMENTARY INFORMATION: In Securities Exchange Act release No. 15015 (July 31, 1978) (43 FR 34790, August 7, 1978), the Commission issued an advance notice of intent to engage in rulemaking and requested public comment with respect to the provisions of 17 CFR 240.17f-1, the operation of the lost and stolen securities program to date, and the redesignation of Securities Information Center, Inc., to maintain and operate the data base of reported missing, lost, counterfeit or stolen securities.

Although the comment period expired on September 8, 1978, it has come to the Commission's attention that certain interested members of the public may require more time to complete their consideration of the advance notice of intent to engage in rulemaking and respond to the Commission's solicitation of comments. The Commission has determined that it is appropriate in the public interest to provide all persons sufficient time to make their views known, and, accordingly, the Commission hereby extends the period for public comment until October 15, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 13, 1978.

[FR Doc. 78-26621 Filed 9-21-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 102]

[Docket No. 75N-0205]

COMMON OR USUAL NAMES FOR VEGETABLE PROTEIN PRODUCTS AND SUBSTITUTES FOR MEAT, SEAFOOD, POULTRY, EGGS, OR CHEESES WHICH CONTAIN VEGETABLE PROTEIN PRODUCTS AS SOURCES OF PROTEIN

Tentative Final Regulation; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Notice of extension of comment period.

SUMMARY: The Food and Drug Administration is extending the comment period for the tentative final regulation establishing common or usual names for vegetabe protein products and for substitutes for meat, seafood, poultry, eggs, or cheeses which contain vegetable protein products as sources of protein. This action is based on requests for an extension. The extension will provide additional time for submitting comments.

DATE: Comments by November 13, 1978.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

L. Robert Lake, Bureau of Foods (HFF-302), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-1254.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issued a tentative final regulation in the FEDERAL REGISTER of July 14, 1978 (43 FR 30472) that would establish common or usual names for vegetable protein products and substitutes for meat, seafood, poultry, eggs, or cheeses which contain vegetable protein products as sources of protein. Interested persons were invited to submit comments on the tentative final regulation by September 12, 1978.

The Commissioner has received written requests for a 60-day extension of the comment period from the Food Protein Council, National Fisheries Institute, Inc., and Booth Fisheries. Copies of these requests are on file

with the hearing clerk, Food and Drug Administration.

Together, the requests for extension assert (1) that new technology may be needed for compliance with some of the nutrient provisions in the tentative final regulation that differ from the proposed provisions but that the comment period provided in the tentative final regulation is inadequate to determine whether the new technology will be successful; (2) that because the comment period runs across the major vacation months, it is difficult to arrange meetings of interested persons in order to review common concerns; and (3) that additional time is needed because of the complexity of the tentative final regulation.

Based upon his consideration of these requests for an extension, the Commissioner is extending the comment period on the tentative final regulation to November 13, 1978.

In addition to the requests for extension cited above, Ralston Purina Co. (in a letter received by the hearing clerk on September 6, 1978 and on file in that office) requested an extension to February 12, 1979 to permit the firm to conduct studies involving the manufacture and testing of experimental products which the firm asserts are necessary to evaluate fully the changes made in the tentative final regulation. A final decision has not been made on Ralston Purina Co.'s request. If any further extension is granted in the matter, notice of the extension will be given in the FEDERAL REGISTER.

Interested persons may, on or before November 13, 1978, submit to the hearing clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments (preferably four copies and identified with the hearing clerk docket number found in brackets in the heading of this ducument) regarding the revisions made to the proposal and issued as part of the tentative final regulation and new developments since the proposal that warrant consideration. Received comments may be seen in the office above from 9 a.m. to 4 p.m., Monday through Friday.

Dated: September 18, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 78-26583 Filed 9-19-78; 10:24 am]

[1505-01]

[21 CFR Parts 182 and 186]

[Docket No. 78N-0152]

HYDROGENATED FISH OIL

Affirmation of GRAS Status as an Indirect Food Ingredient; Correction

Correction

In FR Doc. 78-23158 appearing at page 36644 in the issue for Friday, August 18, 1978 in the paragraphs labeled "Address" and "For Further Information Contact", in the address, "Fishers Land" should read "Fishers Lane".

[4110-03]

[21 CFR Part 546]

[Docket No. 78N-0247]

CHLORTETRACYCLINE-SULFAMETHAZINE TABLETS

Proposed Rulemaking

AGENCY: Food and Drug Administration.

ACTION: Proposal.

SUMMARY: This is a proposal to amend the animal drugs regulations by revoking the certification provisions for chlortetracycline-sulfamethazine tablets. This combination is subject to a notice of opportunity for hearing proposing its withdrawal which is published elsewhere in this issue of the FEDERAL REGISTER.

DATE: Comments by October 23, 1978.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

David Scarr, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: Elsewhere in this issue of the FEDERAL REGISTER, the Director of the Bureau of Veterinary Medicine is issuing a notice of opportunity for hearing on a proposal to withdraw approval of a new animal drug application (NADA 55-025) for Aureomycin Sulmet Oblets which contain 125 milligrams (mg) chlortetracycline in combination with 2.5 grams sulfamethazine and 100 mg nicotinic acid, 62,500 I.U. vitamin A, and 6,250 I.U. vitamin D. The grounds for the proposed withdrawal is that new information, with respect to the drug product, evaluated together with evidence available at the time of its approval, shows there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

Consistent with the proposed withdrawal of NADA 55-025, the Director is proposing to amend the regulations by revoking the certification provision which provides for its use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512, 59 Stat. 463 as amended, 82 Stat. 343-351 (21 U.S.C. 357, 306b)) and under authority delegated to the Commissioner (21 CFR 5.1) and redelegated to the Director (21 CFR 5.84), it is proposed that Part 546 be amended, by revoking § 546.110e chlortetracycline-sulfamethazine tablets.

Interested persons may, on or before October 23, 1978 file with the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments (preferably four copies and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal, except that comments pertaining to issues which are the subject of the related notice of opportunity for hearing published elsewhere in this issue of the FEDERAL REGISTER shall be filed in accordance with that notice. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office between 9 a.m. and 4 p.m. during regular working hours.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: September 11, 1973.

LESTER M. CRAWFORD,
Director, Bureau of Veterinary Medicine.

[FR Doc. 78-26365 Filed 9-21-78; 8:45 am]

[4110-03]

[21 CFR Part 808]

[Docket No. 77N-0333]

HEARING AIDS

Oral Hearing on Proposed Regulation on State Applications for Exemption From Preemption of State and Local Requirements

AGENCY: Food and Drug Administration.

ACTION: Notice of hearing.

SUMMARY: This is an announcement that a public hearing will be held on the proposed rule on State applications for exemptions from preemption of State and local requirements governing the labeling and conditions of sale of hearing aids. In preparing a final regulation, the Commissioner will consider the administrative record of the hearing, along with all comments and other information received.

DATES: Written notices of appearance should be filed by October 10, 1978. The hearing will be held on October 31, 1978, and, if necessary, will continue on November 1, 1978.

ADDRESSES: Written notices of appearance (identified with the docket number found in brackets in the heading of this document) should be sent to the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. The hearing will be held from 9 a.m. to 5 p.m. in Room 727-A, Department of Health, Education, and Welfare, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Joseph M. Sheehan, Bureau of Medical Devices (HFK-70), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7114.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of July 28, 1978 (43 FR 33180), the Commissioner of Food and Drugs published a proposed regulation responding to 19 applications requesting an exemption from federal preemption for certain State and local laws and regulations pertaining to hearing aids, allowing 60 days for comment. To enable expeditious review of any request for an oral hearing, the Commissioner had limited the period for requesting an oral hearing to the first 30 days of the comment period.

In the same issue of the FEDERAL REGISTER, the Commissioner announced an opportunity for interested persons to request an oral hearing on the proposed rule. The announcement explained that interested persons could request an oral hearing on or before August 28, 1978. The Commissioner has received several requests for an oral hearing.

Accordingly, the Food and Drug Administration announces that an oral hearing regarding State and local government applications for exemption from preemption of their laws and regulations governing the labeling and conditions for sale of hearing aids will be held on October 31, 1978, and if necessary to accommodate all those who request to make a presentation, November 1, 1978, from 9 a.m. to 5 p.m. in Room 727-A, Department of Health, Education, and Welfare, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201. The oral hearing will be chaired by David M. Link, Director, Bureau of Medical Devices, Food and Drug Administration.

After reviewing the comments and the notices, the Commissioner will schedule each appearance and notify each person of the time, date, and place of the hearing and the time allotted for each appearance. The procedures to govern the hearing are those applicable to a public hearing before the Commissioner under Part 15 (21 CFR Part 15).

Interested persons who wish to participate may, on or before October 10, 1978, submit a notice of appearance with the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. All notices submitted should be identified with the hearing clerk docket number found in brackets in the heading of this notice and should contain the name, address, telephone number, and any business affiliation of the person desiring to make a presentation, a brief summary of the presentation, and the appropriate time requested for the presentation.

Groups having similar interests are requested to consolidate their comments and present them through a single representative. The Commissioner may require joint presentations by persons with common interests. The Commissioner will allocate the time available for the hearing among the persons who properly file a notice of appearance.

The administrative record of the proposed regulation will be open for 30 days after the hearing to allow comment on matters raised at the hearing.

The notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 521, 90 Stat. 574 (21 U.S.C. 360k)) and under authority delegated to the Commissioner (21 CFR 5.1).

Dated: September 18, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for regulatory Affairs.

[FR Doc. 78-26622 Filed 9-21-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-4536]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Pierce, Weld County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Pierce, Weld County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 240 Main Street, Pierce, Colo. Send comments to: Honorable Benjamin P. Gallatin, Mayor, Town of Pierce, Box 57, Pierce, Colo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Pierce, Colo., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program reg-

ulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Spring Creek.....	Main St., 100 ft upstream of centerline.	5,033
	Corporate limit, 60 ft downstream of centerline of Rowe Ave.	5,040
Spring Creek overflow.	Weld County Rd. 88, 100 ft upstream of centerline.	5,017
	Main St., 100 ft upstream of centerline.	5,037
	Rowe Ave., 150 ft downstream of centerline.	5,044

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: September 13, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-26628 Filed 9-21-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4537]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Cape Coral, Lee County, Florida.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Cape Coral, Lee County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at city hall, 815 Nicholas Parkway, Cape Coral, Fla. Send comments to: Honorable Lyman Moore, Mayor, City of Cape Coral, P.O. Box 900, Cape Coral, Fla. 33904.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Cape Coral, Fla., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodeitic vertical datum
Gulf of Mexico.....	Intersection of Pine Island Rd. and Santa Barbara Blvd.	11
	Intersection of Chiquita Blvd. and Miracle Parkway.	10
	Intersection of Country Club Blvd. and Retunda Parkway.	11
	Intersection of Pelican Blvd. and Gleason Parkway.	10
	Intersection of Tropicana Parkway and Northwest 36th Ave.	10
	Intersection of Diplomat Parkway and Chiquita Blvd.	11
	Intersection of Pine Island Rd. and Nicholas Parkway.	11
	Intersection of Hancock Bridge Parkway and Del Prado Parkway.	11
	Intersection of West Cape Coral Parkway and South Chiquita Blvd.	10
	Junction of Sands Blvd. and West El Dorado Parkway.	11
	Intersection of Cape Coral Parkway and Coronado Parkway.	11

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: September 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-26629 Filed 9-21-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4538]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Lee County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Lee County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Lee County Courthouse, Flood Insurance Office, 2115 Second Street, Fort Myers, Fla. Send comments to: Mr. L. H. Whan, Chairman, Lee County Board of Commissioners, P.O. Box 398, Fort Myers, Fla. 33902.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Lee County, Fla., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Telegraph Creek	State Route 78	11
Orange River	Orange River Blvd	12
	Buckingham Bridge	13
Owl Creek	State Route 78	13
	State Route 31	20
Hickey Creek	Bateman Rd	16
Powell Creek	State Route 78	12
	Valencia Dr	12
Popash Creek	Footbridge	12
Billy Creek	Nuna Ave	7
Imperial River	Matheson Bridge	14
Estero River	U.S. Highway 41	15
	Sandy Lane	15
Daughtrey Creek	Intersection of Williams Rd. and Old Bayshore Rd.	11
Stroud Creek	Footbridge	11
Gulf of Mexico	Intersection of State Highway 76 and State Highway 767.	11
	Intersection of State Highway 867 and Joida Blvd.	11
	Intersection of gladilus Dr. and Bass Rd.	12
	Intersection of State Highway 45 and Daniels Rd.	12
	Intersection of State Highway 865 and Lagoon St.	13
	Intersection of Bunch Beach Rd. and McGregor Blvd.	12
	Intersection of Seaboard Coastline RR and Highlands Ave.	15
	Intersection of Park Rd. and Island Rd.	14
	Intersection of Imperial St. and Carrell Ave.	14
	Intersection of 5th Street and Palm Ave.	10
	Intersection of Gulf Blvd. and Pilot St.	10
	Intersection of State Highway 767 and Charlotte Harbor Dr.	9
	Intersection of State Highway 767 and Bokeelia Rd.	10
	Intersection of State Highway 767 and Trout Rd.	11
	Intersection of State Highway 45 and State Highway 78.	11
	Intersection of State Highway 78 and State Highway 31.	11
	Intersection of State Highway 78 and Cemetery Rd.	12
	Intersection of State Highway 80 and Olga Rd.	11
	Intersection of State Highway 80 and Packing House Rd.	12
	Intersection of Captiva Rd. and Cocoanut St.	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: September 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-26630 Filed 9-21-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4539]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Melbourne Village, Brevard County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Melbourne Village, Brevard County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 533 Hammock Road, Melbourne Village, Fla. 32901. Send comments to: Mayor Grace D. Walker, Town Hall, 533 Hammock Road, Melbourne Village, Fla. 32901

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Melbourne Village, Brevard County, Fla., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change

any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Crane Creek	Western corporate limits.	23
	Live Oak Ave (extended)	24
Channel A	Just downstream of Sheridan Rd.	23
	Northern corporate limits.	24
Channel B	Approximately 600 ft downstream of Live Oak Ave.	25
	Carissa Rd (extended)	26

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: September 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-26631 Filed 9-21-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4541]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Pembroke Park, Broward County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Pembroke Park, Broward County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Town Clerk, Town Hall, 3150 Southwest 52d Avenue, Pembroke Park, Fla. 33023. Send comments to: Mayor Phil Bryan or Mr. Gwitt Wagner, Town Administrator, Town Hall, 3150 Southwest 52d Avenue, Pembroke Park, Fla. 33023.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Pembroke Park, Broward County, Fla., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Desoto Lakes	Intersection of Hallandale Beach Blvd. and East Lake Shore Dr.	10
	Intersection of Southwest 48th Ave. and Hallandale Beach Blvd.	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: September 13, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-26632 Filed 9-21-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4542]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Rockledge, Brevard County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Rockledge, Brevard County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at city hall, P.O. Box 488, Rockledge, Fla. 32955. Send comments to: Mayor John J. Oates, City Hall, P.O. Box 488, Rockledge, Fla. 32955.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insur-

ance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Rockledge, Brevard County, Fla., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Slough C	Between Barton Ave. and north corporate limits.	20
Slough A	East of Murrell Rd	22
	South of Rovac Blvd	22
Slough B	Just west of intersection of Levitt Parkway and Murrell Rd.	23
Channel A	Just upstream of U.S. Highway 1.	16
	Just upstream of confluence of Slough A.	22
St. John's River	Intersection of Basque Dr. and Conquistador Dr.	20
Indian River	At Magruder Dr	5
	Just east of intersection of Rockledge Dr. and Bougainvillea Dr.	5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: September 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-26633 Filed 9-21-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4540]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Winter Park, Orange County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Winter Park, Orange County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at city hall, 401 Park Avenue South, Winter Park, Fla. 32789. Send comments to: Mayor James A. Driver, City Hall, 401 Park Avenue South, Winter Park, Fla. 32789.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Winter Park, Orange County, Fla., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, feet, national geodetic vertical datum
Lake Osceola	Entire shoreline	68
Lake Maitland	do	68
Lake Virginia	do	68
Lake Berry	do	72
Lake Mizell	do	68
Lake Killarney	Western corporate limits.	85
Lake Corrine	Southern corporate limits.	95
Lake Spier	do	95
Lake Sylvan	Entire shoreline	75
Lake Knowles	do	80
Lake Wilbar	do	87
Lake Chelton	do	84
Lake Midget	At North Kentucky Ave.	92
Lake Sue	Just west of the intersection of Fawsett Rd. and Dana Way.	75
Stream A	Just upstream of Pennsylvania Ave.	74
	Just upstream of Stirling Ave.	71
Howell Creek	Just downstream of Temple Trail.	64

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: September 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-26634 Filed 9-21-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4543]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Bannock County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Bannock County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Bannock County Courthouse, Pocatello, Idaho. Send comments to: Mr. Wayne Hall, Chairman, Bannock County Commissioners, Bannock County Courthouse, Pocatello, Idaho 83201.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Bannock County, Idaho, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Portneuf River	Cheyenne Street—100 ft*.	4,465
	Confluence with Mink Creek.	4,485
	Fort Hall Mine Rd.—100 ft*.	4,492
	Union Pacific RR. (downstream crossing)—50 ft*.	4,516
	I-15—centerline	4,530
	Confluence with Robbers Roost Creek.	4,646
	U.S. Highway 91—centerline.	4,720
	North St.—centerline	4,762
	Confluence with Dempsey Creek.	4,959
	U.S Highway 30 (upstream crossing)—centerline.	5,085
Pocatello Creek	Corporate Limits—downstream.	4,685
	Confluence with North Fork Pocatello Creek.	4,865
North Fork Pocatello Creek.	South Fork Pocatello Creek Rd.—30 ft*.	4,870
Gibson Jack Creek	Bannock Highway—access road—, centerline.	4,541
Mink Creek	Bannock Highway—10 ft*.	4,523
Fort Hall Mine Creek.	Private road—centerline	4,640
Rapid Creek	Jackson Creek Rd.—centerline.	4,626
	Confluence with Shaw Creek.	4,718
	Rapid Creek Rd.—75 ft*.	4,920
	Confluence with North Fork Rapid Creek.	5,061
North Fork Rapid Creek.	Hoot Owl Rd.—25 ft*	5,064
	Rapid Creek Road (downstream crossing)—50 ft*.	5,178
	Rapid Creek Rd. (upstream crossing)—50 ft*.	5,386
West Fork Rapid Creek.	Confluence with North Fork Rapid Creek.	5,061
	Private road (upstream crossing)—10 ft*.	5,354
Marsh Creek	Confluence with Portneuf River.	4,527
	Confluence with Walker Creek.	4,563
	Merrell Rd.—25 ft*	4,598
	Goodenough Rd.—100 ft downstream of centerline.	4,613
	Goodenough Rd. 25 ft*	4,621
	Robin Rd.—centerline	4,622
Walker Creek	Marsh Creek Rd.—20 ft*	4,614
Bell Marsh Creek	Marsh Creek Rd.—20 ft*	4,628
Unnamed tributary to Marsh Creek.	Marsh Creek Rd.—10 ft*	4,675
Dry Canyon Creek	Marsh Creek Rd.—40 ft*	4,729
Goodenough Creek.	Confluence with Rowe Creek.	4,699
Cottonwood Creek	Marsh Creek Rd.—15 ft*	4,682
Birch Creek	Robin Rd.—10 ft*	4,634
	Marsh Creek Rd.—60 ft*	4,688
	Preslar Rd.—25 ft*	4,761
Ellis Creek	Preslar Rd.—centerline	4,742

*Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: September 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-26635 Filed 9-21-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4544]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Lava Hot Springs, Bannock County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Lava Hot Springs, Bannock County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Lava Hot Springs, Idaho. Send comments to: Honorable Mark Campbell, Mayor, City of Lava Hot Springs, P.O. Box 187, Lava Hot Springs, Idaho 83246.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line, (800) 424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Lava Hot Springs, Idaho, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968

(Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, feet, national geodetic vertical datum
Portneuf River	Center St. 75 ft*	4994
	Main St.-30 ft*	5005
	U.S. Highway 30-centerline.	5085

*Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: September 13, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-26636 Filed 9-21-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4545]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Crest Hill, Will County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Crest Hill, Will County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Crest Hill, Ill. Send comments to; The Honorable Frank Borio, Mayor, City of Crest Hill, 2101 Oakland Avenue, Joliet, Ill. 60435.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Crest Hill, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Des Plaines River	South corporate limit	545
	North corporate limit	548
Tributary A Des Plaines River.	Des Plaines River mouth.	
	1,200 ft. above mouth	566
	350 ft upstream of State Route 53.	575
	Just upstream of Elgin, Joliet and Eastern Ry.	581
	950 ft upstream of Elgin, Joliet and Eastern Ry.	582
	5,000 ft upstream of Elgin, Joliet and Eastern Ry.	590
Rock Run	South corporate limit	583
	520 ft downstream of U.S. Route 30.	584
	330 ft downstream of U.S. Route 30.	586
	300 ft downstream of U.S. Route 30.	590
	Just downstream of Weber Rd.	590
	1,130 ft upstream of Weber Rd.	591
	2,770 ft upstream of Weber Rd.	596
	Just downstream of pedestrian bridge near Willowbridge Rd.	617
	100 ft downstream of Willowbridge Rd.	625
	South corporate limit	626
Tributary A Rock Run.	Confluence with Rock Run.	591
	800 ft upstream of confluence with Rock Run.	591
	1,600 ft upstream of confluence with Rock Run.	599
	Just upstream of Weber Rd.	615
	South corporate limit	615

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: September 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-26637 Filed 9-21-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4546]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Midlothian, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Midlothian, Cook County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or

remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Village Hall, Midlothian, Ill. Send comments to: Honorable Harry Raday, Mayor of Midlothian, 14801 South Pulaski Street, Midlothian, Ill. 60445.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the village of Midlothian, Cook County, Ill., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Midlothian Creek..	Upstream corporate limits.	628
	Crawford Ave. and 149th St. (upstream).	620
	147th St. (upstream).....	615
	Downstream corporate limits.	608
Natalie Creek.....	Upstream corporate limits.	634
	149th St. (upstream).....	633
	Kilpatrick Ave. (upstream).	632
	147th St. (upstream).....	627
	Kostner Ave. (upstream)	622
	Keeler Ave. (upstream)..	619

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: September 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-26638 Filed 9-21-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4547]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Willow Springs, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Willow Springs, Cook County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Willow Springs Village Hall, 8480 Archer Avenue, Willow Springs, Ill. 60480. Send comments to: Honorable Richard J. Dombrowski, Mayor of Willow Springs, 8480 Archer Avenue, Willow Springs, Ill. 60480.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the village of Willow Springs, Cook County, Ill. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Des Plaines river...	Downstream corporate limits at Will County and village of Willow Springs.	596
	Willow Springs Rd	597
	Tri-State Tollway.....	597
	U.S. Routes 12, 20, 45	598
	Upstream corporate limits at Willow Springs and Hodgkins.	598
Flag Creek.....	Downstream corporate limit at Cook County and Willow Springs.	610
	German Church Rd.....	618
	Corporate limit 650 ft upstream of German Church Rd.	619
	Corporate limit 1,050 ft upstream of German Church Rd.	620
	Corporate limit 1,200 ft upstream of German Church Rd.	621
Tributary to Illinois and Michigan Canal.	Confluence with Illinois and Michigan Canal.	584
	Illinois Central Gulf RR	587
	Archer Ave.....	615

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Upstream corporate limits of Willow Springs and Cook County.	620

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: September 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-26639 Filed 9-21-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4548]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Elkhart, Elkhart County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Elkhart, Elkhart County, Ind. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, 229 South Second Street, Elkhart, Ind. 46514. Send comments to: Mayor Peter Sarantos or Mr. Mitch Seever, City Planner, Municipal Building, 229 South Second Street, Elkhart, Ind. 46514.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Elkhart, Elkhart County, Ind., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Joseph River	Just upstream Napanee St.	722
	Just upstream Sherman St.	728
	Marguerite Ave. (extended).	745
Elkhart River	Approximately 300 ft upstream Prairie St. bridge.	735
	Just upstream Middlebury St. bridge.	740
Christiana Creek	Approximately 250 ft upstream Cassopolis St.	737
	Just upstream Bristol St	751
Peterbaugh Creek	Approximately 100 ft upstream Greenleaf Blvd. bridge.	746
	Just downstream Sellers Ct bridge.	750
	Just upstream Sellers Ct bridge.	753
Yellow River	Just downstream southern corporate limits.	749

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: September 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-26640 Filed 9-21-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4549]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Goshen, Elkhart County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Goshen, Elkhart County, Ind. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Goshen City Hall, 11 East Jefferson, Goshen, Ind. 46526. Send comments to: Honorable Steven Chisak, Mayor of Goshen, 11 East Jefferson, Goshen, Ind. 46526.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Goshen, Elkhart County, Ind., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 2001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures re-

quired by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Elkhart River	Downstream corporate limits.	772
	Upstream confluence of Rock Run.	780
	Upstream Shawklin Park Bridge.	783
	Downstream Goshen Dam.	787
	Upstream Goshen Dam	796
	Upstream corporate limits.	796
Rock Run Creek	Upstream Wilden Ave	785
	Upstream 5th St	789
	Upstream Cottage Ave	793
	Upstream Monroe St	798
	Upstream corporate limits.	800

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: September 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-26641 Filed 9-21-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4550]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Parsons, Labette County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Parsons, Labette County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Engineer's Office, Municipal Building, Parsons, Kans. Send comments to: Mr. Dick Williams, City Manager, City of Parsons, Municipal Building, Parsons, Kans. 67357.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202–755–5581 or toll-free line 800–424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Parsons, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Labette Creek	0.5 mi downstream of Southern Ave.	867
	Just downstream of St. Louis-San Francisco Ry.	869
	Just downstream of Marvel Park Rd.	872
	Just upstream of Main St.	873
	Just upstream of 10th St.	876
	Just upstream of 16th St.	880
	Just upstream of 21st St..	887
Railroad Drain	Just upstream of confluence with Labette Creek.	880
	Just upstream of Lincoln St.	881
	Just upstream of 21st St..	882
	Just upstream of 22d St.	885
	500 ft upstream of 22d St.	889
Oakwood Creek	Just upstream of confluence with Labette Creek.	871
	Just upstream of Leawood Rd.	874
	Just upstream of Main St.	892
	Just upstream of county road.	893
Little Labette Creek.	Just upstream of Missouri-Kansas-Texas RR.	868
	Just upstream of 16th St.	872
	Just downstream of Missouri-Kansas-Texas RR.	874
	Just upstream of 21st St..	878
	Just upstream of 32d St.	879
	Just downstream of southwest corporate limits.	881
37th St. drain	West corporate limit	886
	Just upstream of Main St.	889
Glenwood Creek	Just upstream of confluence with Little Labette Creek.	874
	Just upstream of Southern Ave.	877
	Just upstream of 24th St.	878

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: September 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-26642 Filed 9-21-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4551]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Frostburg, Allegany County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Frostburg, Allegany County, Md. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Frostburg Municipal Building, 37 Broadway Street, Frostburg, Md. 21532. Send comments to: Honorable David M. Linn, Mayor of Frostburg, Frostburg Municipal Building, 37 Broadway Street, Frostburg, Md. 21532.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Frostburg, Allegany County, Md., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
George's Creek	70 ft downstream of corporate limits.	1,884
	Downstream of Grant St.	1,886
	Green St.	1,890
	Upstream corporate limits.	1,896
	600 ft upstream of corporate limits.	1,900
Sand Spring Run	350 ft downstream of Braddock Rd.	1,869
	Braddock Rd. (upstream side).	1,878
	Footbridge (upstream side).	1,887
	450 ft upstream of footbridge.	1,895
	Campus Loop Rd. (downstream side of culvert).	1,902
	Campus Loop Rd. (upstream side of culvert).	1,910
	300 ft upstream of Campus Loop Rd.	1,921
	850 ft upstream of Campus Loop Rd.	1,932
	1,100 ft upstream of Campus Loop Rd.	1,939
	Lower Console Rd. (upstream side).	1,953
	300 ft upstream of Lower Console Rd.	1,959
	635 ft upstream of Lower Console Rd.	1,969
	935 ft upstream of Lower Console Rd.	1,980
	Upper Console Rd. (downstream side).	2,001
	Upper Console Rd. (upstream side).	2,007
	420 ft upstream of Upper Console Rd.	2,013
	630 ft upstream of Upper Console Rd.	2,021
	880 ft upstream of Upper Console Rd.	2,033
	1,180 ft upstream of Upper Console Rd.	2,045
	1,440 ft upstream of Upper Console Rd.	2,055
	1,700 ft upstream of Upper Console Rd.	2,072
	Private drive (upstream side).	2,072
	300 ft upstream of private drive.	2,080
	600 ft upstream of private drive.	2,090
	Wenks Lane (downstream side).	2,104
	Wenks Lane (upstream side).	2,108
	Footbridge (upstream side).	2,114
	110 ft upstream of footbridge.	2,120

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: September 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-26643 Filed 9-21-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4552]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Loch Lynn Heights, Garrett County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Loch Lynn Heights, Garrett County, Md. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Loch Lynn Heights Town Hall, Loch Lynn Heights, Md. Send comments to: Honorable Charles H. Tressler, Mayor of Loch Lynn Heights, 1610 Route 135, Mountain Lake Park, Md. 21550.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Loch Lynn Heights, Garrett County, Md., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Youghiogheny River.	Upstream corporate limits.	2,392
	Downstream corporate limits.	2,391

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: September 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-26644 Filed 9-21-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4553]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Luke, Allegany County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Luke, Allegany County, Md. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Council Chambers, Luke City Hall, Luke, Md. 21540. Send comments to: Hon. James T. Warnick, Mayor of Luke, Grant Street, Box 7, Luke, Md. 21540.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Luke, Allegany County, Md., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Branch Potomac River.	Downstream corporate limits.	930
	.....	
	(Old) Cromwell St	
	931	
	West Vaco conveyor	946
	West Maryland railroad sliding.	952
	West Vaco Dam	953
	Upstream corporate limits.	969

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: September 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-26645 Filed 9-21-78; 8:45 am]

[1505-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Treatment of Losses From Certain Guarantee Agreements

Correction

In FR Doc. 78-25973, appearing at page 41237 in the issue of Friday, September 15, 1978, the third line of the "Dates" paragraph should read, "[de-]livered by November 14, 1978. The amend-[ments]".

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 761]

[FRL 971-8]

POLYCHLORINATED BIPHENYLS (PCB'S)

Manufacturing, Processing, Distribution in Commerce, and Use Bans

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: As a result of granting two requests for cross-examination of a participant in the informal hearing to be held on September 26, 1978 on

the PCB ban rule, EPA is extending the period for reply comments.

DATE: Reply comments due on October 10, 1978.

ADDRESS: Send reply comments to: Office of Toxic Substances (TS-794), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attention: Joni T. Repasch.

FOR FURTHER INFORMATION CONTACT:

Peter P. Principe, Office of Toxic Substances (TS-794), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone 202-755-0920.

SUPPLEMENTARY INFORMATION: EPA has granted two requests for cross-examination of a participant in the informal hearing on the proposed PCB ban rule (43 FR 24802). These requests were made by the Edison Electric Institute and the Electronic Industries Association. Both organizations requested permission to cross-examine Versar, Inc., which produced the report "Microeconomic Impacts of the Proposed 'PCB Ban Regulations'" under contract to EPA. The cross-examination will be held on September 26, 1978, beginning at 1 p.m. in room 3906, at EPA Headquarters, 401 M Street SW., Washington, D.C.

As a result of these requests for cross-examination and pursuant to section 750.4(b) of the procedures for rulemaking under section 6 of the Toxic Substances Control Act (42 FR 61259, Dec. 2, 1977), reply comments will now be due October 10, 1978, 2 weeks after the completion of cross-examination. Any person, including those who may already have filed reply comments, may submit reply comments, or further reply comments, by October 10, 1978.

Dated: September 18, 1978.

JOHN P. DEKANY,
Acting Assistant Administrator for Toxic Substances.

[FR Doc. 78-26698 Filed 9-21-78; 8:45 am]

[6820-38]

GENERAL SERVICES ADMINISTRATION

[41 CFR Part 105-64]

REGULATIONS IMPLEMENTING THE PRIVACY ACT OF 1974

Exemption of Records System

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration proposes to amend 41 CFR Part 105-64 to exempt criminal investigation case files in the system of records GSA/ADM-24, Investigation and Personnel Security Case Files, from the provisions of the Privacy Act with certain exceptions, and to make other editorial changes. These changes are necessary to maintain the efficiency and integrity of investigations conducted by GSA.

DATE: Comments must be received by October 23, 1978.

ADDRESSES: Address comments to: General Services Administration (LR), Washington, D.C. 20405. Copies of all written comments received will be available for examination by interested persons in room 3101 of the GS building, 18th and F Streets NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Ms. Rebecca Thompson, Administration and Records Division, Office of General Counsel, 202-566-1460.

SUPPLEMENTARY INFORMATION: In the 1977 annual publication of systems of records GSA/ADM-24, Investigation and Personnel Security Case Files, was revised to cover the complete civil, criminal, and administrative actions being performed by the Office of Investigations. Some of these activities were previously performed by the Federal Protective Service and were included as part of the system of records GSA/PBS-3, Incident Reporting System. A general exemption for criminal investigation case files in the system of records GSA/PBS-3 was contained in 41 CFR 105-64.601. The system of records notice for GSA/PBS-3 also cited the general exemption when the system of records GSA/ADM-24 was revised to cover these criminal investigation case files, a corresponding revision to 41 CFR 105-64.601 inadvertantly was not made. This proposed amendment will correct the omission. In addition to the proposed correction to § 105-64.601, GSA proposes to amend the following sections:

a. In the second sentence of § 105-64.302-3, "any other requester" will be changed to "any requester" to clarify the intent of waiving the fee requirement.

b. Sections 105-64.501 and 105-64.502 will be revised to delete the requirement for submission of GSA Form 3284, System of Records Covered by the Privacy Act of 1974, because this form is obsolete.

c. Subsection 105-64.602-2 will be deleted. This subsection pertains to specific exemptions for the system of records GSA/OAD-20, Test Material. This system of records is being deleted from the GSA systems of records notices because the system of records is covered by and duplicative of a U.S. Civil Service Commission system of records.

It is proposed to amend Part 105-64 as follows:

PART 105-64—REGULATION IMPLEMENTING THE PRIVACY ACT OF 1974

The table of contents for Part 105-64 is amended by deleting two entries as follows:

Sec.
105-64.602-1 [Deleted.]
105-64.602-2 [Deleted.]

Subpart 105-64.3—Individual Access to Records

Section 105-64.302-3 is revised to read as follows:

§ 105-64.302-3 Waiver of fee.

The system manager shall make one copy of a record, up to 50 pages, available without charge to a requester who is an employee of GSA. The system manager may waive the fee requirement for any requester if the cost of collecting the fee is an unduly large part of, or greater than, the fee, or when furnishing the record without charge conforms to generally established business custom or is in the public interest.

Subpart 105-64.5—Report on New Systems and Alter of Existing Systems

1. Section 105-64.501 is revised to read as follows:

§ 105-64.501 Reporting requirement.

(a) No later than 90 calendar days prior to the establishment of a new system of records, the prospective system manager shall notify the Controller-Director of Administration of the proposed new system. The prospective system manager shall include with the notification a complete description and a justification for each system of records that the system manager proposes to establish. If the Controller-Director of Administration determines that the establishment of the proposed system is in the best interest of the Government, the Controller-Director of Administration will submit, no later than 60 calendar days prior to the establishment of that system of records, a report of the proposal to the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget for their evaluation of the probable or potential effect of that proposal on the privacy and other personal or property rights of individuals.

(b) No later than 90 calendar days prior to the alteration of a system of records, the system manager responsible for the maintenance of that system of records shall notify the Controller-Director of Administration of

the proposed alteration. The system manager shall include with the notification a complete description and a justification for each system of records that the system manager proposes to alter. If the Controller-Director of Administration determines that the proposed alteration is in the best interest of the Government, the Controller-Director of Administration shall submit, no later than 60 calendar days prior to the establishment of that alteration, a report of the proposal to the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget for their evaluation of the probable or potential effect of that proposal on that privacy and other personal or property rights of individuals.

(c) The reports required by this regulation are exempt from reports control.

2. Section 105-64.502 is revised to read as follows:

§ 105-64.502 Federal Register notice of establishment of new system or alteration of existing system.

The Controller-Director of Administration shall publish in the FEDERAL REGISTER a notice of the proposed establishment or alteration of a system of records when:

(a) The Controller-Director of Administration receives notice that the Senate, the House or Representatives, and the Office of Management and Budget do not object to the establishment of a new system of records or to the alteration of an existing system of records, or

(b) No fewer than 30 calendar days elapse from the date of submission of the proposal to the Senate, the House of Representatives, and the Office of Management and Budget without receipt by the Controller-Director of Administration of an objection to the proposal.

Subpart 105-64.6—Exemptions

1. Section 105-64.601 is revised to read as follows:

§ 105-64.601 General exemptions.

The following systems of records shall be exempt from all provisions of the Privacy Act of 1974 with the exception of subsections (b); (c) (1) and (2); (e)(4) (A) through (F); (e) (6), (7), (9), (10), and (11); and (i) of the act:

(a) Incident Reporting System GSA/PBS-3.

(b) Investigation and Personnel Security Case Files GSA/ADM-24.

The system of records GSA/PBS-3 and the criminal investigation case files of the system of records GSA/ADM-24 are exempt to the extent that information in the system pertains to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals; to the activities of prosecutors, courts, and correctional, probation, pardon, or parole authorities; and to (1) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (2) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, that is associated with an identifiable individual; or (3) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws, from arrest or indictment through release from supervision. These systems are exempted to maintain the efficacy and integrity of the Federal Protective Service and the GSA Office of Investigations law enforcement function.

2. Section 105-64/602-1 is deleted and made part of § 105-64.602. As revised, § 105-64.602 reads as follows:

§ 105-64.602 Specific exemptions.

The following systems of records shall be exempt from subsections (c)(3); (d); (e)(1); (e)(4) (G), (H), and (I); and (f) of the Privacy Act of 1974:

(a) Incident Reporting System GSA/PBS-3.

(b) Investigation and Personnel Security Case Files GSA/ADM-24.

The systems are exempt (1) to the extent that the systems consist of investigatory material compiled for law enforcement purposes; however, if any individual is denied any right, privilege, or benefit to which the individual would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnish information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence and (2) to the extent the systems consist of investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence. The systems have been exempted to maintain the efficacy and integrity of lawful investigations conducted pursuant to the GSA Federal Productive Service and Office of Investigations law enforcement responsibilities and responsibilities in the areas of Federal employment, Government contracts, and access to security classified information.

§ 105-64.602-1 [Deleted]

§ 105-64.602-2 [Deleted]

3. Sections 105-64.602-1 and 105-64.602-1 are deleted.

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); 88 Stat. 1897; 5 U.S.C. 552a.)

Dated: September 6, 1978.

ALLIE B. LATIMER,
General Counsel.

[FR Doc. 78-26665 Filed 9-21-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 33237]

CALIFORNIA-ARIZONA LOW FARE ROUTE PROCEEDING

Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled proceeding previously noticed to be held on October 31, 1978 (43 FR 41419, September 18, 1978) is postponed to November 7, 1978. The only change is in the date of the prehearing conference which will be held at 10 a.m. in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C.

Parties and interested persons are directed to the previous notice for detailed procedural information.

Dated at Washington, D.C., September 18, 1978.

FRANK M. WHITING,
Administrative Law Judge.

[FR Doc. 78-26689 Filed 9-21-78; 8:45 am]

[6320-01]

[Docket 31976]

CALIFORNIA-FLORIDA LOW FARE CASE

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on October 31, 1978, at 10 a.m., local time, in room 1003, Hearing Room B, 1875 Connecticut Avenue NW., Washington, D.C. 20428.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on March 23, 1978, and other documents which are in the docket of this proceeding on file in the docket section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 14, 1978.

ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc. 78-26566 Filed 9-21-78; 8:45 am]

[6320-01]

[Docket 33019]

CHICAGO-MIDWAY EXPANDED SERVICE PROCEEDING

Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference in this proceeding, now scheduled to be held September 26, 1978 (43 FR 34513, Aug. 4, 1978), is hereby postponed until further notice.

Dated at Washington, D.C., September 15, 1978.

RONNIE A. YODER,
Administrative Law Judge.

[FR Doc. 78-26568 Filed 9-21-78; 8:45 am]

[6320-01]

[Docket 33091]

FLORIDA SERVICE CASE

Further Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on October 4, 1978 (43 FR 36499, Aug. 17, 1978; 43 FR 40254, Sept. 11, 1978), is hereby further postponed to October 11, 1978, at 10 a.m., local time, in Room 1003, Hearing Room A, Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., September 15, 1978.

WILLIAM H. DAPPER,
Administrative Law Judge.

[FR Doc. 78-26569 Filed 9-21-78; 8:45 am]

[6320-01]

[Docket 32126]

TWIN CITIES-KANSAS CITY-OKLAHOMA-TEXAS ROUTE PROCEEDING

Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on October 3, 1978 (43 FR 35090, Aug. 8, 1978), is postponed to October 10, 1978, at 10 a.m., local time, and will be held in Room 1003, Hearing Room D, Universal Building, 1875 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., September 18, 1978.

ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc. 78-26567 Filed 9-21-78; 8:45 am]

[6335-01]

COMMISSION ON CIVIL RIGHTS

ILLINOIS 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 Illinois Advisory Committee (SAC) of the Commission will convene at 10 a.m. on October 16, 1978, 230 South Dearborn Street, Room 3280, Chicago, Ill. 60604.

Persons wishing to attend this open meeting should contact the Committee chairperson, or the midwestern regional office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Ill. 60604.

The purpose of this meeting is to report on the Decatur education workshop; discussion and nominations for new membership; discussion and preplanning for the employment status of minority women in the Federal Government proposed project; and update on the Chicago school desegregation plan.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., September 19, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-26647 Filed 9-21-78; 8:45 am]

[6325-01]

CIVIL SERVICE COMMISSION

ESTABLISHMENT OF NEW REQUIREMENTS FOR PROMOTION AND INTERNAL PLACEMENT

Comments Solicited

AGENCY: Civil Service Commission.

SUMMARY: Notice is given that the Civil Service Commission is soliciting

comments from interested parties on the revised text of a new Federal Personnel Manual Chapter 335: Promotion and Internal Placement. The new chapter is designed to reduce Commission requirements to the minimum needed to assure fair and systematic consideration for promotion, while broadening agency flexibility to develop and negotiate their own procedures where governmentwide uniformity is not essential.

BACKGROUND: Since 1973 agencies have had the option of operating their promotion programs under 10 basic requirements in subchapter 2 of the present chapter or under the more detailed instructions in the chapter as a whole. In the new chapter, outlined below, agencies will be subject to a single set of five requirements, and extensive guidance now contained in four existing subchapters will be dropped. The five requirements are modeled after the five requirements recommended by the personnel management project task force.

Aside from the five requirements, the chapter will contain an introductory section on the objectives of the program and its coverage, a special supplement on evaluation procedures which references the recently issued Uniform Guidelines on Employee Selection Procedures, and an appendix listing generally regulatory provisions.

DATE: Comments must be received by October 23, 1978. (Executive Order 12044 of March 23, 1978, requires that the public be allowed 60 days in which to comment on FEDERAL REGISTER notices involving proposed and final rulemaking. Since this notice involves neither of these, the 60-day period does not apply.)

ADDRESS: Submit comments to: Office of Staffing Policies, Room 6525, Bureau of Recruiting and Examining, United States Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT:

Morton I. Horvitz, 202-632-6817.

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

FEDERAL PERSONNEL MANUAL

Chapter 335

PROMOTION AND INTERNAL PLACEMENT

This chapter covers subjects relating to the assignment of an employee within the same agency, particularly selection for such assignment. The instructions in this chapter are augmented by Appendix A, General Regulatory Provisions and Corrective Action Procedures, and FPM Supplement 335-1, Evaluation of Employees for Promotion, together with two appendices to this Supplement.

CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

1-1. Introduction.
1-2. Definitions.
1-3. Goals of a merit promotion program.
1-4. Merit promotion requirements.
1-5. Merit promotion plans.
1-6. Covered and excepted personnel actions.
1-7. Grievances.

For related information on	*See*
Text of pertinent laws, rules, and regulations.	Supplement 990-1.
Processing promotions, demotions, and reassignments.	Supplement 296-31.
Evaluating employees, including use of written tests.	Supplement 335-1.
Age limits	Chapter 338.
Details	Chapter 300.
Equal employment opportunity.	Chapter 713.
Evaluation of education and experience.	Chapter 337.
Examinations	Chapter 337.
Executive development agreements.	Chapter 412.
Executive staffing	Chapter 305.
Grievance procedures	Chapter 771.
Obligated positions	Chapter 300.
Physical standards	Chapter 339.
Qualification standards	Chapter 338.
Restriction of positions to preference eligibles.	Chapter 330.
Suitability	Chapter 731.
Supervisory training	Chapter 410.
Time-after-competitive-appointment restriction.	Chapter 330.
Time-in-grade restriction	Chapter 300.
Training agreements	Chapter 271.
Written tests	Chapter 338.

1-1. INTRODUCTION

Section 335.103 of part 335 of the Commission's regulations requires each agency to adopt and administer a "program designed to insure systematic means of selection for promotion according to merit." The Federal merit promotion policy outlined in this chapter provides the means for insuring that agencies meet this requirement.

This chapter contains basic requirements for developing and administering a merit promotion program. It is designed to allow management the flexibility to negotiate with labor organizations under the provisions of the Federal labor-management program, and to enable agencies to devise and operate staffing procedures that are responsive to their needs.

1-2. DEFINITIONS

A. A position change is a promotion, demotion, or reassignment made during an employee's continuous service within the same agency. A position change by any of these methods may also involve a change of official headquarters or post of duty within the agency. (General regulatory provisions are contained in app. A.)

B. A promotion is the change of an employee to a position at a higher grade level within the same job classification system and pay schedule or to a position with a higher rate of basic pay in a different job classification system and pay schedule.

C. Demotion is the change of an employee to a lower grade when both the old and the new positions are under the general schedule, or under the same type graded wage schedule, or to a position with a lower rate of pay when both the old and new positions are under the same type ungraded wage schedule or in different pay-method categories.

D. Reassignment is the change of an employee from one position to another, without promotion or demotion.

E. The area of consideration is the area in which the agency makes an intensive search for eligible candidates in a specific promotion action. The minimum area of consideration is the area designated by the promotion plan in which the agency should reasonably expect to locate enough highly qualified candidates to fill vacancies in the position covered by the plan. (When the minimum area of consideration produces enough highly qualified candidates and the agency therefore does not make an intensive search in a broader area, the minimum area of consideration and the area of consideration are the same.)

F. Qualified candidates are those who meet or exceed the Commission's qualification standard for the position, with proper consideration for a given plan's procedural requirements.

(2) Best qualified candidates are measured against other candidates. They are qualified candidates who rank at the top when compared with other eligible candidates for a position. A reasonable number of the best qualified candidates are referred for selection.

(3) Selective factors are knowledge, skills, or abilities that are essential for satisfactory performance on the job and represent an addition to the basic standard for a position. The following are examples of appropriate selective factors for determining eligibility when the factors are essential for successful job performance.

(a) Ability to speak, read, and/or write a language other than English.

(b) Knowledge and abilities pertaining to a certain program or mission, when these cannot readily be acquired after promotion.

(c) Ability in a functional area (for example, ability to evaluate alternative ADP systems).

1-3. GOALS OF A MERIT PROMOTION PROGRAM

Agency programs must be developed with following goals in mind:

a. To provide a method by which agencies may meet their internal staffing needs.

b. To enhance organizational effectiveness by assuring that internal competitive actions are made by selection from among the available candidates who are most capable of performing the duties of the positions to be filled.

c. To give employees an opportunity to receive fair and appropriate consideration for advancement and developmental opportunities.

d. To provide incentive for employees to improve their performance and develop their knowledge, skills, and abilities.

e. To provide a proper balance between maximum utilization of an agency's employees and the infusion of new talent.

f. To assure that promotions are made only when there is an actual need for performance of higher level duties and only when an employee has the ability to perform at a higher level.

g. To foster employee understanding of and confidence in the agency's employee utilization policies.

1-4. MERIT PROMOTION REQUIREMENTS

REQUIREMENT 1

Each agency will establish procedures for promoting employees which are based on merit and are available in writing to candidates. Agencies must list appropriate exceptions, including those required by law or regulation (see 1-6).

REQUIREMENT 2

The scope and nature of competition will include areas of consideration sufficiently broad to insure the availability of high quality candidates. The area of consideration must take into account the nature and level of the positions covered. Agencies must also insure that employees absent on detail, on leave at training courses, in the military service, for service in public international organizations or on Intergovernmental Personnel Act Assignments receive appropriate consideration for promotion.

REQUIREMENT 3

To be eligible for promotion or placement, candidates must meet the minimum qualification standards prescribed by the Commission. Methods of evaluation for promotion and placement, and selection for training which leads to promotion, must be consistent with instructions in FPM supplement 335-1. Due weight shall be given to performance appraisals and incentive awards.

REQUIREMENT 4

Selection methods will provide for management's right to select or not select from among a group of best qualified candidates. They will also provide for management's right to select from other appropriate sources, such as reemployment priority lists, reinstatement or transfer eligibles, eligibles for handicapped or veterans readjustment appointments or those within reach on an appropriate Commission certificate. In deciding which source to use, agencies have an obligation to determine which is most likely to best meet the agency mission objectives, contribute fresh ideas and new viewpoints and meet the agency's affirmative action goals.

REQUIREMENT 5

Administration of the promotion system will include recordkeeping and the provision of necessary information to employees and the public, insuring that individuals' rights to privacy are protected. Each agency must maintain a temporary record of each promotion sufficient to allow reconstruction of the promotion action, including documentation on how candidates were rated and ranked. These records may be destroyed after 1 year or after the program has been formally evaluated by the Commission (whichever comes first) if the time limit for grievance has lapsed before the anniversary date.

1-5 MERIT PROMOTION PLANS

a. Responsibility for promotion plans. The agency headquarters is responsible for insuring that:

(1) There is a merit promotion plan covering all positions to which promotion is made;

(2) The agency's merit promotion plans operate compatibly with each other; and

(3) The Commission's requirements are met.

b. Coverage of merit promotion plans. (1) A merit promotion plan establishes the procedures and practices for filling specified types of positions. The number of plans will be determined by such factors as position groupings and location.

(2) A plan must be appropriate for all the positions covered. It may be necessary, for example, to develop a specific plan for coverage of positions at GS-16, GS-17, and GS-18, under the Executive Assignment System (ch. 305 and FPM supp. 305-1).

1-6 COVERED PERSONNEL ACTIONS

The competitive procedures of the plans developed under the merit promotion program of an agency apply to all promotions made under § 335.102 of the civil service regulations and to the following actions:

(1) Temporary promotions. Competitive inservice procedures must be used for temporary promotions over 120 days in higher graded positions (prior service under all details to higher graded positions or temporary promotions included whether competitive or noncompetitive during the preceding 12 months).

(i) Conditions for making temporary promotions:

(A) Temporary promotions must be for a definite period of 1 year or less, but may be extended for a definite period not to exceed 1 additional year (sec. 335.102(f)).

(B) The Commission may authorize a temporary promotion for a longer period than 2 years when it finds the needs of the service require it. Requests for prior approval must be sent to the Commission's Bureau of Recruiting and Examining.

(C) Adverse action procedures apply to the return of an employee to his or her regular position after a temporary promotion lasting more than 2 years (sec. 752.103(b)(5)).

(D) A temporary promotion may be made permanent without further competition provided the temporary promotion was originally made under competitive procedures and the fact that it might lead to a permanent promotion was made known to all potential candidates.

(E) A temporary promotion may not be used as a means of training or evaluating an employee in a higher grade position.

(2) Selections for details for more than 60 days to a higher grade position or to a position of known promotion potential (ch. 300, subch. 8).

(3) Selections for training which is given primarily to prepare employees for advancement and is required for promotion (that is, an employee is not eligible for promotion unless he or she has completed training).

(4) Reassignment or demotion to a position with more promotion potential than the position last held (except as permitted by reduction-in-force regulations).

(5) Transfers to a higher grade position.

(6) Reinstatement to a permanent or temporary position at a higher grade than the last grade held in a nontemporary position in the competitive service.

Competitive procedures do not apply to:

(1) A promotion resulting from the upgrading of a position without significant change in the duties and responsibilities due to issuance of a new classification standard or the correction of an initial classification error.

(2) A position change permitted by reduction-in-force regulations (see ch. 351).

Agencies may at their discretion except other actions from their plans. These include, but are not limited to:

(1) The two types of career promotions:

(i) Promotions without current competition when at an earlier stage an employee was selected from a civil service register or under competitive promotion procedures for an assignment intended to prepare the employee for the position being filled (the intent must be made a matter of record and career ladders must be documented in the promotion plan); or

(ii) Promotions resulting from an employee's position being reclassified at a higher grade because of additional duties and responsibilities.

(2) Career ladder promotions following noncompetitive conversion of cooperative education students in accordance with the requirements of FPM chapter 308.

(3) Position changes from a position having known promotion potential to a position having no higher potential.

(4) A temporary promotion of 120 days or less.

(5) Selection of candidates from Reemployment Priority Lists for positions at a higher grade than the one last held in the competitive service.

(6) Repromotion to a grade or position from which an employee was demoted without personal cause and not at his or her request.

(7) Consideration of candidates not given proper consideration in a competitive promotion action.

1-7 GRIEVANCES

Employees have the right to file a complaint relating to a promotion action. Such complaints shall be resolved under agency grievance procedures or negotiated grievance procedures as appropriate except when a complaint is covered by a statutory appeals procedures such as the discrimination complaint process under part 713 of the Commission's regulations. The standards for adjudicating complaints are set forth in part 300 of the Commission's regulations. While the procedures used by an agency to identify and rank qualified candidates are proper subjects for formal complaints or grievances, nonselection from among a group of properly ranked and certified candidates is not an appropriate basis for a formal complaint or grievance. There is no right of appeal to the Commission, but the Commission may conduct investigations of substantial violations of Commission requirements.

APPENDIX A.—*Basic FPM Chapter 335* (GENERAL REGULATORY PROVISIONS)

A-1 *Authority to make position changes.*

a. Delegations of authority.

1. Career and career-conditional employees may be promoted, demoted, reassigned, or transferred.

2. Overseas limited employees serving under appointments of indefinite duration or under overseas limited term appointments may be promoted, demoted, or reassigned to any other position to which an initial appointment of the same type is authorized by chapter 301.

3. Indefinite and status quo employees may be promoted, demoted, or reassigned if they meet legal and qualification requirements. This authority does not apply to a position an agency is authorized to fill by overseas limited appointment.

4. Term employees may be promoted, demoted, or reassigned to another position covered by the same term appointment authorization.

5. An employee on TAPER (temporary appointment pending establishment of a register) may be reassigned to any position to which his or her original appointment could have been made by the same appointing officer from the same recruiting list under the same order of consideration.

6. VRA appointees may be promoted, demoted, reassigned, or transferred in accordance with provisions prescribed in FPM chapter 307.

b. Limitations on delegation of authority.

1. Merit requirements. Although position changes are not subject to the policies governing appointments from civil service registers or temporary appointments outside of registers, they must be made with regard to applicable requirements of the merit system. Except as shown under (2) of this section the employee selected must meet the Commission qualification standards as well as legal requirements for the position (see FPM chapter 338) and the action must meet the requirements in subchapter 2 and any additional procedural requirement set forth in the agency's merit promotion program.

2. Prior approval of exceptions from standards and requirements. The authority of agencies to make position changes is subject to the requirement that prior approval of the Commission be secured for any action which would require an exception from the applicable standards and requirements in chapter 338. (The procedures for securing such approval are in FPM supplement 296-31.)

3. Prior approval of changes to positions in grades GS-16, -17, and -18. Prior approval is required for the position change to a position subject to the executive assignment system (see chapter 305) and to any other position in grades GS-16, -17, or -18 (see FPM supplement 296-31).

a. General. The tenure of an employee is not changed by promotion, demotion, or assignment except that:

1. The tenure of a status quo employee is changed as provided in chapter 316.

2. The tenure of a career employee is temporarily affected by change to an obligated position as provided in chapter 300.

b. Condition "subject to investigation." A position change of an employee does not change a "subject to investigation" condition on his or her appointment.

c. Probationary period. The promotion, demotion, or reassignment of a career or career-conditional employee before he or she has completed probation is subject to completion of the probationary period in the new position. No new probation is required if one is completed before the action (see chapter 315-8).

A-3 *Implementing a position change.*

Effective date: The effective date of a position change generally is determined by the agency. A position change cannot be made effective, however, before:

a. The position has been classified, if under the General Schedule (see chapter 511) or if the position has been graded under the Coordinated Federal Wage System;

b. The employee has met legal and qualification requirements; and

c. Applicable advance-notice requirements have been met if the position change involves reduction in rank or pay (see FPM chapters 751 and 752).

A-4 *Corrective actions.*

a. General. (1) Alternative actions. Failure to adhere strictly to laws, Commission regulations and instructions, agency policies and guidelines, and agency promotion plans is to be rectified promptly by the Commission or the agency involved. Action to rectify violation may involve the employee who was erroneously promoted, the employee or employees who were not promoted or considered because of the violation, or the officials who caused or sanctioned the violation. It also may involve correction of program deficiencies. The nature and extent of actions to be taken in any case have to be determined on the basis of all the facts in the case, with due regard to the circumstances surrounding the violation, to the equitable and legal rights of the parties concerned, and to the interests of the Government. Generally, any or all of the actions described below in paragraphs b, c, and d that are appropriate should be taken.

(2) Types of promotion violations.

(a) Procedural. A procedural violation occurs when a promotion action does not conform to the requirements of the applicable promotion plan. It may include, for example:

(i) Failure to consider an employee entitled to consideration;

(ii) Selection of an employee not in the best qualified group; or

(iii) Failure to give the required weight to an evaluation factor prescribed by the plan.

(b) Regulatory. A regulatory violation occurs when the promoted employee did not meet legal requirements or Commission regulatory requirements at the time of promotion. It may include, for example:

(i) Failure to meet time-in-grade requirements; or

(ii) Failure to meet Commission qualification requirements.

(c) Program. A program violation occurs when agency promotion guidelines do not conform to Commission requirements or agency promotion plans do not conform to agency guidelines. It may include, for example:

(i) Use of inappropriate evaluation methods;

(ii) Establishment of inappropriate minimum areas of consideration; or

(iii) Failure to consult employees and employee organizations when required.

a. Action involving erroneously promoted employee.

(1) Retention in position.

(a) General. The general rule is that an erroneously promoted employee may be retained in the position only if the promotion action can be corrected to conform essentially to all Commission and agency requirements as of the date the action was taken. As indicated above, however, corrective action decisions must be tempered by all the facts surrounding the violation. Under some conditions, it may be permissible to retain the employee in the position even when the general rule does not apply.

(b) Procedural violation. In this kind of violation, an employee may be retained in the position only if—

(i) Reconstruction of the promotion action shows that he could have been selected had the proper procedures been followed at the time the action was taken; or

(ii) The Commission office (regional or central) with geographic jurisdiction gives approval.

(c) Regulatory violation. In this kind of violation, an employee may be retained in the position only if—

(i) He now meets the necessary qualification or regulatory requirements; and

(ii) The Commission office (regional or central) with geographic jurisdiction gives approval.

(d) Program violation. In this kind of violation, an employee generally may be retained in the position if there was no accompanying procedural or regulatory violation. The Commission is to be notified of what program correction is being made.

(2) Corrective action. If an employee is not retained in the position, he must be returned to his former position or placed in another position for which he is qualified. If the latter position is in a higher grade or level than the position he was in before he was erroneously promoted, the position change is made under competitive promotion procedures as though the employee were still serving at the grade or level from which erroneously promoted.

(3) Commission approval. Commission approval for retaining an employee in his position will be dependent on the nature, extent, and seriousness of the violations involved in the particular situation. It will take into account such factors as:

(i) How close the employee was to meeting qualification or regulatory requirements at the time of promotion if a regulatory violation is involved.

(ii) How close the employee was to being in the best qualified group if a procedural violation is involved.

(iii) How much time has elapsed since promotion.

(iv) Whether identification can be made of employees who were or should have been in the group certified to the selecting official and whether they have been promoted or have left the agency.

c. Action involving nonselected employees.

(1) If the action taken to correct the erroneous promotion was to require that the position be vacated, an empoloyee who was not promoted or given proper consideration because of the violation (that is, an employee in the best-qualified group who was not selected or an employee who should have been in this group but was not) may be considered for promotion to the vacated position before candidates under a new promotion or other placement action are considered.

(2) If the corrective action did not include vacating the position, an employee who was not promoted or given proper consideration because of the violation may be given under a new promotion or other placement action are considered. Agencies, in consultation with their unions, may make the final determination on how they will handle actions involving nonselected employees. In doing so, they should keep in mind the possible impact of their decision.

d. Action involving responsible officials. Violations of the promotion program can have a serious impact on personnel management that goes beyond the particular cases involved. Proper promotion actions are essential to assure that the agency is being staffed by the best persons available and employees are receiving fair consideration. Thus, management officials have a special responsibility for seeing that violations do

not occur either by error or design. An official who permits a violation to occur shall be informed of the violation and told what he should do to avoid repetition. If insufficient guidance to the official contributed to the violation, the agency shall correct this deficiency.

FPM SUPPLEMENT 335-1—EVALUATION OF EMPLOYEES FOR PROMOTION AND INTERNAL PLACEMENT

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SUBCHAPTER S1—INTRODUCTION

S1-1 *Purpose.* This supplement presents instructions for use of evaluation procedures in accordance with requirement 3, FPM chapter 335. The term "use" includes the development or selection, application, security and interpretation of results of evaluation procedures. The purpose of these instructions is to insure that evaluation procedures used for promotion and other placement actions covered by FPM chapter 335 are valid and job related to the extent feasible and appropriate in order that principles of merit and equal employment opportunity are carried out in practice and that the effectiveness of agencies and individuals is enhanced.

S1-2 *Applicability.* This supplement sets forth basic responsibilities and principles for the use and review of personnel evaluation procedures for promotion and inservice placement. It does not cover detailed instructions on such essential elements of personnel measurement as job analyses, validation studies, and documentation. Guidance on these technical matters is found in appendixes A and B and in many technical sources outside Commission issuances. Appendix A contains the Uniform Guidelines on Employee Selection Procedures. These guidelines are intended to assist agencies in meeting responsibilities under the Equal Employment Opportunity Act of 1972. They are appended to this supplement to provide a set of principles applicable to agencies to help assure that their evaluation procedures are job related. Implementation of these guidelines will be a continuous responsibility for agencies. It is important at the outset that agencies inventory their evaluation procedures, prioritize needs for revision and devise implementation plans which will provide reasonable assurance that all evaluation procedures are valid and job related to the extent feasible and appropriate. As agencies gain experience in operating under the guidelines, it is expected that continuing progress will be made in strengthening the validity of evaluation procedures.

SUBCHAPTER S2—RESPONSIBILITY FOR PROPER USE OF EVALUATION PROCEDURES

S2-1 *Agency responsibilities.* Each agency must designate one or more persons who will be responsible for implementing these instructions and assuring the proper use of personnel measurement procedures. The general functions include:

a. Development or selection of evaluation procedures: The responsibility for assuring that as new procedures are developed these instructions are met. Likewise, procedures already in use should be reviewed for compliance with these instructions within a reasonable period of time. If new procedures are developed or obtained which require prior Civil Service Commission approval, the agency must submit the required information and obtain approval before authorizing the procedure for actual use.

b. Application of evaluation procedures: The responsibility for assuring that each procedure is used only for the specific purpose for which it is approved, that an acceptable procedure is developed for determining the meaning of the outcome or results and that the results are applied properly in the evaluation process.

c. Administration of evaluation procedures: The responsibility for assuring that the procedures are administered to employees under standard conditions which provide all employees full opportunity to perform to their best abilities.

d. Security of evaluation procedures: The responsibility for determining the degree of security appropriate to the kind of procedure involved and maintaining control of materials requiring security so that unauthorized persons do not gain access to them.

e. Review of the personnel measurement program: The responsibility for reviewing the program to assure that all phases are being conducted properly and the program is fulfilling its purpose. This includes a review of the effectiveness of specific evaluation procedures.

S2-2 *Need for technical competence.* Proper development, selection, application and evaluation of evaluation procedures require knowledge of and ability to apply job analysis, personnel measurement concepts, and statistical measurement techniques. Agency headquarters that do not have staff members who are knowledgeable in these areas must acquire this competence in order to do an effective job. The number of persons needed to accomplish the above functions and their distribution between headquarters and field activities depends upon the nature of the program and size of the agency.

SUBCHAPTER S3—RESPONSIBILITY FOR APPROVAL OF EVALUATION PROCEDURES

S3-1 *General.* a. Procedures must meet one of the following conditions before being used for inservice placement purposes.

(1) The agency determines that the procedure meets these instructions on how, when, and by whom evaluation procedures may be used.

(2) The procedure is required for inservice placement by the Civil Service Commission for the position.

(3) The procedure has been given prior approval by the Commission. (See S3-2 and S3-3 below.)

b. The above requirement also applies when the procedure is used as part of the process for selecting employees for training which is given primarily to prepare employees for advancement and is required for promotion. Training agreements covering situations like these are not properly applied unless the procedure meets one of the above conditions.

c. Each procedure used for inservice placement must meet the requirements for acceptability contained in S3-4 below.

d. Agencies may delegate authority to approve evaluation procedures in accordance with these instructions to activities having the capability and agreeing to meet the responsibilities described under section S2-1 above. However, such delegation will not relieve agencies of maintaining proper program control and review; and authority to submit requests for Commission approval of evaluation procedures will be reserved by agency headquarters.

S3-2 *Civil Service Commission evaluation procedures approved for inservice use.* Appendix B contains information on widely used Civil Service Commission evaluation procedures approved for inservice use. These procedures may be used by any agency but only as indicated. Requests to use Civil Service Commission procedures other than those included in appendix B, required by Civil Service Commission standards, or otherwise approved for agency use by the Commission, must be submitted by the agency in accordance with section S3-3 below.

S3-3 *Evaluation procedures requiring specific Civil Service Commission approval.* a. The following kinds of evaluation procedures require Civil Service Commission approval before being used for inservice placement purposes:

(1) Civil Service Commission procedures other than those approved in appendix B, required by Civil Service Commission standards, or otherwise approved for agency use.

(2) Procedures developed primarily for clinical diagnostic purposes and intended to measure personality, temperament, or attitudes. (See restrictions in FPM chapter 337.)

(3) Procedures developed primarily to measure a variety of interest patterns.

(4) Other procedures not developed specifically by or for the agency (e.g., commer-

cial tests, military tests, and U.S. Employment Service tests).

b. Requests for approval will be accepted only from agency headquarters and should be addressed to the Personnel Research and Development Center, Bureau of Policies and Standards, U.S. Civil Service Commission. The supporting information to be submitted should meet the criteria covered in section S3-4 below and the documentation requirement discussed in section S3-5 below.

S3-4 *Criteria for acceptability of evaluation procedures.* The following are minimum requirements for the acceptability of an evaluation procedure:

a. Demonstration of content, construct, or criterion-related validity, or a combination of these, for the procedure according to professionally accepted standards to the extent feasible and appropriate. Appendix A contains acceptable guidelines for meeting this requirement. In circumstances where it is not appropriate to validate an evaluation procedure or not feasible, the procedure, nevertheless, must be job related. Where validation is appropriate, the Civil Service Commission will evaluate agency plans and evidence of effort and achievement in bringing selection procedures into compliance within a reasonable period of time.

b. Standard directions for administering the procedure.

c. Standard scoring or rating instructions which enhance or ensure objectivity and reliability of scoring or rating.

d. A method for interpreting and combining results of the various methods and instruments in a manner consistent with a. above.

e. A method for recording results of evaluation procedures so that the record is meaningful and usable in the future.

f. Provisions for reporting the results of evaluation procedures in meaningful terms to individual employees and operating officials.

g. Assurance that the procedure has not been compromised where disclosure would give an undue advantage to some candidates over others and provisions to maintain the level of security appropriate to each instrument or procedure. (Only rarely will a commercial test meet this requirement.)

S3-5 *Documentation of evaluation procedures.* a. The determination of the acceptability of each procedure approved by an agency or submitted for approval to the Commission must be documented. The information must be retained as long as the procedure is in use for inservice placement actions and for at least 2 years after the procedure has been discontinued.

b. Documentation of evaluation procedures must follow the guidance in appendix A section 15, to the extent feasible. Additionally the documentation must include a discussion of the extent to which security precautions are applicable for the procedure and, where appropriate, how they will be carried out.

S3-6 *Requests for advice before conducting test research and development.* If there is any question about whether an evaluation procedure for which research is planned will meet Civil Service Commission approval because of the nature of the procedure, technical capability of staff, or technical feasibility, the agency should contact the Commission's Personnel Research and Development Center before conducting the research. This will preclude a situation in which the agency expends considerable time and effort developing a procedure which ultimately is disapproved.

Subchapter S4—Principles of Application

S4-1 *Basic principles.* a. Agencies must not establish a cutting score (or numerical passing point) on any single instrument or procedure as the sole factor to determine basic eligibility for promotion, or to define best qualified unless the cutting score is:

(1) Required by approved qualification standard;

(2) Otherwise approved by the Commission; or

(3) Necessary for a selective factor determination.

b. Agencies must use multiple measures in ranking employees to determine the best qualified unless otherwise authorized by the Commission.

c. Use of length of experience or service or level of formal education may be used only to the extent to which it can be shown to be a valid, job-related factor for the position being filled. (This limitation does not rule out use of length of service as a tie breaker if after all appropriate evaluation factors measuring quality have been applied, there are identical ratings among candidates.)

S4-2 *Additional principles.* a. An evaluation procedure will be used only for the specific purposes for which it is authorized by the agency or the Commission.

(1) If a procedure is approved for an occupation, a level within an occupation, or a specific job, use of the procedure may not be extended to other occupations or levels, or jobs without determining that the procedure meets the criteria for acceptability (see 3-4 above) for these additional uses.

(2) Civil Service Commission procedures listed in appendix B may be used only for the purposes designated unless special permission is obtained from the Commission.

(3) Procedures for which prior Civil Service Commission approval is obtained (under section S3-3 above) may be used only for the purpose authorized unless a new approval is obtained from the Commission.

b. The evaluation procedure is not to be used again in the ranking process for the same employees at two (or more) different levels of the same occupation or career field unless it can be shown that

(1) The procedure measures an element important for success in the higher level,

(2) Makes meaningful distinctions among employees, and

(3) Measures skills, knowledge, abilities, or other characteristics which are likely to change significantly over time. If the procedure is used in the evaluation of employees to fill jobs at the first level, the range of scores from this procedure for the employees who are later considered for promotion to a higher level will in most cases be very restricted. As a result, the difference in scores of various employees probably do not reflect real differences in ability.

Subchapter S5—Administration of Evaluation Procedures

S5-1 *Assembled examinations and other procedures requiring controlled administration.* Considerations of validity and fairness necessitate that some procedures be administered under highly controlled conditions usually with candidates assembled to complete the procedure, and that security of materials be maintained against compromise. These procedures usually entail a limited range of responses or answers which are clearly identified as right or scaled for degree of appropriateness in a highly standardized manner. For purposes of this chapter such procedures are termed tests. While all evaluation procedures may in a general sense be considered tests, use of the term in this more limited sense to apply to highly standardized procedures which must be administered under controlled conditions has the advantage of grouping these types of procedures under a common term for which common administrative requirements apply. This definition applies most closely to written tests measuring cognitive abilities, job knowledge or achievement; performance tests which directly sample skills needed on the job; and oral tests. Some evaluation procedures, such as individual or group interviews and assessment centers are on the borderline between this restricted definition of tests and other selection procedures. The applicability of provisions a. through e. below to some evaluation procedures is a judgment which must be made on the basis of characteristics of the procedure. It is not required that agencies necessarily identify what is or is not a test; what is important is that a degree of administrative control be maintained consistent with requirements for insuring fairness, validity, and security of the procedure:

a. Employees permitted to take tests. Tests may be administered only to employees for whom the agency has a need for a test score. Before an employee takes the test, agency test records must be checked to insure that he or she has not already taken it. If he or she has, but wishes to be retested, the appropriateness of the retest must first be established. Employees must not be allowed to practice on the actual tests used for selection or placement but this prohibition does not preclude the use of sample questions or general instructions on how to take tests.

b. Testing facilities. Adequate physical facilities should be provided including ample space, control of auditory and visual distractions, adequate lighting, ventilation, and temperature control, accurate timing devices, adequate writing surfaces and seating facilities, and similar environment controls to provide all employees the opportunity to perform well.

c. Administration procedures. Proper test administration procedures must be used, including maintaining a friendly atmosphere and putting examinees at ease, following prescribed directions for conducting the tests assuring that everyone understands the instructions and uses the answer sheet properly, providing sufficient materials, keeping control of test materials, preventing cheating, and assuring accurate timing. Generally, test booklets should not be reused. If test booklets are reused, each page must be inspected to insure that there are no marks of any kind on the page.

d. Employee requests for rescoring. If an employee questions his or her score on a test, the test scoring is rechecked and any scoring error corrected, but he or she must not be shown the test nor told the content of the correct or incorrect answers. If the items and answers are revealed, the value and fairness of the test are impaired for future use. The employee should be assured, however, of the accuracy of the scoring procedures.

e. Retesting. Each agency must establish retesting provisions, including duration of acceptability of scores, for each written test

used within the agency. Consideration should be given to the likelihood of change in test scores. Ability tests usually are relatively stable measures, whereas training, experience, etc., have more influence on achievement test performance.

(1) An employee may not take the same test (or an alternate form of the test) twice within 6 months, unless a determination is made that the initial results may not be accurate because of conditions beyond the employee's control such as faulty test administration, or unless the applicant presents convincing reasons why significant improvements in the knowledge, skill, or abilities measured by the test have occurred in a shorter period.

(2) If an alternate form of the test is not used, an employee normally may not be retested within 1 year.

(3) An employee normally may not take the same form of a test more than twice. (Agencies are expected to construct alternate forms for tests developed within the agency.)

(4) Whenever an employee is retested, the most recent score is considered his or her official score. (As an acceptable alternative, an agency may establish that it will use the employee's highest score within the past 3 years; under this procedure the agency must establish a policy for situations in which the official score becomes more than 3 years old.)

(5) A score obtained by an employee on a Civil Service Commission test must be accepted by any agency using the same test, unless the employee desires to be retested.

S5-2 Recording and reporting results of evaluation procedures. a. Results of scoring or rating must be recorded in a manner which will permit use at a later date. The record includes, at a minimum, identification of the procedure (and the form taken, if alternate forms are used), the date(s) of submission and scoring or rating, the score or rating obtained, and the meaning of the score or rating in terms of the method for interpreting the results.

b. Examination results must be transmitted to selecting officials in a way which will assist them in evaluating the relative knowledge, skills, and abilities of the employees and thereby enable them to use this information properly in making their selection decision. Normally this will involve explaining to the selecting officials the meaning of the scores or ratings and interpreting whether or not the rankings of candidates represent meaningful distinctions among employees.

c. An employee's rating or score must not be made known to any person who does not have an official need to know the score. Control should be maintained of official records; reports to employees and selecting officials; and working records such as promotion rosters, skills files, and computer outputs which include scores or ratings.

SUBCHAPTER S6—SAFEGUARDING EXAMINATION MATERIALS

S6-1 *Basic principles.* Individuals responsible for the personnel measurement program must clearly identify those examination materials (such as test materials, rating guides, or crediting plans) which require security and control, and insure that proper security and control are maintained. Instructions must be issued to maintain the security and control of examination materials which, if exposed to unauthorized persons, might provide unfair advantage to some candidates or otherwise compromise the utility of the selection procedure. At a minimum, the instructions must cover procedures to be followed during development, printing, storage, distribution, and destruction. Material covered by the instructions must not be exposed to any persons, including management officials, members of employee organizations, or non-Federal personnel who do not have an official need to see the material. No evaluation procedure subject to security and control may be administered to an employee who has had access to the covered material. (This provision is not intended to apply to appropriate retesting situations.)

S6-2 *Identification of examination materials.* Examination materials subject to security and control should be clearly identified as such on the cover or face of each document. Agencies may wish to use a statement for their own materials similar to the one shown below:

LIMITED OFFICIAL USE

Do not copy, paraphrase, or remove this test booklet or any part of it from the examining room. This booklet is lent for official use subject to restrictions regarding the use of Government documents. It should not be reproduced in whole or in part without the express approval of (agency), nor should it be used by anyone for any private purpose whatsoever. Violations may be punished by appropriate legal actions.

SUBCHAPTER S7—REVIEW OF THE PERSONNEL MEASUREMENT PROGRAM

S7-1 *General.* Each agency must make provisions to review its personnel measurement program to assure that evaluation procedures are being properly administered, used, and controlled. To support continued use of specific procedures, the agency must have a system for reviewing the need and appropriateness of its procedures. This includes the gathering of data to illustrate the effectiveness of each procedure, and documentation called for in section S3-5. The Civil Service Commission will inspect agencies to see that the provisions of this supplement are being followed and will require an agency to modify or suspend any procedure which the Commission determines does not meet requirements of this supplement. The Commission will make periodic reviews of the use of evaluation procedures in all agencies in order to evaluate the effectiveness of these instructions.

(This supplement will also contain Appendix A—Uniform Guidelines on Employee Selection Procedures, and Appendix B—Guidelines for Evaluating Employees for Promotion and Internal Placement. The Uniform Guidelines were previously published in the FEDERAL REGISTER on August 25, 1978. Thus Appendix A is not included here. Appendix B, which is intended as guidance, is under revision to bring it into conformity with the Uniform Guidelines.)

[FR Doc. 78-26511 Filed 9-21-78; 8:45 am]

[3510-03]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S. 618, Sub. 1]

SUWANNEE RIVER FINANCE, INC., ET AL

Notice of Application

In the matter of applications by Suwannee River Finance Inc., Suwannee River SPA Finance, Inc., and Suwannee River Phosphate Finance, Inc.

Notice is hereby give that applications dated March 17, 1978, have been filed under the Merchant Marine Act, 1936, as amended (the Act) for operating-differential subsidy with respect to the operation of three liquid bulk integrated tug/barge vessels for service in the U.S. foreign trade. The proposed trade is from U.S. ports to various Baltic, Mediterranean, and Black Sea ports and ports in Europe, and would include the carriage of liquid and dry bulk cargoes in the export and import foreign commerce of the United States and between foreign ports. The vessels will be managed by Hvide Shipping, Inc., which is wholly-owned by Hans J. Hvide.

Inasmuch as affiliated or associated firms of Hvide Shipping, Inc., charter ships engaged in the domestic, intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Act will be required if these applications for operating-differential subsidy and associated management agreements are to be granted and approved.

Hvide Shipping, Inc., charters two tug/barge vessels, through its subsidiaries, one each to the Diamond Shamrock Corp. and the Shell Oil Co. Terms of these charters allow the charterer to employ the vessels in the coastwise, intracoastal or intercoastal trades, or on bays, rivers, sounds or harbors of the United States or in foreign trade not prohibited to U.S.-flag vessels.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on September 28, 1978, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal domestic assistance program No. 11.504 Operating-Differential Subsidies (ODS).)

By Order of the Assistant Secretary for Maritime Affairs.

Dated: September 19, 1978.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-26678 Filed 9-21-28; 8:45 am]

[3510-49]

National Fire Prevention and Control Administration

ADVISORY COMMITTEE ON FIRE TRAINING AND EDUCATION FOR THE NATIONAL ACADEMY FOR FIRE PREVENTION AND CONTROL

Notice of Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name: Advisory Committee on Fire Training and Education for the National Academy for Fire Prevention and Control (Committee).
Date of meeting: October 11, 1978.
Place: National Fire Prevention and Control Administration, 2400 M Street NW., Washington, D.C., First floor conference room.
Time: 9 a.m. to 4 p.m.
Proposed agenda: Acceptance and approval of the final report of the Committee.

The meeting will be open to the public with approximately 20 seats available on a first-come-first-served basis.

Minutes of the meeting will be prepared by the Committee and will be available for public viewing in Room 214, National Fire Prevention and Control Administration, 2400 M Street NW., Washington, D.C. Copies of the minutes will be available upon request 30 days after the meeting.

Dated: September 20, 1978.

HOWARD D. TIPTON,
Administrator, National Fire Prevention and Control Administration.

[FR Doc. 78-26830 Filed 9-21-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

STADT NURNBERT

Issuance of Permit To Take Marine Mammals

On August 15, 1978, notice was published in the FEDERAL REGISTER (43 FR 36130), that an application had been filed with the National Marine Fisheries Service by Stadt Nurnbert, Tiergarten Nurnbert, Am Tiergarten 30, 8500 Nurnberg, West Germany, for a public display permit to take two (2) Atlantic bottlenose dolphins (*Tursiops truncatus*) for public display.

Notice is hereby given that on September 19, 1978, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a public display permit for the above taking to Tiergarten Nurnberg subject to certain conditions set forth therein. The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33702.

Dated: September 19, 1978.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc. 78-26666 Filed 9-21-78; 8:45 am]

[6820-33]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1978

Addition

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to procurement list 1978 a service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: September 22, 1978.

ADDRESS: Committee for Purchase From the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On June 9, 1978, the Committee for Purchase From the Blind and Other Severely Handicapped published a notice (43 FR 25170) of proposed addition to procurement list 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following service is hereby added to procurement list 1978:

SIC 7349

Janitorial/Elevator Operator Service, Veterans Administration Clinic Building, 17 Court Street, Boston, Mass. (SH).

C. W. FLETCHER,
Executive Director.

[FR Doc. 78-26661 Filed 9-21-78; 8:45 am]

[6351-01]

COMMODITY FUTURES TRADING COMMISSION

APPLICATION OF KANSAS CITY BOARD OF TRADE FOR DESIGNATION AS A CONTRACT MARKET IN TRANSACTIONS FOR FUTURE DELIVERY BASED UPON 30 INDUSTRIAL STOCKS AVERAGE INDEX

Public Hearing

DATE: October 25, 1978, 10 a.m., fifth floor hearing room, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581.

FOR FURTHER INFORMATION CONTACT:

William D. Grossman, Counsel to Commissioner David G. Gartner, 202-254-8541.

Pursuant to section 6 of the Commodity Exchange Act,[1] the Kansas City Board of Trade ("KCBT") has filed with the Commodity Futures Trading Commission an application for contract market designation for trading in futures contracts based on the 30 industrial stocks average index.[2] In accordance with its established policy, on January 5, 1978, the Commission announced that it was making available to the public this application for inspection and copying and also solicited public comment on the terms and conditions of the proposed contract (43 FR 997, Jan. 5, 1978). Substantial interest has been expressed in this application.

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[1] 7 U.S.C. 8 (1976).

[2] "Application of KCBT for Approval and Designation for Futures Trading of a 30 Industrial Stock Average Times 50," filed Oct. 28, 1977, amended and resubmitted on Nov. 22, 1977. The KCBT explains that "[t]his futures contract is based on the much quoted average, for 30 selected Industrial Stocks" (application filed Nov. 22, 1977, Contract Rules, at 1, note **).

While the Commission previously has designated boards of trade as contract markets where the underlying commodity traded is a government-backed debt instrument or other form of financial instrument,[3] the Commission heretofore has not considered a designation application where the subject of the contract is an index of a class or group of equity securities (or, for that matter, an individual equity security). Nor has the Commission ever considered designating a contract market for trading with a "delivery-less" system, i.e., where performance under the contract is effected by cash settlement in all cases. Thus, this application presents significant questions of first impression to the Commission.

Moreover, certain of the issues raised by the proposed contract pertain to fundamental aspects of the Commission's regulation of futures trading. Accordingly, in an attempt to obtain the views of a broad segment of the affected public and the advice of interested governmental entities, the Commission will hold a public hearing on the KCBT's designation application on October 25, 1978, at 10 a.m. in the fifth floor hearing room at its headquarters in Washington, D.C. Interested persons are invited to present their views to the Commission at this time. Commissioner David G. Gartner will chair the hearing.

In order to insure the receipt of meaningful public comment at this hearing, the Commission is stating certain issues in this announcement which it considers to be of primary importance. While the Commission will permit witnesses to present their views on any matter involved in this proposed contract, it requests that they also address these issues:

1. Whether the proposed contract can meet the economic purpose and public interest tests required under the Commodity Exchange Act for designation as a contract market? Specifically, is there any evidence or reason to believe that "something more than occasional use of the contract for hedging or price basing exists, or can reasonably be expected to exist"? [4]

2. Does the Commodity Exchange Act contemplate that a "delivery-less" contract for futures delivery be the subject of trading on a contract market? Is such a delivery system an appropriate concept for efficient and sound futures markets?

Persons wishing to appear at this hearing should notify Ms. Jane K. Stuckey, Office of the Secretariat, 202-254-6126, no later than 4:45 p.m. on October 20, 1978. It is requested that participants bring 30 copies of their prepared statement to the hearing. During and subsequent to any person's oral presentation, questions may be asked by members of the Commission or the hearing panel.

Issued in Washington, D.C., on September 19, 1978, by the Commission.

GARY L. SEEVERS,
Vice-Chairman, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581.

[FR Doc. 78-26662 Filed 9-21-78; 8:45 am]

[3] The Commission has designated a number of contract markets for trading in four types of financial instruments—short-term commercial paper, mortgage-backed certificates guaranteed by the Government National Mortgage Association, Treasury bonds and Treasury bills.

[4] Commodity Futures Trading Commission advisory guideline No. 1, issued May 13, 1975.

[3710-08]

DEPARTMENT OF DEFENSE

Department of the Army

NATIONAL TRAINING CENTER, FORT IRWIN SITE

Filing of Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army, on August 25, 1978, provided the Environmental Protection Agency a draft environmental impact statement (DEIS) concerning the proposed National Training Center, Fort Irwin site. The alternatives of no actions and locating the NTC at MCB 29 Palms to Yuma Proving Ground are also analyzed. Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies for cost of reproduction from the Commander, Forces Command (FORSCOM), Fort McPherson, Atlanta, Ga. 30330.

In the Washington area, inspection copies may be seen during normal duty hours, in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310, phone 202-694-3434.

BRUCE A. HILDERBRAND,
Deputy for Environmental Affairs, Office of the Assistant Secretary of the Army (Civil Works).

[FR Doc. 78-25036 Filed 9-21-78; 8:45 am]

[3710-08]

PRIVACY ACT OF 1974

Amendments to Systems of Records

AGENCY: Department of the Army, DOD.

ACTION: Notices of amendments to systems of records.

SUMMARY: The Army proposes to amend two systems of records subject to the Privacy Act of 1974. Specific changes to the systems being amended are set forth below followed by the systems published in their entirety as amended.

DATE: These systems shall be amended as proposed without further notice on October 23, 1978, unless comments are received on or before October 23, 1978, which would result in a contrary determination and require republication for further comments.

ADDRESS: Any comments, including written data, views or arguments concerning the amendments should be addressed to the System Manager identified in the particular record system concerned.

FOR FURTHER INFORMATION CONTACT:

Mr. Cyrus H. Fraker, The Adjutant General, Center (DAAG-AMR-R), Department of the Army, 1000 Independence Avenue SW., Washington, D.C. 20314, telephone,202-693-0973.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices inventory subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93-579, have been published in the FEDERAL REGISTER as follows:

FR Doc. 77-28255 (42 FR 50396), September 28, 1977.
FR Doc. 77-32975 (42 FR 50999), November 15, 1977.
FR Doc. 78-1855 (43 FR 3151), January 23, 1978.
FR Doc. 78-9239 (43 FR 14713), April 7, 1978.
FR Doc. 78-9713 (43 FR 15353), April 12, 1978.
FR Doc. 78-17146 (43 FR 26606), June 21, 1978.
FR Doc. 78-17737 (43 FR 27882), June 27, 1978.
FR Doc. 78-18880 (43 FR 29600), July 10, 1978.
FR Doc. 78-19614 (43 FR 30594), July 17, 1978.
FR Doc. 78-21772 (43 FR 34520), August 4, 1978.
FR Doc. 78-23953 (43 FR 38070), August 25, 1978.
FR Doc. 78-25562 (43 FR 40272), September 11, 1978.

The proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of a new or altered system report.

Dated: September 19, 1978.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

AMENDMENTS

A1012.04bTRADOC

System name:

1012.04 Resident Student Record (RSR) System (42 FR 50616).

Changes:

System name:

Delete "(RSR) System" and substitute "System (RSR)".

System location:

Delete entry and substitute: "Director of Automation (ATSW-DA), United States Army Command and General Staff College (USACGSC), Fort Leavenworth, Kans. 66027."

Categories of individuals covered by the system:

Delete entry and substitute: "Any officer, United States or Allied, enrolled in the USACGSC."

Categories of records in the system:

Delete entry and substitute: "File contains name, social security number (SSN), branch, rank, class sections, courses, student grades, and grade average and quintile by student taking a given test."

Authority for maintenance of the system:

Delete entry and substitute: "Title 5 U.S.C., Section 301."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry and substitute: "The file is used to schedule students in courses in the USACGSC curriculum, process student grades three times per year and, at year end, prepare school transcript. Records are used by USACGSC instructional departments and the Director of Education and Curriculum Affairs to prepare rosters, and by USACGSC resident academic records personnel to prepare transcripts.

The automated grading examination system (GRADEX) constitutes a subsystem of this file, in that it provides an important element of front end curriculum analysis, and basis for curriculum changes and evaluation of entry level knowledges."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Delete entry and substitute: "Computer disk."

Retrievability:

Delete "individual name or".

Safeguards:

Delete entry and substitute: "DPFO is secure. Data may be accessed only by authorized personnel using passwords assigned by the system manager."

Retention and disposal:

Delete entry and substitute: "Records are destroyed 2 years after completion of an academic year.

GRADEX records are destroyed at the end of system processing, i.e., after test results are supplied to the instructor."

System manager(s) and address:

Delete entry and substitute: "Director of Automation, USACGSC, Fort Leavenworth, Kans. 66027."

Notification procedure:

Delete address and substitute: "Information may be obtained from: Commandant, USACGSC, Attention: Director of Automation, Bell Hall, Fort Leavenworth, Kans. 66027, telephone, 913-684-2685".

Record access procedures:

After the word "Commandant," delete remainder of entry and substitute: "USACGSC, ATTN: ATSW-DA, Fort Leavenworth, Kans. 66027."

Record source categories:

Delete entry and substitute: "Personnel data and enrollment information are obtained from the students at the time they complete enrollment and from Department of the Army orders. Grades, class section number, and academic information is obtained from the USACGSC academic departments. Data for the GRADEX system are obtained from the MARK SENSE cards completed by the students and information extracted from the RSR."

A1015.01aDAAG

System name:

1015.01 Dependent Children School Program Files (42 FR 50625).

Changes:

System location:

In first paragraph pertaining to Active students, correct "United St(US)ates" to read: "United States (US)".

In second paragraph pertaining to Former students, delete "National Personnel Records Center" and substitute: "Washington National Records Center (WNRC), Washington, D.C. 20409."

Categories of records in the system:

In paragraph pertaining to "Elementary school academic record", change to "Elementary school academic record files".

In paragraph pertaining to "Secondary school academic record files", change to "Secondary school academic record files (high school transcript)", and insert word "or" between words "similar" and "related" in last sentence.

Routine uses of records maintained in the system including categories of users and the purposes of such uses:

In paragraph pertaining to dependent Children School Program Files (General), insert "/guardians" after word "parents" in last sentence.

In paragraph pertaining to Dependent Children School Program Files (Secondary), insert "/guardians" after word "parents" in last sentence.

Retention and disposal:

In paragraph pertaining to "Elementary school academic records files," change to "Elementary school academic record files."

In paragraph pertaining to elementary school report card files, insert "/guardians" after word "parents."

In paragraph pertaining to Ele- mentary school student files, insert "/guardians" after word "parents" in first sentence.

In paragraph pertaining to secondary school academic record files (High School Transcript): Delete "Permanent file." and substitute: "Destroyed after 70 years." After first instance of "Department of Defense," insert abbreviation "(DOD)"; in second instance, delete "non-Department of Defense" and substitute "non-DOD." In last sentence, delete "National Personnel Records Center." and substitute: "WNRC, Washington, D.C. 20409."

In paragraph pertaining to secondary school report card files, insert "/guardians" after word "parents."

In paragraph pertaining to secondary school student files, insert "/guardians" after word "parents" in the first sentence of note.

Notification procedure:

Delete "National Personnel Records Center" and substitute: "WNRC."

Record access procedures:

At end of first sentence, delete "National Personnel Records Center." and substitute: "WNRC."

Record source categories:

Insert "/guardian," "/guardians" or "/guardian's" after words "parent," "parents" or "parent's" in all instances as appropriate.

A1012.04bTRADOC

System name:

1012.04b Resident Student Record System (RSR).

System location:

Director of Automation (ATSW-DA), U.S. Army Command and General Staff College (USACGSC), Fort Leavenworth, Kans. 66027.

Categories of individuals covered by the system:

Any officer, United States or Allied, enrolled in the USACGSC.

Categories of records in the system:

File contains name, social security number (SSN), branch, rank, class sections, courses, student grades, and grade average and quintile by student taking a given test.

Authority for maintenance of the system:

Title 5 U.S.C., section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The file is used to schedule students in courses in the USACGSC curriculum, process student grades and other academic related information, record student grades three times per year and, at year end, prepare school transcript. Records are used by USACGSC instructional departments and the Director of Education and Curriculum Affairs to prepare rosters, and by USACGSC resident academic records personnel to prepare transcripts.

The automated grading examination system (GRADEX) constitutes a subsystem of this file, in that it provides an important element of front end curriculum analysis, and basis for curriculum changes and evaluation of entry level knowledges.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer disk.

Retrievability:

By SSN.

Safeguards:

DPFO is secure. Data may be accessed only by authorized personnel using passwords assigned by the system manager.

Retention and disposal:

Records are destroyed 2 years after completion of an academic year.

GRADEX records are destroyed at end of system processing, i.e., after test results are supplied to the instructor.

System manager(s) and address:

Director of Automation, USACGSC, Fort Leavenworth, Kans. 66027.

Notification procedure:

Information may be obtained from: Commandant, USACGSC, Attn.: Director of Automation, Bell Hall, Fort Leavenworth, Kans. 66027, telephone area code 913-684-2685.

Record access procedures:

Requests should be addressed to: Commandant, USACGSC, Attn.: ATSW-DA, Fort Leavenworth, Kans. 66027.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

Record source categories:

Personal data and enrollment information are obtained from the students at the time they complete enrollment and from Department of the Army orders. Grades, class section number, and academic information is obtained from the USACGSC academic departments. Data for the GRADEX system are obtained from the MARK SENSE cards completed by the students and information extracted from the RSR.

Systems exempted from certain provisions of the act:

None.

A1015.01aDAAG

System name:

A1015.01 Dependent Children School Program Files.

System location:

Active students: Army-operated overseas dependents schools located in oversea areas or in the United States (US) at the following locations: Fort Benning, Ga; Fort Bragg, N.C.; Fort Campbell, Ky.; Fort Jackson, S.C.; Fort Knox, Ky.; Fort McClellan, Ala.; Fort Rucker, Ala.; Fort Stewart, Ga.; U.S. Military Academy, West Point, N.Y.

Former students: Washington National Records Center (WNRC), Washington, D.C. 20409.

Categories of individuals covered by the system:

Students in the Army-operated dependents schools located in oversea areas or in the United States at installations cited above.

Categories of records in the system:

Enrollment files: Documents relating to the admission, registration, and departure of dependent school students. Included are pupil enrollment applications, course preferences, admission cards, drop cards, and similar or related documents.

Daily attendance register files: Documents reflecting the daily attendance of pupils at dependent schools. Included are forms, printouts, bound registers, and similar or related documents.

Elementary school academic record files: Documents reflecting the standardized achievement, mental ability, yearly grade average, attendance of each student, and the teachers' comments. Included are forms, notes, and similar or related documents.

Elementary school report card files: Documents reflecting grades, personality traits, and promotion or failure. Included are report cards and similar or related documents.

Elementary school teacher class register files: Documents reflecting daily, weekly, semester, or annual scholastic grades and averages, absence and tardiness data.

Elementary school student files: Documents pertaining to individual elementary school students. Included in each folder are reading records and health records; intelligence quotient, achievement, aptitude and similar test results; notes related to pupil's progress and characteristics; and similar matters used by counselors and successor teachers.

Secondary school absentee files: Documents reflecting absence of students. Included are homeroom teachers' registers, secondary school daily attendance records of absentees reported by teachers, tardy slips for admission of students to classroom, transfer slips notifying teachers of new class or homeroom assignment, notices of change by school principal to teacher upon change of classroom, student applications for permission to be absent, student pass slips, and similar or related documents.

Secondary school academic record files (high school transcript): Documents reflecting student grades and credits earned. Included are forms, notes, and similar or related documents.

Secondary school report card files: Documents reflecting scholastic grades, personality traits, and promotion or failure. Included are report cards and related documents.

Secondary school teacher class register files: Documents reflecting daily, weekly, semester, or annual scholastic marks and averages, absence and tardiness and withdrawal data. Included are class registers and similar or related documents.

Secondary school class reporting files: Documents reflecting teacher reports to principals and used as source documents for preparing secondary school academic record cards. Included are forms, correspondence, and similar or related documents.

Credit transfer certificate files: Documents reflecting secondary school scholastic credits earned. Included are certificates and similar or related documents.

Secondary school student files: Documents pertaining to individual secondary school students. Included in each folder are student health records, absence reports, and correspondence with parents/guardians pertaining to absence; records of achievement and aptitude tests; notes concerning participation in extracurricular activities, hobbies, and other special interests or activities of the student; and miscellaneous memoranda used by student counselors.

Authority for maintanenace of the system:

Title 20 U.S.C., chapter 25, Army-operated dependents schools located in oversea areas; Title 20 U.S.C., section 236.451, 242.245, Army-operated dependents schools located in the United States; and Pub. L. 93-380

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Dependent children school program files (general): Records of students attending the Army-operated dependents schools located in oversea areas are used by school officials, including teachers, to determine the eligibility of children to attend these schools; to schedule children for transportation; to record daily and/or class attendance of students, and date of withdrawal. Records of students attending the Army-operated dependents schools located in the United State at installations cited above are used by school officials, including teachers, and authorized representatives of the Secretary of Health, Education, and Welfare, to determine eligibility of children to attend these schools, to determine transportation requirements, to record daily and/or class attendance of students, and date of withdrawal. Documents of students attending the Army-operated dependents schools located in the United States are used also by officials of Federal and State agencies in connection with a student's application for, or receipt of, financial aid in connection with an audit and evaluation of Federally supported education programs, or in connection with the enforcement of the Federal legal requirements which relate to such programs; or by authorized representatives of the Comptroller General of the United States, the Secretary of Health, Education, and Welfare, or the Secretary of the Army, as authorized by Pub. L. 93-380 to insure compliance with Part 99 of Title 45 of the Code of Federal Regulations which provides for the privacy rights or parents/guardians and students regarding access to students' school records.

Dependent children school program files (elementary): Used by school officials, including teachers, in the current and/or gaining school to develop and provide an educational program for elementary students by school personnel cited above. Documents are used in the following manner: To record teacher or standardized test data; to record attendance, absences, and/or tardiness of each student; to record recommendations for promotion or retention including teacher comments; to record daily, weekly, semester, or annual grades; to develop and maintain reading records, health records, including school-related medical needs; to record notes related to the individual pupil's progress and learning characteristics useful to professional school personnel in counseling the student and in the determination of his/her proper placement.

Dependent children school program files (secondary): Used by school officials, including teachers, in the current and/or gaining school to develop and provide an educational program for secondary students. Documents are used by school personnel cited above in the following manner: To record teacher and/or standardized test data; to record attendance, absences, and/or tardiness of each student; to form the basis for a decision on a student request for permission to be absent from a class or classes; to determine proper class or grade placement or graduation; to determine scholastic grades and/or grade point averages; to form the basis for school recommendations for student financial aid for post secondary education; to form the basis for preparing the secondary school transcript; to determine secondary school academic credits earned; to determine school-related medical needs of a student; to determine, from correspondence from parents/guardians or medical authorities, the need for special attention in school activities; to note special interest or hobbies of the student.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Elementary school academic record and secondary academic record (high school transcript) filed alphabetically by school, by school year, and last name of student.

Elementary school teacher class register file and secondary school teacher class register file are filed by school, school year, and by last name of teacher.

Remaining dependent school student files are filed by school, school year, and last name of student.

Sefeguards:

Records maintained in files accessible only to authorized personnel.

Retention and disposal:

Enrollment files: Maintained at the respective school for 1 year after graduation, withdrawal, transfer, or death of the student, then destroyed.

Daily attendance register files: Destroyed after reviewing attendance registers for the next school year.

Elementary school academic record files: When a student transfers to another school, this file is forwarded by mail to the parent/guardian or official of the receiving school on request; or destroyed at the school 5 years after graduation, death, or withdrawal of the student.

Elementary school report card files: Released to parents/guardians or student at the end of the school year, or on transfer of student.

Elementary school teacher class register files: Destroyed at the school concerned after 5 years.

Elementary school student files: When a student transfers to another school, the reading record and health record are released to the parents/guardians or student for hand carrying to the receiving school. Remaining documents pertaining to the students are forwarded by mail to the official of the receiving school or the parent/guardian on request; if not requested, documents are destroyed at the school concerned 1 year after graduation, death, or withdrawal of the student.

Secondary school absentee files: Destroyed at the school after 1 year.

Secondary school academic records files (high school transcript): Destroyed after 70 years. When a student transfers to another Department of Defense (DOD) school, this file (transcript) is forwarded by mail to officials of the receiving school on request. When a student transfers to a non-DOD school, a copy of the transcript

is forwarded to the receiving school on request. Files not forwarded are retained at the school concerned for 5 years and then retired to the WNRC, Washington, D.C. 20409.

Secondary school report card files: Released to parents/guardians or student at the end of the school year, or on transfer of student.

Secondary school teacher class register files: Retained at the school concerned for 5 years and then destroyed.

Secondary school class reporting files: Destroyed at the school after 1 year.

Credit transfer certificate files: Destroyed at the school after 1 year.

Secondary school student files: Retained at the school concerned for 2 years after graduation, death, or withdrawal of the student.

NOTE.—When a student transfers to another school, the reading record and health record are released to the parents/guardians or student for hand carrying to the receiving school. Remaining documents pertaining to the student are forwarded by mail to the official of the receiving school or the parent/guardian on request.

System manager(s) and address:

The Adjutant General, Headquarters, Department of the Army, the Pentagon, Washington, D.C. 20310.

Notification procedure:

Information may be obtained from officials of the school concerned or from the WNRC, as appropriate.

Record access procedures:

Written requests for information on the records system and for instructions concerning personal visits may be forwarded to the principal of the Army-operated dependents school located in the US at installations cited above, or from the WNRC. Written requests should contain the following information: Current name and, if different, the name used during the period inquirer was a student; date of birth; names of schools, locations, and dates of attendance.

Contesting record procedures:

The Army's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Application for enrollment and related forms from the student or student's parents/guardians; teachers' comments, correspondence or documents from medical authorities; correspondence from parents/guardians; written requests from parents/guardians, students, or authorized officials to inspect the student's file and determinations thereto; determinations by school officials concerning the student's need for a particular course or educational program; recommendations for awards, commendations, or adverse notifications and decisions; notification concerning suspensions, expulsions, or dismissal; parent/guardian or student requests for permission to be tardy or absent; parent's/guardian's permission for student's participation in class field trips, other school related trips, athletic activities, or vocational training outside of the school.

Systems exempted from certain provisions of the act:

None.

[FR Doc. 78-26699 Filed 9-21-78; 8:45 am]

[6360-01]

DELAWARE RIVER BASIN COMMISSION

[D-75-128]

DOW CHEMICAL CO. BULK CHEMICAL STORAGE AND DISTRIBUTION FACILITY

Environmental Impact Statement

In accordance with the National Environmental Policy Act of 1969 and the Delaware River Basin Commission's rules of practice and procedure (article IV), notice is hereby given of the availability of the final environmental impact statement pertaining to the subject project.

The Dow Chemical Co. proposes to construct and operate a bulk chemical storage terminal along the Delaware River in Bordentown Township, N.J. Construction would involve dredging of 307,000 yd^3 of river sediment to provide access from the river channel and to provide a berthing area for a marine off-loading terminal. Oceangoing tankers (30 per year) up to 700 feet in length and smaller barges would service the facility. Sixty-five storage tanks would be constructed on the 52-acre site to store more than 50 industrial chemicals, primarily intermediate organics. Related facilities would include a railroad siding and cargo transfer facility, a truck cargo transfer facility, a dry bulk transfer system and a storage and packaging warehouse.

The environmental impact statement identifies impacts on air, land, water, biota, and man, and evaluates alternate sites and methods. The statement may be examined in the library at the office of the Delaware River Basin Commission, 25 State Police Drive, Trenton, N.J., and in the library of the Water Resources Association of the Delaware River Basin, Davis Road, Valley Forge, Pa. A limited number of copies are available upon request.

The final statement has been submitted to the Environmental Protection Agency as of Septemer 15, 1978. Comments on the statement are requested before October 13, 1978.

W. BRINTON WHITALL,
Secretary.

[FR Doc. 78-26574 Filed 9-21-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

ECONOMIC REGULATORY ADMINISTRATION

[ERA Docket No. 77-006-LNG, FPC Docket Nos. CP77-330, et al.]

EL PASO EASTERN CO., ET AL.

Intent to Prepare a Supplement to an Environmental Impact Statement

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of intent to prepare a supplement to an environmental impact statement (EIS) in connection with an application to import liquefied natural gas (LNG) from Algeria through facilities proposed for construction on Matagorda Bay, Tex.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of its intent to prepare a supplement to the final EIS published by the former Federal Power Commission (FPC) in September 1977. The FPC published a final environmental impact statement for the Matagorda Bay project in connection with its evaluation of an application to import LNG from Algeria in the proceeding, El Paso Eastern Co., et al. (FPC docket Nos. CP77-330, et al.) The application is now pending before ERA, and a determination has been made by DOE that a supplement to the EIS must be prepared in order to satsify the requirements of the National Environmental Policy Act (NEPA).

SUPPLEMENTARY INFORMATION: In 1976 and 1977, El Paso Eastern Co., El Paso LNG Terminal Co. and El Paso Natural Gas Co. (hereinafter referred to collectively and individually as El Paso) filed applications and amended applications pursuant to sections 3 and 7 of the Natural Gas Act for authority to import LNG into the United States from Algeria; to construct, own and operate facilities for the receipt, storage, and regasification of the LNG at the proposed LaSalle Terminal on Matagorda Bay near Port O'Connor, Tex.; to construct additional pipeline and compression facilities; to transport, and to sell the resulting volumes of natural gas to customers in the State of California, the State of Texas and elsewhere. United Gas Pipe Line Co. and United LNG Co. (hereinafter referred to collectively and individually as United) filed applications, pursuant to section 7 of the Natural

Gas Act, to sell some of the imported natural gas in interstate commerce and to construct certain pipeline connecting facilities near Victoria, Tex.

The FPC consolidated all of these various proceedings and allowed interveners in any one of them to intervene in the consolidated proceeding. The consolidated proceedings are hereafter referred to as El Paso II. Hearings began on March 17, 1977, and were concluded on September 19, 1977.

On October 1, 1977, DOE was activated pursuant to Executive Order No. 12009, September 13, 1977, (42 FR 46267) and the authority to approve natural gas importation under section 3 of the Natural Gas Act was automatically transferred to and vested in the Secretary of Energy pursuant to sections 301 and 402(f) of the Department of Energy Organization Act (Pub. L. 95-91). The Secretary immediately delegated to the Federal Energy Regulatory Commission (FERC) the authority to carry out this function with respect to cases pending before it (DOE Delegation Order No. 0204-1, par. 11, October 1, 1977). By a DOE final rule issued October 1, 1977, entitled "Transfer of Proceedings to the Secretary of Energy and the Federal Energy Regulatory Commission," El Paso II was to continue under FERC jurisdiction until after the timely filing of all briefs on and opposing exceptions to the initial decision of the presiding administrative law judge. Judge Walter T. Southworth issued an initial decision on October 25, 1977, in which he approved, subject to conditions, the applications as amended under sections 3 and 7 of the Natural Gas Act. All briefs on exceptions and opposing exceptions to the initial decision were filed with the FERC by November 28, 1977. On December 7, 1977, the record in El Paso II was forwarded to DOE in compliance with the final rule.

Pursuant to paragraph 6 of DOE Delegation Order No. 0204-4, issued October 1, 1977, the Secretary had delegated the authority to issue a final order in this proceeding to the Administrator of the ERA.

In reviewing the record in this proceeding, DOE has determined that, before a final order can be issued, the FPC's EIS must be supplemented. Several Federal agencies and other interested organizations have expressed the concern that the EIS is substantively deficient in certain respects, including, inter alia, the analysis of offshore facility alternatives; the analysis of secondary, long-term, and cumulative impacts; and, the analysis of thermal, circulation, and salinity changes in Matagorda Bay and the resultant ecological impacts which would result from the extensive dredging and spoils disposal required for implementation of the project.

Accordingly, DOE has determined that the preparation of a supplement to the EIS covering the listed issues is the appropriate course to follow in order to assure compliance with NEPA.

Interested persons, agencies, and organizations desiring to submit comments or suggestions for consideration with respect to the preparation of this supplement are invited to do so. DOE encourages commenters to respond as soon as possible in order that suggestions may be reflected in the scope of the supplement. Upon completion of the draft supplement, its availability will be announced in the FEDERAL REGISTER, at which time public comments will again be solicited. Following the close of the comment period on the draft supplement, DOE will prepare a final supplement.

ADDRESS FOR COMMENTS: Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street NW., Room 6318, Washington, D.C., 20461, telephone 202-254-9730.

FOR FURTHER INFORMATION CONTACT:

Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street NW., Room 6318, Washington, D.C., 20461, telephone 202-254-9730.

Janine Landow-Esser, Office of General Counsel, 20 Massachusetts Avenue NW., Room 8217, Washington, D.C. 20461, telephone 202-376-4266.

Carol Borgstrom, Office of Environment, 12th and Pennsylvania Avenue NW., Federal Building, Room 7119, Washington, D.C. 20461, telephone 202-566-9760.

Issued in Washington, D.C., on September 11, 1978.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 78-26690 Filed 9-21-78; 8:45 am]

[3128-01]

REFINERS' CRUDE OIL ALLOCATION PROGRAM

Corrected Buy-Sell List for Allocation Period of October 1, 1978 through March 31, 1979

On August 28, 1978, the Economic Regulatory Administration (ERA) of the Department of Energy issued the buy-sell list specified in 10 CFR 211.65(g) of the refiners' crude oil allocation program for the allocation period of October 1, 1978 through March 31, 1979 (43 FR 39412, September 5, 1978). The refiner-sellers' portion of that buy-sell list was incorrect because of errors in computing (1) carryover of unsold refiner-seller sales obligations from previous allocation periods and (2) adjustments because of changes in refiner-buyers' allocations in previous allocation periods.

A corrected list of refiner-sellers' sales obligations for the allocation period commencing October 1, 1978, is appended to this notice. Refiner-buyers' allocations remain as set forth in the buy-sell list issued August 28, 1978.

Any questions concerning this notice should be addressed to: Chief, Crude Oil Allocation Branch, 2000 M Street NW., Washington, D.C. 20461.

This notice is issued pursuant to subpart G of DOE's regulations governing its administrative procedures and sanctions, 10 CFR part 205. Any person aggrieved hereby may file an appeal with DOE's Office of Hearings and Appeals in accordance with subpart H of 10 CFR part 205. Any such appeal shall be filed by October 23, 1978.

Issued in Washington, D.C., on September 18, 1978.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

APPENDIX

The list of refiner-sellers for the period October 1, 1978, through March 31, 1979, is revised as follows. The list sets forth the identity of each refiner-seller, the fixed percentage share of each refiner-seller, and the volumes of crude oil that each such refiner-seller is required to offer for sale to refiner-buyers. Refiner-sellers' sales obligations were adjusted to reflect some refiner-buyers' allocations shown in error in prior allocation periods.

CRUDE OIL ALLOCATION PROGRAM SALES OBLIGATIONS

[for the period Oct. 1, 1978, to Mar. 31, 1979]

Refiner-sellers	Share	Sales obligation (barrels)
Amoco Oil Co	0.099	199,120
Atlantic Richfield Co	.072	563,047
Chevron U.S.A., Inc	.096	2,173,103
Cities Service Co	.023	1,602,059
Continental Oil Co	.034	0
Exxon Co., U.S.A.	.112	0
Getty Refining & Marketing Co	.020	0
Gulf Refining & Marketing Co	.086	433,939
Marathon Oil Co	.022	0
Mobil Oil Corp	.089	350,656
Phillips Petroleum Co	.039	0
Shell Oil Co	.107	53,922
Sun Co	.052	77,957
Texaco Inc	.107	312,633

Union Oil Co. of California	.043	953,381
Total sales		6,719,817

[FR Doc. 78-26691 Filed 9-21-78; 8:45 am]

[3128-01]

Western Area Power Administration

CENTRAL VALLEY PROJECT (CVP) POWER RATES

Changes in Dates for Public Comment in Supplemental Proceedings

AGENCY: Western Area Power Administration (WAPA), Department of Energy.

ACTION: Notice of changes in dates for public comment.

SUMMARY: The dates for various steps in the Supplemental Proceedings for Public Participation in Power Rate Adjustments for CVP, California, as published in the FEDERAL REGISTER for April 18, 1978, 43 FR 16391, are amended as follows: An additional information forum will be held in Sacramento, Calif., on September 27, 1978, to answer questions concerning revised tentative rates. Written comments will be due November 1 and rebuttal comments on November 24. A public comment forum will be held December 6 and final position summaries are due December 22.

DATES: An additional information forum will be held at 9:30 a.m., on Wednesday, September 27, 1978, at Caravan Inn, 2300 Auburn Boulevard, Sacramento, Calif. Written comments on the revised tentative rate schedules may be submitted on or before November 1, 1978. Written rebuttal comments may be submitted on or before November 24, 1978. The supplemental public comment forum will be held at the Caravan Inn at 9:30 a.m., on December 6, 1978. Written summaries of positions are due on or before December 22, 1978.

ADDRESSES: Three copies of written comments shall be mailed to each of the following:

Area Manager, Western Area Power Administration, Department of Energy, 2800 Cottage Way, Sacramento, Calif. 95825.
Administrator, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, Colo. 80401.
Assistant Secretary for Resource Applications, Department of Energy RA-4, Washington, D.C. 20461.

In addition, a copy should be submitted to each person who has previously submitted comments. A list of such persons may be obtained from the area manager.

FOR FURTHER INFORMATION CONTACT:

Gordon R. Estes, Area Manager, Western Area Power Administration, Department of Energy, 2800 Cottage Way, Sacramento, Calif. 95825, 916-484-4251.

Clark L. Rose, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, Colo. 80401, 303-234-7548.

SUPPLEMENTARY INFORMATION: This proceeding was started in September 1977 with the announcement that two alternative tentative rates were under consideration. See 42 FR 46619 (1977). Following public information and public comment forums, the customers requested more time to obtain information and submit comments. Accordingly, the procedures were revised to authorize the establishment of interim rates followed by supplemental proceedings, 43 FR 12076 (1978); and interim rates were established, 43 FR 12361 (1978), to become effective May 25, 1978.

In April 1978, the Department of Energy announced supplemental proceedings for public participation in CVP power rate adjustments before a final decision is made, 43 FR 16391 (1978). A supplemental information forum was held on April 27 and continued to June 9. A number of written comments were received on June 30. However, the dates for rebuttal comments, the public comment forum, and the position summaries were cancelled pending further developments.

One of the point made in the June 30 comments was that WAPA had not presented revised tentative rates to substitute for the tentative alternative rates announced in September 1977, so it was difficult for the customers to know what to comment on. In response to this comment, WAPA is preparing revised alternative tentative rates, based primarily on information already circulated, which will be submitted to interested persons at or before the forum on September 27, 1978. Questions concerning those revised rates will be answered at the forum, and the subsequent written and oral comments will be directed to them.

Issued in Washington, D.C. September 21, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-26934 Filed 9-21-78; 10:36 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

REGULATION OF INTERSTATE CARRIER WATER

Memorandum of Understanding With the Food and Drug Administration

CROSS REFERENCE: For a document giving notice of a memorandum of understanding between the Environmental Protection Agency and the Food and Drug Administration regarding certain related objectives in carrying out the regulation of water intended for drinking and culinary purposes on interstate carrier conveyances, see FR Doc. 78-26584 appearing elsewhere in the Notices section of this issue of the FEDERAL REGISTER.

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1142]

PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULEMAKING PROCEEDINGS FILED

SEPTEMBER 18, 1978.

Docket or RM No.	Rule No.	Subject	Date received
20870		Regulatory policies and procedures for the Domestic Public Land Mobile Radio Service. Filed by Kenneth E. Hardman, attorney for Telocator Network of America.	Sept. 8, 1978.

Docket or RM No.	Rule No.	Subject	Date received
21010		UHF television receiver noise figures. Filed by J. Edward Day and William K. Black, attorneys for Consumer Electronics Group, Electronic Industries Association.	Sept. 14, 1978.
CC 78-144		Adoption of rules for the regulation of cable television pole attachments. Filed by James A. Debois, M. Jean Dabney, Michael R. Greene and Charles G. Hollis, attorneys for American Telephone & Telegraph Co. and the Associated Bell System Co..	Sept. 8, 1978.
		Filed by Thomas J. O'Reilly, attorney for United States Independent Telephone Association.	Sept. 11, 1978
		Filed by Stuart Feldstein, Jay E. Ricks and R. Clark Wadlow, attorneys for National Cable Television Association, Inc.	Do.

NOTE.-Oppositions to petitions for reconsideration must be filed on or before October 10, 1978. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-26592 Filed 9-21-78; 8:45 am]

GENERAL SERVICES ADMINISTRATION

PRIVACY ACT OF 1974

Altered System of Records

ACENCY: General Services Administration.

ACTION: Alteration of a system of records.

SUMMARY: The system of records GSA/ADM-24, Investigation and Personnel Security Case Files, is being amended to exempt criminal investigation case files in the system from all provisions of the Privacy Act with the exception of subsections (b); (c) (1) and (2); (e)(4) (A) through (F); (e) (6), (7), (9), (10), and (11); and (i) of the act.

DATES: Any interested party may submit written comments regarding the proposed alteration. To be considered, comments must be received on or before October 23, 1978. The changes to the system of records shall become effective as proposed without further notice on October 23, 1978, unless comments are received which would result in a contrary determination.

ADDRESS: Address comments to General Services Administration (BR), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT:

Mr. William Hiebert, Records Management Branch, Paperwork Management Division, 202-566-0673.

BACKGROUND

In the 1977 annual publication of systems of records (42 FR 47730 through 47783), the system of records GSA/ADM-24, Investigations and Personnel Security Case Files, was revised to cover the complete civil, criminal, and administrative actions being performed by the Office of Investigations. These actions were previously performed by the Federal Protective Service and were included as part of the system of records GSA/PBS-3, Incident Reporting System. A general exemption for criminal investigation case files existed for the system of records GSA/PBS-3. When the system of records GSA/ADM-24 was revised to cover these criminal investigation case files, a corresponding revision to 41 CFR 105-64.601 for the general exemption was not made. The proposed rule published in the Proposed Rules section of today's FEDERAL REGISTER will correct this omission by adding the system of records GSA/ADM-24 to 41 CFR 105-64.601, general exemptions. This change is also being incorporated into the system of records notice. The proposed revised system of records is as follows:

GSA/ADM-24 (23-00-0024)

System name:

Investigation and Personnel Security Case Files GSA/ADM.

Security classification:

Some of the material contained in the system has been classified in the interests of the national security pursuant to Executive Order 11652.

System location:

The system is located in the Office of Investigations, GS Building, 18th and F Streets NW., Washington, D.C. 20405.

Categories of individuals covered by the system:

Individuals covered by the system are employees, applicants for employment, and former employees of GSA, and commissions, committees, and small agencies serviced by GSA. Also included are historical researchers, employees of contractors performing custodial or guard services in buildings under GSA jurisdiction, individuals who were the source of an individual complaint or an allegation that a crime had taken place, witnesses having information or evidence to any side of an investigation, and identification of possible and actual suspects in the criminal or civil actions that are subjects of investigations.

Categories of records in the system:

Investigative files contain information such as name, date, and place of birth, address, social security number, education, occupation, experience, and investigatory material. These records are used as a basis for issuance of security clearances; suitability determinations; civil, criminal, and administrative action; and determinations in discrimination cases.

Authority for maintenance of the system:

Executive Order 10450, April 27, 1953; Executive Order 11478, August 8, 1969; Executive Order 11652, March 8, 1972; Executive Order 11246, September 24, 1965; and 40 U.S.C. 276a through a-7, 276c, 318 (a) through (d), and 327 through 331.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used by officers and representatives of other Government agencies on a need-to-know basis in the performance of their official duties under the authorities set forth above and also those routine uses contained in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in card file folders.

Retrievability:

Retrieved manually by name from files that are indexed alphabetically and filed numerically by location and incident.

Safeguards:

Records are stored in locked alarmed vault type room and/or three-way combination dial safes with access limited to authorized personnel. Information released only to authorized officials on a need-to-know basis.

Retention and disposal:

Disposition of records is in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2). Records are destroyed either by burning or pulping.

System manager and address:

The official responsible for the system is the Director of Investigations, 18th and F Streets NW., Washington, D.C. Mailing address: General Services Administration (AWI), Washington, D.C. 20405.

Notification procedures:

Inquiries by individuals as to whether the system contains a record pertaining to themselves should be addressed to the Director of Investigations.

Record access procedures:

Requests from individuals for access to records should be addressed to the Director of Investigations and should include full name (maiden name where appropriate), address, and date and place of birth. Only general inquiries may be made by phone.

Contesting record procedures:

GSA rules for access to records and for contesting the contents and appealing initial determinations are promulgated in 41 CFR 105-64, published in the FEDERAL REGISTER.

Record source categories:

Individuals, employees, informants, law enforcement agencies, other Government agencies, employers, references, co-workers, neighbors, educational institutions, and intelligence sources.

Systems exempted from certain provisions of the act:

In accordance with 5 U.S.C. 552a(j), the criminal investigation case files in this system of records are exempt from all provisions of the act with the exception of subsections (b); (c) (1) and (2); (e)(4) (A) through (F); (e) (6), (7), (9), (10), and (11); and (i) of the act. In accordance with 5 U.S.C. 552a(k), the general investigation and personnel security case files in this system of records are exempt from subsections (c)(3); (d); (e)(1); (e)(4) (G), (H), and (I); and (f) of the act.

Dated: September 11, 1978.

JANICE K. MENDENHALL,
Controller-Director of Administration.

[FR Doc. 78-26664 Filed 9-21-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEE

Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee 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 pt. 14) relating to advisory committees. The following advisory committee meeting is announced:

Committee name	Date, time, and place	Type of meeting and contact person
Dermatology Subcommittee of the Anti-Infective and Topical Drugs Advisory Committee.	Oct. 26, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 4:30 p.m.; Mary K. Bruch (HFD-140), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4310.

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of infectious diseases, dermatological disorders, and ocular diseases.

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 discussion will include Oxsoralen (NDA 9-048) with ultraviolet light in the treatment of psoriasis and update retinoic acid-possible photo-carcinogenicity in animals.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) and 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 the specific meeting involved. There are no closed portions for the meeting 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.

Dated: September 18, 1978.

JOSEPH P. HILE,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 78-26597 Filed 9-21-78; 8:45 am]

[4110-03]

Food and Drug Administration

ADVISORY COMMITTEES

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. General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel.	Oct. 12, 9 a.m., Room 425, 8757 Georgia Ave., Silver Spring, Md.	Open committee discussion 9 a.m. to 10 a.m.; closed committee deliberations 10 a.m. to 1 p.m.; open public hearing 1 p.m. to 2 p.m.; James G. Dillon, Ph.D., (HFK-410), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open committee discussion. Keith Lusted, M.D., Bureau of Medical Devices, will make a presentation to the panel on the product development protocol approach to premarket approval of new medical devices.

Closed committee deliberations. The panel will review a product development protocal submission from a medical device manufacturer. This portion of the meeting will be closed to permit discussion of trade secret information (5 U.S.C. 552b(c)(4)).

Open public hearing. Interested parties are encouraged to present information pertinent to the classification findings of the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel. Those desiring to make formal presentations should notify Mark F. Parrish, Ph.D., by October 5, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Committee name	Date, time, and place	Type of meeting and contact person
2. Immunology Device Section of the Immunology and Microbiology Devices Panel.	Oct. 30 and 31, 9 a.m., Room 1209, 8757 Georgia Ave., Silver Spring, Md.	Open public hearing Oct. 30, 9 a.m. to 10 a.m.; closed committee deliberations Oct. 30, 10 a.m. to 5 p.m., Oct. 31, 9 a.m. to 5 p.m.; William C. Dierksheide, Ph.D. (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of immunology devices to Dr. Srikrishna Vadlamudi. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify Dr. Vadlamudi by September 29, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants. references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Closed committee deliberations. The Panel will review and discuss premarket approval applications Nos. P780001 and 760001. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Committee name	Date, time, and place	Type of meeting and contact person
3. Microbiology Devices Section of the Immunology and Microbiology Devices Panel.	Oct. 31 and Nov. 1, 9 a.m., Room 1209, 8757 Georgia Ave., Silver Spring, Md.	Closed committee deliberations Oct. 31, 9 a.m. to adjournment; open public hearing Nov. 1, 9 a.m. to 10 a.m.; open committee discussion Nov. 1, 10 a.m. to 4:30 p.m.; William C. Dierksheide, Ph. D., (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234.

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Closed committee deliberations. The panel will review and discuss antibiotic drug application N50-525. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Open public hearing. Interested parties are encouraged to present information pertinent to the classification of microbiology devices to Thomas Tsakeris. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify Thomas Tsakeris by September 29, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required for their comments.

Open committee discussion. The panel will discuss culture media labeling with a view toward specifying the minimum essential information required for proper use of these products by the user.

Each public advisory committee meeting listed above 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. The dates and times reserved for the separate 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, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably, deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: September 15, 1978.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc. 78-26491 Filed 9-21-78; 8:45 am]

[4110-03]

BUREAU OF DRUGS ADVISORY COMMITTEE CHAIRPERSONS

Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a meeting of the Bureau of Drugs advisory committee chairpersons to be held on October 6, 1978, in Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, beginning at 9 a.m.

FOR FUTHER INFORMATION CONTACT:

Frank H. Desmond, Bureau of Drugs (HFD-22), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4090.

SUPPLEMENTARY INFORMATION: The preliminary agenda provides for the presentations listed below. Time will be provided for questions from the general public.

Topic and Presenter

FDA advisory committees: why we need them; how we use them. Donald Kennedy, Commissioner of Food and Drugs.

Philosophy of drug regulation, including the role of advisory committees in the evaluation of new drugs. J. Richard Crout, Director, Bureau of Drugs.

Use of advice and recommendations. Marion J. Finkel, Associate Director for New Drug Evaluation.

Relationships of advisory committees to divisions. Robert Temple, Director, Division of Cardio-Renal Drug Products.
The chairperson's perspective. Theodore King, Former Chairperson, Fertility and Maternal Health Drugs Advisory Committee.
The evaluation of candidates for committee membership. Jerome A. Halperin, Acting Deputy Director, Bureau of Drugs.
Federal conflict of interest statutes: Scope, impact, and pitfalls. Eric Blumberg, Associate Chief Counsel for Enforcement, Office of the General Counsel, Food and Drug Division.
Meeting management. Frank H. Desmond, Chief, Committee Management Branch.

After the presentations and discussion there will be a meeting with the division directors, executive secretaries, and division staffs.

Dated: September 14, 1978.

JOSEPH P. HILE,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 78-26490 Filed 9-21-78; 8:45 am]

[4110-03]

Food and Drug Administration

[Docket No. 77N-0393; DESI 7245]

CERTAIN INHALATION BRONCHODILATORS

Withdrawal of Approval of New Drug Application; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction.

SUMMARY: This document corrects a notice that was published in the FEDERAL REGISTER of Friday, July 14, 1978.

EFFECTIVE DATE: September 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Nathan J. Treinish, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPLEMENTARY INFORMATION: In FR Doc. 78-19229 in the FEDERAL REGISTER of Friday, July 14, 1978, on page 30348, column 3, the next to the last paragraph is corrected by changing in the second line "NDA 7-245" to read "NDA 11-726" and in the third line "NDA 11-726" to read "NDA 7-245."

Dated: September 13, 1978.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 78-26364 filed 9-21-78; 8:45 am]

[4110-03]

[Docket No. 78-0081; DESI 5803]

CERTAIN POORLY ABSORBED SULFONAMIDES FOR ORAL USE

Withdrawal of Approval of New Drug Applications

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug applications for two poorly absorbed sulfonamides for oral use. The basis for the withdrawal is the lack of substantial evidence that the drug products are effective for their labeled indications. The drug products, which have been used in the treatment of various gastrointestinal disorders, are no longer marketed.

EFFECTIVE DATE: October 2, 1978.

ADDRESS: Requests for opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 5803 and directed to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Mary E. Catchings, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice of opportunity for hearing published in the FEDERAL REGISTER of May 2, 1978 (43 FR 18771), the Director of the Bureau of Drugs proposed to issue an order withdrawing approval of the following new drug applications on the ground that the drug products lack substantial evidence of effectiveness for their labeled indications.

NDA 4-687; that portion of the NDA pertaining to Sulfasuxidine Tablets containing succinylsulfathiazole; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486.
NDA 6—593; Thalamyd Tablets containing phthalylsulfacetamide; Schering Corp., Galloping Hill Road, Kenilworth, N.J. 07003.

All drug products that are identical, related, or similar to the drugs named above and are not the subject of an approved new drug application are covered by the new drug applications reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the division of Drug Labeling Compliance (address given above).

Neither the holders of the applications nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82), finds that on the basis of new information before him with respect to these drug products, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of NDA 6-593 and that part of NDA 4-687 providing for the drug product named above and all amendments and supplements applying thereto is withdrawn effective October 2, 1978.

Shipment in interstate commerce of the above products or of any identical, related, or similar product that is not the subject of an approved new drug application will then be unlawful.

Dated: September 15, 1978.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 78-26598 Filed 9-21-78; 8:45 am]

[4110-03]

[Docket No. 78N-0248]

CHLORTETRACYCLINE, SULFAMETHAZINE, AND VITAMIN TABLETS FOR ANIMAL USE

Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is providing an opportunity for hearing to American Cyanamic Do., P.O. Box 400, Princeton, N.J. 08540, on a proposal to withdraw approval of a new animal drug application (NADA 55-025) for Aureomycin Sulmet Oblets, which contain chlortetracycline, sulfamethazine, vitamins A and D, and niacin for animal use. the ground for the proposed withdrawal is that new information evaluated together with evidence available at the time of the drug's approval shows a lack of substantial evidence of the drug's effectiveness.

DATE: Written appearances requesting a hearing, data, and information in support of hearing requests, and written comments by October 23, 1978.

ADDRESS: Written appearances data, information, and comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

David Scarr, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: Elsewhere in this issue of the FEDERAL REGISTER, the Director of Bureau of Veterinary Medicine proposes to revoke § 546.110e *Chlortetracycline-sulfamethazine tablets* (21 CFR 546.110e), the certification provision for the use of the drug.

A. THE DRUG

Aureomycin Sulmet Oblets contain 125 milligrams (mg) chlortetracycline in combination with 2.5 grams sulfamethazine and 100 mg nicotinic acid, 62,500 international units (I.U.) vitamin A, and 6,250 I.U. vitamin D. The product is labeled for the oral treatment of bacterial scours in calves at a dosage of one oblet daily for calves up to 100 pounds, and two oblets daily for calves 100 to 200 pounds for up to 3 days; it is not to be administered within 5 days of slaughter for food.

B. BACKGROUND

The Bureau of Veterinary Medicine (BVM) informed American Cyanamid by letter dated October 2, 1974, that Aureomycin Sulmet Oblets had been rereviewed for efficacy under guidelines established by the National Academy of Sciences/National Research Council (NAS/NRC). The letter stated, in part, that the efficacy data in the new animal drug application for this combination drug did not meet the requirements for fixed dose combination drugs as set forth in § 514.1(b)(8)(v) (21 CFR 514.1(b)(8)(v)) and that dose response studies (incremental effectiveness, titration studies) were required to insure that the most effective level or levels for each drug is or are used. American Cyanamid has not submitted this additional data, as requested, establishing the drug's effectiveness.

C. DEMONSTRATION OF EFFECTIVENESS

Section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b) requires that a drug have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. With respect to fixed combination drugs, such as Aureomycin Sulmet Oblets, § 514.1(b)(8)(v) requires that each ingredient designated as active in any new animal drug combination contribute to the effect in the manner claimed or suggested in the labeling. Section 514.1(b)(8)(v) further requires that if, in the absence of express labeling claims of advantages for the combination, such a product purports top be better than either component alone, it must be established that the new animal drug has that purported effectiveness. The requirement of effectiveness includes the requirement that the most effective level for each component be used. In the case of drug combinations for concurrent therapy, such as Aureomycin Sulmet Oblets, the requirement of effectiveness also includes the requirement that the dosage of each component be such that the combination is safe and effective for a population of significant size, specifically described in the labeling as requiring such concurrent therapy.

To demonstrate that Aureomycin Sulmet Oblets are effective, American Cyanamid must submit, in accordance with section 512(d)(3) of the act, substantial evidence consisting of adequate and well-controlled investigations, as defined by § 514.111(a)(5) (21 CFR 514.111(a)(5)), including field investigation.

No data have been submitted by American Cyanamid purporting to show substantial evidence, based on adequate and well-controlled studies, that: (1) The combination of ingredients in the formulation of Aureomycin Sulmet Oblets is effective at the dosage level recommended in the product's labeling; (2) that each active ingredient in the formulation contributes to the effect in the manner claimed or suggested in the labeling; and (3) that the most effective level or levels of each ingredient drug are used as required by § 514.1(b)(8)(v).

D. CONCLUSION

On the basis of all the data and information available, the Director of the Bureau of Veterinary Medicine is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 512 of the act and §§ 514.1(b)(8)(v) and 514.111(a)(5) of the regulations and thus demonstrating the effectiveness of this combination drug product. Accordingly, the Director concludes that, on the basis of new information with respect to this drug product evaluated together with the evidence available when the product was originally approved, there is a lack of substantial evidence that the drug product will have the effect it is purported of represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, notice is given to American Cyanamid and to all other interested persons, that the Director proposes to issue an order under section 512(e) of the act and section 108(b) of the Animal Drug Amendments of 1968 (Pub. L. 90-399), withdrawing approval of NADA 55-025 on the ground that the drug product lacks substantial evidence of effectiveness as defined by section 512 (d)(3) and (e)(1)(C) of the act and §§ 514.1(b)(8)(v) and 514.111(a)(5) of the regulations.

This notice of opportunity for hearing encompasses, in addition to the grounds for the proposed withdrawal of the approval, all issues relating to the legal status of the drug product, i.e., any contention that such product is not a new animal drug within the meaning of section 201(w) of the act (21 U.S.C. 321(w)).

In accordance with the provisions of section 512 of the act, section 108 of Pub. L. 90-399, and the regulations promulgated thereunder (21 CFR Part 510), American Cyanamid is hereby given an opportunity for hearing to show why approval of NADA 55-025 should not be withdrawn and why § 546.110e, which provides for its use, should not be revoked in accordance with this proposed withdrawal of approval; and an opportunity to raise, for administrative determination, all issues related to the legal status of Aureomycin Sulmet Oblets. Any other person may also submit comments on this notice within the time and under the requirements specified in this notice.

American Cyanamid shall file, on or before October 23, 1978, a written appearance electing whether or not to avail itself of the opportunity for hearing. Such written appearance shall give the reason why the approval should not be withdrawn, together with a well organized and full factual analysis of the clinical and other investigational data in support of the opposition to the Director's proposal.

Such analysis should include all protocols and underlying raw data and shall be submitted according to the requirements of § 314.200 (c)(2) and (d) (21 CFR 314.200 (c)(2) and (d)), which are hereby made applicable to this notice by reference. Wherever in § 314.200(d) reference is made to the requirements of § 300.50 (21 CFR § 300.50), that reference shall be deemed, for the purposes of this notice, to be a reference to the requirements for combination drug products as expressed in § 514.1(b)(8) and this notice.

The failure of American Cyanamid to file a timely written appearance and request for hearing as required by § 514.200 (21 CFR 514.200) constitutes an election by American Cyanamid not to avail itself of the opportunity for hearing concerning the action proposed and also constitutes a waiver of any contentions concerning the legal status of the drug, and the Director will summarily enter a final order withdrawing approval of NADA 55-025. Aureomycin Sulmet Oblets may not thereafter lawfully be marketed.

A request for hearing may not rest upon mere allegations or denials, but must set forth specific facts showing a genuine and substantial issue of fact that requires a hearing. If a hearing is requested and justified by American Cyanamid's response to this notice of opportunity for hearing, the issues will be defined, an administrative law judge will be assigned, and a written notice of the time and place at which the hearing will commence will be issued as soon as praticable. If it clearly appears, from the data submitted and from the reasons and a factual analysis in the request for hearing, that no genuine and substantial issue of fact precludes the withdrawal of approval of Aureomycin Sulmet Oblets and revocation of the regulation that provides for its use (e.g., if no adequate and well-controlled clinical investigations to support the claims of effectiveness have been identified), the Commissioner of Food and Drugs will enter summary judgment against American Cyanamid, making findings and conclusions, and denying a hearing, and the applicable regulation will be immediately revoked, consistent with such determination, without further opportunity for objection or hearing.

All submissions responding to this notice shall be filed in five copies with the Hearing Clerk (HFA-305), Food and Drug Administration, room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and shall be identified with the hearing clerk docket number found in brackets in the heading of this document. With the exception of data and information prohibited from public disclosure under section 301(j) of the act (21 U.S.C. 331(j)) or 18 U.S.C. 1905, submissions received may be seen in the office of the hearing clerk during regular business hours.

The interim marketing privileges for sulfonamide-containing drug products that are provided for under § 510.450 (21 CFR 510.450) do not preclude the agency from proceeding against a product when it fails to conform to the other requirements to which it is subject. Because the basis for this action is a failure to meet the requirements of § 514.1(b)(8)(v), interim marketing under § 510.450 will be terminated upon publication of the final order in the FEDERAL REGISTER.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512, 59 Stat. 463 as amended, 82 Stat. 343-351 (21 U.S.C. 357, 360b)) and the Animal Drug Amendments of 1968 (sec. 108(b), Pub. L. 90-399; 82 Stat. 353) and under authority delegated to the Commissioner (21 CFR 5.1) and redelegated to the Director (21 CFR 5.84).

Dated: September 11, 1978.

LESTER M. CRAWFORD,
Director, Bureau of Veterinary Medicine.

[FR Doc. 78-26366 Filed 9-21-78; 8:45 am]

[4110-03]

Food and Drug Administration

[FDA-225-78-4006]

REGULATION OF INTERSTATE CARRIER WATER

Memorandum of Understanding With the Environmental Protection Agency

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the Environmental Protection Agency. The purpose of the understanding is to set forth cooperative working arrangements in regulating the suitability of the water intended for drinking and culinary purposes on interstate carrier conveyances.

DATE: The agreement became effective September 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Gary Dykstra, Compliance Coordination and Policy Staff (HFC-13), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3470.

SUPPLEMENTARY INFORMATION: Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) stating that future memoranda of understanding and agreements between FDA and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs is issuing the following memorandum of understanding:

MEMORANDUM OF UNDERSTANDING BETWEEN THE ENVIRONMENTAL PROTECTION AGENCY AND THE FOOD AND DRUG ADMINISTRATION

I. Purpose: To provide a mechanism whereby the Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA) will coordinate their agency regulatory activities with respect to the suitability of potable water intended for drinking and culinary purposes on board interstate carrier conveyances (ICC).

II. Scope: For purposes of this agreement "EPA" shall mean the U.S. Environmental Protection Agency acting directly or through the States which have assumed the primary enforcement responsibility under the Safe Drinking Water Act.

There are three elements comprising the composite system which delivers water to the tap on board the Interstate Carrier Conveyance. They are: (1) The public water system from which the interstate carrier conveyance receives its water supply; (2) the watering point where drinking water and culinary water is actually transferred to the ICC, and; (3) the ICC water system itself.

Under the provisions in the Safe Drinking Water Act (SDWA) and its associated regulation, Interstate Carrier Conveyances (ICC) serving drinking water to 25 or more persons at least 60 days per year are public water systems and as such are subject to the national interim primary drinking water regulations (NIPDWR) promulgated by EPA. EPA has jurisdiction under the SDWA over the public water systems furnishing drinking water to ICC's. EPA has certain regulatory authority over watering points and the ICC water system due to the consecutive nature of the systems in assuring suitable drinking water at the tap on board the ICC.

Under the provisions of the Food, Drug, and Cosmetic Act, the Public Health Service Act and their associated regulations, the FDA has authority to regulate water to insure that food is not adulterated and to take actions necessary to prevent the transmission of communicable disease. FDA also has regulatory authority over the ICC onboard culinary systems.

On many of the conveyances, the onboard culinary water and drinking water are within one system. Therefore, the responsibilities of both the EPA and FDA with respect to ICC's are complementary. Thus, a coordinated approach by these agencies will assure the provision of suitable potable water to the traveling public and crews on ICC's.

III. Provisions: To facilitate the purpose of this agreement, it is specifically agreed that:

A. The EPA will administer a regulatory program with respect to public water systems from which ICC's receive their water supply. The public water system that serves the ICC's will sample drinking water and report to the IPA. In case of violation, EPA will take action against the public water system and will notify FDA. FDA will in turn notify the ICC headquarters whose conveyances utilize watering points served by the public water system of the EPA determination and any regulatory action FDA considers appropriate.

B. The EPA will administer a regulatory program with respect to watering point and onboard carrier drinking water suitability. The ICC's and the watering points will sample for the suitability of the drinking water and report to EPA. In the event of a watering point or an onboard system violation, EPA will notify FDA. FDA will in turn notify the ICC headquarters whose conveyances utilize watering points of the EPA determination and any regulatory action FDA considers appropriate. FDA may, if it deems appropriate, include conveyances in violation in their inspection/monitoring schedule.

C. EPA will administer a regulatory program for ICC's using onboard treatment. The ICC's will sample for the suitability of the drinking water and report to EPA. In the event of a violation, EPA will notify FDA.

D. The FDA will continue to administer an ongoing regulatory program with respect to the watering point and onboard carrier culinary water systems. The FDA will notify EPA of violations. This continuing program of construction and operation inspections is complementary to an EPA program.

E. Both agencies will:

1. Maintain close working relations with each other in headquarters and in the field.

2. Exchange procedures and techniques used in determining and administering compliance within the appropriate regulatory constraints promulgated by each agency.

3. Coordinate enforcement efforts, thereby avoiding duplication of efforts, to assure the full safety and health protection of the public.

IV. Duration of agreement: A. This agreement, when accepted by both parties, covers an indefinite period of time and may be modified by mutual consent in writing by both parties, or terminated by either party upon thirty (30) days advance written notice.

B. This agreement will be reviewed annually by both agencies to insure that it is still appropriate and that the terms and provisions are current.

C. Nothing in the agreement is intended to diminish or otherwise affect the authority of either agency to carry out its respective statutory functions.

V. Reports: EPA will provide FDA an annual report on compliance status of public water systems used in conjunction with carriers and compliance status of drinking water suitability of ICC's and watering points.

FDA will provide EPA an annual report on location and compliance of watering points and compliance status of carrier culinary water systems.

VI. Liaison officers: A. A liaison officer has been designated for each agency to serve as a contact point. These liaison officers will be responsible for maintaining communication as to procedures and internal activities of their respective agencies in the area of common interest. These liaison officers are as follows:

1. For EPA: Liaison Officer—Chief, Drinking Water Branch, ODW (WH-550), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone 202-426-3983.

2. For FDA: Liaison Officer—Chief, Interstate Travel Sanitation Branch (HFF-324), Food and Drug Administration, Bureau of Foods, 200 C Street SW., Washington, D.C. 20204, telephone 202-245-1505.

B. The respective liaison officer accompanied by appropriate staff will hold meetings from time to time, but not less than annually, to discuss matters of concern to each agency.

VII. Authority: The Public Health Service Act (Pub. L. 78-410), the Food, Drug, and Cosmetic Act (P21 USC 321), the Safe Drinking Water Act (Pub. L. 93-523).

Dated: July 14, 1978.

For the U.S. Environmental Protection Agency:

THOMAS C. JORLING,
Assistant Administrator,
Office of Water and Hazardous Materials.

Dated: September 14, 1978.

For the Food and Drug Administration:

JOSEPH P. HILE,
Associate Commissioner
for Regulatory Affairs.

Effective date. This memorandum of understanding became effective September 14, 1978.

Dated: September 18, 1978.

JOSEPH P. HILE,
Associate Commissioner for
Regulatory Affairs.

[FR Doc. 78-26584 Filed 9-19-78; 8:45 am]

[4110-39]

National Institute of Education

EXPERIMENTAL PROGRAM FOR OPPORTUNITIES IN ADVANCED STUDY AND RESEARCH IN EDUCATION

Closing Date for Receipt of Applications

Notice is given that applications are being accepted for the second grants competition under the Experimental Program for Opportunities in Advanced Study and Research in Education according to the authority contained in section 405 of the general education provisions as amended, 20 U.S.C. 1221e.

A college, university, State department of education, local education agency, other public or private agency, organization, or group, or any combination of these is an eligible applicant. Support will be provided to improve opportunities for individuals to obtain high quality expertise and experience in educational research with emphasis upon opportunities for minority persons and women.

Applicants should note that there is a change from prior National Institute of Education practice which was to accept mailed applications for new awards only if they were received by the proposal clearinghouse on or before the closing date. Under a new procedure a mailed application meets the requirement if it is mailed on or before the closing date and the required proof of mailing is provided as explained in paragraph C below.

Closing date: December 1, 1978.

A. *Application and program information.* Interested persons may obtain a program announcement from the Program Staff, Minorities and Women's Program, National Institute of Education, Room 624, 1200 19th Street NW., Washington, D.C. 20208, telephone 202-254-8827. The program announcement includes the guidelines governing the program, information on the availability of funds, expected number of awards, eligibility and review criteria, and instructions on how to apply. Also included with the program announcement for this second grants competition will be a supplemental sheet that announces the modifications made to the previous program announcement. Persons interested in applying for research support under this program must submit a written request for the program announcement together with a self-addressed mailing label.

B. *Estimated distribution of program funds.* The program has a proposed funding allocation of $1.5 million in fiscal year 1979. It is expected that there will be about 24 project awards. The program will support projects of the highest quality. Further, nothing in the announcement will commit the Institute to award any specific amount. The actual total of funds awarded may change because of a need to reserve funds for continuation of projects begun earlier, for contract or in-house research or because of budget or staffing restrictions.

C. *Applications delivered by mail.* An application sent by mail must be addressed to the National Institute of Education, Proposal Clearinghouse, Attention: Experimental Program for Opportunities in Advanced Study and Research in Education. Applications will be accepted only if they are mailed on or before the closing date and the following proof of mailing is provided:

Proof of mailing must consist of a legible U.S. Postal Service dated postmark or a legible mail receipt with date of mailing stamped by the U.S. Postal Service. Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service

NOTE.—The U.S. Postal Service does not uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.

Applicants are encouraged to use registered or at least first-class mail.

Each late applicant will be notified that its application will not be considered in the current competition.

D. *Applications delivered by hand.* An application that is hand-delivered must be taken to the Proposal Clearinghouse, Room 708, 1832 M Street NW., Riviere Building, Washington, D.C. The proposal clearinghouse will accept hand-delivered applications between 8 a.m. and 4:30 p.m., Washington, D.C. time, daily, except Saturdays, Sundays, and Federal holidays. Applications for new awards that are hand-delivered will not be accepted after 4:30 p.m. on the closing date.

E. *Applicable regulations.* The regulations applicable to this program include the National Institute of Education general provisions regulations (45

CFR, subch. A) published in the FEDERAL REGISTER on November 4, 1974, 39 FR 38992, and the final rule for the Experimental Program for Opportunities in Advanced Study and Research in Education published in the FEDERAL REGISTER on July 31, 1978, 43 FR 33646.

(Catalog of Federal Domestic Assistance No. 13.950, Educational Research and Development.)

Dated: September 15, 1978.

PATRICIA ALBJERG GRAHAM,
Director, National Institute of Education.

[FR Doc. 78-26602 Filed 9-21-78; 8:45 am]

[4110-08]

National Institutes of Health

REPORT ON BIOASSAY OF 5-NITRO-O-TOLUIDINE FOR POSSIBLE CARCINOGENICITY

Availability

5-nitro-o-toluidine (CAS 99-55-8) has been tested for cancer-causing activity with rats and mice in the carcinogenesis program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary. A bioassay of 5-nitro-o-toluidine for possible carcinogenicity was conducted using Fischer 344 rats and B6C3F1 mice. 5-nitro-o-toluidine was administered in the feed, at either of two concentrations, to groups of 50 male and 50 female animals of each species. The time-weighted average high and low dietary concentrations of 5-nitro-o-toluidine were, respectively, 0.01 and 0.005 percent for rats, and 0.23 and 0.12 percent for mice. After a 78-week period of compound administration, observation of the rats continued for an additional 30 to 31 weeks and observation of the mice continued for up to an additional 20 weeks.

For each species, 50 animals of each sex were placed on test as controls and fed only the basal diet.

There were no significant positive associations between the concentration of 5-nitro-o-toluidine administered and mortality in rats or mice of either sex, and adequate numbers of animals in all groups survived sufficiently long to be at risk from late-developing tumors.

Under the conditions of this bioassay 5-nitro-o-toluidine was carcinogenic in B6C3F1 mice, causing hepatocellular carcinomas in both sexes, an increase in the combined incidence of hemangiomas and hemangiosarcomas in male mice, and an increased incidence of hemangiosarcomas in female mice. The compound was not carcinogenic in Fischer 344 rats.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalog of Federal Domestic Assistance Program No. 13.393, Cancer Cause and Prevention Research.)

Dated: September 14, 1978.

DONALD S. FREDRICKSON,
Director, National Institutes of Health.

[FR Doc. 78-26535 Filed 9-21-78; 8:45 am]

[4110-08]

REPORT ON BIOASSAY OF O-ANISIDINE HYDROCHLORIDE FOR POSSIBLE CARCINOGENICITY

Availability

o-anisidine hydrochloride (CAS 134-29-0) has been tested for cancer-causing activity with rats and mice in the bioassay program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary. A bioassay of o-anisidine hydrochloride for possible carcinogenicity was conducted by administering the test chemical in feed to Fischer 344 rats and B6C3F1 mice. Applications of the chemical include use as an ingredient of dyes and as an intermediate in the manufacture of guaiacol.

It is concluded that under the conditions of this bioassay, o-anisidine hydrochloride was carcinogenic for Fischer 344 rats and B6C3F1 mice, including transitional-cell carcinomas or papillomas of the bladder in both rats and mice and in both sexes of each species, transitional-cell carcinomas of the pelvis of the kidney in male rats, and follicular-cell tumors of the thyroid in male rats.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalog of Federal Domestic Assistance Program No. 13.393, Cancer Cause and Prevention Research.)

Dated: August 25, 1978.

LEON M. SCHWARTZ,
Acting Director, National Institutes of Health.

[FR Doc. 78-26536 Filed 9-21-78; 8:45 am]

[4110-08]

REPORT ON BIOASSAY OF THIO-TEPA FOR POSSIBLE CARCINOGENICITY

Availability

Thio-TEPA (CAS 52-24-4) has been tested for cancer-causing activity with rats and mice in the bioassay program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary. A bioassay of thio-TEPA for possible carcinogenicity was conducted by administering the test chemical by intraperitoneal injection to Sprague-Dawley rats and B6C3F1 mice. The chemical is a drug used in treatment of certain types of cancer.

It is concluded that under the conditions of this bioassay, thio-TEPA was carcinogenic in both Sprague-Dawley rats and B6C3F1 mice. In the rats, the chemical induced squamous-cell carcinoma of the skin or ear canal in both males and females, and hematopoietic neoplasms in the males; in the mice, it induced lymphoma or lymphocytic leukemia in both sexes and squamous-cell carcinoma in the skin and associated glands of males.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalog of Federal Domestic Assistance Program No. 13.393, Cancer Cause and Prevention Research.)

Dated: August 25, 1978.

LEON M. SCHWARTZ,
Acting Director, National Institutes of Health.

[FR Doc. 78-26537 Filed 9-21-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BURLEY DISTRICT GRAZING ADVISORY BOARD

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Burley District Grazing Advisory Board will be held on November 8 and 9, 1978.

On November 8 the meeting will begin at 9 a.m. in the conference room of the Bureau of Land Management office at 200 South Oakley Highway, Burley, Idaho. On November 9 the meeting will convene at 8 a.m. at the same place. Attendees will then travel to the Bannock-Oneida grazing environmental statement area for a tour of the area (weather permitting).

The agenda for the meeting will include:

(1) A discussion of the function of the Board;

(2) Organization of the Board (election of officers);

(3) The expenditure of range betterment and advisory board funds for range improvements;

Bannock-Oneida grazing environmental statement;

(5) Discussion of the Board's future involvement in the allotment management plan program;

(6) The arrangement for the next meeting;

(7) Tour of the Bannock-Oneida grazing environmental statement area to review proposals for AMP's.

The meeting is open to the public. Interested persons may make oral statements to the Board between 3:30 p.m. and 5 p.m. on November 8, 1978, or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the district manager, Bureau of Land Management, Route 3, Box 1, Burley, Idaho 83318, by November 3, 1978. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the district manager. Persons desiring to make the tour on November 9 should furnish their own transportation, food and drink.

Summary minutes of the Board meeting will be maintained in the district office and be available for public inspection and reproductions (during regular business hours 7:45 a.m. to 4:30 p.m.) within 30 days following the meeting.

NICK JAMES COZAKOS,
District Manager.

[FR Doc. 78-26581 Filed 9-21-78; 8:45 am]

[4310-84]

[NM 34442]

NEW MEXICO

Proposed Withdrawal and Reservation of Lands

SEPTEMBER 13, 1978.

The Forest Service, Department of Agriculture, on August 16, 1978, filed application, serial No. NM 34442, for the withdrawal of the following described lands within the Lincoln National Forest from location and entry under the Mining laws only (30 U.S.C. ch. 2) subject to valid existing rights:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

EAGLE CREEK DAM AND RESERVOIR

T. 10 S., R. 13 E.,
Sec. 31, NE¼NE¼, S½NW¼NE¼, S½NE¼, E½SW¼ and SE¼ less parts of Tracts A, B, and C of HES 247;
Sec. 32, S½NE¼NW¼, NW¼NW¼, S½NW¼, NE¼SW¼, N½SW¼SW¼, and NW¼SW¼ less parts of Tracts A, B, and C of HES 247.

The areas described approximately 553.83 acres in Lincoln County, N.M. The lands involved are needed for a dam and reservoir for water storage for the village of Ruidoso as outlined in the final environmental statement issued November 9, 1977.

On or before October 23, 1978, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the undersigned. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with Bureau of Land Management manual, section 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

For a period of 2 years from the date of publication of this notice in the FEDERAL REGISTER, the lands will be segregated from entry as specified above unless the application is rejected or the withdrawal is approved prior to that date. If the withdrawal is approved by the Secretary, the segregation will remain in effect for a period of 20 years from the date of such approval.

All communications in connection with this proposed withdrawal should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, P.O. Box 1449, Santa Fe, N.M. 87501.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-26575 Filed 9-21-78; 8:45 am]

[4310-84]

[NM 34493, 34494, 34520]

NEW MEXICO

Applications

SEPTEMBER 15, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for three 4½-inch natural gas pipeline rights-of-way and related facilities within the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 8 W.,
Sec. 32, SE¼NE¼;
Sec. 33, S½Nw¼ and NE¼SW¼.
T. 28 N., R. 11 W.,
Sec. 15, SE¼SW¼;
Sec. 22, NW¼NE¼ and NE¼NW¼.
T. 31 N., R. 13 W.,
Sec. 11, W½NE¼, SE¼NE¼, and NE¼NW¼.

These pipelines will convey natural gas across 1.309 miles of public lands in San Juan County, N.Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the district manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N.Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-26576 Filed 9-21-78; 8:45 am]

[4310-84]

[Wyoming 64691]

WYOMING

Application

SEPTEMBER 13, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah filed an application for a right-of-way to construct a 4½ inch o.d. pipeline for the purpose

of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 111 W.,
Sec. 8, SW¼SW¼, NE¼SE¼ and S½SE¼;
Sec. 20, NE¼NE¼;
Sec. 28, E½W½.

The proposed pipeline designated as lateral B-2 will transport natural gas produced from the Champlin No. 356 Well located in the NE¼SW¼ sec. 9 to a point of connection with Northwest Pipeline Corp.'s Moxa Arch Gathering System crossing the above-listed public lands within T. 18 N., R. 111 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 N., P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-26577 Filed 9-21-78; 8:45 am]

[4310-84]

[Wyoming 65031]

WYOMING

Application

SEPTEMBER 14, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah, filed an application for a right-of-way to construct a 4½-inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 29 N., R. 112 W.,
Sec. 17, S½S½;
Sec. 18, lot 4, SE¼SW¼ and S½SE¼.

The proposed pipeline will transport natural gas from a point in the SE¼SE¼ sec. 17 T. 29 N., R. 112 W., to a point of connection with Northwest Pipeline Corp.'s existing gathering system located in lot 4, sec. 18, T. 29 N., R. 112 W., Sublette County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 N., P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-26578 Filed 9-21-78; 8:45 am]

[4310-84]

[Wyoming 65014]

WYOMING

Application

SEPTEMBER 14, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah, filed an application for a right-of-way to construct a 4½-inch o.d. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 113 W.,
Sec. 7, SE¼SE¼

The proposed pipeline will transport natural gas from their well Tip Top No. F-44-76 into their present gathering system all within the SE¼SE¼ section 7, T. 28 N., R. 113 W., Sublette County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-26579 Filed 9-21-78; 8:45 am]

[4310-84]

[Wyoming 65015]

WYOMING

Application

SEPTEMBER 14, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah, filed an application for a right-of-way to construct a 4½-inch o.d. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 24 N., R. 111 W.,
Sec. 29, NW¼NE¼, NE¼NW¼, and S½NW¼.

The proposed pipeline will transport natural gas from their well Lincoln Road No. 11 in the NE¼ traversing southwesterly with tie-ins to an existing line in the SW¼NW¼ of section 29, T. 24 N., R. 111 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 186 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-26580 Filed 9-21-78; 8:45 am]

[4310-55]

Fish and Wildlife Service

MARINE MAMMAL/ENDANGERED SPECIES PERMIT

Receipt of Application; Correction

Applicant: John L. Bengston, Department of Ecology and Behavioral Biology, University of Minnesota, 108 Zoology Building, Minneapolis, Minn. 55455.

On September 12, 1978, a notice of receipt of application from John L. Bengston for a marine mammal permit to authorize the taking of 15 West Indian manatees (*Trichechus manatus*) was published in FEDERAL REGISTER, volume 43, page 40549-50.

The first sentence made reference to sea otters. This is an error and the sentence should have read as follows: "Notice is hereby given that an applicant has applied in due form for a permit to take West Indian manatees as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the regulation governing the taking and importing of Marine Mammals (40 CFR Part 18), and section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205)."

All other information in this notice of September 12, 1978, is correct.

(4) A review of the current policy and program relating to allotment management plans and the upcoming

Dated: September 19, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-26650 Filed 9-21-78; 8:45 am]

[4310-55]

ENDANGERED/THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Dr. Robert C. Shoop, Department of Zoology, University of Rhode Island, Kingston, R.I. 02881.

The applicant requests a permit to observe, census (and collect beached and stranded) Atlantic ridley (*Lepidochelys kempii*), hawksbill (*Eretmochelys imbricata*), leatherback (*Dermochelys coriacea*), green (*Chelonia mydas*), and loggerhead (*Caretta caretta*) sea turtles for the purpose of scientific research. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file No. PRT 2-3160. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before October 23, 1978. Please refer to the file number when submitting comments.

Dated: September 19, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-26649 Filed 9-21-78; 8:45 am]

[4310-70]

National Park Service

COMMITTEE FOR THE PRESERVATION OF THE WHITE HOUSE

Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Committee for the Preservation of the White House will be held at 1:30 p.m. on Friday, October 20, 1978 in the Reception Suite, National Museum of History and Technology, Smithsonian Institution, Washington, D.C.

The Committee was established for the purpose of advising the Director of the National park Service so that he may make recommendations to the President concerning the preservation and the interpretation of the museum character of the principal corridor on the ground floor and the principal public rooms on the first floor of the White House. The Committee shall make recommendations as to the articles of furniture, fixtures, and decorative objects which shall be used or displayed in the aforesaid areas of the White House and as to the decor and arrangements therein best suited to enhance the historic and artistic values of the White House and of such articles, fixtures, and objects.

Purpose of the meeting: The committee will discuss and recommend priorities for acquisition to the White House Collection, receive subcommittee reports and reports on previous acquisitions and loans.

The meeting will be open to the public. Public attendance depending on available space will be limited to those who have notified the Executive Secretary of the committee in writing at least 5 days prior to the meeting of their intention to attend the October 20 meeting.

Any member of the public may file a wrtten statement with the committee before, during, or after the meeting. To the extent that time permits the committee chairman may allow public paricipation.

All communication regarding the committee should be addressed to Mr. Elmer S. Atkins, Executive Secretary, Committee for the Preservation of the White House, Room 344, 1100 Ohio Drive SW., Washington, D.C. 20242.

Dated: September 15, 1978.

MANUS J. FISH, Jr.,
Regional Director, National Capital Region.

[FR Doc. 78-26674 Filed 9-21-78; 8:45 am]

[4310-70]

HARPERS FERRY NATIONAL HISTORICAL PARK, W. VA.

Availability of Assessment of Alternatives

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an assessment of alternatives for the development concept plan, Harpers Ferry National Historical Park, W. Va., section. This assessment of alternatives and a development concept plan have been undertaken to guide future development in a manner that will be in full compliance with applicable environmental and historial legislation. It addresses the problems of the park as they relate to the internal management of the park and its environs. It includes description of the environment, description of alternatives developed to solve these problems and an assessment of the impacts and cost effectiveness of these alternatives.

Written comments on this assessment of alternatives are invited and will be accepted for a period of 45 days following the publication of this notice. Written comments should be addressed to Superintendent, Harpers Ferry National Historical Park, P.O. Box 65, Harpers Ferry, W. Va. 25425. Copies of the assessment of alternatives are available for inspection at:

Harpers Ferry National Historical Park, Superintendent's Office, P.O. Box 65, Harpers Ferry, W. Va. 25425.
Harpers Ferry Design Center, Manager's Office, Harpers Ferry, W. Va. 25425.
Bolivar Public Library, Harpers Ferry, W. Va. 25426.
Charles Town Public Library, Charles Town, W. Va. 25414.
Frederick Public Library, Frederick, Md. 21701.
Martinsburg Public Library, Martinsburg, W. Va. 25401.
Washington County Public Library, Hagerstown, Md. 21740.
Shepherdstown Public Library, Shepherdstown, W. Va. 25443.

Copies of the assessment of alternatives are available from the National Park Service, Harpers Ferry National Historical Park, P.O. Box 65, Harpers Ferry, W. Va. 25425.

Dated: September 13, 1978.

IRA J. HUTCHISON,
Deputy Director, National Park Service.

[FR Doc. 78-26676 Filed 9-21-78; 8:45 am]

[4310-70]

[INT DES 78-37]

WEST POTOMAC PARK AND FRANKLIN DELANO ROOSEVELT MEMORIAL

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for West Potomac Park and the proposed Franklin Delano Roosevelt Memorial. This environmental statement addresses the planning, design, and construction of the FDR Memorial, rehabilitation of West Potomac Park south of the Reflecting Pool, to include provision of Tourmobile Service, parking for handicapped visitors at the memorial entry, parking for visitors' cars and for tour buses between the 14th Street Bridges off Ohio Drive, and relocation of all sports facilities.

Prior to implementation of the memorial, as delineated in this statement, the Congress and the President will

have to approve and authorize its construction.

Written comments on the draft environmental statement are invited and will be accepted for a period up to and including November 6, 1978.

Written comments should be addressed to the Regional Director, National Capital Region, 1100 Ohio Drive SW., Washington, D.C. 20242.

Copies of the draft environmental statement are available for inspection at;

National Park Service, National Capital Region, 1100 Ohio Drive SW., Room 208, Washington, D.C. 20242.

Martin Luther King Library, Room 417, 9th and G Streets NW., Washington, D.C. 20001.

District of Columbia, Department of Recreation, 3149 16th Street NW., Room B-2, Washington, D.C. 20010.

Copies of the draft environmental statement are available from the National Park Service, National Capital Region, 1100 Ohio Drive SW., Room 208, Washington, D.C. 20242.

Dated: September 15, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary of the Interior.

[FR Doc. 78-26425 Filed 9-21-78; 8:45 am]

[4310-70]

YOSEMITE NATIONAL PARK

Intention to Negotiate Concession Contract

Pursuant to the provisions of section 5 of the act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Jack W. Vaughn, David L. Vaughn and E. Hugh Carter, doing business as El Portal Market, authorizing it to continue to provide concession facilities and services for the public at El Portal Administrative Site, Yosemite National Park for a period of five (5) years from January 1, 1979, through December 31, 1983.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Office of the Superintendent, Yosemite National Park, Calif. 95389.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1978, and therefore, pursuant to the act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants El Portal Market, as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of El Portal Market is substantially equal to others received. In the event a responsive proposal superior to that of El Portal Market (as determined by the Secretary) is submitted, El Portal Market will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with El Portal Market. The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be submitted within thirty (30) days after the publication date of this notice to be considered and evaluated.

Interested parties should contact the Chief, Division of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: September 14, 1978.

F. ROSS HOLLAND, Jr.,
Acting Associate Director, National Park Service.

[FR Doc. 78-26675 Filed 9-21-78; 8:45 am]

[4310-70]

CORRECTION OF BOUNDARY DESCRIPTION

Perry's Victory and International Peace Memorial

There appeared in the FEDERAL REGISTER of August 16, 1978, on page 36332, a notice of boundary change of Perry's Victory and International Peace Memorial containing a description of the boundaries.

Now, therefore, in order to correct certain minor errors, the following corrections are made for the boundary descriptions: Page 36332, 18th line from end of description

SEE: "49°59'00" west a distance of 346.00 feet to the centerline of Delaware Avenue, extended and of Delaware Avenue 495.00 feet to a point,"

SHOULD READ: "49°59'00" west a distance of 346.00 feet to the centerline of Delaware Avenue extended; thence north 89°31'45" west along said centerline of Delaware Avenue extended and of Delaware Avenue 495.00 feet to a point,"

The remainder is correct.

RANDALL R. POPE,
Acting Regional Director, Midwest Region, National Park Service.

[FR Doc. 78-26673 Filed 9-21-78; 8:45 am]

[4410-18]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

OFFICE OF CRIMINAL JUSTICE EDUCATION AND TRAINING

Internship Program Funds

The Office of Criminal Justice Education and Training announces the annual competition for internship program funds. This program provides grants to institutions of higher education that offer criminal justice-related degree programs. The purpose of the institutional grant is to provide stipends up to $65 a week for criminology/criminal justice majors or degree candidates to work as interns in public criminal justice agencies.

The institution must sponsor a project that provides internships of at least 8 weeks for its students to work a minimum of 30 hours a week during their summer recess or while they are on academic leave from their degree program.

Institutions are invited to submit a concept paper describing the proposed internship project. The deadline for receipt of concept papers is November 1, 1978. Following review of the concept papers by qualified academicians and LEAA specialists, selected institutions will be asked to submit a formal application for funds (using standard form 424). Grant awards will be announced by April 30, 1979.

To participate in the internship program, the sponsoring college or university must be an institution of higher education that is fully accredited by a regional institutional accrediting commission recognized by the U.S. Commissioner of Education and the Council on Postsecondary Accreditation. The institution must be able to demonstrate its willingness and capability to respond to identified personnel needs of the criminal justice system. The institution is responsible for arranging intern placements and for monitoring the project.

Further information and copies of the program guidelines may be obtained by contacting: J. Robert Lewis, Office of Criminal Justice, Education and Training, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C. 20531, telephone, 202-376-3563.

Dated: September 7, 1978.

J. PRICE FOSTER,
Director, Office of Criminal Justice, Education and Training.

[FR Doc. 78-26667 Filed 9-21-78; 8:45 am]

[4410-01]

NATIONAL COMMISSION FOR THE REVIEW OF ANTITRUST LAWS AND PROCEDURES

WORKING GROUP MEETING

CANCELLATION

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice, on behalf of the National Commission for the Review of Antitrust Laws and Procedures (hereinafter "Commission"), was given in FR Dkt. 78-25700 (September 11, 1978; 43 FR 40324) that a meeting of the Commission's Working Group on the empirical Case Studies Project (hereinafter "Working Group"), would be held on September 26, 1978. Notice is hereby given that said meeting has been canceled.

Dated: September 19, 1978.

WENDELL B. ALCORN, Jr.,
Special Counsel.

[FR Doc. 78-26679 Filed 9-21-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 15, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; and indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

RAILROAD RETIREMENT BOARD

Work Sheet for Interviews, UI-40, single time, railroad employees, unemployment benefit claimants, 2,300 responses, 575 hours, Strasser, A., 395-6132.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration, CMHC Grant Applications Package, PHS 5161-1, on occasion, applicants for CMHC grants—50 States and territories, 450 responses, 33,300 hours, 395-4775.

Health Services Administration, Data Required by PHS from 1977 National Public Health Program Reporting System, Annually, 56 State health agencies, 56 responses, 6,737 hours, Richard Eisinger, 395-3214.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit, Schedule of Properties Securing Blanket Mortgage Loan, FHA-2461, on occasion, blanket mortgage, 500 responses, 250 hours, Caywood, D. P., 395-3443.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-26718 Filed 9-21-78; 8:45 am]

[4510-23]

PRESIDENT'S COMMISSION ON THE COAL INDUSTRY

COMMISSION MEETING—LOCATION CHANGE

The location for the first meeting of the President's Commission on the Coal Industry announced in the FEDERAL REGISTER, September 14, 1978, 43 FR 41105, has been changed. The meeting will now be held in room S-126, the U.S. Capitol, Washington, D.C. The date and time will remain as previously announced: Friday, September 29, 1978, from 9 to 1 p.m.

Dated: September 19, 1978.

MICHAEL S. KOLEDA,
Executive Director, President's Commission on the Coal Industry.

[FR Doc. 78-26646 Filed 9-21-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ALPINE GEOPHYSICAL ASSOCIATES, INC.

Suspension of Trading

SEPTEMBER 15, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Alpine Geophysical Associates, Inc., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:45 a.m. on September 15, 1978 through September 24, 1978.

By the Commission.

GEORGE A FITZSIMMONS,
Secretary.

[FR Doc. 78-26593 Filed 9-21-78; 8:45 am]

[8010-01]

[File No. 1-5950]

AMERICAN MEDICAL BUILDINGS, INC.

Application To Withdraw From Listing and Registration

SEPTEMBER 15, 1978.

The above-named issuer has filed an application with the Securities and Exchange Commission, pursuant to section 12(d) of the Securities Exchange Act of 1934 and rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The common stock of American Medical Buildings, Inc. (the "Company") has been listed for trading on the Pacific Stock Exchange, Inc. ("PSE") since August 1, 1973, and on the BSE since January 19, 1976. On August 22, 1978, the stock was also listed for trading on the American Stock Exchange, Inc. ("Amex"). The Company has decided that it no longer wishes to have its common stock listed on the BSE.

The application relates solely to the withdrawal from listing and registration on the BSE and shall have no effect on the continued listing of such common stock on the Amex and the PSE. The BSE has posed no objection in this matter.

Any interested person may, on or before October 17, 1978, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-26594 Filed 9-21-78; 8:45 am]

[8010-01]

[Release No. 10407; 811-1285]

EGRET FUND, INC.

Filing of Application Act for an Order Declaring That the Applicant Has Ceased To Be an Investment Company

SEPTEMBER 14, 1978.

Notice is hereby given that Egret Fund, Inc., a Massachusetts corporation ("Applicant"), One Beacon Street, Boston, Mass. 02108, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, has filed an application on July 31, 1978, pursuant to section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Applicant states that it registered under the Act on September 17, 1964, and that it has issued only common stock, such stock having been first effectively registered under the Securities Act of 1933 on November 18, 1964.

The Applicant states that its Board of Directors recommended to its shareholders that substantially all of the Applicant's assets be transferred to Pioneer Fund, Inc. ("Pioneer"), in exchange for shares of Pioneer, and that Applicant be liquidated. According to the application, the shareholders of Applicant approved the proposed agreement and plan of reorganization at a special meeting held July 21, 1978, by a vote of not less than two-thirds of its outstanding shares. Applicant states that its assets were transferred to Pioneer on July 24, 1978, and that, on that same date, the shares of Pioneer received in exchange for such assets were distributed to Applicant's shareholders. Applicant states further that such exchange was made on the basis of relative net asset values.

On the business day next preceding its liquidation, Applicant asserts that it had 2,963,425 shares outstanding having an aggregate net asset value of $31,300,425 and a per share net asset value of $10.56. Applicant further asserts that all of its shareholders received distributions in complete liquidation of their interests, and that it has no assets, no liabilities, is not a party to any litigation and does not propose engaging in any business activity other than that necessary for the winding up its affairs.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 6, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-26595 Filed 9-21-78; 8:45 am]

[8010-01]

[File No. 1-7062]

REALTY ReFUND TRUST

Application to Withdraw from Listing and Registration

SEPTEMBER 15, 1978.

The above-named issuer has filed an application with the Securities and Exchange Commission, pursuant to section 12(d) of the Securities Exchange Act of 1934 and rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Shares of Beneficial Interest ("Shares") of Realty ReFund Trust (the "Company") have been listed for trading on the Amex since November 16, 1972. On April 24, 1978 the Shares were also listed for trading on the New York Stock Exchange, Inc. ("NYSE") and concurrently therewith, the Shares were suspended from trading on the Amex. In making the decision to withdraw its Shares from listing and registration on the Amex, the Company considered the direct and indirect costs and expenses attendant to maintaining a dual listing on both exchanges. The Company does not see any particular advantage in the dual trading of the Shares and believes that dual listing would fragment the market for such Shares.

The application relates solely to the withdrawal from listing and registration on the Amex and shall have no effect on the continued listing of such Shares on the NYSE. The Amex has posed no objection in this matter.

Any interested person may, on or before October 17, 1978, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-26596 Filed 9-21-78; 8:45 am]

8025-01]

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-5218]

HUB ENTERPRISES, LTD.

Issuance of a License To Operate as a Small Business Investment Company

On July 3, 1978, a notice was published in the FEDERAL REGISTER (43 FR 28876), stating that HUB Enterprises, Ltd. located at 5218 Doyle Street, Emeryville, Calif. 94608, had filed an application with the Small Business Administration pursuant to 13 CFR, 107.102 (1978) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on July 18, 1978, and no comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 09/09-5218 to HUB Enterprises, Ltd.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: September 15, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-26685 Filed 9-21-78; 8:45 am]

[8025-01]

[Proposed License No. 09/09-0223]

MONTGOMERY STREET PARTNERS INC.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to 13 CFR 107.102 (1978) by Montgomery Street Partners Inc., 44 Montgomery Street, San Francisco, Calif. 94104, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors, and principal stockholders are:

Name, Title and Stockholder

Roslyn Braeman Payne, 3616 Jackson Street, San Francisco, Calif., President, Chief Financial Officer and Director, 50 percent.

Lisle W. Payne, 3616 Jackson Street, San Francisco, Calif., Vice President, Secretary, Director, 50 percent.

Thomas E. Ballard, 127 Selby Lane, Atherton, Calif. 94025, Director.

The applicant will begin operations with initial capitalization of $302,000. Lisle and Roslyn Payne will commit to purchase an additional $100,000 of stock of the applicant in each of the 2 years following issuance of a license to the applicant. The applicant understands that no SBA leverage will be provided until its private capital is increased to at least $500,000.

Subject to the restrictions of section 107.101(c)(2) of the SBA Regulations, the applicant's investments will emphasize companies within major groups 15, 65, and 70 of the Standard Industrial Classification Manual. Still the applicant's investment policy will be broad. It is expected that wherever possible and practical the investments will be made on an equity basis. Management consulting and financial advisory services may be provided to clients and others.

Matters involved in the SBA's consideration of the application include the general business reputation and character of the proposed owners and management, including adequate profitability and financial soundness, in accordance with the act and SBA rules and regulations promulgated thereunder.

Any person may on or before October 10, 1978 submit to the SBA written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Francisco, Calif.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: September 15, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-26686 Filed 9-21-78; 8:45 am]

[8025-01]

REGION I ADVISORY COUNCIL MEETING

Public Meeting

The Small Business Administration Region I Advisory Council, located in the geographical area of Concord, N.H., will hold a public meeting at 10 a.m., on Wednesday, October 4, 1978, in the conference room of the Concord Federal Building, 55 Pleasant Street, Concord, N.H., to discuss such matters as may be presented by members, staff of the Small Business Administration, and others attending.

For further Information, write or call Bert Teague, U.S. Small Business Administration, 55 Pleasant Street, Concord, N.H. 03301, 603-224-5588.

Dated: September 18, 1978.

K DREW,
Deputy Advocate for Advisory Councils.

[FR Doc. 78-26681 Filed 9-21-78; 8:45 am]

[8025-01]

REGION VII ADVISORY COUNCIL MEETING

Public Meeting

The Small Business Administration Region VII Advisory Council, located in the geographical area of Kansas City, Mo., will hold a public meeting from 10 a.m. to 2 p.m. on Wednesday, October 4, 1978, in the sixth floor conference room, 1150 Grand Avenue, Kansas City, Mo., to discuss such business as may be presented by members, and the staff of the Small Business Administration, or others attending.

For further information, write or call Gerald Jepson, District Director, U.S. Small Business Administration, 1150 Grand Avenue, Kansas City, Mo. 64106, 816-374-5557.

Dated: September 15, 1978.

K DREW,
Deputy Advocate for Advisory Councils.

[FR Doc. 78-26682 Filed 9-21-78; 8:45 am]

[8025-01]

REGION VIII ADVISORY COUNCIL MEETING

Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Fargo, N.D., will hold a public meeting at 9 a.m., on Thursday, October 12, 1978, at the Federal Building, 653 Second Avenue North, Fargo, N.D., to discuss such business as may be presented by members, and the staff of the Small Business Administration, and others attending.

For further information, write or call Mr. E. Maine Shafer, District Director, U.S. Small Business Administration, Federal Office Building, Room 218, 653 Second Avenue North, Fargo, N.D. 58102, 701-783-5131.

Dated: September 18, 1978.

K DREW,
Deputy Advocate for Advisory Councils.

[FR Doc. 78-26683 Filed 9-21-78; 8:45 am]

[8025-01]

REGION VIII ADVISORY COUNCIL MEETING

Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Sioux

Falls, S.D., will hold a public meeting on Friday, October 13, 1978, from 9 a.m. to 3 p.m., in the Dublin Room, Town House Motel, 400 South Main Avenue, Sioux Falls, S.D., to discuss such business as may be presented by members, the staff of the Small Business Administration, and others present.

For further information, write or call Chester B. Leedom, District Director, U.S. Small Business Administration, 402 National Bank of South Dakota Building, Sioux Falls, S.D. 57102, 605-336-2980, ext. 231.

Dated: September 18, 1978.

K DREW,
Deputy Advocate for Advisory Councils.

[FR Doc. 78-26684 Filed 9-21-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 78-323]

CUSTOMHOUSE BROKER LICENSE—SUSPENSION

Suspension With Prejudice of Customhouse Broker License, No. 4139

Notice is hereby given that the Commissioner of Customs on September 11, 1978, pursuant to section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), and part 111 of the Customs Regulations, as amended, upon the specific request of Mark A. Mena, Houston, Tex., suspended with prejudice for a period of 6 months individual customhouse broker's license, No. 4139 issued to him on June 23, 1969 for Customs District No. 22 (Houston). The Commissioner's decision is effective as of September 11, 1978.

G. R. DICKERSON,
Acting Commissioner of Customs.

[FR Doc. 78-26688 Filed 9-21-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 716]

Assignment of Hearings

SEPTEMBER 19, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 36993, *The Flintkote Co.* v. *The Atchinson, Topeka & Santa Fe Railway Co.*, now being assigned October 31, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

No. 36095, Investigation into Lawfulness of Off Line Limitations Placed on nonas- signed September 20, 1978, at Washington, DC is canceled.

No. 37005, Southern Railway System-Investigation of Practices, now being assigned November 20, 1978 (2 days), at Memphis, TN, in a hearing room to be later designated.

No. 36989, *Adams Packing Association, Inc., et al.* v *Consolidated Rail Corp., et al.*, now being assigned December 11, 1978 (1 week), at Orlando, FL, in a hearing room to be later designated.

MC 142941 (Sub-3), Scarborough Truck Lines, now being assigned for hearing on December 7, 1978, (2 days), at Phoenix AZ, in a hearing room to be later designated.

MC 83539 (Sub-484F), C & H Transportation Co., Inc., MC 107295 (Sub-875F), Pre-Fab Transit Co., now being assigned for hearing on November 30, 1978, (2 days), at Phoenix AZ, in a hearing room to be later designated.

MC 109397 (Sub-407F), Tri-State Motor Transit Co., MC 124947 (Sub-79), Machinery Transports, Inc., now being assigned for hearing on December 11, 1978, (1 week), at Phoenix AZ, in a hearing room to be later designated.

MC 123157 (Sub-39F), CTI, now being assigned for hearing on December 4, 1978, (3 days), at Phoenix AZ, in a hearing room to be later designated.

MC 128196 (Sub-7), Karl Arthur Weber Extension-CA, now assigned for hearing on November 28, 1978, (2 days), at Phoenix, AZ, in a hearing room to be later designated.

MC 51146 (Sub-534), Schneider Transport, Inc., and MC 136786 (Sub-132F) Robco Transportation, Inc., now assigned October 3, 1978, at Washington, DC is canceled.

No. 36434, Commuter Fares-Consolidated Rail Corp., NJ and NY, and No. 36474, *Benjamin A. Gilman* v. *Consolidated Rail Corp., et al.*, now assigned September 18, 1978, at Goshen, NY, and on September 20, 1978, at Suffern, NY, are postponed indefinitely.

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

[FR Doc. 78-26677 Filed 9-21-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552(e)(3).

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[3410-05]

1

COMMODITY CREDIT CORPORATION.

TIME AND DATE: 2 p.m., September 29, 1978.

PLACE: Room 216-A, Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Open except for agenda, item 6 which will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Minutes of CCC Board meeting on September 8, 1978.
2. Docket DCP 2a, 1979-crop wheat loan, purchase, and related programs.
3. Docket FCZ 247, Revision 1, Amendment 1 re policy on Commodity Credit Corporation interest rates on commodity loans, grain reserve loans, farm storage, and drying equipment loans and certain price support purchase transactions.
4. Resolution 16, CZ 266, re commodities available for Pub. L. 480 during fiscal year 1979.
5. Memorandum re additional commodities for domestic feeding programs.
6. Docket UNP 307 re purchase and distribution of agricultural commodities and other foods for domestic distribution with FNS and section 32 funds, fiscal year 1979.

CONTACT PERSON FOR MORE INFORMATION:

Bill Cherry, Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20013, telephone 202-447-7583.

[S-1927-78 Filed 9-20-78; 10:17 am]

[6351-01]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., September 26, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Commission third quarter review/fiscal year 1978.
Section 5a(12) approval of amendments to Chicago Board of Trade Rules 282D and 294 and Regulations 1620(13)(D) and 1620(14) (Soybean contract).
Section 5a(12) approval of amendments to Rules 503D and 521 of the MidAmerica Commodity Exchange (Soybean contract).
Modification of the FEDERAL REGISTER notice to accompany Part 170—Proposed Standards Governing Commission Review of Applications for Registration as a Futures Association.
Final rule imposing a temporary moratorium on the offer and sale of leverage contracts.
Proposed FEDERAL REGISTER release seeking public comment concerning the interpretation of contracts of sale of a commodity for future delivery within the meaning of the Commodity Exchange Act.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-1925-78 Filed 9-20-78; 10:17 am]

[6351-01]

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 2 p.m., September 26, 1978.

PLACE: 2033 K Street SW., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement matters/settlement offer; proposed administrative actions; applications for registration as associated persons of a futures commission merchant.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-1926-78 Filed 9-20-78; 10:17 am]

[6355-01]

4

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: September 28, 1978, 9:30 a.m.

LOCATION: Third floor hearing room, 1111 18th Street NW., Washington, D.C. 20207.

STATUS: Open.

MATTERS TO BE CONSIDERED:

AGENDA

A. Open to the public

1. *Briefing on architectural glazing petition—glazed panels (CP 78-10).* The staff will brief the Commission on issues related to a petition which seeks revision of the terms "glazed panel" and "sliding glass door (patio type)," as these terms are used in CPSC's Safety Standard for Architectural Glazing. The Commission previously considered this petition at the August 17 briefing and at the August 24 meeting.

2. *Recommendation to close possible substantial product hazard case: Tonka Corp., plastic toy vehicles, ID 78-6.* Based on its evaluation of the risk of injury presented by these toy vehicles whose wheels may break off, the staff has recommended that the Commission close this case involving Tonka Corp.

3. Recommendation to accept corrective action plan: Honeywell, Inc., fan controls, ID 78-59. The staff has recommended that the Commission accept and monitor the corrective action plan which Honeywell has implemented to deal with a possible defect in certain fan and/or limit controls it manufactures for use in home warm air furnaces. Honeywell is recalling and testing suspect units, and has altered its manufacturing process.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Consumer Product Safety Commission, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-1924-78 Filed 9-20-78; 10:17 am]

[6570-06]

5

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 2:30 p.m. (eastern time), Tuesday, September 26, 1978.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the public:

1. Freedom of Information Act Appeals Nos. 78-7-FOIA-159 and 78-8-FOIA-177, the first concerning requests for intra-agency and interagency memoranda from certain investigative files, and the second concerning a request for materials not in the possession of the Commission.
2. Contract with National Academy of Sciences on Wage Comparability Study.
3. Proposed procedures to implement Executive Order 12044 and final report required by that order.
4. Report on Commission operations by the Executive Director.

Closed to the public:

Litigation Authorization; General Counsel Recommendations: Matters closed to the public under the Commission's regulations at 29 CFR 1612.13.

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued September 19, 1978.

[S-1929-78 Filed 9-20-78; 3:37 pm]

[6714-01]

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF AGENCY MEETING

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:15 p.m. on Wednesday, September 13, 1978, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to extend for 60 days the time in which an administrative hearing is to be held in connection with cease-and-desist proceedings the Corporation has instituted against an insured State nonmember bank, pursuant to section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)).

In calling the meeting, the Board determined, on motion of Director William M. Isaac (Appointive), seconded by Mr. C. F. Muckenfuss III, acting in the place and stead of Acting Chairman John G. Heimann, that Corporation business required its consideration of the matter on less than 7 days' notice to the public; that no earlier notice of the meeting was practicable; and that the matter was eligible for consideration in a closed meeting, pursuant to subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)), since the public interest did not require consideration of the matter in a meeting open to public observation.

Dated: September 13, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-1928-78 Filed 9-20-78; 3 p.m.]

[6715-01]

7

FEDERAL ELECTION COMMISSION

DATE AND TIME: Wednesday, September 27, 1978, at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audit Reports, Compliance, and Personnel.

* * * * *

DATE AND TIME: Thursday, September 28, 1978, at 10 a.m.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

Portions open to the public:

Setting of dates for future meetings.
Correction and approval of minutes.
Advisory opinions: AO 1978-56, AO 1978-61, AO 1978-28, AO 1978-72.
Appropriations and budget.
Earmarked contributions.
Presidential campaign disclosure form.
Pending legislation.
Pending litigation.
Liaison with other Federal agencies.
Classification actions.
Reports from division heads.
Nonfiler procedures.
Interpretation and application of 2 U.S.C. 438(b) regarding clearinghouse (if not concluded on September 21, 1978).
Routine administrative matters.

Portions closed to the public:

Any matters not concluded on Wednesday, September 27, 1978.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-1930-78 Filed 9-20-78; 3:37 pm]

[4410-01]

8

PAROLE COMMISSION.

NATIONAL COMMISSIONERS (THE COMMISSIONERS PRESENTLY MAINTAINING OFFICES AT WASHINGTON, D.C. HEADQUARTERS).

TIME AND DATE: Tuesday, September 26, 1978 at 9:30 a.m.

PLACE: Room 338, 320 First Street NW., Washington, D.C. 20537.

STATUS: Open or closed, pursuant to a vote to be taken at the beginning of the meeting.

MATTER TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 25 cases in which inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:

Lee H. Chait, Analyst, 202-724-3094.

FRIDAY, SEPTEMBER 22, 1978
PART II

federal register

DEPARTMENT OF COMMERCE

Office of the Secretary

■

PRIVACY ACT OF 1974

Annual Publication

[3510-17]

DEPARTMENT OF COMMERCE

Office of the Secretary

PRIVACY ACT ISSUANCES

Annual Publication of Systems of Records

Agency: U.S. Department of Commerce.

Action: Annual notice of systems of records; incorporation by reference of Privacy Act issuances; proposal to revise routine uses of two existing systems.

Summary: Federal agencies are required by the Privacy Act of 1974 to give annual notice of certain records they maintain. The notices published last year were compiled by the Office of the Federal Register into "Privacy Act Issuances—1977 Compilation." The purpose of this document is to incorporate by reference the notices that appear in "Privacy Act Insuances—1977 Compilation" and to publish in full the systems that this agency has amended since publication of the 1977 Compilation. Also, this document contains a proposal to revise the routine uses of two existing systems.

Dates: This document fulfills the annual notice requirements of the Privacy Act of 1974. Comments on the proposal to revise two routine uses are due on or before October 23, 1978.

FOR FURTHER INFORMATION CONTACT: Mrs. Marilyn S. McLennan, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4217.

Supplemental information:

Approval of the Director of the Federal Register

The notice of systems of records of the Commerce Department which appear in "Privacy Act Issuances—1977 Compilation" are incorporated by reference, in accordance with approval granted by the Director of the Office of the Federal Register on July 13, 1978. Published below is the full text of systems of records that the Commerce Department has amended since publication of the 1977 Compilation.

Explanation of Amendments

To facilitate public understanding of the Commerce Department's Privacy Act implementation, set forth below are:

(1) An explanation of proposed changes to systems of records for which public comment is invited—two revised routine uses (Appendix I);

(2) An explanation of changes not requiring public comment (Appendix II);

(3) A list of changes to systems of records noticed in the Federal Register since last year's republication (Appendix III); and

(4) The complete text of all changed systems. The text incorporates the material from items (1) through (3) above.

For the items in Appendix I, the public is invited to submit written data, views, or arguments to the Assistant Secretary for Administration (Attn: Information Management Division, Room 5319), U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202-377-4217), any time on or before October 23, 1978.

The comments received will be available as received, for public inspection at the above address between the hours of 9 a.m. and 4 p.m., Monday through Friday (except holidays).

Availability of 1977 Compilation

"Privacy Act Issuances—1977 Compilation" is available from Regional Depository Libraries at 50 locations around the country and can be examined at these libraries free of charge. Notices of the Commerce Department's systems of records appear in Volume I of the 1977 Compilation at pages 47676-47729. The 1977 Compilation is also available at the General Services Administration Federal Information Centers, which are located at 38 central points around the country. In addition, it is available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price of Volume I (Stock No. 022-000-00145-1) is six dollars and fifty cents. Upon request, the Office of the Federal Register will furnish a photocopy of the full text of a particular records system published in the 1977 Compilation for a nominal fee.

Notices of the Commerce Department's systems also appeared in the daily edition of the Federal Register for September 21, 1977, at pages 47676-47729. Information about the systems is available by writing or calling Mrs. Marilyn S. McLennan, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4217.

Authority: 5 U.S.C. 522a.

Dated: August 28, 1978.

Elsa A. Porter,
Assistant Secretary for Administration.

APPENDIX I

Proposed Changes to Commerce Department Systems of Records for Which Public Comment is Invited

Included in the text of Commerce Department systems of records submitted to the Federal Register this date are proposed revised routine uses for two existing systems. The revised routine uses are listed below to assist the public in readily identifying the material on which public comments are invited. In each case, the revised routine use is compatible with the purpose for which the system is maintained.

1. Revise the routine use paragraph for the COMMERCE/MA-4 system, General Agent's Protection and Indemnity and Second Seaman's Insurance: WSA and NSA, to clarify use of medical information. The routine use paragraph as revised would read (new text in solid capitals): To evaluate filed claims; negotiate settlements; award money; contest or initiate lawsuits; AND TO ARRANGE FOR PROPER MEDICAL TREATMENT BY ESTABLISHING SEAMAN'S ELIGIBILITY FOR ACCEPTANCE UNDER REGULATIONS OF PUBLIC HEALTH SERVICE, U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, OR OTHER APPROPRIATE MEDICAL FACILITIES. Users are the Office of Marine Insurance; adjustors and attorneys acting for the Government; Office of Workers' Compensation Programs, U.S. Department of Labor; and the Marine Index Bureau, 17 Battery Place, New York, N.Y. (a contract service centralizing data on seamen claims); AND HOSPITALS OF THE PUBLIC HEALTH SERVICE, U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, OR, WHEN APPROPRIATE OTHER MEDICAL FACILITIES PROVIDING TREATMENT TO THE INDIVIDUAL. Also see the routine use paragraphs in the Prefatory Statement.

2. Revise the routine use paragraph for the COMMERCE/PAT-TM-6 system, Parties involved in Patent Interference Proceedings. A January 28, 1977 change in the Patent Rules of Practice provides public access to these records upon an award of priority by the Board of Patent Interferences. Under certain circumstances this action may occur prior to the termination of the interference proceedings. The routine use paragraph as revised would read (new text in solid capitals): Prior to termination of the interference proceedings, and thereafter until a patent has issued (except in cases involving a patent), information concerning these records is provided outside the Office only upon authorization of the applicants or owners of the applications involved or when necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commissioner. Subsequent to such termination OR AN AWARD OF PRIORITY BY THE BOARD OF PATENT INTERFERENCES AS TO ALL PARTIES, WHICHEVER IS EARLIER in cases involving a patent or after issuance of a patent, the records are open to public inspection. Settlement agreements filed pursuant to 35 U.S.C. 135(c) are kept separate from other interference records, upon request of the party filing them, and made available, as provided in that statute, to government agencies upon written request, or to any person on a showing of good cause. Also see routine use paragraphs of the Prefatory Statement.

APPENDIX II

Changes to Commerce Department Systems of Records Not Requiring Public Comment

Included in the unified text of changes to Commerce Department systems of records submitted to the Federal Register this date are changes not requiring public comment and, unless otherwise noted, effective on the date of publication. These changes are listed below to assist the public.

1. Many of the Commerce Department systems reflect organizational changes, most importantly, the establishment of the National Telecommunications and Information Administration (NTIA) as a Departmental operating unit, replacing the Department's Office of Telecommunications (OTEL); and the renaming of the Domestic and International Business Administration (DIBA) as the Industry and Trade Administration (ITA). The systems affected by these changes include the one COMMERCE/OTEL system, now a COMMERCE/NTIA system; the eight COMMERCE/DIBA systems, now COMMERCE/ITA systems; and the twenty-one COMMERCE/DEPT.

systems, which include references to these units, for example, as locations of records.

2. The name of the COMMERCE/ITA-4, system, Directors of U.S. Trade Missions, Chairmen of U.S. Government Seminar Missions, and Technical Representatives of Catalog Exhibits, is shortened. The system name as revised is COMMERCE/ITA-4, Mission Directors/Seminar Chairmen/Industry Technical Representatives.

3. The name of the COMMERCE/ITA-5 system is changed to delete the Regional Export Councils. These Councils were terminated in November, 1977. The system name as changed is: COMMERCE/ITA-5, Membership Information: District Export Councils. The Category of Individuals section is revised correspondingly.

4. The name of the COMMERCE/MA-21 system is amended to reflect the inclusion of waivers of liability to board other craft at the U.S. Merchant Marine Academy, Kings Point, New York. The system name as changed is: Waivers of Liability to Board Reserve Fleet Vessels and Other Craft Located at U.S. Merchant Marine Academy. The System Location section is changed correspondingly.

5. Two additional COMMERCE/NFPCA systems are included in the unified text--COMMERCE/NFPCA-3, National Fire Academy Student Registration, and COMMERCE/NFPCA-4, National Fire Academy Instructor Records. A new system report for each system, dated June 6, 1978, was submitted to the Congress and OMB. A public notice proposing the establishment of these systems was published in the Federal Register of June 16, 1978, at pages 25853-55. No comments were received. Therefore, the systems are adopted effective August 5, 1978.

6. In COMMERCE/NOAA-12, Marine Fishermen's Catch Statistics, the system location is revised to include NOAA regional offices and fisheries centers where records are maintained.

7. Revised routine uses for two COMMERCE/PAT-TM systems are adopted. Changes in the routine use paragraphs for COMMERCE/PAT-TM-2, Complaints, Investigations, and Disciplinary Proceedings Relating to Registered Patent Attorneys and Agents; and COMMERCE/PAT-TM-6, Parties Involved in Patent Interference Proceedings, were proposed in the Federal Register of September 21, 1977 at page 47680. No comments were received, and the revised routine uses are adopted effective October 22, 1977. An additional change in the routine uses for PAT-TM-6, to reflect a change in the Patent Rules of Practice, is proposed in Appendix I of this notice.

8. The COMMERCE/DEPT.-11 system, Unfair Labor Practice Charges/Complaints, is deleted. The records in this system are retreived by docket number or by case title, e.g., Union Local No. 1234 vs. Bureau of Standards, not by individual identifier. Thus, the records do not meet the criteria for a system of records and the system is deleted.

9. In the COMMERCE/DEPT.-19 system, Department Mailing Lists, minor changes are made to reflect that a list of individuals attending conferences sponsored by the National Fire Prevention and Control Administration is maintained in addition to other NFPCA records included in the present system. This change reflects the desire of conference attendees to continue an exchange of information with one another.

10. In the COMMERCE/DEPT.-20 system, Biographical Files, the category of individuals covered by the system is amended to reflect that biographies on participants in the Commerce Science and Technology Fellowship Program are maintained by the Office of the Assistant Secretary for Science and Technology.

11. Several COMMERCE/DEPT. systems are amended to reflect that administrative accounting for the Economic Development Administration is now performed by EDA's Accounting Division rather than by the Department's Office of the Controller. The systems amended are COMMERCE/DEPT.-2, Accounts Receivable; COMMERCE/DEPT.-9, Travel Records of Employees and Certain Other Persons; and COMMERCE/DEPT.-17, Records of Cash Receipts. Changes are made to the System Location, System Manager, and Notification Procedure sections.

12. The COMMERCE/WBO-1 system, Talent and Experience File of Women's Business Experts, is expected to be changed. The records in this system were developed as a resource for the Interagency Task Force on Women Business Owners, which has completed its work. The disposition of these records is now under consideration. A subsequent notice will announce changes to the system. In the interim, questions may be directed to Mrs. Marilyn S. McLennan, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4217.

13. The COMMERCE/WHC-1 system, Mailing List and Correspondence File, is expected to be changed due to the termination of the White House Conference on Balanced National Growth and Economic Development, which maintains this system. The Conference is expected to terminate by September 30, 1978. A subsequent notice will announce changes to the system of records. In the interim, questions may be directed to Mrs. Marilyn S. McLennan, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4217.

14. The Department's General Routine Uses are adopted for the system COMMERCE/NTIA-1. This system was previously maintained by the Office of Telecommunications Policy (OTP) of the Executive Office of the President, and became a Commerce system through the reorganization that established the National Telecommunications and Information Administration. A public notice proposing the adoption of the Commerce routine uses to this system, in place of the routine uses previously announced by OTP, was published in the Federal Register of August 18, 1978, at 36672-36676. No comments were received. Therefore, the general routine uses are adopted effective September 18, 1978.

15. Lastly, other changes of a miscellaneous nature have been made throughout the notice of systems. These include: revision of the list of acronyms, the table of contents, and position titles and office names because of reorganization; designation of records as manual or machine-readable; and correction of errors.

APPENDIX III

Changes to Systems of Records Noticed in the Federal Register After September 21, 1977 and Prior to the Date of this Notice

1. October 28, 1977 Federal Register, pages 56771-56772: proposal to establish a new system of records for the Interagency Task Force on Women Business Owners, COMMERCE/WBO-1, Talent and Experience File of Women's Business Experts.

2. November 22, 1977 Federal Register, pages 59898-59899: adoption of two systems of records previously proposed, COMMERCE/NBS-9, Participants in Experiments, Studies, and Surveys; and COMMERCE/WHC-1, Mailing List and Correspondence File; and deletion of the three systems which were consolidated to form COMMERCE/NBS-9 (NBS-4, NBS-5, and NBS-6).

3. January 31, 1978 Federal Register, pages 4083-4084: adoption of the COMMERCE/WBO-1 system.

4. June 15, 1978 Federal Register, pages 25853-25855: proposal to establish two systems of records for the Commerce Department's National Fire Prevention and Control Administration, COMMERCE/NFPCA-3, National Fire Academy Student Registration; and COMMERCE/NFPCA-4, National Fire Academy Instructor Records.

5. June 28, 1978 Federal Register, pages 28028-28029: a. Adoption of five systems of records previously proposed:

COMMERCE/DEPT.-20, Biographical Files;

COMMERCE/DEPT.-21, Freedom of Information and Privacy Request Records;

COMMERCE/NFPCA-2, President's and Secretary's Award Nominees;

COMMERCE/NOAA-19, Marine Mammal, Endangered and Threatened Species, Permits and Exemptions Applicants; and

COMMERCE/OTEL-1, Radio Spectrum Management Career Development Program.

b. Notice of deletion of seven systems:

COMMERCE/MA-6, Medical Records of Seamen Treated in Overseas Military Hospitals;

COMMERCE/MA-13, Trustees for Ship Sales;

COMMERCE/MA-20, USMMA Ship's Service Employees;

COMMERCE/NOAA-1, Applicants for Federal Permits to Take, Buy, or Transport Endangered Species for Specific Purposes;

COMMERCE/NOAA-2, Applicants for Hardship Exemptions Under Marine Mammal Protection Act of 1972;

COMMERCE/NOAA-3, Applicants for Marine Mammal Scientific Research and Display Permits; and

COMMERCE/NOAA-5. Applicants for Threatened Species Permits.

c. Notice of minor changes to existing systems concerning records of the Department's Bureau of Economic Analysis:

COMMERCE/DEPT.-1, Attendance, Leave, and Payroll Records of Employees and Certain Other Persons;

COMMERCE/DEPT.-7, Employee Accident Reports;

COMMERCE/DEPT.-8, Employee Applications for Motor Vehicle Operator's Card;

COMMERCE/DEPT.-9, Travel Records of Employees and Certain Other Persons;

COMMERCE/DEPT.-11, Unfair Labor Practice Charges/ Complaints;

COMMERCE/DEPT.-17, Records of Cash Receipts;

COMMERCE/DEPT.-18, Employee Personnel Files Not Covered by U.S. Civil Service Commission;

COMMERCE/DEPT.-20, Biographical Files; and

COMMERCE/DEPT.-21, Freedom of Information and Privacy Request Records.

6. July 27, 1978 Federal Register, pages 32445-32450: a. Proposal to amend six existing systems of the Patent and Trademark Office:

COMMERCE/PAT-TM-1, Attorneys and Agents Registered to Practice Before the Office;

COMMERCE/PAT-TM-3, Employee Production Records;

COMMERCE/PAT-TM-7, Patent Application Files;

COMMERCE/PAT-TM-9, Patent Assignment Records;

COMMERCE/PAT-TM-10, Patent Deposit Accounts Systems; and

COMMERCE/PAT-TM-13, Petitioners for License to File for Foreign Patents.

b. Notice of minor changes to another existing Patent and Trademark Office system: COMMERCE/PAT-TM-8, Patent Application Secrecy Order Files.

7. August 18, 1978 Federal Register, pages 36672-36676: a. Notice of changes to existing systems made necessary by the establishment of the National Telecommunications and Information Administration within the Department of Commerce; and notice of disposition of systems announced by the Office of Telecommunications Policy of the Executive Office of the President, and the Office of Telecommunications of the Department of Commerce.

b. Proposal to adopt the Commerce Department's general routine uses to the NTIA-1 system of records.

Abbreviations

*The identification of the unit or units within the Department to which the particular system of records pertains appears as "COMMERCE/" followed by a designating abbreviation. The abbreviations and their meanings are as follows:

CENSUS—Bureau of the Census

DEPT—Overall Department of Commerce (or at least multiple operating units presently, and a potential for more)

ITA—Industry and Trade Administration

IATC—Interagency Auditor Training Center

MA—Maritime Administration

NBS—National Bureau of Standards

NFPCA—National Fire Prevention and Control Administration

NOAA—National Oceanic and Atmospheric Administration

NTIA—National Telecommunications and Information Administration

NTIS—National Technical Information Service

PAT-TM—Patent and Trademark Office

WBO—Interagency Task Force on Women Business Owners

WHC—White House Conference on Balanced National Growth and Economic Development

Other abbreviations appearing in the notices are as follows:

ARC—The Appalachian Regional Commission

BEA—Bureau of Economic Analysis

EDA—Economic Development Administration

Office of Federal

Cochairmen—Office(s) of Federal Cochairmen of the Regional Action Planning Commissions and The Appalachian Regional Commission

OMBE—Office of Minority Business Enterprise

RAPCS—Regional Action Planning Commissions

USTS—United States Travel Service

Prefatory Statement of General Routine Uses

The following routine uses apply to, and are incorporated by reference into, each system of records set forth below.

1. In the event that a system of records maintained by the Department to carry out its functions indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or contract, or rule, regulation, or order issued pursuant thereto, or the necessity to protect an interest of the Department, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or contract, or rule, regulation or order issued pursuant thereto, or protecting the interest of the Department.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Department decision concerning the assignment, hiring or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal, state, local, or international agency, in response to its request, in connection with the assignment, hiring or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

6. A record in this system of records which contains medical information may be disclosed, as a routine use, to the medical advisor of any individual submitting a request for access to the record under the Act and 15 CFR Part 4b if, in the sole judgment of the Department, disclosure could have an adverse effect upon the individual, under the provision of 5 U.S.C 552a(f)(3) and implementing regulations at 15 CFR 4b.6.

7. (Deleted; Reserved)

8. A record in this system of records may be disclosed, as a routine use, to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

9. A record in this system of records may be disclosed, as a routine use, to the Department of Justice in connection with determining whether disclosure thereof is required by the Freedom of Information Act (5 U.S.C. 552).

10. A record in this system of records may be disclosed, as a routine use, to a contractor of the Department having need for the information in the performance of the contract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m).

11. (Deleted; Reserved)

12. A record in this system may be transferred, as a routine use, to the Civil Service Commission: for personnel research purposes; as a data source for management information; for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained; or for related manpower studies.

13. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e. GSA or Commerce) directive. Such disclosure

hall not be used to make determinations about individuals.

National Defense and Foreign Policy Exemption

Some systems of records under the Act which are maintained by he Department contain, from time-to-time, material subject to the pecific exemption authorized by 5 U.S.C 552a(k)(1), relating to na- ional defense and foreign policy materials. The systems of records ioticed below, and also listed in 15 CFR 4b.14(a) of the regulations ublished in the FEDERAL REGISTER, which are subject to this letermination of specific exemption under 5 U.S.C. 552a(k)(1) are:

COMMERCE/ITA-1
COMMERCE/ITA-2
COMMERCE/ITA-3
COMMERCE/NOAA-11
COMMERCE/PAT-TM-4
COMMERCE/PAT-TM-6
COMMERCE/PAT-TM-7
COMMERCE/PAT-TM-8
COMMERCE/PAT-TM-9
COMMERCE/DEPT-12
COMMERCE/DEPT-13
COMMERCE/DEPT-14

The Department hereby asserts a claim to exemption of such naterials wherever they might appear in such systems of records, or ny systems of records, at present or in the future. The materials vould be exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), nd (I), and (f). The reason therefor is to protect the material re- uired by Executive Order to be kept secret in the interest of the ational defense and foreign policy.

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DEPT—4 Congressional Files
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DEPT—6 Visitor Logs and Permits for Facilities Under Department Control
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DEPT—10 Foreign Residence Requirement Waiver Applicants
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DEPT—12 Investigative Records-Contract and Grant Frauds and Employee Criminal Misconduct
DEPT—13 Investigative Records-Persons Within the Investigative Jurisdiction of the Department
DEPT—14 Litigation, Claims, and Administrative Proceeding Records
DEPT—15 Private Legislation Claimants-Central Legislative Files
DEPT—16 Property Accountability Files
DEPT—17 Records of Cash Receipts
DEPT—18 Employee Personnel Files Not Covered by U.S. Civil Service Commission
DEPT—19 Department Mailing Lists
DEPT—20 Biographical Files
DEPT—21 Freedom of Information and Privacy Request Records
CENSUS—1 Agriculture Census Records for 1964 (partial), 1969, 1974
CENSUS—2 Employee Productivity Measurement Records
CENSUS—3 Individual and Household Statistical Surveys and Special Studies Records
CENSUS—4 Minority-Owned Business Enterprises Survey Records
CENSUS—5 Population and Housing Census Records of the 1960 and Subsequent Censuses
CENSUS—6 Population Census Personal Service Records for 1900 and All Subsequent Decennial Censuses
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NBS—6 (Deleted)
NBS—7 Employees External Radiation Exposure Records
NBS—8 Nuclear Reactor Operator Licensees File
NBS—9 Participants in Experiments, Studies, and Surveys
NFPCA—1 Federal Employees with Fire Related Expertise
NFPCA—2 President's and Secretary's Award Nominees
NFPCA—3 National Fire Academy Student Registration
NFPCA—4 National Fire Academy Instructor Records
NOAA—1 (Deleted)
NOAA—2 (Deleted)
NOAA—3 (Deleted)
NOAA—4 Applicants for the NOAA Corps
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NOAA—6 Commissioned Officers Official Travel Orders Folders
NOAA—7 Commissioned Officer Official Personnel Folders

NOAA—8 Commissioned Officers Retired Payroll
NOAA—9 Commissioners of International Fisheries Commissions
NOAA—10 Employee Production Records
NOAA—11 Fisheries Law Enforcement Case Files
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NOAA—19 Marine Mammal, Endangered and Threatened Species, Permits and Exemptions Applicants
NTIA—1 Military Personnel System
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NTIS—2 Employee Daily Time and Productivity Records
PAT/TM—1 Attorneys and Agents Registered to Practice Before the Office
PAT/TM—2 Complaints, Investigations and Disciplinary Proceedings Relating to Registered Patent Attorneys and Agents
PAT/TM—3 Employee Production Records
PAT/TM—4 Government Employee Invention Rights
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PAT/TM—14 Users of Public Search Room of the Patent and Trademark Office
WBO—1 Talent and Experience File of Women's Business Experts
WHC—1 Mailing List and Correspondence File

COMMERCE/DEPT-1.

System name: Attendance, Leave, and Payroll Records of Employees and Certain Other Persons—COMMERCE/DEPT-1.

System location: a. For employees of Departmental Offices, BEA, ITA, EDA, NFPCA, OMBE, USTS, Offices of Federal Cochairmen, RAPCs, and ARC: Office of Controller, Finance Operations Division, OS, U.S. Department of Commerce, 14th & Constitution Avenue, N.W.,Washington, D.C. 20230, and Office of Automatic Data Processing Management (ADP Analysis and Programming Division), use above address.

b. For employees of MARAD: (manual) Division of Accounts, (machine-readable) Division of Data Operations, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

c. For employees of NBS, NTIS, and NTIA: National Bureau of Standards, Office of the Comptroller, (Payroll Section), Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234). NTIA records dating prior to March 26, 1978, relating to employees of the former Office of Telecommunications Policy, Executive Office of the President, are located at General Services Administration Region 3 Office, 7th & D Streets, N.W., Washington, D.C. 20407.

d. For employees of NOAA: National Oceanic and Atmospheric Administration, Personal Service Accounting Branch, 6010 Executive Boulevard, Rockville, Maryland 20852.

e. For employees of PAT-TM: Office of Finance (Employee Accounts Division), U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

f. For employees of CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the following Census Regional Offices: 1365 Peachtree Street, NE., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 536 South Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 West Sixth Avenue (P.O. Box 25207), Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 1100 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York City, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

Categories of individuals covered by the system: All Commerce Department employees and certain other persons as categorized by organizational component in a. through f. above.

Categories of records in the system: Name, date of birth, social security number and employee number, service computation date, grade, step, and salary; organization (code), retirement or FICA data as applicable; Federal, state, and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, absence without leave, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and 'Notification of Personnel Action'. The individual records listed herein are included only as pertinent or applicable to the individual employee.

Authority for maintenance of the system: Title 5 U.S.C., Title 31 U.S.C. 66a, Title 44 U.S.C. 3101, 3309.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes.

Reporting: tax withholding to Internal Revenue Service and appropriate State and local taxing authorities; FICA deductions to the Social Security Administration; dues deductions to labor unions; withholdings for health and life insurance to the insurance carriers and the U.S. Civil Service Commission; charity contribution deductions to agents of charitable institutions; annual W-2 statements to taxing authorities and the individual; wage, employment, and separation information to state unemployment compensation agencies, to the Department of Labor to determine eligibilty for unemployment compensation, and to housing authorities for low-cost housing applications; and NOAA Corps data to U.S. Civil Service Commission for preparation of statistical materials. Also, see routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Both manual and machine-readable.

Retrievability: By name and/or employee or social security number.

Safeguards: Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

Retention and disposal: Retained on site until after GAO audit, then disposed of, or transferred either to Federal Records Storage Centers in accordance with the fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

System manager(s) and address: For records at location a.: Controller, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Chief, Division of Accounts, Maritime Administration, Washington, D.C. 20230;

For records at location c.: Comptroller, Office of the Comptroller, National Bureau of Standards, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234)

For records at location d.: Chief, Personal Service Accounting Branch, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location e.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location f.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the Director of the particular Regional Office listed above.

Notification procedure: For BEA records at location a., information may be obtained from: Chief Planning and Evaluation Officer, BEA, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230;

For ITA records at location a., information may be obtained from: Director, Office of Management and Systems, ITA, U.S. Department of Commerce, Washington, D.C. 20230;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street, N.W., Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Privacy Officer, Office of Chief Counsel, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230;

For NBS and NTIS records at location c., information may be obtained from: Director of Administrative and Information Systems, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For NTIA records at location c., information may be obtained from: Privacy Officer, NTIA, U.S. Department of Commerce, Washington, D.C. 20504;

For records at location d., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location e., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231; and

For records at location f., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name, social security number, and time or organization unit of employment pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address of the desired location as stated in the Notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

Record source categories: Subject individuals, those authorized by the individual to furnish information, supervisors, timekeepers, official personnel records, and IRS.

COMMERCE/DEPT-2.

System name: Accounts Receivable—COMMERCE/DEPT-2.

System location: a. For Departmental offices, BEA, ITA, NFPCA, USTS, OMBE, Offices of Federal Cochairmen, RAPCs, and ARC: Office of Controller, Finance Operations Division, OS, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

b. For MARAD: (manual) Division of Accounts, (machine-readable) Division of Data Operations, Maritime Administration, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

c. For NBS and NTIA: National Bureau of Standards, Office of the Comptroller, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

d. For NOAA: National Oceanic and Atmospheric Administration, Finance Division, 6010 Executive Boulevard, Rockville, Maryland 20852.

e. For PAT-TM: Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

f. For CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

g. For NTIS: Accounting Control Division, National Technical Information Service, Room 1303, Sills Building, Springfield, Virginia 22161.

h. For EDA: Accounting Division, Economic Development Administration, Washington, D.C. 20230.

Categories of individuals covered by the system: Debtors owing money to organizational components identified in a. through h., including employees, former employees, business firms, general public, and institutions.

Categories of records in the system: Name and address; amount owed, and service, overpayment or other accounting therefor; invoice number, if any.

Authority for maintenance of the system: 5 U.S.C. 5701-09; FPMR 101-7; Treasury Fiscal Requirements Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Billing debtors, reporting to Civil Service Commission for liquidating debts from retirement and other benefits, and routine uses per Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Both manual and machine-readable records.

Retrievability: By name, and invoice number as appropriate.

Safeguards: Physical security, handling by authorized personnel only.

Retention and disposal: Retained until payment is received and account is audited, then disposed of in accordance with Records Control Schedule.

System manager(s) and address: For records at location a.: Controller, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Chief, Division of Accounts, Maritime Administration, Washington, D.C. 20230.

For records at location c.: Comptroller, Office of the Comptroller, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

For records at location d.: Chief, Finance Division, NOAA, 6010 Executive Blvd., Rockville, Md. 20852.

For records at location e.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location f.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location g.: Chief, Accounting Control Division, National Technical Information Service, Room 1303, Sills Building, Springfield, Virginia 22161.

For records at location h.,: Chief, Accounting Division, Economic Development Administration, Washington, D.C. 20230

Notification procedure: For ITA records at location a., information may be obtained from: Director, Office of Management and Systems, ITA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street, N.W., Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For NBS records at location c., information may be obtained from: Director of Administrative and Information Systems, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For NTIA records at location c., information may be obtained from: Privacy Officer, NTIA, U.S. Department of Commerce, Washington, D.C. 20504;

For records at location d., information may be obtained from: Assistant Administrator for Administration, National Oceanic and

Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location e., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231; and

For records at location f., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location g., information may be obtained from: Assistant Director, Adminstration, National Technical Information Service, Room 1006, Sills Building, Springfield, Virginia 22161.

For records at location h., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

Requester should provide name and address, and invoice number as appropriate, pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the Notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, contracting officer as appropriate, accounting records.

COMMERCE/DEPT-3.

System name: Conflict of Interest Records, Appointed Officials—COMMERCE/DEPT-3.

System location: Office of General Counsel, Room 5870, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals, past and present, appointed by the President to Commerce Department offices and other senior level officers of the Department.

Categories of records in the system: Statements of personal and family shareholdings and other interests in business enterprises; copies of blind trust and other agreements pertaining to such interests; correspondence as to insulation of control of such interests; opinions of counsel; and confirmation materials.

Authority for maintenance of the system: 5 U.S.C. 301, 18 U.S.C. 208, 28 U.S.C. 533-535, 44 U.S.C. 3101, E.O. 10450, and E.O. 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Disposed of 2 years after separation of employee.

System manager(s) and address: Deputy General Counsel, Room 5870, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and date of appointment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the Notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The subject individual, financial institutions involved, counsel, and those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for employment.

COMMERCE/DEPT-4.

System name: Congressional Files—COMMERCE/DEPT-4.

System location: a. Office of the Assistant Secretary for Congressional Affairs, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

b. Office of the Director of Congressional and Public Affairs, National Telecommunications and Information Administration, 1800 G Street, N.W., Washington, D.C. 20504.

Categories of individuals covered by the system: Members of Congress.

Categories of records in the system: Biographical information from sources such as the Congressional Quarterly, Congressional Directory, biographies provided by Members' Offices, extracts from the Congressional Record, and correspondence between the Members and the Department.

Authority for maintenance of the system: 5 U.S.C. 301 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in paper form only.

Retrievability: Indexed by name of Member or State or Congressional District.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are retained in accordance with the Office's Record Control Schedule.

System manager(s) and address: For records at location a.: Assistant Secretary for Congressional Affairs, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

For records at location b.: Director of Congressional and Public Affairs, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504.

Notification procedure: For records at location a.: Information may be obtained from: Departmental Office of Organization and Management Systems, OS, U. S. Departmentof Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

For records at location b.: Information may be obtained from: Privacy Officer, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504. Requester should provide name of Member pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the Notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Published Congressional reference materials and the Member, himself or herself.

COMMERCE/DEPT-5.

System name: Donors of Gifts and Bequests—COMMERCE/DEPT-5.

System location: a. For records of Departmental offices, BEA, EDA, OMBE, and USTS: Office of Controller, Finance Operations Division, OS, U.S. Department of Commerce, Washington, D.C. 20230.

b. For records of MA: Office of Administration, U.S. Merchant Marine Academy, Kings Point, Long Island, N.Y. 11024 and Division of Accounts, Maritime Administration, Washington, D.C. 20230 (for cash donations only).

c. For records of ITA: Office of Budget, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

d. For records of NBS, NTIS, and NTIA: Office of the Comptroller, NBS, Administration Building, Gaithersburg, Maryland (mailing address: Washington, D.C. 20234).

e. For records of NOAA: Finance Division, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852.

f. For records of PAT-TM: Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

g. For records of CENSUS: Finance Divison, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Categories of individuals covered by the system: Any donor of gifts or bequests of funds, property, or services to Departmental offices or agencies.

Categories of records in the system: Name and address of donor; dollar amount of donations; value and description of non-cash donations; name and title of employee whose expenses are encompassed by the gift; and purposes for which gift or bequest was made.

Authority for maintenance of the system: 5 U.S.C. 608a-608c.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed chronologically by date of transaction or serial number.

Safeguards: Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only.

Retention and disposal: Records are maintained permanently.

System manager(s) and address: For records at location a.: Controller, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Assistant Superintendent for Administration, Office of Administration, U.S. Merchant Marine Academy, Kings Point, Long Island, N.Y. 11024 and Chief, Division of Accounts, Maritime Administration, Washington, D.C. 20230.

For records at location c.: Director, Office of Budget, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location d.: Comptroller, Office of the Comptroller, NBS, Administration Building, Gaithersburg, Maryland. (Mailing address: Washington, D.C. 20234).

For records at location e.: Chief, Finance Division, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location f.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location g.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Notification procedure: For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Privacy Officer, Office of Chief Counsel, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20236.

For records at location c., information may be obtained from: Director, Office of Management and Systems, Room 3100, ITA, U.S. Department of Commerce, Washington, D.C. 20230;

For NBS records at location d., information may be obtained from: Director of Administrative and Information Systems, Room A1101, Administration Building, NBS, Gaithersburg Md. (Mailing address: Washington, D.C. 20234).

For NTIA records at location d., information may be obtained from: Privacy Officer, NTIA, U.S. Department of Commerce, Washington, D.C. 20504;

For records at location e., information may be obtained from: Associate Administrator for Administration, Room 908, Washington Science Center, NOAA, Rockville, Maryland 20852; and

For records at location f., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

For records at location g., Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name and date of transaction, pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the Notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Donors and subject employees and those authorized by the foregoing to furnish information.

COMMERCE/DEPT-6.

System name: Visitor Logs and Permits for Facilities Under Department Control—COMMERCE/DEPT-6.

System location: a. Maritime Administration: Beaumont Reserve Fleet, Beaumont, Texas; James River Reserve Fleet, Fort Eustis, Virginia; Reserve Fleet Division Office, New York City, New York; Suisan Bay Reserve Fleet, Benicia, California; and U.S. Merchant Marine Academy, Kings Point, New York.

b. National Bureau of Standards: Security Office, Administration Building, Rockville, Maryland 20234; and Guard Service Office, Radio Building, NBS, Boulder, Colorado 80302.

Categories of individuals covered by the system: Non-Federal visitors, Federal personnel entering facilities after duty hours, and employees seeking parking and firearm permits.

Categories of records in the system: Name, address, place of birth, citizenship, physical characteristics, type and number of firearms and amount of ammunition, purpose of visit, affiliation, time in and time out, license numbers, and records of violations.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name, or date and time.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained on site for five years, then disposed of in accordance with unit's Record Control Schedule.

System manager(s) and address: For records at location a.: Superintendent of respective Reserve Fleets and Chief, Fire and Security, U.S. Merchant Marine Academy, Commandant's Department, King Point, New York.

For records at location b.: Director, Center For Facilities Management, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: For records at location a., information may be obtained from: Secretary, Maritime Administration, Main Commerce Building, Washington, D.C. 20230.

For records at location b., information may be obtained from: Director of Administrative and Information Systems, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

Requesters should provide name and address, date of visit or type of permit, as appropriate, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the Notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, and employers.

COMMERCE/DEPT-7.

System name: Employee Accident Reports—COMMERCE/DEPT-7.

System location: a. For employees of Departmental Offices, BEA, NFPCA, and USTS: Office of Administrative Services and Procurement, U.S. Department of Commerce, Washington, D.C. 20230.

b. For employees of ITA: Office of Administrative Support, Industry and Trade Administration, Washington, D.C. 20230.

c. For employees of EDA: Office Service Division, Economic Development Administration, Washington, D.C. 20230.

d. For employees of MARAD: Office of Domestic Shipping, Maritime Administration, Washington, D.C. 20230.

e. For employees of OMBE: Field Operations and Administration, Office of Minority Business Enterprise, Washington, D.C. 20230.

f. For employees of NBS; Safety Office, Supply and Plant Building, NBS, Gaithersburg, Md. (P.O. Washington, D.C. 20234).

g. For employees of NOAA: Administrative Operations Division, National Oceanic and Atmospheric Administration, 6010 Executive Blvd., Rockville, Md. 20852.

h. For employees of NTIS; Property Management Branch, Administrative Service Division, National Technical Information Service, 5285 Port Royal Rd., Springfield, Va. 22161.

i. For employees of PAT-TM: Office of General Service, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

j. For employees of CENSUS; Administrative Service Division, Bureau of the Census, Building 3, Washington, D.C. 20233.

k. For employees of NTIA: Office of Administration, National Telecommunications and Information Administration, 1325 G Street, N.W., Washington, D.C. 20005.

Categories of individuals covered by the system: All Department employees as categorized by organization component in a. through k., above, who have sustained occupational injury/illness or who have been involved in a motor vehicle accident while on official Government business,

Categories of records in the system: Name; address; home telephone number; date and place of birth; sex; social security number; occupation; grade; location and description of accident or injury; driving permit or license data; physical condition at time of incident; insurance information; vehicle ownership and licensing data.

Authority for maintenance of the system: 29 U.S.C. 651-78, 28 U.S.C. 2671-2680, Executive Orders 11612 and 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Also, accident reports involving Government vehicles are disclosed to the General Service Administration, the custodian of Government vehicles; accident information may also be disclosed to insurance carriers during resolution of claims.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Disposed after 5 years.

System manager(s) and address: For records at location a.: Coordinator for Occupational Safety and Health and Motor Management, Departmental Office of Administrative Services and Procurement, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Director, Office of Administrative Support, Industry and Trade Administration, Washington, D.C. 20230.

For records at location c.: Chief, Office Service Division, Economic Development Administration, Washington, D.C. 20230.

For records at location d.: Safety Officer, Office of Domestic Shipping, Maritime Administration, Washington, D.C. 20230.

For records at location e.: Safety Officer, Field Operations and Administration, Office of Minority Business Enterprise, Washington, D.C. 20230.

For records at location f.: Safety Manager, Supply and Plant Building, NBS, Gaithersburg, Md. (P.O. Washington, D.C. 20234).

For records at location g.: Safety Engineer, Administrative Operations Division, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

For records at location h.: Chief, Property Management Branch, Administrative Service Division, Sills Building, National Technical Information Service, Springfield, Va. 22161.

For records at location i.: Director, Office of General Service, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location j.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location k.: Safety Officer, Office of Administration, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504.

Notification procedure: For Departmental office records at location a., information may be obtained from: Director, Office of Organization and Management Systems, OS, U.S. Department of Commerce, Washington, D.C. 20230;

For BEA records at location a., information may be obtained from: Chief Planning and Evaluation Officer, BEA, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street N.W., Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Director, Office of Administration, United States Travel Service, Washington, D.C. 20230.

For records at location b., information may be obtained from: Director, Office of Management and Systems, Industry and Trade Administration, Washington, D.C. 20230;

For records at location c., information may be obtained from: Director, Office of Public Affairs, Economic Development Administration, Washington, D.C. 20230;

For records at location d., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For records at location e., information may be obtained from: Privacy Officer, Office of Chief Counsel, Office of Minority Business Enterprise, Washington, D.C. 20230;

For records at location f., information may be obtained from: Director of Administrative and Information Systems, National Bureau of Standards, Gaithersburg, Md. (P.O. Washington D.C. 20234);

For records at location g., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, Rockville, Md. 20852;

For records at location h., information may be obtained from: Assistant Director for Administration, National Technical Information Service, Springfield, Va. 22161;

For records at location i., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231;

For Census records at location j., information may be obtained from: Associate Director for Administration, Bureau of the Census Federal Building 3, Washington, D.C. 20233;

For records at location k., information may be obtained from: Privacy Officer, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504.

Requester should provide name and approximate date of accident pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address of the desired location as stated in the Notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

Record source categories: Subject individual, those authorized by the individual to furnish information; others involved in accident; witnesses; employee's supervisor; and, the safety officer.

COMMERCE/DEPT-8.

System name: Employee Applications for Motor Vehicle Operator's Card—COMMERCE/DEPT-8.

System location: a. For employees of Departmental offices, BEA, NFPCA, OMBE, NTIA, Offices of Federal Cochairmen, and USTS: Office of Administrative Services and Procurement, U.S. Department of Commerce, Washington, D.C. 20230.

b. For employees of ITA: Office of Administrative Support, Industry and Trade Administration, Washington, D.C. 20230.

c. For employees of EDA: Office Service Division, Economic Development Administration, Washington, D.C. 20230.

d. For employees of MARAD: Office of Administrative Service, Maritime Administration, Washington, D.C. 20230; the following MARAD regional offices: 26 Federal Plaza, New York, N.Y. 10007; No. 2 Canal St., New Orleans, La. 70130; 450 Golden Gate Ave., San Francisco, Calif. 94102; 666 Euclid Ave., Rm. 576, Celeveland, Ohio, 44114, and the U.S. Merchant Marine Academy, Department of Public Works, Kings Point, L.I., N.Y. 11024.

e. For employees of NBS: Safety Office, Supply and Plant Building, Gaithersburg, Md. (P.O. Washington, D.C. 20234); and Security Office, Radio Building, NBS, Boulder, Colorado 80302.

f. For employees of NOAA: Administrative Operations Division, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

g. For employees of PAT-TM: Office of General Service, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

h. For employees of CENSUS: Administrative Service Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233;

and the following Census Regional Offices: 1365 Peachtree Street, NE., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 536 South Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 West Sixth Avenue (P.O. Box 25207), Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 1100 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York City, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

i. For employees of NTIS: Property Management Division, National Technical Information Service, Sills Building, Springfield, Virginia 22161.

Categories of individuals covered by the system: All Department employees as categorized by organizational components in a. through i. above, who are seeking or holding a Federal vehicle operator permit.

Categories of records in the system: Name; position title; date and place of birth; physical characteristics; social security number, summary of driving record, including all arrests, traffic citations and accidents for the past five years; hearing and visual acuity examination report; road test results; and medical history.

Authority for maintenance of the system: 40 U.S.C. 471; E.O. 9397.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement. Also, information is transmitted to the Department of Transportation with request for suitability check.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Disposed of when re-issued at the end of three years or upon employee's terminiation of employment.

System manager(s) and address: For records at location a.: Coordinator for Occupational Safety and Health and Motor Management, Departmental Office of Administrative Services and Procurement, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Director, Office of Administrative Support, Industry and Trade Administration, Washington, D.C. 20230.

For records at location c.: Chief, Office Service Division, Economic Development Administration, Washington, D.C. 20230.

For records at location d.: Director, Office of Administrative Service, Maritime Administration, Washington, D.C. 20230.

For records at location e.: Safety Manager, Supply and Plant Building, National Bureau of Standards, Gaithersburg, Md. (P.O. Washington, D.C. 20234).

For records at location f.: Motor Fleet Manager, Administrative Operations Division, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

For records at location g.: Director, Office of General Service, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location h.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location i.: Chief, Property Management Division, National Technical Information Service, Sills Building, Springfield Virginia 22161.

Notification procedure: For BEA records at location a., information may be obtained from: Chief Planning and Evaluation Officer, BEA, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street N.W., Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Privacy Officer, Office of Chief Counsel, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For NTIA records at location a., information may be obtained from: Privacy Officer, NTIA, U.S. Department of Commerce, Washington, D.C. 20504;

For USTS records at location a., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Director, Office of Management and Systems, Industry and Trade Administration, Washington, D.C. 20230.

For records at location c., information may be obtained from: Director, Office of Public Affairs, Economic Development Administration, Washington, D.C. 20230.

For records at location d., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230.

For records at location e., information may be obtained from: Director of Administrative and Information Systems, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For records at location f., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

For records at location g., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location h., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location i., information may be obtained from: Assistant Director for Administration, National Technical Information Service, Sills Building, Springfield, Virginia 22161.

Requester should provide name, organizational unit, and approximate date of employement pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address of the desired location as stated in the Notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, motor vehicle departments in individual's state, and National Driver Register of the Department of Transportation.

COMMERCE/DEPT-9.

System name: Travel Records (Domestic and Foreign) of Employees and Certain Other Persons—COMMERCE/DEPT-9.

System location: a. For employees of Departmental Offices, BEA, ITA, NFPCA, OMBE, USTS, Offices of Federal Cochairmen, and RAPCs; members of DOC Advisory Committees; employees and certain other persons associated with ARC; and private citizens invited to visit the Department:

Paper records in Office of Controller, Finance Operations Division, OS, and machine-readable records in Office of Automatic Data Processing Management, ADP Analysis and Programming Division, both in Main Commerce Building, Washington, D.C. 20230.

b. For employees of MARAD in Washington, D.C.: (machine-readable) Division of Data Operations, (manual) Division of Accounts, Maritime Administration, Main Commerce Building, Washington, D.C. 20230. Regional employees: U.S. Merchant Marine Academy Travel Clerk, Kings Point, N.Y. 11024; Administrative Service Office, Maritime Administration, 26 Federal Plaza, New York, N.Y. 10007; Administrative Service Office, Maritime Administration, No. 2 Canal Street, New Orleans, La. 70130; Regional Office Service, Maritime Administration, 450 Golden Gate Ave., P.O. Box 36073, San Francisco, California 94102; Great Lakes Regional Office, Maritime Administration, Room 576, 666 Euclid Ave., Cleveland, Ohio 44114.

c. For employees of NBS, NTIS, and NTIA: Office of the Comptroller, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

d. For employees of NOAA: Travel and Transportation Branch, NOAA Finance Division, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852 and the following Field Finance Offices: Research Building 3, 3100 Marine Street, Boulder, Colo. 80302; Room 1760, 601 E. 12th Street, Kansas City, Mo. 64106; 75 Virginia Beach Drive, Building 2, Miami, Fla. 33149; and, North Bethesda Office Center, 11420 Rockville Pike, Rockville, Maryland 20852.

e. For employees of PAT-TM: Office of General Service, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

f. For employees of CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and the following Regional Offices for intermittent CENSUS employees: 1365 Peachtree Street, N.E., Atlanta, Georgia 30309; 441 Stuart Street,

Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 536 South Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 West Sixth Avenue (P.O. Box 25207), Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Street, Kansas City, Kansas 66101; 1100 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York City, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

g. For employees of EDA: Accounting Division, Washington, D.C. 20230.

Categories of individuals covered by the system: Employees, Advisory Committee Members, State Representatives of ARC, and official guests of the Department.

Categories of records in the system: Name, address, social security number; destination, itinerary, mode and purpose of travel; dates; expenses including amounts advanced (if any), amounts claimed, and amounts reimbursed; travel orders, travel vouchers, receipts, and passport record card.

Authority for maintenance of the system: Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; and Federal Claim Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal to U.S. Treasury for payment, to State Department for passports, and see routine use portion of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine-readable.

Retrievability: Filed by name, social security number, or travel order number.

Safeguards: Records are located in lockable metal file cabinets or in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained according to GSA Federal Travel Regulations, and then disposed of according to unit's Records Control Schedule.

System manager(s) and address: For records at location a., Controller, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., Chief, Division of Accounts, Maritime Administration, Washington, D.C. 20230; U.S. Merchant Marine Academy Travel Clerk, Kings Point, N.Y. 11024; Administrative Service Officer, Maritime Administration, 26 Federal Plaza, New York, N.Y. 10007; Administrative Service Officer, Maritime Administration, No. 2 Canal Street, New Orleans, La. 70130; Regional Office Service Officer, Maritime Administration, 450 Golden Gate Ave., P.O. Box 36073, San Francisco, California 94102; Regional Director, Maritime Administration, Great Lakes Regional Office, 666 Euclid Ave., Cleveland, Ohio 44114.

For records at location c., Comptroller, Office of the Comptroller, National Bureau of Standards, Administration Building, Gaithersburg, Maryland 20234.

For records at location d., Chief, Travel and Transportation, Finance Division, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852 and the Chief of the particular Field Finance Office listed above.

For records at location e., Director, Office of General Service, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location f., Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and the Director of the particular Regional Office listed above.

For records at location g., Chief, Accounting Division, Economic Development Administration, Washington, D.C. 20230.

Notification procedure: For BEA records at location a., information may be obtained from: Chief Planning and Evaluation Officer, BEA, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230;

For ITA records at location a., information may be obtained from: Director, Office of Management and Systems, ITA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street, N.W., Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Privacy Officer, Office of Chief Counsel, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information can be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230.

For NBS and NTIS records at location c., information can be obtained from: Director of Administrative and Information Systems, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For NTIA records at location c., information may be obtained from: Privacy Officer, NTIA, U.S. Department of Commerce, Washington, D.C. 20504.

For records at location d., information can be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location e., information can be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location f., information can be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location g., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

Requester should provide name, travel order number, if known, and date of travel, in accordance with the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the Notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, supervisors, and finance (or accounting) office standard references.

COMMERCE/DEPT-14.

System name: Litigation, Claims, and Administrative Proceeding Records—COMMERCE/DEPT-14.

System location: a. For matters involving CENSUS: Office of the Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233. Some records may be duplicated in the offices of Census Bureau division chiefs. A complete address list of division chiefs is available upon request from the individual designated in the Notification section below.

b. For matters involving ITA tort and personal property claims: Office of Administrative Support, Industry and Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

c. For matters involving EDA: Office of Chief Counsel, EDA, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

d. For matters involving MARAD: Maritime Administration, Office of General Counsel, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

e. For matters involving NBS other than violations of traffic and grounds regulations: National Bureau of Standards, Office of the Legal Adviser, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234). For matters involving violations of traffic and grounds regulations at Gaithersburg, Maryland, Security Office, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234) and for violations of those regulations at Boulder or Fort Collins, Colorado, Guard Service Office, NBS, Radio Building, Boulder, Colorado, 80302.

f. For matters involving NFPCA: Office of the Chief Counsel, National Fire Prevention and Control Administration, 2400 M Street, N.W., Washington, D.C. 20037.

g. For matters involving NOAA: Office of General Counsel, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Records in this system may also be located at other NOAA offices in the Washington, D.C. metropolitan area and in the field. A complete list of addresses is available upon request from the individual designated in the Notification section below.

h. For matters involving NTIS: Property Management Office, or Office of the Controller, National Technical Information Service, 5285 Port Royal Rd., Springfield, Va. 22161.

i. For matters involving NTIA: Office of the Chief Counsel, National Telecommunications and Information Administration, 1800 G

Street, N.W., Washington, D.C. 20504; or Office of Administration, National Telecommunications and Information Administration, 1325 G Street, N.W., Washington, D.C. 20005.

j. For matters involving PAT-TM: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

k. For all other matters: Office of the General Counsel, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. Some of the records at locations a. through j. may be duplicated at location k. Also, the records at locations a. through k. may be duplicated in part or in whole in other Department of Commerce systems of records, or in Government-wide systems, at other locations. For assistance in this regard, information may be obtained from the individual identified in the appropriate Notification procedure section below.

Categories of individuals covered by the system: Individuals the subject of any litigation in which the Department is involved; individuals who make administrative claims or appeals against the Department; individuals the subject of claims and administrative actions brought by the Department. Individuals cited for violation of traffic and grounds regulations. Individuals who may have provided statements or other evidence with respect to any of the above. "Department" means the U.S. Department of Commerce or any component thereof, or any officer or employee thereof.

Categories of records in the system: Names, addresses, Social Security Account Numbers, statements of claims and analyses thereof, investigatory reports, opinions of law, and pleadings, motions, depositions, rulings, opinions, citation particulars (description of vehicle, date of birth, physical characteristics, driving permit or license data, vehicle license data, etc.), and other litigation and claims documentation.

Authority for maintenance of the system: 5 U.S.C 301; 44 U.S.C Section 3101; 42 U.S.C 3211; 31 U.S.C. 240; 28 U.S.C 533-535 and 1346(b); 15 U.S.C. 277 and 278e(b); E.O. 10450; and all other authorities of the Department.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are disposed of according to unit's Record Control Schedule.

System manager(s) and address: For records at location a.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location b.: Director, Office of Administrative Support, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location c.: Chief Counsel, Economic Development Administration, Department of Commerce, Washington, D.C. 20230.

For records at location d.: General Counsel, Maritime Administration, Washington, D.C. 20230.

For records at location e.: Legal Adviser, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For records at location f.: Chief Counsel, National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036.

For records at location g.: General Counsel, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location h.: Chief, Administrative Services Division, and Controller, each for their respective protions, National Technical Information Service, 5285 Port Royal Rd., Springfield, Va. 22161.

For records at location i.: Chief Counsel and Director of Administration (for their respective portions), National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504.

For records at location j.: Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location k.: General Counsel, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: For records at location a., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location b., information may be obtained from: Director, Office of Management and Systems, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location c., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location d., information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location e., information may be obtained from: Director of Administrative and Information Systems, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For records at location f., information may be obtained from: Administrative Officer, National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036.

For records at location g., information may be otained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location h., information may be obtained from: Assistant Director for Administration, National Technical Information Service, Sills Bldg., Springfield, Va. 22161.

For records at location i., information may be obtained from: Privacy Officer, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504.

For records at location j., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location k., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

Requester should provide name, address, social security number, case number; date of claim, organization unit in which employed, as appropriate, pursuant to the inquiry provisions which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the Notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject claimant or plaintiff; those authorized by the foregoing to furnish information; and, whatever sources pertinent to the nature of the case.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(1), (k)(2) and (k)(5), all investigatory material and material subject to the provisions of 5 U.S.C. 552(b)(1) in the record which meets the criteria of these sub-sections is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to prevent disclosure of classified information as required by Executive Order 11652 in the interest of the national defense and foreign policy and in order for the Department's legal staff to properly perform its functions.

COMMERCE/DEPT.-16.

System name: Property Accountability Files—COMMERCE/DEPT-16.

System location: a. For MARAD: Supply Management Division, Maritime Administration, Washington, D.C. 20230; Department of Administrative Service, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024; Administrative Service Office, Maritime Administration, 26 Federal Plaza, New York, N.Y. 10007; Administrative Service Office, Maritime Administration, No. 2 Canal Street, New Orleans, La. 70130; Regional Office Service, Maritime Administration, 450 Golden Gate Avenue, P.O. Box 36073, San Francisco, California 94102; Great Lakes Regional Office, Maritime Adminstration, Room 576, 666 Euclid Ave., Cleveland, Ohio 44114.

b. For all libraries of the Department. For listing, see Directory of Libraries in the United States Department of Commerce, 1972, Department of Commerce, Washington, D.C.; or American Library Directory, biennial, R.R. Bowker Company, New York City.

c. For employees of CENSUS: Administrative Service Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the following Census Regional Offices: 1365 Peachtree Street,

N.E., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 536 South Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 West Sixth Avenue (P.O. Box 25207). Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 1100 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York City, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

d. For employees of NBS: Security Office, National Bureau of Standards, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234); Instrument Shops Division, Shops Building, NBS, Gaithersburg, Maryland (P.O. Washington, D.C. 20234); and Security Office, Radio Building, NBS, Boulder, Colorado 80302.

e. For employees of PAT-TM: Office of General Service, U.S. Patent and Trademark Office, Washington, D.C. 20231.

f. For NTIA: Office of Administration, National Telecommunications and Information Administration, 1325 G Street, N.W., Washington, D.C. 20005.

Categories of individuals covered by the system: Employees, general public, institutions, and anyone who charges out or signs for books or other materials.

Categories of records in the system: Name; telephone number; title of book; identification of property or equipment; home and business address; employee I.D. number; position; job title; grade; organization; explanations for items not accounted for, correspondence; clearances; and, key number.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101; 40 U.S.C. 481-92; 15 U.S.C. 1518.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders and trays.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal files cabinets, or lockable desks, or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained until property is accounted for, then disposed of in accordance with unit's Record Control Schedule.

System manager(s) and address: For records at location a.: Chief, Supply Management Division, Maritime Administration, Washington, D.C. 20230; Administrative Service Officer, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024; Administrative Service Officer, Maritime Administration, 26 Federal Plaza, New York, N.Y., 10007; Administrative Service Officer, Maritime Administration, No. 2 Canal Street, New Orleans, La. 70130; Property Accountability Officer, Regional Office Service, Maritime Administration, 450 Golden Gate Avenue, P.O. Box 36073, San Francisco, California 94102; Regional Director, Great Lakes Regional Office, Maritime Administration, 666 Euclid Ave., Cleveland, Ohio 44114.

For records at location b.: the head of the respective library.

For records at location c.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the Director of the particular Regional Office listed above.

For records at location d.: Security Officer, National Bureau of Standards, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For records at location e.: Director, Office of General Service, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location f: Director of Administration, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504.

Notification procedure: For records at location a.: information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Address communication to the library's parent organization (e.g., National Bureau of Standards) Attention: Privacy Officer, or use the Privacy Officer's Official position title and address as listed in Appendix B to the Department's rules which appear in 15 CFR Part 4b.

For records at location c., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location d., information may be obtained from: Director of Administrative and Information Systems, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For records at location e., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 202331. For records at location f., Information may be obtained from: Privacy Officer, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504.

Requester should provide name and address pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the Notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, book cards, and supply person providing the equipment.

COMMERCE/DEPT-17.

System name: Records of Cash Receipts—COMMERCE/DEPT-17.

System location: a. For Departmental offices, BEA, ITA, NFPCA, OMBE, USTS, Offices of Federal Chairman, RAPCs, and ARC: Office of Controller, Finance Operations Division (Receipts and Distribution Section), OS, U.S. Department of Commerce, 14th and Constitution Ave., N.W., Washington, D.C. 20230 and Office of Automatic Data Processing Management, (ADP Analysis and Programming Division), use same address.

b. For MARAD: Division of Accounts, Maritime Administration, 14th and Constitution Ave., N.W., U.S. Department of Commerce, Washington, D.C. 20230.

c. FOR NTIS: Accounting Control Division, National Technical Information Service, Room 1303, Sills Building, Springfield, Virginia 22161.

d. For PAT-TM: Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

e. For Census: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

f. For NTIA: Office of Administration, National Telecommunications and Information Administration, 1325 G Street, N.W., Washington, D.C. 20005

g. For EDA: Accounting Division, Economic Development Administration, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals paying for goods or services, reimbursing overpayments, or otherwise delivering cash to the Department.

Categories of records in the system: Individual's name, the goods or service purchased, amount, date, check number, division or office, bank deposit, treasury deposit number.

Authority for maintenance of the system: 31 U.S.C. 66(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine-readable.

Retrievability: Name and/or account or case number.

Safeguards: Records are located in lockable metal file cabinets or in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Permanently maintained.

System manager(s) and address: For records at location a.: Controller, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Chief, Division of Accounts, Maritime Administration, Washinton, D.C. 20230.

For records at location c.: Chief, Accounting Control Division, National Technical Information Service, Room 1303, Sills Building, Springfield, Virginia 22161.

For records at location d.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location e.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location f.: Director of Administration, National Telecommunications and Information Administration, 1325 G Street, N.W., Washington, D.C. 20005.

For records at location g.: Chief, Accounting Division, Economic Development Administration, Washington, D.C. 20230.

Notification procedure: For BEA records at location a., information may be obtained from: Chief Planning and Evaluation Officer, BEA, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230;

For ITA records at location a., information may be obtained from: Director, Office of Management and Systems, ITA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Privacy Officer, Office of Chief Counsel, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For records at location c., information may be obtained from: Assistant Director, Administration, National Technical Information Service, Room 1006, Sills Building, Springfield, Virginia 22161.

For records at location d., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location e., information may be obtained from: Assistant Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location f., information may be obtained from: Privacy Officer, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504.

For records at location g., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

Requester should provide name, address, date of receipt, and check number or case number pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the Notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/DEPT.-18.

System name: Employees Personnel Files Not Covered By U.S. Civil Service Commission—COMMERCE/DEPT-18.

System location: a. For employees of Departmental Offices, Offices of Federal Cochairmen, RAPCs, ARC, BEA, EDA, NFPCA, NTIA, NTIS, OMBE, and USTS: Processing and Servicing Branch, Departmental Office of Personnel, Room 5014, U.S. Department of Commerce, Washington, D.C. 20230;

b. For employees of CENSUS: Office of Personnel, Bureau of Census, Federal Building 3, Room 3260, Washington, D.C. 20233;

c. For employees of ITA: Office of Personnel, Industry and Trade Administration, Room 3512, U.S. Department of Commerce, Washington, D.C. 20230;

d. For employees of MARAD: Office of Personnel, Room 1091, U.S. Department of Commerce, Washington, D.C. 20230;

e. For employees of NBS: Office of Personnel, National Bureau of Standards, Administration Building, Room A123, Gaithersburg, Maryland 20760; and National Academy of Sciences, 2100 Pennsylvania Avenue, N.W., Room JH606, Washington, D.C. 20037;

f. For employees of NOAA: Personnel Division, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852; and

g. For employees of PAT-TM: Office of Personnel, U.S. Patent and Trademark Office, U.S. Department of Commerce, Room 9C06, Crystal Plaza 2, Arlington, Virginia 22202.

Categories of individuals covered by the system: Current and former employees.

Categories of records in the system: All personnel records in the Department which are subject to the Privacy Act but are not covered in the notices of systems of records published by the U.S. Civil Service Commission. The records of this system may include, but are not limited to: Employee Development; Incentive Awards; International Women's Year; Medical; Career Management Program; Ship Personnel; Employee Overseas Assignment, and Relations; Minority Group Statistics; Personnel Uniform ADP System; Experts and Consultants Quarterly Review; Re-Employment Priority; Repromotion Priority; Merit Promotion Programs; Within-Grade Denials (Reconsideration File); and, Employee Information System.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101; and Federal Personnel Manual and related directives of the U.S. Civil Service Commission.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information concerning current or former employees may be disclosed to a private organization or individual as necessary to obtain information in connection with a decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. See routine uses paragraphs in the Prefatory Statement and routine uses paragraphs of U.S. Civil Service Commission notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine-readable.

Retrievability: Filed by name and/or social security number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained according to Unit's Records Control Schedule.

System manager(s) and address: For records at location a.: Chief, Processing and Servicing Branch, Office of Personnel, Room 5014, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location b.: Chief of Personnel, Bureau of the Census, Federal Building 3, Room 3260, Washington, D.C. 20233;

For records at location c.: Director of Personnel, Industry and Trade Administration, U.S. Department of Commerce, Room 3512, Washington, D.C. 20230;

For records at location d.: Director, Office of MARAD Personnel, Room 1091, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location e.: Chief of Personnel, National Bureau of Standards, Administration Building, Room A123, Gaithersburg, Maryland 20760;

For records at location f.: Chief, Personnel Division, National Oceanic and Atmospheric Administration, NBOC2, Rockville, Maryland 20852; and

For records at location g.: Personnel Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Room 9C06, Crystal Plaza 2, Arlington, Virginia 22202.

Notification procedure: For BEA records at location a., information may be obtained from: Chief Planning and Evaluation Officer, BEA, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street, N.W., Washington, D.C. 20230;

For NTIA records at location a., information may be obtained from: Privacy Officer, NTIA, U.S. Department of Commerce, Washington, D.C. 20504;

For NTIS records at location a., information may be obtained from: Deputy Director, NTIS, U.S. Department of Commerce, Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Privacy Officer, Office of Chief Counsel, OMBE, U. S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230.

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233;

For records at location c., information may be obtained from: Director, Office of Management and Systems, Industry and Trade Administration, Washington, D.C. 20230;

For records at location d., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For records at location e., information may be obtained from: Director of Administrative and Information Systems, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For records at location f., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852; and

For records at location g., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Requester should provide name, social security number, and time or organization unit of employment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the Notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information; others involved in references of the individual; physicians; employee's supervisor; and, sources in the U.S. Civil Service Commission notices.

COMMERCE/DEPT-19

System name: Department Mailing Lists—COMMERCE/DEPT-19.

System location: a. Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

b. National Fire Prevention and Control Administration, Washington, D.C. 20230.

c. Office of Minority Business Enterprise, U.S. Department of Commerce, Washington, D.C. 20230.

d. Office of General Service, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: At location a.: 1. Persons employed in the Suitland Federal Center who have voluntarily submitted an application to be included in the carpool locator system and be listed as a possible carpool member, and 2. Subscribers to Bureau of the Census publications.

At location b.: All regular publication recipients, all individuals who have requested that they be placed on a mailing list or requested information about NFPCA, and individuals attending NFPCA-sponsored conferences.

At location c.: Subscribers to OMBE publications and/or representatives of the media who receive OMBE material at their home addresses.

At location d.: Former employees of the Patent and Trademark Office who have requested that their names be included on a newsletter mailing list.

Categories of records in the system: At location a.: 1. Carpool records include name, address, work week, hours of work, work location, work phone number, willingness to join in a carpool, willingness to participate as a driver or rider in a carpool, zip code. 2. Subscriber lists include name and home address.

At location b.: Name, title, affiliation, address and telephone number.

At location c.: Name and home address.

At location d.: Name and home address.

Authority for maintenance of the system: 5 U.S.C. 301; 15 U.S.C. 1512, 2205, 2208, and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For all locations, see general routine uses of Prefatory Statement.

For records at location a.: Carpool records are disseminated to other persons working at the Suitland Federal Center who have voluntarily listed themselves to form carpools; home address is suppressed.

For records at location b. Information is provided Federal, state, local or international agencies in response to a written request indicating a likelihood that individuals on the mailing list would benefit by or be interested in material to be sent by the requesting agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders, computer tape, mailing labels.

Retrievability: Alphabetically by name, and for records at location a., by zip code.

Safeguards: Records are located in locked cabinets or in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained in accordance with each unit's Records Control Schedule.

System manager(s) and address: For records at location a.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location b.: Associate Administrator, National Fire Data Center, NFPCA, U.S. Department of Commerce, P. O. Box 19518, Washington, D.C. 20036.

For records at location c.: Chief of Information, Office of Public Affairs, OMBE, Washington, D.C. 20230.

For records at location d.: Director, Office of General Service, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: For records at location a.: Information may be obtained from: Associate Director for Administration, Federal Building 3, Bureau of the Census, Washington, D.C. 20233.

For records at location b.: Information may be obtained from: Administrative Officer, NFPCA, Washington, D. C. 20230.

For records at location c.: Privacy Officer, Office of Chief Counsel, Office of Minority Business Enterprise, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location d.: Information may be obtained from: Assistant Commissioner for Administration, U. S. Patent and Trademark Office, Washington, D.C. 20231.

Record access procedures: Requests from individuals should be addressed to: Same address of the desired location as stated in the Notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

Record source categories: Subject individual.

COMMERCE/DEPT-20.

System name: Biographical Files—COMMERCE/DEPT-20.

System location: a. For Secretarial Officers, senior-level officials, and employees of the Office of the Secretary: Office of Communications, U.S. Department of Commerce, Washington, D.C. 20230.

b. For Secretarial Officers and senior-level officials included in Biographical Resumes of Key Officials: Offices of the Director of Personnel, Executive Secretariat, and Assistant Secretary for Administration; all Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230.

c. For employees of CENSUS: Public Information Office, Federal Building 03, Bureau of the Census, Washington, D.C. 20230.

d. For employees of ITA: Office of Public Affairs, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

e. For employees of EDA: Office of Public Affairs, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230.

f. For members of the National Public Advisory Committee on Regional Economic Development: Office of Economic Research, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230.

g. For employees of MARAD: Office of Public Affairs, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230.

h. For members of the Advisory Board to the U.S. Merchant Marine Academy: Office of Assistant Secretary for Maritime Affairs, U.S. Department of Commerce, Washington, D.C. 20230.

i. For employees of NBS: Public Information Division, Administration Building, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washingtion, D.C. 20234).

j. For employees of NBS' Boulder Laboratories: Program Information Office, National Bureau of Standards, Radio Building, Boulder, Colorado 80302.

k. For employees of NFPCA: Office of Information Services, National Fire Prevention and Control Administration, U.S. Department of Commerce, Washington, D.C. 20230.

l. For members of the National Advisory Committee on Oceans and Atmosphere: National Advisory Committee on Oceans and At-

mosphere, U.S. Department of Commerce Building, Room 5225, Washington, D.C. 20230.

m. For employees of NOAA and Commissioners of International Fishery Commissions: NOAA headquarters locations: Office of Public Affairs, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852, and/or Office of the Executive Officer, NOAA, U.S. Department of Commerce, Washington, D.C. 20230; and/or NOAA field installations, the principal addresses of which are:

NOAA's National Ocean Survey, 6001 Executive Boulevard, Rockville, Maryland 20850.

NOAA's National Weather Service, 8060 13th Street, Silver Spring, Maryland 20910.

NOAA's Sea Grant-Coastal Zone Management, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235.

NOAA's Environmental Research Laboratories, 3100 Marine Street, RB3, Boulder, Colorado 80302, and Environmental Research Laboratories at 9 locations in the United States.

NOAA's National Marine Fisheries Service, 3300 Whitehaven Street, Washington, D.C. 20235.

A complete list of all field installations is available upon request from individual designated in Notification section below.

n. For employees of OMBE: Public and Congressional Affairs Office, Office of Minority Business Enterprise, U.S. Department of Commerce, Washington, D.C. 20230.

o. For employees of PAT-TM: Office of Information Services, Patent and Trademark Office, Washington, D.C. 20231.

p. For employees of the Office of the Assistant Secretary for Science and Technology and organizational components reporting to the Assistant Secretary; for members of the Commerce Technical Advisory Board and its subcommittees; and for participants in the Commerce Science and Technology Fellowship Program: Office of the Assistant Secretary for Science and Technology, U.S. Department of Commerce, Washington, D.C. 20230.

q. For employees of NTIA's Institute for Telecommunication Sciences: Institute for Telecommunication Sciences, NTIA, Boulder, Colorado 80302. For other NTIA employees: Office of the Director of Congressional and Public Affairs, NTIA, 1800 G Street, N.W., Washington, D.C. 20504.

r. For Federal Cochairmen of Regional Action Planning Commissions: Office of Regional Economic Coordination, Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230.

The information in this system may be duplicated in other Privacy Act systems of the Commerce Department, in the systems maintained by the Civil Service Commission, or in the immediate office of the individual to whom the biographical record pertains. For assistance in this regard, contact the Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Present and former Department personnel, members of advisory committees, commissioners of International Fisheries Commissions, and Federal Cochairmen of Regional Action Planning Commissions.

Categories of records in the system: Biographical information which typically includes date and place of birth; education; military service; present position; employment history; field of research; publications; inventions and patents; awards and honors; memberships and affiliations; present and past residences; telephone number; names, ages, and addresses of family members; hobbies and outside interests; and photograph of individual.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 1512, 44 U.S.C. 3101 and Reorganization Plan No. 5 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Distributed to the press, other government agencies, and the general public for use in connection with written articles, oral interviews, speaking engagements, retirement and obituary notices, and other purposes of public information. Also, general routine uses of Prefatory Statement apply.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders or notebooks.

Retrievability: By name alphabetically or by position or work unit.

Safeguards: Records are located in locked metal file cabinets or locked rooms during non-business hours.

Retention and disposal: Records retention and disposal is in accord with each operating unit's Records Control Schedule.

System manager(s) and address: For records at location a.: Information Assistant, Office of Communications.

For records at location b.: Director of Personnel, U.S. Department of Commerce.

For records at location c.: Director, Bureau of the Census.

For records at location d.: Director of Public Affairs, Industry and Trade Administration.

For records at location e.: Director, Office of Public Affairs, Economic Development Administration.

For records at location f.: Director, Office of Economic Research, Economic Development Administration.

For records at location g.: Public Affairs Officer, Maritime Administration.

For records at location h.: Special Assistant to the Assistant Secretary for Maritime Affairs, U.S. Department of Commerce.

For records at location i.: Chief, Public Information Division, National Bureau of Standards.

For records at location j.: Chief, Program Information Office, National Bureau of Standards.

For records at location k.: Director of Information Services, National Fire Prevention and Control Administration.

For records at location l.: Executive Director, National Advisory Committee on Oceans and Atmosphere.

For records at location m.: Director of Office of Public Affairs, National Oceanic and Atmospheric Administration.

For records at location n.: Information Officer, Office of Minority Business Enterprise.

For records at location o.: Director, Office of Information Services, Patent and Trademark Office.

For records at location p.: Program Officer, Office of the Assistant Secretary for Science and Technology, U.S. Department of Commerce.

For records at location q.: Director of Congressional and Public Affairs, National Telecommunications and Information Administration.

For records at location r.: Records Manager, Office of Regional Economic Coordination, U.S. Department of Commerce.

For each system manager, use same address as shown in applicable System Location section above.

Notification procedure: For records at locations a., b., l., r., and for Office of the Secretary records at location p.: Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at the locations listed below, information may be obtained from the individual designated. Use same address for each as shown in appropriate System Location section above.

c.: Associate Director for Administration, Bureau of the Census.

d.: Director, Office of Management and Systems, Industry and Trade Administration.

e. and f.: Director, Office of Public Affairs, Economic Development Administration.

g. and h.: Secretary of the Maritime Administration.

i. and j., and NBS records at location p.: Director of Administrative and Information Systems, National Bureau of Standards.

k.: Administrative Officer, National Fire Prevention and Control Administration.

m.: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

n.: Privacy Officer, Office of Chief Counsel, Office of Minority Business Enterprise.

o. and PAT-TM records at location p.: Assistant Commissioner for Administration, Patent and Trademark Office.

q.: Privacy Officer, National Telecommunications and Information Administration.

For NTIS records at location p.: Assistant Director for Administration, National Technical Information Service, Sills Building, Springfield, Virginia 22161.

BEA records are included in locations a and b above.

Record access procedures: Requests from individuals should be addressed to: same address of the desired location as stated in the Notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

Record source categories: All locations, subject individuals. Also, for records at locations b. and g., the individual's Official Personnel File; for records at location m., supervisors of subject individuals; for records at locations l., and m., personnel offices; and for records at locations i., j., and p., other sources such as news releases. articles and publications relating to the subject individual.

COMMERCE/DEPT.-21.

System name: Freedom of Information and Privacy Request Records—COMMERCE/DEPT-21.

System location: a. For PA request records of BEA: Office of the Director, Bureau of Economic Analysis, 1401 K Street, N.W., Washington, D.C. 20230.

b. For FOIA request records of CENSUS: Freedom of Information Request Control Desk, Bureau of the Census, Federal Building 3, Suitland, Md. 20233.

c. For FOIA and PA request records of ITA: Office of Management and Systems, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

d. For PA request records of MARAD: Office of the Secretary of the Maritime Administration, and offices of MARAD Privacy Act system managers, U.S. Department of Commerce, Washington, D.C. 20230. A complete address list of system managers is available upon request.

e. For FOIA and PA request records of NFPCA: Freedom of Information Request Control Desk and Administrative Office, respectively, National Fire Prevention and Control Administration, 2400 M Street, N.W., Washington, D.C. 20037.

f. For FOIA request records of NOAA: Freedom of Information Request Control Desk, National Oceanic and Atmospheric Administration, WSC 05, Rockville, Md. 20852.

g. For FOIA request records of NTIA: Freedom of Information Request Control Desk, National Telecommunications and Information Administration, 1800 G Street, N.W., Washington, D.C. 20504.

h. For PA request records of the Office of the Secretary: Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals who have requested records under the Freedom of Information and/or Privacy Acts contained in files maintained by the organizational units shown in the System Location paragraph above.

Categories of records in the system: Incoming requests; correspondence developed during processing of requests; initial and final determination letters; records summarizing pertinent facts about requests and action taken; copy or description of records released; description of records denied (copies of records denied are not kept with these files).

Authority for maintenance of the system: 5 U.S.C. 301, 5 U.S.C. 552, 5 U.S.C. 552a and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Department management and legal personnel to assure that each request receives an appropriate reply and to compile data for the required annual reports on activities under the Acts. General routine uses of the Prefatory Statement also apply.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: At all locations: Paper records in file folders or loose-leaf binders.

Retrievability: At location c.: by control number assigned to each request based on date of receipt.

At all other locations: Alphabetically by name of requester.

Safeguards: At all locations: Records are stored in file cabinets in secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are disposed of in accordance with the appropriate records disposition authorization approved by the Archivist of the United States.

System manager(s) and address: For records at location a.: Chief Planning and Evaluation Officer, BEA.

For records at location b.: Associate Director for Administration and Field Operations, Bureau of the Census.

For FOIA records at location c.: Freedom of Information Officer, ITA.

For PA records at location c.: Director, Office of Management and Systems, ITA.

For records at location d.: Secretary of the Maritime Administration.

For FOIA records at location e.: Chief Counsel, NFPCA.

For PA records at location e.: Adminstrative Officer, NFPCA.

For records at location f.: Assistant Administrator for Administration, NOAA.

For records at location g.: Director of Congressional and Public Affairs, NTIA.

For records at location h.: Director, Office of Organization and Management Systems, U.S. Department of Commerce.

For each system manager, use the same address as shown for that unit in the System Location section above.

Notification procedure: For records at locations a., b., d., f., and h.: Same individual and address for each as shown in System Manager section above.

For records at locations c. and e.: Same individual and address for each as shown for Privacy Act records in System Manager section above.

For records at location g.: Privacy Officer, NTIA, same address as shown in System Manager section above.

Requestor should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to same address as stated in the Notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The individual making the request, and records derived from the processing of Freedom of Information and Privacy Act requests.

COMMERCE/ITA-1.

System name: Individuals Identified in Export Administration Compliance Proceedings or Investigations—COMMERCE/ITA-1.

System location: a. Office of Export Administration, ITA, 14th Street and Constitution Ave. NW., U.S. Department of Commerce, Washington, D.C. 20230. b. Appeals Board for the Department, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals identified in an export administration compliance proceeding or investigation. Individuals alleged to have violated the Export Administration regulations; established violators of the regulations; certain other individuals identified by the FBI or other investigating agency or individual in the investigative process such as those involved in organized crime; and individuals who have received warning letters.

Categories of records in the system: Reports from F.B.I., other law enforcement or investigative agencies, investigators, or informants; investigative and intelligence data; documented violations; warning letters. Includes any information on alleged or proven violators of the Export Administration Act.

Authority for maintenance of the system: Export Administration Act of 1969 (50 U.S.C. App. 2401 et seq.), as amended. 5 U.S.C. 301, 28 U.S.C. 533-535, 44 U.S.C. 3101, and E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in paper form.

Retrievability: Information filed by case or subject file. All names are cross-referenced by name card file.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained for a reasonable period of time. Disposition is recorded.

System manager(s) and address: Director, Compliance Division, Office of Export Administration, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, ITA, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, address, and case or subject, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Individual exporters, those authorized by the individual to furnish information, trade sources, investigative

agencies, intelligence or investigative personnel of the Office of Export Administration, and informants.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(j)(2), all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a(j)(2) are exempted from the notice, access and contest requirements of the agency regulations and from all parts of 5 U.S.C. 552a except subsections (b),(c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i), and pursuant to 5 U.S.C. 552a(k)(1) and (k)(2) on condition that the 5 U.S.C. 552a(j)(2) exemption is held to be invalid, all investigatory material in the record which meets the criteria stated in 5 U.S.C. 552a (k)(1) and (k)(2) are exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel. Section 7(c) of the Export Administration Act of 1969, as amended, also protects this information and material from disclosure.

COMMERCE/ITA-2.

System name: Individuals Involved in Export Transactions—COMMERCE/ITA-2.

System location: Office of Export Administration, ITA, U.S. Department of Commerce, 14th St. and Constitution Ave., NW., Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals involved in export transactions. Information primarily is maintained on foreign companies and business officials, but includes U.S. citizens involved with or working for firms abroad.

Categories of records in the system: Reports and cables from U.S. foreign service posts and reports from investigative agencies.

Authority for maintenance of the system: 50 U.S.C. App. 2401 et seq. (Export Administration Act of 1969 as amended). 5 U.S.C 301, 28 U.S.C. 533-535, 44 U.S.C. 3101, and E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by individual's name.

Safeguards: Barlocked metal cabinets with combination. Some material is maintained in safes.

Retention and disposal: Disposed of after 5 years.

System manager(s) and address: Director, Compliance Division, Office of Export Administration ITA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, ITA, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and date of involvement in export transactions pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: U.S. Foreign Service Posts, CIA, Compliance Division, OEA, Post Office Fraud Section, FBI, and Defense Intelligence Agency.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(2), law enforcement investigatory material is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f), to the extent the disclosure of such material would reveal the identity of a confidential source of information, in order to maintain the ability to obtain necessary information and to fulfill commitments made to sources that their identities would be kept confident.

Pursuant to 5 U.S.C. 552a(k)(1), material which is classified is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) to prevent disclosures detrimental to national defense or foreign policy.

COMMERCE/ITA-3.

System name: Individuals Involved in International Business Trade Complaints—COMMERCE/ITA-3.

System location: Office of Export Development, ITA, U.S. Department of Commerce, 14th St. and Constitution Ave., NW., Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals filing trade complaints (business disputes) against foreign firms, or against whom foreign firms file complaints through U.S. Embassies.

Categories of records in the system: Complaint and supporting documentation, record of the handling and disposition of the complaint, and third party information (bank references, information obtained from other parties to the transaction, and commercial contacts of the individual).

Authority for maintenance of the system: 15 U.S.C. 1512.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Also foreign governments obtain information on the disputants in order to check reliability of the firms involved, and foreign firms involved in the dispute obtain information. This information is supplied to the foreign governments and foreign firms through the Department of State. The Department of State also uses information to check the credibility of the foreign firms involved in a dispute. Information is released to other executive branch agencies, e.g., SBA, USDA, when a party to the dispute falls within their area of jurisdiction in an attempt to solve the dispute.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Name of American party to the dispute.

Safeguards: Metal cabinets with bar and combination lock.

Retention and disposal: Permanent.

System manager(s) and address: Director, Office of Export Development, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, ITA, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual and name of American party to the dispute pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, the complainant, banks, commercial contracts, and other parties to the transaction.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(1), material which is classified is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f), to prevent disclosures detrimental to national defense or foreign policy.

COMMERCE/ITA-4.

System name: Mission Directors/Seminar Chairmen/Industry Technical Representatives—COMMERCE/ITA-4.

System location: Office of International Marketing, ITA, 14th St. and Constitution Ave. NW., U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals who are Directors of U.S. Trade Missions, Chairmen of U.S. Government Seminar Missions, and Technical Representatives of Catalog Exhibits sponsored by the Department.

Categories of records in the system: Home address, date and place of birth, photographs, brief career history, citizenship, and passport numbers.

Authority for maintenance of the system: Delegation of Authority, dated June 25, 1962 from United States Information Agency under Section 5 (e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By promotion theme of trade mission, location of trade mission and individual's name.

Safeguards: Records are locked in lockable metal file cabinets or in metal file cabinets in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: File is retained for three years and then destroyed.

System manager(s) and address: Director, Special Activities Division, Office of International Marketing, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, ITA, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and location of trade mission and individual's name pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, and individual's company, and those authorized by the individual to furnish information.

COMMERCE/ITA-5.

System name: Membership Information: District Export Councils—COMMERCE/ITA-5.

System location: Office of Export Development, President's Export Council Staff, 14th St. and Constitution Ave. NW., U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Present, former and potential members of the District Export Councils.

Categories of records in the system: Address, date and place of birth, Social Security account numbers, brief career history, education, special qualifications for appointment, and record of appointment. Miscellaneous material such as photographs, press releases and resumes are maintained on some members.

Authority for maintenance of the system: 15 U.S.C. 1512.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed by name of council or may be filed by name of individual.

Safeguards: Records are located in lockable metal file cabinets or in metal cabinets in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Retained for active councils. Retired when councils terminate or when individuals leave councils.

System manager(s) and address: Director, Office of Export Development, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, ITA, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual and council pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, individual's company, and persons nominating the individual for council membership.

COMMERCE/ITA-6.

System name: National Defense Executive Reserve Personnel Folders—COMMERCE/ITA-6.

System location: Office of Industrial Mobilization, and Office of Export Administration, Bureau of Trade Regulation, ITA, 14th and Constitution Ave., N.W., U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals from the business community selected to assume responsibility for industrial production, construction, and distribution in the event of national emergencies.

Categories of records in the system: Name; home address; photograph; brief career history; names of close relatives; marital status; previous government experience; previous residences; current and recent past employment and approximate earnings; citizenship; social security number; business and residence telephone numbers; security clearance; statement of understanding; request for appointment; appointment affidavits; secrecy agreement; sex; date and place of birth; military and civil defense obligations; education; and professional and other memberships.

Authority for maintenance of the system: 50 U.S.C. 2153 and E.O. 11179 of September 22, 1964.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Transferring data to the Federal Preparedness Agency pursuant to E.O. 11179.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms, index cards, and magnetic tape.

Retrievability: Paper cards and index cards are filed alphabetically by individual's name. Data on magnetic tape is retrieved by serial number.

Safeguards: Records are located in lockable metal file cabinets or in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Retained until two years after individual's resignation or death and then discarded.

System manager(s) and address: Director, Office of Industrial Mobilization, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

Emergency Planning Officer, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, ITA, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/ITA-7.

System name: Overseas Assignments for ITA's Bureau of Field Operations—COMMERCE/ITA-7.

System location: Bureau of Field Operations, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Trade Specialists employed by ITA's Bureau of Field Operations (BFO) (District Offices) who have applied for overseas assignment and BFO trade specialists on overseas assignment.

Categories of records in the system: Form ITA-716 'Overseas Assignments Data (BPO Personnel Only)' This form contains information on date of birth, U.S. Passport Type and No., position title, grade, private business experience, previous U.S. Government overseas assignments, foreign language proficiency, etc.

Authority for maintenance of the system: The delegation of authority, dated June 25, 1962, from the United States Information Agency under Section 5 (e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as

amended (22 U.S.C. 2451 et seq.); The Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), and Section 302 of Executive Order 10973 of November 3, 1961, issued pursuant thereto, relating to drawing the attention of private enterprise to investment opportunities abroad.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper record in file folders.

Retrievability: Filed by name or geographic district or region.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Indefinitely.

System manager(s) and address: Deputy Assistant Secretary for Field Operations, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, ITA, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual and assignment location pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/ITA-8.

System name: Foreign Service Officer Evaluations—COMMERCE/ITA-8.

System location: Office of International Marketing, ITA, U.S. Department of Commerce, 14th & E St. and Constitution Ave., N.W., Washington, D.C. 20230.

Categories of individuals covered by the system: Members of the Foreign Service of the United States serving abroad or on detail to the Department of Commerce in economic/commercial positions.

Categories of records in the system: (1) End User and Field Observation Reports; (2) memorandums, cables, letters and other documents used in the preparation of End User and Field Observation Reports, and of Foreign Service Officer Evaluation Reports; and (3) other documents relating to officer performance.

Authority for maintenance of the system: Foreign Service Act of 1946, as amended; 22 U.S.C. 801 et seq., 986; and 15 U.S.C. 1512.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A record in this system may be disclosed, as a routine use, to the Department of State in connection with the evaluation of the performance of Foreign Service Officers. (See also general routine use paragraphs.)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by individual FSO's name.

Safeguards: Records are located in lockable metal file cabinets in premises with access limited to those whose official duties require access.

Retention and disposal: End User Reports and Field Observation Reports are transmitted to the Department of State by July 15 of each year. Other documents relating to officer performance are retained until the retirement, resignation or death of the individual and then retired or destroyed, as appropriate.

System manager(s) and address: Director, Support Services Division, Office of International Marketing, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, ITA, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide his name pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, and supervisors of those individuals.

COMMERCE/MA-2.

System name: Cadet Files, State Merchant Marine Academies—COMMERCE/MA-2.

System location: Office of Maritime Manpower, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Current and former cadets enrolled in the State Maritime Academies.

Categories of records in the system: Name; date of birth; marital status; number of dependents; military service; number of arrests and convictions; date of change in pay; reenrollment or reinstatement; disenrollment; non-subversive activities; no-strike statement; and date of graduation. (Forms: MA-1005 and 1006A).

Authority for maintenance of the system: 46 U.S.C 1383,1387.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by last name.

Safeguards: Records are located in lockable file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are retained until one year after graduation and then destroyed.

System manager(s) and address: Director, Office of Maritime Manpower, see address above.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C., 20230. Requester should provide Cadet's name and State School attended, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The subject student, State Merchant Marine Academies, and those authorized by the student to furnish information.

COMMERCE/MA-3.

System name: Citizenship Statements and Affidavits—COMMERCE/MA-3.

System location: Division of Reserve Fleet, Room 6628, U.S. Department of Commerce, Washington, D.C. 20230, for bidders on surplus vessels; and Office of the General Counsel, MA, Room 4898, U.S. Department of Commerce, Washington, D.C. 20230, for all other programs.

Categories of individuals covered by the system: Officers and shareholders of non-personal applicants and individual applicants.

Categories of records in the system: Name; date and place of birth; nationality; and nationalization data.

Authority for maintenance of the system: Merchant Marine Act of 1936; 46 U.S.C. 11,802, 803, 1114.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statements.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by applicant's name; name of individual or vessel name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are transferred to the Federal Records Center after 5 years where they are retained indefinitely.

System manager(s) and address: Chief, Divison of Reserve Fleet and Office of the General Counsel, addresses are same as above.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of applicant, or name of individual, or name of vessel, the program under which filed and the date, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject applicant and individual and those authorized by the foregoing to furnish information.

COMMERCE/MA-4.

System name: General Agent's Protection and Indemnity and Second Seaman's Insurance: WSA and NSA—COMMERCE/MA-4.

System location: Office of Marine Insurance, Room 3622, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals (e.g., seamen, passengers, stevedores) filing claims against general agents for death, disability, loss of personal effects, detention and repatriation and property damage.

Categories of records in the system: Claimant's name; address; mariner's document number; sea service record; disciplinary records; selective service classification; names of parents; marriage and divorce data; social security number; alien registration and citizenship data; medical information; next-of-kin; wages per month; birth date; witness statements; investigator's report; names of counsel; and executors and administrators of estates. (Forms: MA-574, MA-570, MA-269, MA-26 and 27).

Authority for maintenance of the system: Merchant Marine Act of 1936; 32A CFR 1851; 42 CFR 32.14 5 U.S.C. 301, 302; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To evaluate filed claims, negotiate settlements, award money, contest or to initiate lawsuits; and to arrange for proper medical treatment by establishing seaman's eligibility for acceptance under regulations of Public Health Service, U.S. Department of Health, Education and Welfare, or other appropriate medical facilities. Users are the Office of Marine Insurance; adjustors and attorneys acting for the Government; Office of Workers' Compensation Programs, U.S. Department of Labor; the Marine Index Bureau, 17 Battery Place, New York, N.Y. (a contract service centralizing data on seamen claims); and hospitals of the Public Health Service, U.S. Department of Health, Education and Welfare, or, when appropriate, other medical facilities providing treatment to the individual. Also see the routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by seaman's name and vessel's name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are transferred to the Federal Records Center after one year where they are retained indefinitely.

System manager(s) and address: Director, Office of Marine Insurance, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide seaman's name, vessel name, and date of incident, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual; the individual's attorney; adjustors, investigators; attorneys; Office of Marine Insurance; witness; the Marine Index Bureau; and, those authorized by the individual to furnish information.

COMMERCE/MA-5.

System name: Marine Training School Registrants—COMMERCE/MA-5.

System location: MA regional offices: Eastern-26 Federal Plaza, New York, N.Y. 10007; Central-No.2 Canal Street, New Orleans, La. 70130; Western-450 Golden Gate Ave., San Francisco, California 94102; and, Great Lakes-Room 576, 666 Euclid Ave., Cleveland, Ohio 44114.

Categories of individuals covered by the system: Each seafarer enrolling in an agency training course.

Categories of records in the system: Name; address; position title; owner's document number; social security number; certificate number; sponsoring organization; course completed; date of course completion; course grade; date of birth; and telephone number. (Forms: MA-1005 and 1006A).

Authority for maintenance of the system: Merchant Marine Act of 1936; 46 U.S.C. 1126(b)(5)(c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to the routine uses referenced in the Prefatory Statement, the information is used by the U.S. Coast Guard for verification of attendance and performance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by student's name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose duties require access.

Retention and disposal: The records are transferred to the Federal Records Center one year after graduation or termination and disposed of 60 years after date of enrollment.

System manager(s) and address: Training Facility Registrar where the training was taken, see address above.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, date and facility attended, course description, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The student, the training instructors, and those authorized by the individual to furnish information.

COMMERCE/MA-7.

System name: National Defense Executive Reserve—COMMERCE/MA-7.

System location: Division of National Security Plans, MA, Room 3716, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Nominees and members of the National Defense Executive Reserve.

Categories of records in the system: Name; home address; photograph; brief career history; names of close relatives; marital status; previous Government experience; previous residences; current and recent employment and approximate earnings; citizenship; social security number; business and residence telephone numbers; security clearance; statement of understanding; request for appointment; appointment affidavits; secrecy agreement; sex; date and place of birth, military and civil defense obligations; education; and professional and other memberships.

Authority for maintenance of the system: 50 U.S.C. 2153; and E.O. 11179 of September 22, 1964.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Transferring data to the Federal Preparedness Agency pursuant to E.O. 11179.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by last name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained until two years after individual's resignation or until death and then discarded.

System manager(s) and address: Chief, Division of National Security Plans, MA, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The individual, those authorized by the individual to furnish information, the investigator performing personal and security investigation and sources contacted by the investigator.

COMMERCE/MA-10.

System name: Seamen's Employment Analysis Records—COMMERCE/MA-10.

System location: Division of Data Operations, MA Room SB-087, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Current and recent merchant seamen.

Categories of records in the system: Social security number; date of birth; records of U.S. Coast Guard issued documents; voyage employment information (e.g., port and date signed on); and maritime schools attended.

Authority for maintenance of the system: 46 U.S.C. 1122(a) and 1126.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on magnetic tape.

Retrievability: Filed by social security number.

Safeguards: In addition to technical securities, the records are located in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Basic biographical data are retained indefinitely; discharge records are destroyed two years from date of discharge.

System manager(s) and address: Director, Office of Maritime Manpower, Room 4099, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and social security number pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Magnetic tape is produced from information received from the U.S. Coast Guard.

COMMERCE/MA-15.

System name: USMMA Midshipmen Deposit Account Records—COMMERCE/MA-15.

System location: Department of Budgets and Accounts, U.S. Merchant Marine Academy, Kings Point, New York 11024.

Categories of individuals covered by the system: All current midshipmen.

Categories of records in the system: Name, social security number, and all midshipmen activity fee deposits to the Academy.

Authority for maintenance of the system: The Merchant Marine Act of 1936, 46 U.S.C. 216(b)(4).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed by class year and then alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

Retention and disposal: Maintained for one year after graduation or separation, and then destroyed.

System manager(s) and address: Assistant Head, Department of Budget and Accounts, see above address.

Notification procedure: Information may be obtained from Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of midshipman and dates of attendance pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject midshipman, those authorized by the midshipman to furnish information, and the Department of Budget and Accounts personnel.

COMMERCE/MA-16.

System name: USMMA Midshipman Grade Transcripts—COMMERCE/MA-16.

System location: U.S. Merchant Marine Academy, Kings Point, N. Y. 11024.

Categories of individuals covered by the system: All present and past midshipmen.

Categories of records in the system: Name; social security number; courses taken, grades received, and cumulative average.

Authority for maintenance of the system: The Merchant Marine Act of 1936; and 46 U.S.C. 216(b)(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Sent to other schools or employers when requested by the midshipman. Users are the midshipman, the Academy registrar, other schools and employers. Also see routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, paper records in file drawers, and microfilm records.

Retrievability: Filed alphabetically by midshipman's name.

Safeguards: Records are located in lockable metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Registrar, U.S. Merchant Marine Academy, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of midshipman, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject midshipman, those authorized by the midshipman to furnish information, his instructors, and the Registrar's Staff.

Safeguards: MMERCE/MA-19.

System name: USMMA Non-Appropriated Fund Employees—COMMERCE/MA-19.

System location: Department of Administrative Services, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024.

Categories of individuals covered by the system: All current and former employees of non-appropriated fund activities since 1970.

Categories of records in the system: Name; telephone number; social security number; address; date of birth; height; weight; birthplace; employment history; special qualifications; education summary; references; personnel actions showing positions held and salary paid; insurance coverage; and letters of commendation or reprimand.

Authority for maintenance of the system: The Merchant Marine Act of 1936; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; 46 U.S.C. 216(b); and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by employee's name.

Safeguards: Records are located in lockable metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Head, Department of Administrative Services, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of employee and date of employment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject employee and those authorized by the employee to furnish information; past employers and references; and the employee's supervisor.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for employment.

Commerce/MA-21.

System name: Waivers of Liability to Board Reserve Fleet Vessels and Other Craft Located at U.S. Merchant Marine Academy—COMMERCE/MA-21.

System location: Beaumont Reserve Fleet, Beaumont, Texas; James River Reserve Fleet, Fort Eustis, Virginia; and Suisun Bay Reserve Fleet, Benicia, California; U.S. Merchant Marine Academy, Kings Point, Long Island, New York 11024.

Categories of individuals covered by the system: All individuals boarding Reserve Fleet vessels.

Categories of records in the system: Name, affiliation, date, and signature. (Form: MA-118).

Authority for maintenance of the system: 50 U.S.C. 1744-45.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are maintained for three years and then destroyed.

System manager(s) and address: The chief of the particular Regional Office: Eastern-26 Federal Plaza, New York, New York 10007; Central-No.2 Canal Street, New Orleans, Louisiana 70130; Western-450 Golden Gate Avenue, San Francisco, California 94102; and U.S. Merchant Marine Academy, Kings Point, Long Island, New York 11024.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide the name of the visitor, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NBS-1.

System name: NBS Guest Workers—COMMERCE/NBS-1.

System location: Personnel Division, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

Categories of individuals covered by the system: Guest workers pursuing individual scientific or technical projects.

Categories of records in the system: Agreement between NBS and guest worker; name; citizenship; social security number; supervisor; arrival and departure dates; date of security assurance; conditions; and facilities to be made available.

Authority for maintenance of the system: 27 Stat. 395 and 31 Stat. 1039.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: The records are disposed 5 years after guest worker terminates.

System manager(s) and address: Personnel Officer, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Director of Administrative and Information System, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and approximate date of affiliation, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, and operating officials making the facilities available.

COMMERCE/NBS-2.

System name: Inventors of Energy-Related Processes and Devices—COMMERCE/NBS-2.

System location: Office of Energy-Related Inventions, National Engineering Laboratory, National Bureau of Standards, Washington, D.C. 20234.

Categories of individuals covered by the system: Inventors submitting ideas for evaluation by NBS.

Categories of records in the system: Name, address, and telephone number of the persons submitting ideas or inventions for evaluation.

Authority for maintenance of the system: 88 Stat. 1894.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to the routine uses referenced in the Prefatory Statement, the information is used in correspondence with the inventor or person submitting the invention for evaluation and submitter-designated interested third parties, in the evaluation of technical and commercial feasibility, in reports to the Energy Research and Development Administration, and in development of statistical and analytical data.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets; access to all files is restricted to those persons requiring access for evaluation or administrative purposes and who have permission pursuant to a written contract or agreement with NBS, or have written authorization of the legal advisor; an exception to this would be a valid request made under the Freedom of Information Act for information that is not 1) a trade secret or 2) commercial or financial information that is privileged or confidential and therefore falling within the exemption set out in the Act, 5 U.S.C. 552 (b)(4).

Retention and disposal: Currently all records are retained indefinitely.

System manager(s) and address: Chief, Office of Energy-Related Inventions, National Engineering Laboratory, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Director of Administrative and Information Systems, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and additional factual data as appropriate, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and those authorized by the individual to furnish information.

COMMERCE/NBS-3.

System name: Research Associates—COMMERCE/NBS-3.

System location: Office of Programs, Administration Building, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

Categories of individuals covered by the system: Research Associates.

Categories of records in the system: Personal history statement, conflict of interest statement, titles of publications authored or coauthored by research associates.

Authority for maintenance of the system: 27 Stat. 395 and 31 Stat. 1039.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Records are transferred from an active to terminated section of the files at conclusion of individual's service as a research associate and are retained in accordance with the unit's Records Control Schedule.

System manager(s) and address: Industrial Liaison Officer, Office of Programs, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Director of Administrative and Information Systems, Room 1105, Administration Bldg., National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and approximate date of affiliation, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NBS-7.

System name: Employees External Radiation Exposure Records—COMMERCE/NBS-7.

System location: Health Physics Center for Facilities Management, National Bureau of Standards, Washington, D.C. 20234.

Categories of individuals covered by the system: Individuals working with radioactive materials and machines who may be exposed to ionizing radiation.

Categories of records in the system: Name, social security number, date of birth, organizational unit, and amount of radiation received.

Authority for maintenance of the system: 42 U.S.C. 2201 and 68 Stat. 950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement. Also, film from badges is sent monthly to the U.S. Army for determination of amount of radiation exposure.

Information involving exposure levels, incidents, and amounts of overexposure is required to be submitted to the Nuclear Regulatory Commission. In the event of serious overexposure, information would be disclosed to the Bethesda (Maryland) Naval Medical Center, employee's family physician, and other appropriate medical authorities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and film.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Currently, records are retained indefinitely.

System manager(s) and address: Chief, Health Physics Center for Facilities Management, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Director of Administrative and Information Systems, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name, social security number, and date of employment, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and U.S. Army.

COMMERCE/NBS-8.

System name: Nuclear Reactor Operator Licensees File—COMMERCE/NBS-8.

System location: Reactor Radiation Division, National Measurement Laboratory, National Bureau of Standards, Washington, D.C. 20234.

Categories of individuals covered by the system: NBS employees who are licensed as Nuclear Reactor Operators, those whose applications for licenses are being processed, and those whose licenses have expired.

Categories of records in the system: These records contain information relating to the application for a Nuclear Reactor Operator's license, certification of competency, certification of medical history, results of medical examination and related correspondence, reactor operator examination and examination results, records of training, and license or denial letter.

Authority for maintenance of the system: Sections 107, 161(i), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2137, and 2021(i), 15 U.S.C. 272.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be disclosed: To the Nuclear Regulatory Commission for the purpose of conducting audits of the qualifications of reactor operators. Also see routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are maintained in a locked filing cabinet in a limited access building.

Retention and disposal: All records relating to an individual's license and documentation for license including requalification requirements will be retained as long as is required by the Reactor License and will thereafter either be turned over to the individual concerned or destroyed.

System manager(s) and address: Chief, Reactor Radiation Division, National Measurement Laboratory, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Director of Administrative and Information Systems, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and additional factual data as appropriate, pursuant to the inquiry provisions of the Department's rules, which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, licensed physician, employees of the Reactor Radiation Division, and those authorized by the subject individual to supply information.

COMMERCE/NBS-9.

System name: Participants in Experiments, Studies, and Surveys—COMMERCE/NBS-9.

System location: Portions of the system may be located with contractors involved in the experiments, studies, or surveys, or in any one of the following locations:

National Measurement Laboratory, Room B364, Materials Bldg., NBS, Washington, D.C. 20234; Room R4011 NBS, Boulder, CO 80302;

National Engineering Laboratory, Room B117, Technology Bldg., NBS, Washington, D.C. 20234.

Institute for Computer Sciences and Technology, Room A200, Administration Bldg., NBS, Washington, D.C. 20234.

For those portions located with contractors, a complete list of contractors and addresses is available from the Director of Administrative and Information Systems, Room A1105, Administration Bldg., National Bureau of Standards, Washington, D.C. 20234.

Categories of individuals covered by the system: Individuals who have voluntarily applied to serve or who have served as participants in socio-economic, technical, or psychological experiments, studies and surveys undertaken in furtherance of authorized research activities.

Categories of records in the system: Name, age, birth date, place of birth, sex, race, home address and telephone number, business address and telephone number, education, income, occupation, family size and composition, patterns of product use, drug sensitivity data, medical, dental and physical history information, and such other information as is necessary, to be determined by the subject matter and purpose of the experiment, study or survey, including data derived from participants' responses during the course of the authorized research.

Authority for maintenance of the system: 15 U.S.C. 271 et. seq.; 29 U.S.C. 651 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in the system may, on occasion, be disclosed to Federal agencies and other outside organizations which have sponsored the research in connection with which the data were obtained. General routine uses in the Prefatory Statement also apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, electromagnetic storage material and microform.

Retrievability: Filed alphabetically by name, or control number or other code identifier.

Safeguards: During business hours the records at NBS sites are maintained in a secured building with access limited to those whose official duties require access; during non-business hours, the records are in secured rooms with access controlled by security guards. Any records maintained by contractors will be maintained in similar fashion in accordance with contractual specifications.

Retention and disposal: Retained in accord with NBS's records control schedule.

System manager(s) and address: Director, National Engineering Laboratory , Room B117, Technology Bldg., NBS, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Director of Administrative and Information Systems, Room A1105, Administration Bldg., National Bureau of Standards, Washington, D.C. 20234. Requester should provide name, approximate date, and title of experiment, study or survey pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: Same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and for appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and those authorized by the individual to furnish information.

COMMERCE/NFPCA-3.

System name: National Fire Academy Student Registration—COMMERCE/NFPCA-3.

System location: National Fire Academy, National Fire Prevention and Control Administration, 2400 M Street, N.W., Washington, D.C. 20036.

Categories of individuals covered by the system: Students registered for Academy courses.

Categories of records in the system: Student's name, home and/or business addresses and telephone numbers; next of kin (in case of emergency); name of course; number of course credits; and grade, if any.

Authority for maintenance of the system: Federal Fire Prevention and Control Act of 1974, 15 U.S.C. 2206, and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Supplying students with information on courses, credits and grades; supplying Academy Superintendent with record of student enrollment in Academy courses by geographic location; assessing use of course material in the field; and assessing the impact of course material on the community. Also, general routine uses of Prefatory Statement apply.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic storage media; and temporary paper records, which exist only until data is automated.

Retrievability: Student records will be filed according to an alphanumeric code consisting of the student's birth date and first four letters of surname.

Safeguards: Buildings employ security guards. Records are maintained in areas that are accessible only to authorized personnel who are properly screened, cleared and trained. Where information is retrievable by terminals, all safeguards appropriate to secure automated data (hardware and software) are utilized.

Retention and disposal: Records are retained and disposed of in accordance with the Records Control Schedule.

System manager(s) and address: Associate Superintendent for Operations, Planning and Education, National Academy for Fire Prevention and Control, National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036.

Notification procedure: Information may be requested from: Director, Office of Administration, National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036. Requester should provide name and address, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the Notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Requests from individuals should be addressed as stated in the Notification section above.

Record source categories: Subject individuals and instructors.

COMMERCE/NFPCA-4.

System name: National Fire Academy Instructor Records—COMMERCE/NFPCA-4.

System location: National Fire Academy, National Fire Prevention and Control Administration, 2400 M Street, N.W., Washington, D.C. 20036.

Categories of individuals covered by the system: Individuals teaching Academy courses.

Categories of records in the system: Instructors' names, home, and/or business addresses and telephone numbers; titles of courses taught; dates and locations of courses; and evaluations of courses and instructors.

Authority for maintenance of the system: Federal Fire Prevention and Control Act of 1974, 15 U.S.C. 2201 et seq., 2206(c) and 5 U.S.C. 301 and 3109.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintaining a list of instructors; selecting emergency replacement instructors; providing instructors with lists of courses and students taught. NFPCA will also use student evaluations of instructors to help determine effectiveness of courses taught. These evaluations will not be anonymous. Student evaluations will be a consideration in the rehiring of an instructor. Also, general routine uses of Prefatory Statement apply.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic storage media; and temporary paper records, which exist only until data is automated.

Retrievability: Instructor records will be filed according to the surname of the instructor.

Safeguards: Buildings employ security guards. Records are maintained in areas that are accessible only to authorized personnel who are properly screened, cleared and trained. Where information is retrievable by terminals, all safeguards appropriate to secure automated data (hardware and software) are utilized.

Retention and disposal: Records are retained and disposed of in accordance with the Records Control Schedule.

System manager(s) and address: Associate Superintendent for Operations, Planning and Education, National Academy for Fire Prevention and Control, National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036.

Notification procedure: Information may be requested from: Director, Office of Administration, National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036. Requester should provide name and address, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the Notification section above.

Contesting record procedures: The Department's rules for access for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Requests from individuals should be addressed as stated in the Notification section above.

Record source categories: Instructors and students.

COMMERCE/NOAA-11.

System name: Fisheries Law Enforcement Case Files—COMMERCE/NOAA-11.

System location: Law Enforcement Division, NMFS, 3300 Whitehaven Street, NW., National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Categories of individuals covered by the system: Violators and alleged violators of the criminal and/or civil provisions of certain laws (listed in the Authority section of this notice) and the regulations issued thereunder, within the responsibility of the Secretary of Commerce.

Categories of records in the system: 1. Information compiled for the purpose of identifying individual criminal and/or civil offenders and alleged offenders and consisting of identifying data and notations of arrests, the nature and disposition of criminal or civil charges, sentencing, confinement, release, parole and probation status, and fines and penalties assessed;

2. Information compiled for the purpose of a criminal or civil investigation, including reports of informants and investigators, and associated with an identifiable individual;

3. Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal and civil laws from arrest or indictment through release from supervision, and the imposition of civil sanctions through administrative and/or judicial process; and

4. Investigatory material compiled for law enforcement purposes other than the material covered above.

Authority for maintenance of the system: Reorganization Plan No. 4 of 1970; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; E.O. 10450; Certain sections of Titles 15, 16, 18, and 22 of the United States Code; and, relevant treaty, international convention, and/or agreements of which there are approximately 20. (Example: International Convention for the Regulation of Whaling (TIAS 1849) cf. 16 U.S.C. 916).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement. Also, information is given to the Marine Mammal Commission for their use in making recommendations on the issuance of permits and the award of grants under the Marine Mammal Protection Act of 1972.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Both manual and machine-readable, and computer output records in file folders.

Retrievability: Filed alphabetically by individual's name and is also given an identifying case number at its initiation.

Safeguards: Employees are informed of the Departmental rule of conduct regarding unauthorized disclosure of information contained in official records. All Special Agents receive a security clearance, granted by the Department of Commerce, after an investigation. The files of the Law Enforcement Division which relate to information concerning an identifiable individual are maintained in locked, metal file cabinets. Automated records are maintained in premises with access limited to those whose official duties require access.

Retention and disposal: All records of this Division are subject to the retention and disposal procedures set forth in NOAA Directives Manual 62-10, et seq.

System manager(s) and address: Chief, Law Enforcement Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 3300 Whitehaven Street, NW., Page Building 2, Suite 426, Washington, D.C. 20235.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name, address, and case number pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information; NMFS investigators; Federal and state law enforcement personnel; foreign governments; special interest organizations, members of the general public, and all information sources that are open to the public-at-large.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(j)(2), all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a(j)(2) are exempted from the notice, access and contest requirements of the agency regulations and from all parts of 5 U.S.C. 552a except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i), and pursuant to 5 U.S.C. 552a(k)(2), on condition that the 5 U.S.C. 552a(j)(2) exemption is held to be invalid, all investigatory material in the record which meet the criteria stated in 5 U.S.C. 552a(k)(2) are exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel. In addition, pursuant to 5 U.S.C 552a(k)(1), all materials qualifying for this exemption are exempt from 5 U.S.C 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) in order to prevent disclosure of classified information as required by Executive Order 11652 in the interest of the national defense and foreign policy.

COMMERCE/NOAA-12.

System name: Marine Recreational Fishermen's Catch Statistics—COMMERCE/NOAA-12.

System location: Data Management and Statistics Division, NMFS,NOAA, U.S. Department of Commerce, 3300 Whitehaven

Street, NW., Washington, D.C. 20235; and the following field locations of the National Marine Fisheries Services:

Northeast Fisheries Center
Woods Hole, Massachusetts 02543

Southeast Fisheries Center
75 Virginia Beach Drive
Miami, Florida 33149

Southwest Fisheries Center
P.O. Box 271
LaJolla, California 92038

Northwest and Alaska Fisheries Center
2725 Montlake Boulevard, East
Seattle, Washington 98112

Northeast Regional Office
14 Elm Street, Federal Building
Gloucester, Massachusetts 01930

Southeast Regional Office 9450 Gandy Boulevard
St Petersburg, Florida 33702

Southwest Regional Office
300 South Ferry Street
Terminal Island, California 90731

Northwest Regional Office
1700 Westlake Avenue, North
Seattle, Washington 98105

Alaska Regional Office
P. O. Box 1668
Juneau, Alaska 99802

Categories of individuals covered by the system: Marine recreational fishermen.

Categories of records in the system: Marine recreational fishermen catches by species, length, weight, area of capture, disposition of catch, and expenses and other trip records.

Authority for maintenance of the system: Fish and Wildlife Act as amended (16 U.S.C. 742 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy, punch cards, mag-tape, and disc files.

Retrievability: Filed alphabetically by name.

Safeguards: Personnel indoctrination and screening; secured offices; and entrance into the computer system to obtain individual records would require detailed knowledge of in-house ADP procedures by a skilled computer programer.

Retention and disposal: Records are permanently maintained.

System manager(s) and address: Chief, Data Management and Statistics Division (F23), see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Individual recreational fishermen.

COMMERCE/NOAA-19.

System name: Marine Mammal, Endangered and Threatened Species, Permits and Exemptions Applicants—COMMERCE/NOAA-19

System location: Marine Mammal and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Duplicate portions of the system may be located in the Regional Offices of the National Marine Fisheries Service at:

Federal Building
14 Elm Street
Gloucester, Massachusetts 01930

Duval Building
9450 Gandy Boulevard
St. Petersburg, Florida 33702

300 South Ferry Street
Terminal Island, California 90731

Lake Union Building
1700 Westlake Avenue North
Seattle, Washington 98109

P.O. Box 1668
Juneau, Alaska 99801

Categories of individuals covered by the system: Applicants for permits to take, import, transport or sell in interstate or foreign commerce endangered species or marine mammals either for scientific research or public display purposes; for enhancement of propagation or enhancement of survival; or to minimize undue economic hardship. Applicants for exemptions from the provisions of the Marine Mammal Protection Act of 1972, on the basis of undue economic hardship. Applicants for permits to engage in activities involving threatened species or marine mammals which are otherwise prohibited by protective regulations.

Categories of records in the system: Name and address; professional or business affiliation; educational and professional background; other qualifications of the individuals; the activities conducted by an individual as authorized by exemption or by permit; and economic and financial information indicating the degree of anticipated economic hardship.

Authority for maintenance of the system: Endangered Species Act of 1973; 16 U.S.C. 1531-1543 10(a), 10(b), 11(f); Marine Mammal Protection Act of 1972; 16 U.S.C. 1361-1407, and regulations (50 CFR 216.31) promulgated thereunder.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Information from the applications is published in the Federal Register and made available to the public to comply with the statutes under which the application is made.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Both manual and machine-readable, and computer output records in file folders.

Retrievability: Filed by file number and cross-referenced alphabetically by applicant names.

Safeguards: Records are located in cabinets with full public access upon request.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Marine Mammals and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Wahsington, D.C. 20235

Notification procedure: Information may be obtained from the Assistant Administrator for for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockvill, Maryland 20852. Requester should provide name and address pursuant to to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification procedure section above.

Contesting record procedures: The rules for access, for contesting contents and appealing initial determinations by the individuals concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual applicants; public comments on an application; reviews by NMFS Offices and, in the case of marine mammals, the Marine Mammal Commission; reports from

Federal agents and observers on activities conducted under permit authority; and those authorized by the individual to the information.

COMMERCE/NTIA-1.

System name: Military Personnel System—COMMERCE/NTIA-1.

System location: Office of Administration, National Telecommunications and Information Administration, 1325 G Street, N.W., Washington, D.C. 20005.

Categories of individuals covered by the system: Military personnel detailed to NTIA.

Categories of records in the system: System contains evaluation reports, job descriptions, documents relating to assignments, and letters of evaluation.

Authority for maintenance of the system: Executive Order 12046 and Reorganization Plan No. 1 of 1977.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to prepare evaluation reports and correspondence relative to future assignment. Only user is the Director of Administration, or his designee for purposes indicated. Information contained in the file relates to the individual's assignment to NTIA only. Also, see routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folders are maintained in file cabinets.

Retrievability: Alphabetically by name.

Safeguards: Maintained in locked file cabinets.

Retention and disposal: Destroyed when military detailee is reassigned from NTIA.

System manager(s) and address: Director of Administration, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504.

Notification procedure: Information may be obtained from the Privacy Officer, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504.

Record access procedures: Requests from individuals should be addressed to: Same address as stated in the Notification section, above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use address in Notification section, above.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information the individual supplied, except information provided by agency officials.

Safeguards: MMERCE/NTIA-2

System name: Radio Spectrum Management Career Development Program—COMMERCE/NTIA-2.

System location: National Telecommunications and Information Administration,, 1325 G Street, N.W., Washington, D.C. 20005 (paper); and 179 Admiral Cochrane Drive, Annapolis, Maryland 21401 (magnetic disc).

Categories of individuals covered by the system: Applicants for spectrum management career training; persons trained or training in the program; persons employed in the Federal spectrum management field, or seeking employment therein, who register with the program.

Categories of records in the system: Employee Career Appraisals; Career Program Qualification Records and Supplements thereto; Career Plans; Personal Qualification Statements (Standard Form 171's). These records contain information about an individual and his skills and qualifications for training which typically includes, but is not limited to, name, address, date of birth, Social Security Account Number, education, military experience, present position, employment history, performance evaluations, and career goals.

Authority for maintenance of the system: 47 U.S.C. 305, Executive Order 12046 and Reorganization Plan No. 1 of 1977.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is disclosed to participating Federal agencies upon their request in connection with the selection of candidates for training, the evaluation of trainees, and in the administration of the training program. Information is disclosed to other Federal agencies upon their request in connection with the availability of trained spectrum managers for employment. General routine uses in the Prefatory Statement also apply.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and machine readable magnetic discs.

Retrievability: Stored alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Unless updated, documents are disposed of after two years.

System manager(s) and address: Coordinator, Radio Spectrum Management Career Development Program, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504.

Notification procedure: Information may be obtained from: Privacy Officer, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504. Requestor should provide his or her full name.

Record access procedures: Requests from individuals should be addressed to: Same address as stated in the Notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use address in Notification section, above.

Record source categories: Applicants for spectrum management career training; trainees in the program; instructors and other officials conducting the program; Federal government employees in the spectrum management field, and persons desiring such employment, who register with the program, their supervisors, and other officials of the agencies that employ them.

COMMERCE/PAT-TM-1.

System name: Attorneys and Agents Registered to Practice Before the Office—COMMERCE/PAT-TM-1.

System location: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202, and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Attorneys and agents who are, or have been, registered to practice before thePatent and Trademark Office in patent cases, and applicants for such registration to practice.

Categories of records in the system: Biographical information, personal and professional qualifications, character and fitness reports, undertakings of former examiners, current address, and status information.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Prefatory Statement paragraphs on Routine Uses. Also, a public roster of the registered individuals is published periodically, and limited information is disseminated by Committee on Enrollment staff in response to inquiries from members of the public (e.g., potential clients), state bars, and courts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and magnetic storage media.

Retrievability: Filed alphabetically by name or registration number.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Chairman, Committee on Enrollment, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name, address, and date of application, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b.

Record source categories: Subject individual, references, and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-2.

System name: Complaints, Investigations and Disciplinary Proceedings Relating to Registered Patent Attorneys and Agents—COMMERCE/PAT-TM-2.

System location: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Attorneys and agents registered to practice before the Patent and Trademark Office in patent cases, and disbarred or suspended attorneys and agents.

Categories of records in the system: Complaints and information obtained during investigations and quasi-judicial disciplinary proceedings.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 32.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Also, dissemination of information concerning the complaint, investigation, or disciplinary proceeding, by the Solicitor's staff, to the complainant, to persons who can reasonably be expected to provide information needed in connection with the complaint, investigation, or disciplinary proceeding, and, upon inquiry, to State bars and courts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and identification data pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals, clients of same, registered attorneys and agents, witnesses in disciplinary proceedings, court opinions, and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-3.

System name: Employee Production Records—COMMERCE/PAT-TM-3.

System location: Office of Management and Organization, U.. S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

Categories of individuals covered by the system: Employees of the Patent and Trademark Office.

Categories of records in the system: Employee name and number, position and grade level, time in duty status, time on leave, duty hours distributed by task, receipt date of oldest item in processing queue, beginning and ending balances of work in process, work volumes compiled by organization and in some organizations by individuals, and comparative data on current production compared with earlier periods.

Authority for maintenance of the system: 5 U.S.C. 301 and 35 U.S.C. 6.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folder, microfilm and magnetic storage media

Retrievability: Filed by organization; cross referenced for access by name.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director, Office of Management and Organization, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and number, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, and the individual's supervisors.

COMMERCE/PAT-TM-6.

System name: Parties Involved in Patent Interference Proceedings—COMMERCE/PAT-TM-6.

System location: Board of Patent Interferences, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Applicants for patent and patentees who become involved in a conflict involving the question of priority of invention.

Categories of records in the system: All records relating to the declaration, conduct, and termination of interference proceedings, including, but not limited to: preliminary statements, motions, testimony, and settlement agreements. The data contained in the records may include information relating to the applicant's or patentee's name, age, citizenship, residence, educational and work background, physical and mental health, activities relating to conception and reduction to practice of the contested subject matter, and other matters which may arise during the conduct of the interference proceeding or in connection with any agreements made by the parties relative to the interference proceeding.

Authority for maintenance of the system: 35 U.S.C. 1, 6, 23, 24, and 135.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Prior to termination of the interference proceedings, and thereafter until a patent has issued (except in cases involving a patent), information concerning these records is provided outside the Office only upon authorization of the applicants or owners of the applications involved or when necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commissioner. Subsequent to such termination or an award of priority by the Board of Patent Interferences as to all parties, whichever is earlier in cases involving a patent or after issuance of a patent, the records are open to public inspection. Settlement agreements filed pursuant to 35 U.S.C. 135(c) are kept separate from other interference records, upon request of the party filing them, and made available, as provided in that statute, to government agencies upon written request, or to any person on a showing of good cause. Also see routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed by Interference Number, cross-indexed to the names of the parties.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Chairman, Board of Patent Interferences, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and address, and Interference Number, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Applicants for patent and patentees, the patent attorneys or agents authorized by such persons to represent them, those authorized by the applicant to furnish information, and witnesses and other parties involved in the taking of testimony.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(1), Patent Interference Proceedings records which relate to applications subject to a secrecy order pursuant to 35 U.S.C. 181 or are otherwise subject to security classification pursuant to E.O. 11652 or the Atomic Energy Act of 1954, are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules, which appear in 15 CFR Part 4b.

COMMERCE/PAT-TM-7.

System name: Patent Application Files—COMMERCE/PAT-TM-7 (Note: This notice is broken down, where indicated, into three subsystems relating to the status of the files: a. Pending; b. Abandoned; and c. Patented.)

System location: a. U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; National Storage Company, Boyers, Pa. 16020; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; b. Abandoned Files Unit, Office Services Division, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; National Storage Company, Boyers, Pa. 16020; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; c. Record Branch, Patent Search Division, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; National Storage Company, Boyers, Pa. 16020; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of Automatic Data Processing Management, Computer Center, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Applicants for patent, including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent.

Categories of records in the system: Oath or declaration of applicant including name, citizenship, residence, post office address and other information pertaining to the applicant's activities in connection with the invention for which a patent is sought. Statements containing various kinds of information with respect to inventors who are deceased or incapacitated, or who are unavailable or unwilling to make application for patent.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 115; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. Information concerning these records is provided outside the Office only upon authorization of the applicant or owner of the application or when necessary to carry out the provisions of any act of Congress or in such special circumstances as may be determined by the Commissioner, e.g., secrecy order files under 35 U.S.C. 181. b. Same as a., except where application is referred to in a U.S. Patent, in which case the record is open to public inspection. c. Records are open to public inspection.

All three subsystems are also subject to the routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, microfilm and magnetic storage media.

Retrievability: Subsystems a. and b. filed by serial number, cross-indexed to name of applicant. Subsystem c. filed by serial number and patent number, cross-indexed to name of applicant.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: a. Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231; b. Director, Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231; c. Director, Office of Patent and Trademark Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and Serial Number or Patent Number, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The inventors or other persons who submit applications for patent and the patent attorneys or agents authorized by such inventor or other persons to represent them.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(1), Patent Applications, to the extent that they are subject to a secrecy order pursuant to 35 U.S.C. section 181 or are otherwise subject to security classification pursuant to E.O. 11652 or the Atomic Energy Act of 1954 are exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules which appear in 15 CFR Part 4b.

COMMERCE/PAT-TM-8.

System name: Patent Application Secrecy Order Files—COMMERCE/PAT-TM-8.

System location: Patent Examining Operation, Group 220, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Applicants including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent.

Categories of records in the system: Identification of patent application and applicant including application serial number, filing date, title of invention, applicant's or inventor's address and addresses of applicant's duly appointed representatives.

Authority for maintenance of the system: 35 U.S.C., 1, 6, and 181 through 183.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to authorized Government agencies under 35 U.S.C. 181 for determination of the requirement for a secrecy order, and notification of the applicant or his duly appointed representative of such secrecy order. Also see routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed by application serial number, cross-indexed to name of applicant.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained, plus storage in a locked vault.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director, Patent Examining Group 220, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and social security or Patent Number, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject applicants or their representatives and authorized representatives of the Department of Energy, the Secretary of Defense, and the Chief Officer of any other department or agency of the Government designated by the President as a defense agency of the United States.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(1), these records, since they relate to determinations pertinent to secrecy orders pursuant to 35 U.S.C. 181 or to security classification pursuant to E.O. 11652 or the Atomic Energy Act of 1954 are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules which appear in 15 CFR Part 4b.

COMMERCE/PAT-TM-9.

System name: Patent Assignment Records—COMMERCE/PAT-TM-9.

System location: Office of Patent and Trademark Services, Assignment Division, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202; Patent Examining Operation, Group 220, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

Categories of individuals covered by the system: Persons who have given or received property rights under an application for patent or a patent by means of a written instrument recorded in the Patent and Trademark Office. Deceased or incapacitated inventors and their legal representatives.

Categories of records in the system: Assignments, grants, mortgages, liens, encumbrances, licenses, and other instruments affecting title. Letters testamentary and other court certificates and orders.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 261, and E.O. 9424.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See the routine use paragraphs of the Prefatory Statement. Also, records are searched by all users for the purpose of determining ownership or other property rights with respect to patents and patent applications. Providing certified abstracts of title and copies of instruments. On the separate Government Register, those records categorized as "Public" are available for public inspection; those records categorized as "Departmental" are used by duly authorized employees of Government agencies only; and those records designated as "secret" are disclosed only to persons having written authority from the head of the agency submitting the record. With the exception of assignment records relating to pending or abandoned patent applications, all non-Government Register records are open to public inspection. Information concerning assignment records relating to pending or abandoned patent applications is maintained in confidence in accordance with 5 U.S.C. 122 but is provided outside the Office only upon authorization of the applicants or owners of the applications involved or when necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commissioner.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files, microfilm reels, index card files and magnetic storage media.

Retrievability: Filed by name, application serial number, and patent number.

Safeguards: Building employs security guards. Records subject to confidence requirements are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Records in the Secret Portion of the Government Register are, additionally, stored in a locked vault. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Recording Officer, Assignment Division, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name, and application serial number or patent number, if known, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Persons who have submitted written instruments to the Patent and Trademark Office for recording.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(1), assignment records which are designated "Secret" and maintained in the Government Register pursuant to E.O. 9424 are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules which appear in 15 CFR Part 4b.

COMMERCE/PAT-TM-10.

System name: Patent Deposit Accounts System—COMMERCE/PAT-TM-10.

System location: Receipts Control Division, Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

Categories of individuals covered by the system: Registered patent attorneys and agents and other members of the public who maintain deposit accounts to pay the cost of services rendered by the Patent and Trademark Office.

Categories of records in the system: Name, address, account number, and financial transactions with the Office.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 41.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm and magnetic storage media.

Retrievability: Filed by name, account number.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director, Office, of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and account number in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-13.

System name: Petitioners for License to File for Foreign Patents—COMMERCE/PAT-TM-13.

System location: Patent Examining Operation, Group 220, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

Categories of individuals covered by the system: Petitioners for license to file a patent application in any foreign country.

Categories of records in the system: Petitioner's name, address, and description of subject matter, or, where a corresponding U.S. application has been filed, identification of applicant including application serial number, filing date, title to invention, applicant's address and addresses of applicant's duly appointed representatives.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 184.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy and magnetic storage media.

Retrievability: By number assigned called P number and by serial number related to P number when additional matter is submitted in connection with a corresponding U.S. application, cross-indexed to petitioner's name.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director, Patent Examining Group 220, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U. S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and serial number or P number, if known, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals or their duly appointed representatives.

COMMERCE/WBO-1.

System name: Talent and Experience File of Women's Business Experts—COMMERCE/WBO-1.

System location: Office of the Secretary, U.S. Department of Commerce, 14th & E Streets and Constitution Avenue, N.W., Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals: with whom the Task Force communicates; having knowledge of women's business operations, problems and discriminations; or having special skills which would be of assistance to the Task Force.

Categories of records in the system: Personal background data normally including name, age, address, telephone numbers, Social Security number, business and work experience, educational background, professional association memberships, publications and information on areas of expertise.

Authority for maintenance of the system: 5 U.S.C. 301; 15 U.S.C. 1512; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is disclosed to other Federal agencies upon their request to provide names and addresses of individuals who possess special skills or expertise related to the problems of women business owners. General routine uses in the Prefatory Statement also apply.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders; index card file system.

Retrievability: Filed alphabetically by individual's name.

Safeguards: Records are contained in lockable metal file cabinets on premises with access limited to individuals whose official duties require access.

Retention and disposal: Retained on site for five (5) years and then disposed of in accordance with the Office of the Secretary Records Control Schedule.

System manager(s) and address: Deputy Under Secretary for Regional Affairs, Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Chairperson of Presidential Task Force on Women Business Owners, Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and for appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Requests from individuals should be addressed as stated in the notification section above.

Record source categories: Subject individual; those authorized by the individual to furnish information; public reference sources; government, private and public interest organizations. /* notification sectionassociation memberships, publications and information on areas of expertise.

Authority for maintenance of the system: 5 U.S.C. 301; 15 U.S.C. 1512; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is disclosed to other Federal agencies upon their request to provide names and addresses of individuals who possess special skills or expertise related to the problems of women business owners. General routine uses in the Prefatory Statement also apply.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders; index card file system.

Retrievability: Filed alphabetically by individual's

[FR Doc. 78-25701 Filed 9-21-78; 8:45 am]

Federal Register

FRIDAY, SEPTEMBER 22, 1978
PART III



DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

[4510-27]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal 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, Procedures 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 Supesedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

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.

Alabama:	
AL78-1057	July 21, 1978.
Connecticut:	
CT78-3055; CT78-3056	July 28, 1978.
Georgia:	
GA78-1077	Sept. 8, 1978.
Kentucky:	
KY77-1124	Sept. 30, 1977.
Minnesota:	
MN77-2046	May 6, 1977.
Oklahoma:	
OK78-4054; OK78-4055	June 9, 1978.
OK78-4061	June 16, 1978.
Pennsylvania:	
PA77-3103	July 22, 1977.
PA77-3122; PA77-3124; PA77-3126	Sept. 9, 1977.
PA77-3129	Sept. 16, 1977.
PA78-3012	Apr. 28, 1978.
PA78-3016	Apr. 14, 1978.
PA78-3017	May 5, 1978.
PA78-3044; PA78-3045	May 12, 1978.
Rhode Island:	
RI78-3050; PA78-3051; RI78-3052..	July 21, 1978.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AL78-1026 (AL78-1076)	Mar. 24, 1978.
AL78-1041 (AL78-1080)	Apr. 21, 1978.
Massachusetts:	
MA78-3022 (MA78-2079); MA78-3031 (MA78-2088)	Mar. 21, 1978.
MA78-3023 (MA78-2080); MA78-3028 (MA78-2085)	Mar. 28, 1978.
MA78-2036 (MA78-2083); MA78-3027 (MA78-2084)	Apr. 28, 1978.
MA78-3024 (MA78-2081); MA78-2039 (MA78-2086); MA78-3033 (MA78-2090)	Apr. 21, 1978.
MA78-2035 (MA78-2082); MA78-3030 (MA78-2087); MA78-3032 (MA78-2089)	Apr. 14, 1978.
Mississippi:	
MS78-1006 (MS78-1074)	Feb. 3, 1978.
North Dakota:	
ND77-5099 (ND78-5125)	Dec. 2, 1977.
Pennsylvania:	
PA77-3057 (PA78-3065)	May 13, 1977.
PA77-3100 (PA78-3066)	July 15, 1977.
PA77-3123 (PA78-3064)	Sept. 9, 1977.
PA77-3128 (PA78-3067)	Sept. 16, 1977.
Texas:	
TX78-4025 (TX78-4094)	Mar. 31, 1978.
TX78-4051 (TX78-4095)	May 12, 1978.
TX78-4073 (TX78-4096)	July 21, 1978.
Virginia:	
VA76-3245 (VA78-3063)	Sept. 10, 1976.
VA76-3253 (VA78-3062)	Sept. 24, 1976.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

None.

Signed at Washington, D.C., this 15th day of September 1978.

DOROTHY P. COME,
Assistant Administrator,
Wage and Hour Division.

Decision # AL78-1057 - Mod. # 2 (43 FR-31549 - July 21, 1978) Madison County, Alabama	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers:					
Laborer, mason tenders	5.21	.30	.45		
Plasterers	9.60				

DECISION #CT78-3055 - MOD. #5 (43 FR 33023 - July 28, 1978) Fairfield, Litchfield and Windham Counties, Connecticut	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Painters:					
Bridge					
Structural Steel	$13.00				
Spray	16.50				
Sandblasting or Power Tools	14.00				
Fairfield Co.: Bridgeport, Easton, Fairfield, Southport, Stratford, and Trumbull					
Brush	9.15	.50	.65	r	
Taper	9.54	.50	.65	r	
Spray	11.65	.50	.65	r	
Fairfield Co.: Darien, Stamford, New Canaan, Norwalk, Weston, Westport & Wilton					
Brush	9.25.	.50	.75	.30	.01
Roller, Paperhanger, Tapers	9.75	.50	.75	.30	.01
Fairfield Co.: Greenwich					
Brush, Structural Steel, Tapers, and Paperhangers	9.25	.20	.75	.30	
Spray	13.98	.20	.75	.30	
Plumbers: Steamfitters					
Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, & Trumbull	10.99	.75	.70	4%	.01

DECISION #CT78-3056 - MOD. #3 (43 FR 33030 - July 28, 1978) Hartford, Middlesex, New Haven, New London and Tolland Counties, Connecticut	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Electricians:					
Hartford Co.: Hartland, New Haven Co.: Beacon Falls, Middlebury, Naugatuck, Oxford, Prospect, Seymour, Southbury, Waterbury and Wolcott	$10.70	1.22	3%+.60	h	1/8%
Hartford Co.: Rem. of Co. Middesex Co.: Cromwell, Middlefield, Middletown & Portland; New London Co.: Bozrah Colchester, Franklin, Lisbon, Montville, N. Stonington, Norwich, Griswold, Lebanon, Ledyard, (except Submarine Base) Preston, Salem, Sprague, Stonington & Voluntown & Tolland Co.:	11.30	1.50	3%+.80		½%
Lathers:					
Hartford Co.: Bristol, Southington; New Haven Co.: Beacon Falls, Bethany, Cheshire, Meriden, Middlebury, Naugatuck, Oxford, Prospect, Southbury, Waterbury & Wolcott	9.90	.35	.50		.01
Middlesex Co.: Chester, Clinton, Deep River, Durham, Essex, Haddam, Killingworth, Old Saybrook & Westbrook; New Haven Co.: Ansonia, Branford Derby, E. Haven, Guilford, Hamden, Madison, Milford, New Haven, N. Branford, N. Haven, Orange, Seymour, Wallingford, W. Haven & Woodbridge	10.00	.75	.50		.01

DECISION #CT78-3056

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Hartford Co.: Avon, Bloomfield, Broad Brook, Canton, E. Granby, E. Hartford, E. Windsor, Enfield, Farmington, Glastonbury, Grandy, Hartford, Manchester, Marlborough, Rocky Hill, Poquonock, Simsbury, S. Windsor, Suffield, S. Manchester, W. Hartford, W. Simsbury, Wethersfield, Windsor, & Windsor Locks; Tolland Co.: Andover, Ashford, Bolton, Columbia, Conventry, Ellington, Herbron, Mansfield, Rockville, Strafford, Somers, Tolland, Union, Vernon, & Willington					
Brush; Tapers	$10.20	.95	.70		
Paperhangers	10.70	.95	.70		
Riding steel; Steamcleaning; Sandblasting; Tank; Towers, & Hazardous Work	10.78	.95	.70		
Spray	13.20	.95	.70		
New Haven Co.: Middlebury, Naugatuck, Prospect, Roxbury, Southbury, Tomaston, Washington, Waterbury, Watertown, Wolcott, & Woodbury					
Brush	9.20	.50	.70		
Paperhanger, Taper	9.45	.50	.70		
Spray	13.80	.50	.70		
New London Co.: Norwich					
Brush	10.30	.60	.70		.01
Paperhangers, Sign Painters, Tapers	11.25	.60	.70		.01
Roller	10.80	.60	.70		.01
Structural Steel	11.10	.60	.70		.01
Spraying Oil Paint	13.45	.60	.70		.01
Spraying Epoxy	15.98	.60	.70		.01

DECISION #CT78-3056

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers:					
Hartford Co.: Berlin, Bristol, E. Berlin, Kensington, New Britain, & Plainville	$11.00	.75	.70	1.00	.03
Middlesex Co.: Clinton, Killtonworth, S. Westbrook; New Haven Co.: Branford, Derby, E. Haven, Orange, W. Haven, & Woodbridge	11.18	.75	.70		.02
Decision # GA78-1077 - Mod. # 1 (43 FR-40174 - September 8, 1978) Clayton, Dekalb, & Fulton Counties, Georgia.					
Change:					
Electricians:					
Wireman	11.15	9%	11%		½ of 1%
Cable splicer	12.05	9%	11%		½ of 1%
Decision # KY77-1124 - Mod. # 1 (42 FR-53044 - September 30, 1977) Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliott, Fayette, Fleming, Franklin, Gallatin, Grayson, Grant, Greenup, Hardin, Harrison, Henry, Jefferson, Jessamine, Larue, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Nelson, Nicholas, Oldham, Owen, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington, & Woodford Counties, Tennessee.					
Change:					
Heavy Construction:					
Power Equipment Operators					
Class A	10.80	.50	.60		.05
Class B	8.33	.50	.60		.05
Class C	7.63	.50	.60		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MN77-2046 - MOD. #8 (42 FR 23404 - May 6, 1977) Benton, Sherburne & Stearns Counties, Minnesota					
CHANGE: Plumbers & Steamfitters: Benton & Stearns Counties & the Western ½ of Sherburne County	$11.82	.53	.50		.06
DECISION NO. OK78-4054 - Mod. #3 (43 FR 25268 - June 9, 1968) Oklahoma, Cleveland, Caddo, Grady, Canadian, Kingfisher, Lincoln, Logan, McClain, Seminole and Pottawatomie Counties, Oklahoma.					
CHANGE:					
ASBESTOS WORKERS	$11.63	.55	1.00		.04
Marble Masons	10.73		.30		
Terrazzo Workers	10.73		.30		
Tile Setters	10.73		.30		
DECISION NO. OK78-4055 - Mod. #2 (43 FR 25270 - June 9, 1978) Tulsa, Creek, Craig, Ottawa, Delaware, Mayes and Roger Counties, Oklahoma					
CHANGE:					
SHEET METAL WORKERS	11.03	.50	.66		.10
DECISION NO. OK78-4061 - Mod. #2 (43 FR 26269 - June 16, 1978) Comanche County, Oklahoma					
CHANGE:					
Bricklayers-Stonemasons	9.66	.62	.40		.12
Tile layers	10.73		.30		
Terrazzo workers	10.73		.30		
Marble setters	10.73		.30		
Asbestos workers	11.63	.55	1.00		.04
PAINTERS:					
Brush and rollers	8.40		.25	.70	.05
Brush & roller(structural steel)	8.65		.25	.70	.05
Spray	9.05		.25	.70	.05
Swing stage, bosun chair work	8.65		.25	.70	.05
Taping & bedding (hand tools)	8.70		.25	.70	.05
Sandblasting	8.75		.25	.70	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA77-3103 - Mod. #8 (42 FR 37759 - July 22, 1977) Bradford, Tioga & Union COunties, Pennsylvania					
Changes:					
Asbestos Workers	11.325	.65	.60		.01
Piledrivermen	11.12	2.33	1.35	a	.12
Plumbers & Steamfitters Zone 1	10.95	.74	.60	.50	.05
Roofers Composition & Kettleman	10.15	.85	.90		
DECISION #PA77-3122 - Mod. #8 (42 FR 45614 - September 9, 1977) Cumberland, Dauphin, Perry, Juniata, New Cumberland Depot in York County, Pennsylvania					
Change:					
Line Construction:					
Lineman & Cable Splicers	11.39	.45	3%		3/8%
Groundman	6.83	.45	3%		3/8%
Winch Truck Op.	7.97	.45	3%		3/8%

DECISION #PA77-3124 - Mod. #7 (42 FR 45618 - September 9, 1977) Northampton COunty, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons	$11.19	.60	.66		.01
Carpenters	10.50	.64	.72		
Cement Masons	10.69	.60	.66		.01
Ironworkers:					
Structural	12.45	1.14	1.36		
Lathers	10.61	.65	.35		.01
Line Construction:					
Lineman & Cable Splicers	13.12	.45	3%		3/8 of 1%
Groundman	7.87	.45	3%		3/8 of 1%
Winch Truck Operator	9.18	.45	3%		3/8 of 1%
Millwrights	10.90	.64	.72		
Piledrivermen	11.12	2.33	1.35	a	.12
Plasterers	10.50	.60	.66		.01
Roofers, Composition slate & tile	11.78		1.05		
Roofers Helpers	7.21		1.05		
Terrazzo Workers	10.09	.60	.66		.01

DECISION #PA77-3126 - Mod. #5 (42 FR 45622 - September 9, 1977) Lycoming County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Changes:					
Asbestos Workers	11.325	.65	.60		.01
Piledrivermen	11.12	2.33	1.35	a	.12
Plumbers	10.95	.74	.60	.50	.05
Roofers, Kettlemen	10.15	.85	.90		
Steamfitters	10.95	.74	.60	.50	.05

DECISION #PA77-3129 Mod. #6 (42 FR 46903 - September 16, 1977) Northumberland County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$11.325	.65	.60		.01
Piledrivermen	11.12	2.33	1.35	a	.12
Roofers					
Remainder of County Composition	10.15	.85	.90		

DECISION #PA78-3012 - Mod. #5 (43 FR 18476 - April 28, 1978) Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers					
Zone 1	$11.325	.65	.60		.01
Plumbers & Steamfitters					
Zone 1	10.95	.74	.60	.50	.05
Roofers					
Zone 2					
Composition & Kettleman	10.15	.85	.90	-	

DECISION #PA78-3016 - Mod. #3 (43 FR 16106 - April 14, 1978) Lehigh County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons	$10.40	1.00	1.15		.01
Carpenters	10.50	.64	.72		
Cement Masons	10.40	1.00	.41		
Lathers	10.61	.65	.35		.01
Line Construction					
Lineman & Cable Splicer	11.19	.45	3%		3/4 of 1%
Groundman	7.15	.45	3%		3/4 of 1%
Winch truck operator	8.34	.45	3%		3/4 of 1%
Millwrights	10.90	.64	.72		
Piledrivermen	11.12	2.33	1.35	a	.12
Plasterers	10.25	1.00	.41		.01
Roofers:					
Remainder of County Composition & Slate	11.78		1.05		
Truck Drivers	8.95	f	g	h	

FOOTNOTES:

f. Employer contributes $83.03 per month to a Health and Welfare Fund.

g. Employer contributes $56.35 per month to a pension fund.

DECISION #PA78-3017 - Mod. #4
(43 FR 19574 - May 5, 1978)
Carbon, Monroe, County, including Tobyhanna Army Depot, and Pike County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$11.325	.65	.60		.01
Brickalyers & Stonemasons					
Zone 1	10.40	1.00	1.15		.01
Carpenters					
Zone 1	10.50	.64	.72		
Ironworkers					
Zone 1	12.45	1.14	1.36		
Lathers					
Zone 2	10.21	.65	.35		.01
Millwrights					
Zone 2	10.90	.64	.72		
Piledrivermen	11.12	2.33	1.35	a	.12
Roofers					
Zone 1					
Composition & Slate	11.78		1.05		
Slab & Concrete Plank	12.28		1.05		
Zone 2					
Composition & Kettleman	10.15	.85	.90		

DECISION #PA78-3044 - mod. #3
(43 FR 20711 - May 12,1978)
Luzerne County, Pennsylvania

Change:					
Asbestos Workers	$11.325	.65	.60		.01
Ironworkers					
Structural & Ornamental	12.25	e			.10
Reinforcing	12.15	e			.10
Lathers:					
Remainder of County	11.28		.35		.01
Piledrivermen	11.12	2.33	1.35	a	.12
Plumbers & Steamfitters					
Wilkes Barre	11.24	.80	1.25		.05
Roofers					
Composition & Kettlemen	10.15	.85	.90		

FOOTNOTES:
e. Employer contributes $2.50 to a combined Health and Pension Fund.

DECISON #PA78-3045 - Mod. #3
(43 FR 20714 - May 12, 1978)
Lackawanna, Susquehanna, Wayne and Wyoming Counties
Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$11.325	.65	.60		.01
Cement Masons:					
Wyoming, Wayne Susquehanna Counties, Scranton in Lackawanna County	11.15				
Ironworkers:					
Lackawanna, Wayne, and Wyoming Counties					
Structural & Ornamental	12.25	e			.10
Reinforcing	12.15	e			.10
Plasterers	11.63				
Marble Setters	9.80		1.20		
Piledrivermen	11.12	2.33	1.35	a	.12
Pipefitters	11.69	.65	.95		.05
Plumbers	11.24	.80	.95		.05

FOOTNOTE:
e. Employer contributes #2.50 to a combined Health and Welfare and Pension Fund.

DECISION #RI78-3050 - MOD. #1
(43 FR 31551 - July 21, 1978)
Bristol, Kent, & Providence Counties, Rhode Island

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Ironworkers:	$ 9.93	1.10	2.10		.05
Plumbers	10.66	.90	1.95		.07
Steamfitters, Pipefitters	11.35	.83	1.28		.07
OMIT:					
Electricians:					
Residential - up to and including 3 stories	7.40	.38	3%		.02

DECISION #RI78-3051 - MOD. #2
(43 FR 31555 - July 21, 1978)
Newport County, Rhode Island

CHANGE:					
Ironworkers	9.93	1.10	2.10		.05
Plumbers	10.66	.90	1.95		.07
Steamfitters, Pipefitters	11.35	.83	1.28		.07

DECISION #RI78-3052 - MOD. #1
(43 FR 31559 - July 21, 1978)
Washington County, Rhode Island

CHANGE:					
Ironworkers	9.93	1.10	2.10		.05
Plumbers	10.66	.90	1.95		.07
Steamfitters, Pipefitters	11.35	.83	1.28		.07
OMIT:					
Electricians:					
Residential - up to and including 3 stories	7.40	.38	3%		.02

SUPERSEDEAS DECISION

STATE: Alabama COUNTY: Calhoun
DECISION NUMBER: AL78-1080 DATE: Date of Publication
Supersedes Decision No. : AL78-1041 dated April 21, 1978 in 43 FR-17174
DESCRIPTION OF WORK: Building Construction (does not include Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	7.22				
Carpenters	7.68	.40			.05
Cement masons	5.20				
Electricians	11.05	.55	3%+.04	.17	½ of 1%
Glaziers	8.93	.50	.50		
Ironworkers, structural, ornamental & reinforcing	9.25	.60	.815		.06
Laborers:					
Laborers	3.57				
Lathers	8.00		.10		.01
Millwrights	8.18	.40			.05
Painters:					
Painters, brush	6.75				
Painters, spray	7.85				
Plasterers	7.86				
Plumbers & pipefitters	10.57	.50	.45		.05
Roofers	6.00				
Sheet metal workers	10.08				
Soft floor layers	6.50				
Tile setters	5.50				
Truck drivers	3.57				
POWER EQUIPMENT OPERATORS:					
Backhoe	5.96				
Bulldozer	4.50				
Crane, derrick, dragline	4.25				
Finishing machine	5.20				
Front end loader	4.00				
Motor patrol	4.50				
Spreader operator	3.98				

SUPERSEDEAS DECISION

STATE: Alabama COUNTIES: Jefferson & Shelby
DECISION NUMBER: AL78-1076 DATE: Date of Publication
Supersedes Decision No.: AL78-1026 dated March 24, 1978 in 43 FR 12532.
DESCRIPTION OF WORK: Building Construction (does not include residential construction consisting of single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	11.21	.45	.70		.05
Boilermakers	9.95	1.05	1.05		.02
Bricklayers:					
Bricklayers; pointers, caulkers; stonemasons	10.15	.40	.50		.12
Cleaners	9.05	.40	.50		.12
Carpenters:					
Carpenters, soft floor layers	9.55	.55	.30		.07
Millwrights	11.25				.07
Piledrivermen	9.75	.55	.30		.07
Cement masons	9.08	.50			.10
Electricians:					
Electricians	11.05	.55	3% + .40		½%
Cable splicers	11.30	.55	3% + .40		½%
Elevator constructors	9.74	.545	.35	a+b	.02
Glaziers	9.25	.50	.50		.01
Ironworkers	10.00	.60	.815		.06
Lathers	9.48		.10		.01
Linemen:					
Linemen	9.38	.35	3%		½%
Groundmen under one year	4.21	.35	3%		½%
Groundmen one year and over	4.97	.35	3%		½%
Hole and ditch digging equipment, tractor with winch and derrick, truck with winch and derrick	7.97	.35	3%		½%
Tractor with towing machine, truck with winch only	6.57	.35	3%		½%
Truck without winch	5.63	.35	3%		½%
Marble setters	9.40		.40		
Painters:					
Brush (Commercial)	10.05		.70		
Spray; Structural steel	10.55		.70		
Paperhangers	10.20		.70		
Plasterers	9.22	.50			.10
Plumbers and Pipefitters	11.45	.58	.65		.09
Roofers	8.90		.20		.10
Sheet metal workers	10.70	.69	.82		.09
Sprinkler fitters	10.80	.75	1.00		.08
Terrazzo workers, Tile setters	9.40		.40		
Tile, Marble, Terrazzo finishers	7.30				

AL78-1076 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers:					
Up to but not including 1½ tons	7.05	.40			
1½ to but not including 3 tons	7.25	.40			
3 tons but not including 5 tons	7.50	.40			
5 tons and over including special equipment	7.65	.40			
Heavy Duty - off the road trucks	7.75	.40			
Welders, rigger, riveters - receive rate prescribed for craft performing operation to which welders, riggers, and riveters are incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. 6 paid holidays: A through F.

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

AL78-1076 - (Cont'd)

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	6.80	.35	.40		.03
GROUP B	6.75	.35	.40		.03
GROUP C	6.70	.35	.40		.03
GROUP D	6.65	.35	.40		.03
GROUP E	7.05	.35	.40		.03
GROUP F	7.50	.35	.40		.03
GROUP G	7.40	.35	.40		.03
GROUP H	7.45	.35	.40		.03
GROUP I	7.35	.35	.40		.03
GROUP J	7.20	.35	.40		.03
GROUP K	8.15	.35	.40		.03

GROUP A
Air or electrical tool operators and asphalt rakers

GROUP B
Vibrator operators, chain saw ops. of mechanical equipment which replaces (wheelbarrows or buggies), power mowers, mortar mixers, pipe layers, conc, & clay and muckers

GROUP C
Plasterers' tenders and hod carriers

GROUP D
Mason tenders, building laborers

GROUP E
Burners on demolition, wagon drill operators and tunnel laborers

GROUP F
Powderman

GROUP G
Caisson-driller (10' Dia)

GROUP H
Tunnel miner

GROUP I
Pneumatic concrete gun operator and nozzleman

GROUP J
Chuck tender

GROUP K
Oxagon operator

AL78-1076 - (Cont'd)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	10.04	.40	.30		.10
GROUP B	9.51	.40	.30		.10
GROUP C	8.44	.40	.30		.10
GROUP D	10.74	.40	.30		.10
GROUP E	10.03	.40	.30		.10
GROUP F	8.57	.40	.30		.10

GROUP A
Asphalt plant, boom tractor, bulldozer, cableways, core driller, compressors (2 or more), crane-derrick-dragline, dinky locomotive, dredges, fork lift, front end loader, gradall, heavy duty mechanic, hoist (1 drum or more), mixers, push tractor, scrapers, shovels, trenching machine (and all similar equipment), winch trucks, motor graders, concrete pump, piledriver, rotary drill

GROUP B
Air compressor (over 125), asphalt spreaders, blade graders (pull type), boat operator, conveyor (2 or more up to 4), crawler tractor, distributors, (bituminous surface), farm tractors, finishing machine, pumps over 4 inches, rollers, welding machine (4 or more)

GROUP C
Air compressor (125 & under), oilers-firemen, conveyor (1) tended by oiler), pumps (under 4 inches), welding machines (3 or under).

GROUP D
ON STEEL ERECTION: Crane, dragline, derrick, hoist, piledriver, winch truck, fork lift, tower cranes, climbing cranes, cherry picker, mechanics, locomotives, tug boat

GROUP E
Tractors, welding machine, gas or diesel driven welding machine (4 or more), air compressors over 125 (2 or less), power generating units (gas or diesel)

GROUP F
Gas or diesel driven welding machine (3 or less), air compresso
125 and under (2 or less), oiler, fireman, small boat

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Barnstable
DECISION NO.: MA78-2079 DATE: Date of Publication
Supersedes Decision NO. MA78-3022, dated March 21, 1978 in 43 FR 17175
DESCRIPTION OF WORK: Build Construction (excluding single family home and garden type apartments up to and including 4 stories), heavy, highway & marine construction.

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Barnstable, Bourne, Falmouth Mashpee & Sandwich	$10.28	1.00	1.18		
Remainder of County	12.11	1.10	1.00		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS: CEMENT MASONS: CEMENT FINISHERS: PLASTERERS: STONEMASONS	10.60	1.20	1.00		.09
Veneer Plasterers	9.00	1.00	.90		.06
CARPENTERS AND SOFT FLOOR LAYERS	10.50	.60	1.00		.04
ELECTRICIANS	10.50	.90	3%+.85		a
ELEVATOR CONSTRUCTORS	11.50	.745	.56	b+c	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	b+c	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.88	.52	1.03		.01
IRONWORKERS	9.43	.70	1.50		.05
LABORERS (BUILDING):					
Laborers; carpenter tenders; wrecking laborers	8.25	.60	.75		.10
Jackhammers op., pavement breakers; asphalt rakers; caride core drilling machine, chain saw op.; pipelayer; Barco type jumping tampers; laser beam; concrete pump; mason tender; mortar tar mixers; ride-on motorized buggy, fence & beam rail erectors & plasterer's tenders	8.50	.60	.75		.10
Air track; block pavers, tampers curb setters	8.75	.60	.75		.10
Blasters; powdermen	9.00	.60	.75		.10
Open air caisson; cylindrical work & boring crew					
Laborer; Top man	8.25	.60	.75		.10
Helper	8.37	.60	.75		.10
Bottom man	9.00	.60	.75		.10
Driller	9.12	.60	.75		.10

DECISION NO. MA78-2079

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$ 9.45	.65	.55		.01
LEADBURNERS	9.25	.35		d	.01
LINE CONSTRUCTION:					
Linemen	12.00	.70	3%+.50	e	3/8 of 1%
Driver - Groundman	9.03	.70	3%+.50	e	3/8 of 1%
Groundmen	7.68	.70	3%+.50	e	3/8 of 1%
Equipment Operators	11.28	.70	3%+.50	e	3/8 of 1%
MARBLE & TILE SETTERS: TERRAZZO WORKERS	10.30	.85	1.10		
MARBLE SETTER' HELPERS	8.71	.85	.25		
MILLWRIGHTS	10.90	.90	1.00		.10
PAINTERS:					
Brush, roller tapers, steel on ground	9.25	.70	.65		
Sandblasting, chipping hammer, power brush	10.75	.70	.65		
Structural steel	12.50	.70	.65		
Spray	10.60	.70	.65		
Steel spray	13.85	.70	.65		
Sandblasting, chipping hammers, power tools on steel	14.00	.70	.65		
Paperhangers and vinyl installers	9.75	.70	.65		
Tapers	9.35	.70	.65		
Sign painting	8.80	.84	.35	.32	.04
PILEDRIVERMEN	10.90	.85	1.00		
PLUMBERS & STEAMFITTERS					
Bourne & Sandwich	11.20	.80	.80		.05
Remainder of County	10.35	.95	1.27		.20
ROOFERS:					
Roofers, kettlemen & waterproofers	9.20	.60	.20		
Mechanic on shingle work	7.36	.60	.20		

DECISION NO. MA78-2079	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS	$ 9.58	1.05	1.00		.02
SPRINKLER FITTERS	12.08	.65	.95		.08
TERRAZZO WORKERS' HELPERS	9.95		.25		.05
TILE SETTERS' HELPERS	8.71	.85	.25		
Welder - Rate for Craft					

DECISION NO. MA78-2079 HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
CLASS I	$ 8.25	.60	.75		.10
CLASS II	8.50	.60	.75		.10
CLASS III	8.75	.60	.75		.10
CLASS IV	9.00	.60	.75		.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $1.00 per journeyman Electricians per week.

b. Employer contributes 8% basic hourly rate for 5 years or more of service of 6% basic hourly rate for 6 months to 5 years' service as vacation pay credit.

c. Holidays: A through F, and the day after Thanksgiving.

d. Holiday: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days during 120 calendar days prior to the holiday & the regular scheduled days immediately preceding and following the holiday

e. Holidays: A through F, and Bunker Hill Day, provided the employee has been employed 10 working days prior to the holiday.

CLASSIFICATIONS

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

DECISION NO. MA78-2079 BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
CLASS I	11.75	1.10	1.00	a	.03
CLASS II	11.63	1.10	1.00	a	.03
CLASS III	9.81	1.10	1.00	a	.03
CLASS IV	10.71	1.10	1.00	a	.03
CLASS V	8.68	1.10	1.00	a	.03
CLASS VI	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills,post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paying screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pullsometers, concrete mixers, values controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers (other than truck cranes and gradalls)

CLASS VI Oilers on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day.

DECISION NO. MA78-2079 HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	11.75	1.10	1.00	a	.03
Hourly premium for boom lengths including jib					
Over 150 feet + $ .45					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
GROUP 2	11.63	1.10	1.00	a	.03
GROUP 3	9.81	1.10	1.00	a	.03
GROUP 4	10.71	1.10	1.00	a	.03
GROUP 5	8.68	1.10	1.00	a	.03
GROUP 6	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP 1 Power shovels, cranes, truck cranes, derricks, pile drivers, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines,three drum machines, pumpcrete machines, uke loaders, shovel dozers, front end loaders, mucking machines, shaft hoists, steam engines, backhoe, gradalls, cable ways, fork lifts, cherry pickers, boring machines, rotary drills, post hole hammers, port hole diggers, asphalt plant on job site, concrete batching and/or mixing plant on job site, crusher plant on job site, paving concrete mixers, timber jacks

GROUP 2 Sonic or vibratory hammers, graders, scrapers, tandem scrapers, bulldozer, tractors, mechanic maintenance, York rakes, mulching machines paving screed machines, stationary steam boilers, paving concrete finishing machine, grout pumps, portable steam boilers, portable steam generators, rollers, spreaders. asphalt pavers, locomotives or machines used in place thereof, tampers, self propelled or tractor drawn, cal tracks, ballast regulators, rail anchor machines, switch tampers

GROUP 3 Pump (1-3 grouped), compressors, welding machine (1-3 grouped), generators, lighting plants, heaters (power driven) (1-5), syphons-pulsometers, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint system (operating and installing)

DECISION NO. MA78-2079

MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	11.75	1.10	1.00	a	.03
GROUP II	12.85	1.10	1.00	a	.03
GROUP III	11.70	1.10	1.00	a	.03
GROUP IV	11.63	1.10	1.00	a	.03
GROUP V	9.81	1.10	1.00	a	.03
GROUP VI	10.71	1.10	1.00	a	.03
GROUP VII	8.68	1.10	1.00	a	.03
GROUP VIII	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP I - Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers two or more drum machines, lighters, derricks boats, trenching, mechanics hoists pavement breakers, cement concrete pavers, draglines, hoisting engines, pump-crete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site, paving concrete mixers; Booms over 150' including jib - additional $.45 per hour - Booms over 185' including jib - additional $.80 per hour; Booms over 210' including jib - additional $1.15 per hour; Booms over 250' including jib - additional $1.75 per hour; Booms over 295' including jib additional $2.50 per hour

GROUP II - Master Mechanic

GROUP III - Swinger Engines

GROUP IV - Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bull-dozers, tractors york rakes, mulching machines, rollers, spreaders, tamper self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast, regulator, switch tampers, rail anchor machines, tire trucks

GROUP V - Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, well point systems, augers - powered by independence engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

DECISION NO. MA78-2079

CLASSIFICATIONS

GROUP VI - Assistant engineers (firemen)

GROUP VII - Oilers (other than truck cranes and gradalls)

GROUP VIII - Oilers on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

A. Holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day & Veterans' Day

DECISION NO. MA78-2079

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
CLASS I	8.215	.75	.80	a+b	
CLASS II	8.365	.75	.80	a+b	
CLASS III	8.415	.75	.80	a+b	
CLASS IV	8.515	.75	.80	a+b	
CLASS V	8.615	.75	.80	a+b	
CLASS VI	8.865	.75	.80	a+b	
CLASS VII	9.115	.75	.80	a+b	

CLASS I - Station wagons, Panel trucks and pickup truck

CLASS II - Two axle equipment; Helpers on low bed when assigned at the discretion of the employer , warehousemen, Forklift operators

CLASS III - Three axle equipment and Tiremen

CLASS IV - Four and five axle equipment

CLASS V - Specialized earth moving equipment under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanics

CLASS VI - Specialized earth moving equipment over 35 tons

CLASS VII - Trailers for earth moving equipment (double hookup)

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Berkshire

DECISION NUMBER: MA78-2080 DATE : Date of Publication

Supersedes Decision No. MA78-3023 dated March 28, 1978, in 43 FR 18449

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	10.65	.94	$ 1.25		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS, CEMENT MASONS, MARBLE MASONS, PLASTERERS, STONE MASONS, TERRAZZO WORKERS and TILE SETTERS:					
Twps. of Adams, North Adams, Cheshire, Florida, Savoy, Clarksbury and Williamstown	11.85				
Twps. of Becket, Otis and Sandisfield	10.05	.70	.95		.06
Remainder of County	11.28	.65	.30		
CARPENTERS & SOFT FLOOR LAYERS	9.84	.60	1.00		.04
ELECTRICIANS	10.59	.55	3%+.94		.02
ELEVATOR CONSTRUCTORS	10.45	.745	.29	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.29	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (RPOB.)	50%JR				
GLAZIERS	9.45	.47	.45		
IRONWORKERS:					
Structural, ornamental and reinforcing:					
Otis and North and East Otis	9.43	.70	1.50		.05
Remainder of County	9.49	.60	.85		.04
LABORERS (BUILDING):					
Laborers, Carpenter tenders and Wrecking laborers	8.25	.60	.75		.10
Jackhammer operator, Pavement breakers, Wagon drills, Asphalt rakers, Carbide core drilling machine, Chain saw operators, Pipelayers, Barco type jumping tampers, Leaser beam operators, Concrete pump operators, Mason tenders, Mortar mixers, Ride-on motorized buggy and Plasterers tenders	8.50	.60	.75		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Air track; Block pavers; Rammers curb setters	$ 8.75	.60	.75		.10
Blasterers, Powdermen	9.00	.60	.75		.10
LATHERS:	9.40	.45	.25		.01
Drywall	8.30	.45	.15		
LEAD BURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen	10.92	.70	3%	d.	
Equipment Operator	10.19	.70	3%	d	
Driver Groundmen	7.87	.70	3%	d	
MARBLE SETTERS' & TILE SETTERS' HELPERS	8.95				
MILLWRIGHTS	10.90	.90	1.00		.10
PAINTERS:					
Brush and Tapers	9.17	.88	.55		.05
Spray-epoxys & interior dry fogs & materials thinned with anything other than water &/or mineral spirits	12.2267	1.1733	.7333		.0667
Spray-materials thinned with water &/or mineral spirits, excluding epoxys & interior dry fogs	12.7567	1.1733	.7333		.0667
Swing Stage under 40' Steel	9.357	.88	.55		.05
Swing Stage over 40' Steel	9.67	.88	.55		.05
Sign Painters	8.80	.84	.35	.32.	.04
PILEDRIVERMEN	10.90	.85	1.00		
PLUMBERS and STEAMFITTERS:					
Adams, Clarksburg, Florida, North Adams, Savoy, Williamstown and Northern half of Cheshire, and New Ashford	9.97	.90	.75		.02
Becket, Otis, Sandisfield (Plumbers ONLY)	10.30	1.01	1.10	e	.10
Becket, Otis, Sandisfield and New Boston (Steamfitters)	10.68	.57	1.45	.08	.02
Remainder of County	10.30	.83	.50		.05
ROOFERS:					
Composition, damp & waterproof	9.215	1.00	2.03		
Slate, tile and precast concrete	9.87	1.00	2.03		
SHEET METAL WORKERS	10.10	1.09	1.46		.06
SPRINKLER FITTERS	11.75	.75	1.05		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more or service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 Calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F, Washington's Birthday and Patriots Day providing employee has worked for a period of five (5) working days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday. There is also one floating holiday per year.

e. July 4th and Labor Day provided worker is employed 7 days prior to holiday.

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HEAVY and HIGHWAY CONSTRUCTION LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class I	$ 8.25	.60	.75		.10
Class II	8.50	.60	.75		.10
Class III	8.75	.60	.75		.10
Class IV	9.00	.60	.75		.10

CLASSIFICATIONS

Class I: Carpenter tenders, Cement finisher tenders, Laborers, Wrecking Laborers

Class II: Asphalt rakers, Fence and guard rail erectors, Laser beam Operator; Mason tender, Pipelayer, Pneumatic drill operator, Pneumatic tool operator, Wagon drill operator

Claaa III: Air track operator, Block pavers, Rammers, Curb setters

Class IV: Blasters, powdermen

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class I	$ 9.93	.95	1.00	a	.07
Class II	7.73	.95	1.00	a	.07
Class II	9.53	.95	1.00	a	.07
Class IV	9.16	.95	1.00	a	.07
Class V	8.41	.95	1.00	a	.07
Class VI	7.94	.95	1.00	a	.07
Class VII	7.18	.95	1.00	a	.07

CLASSIFICATIONS

Class I: Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Piledriving Rigs, Concrete Road Pavers, three drum hoisting and Trenching Machines, Belt-type Loaders, Front End Loader-5¼ yads. or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.) Combination Back Hoe-loader-3/4 yd. hoe or over

Class II: Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Mahines (excluding McCarthy and similar drills), Grades, Front End Loaders - 4 yds. to 5½ yds., two drum hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers - 21 yds. and over (struck load), Sonic Hammer Console

Class III: Combination Backhoe - Loader - up to 3/4 hoe, Bulldozers, Push Cats, Scraper - up to 21 yds. (struck load) - Self-propelled or tractor drawn, Tireman, Front End Loaders - up to 4 yds., Asphalt Paver, Asphalt Roller - 10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant, Well Point, Electric pumps used in Well point system, Pumps - 12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators (manually or remote controls), Grout pumps, Boom Truck, Hydraulic Cranes - under 10 ton

Class IV: Asphalt Roller - under 10 ton

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POWER EQUIPMENT OPERATORS CLASSIFICATIONS (Cont'd)
BUILDING CONSTRUCTION

Class V: Single Drum Hoist, Self-propelled Roller, Self-propelled Compressors Power Pavement Breakers, Concrete Pavement Finishing Machines, Two bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-propelled Material Spreaders, A-Frame Trucks, Fork Lifts up to 15 feet

Class VI: Compressors (one or two 315 cu. ft. to 900 cu. ft., Pumps - 4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber-tired Roller, Compactors or other Machines used for pulverizing, Grading or Seeding

Class VII: Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year Year's Day; B-Mmeorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE
a. Holidays: A through F, Veterans' Day and Columbus Day.

DECISION NO. MA78-2080

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	9.93	.95	1.00	a	.07
CLASS II	9.73	.95	1.00	a	.07
CLASS III	9.53	.95	1.00	a	.07
CLASS IV	9.16	.95	1.00	a	.07
CLASS V	8.41	.95	1.00	a	.07
CLASS VI	7.94	.95	1.00	a	.07
CLASS VII	7.18	.95	1.00	a	.07
CLASS VIII	10.43	.95	1.00	a	.07

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processin Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Paver, Automatic Graders-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console

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CLASSIFICATIONS CONT'D

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumperete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well point Operators, Electric Pumps used in well Point system, Tiremen, Pumps-16 inches or over total discharge, Compressors (1 or 2) cu. ft. and over Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot toller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat

FOOTNOTES:

a. Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veteran's Day; Thanksgiving Day and Christmas Day

DECISION NO. MA78-2080

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
CLASS I	8.215	.75	.80	a+b	
CLASS II	8.365	.75	.80	a+b	
CLASS III	8.415	.75	.80	a+b	
CLASS IV	8.515	.75	.80	a+b	
CLASS V	8.615	.75	.80	a+b	
CLASS VI	8.865	.75	.80	a+b	
CLASS VII	9.115	.75	.80	a+b	

CLASS I - Station wagons, Panel trucks and pickup truck

CLASS II - Two axle equipment; Helpers on low bed when assigned at the discretion of the employer , warehousemen, Forklift operators

CLASS III - Three axle equipment and Tiremen

CLASS IV - Four and five axle equipment

CLASS V - Specialized earth moving equipment under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanics

CLASS VI - Specialized earth moving equipment over 35 tons

CLASS VII - Trailers for earth moving equipment (double hookup)

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Bristol
DECISION NO.: MA78-2081 DATE: Date of Publication
Supersedes Decision No. MA78-3024, dated April 21, 1978 in 43 FR 17180
DESCRIPTION OF WORK: Building Construction (including Residential), Heavy and Highway Construction and Marine Construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Easton	12.11	1.10	1.00		.01
Remainder of County	10.28	1.00	1.18		
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS, CEMENT MASONS, PLASTERERS & STONEMASONS:					
Easton N. Easton & S. Easton	10.80	.85	1.15		.09
Veneer Plasterers	8.90	.85	1.15		.09
Residential	8.64	.85	1.15		.09
Acusunet, Dartmouth, Fairhaven Fall River, Freetown, New Bedford, N. Dartmouth, Somerset,					
Veneer Plasterers	9.00	1.00	.90		.06
Swansea, S. Dartnouth & Westport	10.60	1.20	1.00		.09
Residential	8.48	1.20	1.00		.09
Remainder of County	10.60	1.40	.80		.09
Residential	8.48	1.40	.80		.09
CARPENTERS & SOFT FLOOR LAYERS:					
Attleboro, N. Attleboro & S. Attleboro	10.75	.90	1.00		.07
Remainder of County	10.50	.60	1.00		.04
ELECTRICIANS:					
Attleboro, N. Attleboro & Seekonk	9.40	.48	3%+1.40		.02
Residential	6.00	.38	3%		.02
Acushnet, Dartmouth, Fairhaven, New Bedford, N. DArtmouth & S. Dartmouth	10.50	.90	3%+.85		a
Easton:					
Electrical contracts less than $50,000.00	9.15	6%	7%	2%	.5%
Electrical contracts $50,000.00 or more	11.55	6%	7%	2%	.5%
Residential	6.60	6%	7%	2%	.5%
Fall River, Freetown, Somerset, Swansea & Westport	10.10	4%+.20	3%+1.00	4%+.20	4%
Remainder of County	11.50	.75	3%+.50		.1%
Residential	8.25	.75	3%+.50		.1%

DECISION NO.: MA78-2081	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS	$11.50	.745	.56	b+c	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	b+c	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Easton	10.40	.57	.64		.03
Remainder of County	8.88	.52	1.03		.01
IRONWORKERS:					
Easton, Mansfield, N. Easton	11.24	1.00	1.50		.06
Remainder of County	9.43	.70	1.50		.05
LABORERS (BUILDING):					
Laborers; carpenter tenders; wrecking laborers	8.25	.60	.75		.10
Jackhammer op.; pavement breakers; asphalt rakers; carbide core drilling machine; Chain saw op.; pipelayer; barco type jumping tampers; laser beam; concrete pump; mason tenders; mortar mixers; ride-on motorized buggy, fence and beam rail erectors and plasterers' tenders	8.50	.60	.75		.10
Air track; block pavers; rammers curb setters	8.75	.60	.75		.10
Blasters; powdermen	9.00	.60	.75		.10
Open air caisson; cylindrical work & boring crew;					
Laborers; top man	8.25	.60	.75		.10
Helper	8.37	.60	.75		.10
Bottom men	9.00	.60	.75		.10
Driller	9.12	.60	.75		.10
LATHERS	9.45	.65	.55		.01
LEADBURNERS	9.12	.35		d	.01
LINE CONSTRUCTION:					
Linemen	12.00	.70	3%+.50	e	3/8 of 1%
Equipment Operators	11.28	.70	3%+.50	e	3/8 of 1%
Driver Groundman	9.03	.70	3%+.50	e	3/8 of 1%
Groundman	7.68	.70	3%+.50	e	3/8 of 1%
MARBLE & TILE SETTERS: TERRAZZO WORKERS	10.30	.85	1.10		
MARBLE SETTERS' HELPERS AND TILE SETTERS HELPERS	9.33	.85	.50		

DECISION NO. MA78-2081

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MILLWRIGHTS	10.90	.90	1.00		.10
PAINTERS:					
Acushnet, Dartmouth, Fairhaven, New Bedford, N. Dartmouth & S. Dartmouth: Brush & Roller	9.25	.70	.65		
Spray	10.60	.70	.65		
Sandblasting, chipping hammer, power brush	10.75	.70	.65		
Paperhangers & Vinyl installer	9.75	.70	.65		
Tapers	9.35	.70	.65		
Steel	12.50	.70	.65		
Steel Spray	13.85	.70	.65		
Sandblasting, Chipping hammer, power tools on steel	14.00	.70	.65		
Remainder of County:					
Brush, taper	10.46	.82	1.20		.04
Steel (new & repaint steel)	12.58	.82	1.20		.04
Spray, sandblasting	11.46	.82	1.20		.04
Repaint & Alteration	8.91	.82	1.20		.04
Sign painting	8.80	.84	.35	.32	.04
PILEDRIVERMEN	10.90	.85	1.00		
PLASTERERS' TENDERS	7.75	.60	.70		.10
PLUMBERS & STEAMFITTERS:					
Easton	11.20	.80	.80		.05
Acushnet, Darthmouth, Fairhaven, Fall River, Freetown, New Bedford, N. Dartmouth, Somerset, S. Dartmouth, Swansea & Westport	1-.35	.95	1.27		.20
Residential	8.91	.76	1.16		.15
Remainder of County	10.02	.60	.73		
ROOFERS:					
Attleboro, Taunton, Mansfield, Easton, Norton, Raynham & N. Attleboro:					
Journeyman	10.20	.70	1.55		.05
Re-roofing and repair	9.65	.70	1.55		.05
Pitch work	11.20	.70	1.55		.05
Remainder of county:					
Journeyman and mechanics	9.20	.75	.30		
Mechanics on shingle work	7.36	.75	.30		

DECISION NO.: MA78-2081

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Acushnet, Assonet, Dartmouth, Dighton, Fairhaven, Fall River Freetown, New Bedford, N. Dartmouth, Rehboth, Seekonk, Somerdet, Swansea & Westport	$ 9.58	1.05	1.00		.02
Remainder of County	10.98	1.16	1.35		.06
SPRINKLER FITTERS	12.08	.65	.95		.08
TERRAZZO WORKERS' HELPERS	9.95		.25		.05

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contribution of 1.00 per journeyman Electricians per week

b. Employer contributes 8% of basic hourly rate for 5 years or more of service or 4% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

c. Holidays: A through F, and the day after Thanksgiving

d. Holidays: A through F, Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

e. Holidays: A through F, & Bunker Hill Day, provided the employee is employed 10 days prior to the listed holidays.

DECISION NO. MA78-2081	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
CLASS I	$ 8.25	.60	.75		.10
CLASS II	8.50	.60	.75		.10
CLASS III	8.75	.60	.75		.10
CLASS IV	9.00	.60	.75		.10

CLASSIFICATIONS

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op.,.wagon drill op.

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

DECISION NO. MA78-2081 BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
CLASS I	11.75	1.10	1.00	a	.03
CLASS II	11.63	1.10	1.00	a	.03
CLASS III	9.81	1.10	1.00	a	.03
CLASS IV	10.71	1.10	1.00	a	.03
CLASS V	8.68	1.10	1.00	a	.03
CLASS VI	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills,post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour
CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paying screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)
CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pullsometers, concrete mixers, values controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragn pump, lighting plants
CLASS IV Assistant engineers (firemen)
CLASS V Oilers (other than truck cranes and gradalls)
CLASS VI Oilers on truck cranes and gradalls

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day.

DECISION NO. MA78-2081

HEAVY & HIGHWAY CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	11.75	1.10	1.00	a	.03
Hourly premium for boom lengths including jib					
Over 150 feet + $ .45					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
GROUP 2	11.63	1.10	1.00	a	.03
GROUP 3	9.81	1.10	1.00	a	.03
GROUP 4	10.71	1.10	1.00	a	.03
GROUP 5	8.68	1.10	1.00	a	.03
GROUP 6	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP 1 Power shovels, cranes, truck cranes, derricks, pile drivers, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines,three drum machines, pumpcrete machines, uke loaders, shovel dozers, front end loaders, mucking machines, shaft hoists, steam engines, backhoe, gradalls, cable ways, fork lifts, cherry pickers, boring machines, rotary drills, post hole hammers, port hole diggers, asphalt plant on job site, concrete batching and/or mixing plant on job site, crusher plant on job site, paving concrete mixers, timber jacks

GROUP 2 Sonic or vibratory hammers, graders, scrapers, tandem scrapers, bulldozer, tractors, mechanic maintenance, York rakes, mulching machines paving screed machines, stationary steam boilers, paving concrete finishing machine, grout pumps, portable steam boilers, portable steam generators, rollers, spreaders. asphalt pavers, locomotives or machines used in place thereof, tampers, self propelled or tractor drawn, cal tracks, ballast regulators, rail anchor machines, switch tampers

GROUP 3 Pump (1-3 grouped), compressors, welding machine (1-3 grouped), generators, lighting plants, heaters (power driven) (1-5), syphons-pulsometers, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint system (operating and installing)

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CLASSIFICATIONS CONT'D

GROUP 4 Assistant engineers (firemen)

GROUP 5 Oilers (other than truck cranes & gradalls)

GROUP 6 Oilers (on truck cranes & gradalls)

FOOTNOTES:

a. Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day

DECISION NO. MA78-2081 MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	11.75	1.10	1.00	a	.03
GROUP II	12.85	1.10	1.00	a	.03
GROUP III	11.70	1.10	1.00	a	.03
GROUP IV	11.63	1.10	1.00	a	.03
GROUP V	9.81	1.10	1.00	a	.03
GROUP VI	10.71	1.10	1.00	a	.03
GROUP VII	8.68	1.10	1.00	a	.03
GROUP VIII	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP I - Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers two or more drum machines, lighters, derricks boats, trenching, mechanics hoists pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site, paving concrete mixers; Booms over 150' including jib - additional $.45 per hour - Booms over 185' including jib - additional $.80 per hour; Booms over 210' including jib - additional $1.15 per hour; Booms over 250' including jib - additional $1.75 per hour; Booms over 295' including jib additional $2.50 per hour

GROUP II - Master Mechanic

GROUP III - Swinger Engines

GROUP IV - Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors york rakes, mulching machines, rollers, spreaders, tamper self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast, regulator, switch tampers, rail anchor machines, tire trucks

GROUP V - Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, well point systems, augers - powered by independence engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

DECISION NO. MA78-2081

CLASSIFICATIONS

GROUP VI - Assistant engineers (firemen)

GROUP VII - Oilers (other than truck cranes and gradalls)

GROUP VIII - Oilers on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

A. Holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day & Veterans' Day

DECISION NO. MA78-2081

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	8.215	.75	.80	a+b	
CLASS II	8.365	.75	.80	a+b	
CLASS III	8.415	.75	.80	a+b	
CLASS IV	8.515	.75	.80	a+b	
CLASS V	8.615	.75	.80	a+b	
CLASS VI	8.865	.75	.80	a+b	
CLASS VII	9.115	.75	.80	a+b	

CLASS I - Station wagons, Panel trucks and pickup truck

CLASS II - Two axle equipment; Helpers on low bed when assigned at the discretion of the employer , warehousemen, Forklift operators

CLASS III - Three axle equipment and Tiremen

CLASS IV - Four and five axle equipment

CLASS V - Specialized earth moving equipment under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanics

CLASS VI - Specialized earth moving equipment over 35 tons

CLASS VII - Trailers for earth moving equipment (double hookup)

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Essex
DECISION NO.: MA78-2082 DATE: Date of Publication
Supersedes Decision No. MA78-2035, dated April 14,1978 in 43 FR 16048
DESCRIPTION OF WORK: Building Construction (including residential), heavy highway and marine construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	12.11	1.10	1.00		.01
BOIELRMAKERS	11.80	1.05	10%		.02
BRICKLAYERS & STONEMASONS:					
Andover, Boxford, Danvers, Lawrence, Lynn, Lynnfield, Marblehead, Methuen, Middleton, Nahant, N. Andover, Peabody, Salem, Saugus, Swampscott & Topsfield	10.85	.70	1.25		.09
Veneer Plasterers	8.85	.70	1.25		.09
All work, including demolition repair and alteration of any existing structure which is intended for predominantly residential use	8.42	.70	.75		.06
Remainder of County	11.20	1.00	.60		.09
Veneer Plasterers	9.30	1.00	.60		.06
CARPENTERS & SOFT FLOOR LAYERS:					
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Newbury, Newburyport, Rowley, Salisbury, W. Newbury, Lynn, Lynnfield Nahant, Saugus and Swampscott, Andover, Lawrence, Methuen, N. Andover and W. Andover	10.75	.90	1.00		.07
Andover, Lawrence, Methuen, N. Andover, & W. Andover	10.75	.90	1.00		.05
All work, inlcuding demolition, repair and alteration of any existing structure which is intended from predominantly residential use:	8.67	.60	1.00		.02
Remainder of County	9.80	1.00	1.00		

DECISION NO. MA78-2082

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS & PLASTERERS:					
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Lawrence, Merrimac, Methuen, N. Andover, Salisbury & West Salisbury	$10.34	.70	.75		
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use:					
Plasterers: Amesbury, Boxford Georgetown, Groveland, Haverhill, Lawrence, Merrimac, Mthuen, N. Andover, Salisbury, W. Salisbury	8.24	.70	.75		
Danvers, Lynn, Lynnfield, Marblehead, Middleton, Nahant, Peabody, Salem, Saugus, Swampscott and Topsfield	9.30	.50	.85		.05
Remainder of County	9.45	.60	.60		.05
ELECTRICIANS:					
Andover, Lawrence, Methuen and North Andover, Salisbury & W. Newbury	11.22	.75	3%+.40		.02
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use:					
Electricians: Andover, Lawrence, Methuen and North Andover	9.03	.75	3% .40		.02
Lynn, Lynnfield, Nahant, Saugus and Swampscott	11.98	.75	3%+1.55		.07
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimac Newbury, Newburyport, Rowley	11.22	.75	3%+.40		.02
Remainder of County:					
Electrical contracts over $30,000	10.45	.92	3%+.26		.02
Electrical contract $30,000 and less	10.10	.92	3%+.26		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS	$11.50	.745	.56	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.40	.57	.64		.03
IRONWORKERS	10.84	1.10	1.80		.06
LABORERS (BUILDING):					
Laborers, carpenters tenders, wrecking laborers	8.25	.60	.75		.10
Jackhammer ops; pavement breakers; asphalt rakers; carbide core drilling machines; chain saw ops; pipelayers, barco type jumping tampers, laser beam ops, concrete ops, mason tenders, mortar mixers, ride-on motorized buggy ops, dence beam rail erectors and plasterers tenders	8.50	.60	.75		.10
Air track, block pavers, rammers curb setter	8.75	.60	.75		.10
Blaster, powdermen	9.00	.60	.75		.10
Open air caisson, cylindrical work and boring crew:					
Laborers, top man	8.25	.60	.75		.10
Helper	8.37	.60	.75		.10
Bottom man	9.00	.60	.75		.10
Driller	9.12	.60	.75		.10
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use:					
Laborers	6.38	.60	.75		.10
LATHERS	9.25	.45	.55		.05
LEADBURNERS	9.25	.35			
LINE CONSTRUCTION:					
Linemen	12.00	.70	3%+.50		3/8 of 1%
Equipment operators	11.28	.70	3%+.50		3/8 of 1%
Driver Groundman	9.03	.70	3%+.50		3/8 of 1%
Groundman	7.68	.70	3%+.50		3/8 of 1%
MARBLE, TILE SETTERS & TERRAZZO WORKERS	10.30	.85	1.10		

DECISION NO. MA78-2082

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS' HELPERS	$ 9.33	.85	.50		
MILLWRIGHTS	10.90	.90	1.00		.10
PAINTERS:					
Essex, Gloucester, Manchester, & Rockport:					
Brush	6.20	.30			
Spray	6.65	.30			
Roller	6.50	.30			
Remainder of County:					
New Construction:					
Brush and tapers	10.46	.82	1.20		.04
Sandblasters and spray	11.46	.82	1.20		.04
Steel (new & repaint-steel)	12.58	.82	1.20		.04
Repaint: Brush	8.91	.82	1.20		.04
Spray and Sandblasting	9.91	.82	1.20		.04
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use:					
Painters: Lawrence, Methuen, N. Andover and Andover	8.30	1.05	.72		.04
PILEDRIVERMEN	10.90	.85	1.00		
PLUMBERS & STEAMFITTERS:					
Andover, Georgetown, Groveland, Lawrence, Methuen, N. Andover	11.15	.87	1.00		.05
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use	8.70	.73	.65		.05
Lynn, Lynnfield, Nahant, Saugus and Swampscott:					
Plumbers	11.95	1.02	1.28		.05
Steamfitters	12.86	.94	1.20		.07
Remainder of County	10.55	1.35	.62		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Haverhill and Lawrence	$ 7.30				
Remainder of County	10.20	.70	1.55		.05
Re-roofing & repair	9.65	.70	1.55		.05
Pitch work	11.20	.70	1.55		.05
SHEET METAL WORKERS	11.38	1.16	1.45		.08
SPRINKLER FITTERS	12.08	.65	.95		.08
TERRAZZO WORKERS' HELPERS	9.95		.25		.05

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more, of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Holidays: A through F

DECISION NO. MA78-2082

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
CLASS I	$ 8.25	.60	.75		.10
CLASS II	8.50	.60	.75		.10
CLASS III	8.75	.60	.75		.10
CLASS IV	9.00	.60	.75		.10

CLASSIFICATIONS

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.

CLASS III
Air track op., block pavers, rammers, curb setter

CLASS IV
Blasters, powdermen

DECISION NO. MA78-2082

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
CLASS I	11.75	1.10	1.00	a	.03
CLASS II	11.63	1.10	1.00	a	.03
CLASS III	9.81	1.10	1.00	a	.03
CLASS IV	10.71	1.10	1.00	a	.03
CLASS V	8.68	1.10	1.00	a	.03
CLASS VI	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills,post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour
CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paying screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)
CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pullsometers, concrete mixers, values controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragn pump, lighting plants
CLASS IV Assistant engineers (firemen)
CLASS V Oilers (other than truck cranes and gradalls)
CLASS VI Oilers on truck cranes and gradalls

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day.

DECISION NO. MA78-2082

HEAVY & HIGHWAY CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	11.75	1.10	1.00	a	.03
Hourly premium for boom lengths including jib					
Over 150 feet + $ .45					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
GROUP 2	11.63	1.10	1.00	a	.03
GROUP 3	9.81	1.10	1.00	a	.03
GROUP 4	10.71	1.10	1.00	a	.03
GROUP 5	8.68	1.10	1.00	a	.03
GROUP 6	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP 1 Power shovels, cranes, truck cranes, derricks, pile drivers, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines,three drum machines, pumpcrete machines, uke loaders, shovel dozers, front end loaders, mucking machines, shaft hoists, steam engines, backhoe, gradalls, cable ways, fork lifts, cherry pickers, boring machines, rotary drills, post hole hammers, port hole diggers, asphalt plant on job site, concrete batching and/or mixing plant on job site, crusher plant on job site, paving concrete mixers, timber jacks

GROUP 2 Sonic or vibratory hammers, graders, scrapers, tandem scrapers, bulldozer, tractors, mechanic maintenance, York rakes, mulching machines paving screed machines, stationary steam boilers, paving concrete finishing machine, grout pumps, portable steam boilers, portable steam generators, rollers, spreaders. asphalt pavers, locomotives or machines used in place thereof, tampers, self propelled or tractor drawn, cal tracks, ballast regulators, rail anchor machines, switch tampers

GROUP 3 Pump (1-3 grouped), compressors, welding machine (1-3 grouped), generators, lighting plants, heaters (power driven) (1-5), syphons-pulsometers, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint system (operating and installing)

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CLASSIFICATIONS CONT'D

GROUP 4 Assistant engineers (firemen)

GROUP 5 Oilers (other than truck cranes & gradalls)

GROUP 6 Oilers (on truck cranes & gradalls)

FOOTNOTES:

a. Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day

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MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	11.75	1.10	1.00	a	.03
GROUP II	12.85	1.10	1.00	a	.03
GROUP III	11.70	1.10	1.00	a	.03
GROUP IV	11.63	1.10	1.00	a	.03
GROUP V	9.81	1.10	1.00	a	.03
GROUP VI	10.71	1.10	1.00	a	.03
GROUP VII	8.68	1.10	1.00	a	.03
GROUP VIII	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP I - Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers two or more drum machines, lighters, derricks boats, trenching, mechanics hoists pavement breakers, cement concrete pavers, draglines, hoisting engines, pump-crete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site, paving concrete mixers; Booms over 150' including jib - additional $.45 per hour - Booms over 185' including jib - additional $.80 per hour; Booms over 210' including jib - additional $1.15 per hour; Booms over 250' including jib - additional $1.75 per hour; Booms over 295' including jib additional $2.50 per hour

GROUP II - Master Mechanic

GROUP III - Swinger Engines

GROUP IV - Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bull-dozers, tractors york rakes, mulching machines, rollers, spreaders, tamper self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast, regulator, switch tampers, rail anchor machines, tire trucks

GROUP V - Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, well point systems, augers - powered by independence engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

DECISION NO. MA78-2082

CLASSIFICATIONS

GROUP VI - Assistant engineers (firemen)

GROUP VII - Oilers (other than truck cranes and gradalls)

GROUP VIII - Oilers on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

A. Holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day & Veterans' Day

DECISION NO. MA78- 2082

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
CLASS I	8.215	.75	.80	a+b	
CLASS II	8.365	.75	.80	a+b	
CLASS III	8.415	.75	.80	a+b	
CLASS IV	8.515	.75	.80	a+b	
CLASS V	8.615	.75	.80	a+b	
CLASS VI	8.865	.75	.80	a+b	
CLASS VII	9.115	.75	.80	a+b	

CLASS I - Station wagons, Panel trucks and pickup truck

CLASS II - Two axle equipment; Helpers on low bed when assigned at the discretion of the employer , warehousemen, Forklift operators

CLASS III - Three axle equipment and Tiremen

CLASS IV - Four and five axle equipment

CLASS V - Specialized earth moving equipment under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanics

CLASS VI - Specialized earth moving equipment over 35 tons

CLASS VII - Trailers for earth moving equipment (double hookup)

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Franklin
DECISION NUMBER: MA78- 2083 DATE : Date of Publication
Supersedes Decision No. MA78-2036, dated April 28, 1978 in 43 FR 18453.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.65	.94	$ 1.25		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS, CEMENT MASONS, PLASTERERS, STONE MASONS, MARBLE, TILE, TERRAZZO WORKERS, CAULKER, And CLEANER, POINTER	10.05	.70	.95		.06
CARPENTERS & SOFT FLOOR LAYERS:					
Irving, Warwick, Orange and North Orange	10.70	.60	1.00		.07
Remainder of County	10.10	.45	1.00		.02
Monroe and Monroe Bridge	9.84	.60	1.00		.04
ELECTRICIANS:	10.59				
Hawley, Monroe and Rowe		.55	3%+.94		.02
Remainder of County:					
Electrical contracts $75,000.00 and over	10.76	.85	3%+.40		.02
Electrical contracts under $75,000.00	8.60	.85	3%+.40		.02
Shaft and tunnel work	11.26	.85	3%+.40		.02
ELEVATOR CONSTRUCTORS	10.45	.745	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.45	.47	.45		
IRONWORKERS:					
Structural, Ornamental and Reinforcing	10.50	1.10	1.85		.09
LABORERS: BUILDING					
Laborers, Carpenter tenders, Wrecking laborer	8.25	.60	.75		.10
Asphalt rakers, Carbide core drillers, Chain saw operator, Pipelayers, Jackhammer and paving breakers operators, Barco-type jumping tampers, Laser beam operators, Concrete pump operators, Mason tenders, Mortar mixers, and Ride-on motorized buggy operator and plasterers tenders	8.50	.60	.75		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Air track operators, Block pavers, Rammers and curb setters	8.50	.60	.75		.10
Powdermen and blasterers	8.75	.60	.75		.10
Open air caisson, underpinning work and test boring crew:					
Bottom Man	8.75	.60	.75		.10
Top Man	8.00	.60	.75		.10
Driller	8.87	.60	.75		.10
Helper	8.12	.45	.25		.10
LATHERS:	9.40	.45	.25		.01
Drywall	8.30	.45	.25		.01
LINE CONSTRUCTION:					
Linemen	10.92	.70	3%	b	
Equipment Operators	10.19	.70	3%	b	
Driver Groundmen	7.87	.70	3%	b	
MILLWRIGHTS	10.90	.90	1.00		.10
PAINTERS:					
Brush and Tapers	9.17	.88	.55		.05
Spray-epoxys & interior dry fogs & materials thinned with anything other than water &/or mineral spirits	12.2267	1.1733	.7333		.0667
Spray-materials thinned with water &/or mineral spirits, excluding epoxys & interior dry fogs	12.7567	1.1733	.7333		.0667
Swing Stage under 40' Steel	9.357	.88	.55		.05
Swing Stage over 40' Steel	9.67	.88	.55		.05
PILEDRIVERMEN	10.90	.85	1.00		
PLUMBERS AND STEAMFITTERS:					
Monroe, Towe and Western part of Charlemont	9.97	.90	.75		.02
Orange	10.02	.60	.65	.40	.02
Remainder of County	10.45	.85	.85		.02
ROOFERS:					
Composition, damp wagerproof	9.215	1.00	2.03		
Slate, tile, precast concrete	9.87	1.00	2.03		
SHEET METAL WORKERS	10.10	1.09	1.46		.06
SPRINKLER FITTERS	11.75	.75	1.05		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. MA78-2083

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for 5 years or more of service of 6% of basic hourly rate for 6 months to 5 years of service as Vacation Pay plus holidays: A through F and the days after Thanksgiving

b. Holidays: A through F, Washington's Birthday, Patriots Day providing emp,oyee has been employed for a period of five (5) working days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday. One floating holiday per year.

DECISION NO. MA78-2083

HEAVY and HIGHWAY CONSTRUCTION

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class I	$ 8.25	.60	.75		.10
Class II	8.50	.60	.75		.10
Class III	8.75	.60	.75		.10
Class IV	9.00	.60	.75		.10

CLASSIFICATIONS

Class I: Carpenter tenders, Cement finisher tenders, Laborers, Wrecking Laborers

Class II: Asphalt rakers, Fence and guard rail erectors, Laser beam Operator; Mason tender, Pipelayer, Pneumatic drill operator, Pneumatic tool operator, Wagon drill operator

Claaa III: Air track operator, Block pavers, Rammers, Curb setters

Class IV: Blasters, powdermen

DECISION NO. MA78-2083

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class I	$ 9.93	.95	1.00	a	.07
Class II	7.73	.95	1.00	a	.07
Class II	9.53	.95	1.00	a	.07
Class IV	9.16	.95	1.00	a	.07
Class V	8.41	.95	1.00	a	.07
Class VI	7.94	.95	1.00	a	.07
Class VII	7.18	.95	1.00	a	.07

CLASSIFICATIONS

Class I: Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Piledriving Rigs, Concrete Road Pavers, three drum hoisting and Trenching Machines, Belt-type Loaders, Front End Loader-5½ yads. or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.) Combination Back Hoe-loader-3/4 yd. hoe or over

Class II: Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Mahines (excluding McCarthy and similar drills), Grades, Front End Loaders - 4 yds. to 5½ yds., two drum hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers - 21 yds. and over (struck load), Sonic Hammer Console

Class III: Combination Backhoe - Loader - up to 3/4 hoe, Bulldozers, Push Cats, Scraper - up to 21 yds. (struck load) - Self-propelled or tractor drawn, Fireman, Front End Loaders - up to 4 yds., Asphalt Paver, Asphalt Roller - 10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant, Well Point, Electric pumps used in Well point system, Pumps - 12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators (manually or remote controls), Grout pumps, Boom Truck, Hydraulic Cranes - under 10 ton

Class IV: Asphalt Roller - under 10 ton

DECISION NO. MA78-2083

POWER EQUIPMENT OPERATORS CLASSIFICATIONS (Cont'd)
BUILDING CONSTRUCTION

Class V: Single Drum Hoist, Self-propelled Roller, Self-propelled Compressors Power Pavement Breakers, Concrete Pavement Finishing Machines, Two bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-propelled Material Spreaders, A-Frame Trucks, Fork Lifts up to 15 feet

Class VI: Compressors (one or two 315 cu. ft. to 900 cu. ft., Pumps - 4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber-tired Roller, Compactors or other Machines used for pulverizing, Grading or Seeding

Class VII: Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year Year's Day; B-Mmeorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE
a. Holidays: A through F, Veterans' Day and Columbus Day.

DECISION NO. MA78-2083

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	9.93	.95	1.00	a	.07
CLASS II	9.73	.95	1.00	a	.07
CLASS III	9.53	.95	1.00	a	.07
CLASS IV	9.16	.95	1.00	a	.07
CLASS V	8.41	.95	1.00	a	.07
CLASS VI	7.94	.95	1.00	a	.07
CLASS VII	7.18	.95	1.00	a	.07
CLASS VIII	10.43	.95	1.00	a	.07

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Dorricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processin Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Paver, Automatic Graders-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console

DECISION NO. MA78- 2083

CLASSIFICATIONS CONT'D

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well point Operators, Electric Pumps used in well Point system, Firemen, Pumps-16 inches or over total discharge, Compressors (1 or 2) cu. ft. and over Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot toller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat

FOOTNOTES:

a. Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veteran's Day; Thanksgiving Day and Christmas Day

DECISION NO. MA78- 2083

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
CLASS I	8.215	.75	.80	a+b	
CLASS II	8.365	.75	.80	a+b	
CLASS III	8.415	.75	.80	a+b	
CLASS IV	8.515	.75	.80	a+b	
CLASS V	8.615	.75	.80	a+b	
CLASS VI	8.865	.75	.80	a+b	
CLASS VII	9.115	.75	.80	a+b	

CLASS I - Station wagons, Panel trucks and pickup truck

CLASS II - Two axle equipment; Helpers on low bed when assigned at the discretion of the employer , warehousemen, Forklift operators

CLASS III - Three axle equipment and Tiremen

CLASS IV - Four and five axle equipment

CLASS V - Specialized earth moving equipment under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanics

CLASS VI - Specialized earth moving equipment over 35 tons

CLASS VII - Trailers for earth moving equipment (double hookup)

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Hampden
DECISION NO.: MA78-2084 DATE: Date of Publication
Supersedes Decision No. MA7B-3027 dated April 28, 1978 in 43 FR 18458.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.65	.94	1.25		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS:					
Cement masons, Marble masons, Plasterers, Stone masons, Terrazzo workers, and Tile setters	10.05	.70	.95		.06
CARPENTERS & SOFT FLOOR LAYERS:					
Holyoke	10.10	.45	1.00		.02
Remainder of County	10.00	.60	.65		.02
ELECTRICIANS:					
Chester, Holyoke & that portion of Chicopee Township north of the following line: Mckinstry Avenue from the Connecticut River to Gratten Street, South on Gratten to Lafayette Street, east on Lafayette to York Street, North on York to Mckinstry, east on McKinstry to Grady Road & projects to the Westover Air Force fence & that arear north of Westover field:					
Contracts 75,000 & over	10.76	.85	3%+.40		.02
Contracts under $75,000	8.60	.85	3%+.40		.02
Shaft & tunnel work	11.26	.85	3%+.40		.02
Remainder of County	10.88	.75	3%+.30		.03
ELEVATOR CONSTRUCTORS	10.45	.745	.29	a+b	.02
ELEVATOR CONSTRUCTORS' Helpers	70%JR	.745	.29	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.45	.47	.45		
IRONWORKERS:					
Ornamental, Reinforcing and Structural	10.50	1.10	1.85		.09
LABORERS (Building)					
Laborers, Wrecking, laborers and carpenter tenders	8.25	.60	.75		.10
Asphalt rakers, Carbide Core Driller Ops., Saw Ops., Pipelayers, Jackhammer & Paving Breaker Op., Barco-type jumping tampers, Laser Beams op., concrete pump ops., &					

DECISION NO. MA78-2084

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Cont'd)					
Asphalt rakers, carbide core driller operators, Saw Operators, Pipelayers, Jackhammer and Paving breaker operator, Barcotype jumping tampers, Laser beams operators and Wagon drill operators, Mason Tenders, Mortar mixers and ride-on motorized buggy operators and plasterers tenders	8.50	.60	.75		.10
Air track operator, Block pavers, Rammers and Curb setters	8.75	.60	.75		.10
Blasterers and Powdermen	9.00	.60	.75		.10
Open air caisson, Cylinderical work and boring crew:					
Bottom Man	9.00	.60	.75		.10
Top Man	8.25	.60	.75		.10
Testing Boring:					
Driller	9.12	.60	.75		.10
Helper	8.37	.60	.75		.10
LATHERS:	9.40	.45	.25		.01
Drywall	8.30	.45	.25		.01
LEADBURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen	10.92	.40	1%	d	3/8 of 1%
Groundmen, Driver	7.87	.40	1%	d	3/8 of 1%
Equipment Operator	10.19	.40	1%	d	3/8 of 1%
MARBLE, MOSAIC & TERRAZZO WORKERS' HELPERS	8.95				
MILLWRIGHTS	10.90	.90	1.00		.10
PAINTERS:					
Brush and Tapers	9.17	.88	.55		.05
Spray-epoxys & interior dry fogs & materials thinned with anything other than water &/or mineral spirits	12.2267	1.1733	.7333		.0667
Spray-materials thinned with water &/or mineral spirits, excluding epoxys & interior dry fogs	12.7567	1.1733	.7333		.0667
Swing Stage under 40' Steel	9.357	.88	.55		.05
Swing Stage over 40' Steel	9.67	.88	.55		.05
PILEDRIVERMEN	10.90	.85	1.00		
PLUMBERS	10.30	1.01	1.10	e	.10
ROOFERS: Composition, damp and waterproofing	9.215	1.00	2.03		
Slate, Tile, Prescast Concrete	9.87	1.00	2.03		
SHEET METAL WORKERS	10.10	1.09	1.46		.06
SPRINKLER FITTERS	11.75	.75	1.05		.08
STEAMFITTERS	10.68	.57	1.45	.08	.03

DECISION NO. MA78-2084

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; D-Christmas Day.

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Holidays: A through F, and the day after Thanksgiving

c. Holidays: A through F, Washington's Birthday, Good Friday & Christmas Eve provided the employee has worked 45 full days during the 120 calendar days prior to thr holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F, provided the employee hwe been employed for at least 5 days prior to the holiday and is available for work the day before and after the holiday, plus on floating holiday, Washington's Birthday and Patriots Day.

e. Holidays: Independence Day & Labor Day provided the employee has been employed 7 days prior to the holiday for the same employer.

DECISION NO. MA78-2084

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
CLASS I	$ 8.25	.60	.75		.10
CLASS II	8.50	.60	.75		.10
CLASS III	8.75	.60	.75		.10
CLASS IV	9.00	.60	.75		.10

CLASSIFICATIONS

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

DECISION NO. MA78-2084

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
CLASS I	$ 9.93	.95	.25+.75	a	.07
CLASS II	9.73	.95	.25+.75	a	.07
CLASS III	9.53	.95	.25+.75	a	.07
CLASS IV	9.16	.95	.25+.75	a	.07
CLASS V	8.41	.95	.25+.75	a	.07
CLASS VI	7.94	.95	.25+.75	a	.07
CLASS VII	7.18	.95	.25+.75	a	.07

CLASSIFICATIONS

CLASS I Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loader-5½ yards or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.) Combination Back Hoe Loader-3/4 yard hoe or over

CLASS II Rotary Drill (with mounted compressor), compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console

CLASS III Combination Backhoe-Loader-up to 3/4 hoe, Bulldozers, Push Cats, Scraper-up to 21 yards (struck load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Pave, Asphalt Roller-lo ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete pumps and similar type pumps, Engineer or Fireman on High Pressure Boiler (on site), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10ton

CLASS IV Asphalt Roller-under 10 ton

DECISION NO. MA78-2084

CLASSIFICATIONS CONT'D

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors Power Pavement Breakers, Concrete Pavement FInishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts up to 15 feet

CLASS VI Compressors (one or two) 315 cu. ft. to 900 cu. ft.. Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding

CLASS VII Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, Veterans' Day and Columbus Day

DECISION NO. MA78-2084

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	9.93	.95	1.00	a	.07
CLASS II	9.73	.95	1.00	a	.07
CLASS III	9.53	.95	1.00	a	.07
CLASS IV	9.16	.95	1.00	a	.07
CLASS V	8.41	.95	1.00	a	.07
CLASS VI	7.94	.95	1.00	a	.07
CLASS VII	7.18	.95	1.00	a	.07
CLASS VIII	10.43	.95	1.00	a	.07

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processin Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Paver, Automatic Graders-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console

DECISION NO. MA78-2084

CLASSIFICATIONS CONT'D

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well point Operators, Electric Pumps used in well Point system, Tiremen, Pumps-16 inches or over total discharge, Compressors (1 or 2) cu. ft. and over Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot toller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat

FOOTNOTES:

a. Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veteran's Day; Thanksgiving Day and Christmas Day

DECISION NO. MA78-2084

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
CLASS I	8.215	.75	.80	a+b	
CLASS II	8.365	.75	.80	a+b	
CLASS III	8.415	.75	.80	a+b	
CLASS IV	8.515	.75	.80	a+b	
CLASS V	8.615	.75	.80	a+b	
CLASS VI	8.865	.75	.80	a+b	
CLASS VII	9.115	.75	.80	a+b	

CLASS I - Station wagons, Panel trucks and pickup truck

CLASS II - Two axle equipment; Helpers on low bed when assigned at the discretion of the employer , warehousemen, Forklift operators

CLASS III - Three axle equipment and Tiremen

CLASS IV - Four and five axle equipment

CLASS V - Specialized earth moving equipment under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanics

CLASS VI - Specialized earth moving equipment over 35 tons

CLASS VII - Trailers for earth moving equipment (double hookup)

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Hampshire
DECISION NUMBER: MA78-2085 DATE : Date of Publication
Supersedes Decision No. MA78-3028 dated March 28, 1978, in 43 FR 18462
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

BUILDING, HEAVY and HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.65	.94	$ 1.25		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS, PLASTERERS, CEMENT MASON, STONE MASONS, MARBLE TILE and TERRAZZO WORKERS, CAULKER, CLEANER, POINTERS	10.05	.70	.95		.06
CARPENTERS:					
Amherst, Belchertown, Granby, South Hadley, and Pleham	10.10	.45	1.00		.02
Remainder of County	10.00	.60	1.00		.02
ELECTRICIANS:					
Bechertown, Ware	10.88	.70	3%+.30		.03
Middlefield, Cummington and Plainfield	10.59	.55	3%+.94		.02
Remainder of County:					
Electrical contracts under $75,000.00	8.60	.85	3%+.40		.02
Electrical contracts $75,000.00 and over	10.76	.85	3%+.40		.02
Shaft and Tunnel Work	11.26	.85	3%+.40		.02
ELEVATOR CONSTRUCTORS	10.45	.745	.29	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.29	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.45	.47	.45		
IRONWORKERS:					
Structural, Ornamental and Reinforcing	10.50	1.10	1.85		.09
LABORERS: (BUILDING					
Laborers, Wrecking laborers, Carpenter and Cement finishers tenders	8.25	.60	.75		.10
Asphalt rakers, Carbide core driller operators, Chain saw operators, Pipelayers, Jack-hammer and Paving breaker operator, Barco-type jumping tampers, Laser beam operators, Concrete pumps operators and Wagon drill operators, Mason tenders, Mortar mixers and Ride-on motorized buggy operators and plasterer tenders	8.50	.60	.75		.10

DECISION NO. MA78-2085

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Air track operators, Block pavers, Rammers and Curb setters	$ 8.75	.60	.75		.10
Powdermen and Blasters	9.00	.60	.75		.10
Open air caisson, Underpinning work and boring crew:					
(ENTIRE COUNTY)					
Bottom Man	9.00	.60	.75		.10
Top Man	8.25	.60	.75		.10
Test Boring:					
Driller	9.12	.60	.75		.10
Helper	8.37	.60	.75		.10
LATHERS:	9.40	.45	.25		.01
Drywall	8.30	.45	.25		.01
LINE CONSTRUCTION:					
Linemen	10.92	.70	3%	c	
Equipment Operator	10.19	.70	3%	c	
Driver Groundman	7.87	.70	3%	c	
MARBLE & TILE SRTTERS HELPERS AND TERRAZZO WORKERS' HELPERS	8.95				
MILLWRIGHTS	10.90	.90	1.00		.10
PAINTERS:					
Brush and Tapers	9.17	.88	.55		.05
Spray-epoxys & interior dry fogs & materials thinned with anything water &/or mineral spirits	12.2267	1.1733	.7333		.0667
Spray-materials thinned with water &/or mineral spirits, excluding epoxys & interior dry fogs	12.7567	1.1733	.7333		.0667
Swing Stage under 40' Steel	9.357	.88	.55		.05
Swing Stage over 40' Steel	9.67	.88	.55		.05
Sign Painters	8.80	.84	.35	.32	.04
PILEDRIVERMEN	10.90	.84	1.00		
PLUMBERS and STEAMFITTERS:					
Belchertown, Granby, Huntington, Middlefield, South Hadley, Ware:					
Plumbers	10.30	1.01	1.10	d	.10
Steamfitters	10.68	.56	1.45	e	.03
Remainder of County:					
Plumbers and Steamfitters	10.45	.85	.85		.02
ROOFERS:					
Composition, damp, waterproof	9.215	1.00	2.03		
Slate, tile, precast concrete	9.87	1.00	2.03		
SHEET METAL WORKERS	10.10	1.09	1.46		.05
SPRINKLER FITTERS	11.75	.75	1.05		.08

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; D-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, Washington's Birthday and Patriots Day providing employee has been employed for a period of five (5) working days prior to the holiday and the regular scehduled working day preceding and following the holiday.

d. July 4th and Labor Day provided worker employed 7 days before holiday

e. July 4th and Labor Day - $.08 per hour employer contribution to make two paid holidays.

WELDERS - receive rate prescribed for craft performing operation to which welding is incidential.

DECISION NO. MA78-2085

HEAVY and HIGHWAY CONSTRUCTION LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Class I	$ 8.25	.60	.75		.10
Class II	8.50	.60	.75		.10
Class III	8.75	.60	.75		.10
Class IV	9.00	.60	.75		.10

CLASSIFICATIONS

Class I: Carpenter tenders, Cement finisher tenders, Laborers, Wrecking Laborers

Class II: Asphalt rakers, Fence and guard rail erectors, Laser beam Operator; Mason tender, Pipelayer, Pneumatic drill operator, Pneumatic tool operator, Wagon drill operator

Claaa III: Air track operator, Block pavers, Rammers, Curb setters

Class IV: Blasters, powdermen

DECISION NO. MA78-2085

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Class I	$ 9.93	.95	1.00	a	.07
Class II	7.73	.95	1.00	a	.07
Class II	9.53	.95	1.00	a	.07
Class IV	9.16	.95	1.00	a	.07
Class V	8.41	.95	1.00	a	.07
Class VI	7.94	.95	1.00	a	.07
Class VII	7.18	.95	1.00	a	.07

CLASSIFICATIONS

Class I: Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Piledriving Rigs, Concrete Road Pavers, three drum hoisting and Trenching Machines, Belt-type Loaders, Front End Loader-5½ yads. or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.) Combination Back Hoe-loader-3/4 yd. hoe or over

Class II: Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Mahines (excluding McCarthy and similar drills), Grades, Front End Loaders - 4 yds. to 5½ yds., two drum hoists, High Pork Lifts with capacity of 15 feet and over, Scrapers - 21 yds. and over (struck load), Sonic Hammer Console

Class III: Combination Backhoe - Loader - up to 3/4 hoe, Bulldozers, Push Cats, Scraper - up to 21 yds. (struck load) - Self-propelled or tractor drawn, Tireman, Front End Loaders - up to 4 yds., Asphalt Paver, Asphalt Roller - 10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant, Well Point, Electric pumps used in Well point system, Pumps - 12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators (manually or remote controls), Grout pumps, Boom Truck, Hydraulic Cranes - under 10 ton

Class IV: Asphalt Roller - under 10 ton

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POWER EQUIPMENT OPERATORS CLASSIFICATIONS (Cont'd)
BUILDING CONSTRUCTION

Class V: Single Drum Hoist, Self-propelled Roller, Self-propelled Compressors Power Pavement Breakers, Concrete Pavement Finishing Machines, Two bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-propelled Material Spreaders, A-Frame Trucks, Fork Lifts up to 15 feet

Class VI: Compressors (one or two 315 cu. ft. to 900 cu. ft., Pumps - 4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber-tired Roller, Compactors or other Machines used for pulverizing, Grading or Seeding

Class VII: Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year Year's Day; B-Mmeorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE
a. Holidays: A through F, Veterans' Day and Columbus Day.

DECISION NO. MA78-2085

HEAVY AND HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	9.93	.95	1.00	a	.07
CLASS II	9.73	.95	1.00	a	.07
CLASS III	9.53	.95	1.00	a	.07
CLASS IV	9.16	.95	1.00	a	.07
CLASS V	8.41	.95	1.00	a	.07
CLASS VI	7.94	.95	1.00	a	.07
CLASS VII	7.18	.95	1.00	a	.07
CLASS VIII	10.43	.95	1.00	a	.07

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processin Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Paver, Automatic Graders-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console

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CLASSIFICATIONS CONT'D

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumperete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well point Operators, Electric Pumps used in well Point system, Tiremen, Pumps-16 inches or over total discharge, Compressors (1 or 2) cu. ft. and over Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat

FOOTNOTES:

a. Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veteran's Day; Thanksgiving Day and Christmas Day

DECISION NO. MA78-2085

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	8.215	.75	.80	a+b	
CLASS II	8.365	.75	.80	a+b	
CLASS III	8.415	.75	.80	a+b	
CLASS IV	8.515	.75	.80	a+b	
CLASS V	8.615	.75	.80	a+b	
CLASS VI	8.865	.75	.80	a+b	
CLASS VII	9.115	.75	.80	a+b	

CLASS I - Station wagons, Panel trucks and pickup truck

CLASS II - Two axle equipment; Helpers on low bed when assigned at the discretion of the employer, warehousemen, Forklift operators

CLASS III - Three axle equipment and Tiremen

CLASS IV - Four and five axle equipment

CLASS V - Specialized earth moving equipment under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanics

CLASS VI - Specialized earth moving equipment over 35 tons

CLASS VII - Trailers for earth moving equipment (double hookup)

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Middlesex
DECISION NUMBER: MA78-2086 DATE: Date of Publication
Supersedes Decision No. MA78-2039 dated April 21, 1978, in 43 FR 17185.
DESCRIPTION OF WORK: Building Construction (including Residential), Heavy and Highway Construction and Marine Construction.

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 12.11	1.10	1.00		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS, STONEMASONS:					
Ashland, Framingham, Holliston, Hopkington, Hudson, Sherborn, and Stow	10.60	1.20	1.00		.09
Residential	8.48	1.20	1.00		.09
Veneer Plasterers	8.70	1.20	1.00		.08
Reading, North Reading and Wakefield	10.85	.70	1.25		.09
Residential	8.68	.70	1.25		.09
Acton, Ashby, Ayer, Bedford, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Ft. Devens, Groton, Littleton, Lowell, North Acton, Pepperell, Shriley, South Acton, Tewksbury, Townsend, Tyngsboro, West Acton, Westford and Willmington	11.20	.90	.70		.09
Residential	8.96	.90	.70		.09
Veneer Plasterers	9.30	.90	.70		.06
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use: Acton, Ashby, Ayer, Bedford, Billerica, Boxboro, Carlisle Chelmsford, Dracut, Dunstable, F.t Devens, Groton, Littleton, Lowell, North Acton, Pepperell, Shirley, South Acton, Tewksbury, Townsend, Tyngsboro, West Acton, Westford and Willmington	8.71	.90	.70		.06
Newton	10.80	.60	1.40		.12
Veneer Plasterers	8.60	.60	1.40		.12
Belmont, Burlington, Concord, Lexington, Lincoln, Stoneham, Sudbury, Waltham, Wayland, Weston, Winchester and Woburn	11.05	.75	1.00		.09

DECISION NO. MA78-2086

BRICKLAYERS & STONEMASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Residential	8.84	.75	1.00		.09
Veneer Plasterers	9.15	.75	1.00		.06
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use: Bricklayers: Belmont, Burlington, Concord, Lexington, Lincoln, Stoneham, Sudbury, Waltham, Wayland, Weston, Winchester and Woburn	8.76	.75	1.00		.06
Arlington, Cambridge, Everett, Malden, Melford, Melrose and Somerville	10.55	.85	1.40		.12
Veneer Plasterers	8.65	.85	1.40		.11
Residential Construction	8.44	.85	1.40		.12
CARPENTERS & SOFT FLOOR LAYERS:					
Remainder of County	10.75	.90	1.00		.07
Ashby, Ayer, & entire boundaries of Ft. Devens which are the towns of Lunenburg, Shirley, Lancaster, & Howard; Groton, Pepperell, Shirley Center; entire boundaries of Shirley Industrial School, Townsend, W Groton, & W. Townsend	11.00	.65	1.00		.07
All work, inlcuding demolition repair and alteration of any existing structure which is intended from predominatly residential use: Carpenters: Bedford, Concord, Dover, Lincoln, Natick, Newton, Sudbury, Waltham, Watertown, Wayland, Weston	8.76	.50	1.00		.07
Acton, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell. Tewksbury, Tynsboro, Westford	8.50	.60	1.00		.07

DECISION NO. MA78-2086

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
CEMENT MASONS:					
Bedford, Burlington, Lowell, Billerica, Tyngsboro, Westford, Tewksbury, Acton, Littleton, Dracut, Wilmington, Dunstable, Chelmsford and Carlisle	9.80	.90	.70		.02
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield	10.65	1.15	.60		.10
Winchester and Woburn	9.69	.70	.75		
Reading and North Reading					
Ashby, Ayer, Boxboro, Groton, North Action, Pepperell, Shirley, South Acton, Townsend and West Acton	9.45	.65	.70		.05
Ashland, Framingham, Holliston, Hopkington, Hudson, Marlboro, Maynard, Natick, Sherborne, and Stow	8.95	1.00	.70		.05
Newton	9.15	.60	.90		.05
Belmont, Concord, Lexington, Sudbury, Waltham, Watertown, Wayland and Weston	9.40	.75	.50		.05
ELECTRICIANS:					
Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford and Willmington	10.95	.85	3%+.30		.02
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use:					
Electricians:					
Bedford, Billerica, Boxboro, Burlingotn, carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell Tewksbury, Tyngsboro, Westford and Wilmington	8.84	.70	3%+.70		.02
Ashby, Ayer, Pt. Devens, Groton, Pepperell, Shirley and Townsend:					
Commercial	10.80	.75	3%+.70		.02
Residential	6.40	.45	3%+.35		.02

DECISION NO. MA78-2086

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Electricians (CONT'D)					
Ashland, Hopkinton, Hudson, Marlboro and Stow	10.97	8%	5%%+.30		.01
North Reading	10.02	.35	3%+1.55		.05
Remainder of County	11.98	.75	3%+1.55		.07
ELEVATOR CONSTRUCTORS	11.50	.745	.56	a+b	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	a+b	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.40	.57	.65		.03
IRONWORKERS	11.24	1.00	1.50		.06
LABORERS (Building):					
Laborers, Carpenters' tenders; Wrecking laborers	8.25	.60	.75		.10
Jackhammer operator; Pavement breaker; Asphalt rakers; Carbide core drilling machine; Chain saw Operators; Pipelayers; Barco type jumping tampers; Laser beam operators; Concrete pump operators; Mason tenders; Mortar mixers, ride-on motorized buggy; Fence and beam rail erectors	8.50	.60	.75		.10
Air track operators; Block pavers; Rammers; Curb setters	8.75	.60	.75		.10
Blasterers; Powdermen	9.00	.60	.75		.10
Open air caisson; Cylindrical work and boring crew:					
Laborer and top man	8.25	.60	.75		.10
Helper	8.37	.60	.75		.10
Driller	9.12	.60	.75		.10
All work, inlcuding demolition, repair and alteration of any existing structure which is intended for predominantly residential use:					
Laborers	6.88	.60	.75		.10
LATHERS:					
Hudson and Marlboro	9.97	1.65	.25		.01
Remainder of County	10.45	1.00	.55		.03
LEADBURNERS	9.25	.35		c	.01

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LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen	12.00	.70	3%+.50	d	3/8 of 1%
Equipment Operator	11.28	.70	3%+.50	d	3/8 of 1%
Driver Groundman	9.03	.70	3%+.50	d	3/8 of 1%
Groundman	7.68	.70	3%+.50	d	3/8 of 1%
MARBLE SETTER & TERRAZZO WORKERS	10.30	.85	1.10		
MILLWRIGHTS	10.90	.90	1.00		.10
PAINTERS:					
Arlington, Belmont, Cambridge, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Winchester, woburn, Reading, North Reading:					
New Construction:					
Brush, Taper	10.46	.82	1.20		.04
Sandblasting, Spray	11.46	.82	1.20		.04
Steel	12.58	.82	1.20		.04
Repaint, alterations, residential					
Brush	8.91	.82	1.20		.04
Sandblasting, Spray	9.91	.82	1.20		.04
Steel	12.58	.82	1.20		.04
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use:					
North Reading (ONLY)	8.30	1.05	.72		.04
Ashby, Ayer, Groton, Pepperell, Shirley and Townsend					
Brush	10.46	.82	1.20		.04
Sandblasting, Spray	11.46	.82	1.20		.04
Steel	12.58	.82	1.20		.04
Repaint	8.91	.82	1.20		.04
Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford and Wilmington:					
Brush, taping, paperhangers	10.10	1.18	.80		.04
Steel	11.10	1.18	.80		.04
Repaint	8.59	1.10	.80		.04
Residential 1 & 2 family houses	5.00	1.18	.80		.04

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PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remainder of County:					
Brush, New; Paperhanger; Taper	9.00	.85	.70		.06
Repaint	8.45	.85	.70		.06
Sign Painting	8.80	.84	.35	.32	.04
All work, inlcuding demolition, repair and alteration of any existing structure which is intended for predominantly residential use	8.50	.65	.55		.06
PILEDRIVERMEN	10.90	.85	1.00		
PLASTERERS:					
Arlington, Cambridge, Everett, Malden, Medford, Somerville, Stoneham, Wakefield, Winchester and Woburn	10.50	.45	1.30		.02
Veneer Plasterers	10.15	.45	.30		
Ashland, Framingham, Holliston, Hopkington, Hudson, Marlboro, Maynard, Natick, Sherborn, and Stow	8.95	1.00	.70		.05
Acton, Ashby, Ayer, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Littleton, North Acton, Pepperell, Shirley, South Acton, Tewksbury, Townsend, and West Acton	9.45	.60	.60		.05
Newton	9.15	.60	.90		.05
Belmont, Concord, Lexington, Lincoln, Sudbury, Waltham, Watertown, Wayland and Weston	9.40	.75	.50		.05
Bedford, Burlington, Lowell, Tyngsboro and Westford	8.60	.55			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS: (Cont'd)					
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use:					
Bedford, Burlington, Lowell, Tyngsboro and Westford	$ 7.31	.55			
North Reading and Reading	8.05	.385	.30		
PLASTERERS' TENDERS	7.75	.60	.70		.10
PLUMBERS:					
Acton, Ayer (except portion lying west of the Greenville Branch of the Boston and Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westboro and Wilmington	11.52	1.10	.60		.02
All work, including demoltiion, repair and alteration of any existing structure which is intended for predominantly residential use:					
Acton, Ayer (except portion lying west of the Greenville Branch of the Boston and Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westford and Wilmington	8.94	1.10	.60		.02
Ashby, Ayer (portion lying west of the Greenville Branch of the Boston and Main RR), Ft. Devens, Groton, Shirley and Townsend	10.02	.60	.65	.40	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS: (Cont'd)					
Ashland, Belmont, Concord, Framingham, Holliston, Hopkington, Lexington, Linclon, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Wayland and Weston	$ 11.47	$ 1.23	.85		.05
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use:					
Ashland, Belmont, Concord, Framington, Holliston, Hopkington, Lexington, Lincoln, Marlboro, Maynard, Natrick, Sherborn, Stow, Sudbury, Waltham, Wayland and Weston	9.54	.98	.85	.05	
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, North Reading, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester and Woburn	11.95	1.02	1.28		.05
ROOFERS:					
Journeymen roofers	10.20	.70	1.55		.05
Re-roofing and repairs	9.65	.70	1.55		.05
Pitch work	11.20	.70	1.55		.05
SHEET METAL WORKERS	11.38	1.16	1.45		.08
SPRINKLER FITTERS	12.08	.65	.95		.08
STEAMFITTERS:					
Acton, Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, North Reading, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester and Woburn	12.86	.94	1.20		.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
STEAMFITTERS: (Cont'd)					
Ayer (except portion lying west of the Greenville Branch of the Boston and Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewksbury, Tynsboro, Westford and Wilmington	$ 10.02	.50		.02	
Ashby, Ayer (portion lying west of the Greenville Branch of the Boston and Main RR), Ft. Devens, Shirley and Townsend	9.20	.30	.40	4%	.05
Remainder of County	9.77	.53	.55		.05
TERRAZZO WORKERS' HELPERS	9.95		.25		.05
TILE SETTERS: (except Cities and Towns of Acton, Ashby, Ayer, Boxboro, Dunstable, East Pepperell, Ft. Devens, Groton, Littleton, North Acton, North Pepperell, Pepperell, Shirley, South Acton, Townsend and West Acton	9.80	.85	1.10		
TILE SETTERS: (Acton, Ashby, Ayer, Boxboro, Dunstable, East Pepperell, Ft. Devens, Groton, Littleton, North Acton, North Pepperell, Pepperell, Shirley, South Acton, Townsend and West Acton)	9.45	.60	.60		.05
TILE & MARBLE SETTERS' HELPERS	9.33	.85	.50		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F, and Bunker Hill Day, provided the employee has been employed 5 working days prior to any one of the listed holidays.

e. Employer pays $5.00 per day extra above the brush rate.

HEAVY and HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Class I	$ 8.25	.60	.75		.10
Class II	8.50	.60	.75		.10
Class III	8.75	.60	.75		.10
Class IV	9.00	.60	.75		.10

CLASSIFICATIONS

Class I: Carpenter tenders; Cement finisher tenders; Laborers, wrecking laborers

Class II: Asphalt rakers; Fence and guard rail erectors; Laser beam operator; Mason tender; Pipelayer; Pneumatic drill operaror; Pneumatic tool operator; Wagon drill operator

Class III: Air track operator; Block pavers; Rammers; Curb setters

Class IV: Blasters, powdermen

DECISION NO. MA78-2086 BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
CLASS I	11.75	1.10	1.00	a	.03
CLASS II	11.63	1.10	1.00	a	.03
CLASS III	9.81	1.10	1.00	a	.03
CLASS IV	10.71	1.10	1.00	a	.03
CLASS V	8.68	1.10	1.00	a	.03
CLASS VI	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills,post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pullsometers, concrete mixers, values controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers (other than truck cranes and gradalls)

CLASS VI Oilers on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day.

DECISION NO. MA78-2086

HEAVY & HIGHWAY CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	11.75	1.10	1.00	a	.03
Hourly premium for boom lengths including jib					
Over 150 feet + $ .45					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
GROUP 2	11.63	1.10	1.00	a	.03
GROUP 3	9.81	1.10	1.00	a	.03
GROUP 4	10.71	1.10	1.00	a	.03
GROUP 5	8.68	1.10	1.00	a	.03
GROUP 6	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP 1 Power shovels, cranes, truck cranes, derricks, pile drivers, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, three drum machines, pumpcrete machines, uke loaders, shovel dozers, front end loaders, mucking machines, shaft hoists, steam engines, backhoe, gradalls, cable ways, fork lifts, cherry pickers, boring machines, rotary drills, post hole hammers, port hole diggers, asphalt plant on job site, concrete batching and/or mixing plant on job site, crusher plant on job site, paving concrete mixers, timber jacks

GROUP 2 Sonic or vibratory hammers, graders, scrapers, tandem scrapers, bulldozer, tractors, mechanic maintenance, York rakes, mulching machines paving screed machines, stationary steam boilers, paving concrete finishing machine, grout pumps, portable steam boilers, portable steam generators, rollers, spreaders. asphalt pavers, locomotives or machines used in place thereof, tampers, self propelled or tractor drawn, cal tracks, ballast regulators, rail anchor machines, switch tampers

GROUP 3 Pump (1-3 grouped), compressors, welding machine (1-3 grouped), generators, lighting plants, heaters (power driven) (1-5), syphons-pulsometers, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint system (operating and installing)

DECISION NO. MA78-2086

CLASSIFICATIONS CONT'D

GROUP 4 Assistant engineers (firemen)

GROUP 5 Oilers (other than truck cranes & gradalls)

GROUP 6 Oilers (on truck cranes & gradalls)

FOOTNOTES:

a. Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day

DECISION NO. MA78-2086

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARINE CONSTRUCTION					
POWER EQUIPMENT OPERATORS					
GROUP I	11.75	1.10	1.00	a	.03
GROUP II	12.85	1.10	1.00	a	.03
GROUP III	11.70	1.10	1.00	a	.03
GROUP IV	11.63	1.10	1.00	a	.03
GROUP V	9.81	1.10	1.00	a	.03
GROUP VI	10.71	1.10	1.00	a	.03
GROUP VII	8.68	1.10	1.00	a	.03
GROUP VIII	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP I - Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers two or more drum machines, lighters, derricks boats, trenching, mechanics hoists pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site, paving concrete mixers; Booms over 150' including jib - additional $.45 per hour - Booms over 185' including jib - additional $.80 per hour; Booms over 210' including jib - additional $1.15 per hour; Booms over 250' including jib - additional $1.75 per hour; Booms over 295' including jib additional $2.50 per hour

GROUP II - Master Mechanic

GROUP III - Swinger Engines

GROUP IV - Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors york rakes, mulching machines, rollers, spreaders, tamper self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast, regulator, switch tampers, rail anchor machines, tire trucks

GROUP V - Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, well point systems, augers - powered by independence engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

DECISION NO. MA78-2086

CLASSIFICATIONS

GROUP VI - Assistant engineers (firemen)

GROUP VII - Oilers (other than truck cranes and gradalls)

GROUP VIII - Oilers on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

A. Holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day & Veterans' Day

DECISION NO. MA78-2086

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
CLASS I	8.215	.75	.80	a+b	
CLASS II	8.365	.75	.80	a+b	
CLASS III	8.415	.75	.80	a+b	
CLASS IV	8.515	.75	.80	a+b	
CLASS V	8.615	.75	.80	a+b	
CLASS VI	8.865	.75	.80	a+b	
CLASS VII	9.115	.75	.80	a+b	

CLASS I - Station wagons, Panel trucks and pickup truck

CLASS II - Two axle equipment; Helpers on low bed when assigned at the discretion of the employer , warehousemen, Forklift operators

CLASS III - Three axle equipment and Tiremen

CLASS IV - Four and five axle equipment

CLASS V - Specialized earth moving equipment under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanics

CLASS VI - Specialized earth moving equipment over 35 tons

CLASS VII - Trailers for earth moving equipment (double hookup)

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Norfolk
DECISION NO.: MA78-2087 DATE: Date of Publication
Supersedes Decision No. MA78-3030, dated April 14, 1978 in 43 FR 16054.
DESCRIPTION OF WORK: Building Construction, (Including Residential), heavy and highway construction and Marine.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Bellingham, Franklin, Plainville & Wrentham	$10.28	1.00	1.18		
Remainder of County	12.11	1.10	1.00		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS; CEMENT MASONS:					
PLASTERERS & STONEMASONS:					
Dover, Needham & Wellesley	10.80	.60	1.40		.12
Veneer Plasterers	8.60	.60	1.40		.12
Medfield, Medway & Mills	10.60	1.20	1.00		.09
Avon, Holbrook, Randolph & Stoughton	10.80	.85	1.15		.09
Veneer Plasterers	8.64	.85	1.15		.09
Residential	8.90	.85	1.15		.09
Bellingham, Canton, Dedham, Foxboro, Franklin, Norfolk, Norwood, Plainville, Sharon, Walpole, Westwood & Wrentham	10.60	1.40	.80		.09
Residential	8.48	1.40	.80		.06
Veneer Plasterers	9.00	1.10	.80		.09
Braintree, Cohasset, N. Weymouth, Quincy, S. Weymouth & Weymouth	10.70	1.10	1.00		.09
Residential	8.56	1.10	1.00		.09
Veneer Plasterers	9.00	1.00	.90		.06
BRICKLAYERS & STONE MASONS:					
Brokline & Milton	10.55	.85	1.40		.12
Veneer Plasterers	8.65	.85	1.40		.11
Residential	8.44	.85	1.40		.12
CARPENTERS AND SOFT FLOOR LAYERS:					
Avon, Holbrook, Randolph and Stoughton	10.50	.60	1.00		.04
Remainder of County	10.75	.90	1.00		.07
CEMENT MASONS:					
Brookline & Milton	10.65	1.15	.60		.10
ELECTRICIANS:					
Avon, Holbrook, Randolph & Stoughton					
Electrical contracts under $50,000	9.15	6%	7%	2%	.5%
Electrical contracts $50,000 or over	11.55	6%	7%	2%	.5%
Residential	6.60	6%	7%	2%	.5%
Plainville	9.40	.48	3%+1.40		.02
Residential	5.75	.37	3%		.02

DECISION NO. MA78-2087	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
Remainder of County	11.98	.75	3%+1.55		.07
ELEVATOR CONSTRUCTORS	11.50	.745	.56	4%+a+b	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	4%+a+b	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS: S. Bellingham	8.88	.52	1.03		.01
Remainder of County	10.40	.57	.64		.03
IRONWORKERS:					
Plainville & Cape Cod	9.43	.70	1.50		.05
Remainder of County	11.24	1.00	1.50		.06
LABORERS (BUILDING):					
Laborers, carpenter tenders, wrecking laborers	8.25	.60	.75		.10
Jackhammer op., pavement breaker, asphalt rakers, carbide core drilling machine, chain saw op.,pipelayer, barco type jumping tamper, laser beam concrete pump, mason tender, mortar mixer, ride-on buggy, fence and beam rail erectors and plasterers' tenders	8.50	.60	.75		.10
Air track, block paver, rammer, curb setter	8.75	.60	.75		.10
Blasters, powdermen	9.00	.60	.75		.10
Open air caisson, cylindrical work & boring crew:					
Laborer, top man	8.25	.60	.75		.10
Helper	8.37	.60	.75		.10
Bottom men	9.00	.60	.75		.10
Driller	9.12	.60	.75		.10
LATHERS	10.45	1.00	.55		.03
LEADBURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen	12.00	.70	3%+.50	d	3/8 of 1%
Equipment Operator	11.28	.70	3%+.50	d	3/8 of 1%
Driver Groundman	9.03	.70	3%+.50	d	3/8 of 1%
Groundman	7.68	.70	3%+.50	d	3/8 of 1%
MARBLE & TILE SETTERS, TERRAZZO WORKERS	10.30	.85	1.10		
MARBLE SETTERS' HELPERS	9.33	.85	.50		
MILLWRIGHTS	10.90	.90	1.00		.10

DECISION NO. MA78-2087	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Bellingham:					
Brush	9.05	.55	.90		
Steel & Steam cleaning	9.30	.55	.90		
Spray & Potter	10.15	.55	.90		
Dover, Medfield, Medway, Mills Needham & Wellesley					
Brush, paper hangers, tapers	9.00	.85	.70		.06
Repaint	8.45	.85	.70		.06
Remainder of County:					
New Construction	10.46	.82	1.20		.04
Brush, Taper	12.58	.82	1.20		.04
Steel	11.46	.82	1.20		.04
Spray					
Repaint, Alternations & Residential					
Brush	8.91	.82	1.20		.04
Steel	12.58	.82	1.20		.04
Spray and sandblasting	9.91	.82	1.20		.04
Sign painters	8.80	.84	.35	.32	.04
PILEDRIVERMEN	10.90	.85	1.00		
PLASTERERS:					
Brookline & Milton	10.50	.45	1.30		.02
Veneer Plasterers	10.15	.45	.30		
PLASTERER'S TENDERS	7.75	.60	.70		.10
PLUMBERS & STEAMFITTERS:					
Avon, Holbrook, Randolph & Stoughton	9.50	.45	.70		.05
Dover, Medfield, Medway, Wellesley	11.47	1.23	.85		.05
PLUMBERS & GASFITTERS:					
Bellingham, Braintree, Brookline, Canton, Cohasset, Dedham, Foxboro, Franklin, Millis, Milton, Needham, Norfolk, N. Wymouth, Norwood,Plainville, Quincy, Sharon, S. Weymouth, Walpole, Westwood, Weymouth & Wrentham	11.95	1.02	1.28		.05
ROOFERS	10.20	.70	1.55		.05
Reroofing and repair	9.65	.70	1.55		.05
Pitch work	11.20	.70	1.55		.05
SHEET METAL WORKERS	11.38	1.16	1.45		.08

DECISION NO. MA78-2087	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS	12.08	.65	.95		.08
STEAMFITTERS:					
Bellingham, Brookline, Canton, Dedham, Foxboro, Franklin, Medway, Milton, Needham, Norfolk, Norwood, Plainville, Quincy, Sharon, Walpole, Westwood & Wrentham	12.86	.94	1.20		.07
TERRAZZO WORKERS' HELPERS	9.95		.25		.05

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months or 5 years of service as VAcation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding the following holiday.

d. Holidays: A through F and Buncker Hill Day provided the employee has been employed 10 working days prior to the listed holidays.

e. Employer pays $5.00 per day extra above the brush rate.

DECISION NO. MA78- 2087 HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
CLASS I	8.25	.60	.75		.10
CLASS II	8.50	.60	.75		.10
CLASS III	8.75	.60	.75		.10
CLASS IV	9.00	.60	.75		.10

CLASSIFICATIONS

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

DECISION NO. MA78-2087

BUILDING CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
CLASS I	11.75	1.10	1.00	a	.03
CLASS II	11.63	1.10	1.00	a	.03
CLASS III	9.81	1.10	1.00	a	.03
CLASS IV	10.71	1.10	1.00	a	.03
CLASS V	8.68	1.10	1.00	a	.03
CLASS VI	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills,post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paying screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pullsometers, concrete mixers, values controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers (other than truck cranes and gradalls)

CLASS VI Oilers on truck cranes and gradalls

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day.

DECISION NO. MA78-2087

HEAVY & HIGHWAY CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	11.75	1.10	1.00	a	.03
Hourly premium for boom lengths including jib					
Over 150 feet + $ .45					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
GROUP 2	11.63	1.10	1.00	a	.03
GROUP 3	9.81	1.10	1.00	a	.03
GROUP 4	10.71	1.10	1.00	a	.03
GROUP 5	8.68	1.10	1.00	a	.03
GROUP 6	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP 1 Power shovels, cranes, truck cranes, derricks, pile drivers, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines,three drum machines, pumpcrete machines, uke loaders, shovel dozers, front end loaders, mucking machines, shaft hoists, steam engines, backhoe, gradalls, cable ways, fork lifts, cherry pickers, boring machines, rotary drills, post hole hammers, port hole diggers, asphalt plant on job site, concrete batching and/or mixing plant on job site, crusher plant on job site, paving concrete mixers, timber jacks

GROUP 2 Sonic or vibratory hammers, graders, scrapers, tandem scrapers, bulldozer tractors, mechanic maintenance, York rakes, mulching machines paving screed machines, stationary steam boilers, paving concrete finishing machine, grout pumps, portable steam boilers, portable steam generators, rollers, spreaders. asphalt pavers, locomotives or machines used in place thereof, tampers, self propelled or tractor drawn, cal tracks, ballast regulators, rail anchor machines, switch tampers

GROUP 3 Pump (1-3 grouped), compressors, welding machine (1-3 grouped), generator lighting plants, heaters (power driven) (1-5), syphons-pulsometers, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint system (operating and installing)

DECISION NO. MA78-2087

CLASSIFICATIONS CONT'D

GROUP 4 Assistant engineers (firemen)

GROUP 5 Oilers (other than truck cranes & gradalls)

GROUP 6 Oilers (on truck cranes & gradalls)

FOOTNOTES:

a. Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day

DECISION NO. MA78-2087

MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	11.75	1.10	1.00	a	.03
GROUP II	12.85	1.10	1.00	a	.03
GROUP III	11.70	1.10	1.00	a	.03
GROUP IV	11.63	1.10	1.00	a	.03
GROUP V	9.81	1.10	1.00	a	.03
GROUP VI	10.71	1.10	1.00	a	.03
GROUP VII	8.68	1.10	1.00	a	.03
GROUP VIII	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP I - Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers two or more drum machines, lighters, derricks boats, trenching, mechanics hoists pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site, paving concrete mixers; Booms over 150' including jib - additional $.45 per hour - Booms over 185' including jib - additional $.80 per hour; Booms over 210' including jib - additional $1.15 per hour; Booms over 250' including jib - additional $1.75 per hour; Booms over 295' including jib additional $2.50 per hour

GROUP II - Master Mechanic

GROUP III - Swinger Engines

GROUP IV - Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors york rakes, mulching machines, rollers, spreaders, tamper self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast, regulator, switch tampers, rail anchor machines, tire trucks

GROUP V - Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam; well point systems, augers - powered by independence engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

DECISION NO. MA78- 2087

CLASSIFICATIONS

GROUP VI - Assistant engineers (firemen)

GROUP VII - Oilers (other than truck cranes and gradalls)

GROUP VIII - Oilers on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

A. Holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day & Veterans' Day

DECISION NO. MA78 -2087

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
CLASS I	8.215	.75	.80	a+b	
CLASS II	8.365	.75	.80	a+b	
CLASS III	8.415	.75	.80	a+b	
CLASS IV	8.515	.75	.80	a+b	
CLASS V	8.615	.75	.80	a+b	
CLASS VI	8.865	.75	.80	a+b	
CLASS VII	9.115	.75	.80	a+b	

CLASS I - Station wagons, Panel trucks and pickup truck

CLASS II - Two axle equipment; Helpers on low bed when assigned at the discretion of the employer , warehousemen, Forklift operators

CLASS III - Three axle equipment and Tiremen

CLASS IV - Four and five axle equipment

CLASS V - Specialized earth moving equipment under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanic:

CLASS VI - Specialized earth moving equipment over 35 tons

CLASS VII - Trailers for earth moving equipment (double hookup)

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Plymouth
DECISION NUMBER: MA78-2088 DATE: Date of Publication
Supersedes Decision No. MA78-3031 dated March 21, 1978, in 43 FR 17194
DESCRIPTION OF WORK: Building Construction (including Residential) heavy and highway construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Lakeville, Mattapoisett, Middleboro, Rochester and Wareham	$10.28	1.00	1.18		
Remainder of County	12.11	1.10	1.00		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS; CEMENT MASONS and STONEMASONS:					
Abington, Bridgewater, Brockton, Carver, Duxbury, East Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro, Norwell, Pembroke, Plymouth, Rockland, West Bridgewater and Whitman	10.80	.85	1.15		.09
Residential	8.64	.85	1.15		.09
Veneer Plasterers	8.90	.85	1.15		.09
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use.					
Abington, Bridgewater, Brockton, Carver, Duxbury, East Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro, Norwell, Pembroke, Plymouth, Rockland, West Bridgewater and Whitman	8.80	.85	1.15		.06
BRICKLAYERS: CEMENT MASONS; PLASTERERS and STONEMASONS:					
Hingham, Hull, Scituate and the Islands of Quincy	10.70	1.10	1.00		.09
Residential	8.62	1.10	1.00		.09
Lakeville	10.60	1.40	.80		.09
Residential	8.48	1.40	.80		.09
Veneer Plasterers	9.00	1.00	.90		.06
Marion, Mattapoisett, Rochester and Wareham	10.60	1.20	1.00		.09
Residential	8.48	1.20	1.00		.09
Veneer Plasterers	9.00	1.20	1.00		.09
CARPENTERS; SOFT FLOOR LAYERS:					
Duxbury, Hanover, Hingham, Hull, Marshfield, Norwell, Pembroke, Rockland and Scituate	10.75	.90	1.00		.07
Remainder of County	10.50	.60	1.00		.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS; SOFT FLOOR LAYERS (Cont'd)					
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use:					
Remainder of County	8.415	.60	1.00		.07
ELECTRICIANS:					
Hingham, Hull	11.98	.75	3%+1.55		.07
Mattapoisett, Rochester and Wareham	10.50	.90	3%+.85		a
Residential	5.70	.40	3%+.50		a
Lakeville and Middleboro	11.50	.75	3%+.50		.1%
Residential	8.25	.75	3%+.50		.1%
Remainder of County:					
Electrical contracts $50,000 or more	11.55	6%	7%	2%	.5%
Electrical contracts under $50,000	9.15	6%	7%	2%	.5%
Residential	9.60	.50	7%	2%	.5%
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use.					
Remainder of County	9.82	6%	7%	2%	.5%
ELEVATOR CONSTRUCTORS	11.50	.745	.56	4%+b+c	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	4%+b+c	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Carver, Lakeville, Middleboro, Marion, Mattapoisett, Rochester and Wareham	8.88	.52	1.03		.01
Remainder of County	10.40	.57	.64		.03
IRONWORKERS:					
Lakeville, Marion, Mattapoisett, Middleboro, Rochester and Wareham	9.43	.70	1.50		.06
Remainder of County	10.84	1.00	1.50		.06

DECISION NO. MA78-2088

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (BUILDING):					
Laborers, Carpenters tenders and wrecking laborers	$ 8.25	.60	.75		.10
Jackhammer operator; Pavement breakers; Asphalt rakers; Carbide core drilling machine; Chain saw operators; Pipelayers; Barco type jumping tampers; Laser beam operators, concrete pumps operators; Mason tenders; Mortar mixers, Ride-on motorized buggy operators; Fence and beam erectors	8.50	.60	.75		.10
Air track; Block pavers; Rammers; Curb setters	8.75	.60	.75		.10
Blasters, Powdermen	9.00	.60	.75		.10
Open air caisson, cylindrical work and boring crew:					
Laborers, Top man	8.25	.60	.75		.10
Helper	8.37	.60	.75		.10
Bottom man	9.00	.60	.75		.10
Driller	9.12	.60	.75		.10
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use.					
Laborers	6.59	.60	.75		.10
LATHERS	10.45	1.00	.55		.03
LEADBURNERS	8.75	.30		d	.01
LINE CONSTRUCTION:					
Linemen	12.00	.70	3%+.50	e	3/8of1%
Equipment Operator	11.28	.70	3%+.50	e	3/8of1%
Groundmen	7.68	.70	3%+.50	e	3/8of1%
Driver Groundman	9.03	.70	3%+.50	e	3/8of1%
MARBLE & TILE SETTERS and TERRAZZO WORKERS	10.30	.95	1.10		
MARBLE SETTERS' HELPERS	9.33	.85	.50		
MILLWRIGHTS	10.90	.90	1.00		.10
PAINTERS:					
Marion, Mattapoisett, Rochester and Wareham:					
Brush, rollers	9.25	.70	.65		
Spray	10.60	.70	.65		
Steel	12.50	.70	.65		

DECISION NO. MA78-2088

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (CONT'D)					
Tapers	$ 9.35	.70	.65		
Steel Spray	13.85	.70	.65		
Sandblasting, chipping hammers, power tools on steel	14.00	.70	.65		
Sandblasting, chipping hammer, power brush	10.75	.70	.65		
Paperhangers and vinyl installers	9.75	.70	.65		
Remainder of County:					
Brush, taper (New construction)	10.46	.82	1.20		.04
Steel (New construction)	12.58	.82	1.20		.04
Spray (New construction)	11.46	.82	1.20		.04
Brush (repaint, alterations, residential)	8.91	.82	1.20		.04
Steel (repaint, alterations, residential)	12.58	.82	1.20		.04
Spray (reapint, spray & sandblasting, residential)	9.91	.82	1.20		.04
Sign Painters	8.80	.84	.35	.32	.04
All work, including demolition, repair and alteration of any existing structure which is intented for predominantly residential use.					
Remainder of County	8.55	.84	.35	.32	.10
PILEDRIVERMEN:					
Marion, Mattapoisett, Rochester and Wareham	8.75	.50	.50		.02
Remainder of County	10.90	.85	1.00		
PLASTERERS:					
Norwell	10.50	.45	1.30		.02
Veneer plasterers	10.15	.45	.30		
Abington, Bridgewater, Brockton Carver, Duxbury, East Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro, Pembroke, Plymouth Plympton, Rockland, West Bridgewater and Whitman	8.45	.55	.45		.02
PLASTERERS' TENDERS:					
Abington, Bridgewater, Brockton Carver, Duxbury, East Bridgewater, Halifax, Hanover,					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS' TENDERS: (CONT'D)					
Hanson, Hingham, Hull, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, Scituate, West Bridgewater and Whitman	$ 7.75	.60	.70		.10
PLUMBERS:					
Marion, Mattapoisett, Rochester and Wareham	10.35	.95	1.27		.20
Residential	8.91	.76	1.16		.15
Abington, Bridgewater, Brockton, Carver, Duxbury, East Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, West Bridgewater and Whitman	11.20	.80	.80		.05
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use: Abington, Bridgewater, Brockton, Carver, Duxbury, East Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton Rockland, West Bridgewater and Whitman	9.31	.80	.80		.05
PLUMBERS, GASFITTERS:					
Hingham, Hull and Scituate	10.25	.70	.60		.03
PLUMBERS, STEAMFITTERS:					
Lakeville, Middleboro	10.02	.60	.73		
ROOFERS:					
Abington, Bridgewater, East Bridgewater, Halifax, Hanover, Hanson, Marshfield, Norwell, Pembroke, Plympton, Rockland, Scituate and West Bridgewater	10.20	.70	1.55		.05
Reroofing and repair	9.65	.70	1.55		.05
Pitch work	11.20	.70	1.55		.05
Brockton	8.50				
Carver, Lakeville, Marion, Mattapoisett, Middleboro, Rochester, Wareham and Hingham					
Roofers and Kettlemen	9.20	.60	.20		
Mechainc on shingle work	7.36	.60	.20		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Marion, Mattapoisett, Rochester and Wareham	$ 9.48	.95	.45		
Remainder of County	11.38	1.16	1.45		.08
SPRINKLER FITTERS	12.08	.65	.95		.08
STEAMFITTERS:					
Marshfield, Hingham, Hull, Scituate	12.86	.94	1.20		.07
TERRAZZO WORKERS' HELPERS	9.95		.25		.05
TILE SETTERS' HELPERS	9.33	.85	.50		.05

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contribution of $1.00 per journeyman electricians per week.
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service vacation pay credit.
c. Holidays: A through F.
d. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
e. Holidays: A through F, and Bunker Hill Day, provided the employee has been employed 5 working days prior to any one the listed holidays.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY and HIGHWAY CONSTRUCTION					
LABORERS					
Class I	$ 8.25	.60	.75		.10
Class II	8.50	.60	.75		.10
Class III	8.75	.60	.75		.10
Class IV	9.00	.60	.75		.10

CLASSIFICATIONS

Class I: Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

Class II: Asphalt rakers, fence and guard rail erectors, laser beam operator, mason tender, pipelayer, penumatic drill operator, pneumatic tool operator, wagon drill operator

Class III: Air track operator, block pavers, rammers, curb setters

Class IV: Blasters, powdermen

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BUILDING CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
CLASS I	11.75	1.10	1.00	a	.03
CLASS II	11.63	1.10	1.00	a	.03
CLASS III	9.81	1.10	1.00	a	.03
CLASS IV	10.71	1.10	1.00	a	.03
CLASS V	8.68	1.10	1.00	a	.03
CLASS VI	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills,post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pullsometers, concrete mixers, values controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers (other than truck cranes and gradalls)

CLASS VI Oilers on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day.

DECISION NO. MA78-2088 HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	11.75	1.10	1.00	a	.03
Hourly premium for boom lengths including jib					
Over 150 feet + $ .45					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
GROUP 2	11.63	1.10	1.00	a	.03
GROUP 3	9.81	1.10	1.00	a	.03
GROUP 4	10.71	1.10	1.00	a	.03
GROUP 5	8.68	1.10	1.00	a	.03
GROUP 6	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP 1 Power shovels, cranes, truck cranes, derricks, pile drivers, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, three drum machines, pumpcrete machines, uke loaders, shovel dozers, front end loaders, mucking machines, shaft hoists, steam engines, backhoe, gradalls, cable ways, fork lifts, cherry pickers, boring machines, rotary drills, post hole hammers, port hole diggers, asphalt plant on job site, concrete batching and/or mixing plant on job site, crusher plant on job site, paving concrete mixers, timber jacks

GROUP 2 Sonic or vibratory hammers, graders, scrapers, tandem scrapers, bulldozer, tractors, mechanic maintenance, York rakes, mulching machines paving screed machines, stationary steam boilers, paving concrete finishing machine, grout pumps, portable steam boilers, portable steam generators, rollers, spreaders. asphalt pavers, locomotives or machines used in place thereof, tampers, self propelled or tractor drawn, cal tracks, ballast regulators, rail anchor machines, switch tampers

GROUP 3 Pump (1-3 grouped), compressors, welding machine (1-3 grouped), generators, lighting plants, heaters (power driven) (1-5), syphons-pulsometers, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint system (operating and installing)

CLASSIFICATIONS CONT'D

GROUP 4 Assistant engineers (firemen)

GROUP 5 Oilers (other than truck cranes & gradalls)

GROUP 6 Oilers (on truck cranes & gradalls)

FOOTNOTES:

a. Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day

DECISION NO. MA78-2088

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
CLASS I	8.215	.75	.80	a+b	
CLASS II	8.365	.75	.80	a+b	
CLASS III	8.415	.75	.80	a+b	
CLASS IV	8.515	.75	.80	a+b	
CLASS V	8.615	.75	.80	a+b	
CLASS VI	8.865	.75	.80	a+b	
CLASS VII	9.115	.75	.80	a+b	

CLASS I - Station wagons, Panel trucks and pickup truck

CLASS II - Two axle equipment; Helpers on low bed when assigned at the discretion of the employer , warehousemen, Forklift operators

CLASS III - Three axle equipment and Tiremen

CLASS IV - Four and five axle equipment

CLASS V - Specialized earth moving equipment under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanics

CLASS VI - Specialized earth moving equipment over 35 tons

CLASS VII - Trailers for earth moving equipment (double hookup)

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

DECISION NO. MA78-2088

MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	11.75	1.10	1.00	a	.03
GROUP II	12.85	1.10	1.00	a	.03
GROUP III	11.70	1.10	1.00	a	.03
GROUP IV	11.63	1.10	1.00	a	.03
GROUP V	9.81	1.10	1.00	a	.03
GROUP VI	10.71	1.10	1.00	a	.03
GROUP VII	8.68	1.10	1.00	a	.03
GROUP VIII	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP I - Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers two or more drum machines, lighters, derricks boats, trenching, mechanics hoists pavement breakers, cement concrete pavers, draglines, hoisting engines, pump-crete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site, paving concrete mixers; Booms over 150' including jib - additional $.45 per hour - Booms over 185' including jib - additional $.80 per hour; Booms over 210' including jib - additional $1.15 per hour; Booms over 250' including jib - additional $1.75 per hour; Booms over 295' including jib additional $2.50 per hour

GROUP II - Master Mechanic

GROUP III - Swinger Engines

GROUP IV - Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bull-dozers, tractors york rakes, mulching machines, rollers, spreaders, tamper self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast, regulator, switch tampers, rail anchor machines, tire trucks

GROUP V - Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, well point systems, augers - powered by independence engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

CLASSIFICATIONS

GROUP VI - Assistant engineers (firemen)

GROUP VII - Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII - Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day & Veterans' Day

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Suffolk
DECISION NO.: MA78-2089 DATE: Date of Publication
Supersedeas Decision No. MA78-3032, dated April 14, 1978 in 43 FR 16059.
DESCRIPTION OF WORK: Building Construction, (including residential), heavy and highway construction and marine construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 12.11	1.10	1.00		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS AND STONEMASONS	10.55	.85	1.40		.12
Veneer Plasterers	8.65	.85	1.40		.11
Residential	8.44	.85	1.40		.12
CARPENTERS AND SOFT FLOOR LAYERS	10.75	.90	1.00		.07
CEMENT MASONS	10.65	1.15	.60		.10
ELECTRICIANS	11.98	.75	3%+1.55		.07
ELEVATOR CONSTRUCTORS	11.50	.745	.56	a+b	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	a+b	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.40	.57	.64		.03
IRONWORKERS:					
Ornamental, reinforcing and structural	11.24	1.00	1.50		.06
LABORERS (BUILDING):					
Laborers, carpent tenders, wrecking laborers	8.25	.60	.75		.10
Jackhammer op., pavment breakers, asphalt rakers, carbide core drilling machine, chain saw op., pipelayer, baro type jumping tampers; laser beam, concrete pump, mason tenders, motorized mixers, ride-on motorized buggy, fence and beam rail erectors	8.50	.60	.75		.10
Air track, block pavers, rammers curb setter	8.75	.60	.75		.10
Blasterers, powdermen	9.00	.60	.75		.10
Open air caisson, cylindrical work & boring crew:					
Laborer; top man	8.25	.60	.75		.10
Helpers	8.37	.60	.75		.10
Bottom men	9.00	.60	.75		.10
Driller	9.12	.60	.75		.10
LATHERS	10.45	1.00	.55		.02
LEADBURNERS	9.25	.35		c	.01

DECISION NO. MA78-2089

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen	12.00	.70	3%+.50	d	3/8 of 1%
Equipment Operators	11.28	.70	3%+.50	d	3/8 of 1%
Driver Groundman	9.03	.70	3%+.50	d	3/8 of 1%
Groundman	7.68	.70	3%+.50	d	3/8 of 1%
MARBLE & TILE SETTERS, TERRAZZO WORKERS	10.30	.85	1.10		
MILLWRIGHTS	10.90	.90	1.00		.10
PAINTERS:					
Brush, New Construction	10.46	.82	1.20		.04
Structural Steel	12.58	.82	1.20		.04
Spray & Sandblasting	11.46	.82	1.20		.04
Repaint, alterations:					
Residential					
Brush	8.91	.82	1.20		.04
Structural Steel	12.58	.82	1.20		.04
Spray & Sandblasting	9.91	.82	1.20		.04
Sign Painting	8.80	.84	.35	.32	.04
PILEDRIVERMEN	10.90	.85	1.00		
PLASTERERS	10.50	.45	1.30		.02
VENEER PLASTERERS	10.15	.45	.30		.02
PLASTERERS' TENDERS	7.75	.60	.70		.10
PLUMBERS	11.95	1.02	1.28		.05
ROOFERS:					
Journeyman mechanic	10.20	.70	1.55		.05
Reroofing & repair	9.65	.70	1.55		.05
Pitch work	11.20	.70	1.55		.05
SHEET METAL WORKERS	11.38	1.16	1.45		.08
SPRINKLER FITTERS	12.66	.65	.95		.04
STEAMFITTERS	12.86	.94	1.20		.07
TERRAZZO WORKERS' HELPERS	9.95		.25		
TILE & MARBLE SETTERS HELPERS	9.33	.85	.50		

DECISION NO. MA78-2089

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES

a. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Holidays: A through F and the day after Thanksgiving Day.

c. Holidays: A through F, Washington's Birthday, Good Friday & Christmas eve provided employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F, Bunker Hill Day, provided the employee has been employed 5 working days prior to any one of the listed holidays.

DECISION NO. MA78--2089

HEAVY & HIGHWAY LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	8.25	.60	.75		.10
CLASS II	8.50	.60	.75		.10
CLASS III	8.77	.60	.75		.10
CLASS IV	9.00	.60	.75		.10

CLASSIFICATIONS

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

DECISION NO. MA78-2089

BUILDING CONSTRUCTION: POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	11.75	1.10	1.00	a	.03
CLASS II	11.63	1.10	1.00	a	.03
CLASS III	9.81	1.10	1.00	a	.03
CLASS IV	10.71	1.10	1.00	a	.03
CLASS V	8.68	1.10	1.00	a	.03
CLASS VI	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills,post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour
CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paying screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)
CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pullsometers, concrete mixers, values controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragn pump, lighting plants
CLASS IV Assistant engineers (firemen)
CLASS V Oilers (other than truck cranes and gradalls)
CLASS VI Oilers on truck cranes and gradalls

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day.

DECISION NO. MA78-2089 HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	11.75	1.10	1.00	a	.03
Hourly premium for boom lengths including jib					
Over 150 feet + $ .45					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
GROUP 2	11.63	1.10	1.00	a	.03
GROUP 3	9.81	1.10	1.00	a	.03
GROUP 4	10.71	1.10	1.00	a	.03
GROUP 5	8.68	1.10	1.00	a	.03
GROUP 6	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP 1 Power shovels, cranes, truck cranes, derricks, pile drivers, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines,three drum machines, pumpcrete machines, uke loaders, shovel dozers, front end loaders, mucking machines, shaft hoists, steam engines, backhoe, gradalls, cable ways, fork lifts, cherry pickers, boring machines, rotary drills, post hole hammers, port hole diggers, asphalt plant on job site, concrete batching and/or mixing plant on job site, crusher plant on job site, paving concrete mixers, timber jacks

GROUP 2 Sonic or vibratory hammers, graders, scrapers, tandem scrapers, bulldozer, tractors, mechanic maintenance, York rakes, mulching machines paving screed machines, stationary steam boilers, paving concrete finishing machine, grout pumps, portable steam boilers, portable steam generators, rollers, spreaders. asphalt pavers, locomotives or machines used in place thereof, tampers, self propelled or tractor drawn, cal tracks, ballast regulators, rail anchor machines, switch tampers

GROUP 3 Pump (1-3 grouped), compressors, welding machine (1-3 grouped), generators, lighting plants, heaters (power driven) (1-5), syphons-pulsometers, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint system (operating and installing)

DECISION NO. MA78-2089

CLASSIFICATIONS CONT'D

GROUP 4 Assistant engineers (firemen)

GROUP 5 Oilers (other than truck cranes & gradalls)

GROUP 6 Oilers (on truck cranes & gradalls)

FOOTNOTES:

a. Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day

DECISION NO. MA78-2089

MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	11.75	*1.10	1.00	a	.03
GROUP II	12.85	1.10	1.00	a	.03
GROUP III	11.70	1.10	1.00	a	.03
GROUP IV	11.63	1.10	1.00	a	.03
GROUP V	9.81	1.10	1.00	a	.03
GROUP VI	10.71	1.10	1.00	a	.03
GROUP VII	8.68	1.10	1.00	a	.03
GROUP VIII	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP I - Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers two or more drum machines, lighters, derricks boats, trenching, mechanics hoists pavement breakers, cement concrete pavers, draglines, hoisting engines, pump-crete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site, paving concrete mixers; Booms over 150' including jib - additional $.45 per hour - Booms over 185' including jib - additional $.80 per hour; Booms over 210' including jib - additional $1.15 per hour; Booms over 250' including jib - additional $1.75 per hour; Booms over 295' including jib additional $2.50 per hour

GROUP II - Master Mechanic

GROUP III - Swinger Engines

GROUP IV - Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bull-dozers, tractors york rakes, mulching machines, rollers, spreaders, tamper self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast, regulator, switch tampers, rail anchor machines, tire trucks

GROUP V - Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, well point systems, augers - powered by independence engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

DECISION NO. MA78-2089

CLASSIFICATIONS

GROUP VI - Assistant engineers (firemen)

GROUP VII - Oilers (other than truck cranes and gradalls)

GROUP VIII - Oilers on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

A. Holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day & Veterans' Day

DECISION NO. MA78-2089

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
CLASS I	8.215	.75	.80	a+b	
CLASS II	8.365	.75	.80	a+b	
CLASS III	8.415	.75	.80	a+b	
CLASS IV	8.515	.75	.80	a+b	
CLASS V	8.615	.75	.80	a+b	
CLASS VI	8.865	.75	.80	a+b	
CLASS VII	9.115	.75	.80	a+b	

CLASS I - Station wagons, Panel trucks and pickup truck

CLASS II - Two axle equipment; Helpers on low bed when assigned at the discretion of the employer , warehousemen, Forklift operators

CLASS III - Three axle equipment and Tiremen

CLASS IV - Four and five axle equipment

CLASS V - Specialized earth moving equipment under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanics

CLASS VI - Specialized earth moving equipment over 35 tons

CLASS VII - Trailers for earth moving equipment (double hookup)

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Worcester
DECISION NUMBER: MA78-2090 DATE: Date of Publication
Supersedes Decision No. MA78-3033, dated April 21, 1978 in 43 FR 17200
DESCRIPTION OF WORK: Building Constructin (including Residential) heavy and highway construction

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.47	.57	.65		
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS:CEM.MASONS,PLASTERERS, and STONEMASONS: Warren	10.05	.70	.95		.06
Hopedale, Milford and Southboro	10.60	1.20	1.00		.09
Residential	8.48	1.20	1.00		.09
Ashburnham, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Luneburg, Petersham, Phillipston, Princeton, Ryalston, Sterling, Templeton, Wesminster and Winchendon	11.20	.90	.70		.09
Residential	8.96	.90	.70		.09
Veneer plasterers	9.30	.90	.70		.06
Remainder of County	10.00	.95	1.15		.02
CARPENTERS, SOFT FLOOR LAYERS:					
Blackstone, Millville	9.40	.65	.90		.05
Hardwick, Warren, W. Brookfield	10.00	.60	1.00		.02
Remainder of County	11.00	.65	1.00		.07
ELECTRICIANS:					
Warren W. Warren	10.88	.70	3%+.30		.03
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenbueg, Phillipston, Westminster, and Winchendon	10.80	.75	3%+.70		.02
Remainder of County	10.79	8%	5½%+.30		.01
ELEVATOR CONSTRUCTORS	10.32	.445	.29	4%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	4%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
East Douglas	8.68	.52	.85		.01
Remainder of County	10.40	.57	.64		.03
IRONWORKERS:					
Southboro	11.24	1.00	1.50		.06
Blackstone	9.43	.70	1.50		.03
Remainder of County	10.59	1.00	1.50		.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (BUILDING):					
Laborers, Carpenter tenders and wrecking laborers	$ 8.25	.60	.75		.10
Jackhammer operators, Pavement breskers, Asphalt rakers, Carbide core drilling machine, Chain saw operators, Pipelayers, Barco type jumping tampers, Laser beam, Concrete pump, Mason tenders, Mortar mixers, Ride-on motorized buggies, and fence and beam rail erectors and plasterers' tenders	8.50	.60	.75		.10
Air track, Block pavers, Rammers and Curb setters	8.75	.60	.75		.10
Blasterers and powdermen	9.00	.60	.75		.10
Open air caisson and cylindrical work and boring crew:					
Laborer, Topman	8.25	.60	.75		.10
Helper	8.37	.60	.75		.10
Bottom men	9.00	.60	.75		.10
Driller	9.12	.60	.75		.10
LATHERS:					
Sturbridge and Warren	9.40	.45	.25		.01
Drywall	8.30	.45	.25		.01
Blackstone and Lunenburg	9.25	.45	.55		
Remainder of County	10.12	1.65	.25		.01
LEADBURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen	12.00	.70	3%+.50	d	3/8of1%
Equipment operator	11.26	.70	3%+.50	d	3/8of1%
Driver groundman	9.03	.70	3%+.50	d	3/8of1%
Groundman	7.68	.70	3%+.50	d	3/8of1%
MARBLE SETTERS:					
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, Westminster	10.30	.85	1.10		

DECISION NO. MA78-2090

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS: (Cont'd)					
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Okham, Oxford, Paxton, Rutland, Shrewsburg, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, West Boylston, Westboro and Worcester	9.00	.70	.60		.02
Warren	9.55	.55	.55		.03
MARBLE SETTERS' HELPERS	9.33	.85	.50		
MILLWRIGHTS	10.90	.90	1.00		.10
PAINTERS:					
Warren, West Warren:					
Brush and Tapers	9.17	.88	.55		.05
Spray-epoxys & interior dry fogs & materials thinned with anything other than water &/or minerial spirits	12.2267	1.1733	.7333		.0667
Spray-materials thinned with water &/or minerial spirits, excluding epoxys & interior dry fogs	12.7567	1.1733	.7333		.0667
Swing Stage under 40' Steel	9.357	.88	.55		.05
Swing Stage over 40' Steel	9.67	.88	.55		.05
Holedale, Mendon, Milford, Southboro, Upton and Westboro:					
Brush (New Construction), Paperhangers and Tapers	9.00	.85	.70		.06
Brush (Repaint)	8.45	.85	.70		.06
Remainder of County:					
Brush	10.46	.82	1.20		.04
Steel	12.58	.82	1.20		.04
Sandblasting; Spray	11.46	.82	1.20		.04
Repaint	8.91	.82	1.20		.04
PILEDRIVERMEN	10.90	.85	1.00		
PIPEFITTERS:					
Holedale and Southboro	9.97	.53	.55		.05
Remainder of County	10.18	.45	.40		.05
Pondville	12.86	.94	1.20		.07
PLUMBERS:					
Hoepdale and Southboro	11.47	1.23	.85		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS: (Cont'd)					
Ashburnham, Athol, Bolton, Pitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Templeton, Westminster and Winchendon	$ 10.02	.60	.65	.40	.05
Remainder of County	10.83	.65	.45		.05
ROOFERS	10.00	1.12	.63		
SHEET METAL WORKERS	10.38	.85	.75		.05
SPRINKLER FITTERS	12.08	.65	.95		.08
TERRAZZO WORKERS and TILE SETTERS:					
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling and Westminster Counties	9.80	.85	1.10		
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro and Worcester Counties	9.00	.70	.60		.02
Warren County	9.55	.55	.55		.03
Hubbardston, Gardner, Phillipston, Petersham, Athol, Royalston, Winchenden (only Tile Setters)	9.45	.60	.60		.04
TERRAZZO WORKERS' HELPERS	9.95		.25		.05
TILE SETTERS' HELPERS	9.33	.85	.50		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F and Bunker Hill Day, provided the employee has worked 10 days prior to the listed holidays.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class I	$ 8.25	.60	.75		.10
Class II	8.50	.60	.75		.10
Class III	8.75	.60	.75		.10
Class IV	9.00	.60	.75		.10

CLASSIFICATIONS

Class I: Carpenter tenders, Cement finisher tenders, Laborers, Wrecking laborers

Class II: Asphalt rakers, Fence and guard rail erectors, Laser beam operator, Mason tender, Pipelayer, Pneumatic drill operator, Penumatic tool operator, Wagon drill operator

Class III: Air track operator, Block pavers, Rammers, Curb setters

Class IV: Blasters, Powdermen

Building Construction:
Royalston, Phillipston, Athol, Petersham, Hardwick, New Braintree, Brookfield, E.Brookfield, N.Brookfield, Oakham, Barre, Templeton, Winchendon, Sturbridge, W.Brookfield, and Warren:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
CLASS I	$ 9.93	.95	.25+.75	a	.07
CLASS II	9.73	.95	.25+.75	a	.07
CLASS III	9.53	.95	.25+.75	a	.07
CLASS IV	9.16	.95	.25+.75	a	.07
CLASS V	8.41	.95	.25+.75	a	.07
CLASS VI	7.94	.95	.25+.75	a	.07
CLASS VII	7.18	.95	.25+.75	a	.07

CLASSIFICATIONS

CLASS I Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loader-5½ yards or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.) Combination Back Hoe Loader-3/4 yard hoe or over

CLASS II Rotary Drill (with mounted compressor), compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console

CLASS III Combination Backhoe-Loader-up to 3/4 hoe, Bulldozers, Push Cats, Scraper-up to 21 yards (struck load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Pave, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete pumps and similar type pumps, Engineer or Fireman on High Pressure Boiler (on site), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10ton

CLASS IV Asphalt Roller-under 10 ton

CLASSIFICATIONS CONT'D

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors Power Pavement Breakers, Concrete Pavement FInishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts up to 15 feet

CLASS VI Compressors (one or two) 315 cu. ft. to 900 cu. ft.. Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding

CLASS VII Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches) Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, Veterans' Day and Columbus Day

Sturbridge, Brookfield, N.&E. Brookfield, Oakham, Barre, Templeton, Winchendon, Royalston, Phillipston, Athol, Petersham, Hardwich, New Braintree, W. Brookfield, and Warren:

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HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	9.93	.95	1.00	a	.07
CLASS II	9.73	.95	1.00	a	.07
CLASS III	9.53	.95	1.00	a	.07
CLASS IV	9.16	.95	1.00	a	.07
CLASS V	8.41	.95	1.00	a	.07
CLASS VI	7.94	.95	1.00	a	.07
CLASS VII	7.18	.95	1.00	a	.07
CLASS VIII	10.43	.95	1.00	a	.07

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processin Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Paver, Automatic Graders-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console

CLASSIFICATIONS CONT'D

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well point Operators, Electric Pumps used in well Point system, Firemen, Pumps-16 inches or over total discharge, Compressors (1 or 2) cu. ft. and over Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot toller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat

FOOTNOTES:

a. Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veteran's Day; Thanksgiving Day and Christmas Day

DECISION NO. MA78-2090	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING CONSTRUCTION:					
Remainder of County					
POWER EQUIPMENT OPERATORS:					
CLASS I	11.75	1.10	1.00	a	.03
CLASS II	11.63	1.10	1.00	a	.03
CLASS III	9.81	1.10	1.00	a	.03
CLASS IV	10.71	1.10	1.00	a	.03
CLASS V	8.68	1.10	1.00	a	.03
CLASS VI	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills,post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paying screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pullsometers, concrete mixers, values controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers (other than truck cranes and gradalls)

CLASS VI Oilers on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day.

DECISION NO. MA78-2090	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY & HIGHWAY CONSTRUCTION:					
Remainder of County:					
POWER EQUIPMENT OPERATORS					
GROUP 1	11.75	1.10	1.00	a	.03
Hourly premium for boom lengths including jib					
Over 150 feet + $ .45					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
GROUP 2	11.63	1.10	1.00	a	.03
GROUP 3	9.81	1.10	1.00	a	.03
GROUP 4	10.71	1.10	1.00	a	.03
GROUP 5	8.68	1.10	1.00	a	.03
GROUP 6	9.21	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP 1 Power shovels, cranes, truck cranes, derricks, pile drivers, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines,three drum machines, pumpcrete machines, uke loaders, shovel dozers, front end loaders, mucking machines, shaft hoists, steam engines, backhoe, gradalls, cable ways, fork lifts, cherry pickers, boring machines, rotary drills, post hole hammers, port hole diggers, asphalt plant on job site, concrete batching and/or mixing plant on job site, crusher plant on job site, paving concrete mixers, timber jacks

GROUP 2 Sonic or vibratory hammers, graders, scrapers, tandem scrapers, bulldozer, tractors, mechanic maintenance, York rakes, mulching machines paving screed machines, stationary steam boilers, paving concrete finishing machine, grout pumps, portable steam boilers, portable steam generators, rollers, spreaders. asphalt pavers, locomotives or machines used in place thereof, tampers, self propelled or tractor drawn, cal tracks, ballast regulators, rail anchor machines, switch tampers

GROUP 3 Pump (1-3 grouped), compressors, welding machine (1-3 grouped), generators, lighting plants, heaters (power driven) (1-5), syphons-pulsometers, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint system (operating and installing)

DECISION NO. MA78-2090

CLASSIFICATIONS CONT'D

GROUP 4 Assistant engineers (firemen)

GROUP 5 Oilers (other than truck cranes & gradalls)

GROUP 6 Oilers (on truck cranes & gradalls)

FOOTNOTES:

a. Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day

DECISION NO. MA78-2090

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	8.215	.75	.80	a+b	
CLASS II	8.365	.75	.80	a+b	
CLASS III	8.415	.75	.80	a+b	
CLASS IV	8.515	.75	.80	a+b	
CLASS V	8.615	.75	.80	a+b	
CLASS VI	8.865	.75	.80	a+b	
CLASS VII	9.115	.75	.80	a+b	

CLASS I - Station wagons, Panel trucks and pickup truck

CLASS II - Two axle equipment; Helpers on low bed when assigned at the discretion of the employer , warehousemen, Forklift operators

CLASS III - Three axle equipment and Tiremen

CLASS IV - Four and five axle equipment

CLASS V - Specialized earth moving equipment under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanic

CLASS VI - Specialized earth moving equipment over 35 tons

CLASS VII - Trailers for earth moving equipment (double hookup)

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: Hinds
DECISION NUMBER: MS78-1074 DATE: Date of Publication
Supersedes Decision No.: MS78-1006, dated February 3, 1978 in 43 FR 4818
DESCRIPTION OF WORK: Building Construction (does not include residential construction consisting of single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$ 9.82	.45	.50		
Boilermakers	9.95	1.05	1.05		.02
Bricklayers:					
Bricklayers	8.70	.25	.10		.03
Stone, block, & marble masons	8.70	.25	.10		.03
Caulkers, pointer, & cleaners	8.70	.25	.10		.03
Tile & Terrazzo setters	8.60	.25	.10		.03
Carpenters:					
Carpenters	8.15	.40	.30		.05
Drywall application	8.15	.40	.30		.05
Soft floor layer	8.15	.40	.30		.05
Power saw operator (1 hp. or over)	8.15	.40	.30		.05
Fiber glass insulation application	8.30	.40	.30		.05
Millwrights	8.40	.40	.30		.05
Piledrivermen	8.40	.40	.30		.05
Cement masons:					
Cement masons	6.80	.25	.30	a	.05
Float machine operator	7.00	.25	.30	a	.05
Electricians:					
Electricians	10.05	.35	3%+.50		.04
Cable Splicers	10.30	.35	3%+.50		.04
Elevator constructors:					
Elevator constructors	7.83	.545	.35	4%+a+b	.02
Glaziers	8.25				.01
Ironworkers	9.65	.45	.85		.04
Laborers:					
Laborers	5.23	.15	.20		.05
Mason tenders	5.38	.15	.20		.05
Pipelayers	5.38	.15	.20		.05
Plasterers tenders	5.38	.15	.20		.05
Mechanical tool operator	5.48	.15	.20		.05
Mortar mixers	5.48	.15	.20		.05
Lathers	8.65				.01

DECISION NO. MS78-1074

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
Linemen	8.88		3%	c+2%	1%
Cable splicers	9.19		3%	c+2%	1%
Groundman (over 1 year)	5.38		3%	c+2%	1%
Groundman (under 1 year)	4.99		3%	c+2%	1%
Painters:					
Brush; roller	7.45	.15	.10		
Spray (except structural steel)	7.95	.15	.10		
Structural steel (brush)	7.70	.15	.10		
Swing stage; bos'n chair	7.95	.15	.10		
Structural steel (spray)	8.20	.15	.10		
Plasterers	7.80	.25	.50		.05
Plumbers; Steamfitters; Pipefitters	10.03	1.05	1.00		
Roofers:					
Roofers	8.95		.30		
Kettlemen	7.00		.30		
Paper rollers	7.00		.30		
Sheet metal workers	9.35	.45			.03+.02
Sprinkler fitters	10.80	.75	1.05		.08

FOOTNOTES:

a. Paid holidays: Neew Year's Day; Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee with more than 5 years service; 2% for employees with less than 5 years.

c. One week vacation after one year's service.

DECISION NO. MS78-1074

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	9.83	.40	.30		.05
GROUP II	8.93	.40	.30		.05
GROUP III	8.68	.40	.30		.05
GROUP IV	8.18	.40	.30		.05
GROUP V	6.78	.40	.30		.05

GROUP I - Engineer operating under air pressure.

GROUP II - Mechanic

GROUP III - Asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick car, derrick, derrick boat, dragline, dredge elevating grader, end loader, excavator (power belt), fork lift (5 tons & over), hoists (2 drum in active use), locomotive engineer, marine engineer (chief), master pilot, mixermobile, motor patrol and similar equipment, paver (21 c.f. or larger), pile driver, recharger, scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), turnapull (DW-10 and similar pull type scrapers), Traxcavator and similar endloaders, welder, welding machines and pumps (operating 2 to 6 machines), well driller, well point pumps

GROUP IV - Asphalt spreader (bituminous distributor), asphalt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, fireman, forklift (over 2 tons and less than 5 tons), heating plant, hoist (one drum), marine engineer's assistant, mixer payloader and similar endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machines (18" or smaller bucket line width), tugboat, winch truck and tractor, small rubber tired with backhoe attachment.

GROUP V - Air compressor, batch scale, deckhand, forklift (2 tons & under), form grader locomotive hostler, motorboat (in or outboard), oiler, pump, roughneck, scowman, tractor (with attachments). welding machine.

Booms including jib:
$.50 above regular rate - 100 ft. thru 200 ft.
$.75 above regular rate - 201 ft. thru 300 ft.
$1.00 above regular rate - over 300 ft.

SUPERSEDEAS DECISION

STATE: North Dakota COUNTIES: Statewide
DECISION NUMBER: ND78-5125 DATE: Date of Publication
Supersedes Decision No. ND77-5099 dated December 2, 1977, in 42 FR 61437
DESCRIPTION OF WORK: Highway Construction (does not include bridges designed to accomodate navigation; tunnels; rest areas which include building construction; and railroad construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS	$ 6.50				
ELECTRICIANS:					
Cass and Grand Forks Counties	9.97	.40	3%	6%	1½%
Burleigh and Ward Counties	10.00	.40	3%	6%	1½%
LABORERS:					
Group 1	4.00				
Group 2	4.15				
Group 3	4.30				
Group 4	4.45				

LABORERS

Group 1: General Construction Laborer; Reinforced Steel Setter; Sack Shaker (cement and mineral filler); Pipe Handler; Drill Runner Helper; Carpenter Tender; Salamander Heater and Blower Tender; Flagperson

Group 2: Semi Skilled Laborer; Bulk Cement Handler; Conduit Layer, telephone or electrical; Form Setter (pavement); Gas, electric or pneumatic Tool Operator chipping hammer, grinders and paving brakers (tamper-dirt) concrete vibrator operator ; Chain Saw Operator; Concrete Saw Operator; Concrete Curing Man (not water); Bituminous Worker (shoveler, dumper raker and floater); Kettleman (bituminous or lead); Concrete Bucket Signalman; Power Buggy Operator; Brick and Mason Tender; Multiplate Pipe Layer; Culvert Pipe Layer

Group 3: Caisson Work; Bottom Man, (sanitary sewer, storm sewer, water, and gas lines); Concrete Mixer Operator (one bag capacity); Mortar Mixer

Group 4: Pipe Layers (sanitary sewer, storm sewer, water and gas lines); Drill runner (includes wagon churn or air track); Powderman, gunite and sandblast, nozzleman

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.20	.45	.40		
Group 2	9.05	.45	.40		
Group 3	8.90	.45	.40		
Group 4	8.85	.45	.40		
Group 5	8.60	.45	.40		
Group 6	8.37	.45	.40		
Group 7	7.44	.45	.40		
Group 8	7.29	.45	.40		
Group 9	7.19	.45	.40		
Group 10	6.85	.45	.40		

Group 1: Cableway operator; crane operator with boom over 135', all types; Derrick, guy and stiff leg, power, skids and stationary; front end loader over 10 cu yds; Gantry crane operator; helicopter operator; mole operator including power supply or tunnel mucking machine; power shovel or other equipment with shovel type controls 3½ cu yds and over.

Group 2: Concrete mixer stationary plant operator, over 34E; Dredge operator or engineer, dredge operator (power) and engineer; elevator grader operator; hydro crane operator 15 tons and over; locomotive crane operator; Master mechanic (if employed, shall perform manual work); mixer, paving; concrete paving operator, road; Power shovels and other equipment with shovel type controls up to 3½ cu yds; scraper tandem; tandem pusher, quad 9 or similar; tractor operator (pipeline); side boom; truck crane operator.

Group 3: Dope machine operator (pipeline); drill rigs, heavy duty rotary or churn or cable drill; front end loader operator, 6 cu yds and over; locomotive, all types; pipeline wrapping, cleaning and bending machine operator; power actuated horizontal boring machine, over 6" (pipeline); pumpcrete operator; refrigeration plant engineer; slip form operator, power driven, paving; tandem scraper twin engine, 50 cu yds struck and over.

POWER EQUIPMENT OPERATORS (Cont'd)

Group 4: Asphalt Paving Machine Operator; Asphalt Plant Operator and Console Board Operator; CMI Grading Operator; Crushing Plant Operator (gravel and stone or gravel washing, crushing and screening plant Operator); Front End Loader Operator, 2 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, finishing earth work and bituminous; Mechanic or Welder (heavy duty); Rubber Tired Industrial Tractor with backhoe attachment (water main sanitary sewer and storm sewer, trunk line construction); Scraper Operator; Tractor type or rubber tired dozer, D-6 and over; Trenching Machine Operator, sewer and water (except ditch witch or similar, use oiler rate); Turnpaull Operator or similar type; Rotomill Operator

Group 5: Bitumionous Spreader and Bituminous Finishing Operator (power); Concrete Distributor and Spreader Operator, finishing machine Longitudinal Float Operator, Ft. Machine Operator and Spray Operator; Concrete Mixer Operator on job site 16S or over; Paving Breaker or Tamping Machine Operator or including machine with power shovel attachments (power driven); Power actuated Augers and Boring Machine Operator; Power actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. and over (when an engineer is in charge of crushing or blacktop plants with the operation of these plants no power plant engineer shall be required); Push Tractor; Self-propelled Traveling Soil Stabilizer; Slip Form, Curb and Gutter Operator (electronic or automatic controls); Soil Cement Stabilizer; Truck Mechanic

Group 6: Bituminous Spreader and Bituminous Finishing Machine Operator (helper)(power); Concrete Saw Operator (multiple blade)(power operated); Distributor Operator; Fine Grade Operator; Roller, steel and self-propelled rubber, on hot mix asphalt paving; Sheepsfoot Packer with dozer attachment; Tractor type or rubber tired dozer under D-6 H.P.

Group 7: Brakeman or Switchman; Concrete Batch Plant Operator (cement, rock and sand) Electronic; Concrete Mixer Operator on job site, under 16S; Crane Truck Oiler; Fireman or Tank Car Heater Operator; Grader Operator (motor patrol)(haul road); Gravel Screening Plant Operator (portable not crushing or washing); Greaser (truck or tractor); Gunite Operator Gunall; Hoist Engineer (power); Hydro Crane Operator, under 15 ton; Launchman (Tankerman or Pilot license); Pick-up Sweeper, 1 yd. and over hopper capacity; Sheepsfoot Roller or Compactor (self-propelled); Shouldering machine Operator (power) (Apsco or similar type) including Self-propelled Sand Chip Spreader Flaherty or similar

POWER EQUIPMENT OPERATORS (Cont'd)

Group 8: Boom Truck Operator; Crawler type and/or Steiger or similar tractor pulling compaction or areating equipment; Farm type rubber tired tractor with backhoe attachment; Roller, steel and self-propelled rubber, on other than hot mix asphalt paving; Self-propelled vibrating packer operator, pad type (35 HP and over); Off-road self-propelled watering equipment

Group 9: Concrete Batch Operator (cement rock and sand) (manual); Form Trench Digger (power); Front End Loader Operator, up to 1 cu. yd.; Hyster Carrier or Forklift; Leverman; Mechanic's Helper or Greaser Helper; Oiler (power shovel, Crane, Dragline); Pugmill Operator; Pump Operator (well points); Self-propelled Broom

Group 10: Conveyor Operator; Curb Machine Operator (manual); Dredge Deck Hand; Farm Tractors, rubber tired for compacting and areating; Front End Loader Operator (farm type rubber tired tractor); Paint Machine Striping Operator; Stump Chipper Operator; Tie Tamper and Ballast Machine Operator

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Single Axle	$ 6.67	.50	.35		
Tandem	6.77	.50	.35		
Agitator Dumpcrete; Lowboy; Off road heavy duty end dumps, 20 yds. and under; Tandem semi	7.02	.50	.35		
Euclid, over 20 yds.	7.65	.50	.35		

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Schuylkill
DECISION NO.: PA78-3064 DATE: Date of Publication
Supersedeas Decision No. PA77-3123, dated September 9, 1977, in 42 FR 45616.
DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$10.76	.67	.90		.01
Boilermakers	13.775	1.075	1.00		.02
Bricklayers & stonemasons	9.80	.60	.95		
Carpenters	10.30	.50	.55		.05
Cement masons	9.80	.60	.95		
Electricians:					
North Manheim, South Manheim, West Brunswick, Wayne, Washington, Pottsville, Schuylkill Haven Twps.	11.69	.78	3%+.20		.03
Pine Grove & Tremont Twp.	9.59	.65	3%+.49		½ of 1%
North Union, East Union, West Mahony, (excluding Frackville Borough), Mahony, Delano, Kline, Rush, Ryan, Blythe, Schuylkill, Walker Rahn, East Brunswick and West Penn. Twps.	11.32	.65	3%+.30	f	g
Remainder of County	11.45	.50	3%+.20		.05
Glaziers	9.19	.40	.40		.01
Ironworkers	11.80	.84	1.36		.02
Laborers:					
Unskilled laborers & window cleaners	6.95	.45	.25		
Operator of jackhammer, paving breaking & other pneumatic, electric & mechanical tools, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same, wagon drill operators, cofferdams (below 10'), tunnel free air handling & using cutting or burning torches in the wrecking of buildings, blasters, plasterer-tenders, mason tenders, scaffold builders and removal & power buggies	7.05	.45	.25		
Lathers	7.25	.15			.01
Lead burners	10.75	.40	.25	a	.01

DECISION NO. PA78-3064

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
Lineman, heavy equipment operator	10.80	.50	3%		3/8%
Winch truck operators	7.59	.50	3%		3/8%
Groundman	7.26	.50	3%		3/8%
Marble setters & terrazzo workers	9.80	.60	.95		
Painters:					
Townships of North Union, East Union, Union, Mahanoy, West Mahanoy, West Mahanoy, Butler, Kline, Delano, Ryan, Rush, Rahn, West Penn and City of Tamaqua					
Brush	9.55	.75	.40		.10
Tapers	9.81	.75	.40		.10
Hazardous	10.81	.75	.40		.10
Painters: (Remainder of County):					
Commercial and Industrial					
Brush	9.35	.70	.65		
Steel	10.40	.70	.65		
Spray	10.40	.70	.65		
Piledrivermen	11.12	2.33	1.35	e	.12
Plasterers	9.80	.60	.95		
Plumbers	11.24	.80	1.25		.05
Roofers:					
Barry Branch, Butler, Delano, East Brunswick, East Union, Eldred, Foster, Fraily, Hegins, Hubley, Kline, New Castle, North Union, Porter, Hahn, Reilly, Rush, Fremont, Union, Upper Mahantango, West Penn:					
Composition	10.15	.85	.90		
Remainder of County:					
Composition, damp waterproofing	10.80	.95		d	
Slate, tile & asbestos	11.25	.95		d	
Precast slab	11.60	.95		d	
Sheet metal workers	11.12	.73	.40		.02
Soft floor layers	9.20	.50	.55		.05
Sprinkler fitters	12.31	.75	1.05		.08
Steamfitters	11.69	.65	.95		.05
Tile setters	8.80	.60	.95		
Truck drivers	6.23	b	c		

DECISION NO. PA78-3064

Welders - rate for craft

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

b. Employer contributes $58.37 per month to Health and Welfare fund.

c. Employer contributes $43.34 per month to Pension Fund.

d. Holiday: C

e. Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day and Thanksgiving Day.

f. Holidays: July 4th, Labor Day; Thanksgiving Day and Good Friday.

g. Employer shall contribute .12 per day per employee.

DECISION NO. PA78-3064

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
GROUP 1	$12.44	7%	10.3%	a	1.8%
GROUP 2	12.15	7%	10.3%	a	1.8%
GROUP 3	11.28	7%	10.3%	a	1.8%
GROUP 4	10.51	7%	10.3%	a	1.8%
GROUP 5	10.04	7%	10.3%	a	1.8%
GROUP 6	9.13	7%	10.3%	a	1.8%
GROUP 7	12.69	7%	10.3%	a	1.8%
GROUP 7-A	12.94	7%	10.3%	a	1.8%
GROUP 7-B	13.18	7%	10.3%	a	1.8%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill 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 before and after the holiday.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Sullivan
DECISION NO.: PA78-3065 DATE: Date of Publication
Supersedes Decision No. PA77-3057 dated May 13, 1977 in 42 FR 24700.
DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$11.325	.65	.60		.01
Boilermakers	13.775	1.075	1.00		.02
Bricklayers	10.30	.50	.55		.05
Carpenters:					
Benton Air Force Base	11.04	.50	.55		.05
Remainder of County	10.30	.50	.55		.05
Cement Masons	9.45				
Electricians:					
Eastern part of County	11.24	.65	3%+.85		.03
Western part of County	9.73	.50	3%+.85	.75	.02
Ironworkers:					
Structural	12.25	a			.10
Reinforcing	12.15	a			.10
Laborers:					
Unskilled & window washers	9.17	.45	.75		
Mason tenders incl. scaffold builders	9.57	.45	.75		
Semi-skilled: Pneumatic, electrical & mechanical tool ops., under the jurisdiction of the laborers - 2" pumps-non-metallic pipelaying & making of joints clay, terra cotta, ironstone, vitrified concrete, handling of burning torches, asphalt or other hot materials, cement finishers & blaster helpers, power buggies, walk along hoist	9.37	.45	.75		
Plasterers tenders, blasters & wagon drill operators	9.49	.45	.75		
Line Construction:					
Linemen & cable splicer	10.80	.50	3%		3/8 of 1%
Winch truck driver	7.59	.50	3%		3/8 of 1%
Groundman	7.26	.50	3%		3/8 of 1%
Millwrights	11.45	.50	.55		.05
Painters:					
Brush	9.55	.75	.40		.10
Tapers	9.81	.75	.40		.10
Hazardous	10.81	.75	.40		.10

DECISION NO. PA78-3065

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plasterers	10.20				
Plumbers	10.95	.74	.60	.50	.05
Glaziers	9.65	.40	.70		
Roofers	10.15	.85	.90		
Sheet Metal Workers	11.09	.65	.71		.02
Soft Floor Layers	9.20	.50	.55		.05
Piledrivermen	11.12	2.33	1.35	b	.12
Sprinkler Fitters	12.31	.75	1.05		.08
Steamfitters	10.95	.74	.60	.50	.05
Stone Masons	10.30	.50	.55		.05
Terrazzo Workers	8.70	.40	.50		

Welders - Rate of craft

FOOTNOTES:

a. Employer contributes $2.50 per hour to a combined health and welfare and pension fund.

b. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day; Thanksgiving Day and Christmas Day.

DECISION NO. PA78-3065

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
GROUP 1	$12.44	7%	10.3%	a	1.8%
GROUP 2	12.15	7%	10.3%	a	1.8%
GROUP 3	11.28	7%	10.3%	a	1.8%
GROUP 4	10.51	7%	10.3%	a	1.8%
GROUP 5	10.04	7%	10.3%	a	1.8%
GROUP 6	9.13	7%	10.3%	a	1.8%
GROUP 7	12.69	7%	10.3%	a	1.8%
GROUP 7-A	12.94	7%	10.3%	a	1.8%
GROUP 7-B	13.18	7%	10.3%	a	1.8%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill 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 before and after the holiday.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Columbia, Montour & Snyder

DECISION NO.: PA78-3066 DATE: Date of Publication

Supersedes Decision No. PA77-3100 dated July 15, 1977 in 42 FR 36775.

DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS					
ZONE I	$11.325	.65	.60		.01
ZONE II	10.91	.52	.90		.01

AREA COVERED BY ASBESTOS WORKERS

ZONE I - Columbia & Montour Counties

ZONE II - Snyder County

BOILERMAKERS	13.775	1.075	1.00		.02
BRICKLAYERS & STONEMASONS					
ZONE I	10.00	.55	.65		
ZONE II	9.70	.55	.70		.01

AREA COVERED BY BRICKLAYERS & STONEMASONS ZONES

ZONE I - Montour & Snyder Counties

ZONE II - Columbia County

CARPENTERS	10.30	.50	.55		.05
CEMENT MASONS					
ZONE I	10.50				.01
ZONE II	9.05	.55	.70		.01

AREA COVERED BY CEMENT MASONS ZONES

ZONE I - Montour & Snyder Counties

ZONE II - Columbia County

DECISION JO. PA78-3066

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS					
ZONE I	11.45	.50	3%+.20		.05
ZONE II	10.77	.55	3%+.25	a	.12
ZONE III	10.86	.65	3%+.49		½ of 1%

AREA COVERED ELECTRICIANS ZONES

ZONE I - Montour County; North of U.S. Highway #522 and Selesgrove Township in Snyder County and Remainder of Columbia County

ZONE II - Berwick Borough in Columbia County

ZONE III - South of U.S. Highway #522 in Snyder County

GLAZIERS					
ZONE I	9.14	.40	.30		.01
ZONE II	9.79	.40	.30		.01
ZONE III	9.75	.40	.70		

AREA COVERED BY GLAZIERS ZONES

ZONE I - Roaring Creek, Locust, Cleveland, Cunningham, Mt. Carmel Townships in Columbia County, Montour County

ZONE II - Snyder County

ZONE III - Remainder of Columbia County

IRONWORKERS					
ZONE I	11.28	.84	1.36		.03
ZONE II					
Structural and Ornamental	12.25	b			.10
Reinforcing	12.15	b			.10

AREA COVERED BY IRONWORKERS ZONES

ZONE I - Montour & Snyder Counties

ZONE II - Columbia County

DECISION NO. PA78-3066

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
ZONE I					
CLASS I	7.31	.30	.70		
CLASS II	7.71	.30	.70		
CLASS III	7.41	.30	.70		
CLASS IV	7.56	.30	.70		
ZONE II					
CLASS I	7.45	.40	.45		
CLASS II	7.60	.40	.45		
ZONE III					
CLASS I	7.90	.35	.40		
CLASS II	8.05	.35	.40		
CLASS III	8.37	.35	.40		
CLASS IV	8.47	.35	.40		
CLASS V	7.55	.35	.40		

AREA COVERED BY LABORERS ZONES AND CLASSIFICATIONS

ZONE I - Columbia County

CLASS I - Unskilled laborers and window washers

CLASS II - Mason tenders and scaffold builders

CLASS III - Pnuematic electrical tool operator under the jurisdiction of laborers 2' pump-non-metallic pipe laying and making joints clay, terra cotta, ironstone, vitrified concrete, handling of burning torches, asphalt or other hot material; cement finishers and blasters helpers, power buggies, and walk along hoist

CLASS IV - Plasterers tenders, blasters and wagon drill operator

ZONE II - Montour County

CLASS I - Unskilled laborers, scaffold builders, wrecking, window cleaners & demolition

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AREA COVERED BY LABORERS ZONES AND CLASSIFICATIONS (CONT'D)

ZONE II (CONT'T)

CLASS II - Operators of jackhammers, paving breakers, vibrators & other pneumatic & mechanical tools coming under the jurisdiction of laborers, wagon drill operators, excavating for caisson, under pinning & pier holes (below 12') non-metallic pipe layers, plasterers tenders, mortar men (mixed by hand), handling & using cutting or burning torches in the wrecking of buildings, masons tenders

ZONE III - Snyder County

CLASS I - Unskilled laborers

CLASS II - Air, fuel and electric tool operators and all other pneumatic and mechanical tools including blow-pipe and vacuum cleaners, pipelayers, power-buggy, precast slab placers and signal men

CLASS III - Plasterer and cment mason tenders, machine mixers, plasterer pump and scaffold builders (excluding masonry scaffolding) for cassion workers, blasters, wagon air track and diamond point drill operators, burning torches, green cutting machine and steam jenny

CLASS IV - Mason tenders, machine mixers, motorized stockers, scaffold builders (masonry), mortar pump, conveyors, mechanical cleaners and sandblasting for masonry and masonry equipment

CLASS V - Nursery workers, window washers, floor scrubbers

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS					
ZONE I	11.28		.35		.01
ZONE II	10.11	.40	.25		.01
ZONE III	10.93		.20		.01

AREA COVERED BY LATHERS ZONES

ZONE I - Columbia County

ZONE II - Montour County

ZONE III - Snyder County

LEADBURNERS	10.75	.40	.25	c	.01
LINE CONSTRUCTION					
Linemen, dynamite man, heavy equipment operator	10.80	.50	3%		3/8 of 1%
Winch truck operator	7.59	.50	3%		3/8 of 1%
Groundman	7.26	.50	3%		3/8 of 1%
MARBLE SETTERS	10.00		.50		
MILLWRIGHTS	11.45	.50	.55		.05
PAINTERS					
Brush	9.55	.75	.40		.10
Tapers	9.81	.75	.40		.10
Hazardous	10.81	.75	.40		.10
PILEDRIVERMEN	11.12	2.33	1.35	d	.12
PLASTERERS					
ZONE I	9.05	.55	.70		.01
ZONE II	10.20				

AREA COVERED BY PLASTERERS ZONES

ZONE I - Columbia County

ZONE II - Snyder County & Montour

DECISION NO. PA78-3066

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & STEAMFITTERS	11.30	.70	.80		.12
ROOFERS					
ZONE I	10.15	.85	.90		
ZONE II	10.41	.80	.55		

AREA COVERED BY ROOFER ZONES

ZONE I - Columbia & Montour Counties

ZONE II - Snyder County

SHEET METAL WORKERS	11.12	.73	.40		.02
SOFT FLOOR LAYERS	9.20	.50	.55		.05
SPRINKLER FITTERS	12.31	.75	1.05		.08
TRUCK DRIVERS					
ZONE I	7.20				
ZONE II					
CLASS I	8.07	a	b		
CLASS II	8.12	a	b		
CLASS III	8.08	a	b		

TRUCK DRIVERS CLASSIFICATIONS DEFINITIONS

ZONE I - Montour County

ZONE II - Columbia & Snyder Counties

CLASS I - Pick-ups and service dump and flat including "2" license

CLASS II - All trucks over "2" license

CLASS III - Fork lifts tow motors, front and pneumatic tired loaders

FOOTNOTES:

a. Employer contributes $41.00 per month to employees who have worked 60 hours or more for the employee during the preceding month.

b. Employer contributes $25.00 per month to employees who have been employed over 13 weeks.

DECISION NO. PA78-3066

WELDERS - Rate of craft

FOOTNOTES:

a. Paid Holidays: JuLY 4th, Labor Day, Thanksgiving Day and Good Friday.

b. Employer contributes $2.50 to a combined Health and Welfare and Pension Fund.

c. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; 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 holidays.

d. Paid Holidays: Washington's Birthday, Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day; Thanksgiving Day and Christmas Day.

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$12.44	7%	10.3%	a	1.8%
GROUP 2	12.15	7%	10.3%	a	1.8%
GROUP 3	11.28	7%	10.3%	a	1.8%
GROUP 4	10.51	7%	10.3%	a	1.8%
GROUP 5	10.04	7%	10.3%	a	1.8%
GROUP 6	9.13	7%	10.3%	a	1.8%
GROUP 7	12.69	7%	10.3%	a	1.8%
GROUP 7-A	12.94	7%	10.3%	a	1.8%
GROUP 7-B	13.18	7%	10.3%	a	1.8%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill 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 before and after the holiday.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Adams & York
DECISION NO.: PA78-3067 DATE: Date of Publication
Supersedes Decision No. PA77-3128 dated September 16, 1977 in 42 FR 46901.
DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$10.76	.67	.90		.01
Boilermakers	13.775	1.075	1.00		.02
Bricklayers & Stonemasons	9.80	.45	.45		
Carpenters (York County)	9.89	.65	.65		.03
Carpenters (Adams County)	10.30	.50	.55		.05
Cement Masons (Adams County)	10.465	.65	.50		
Cement Masons (York County)	9.94	.35	.25		.01
Electricians	10.90	.45	3%+.15		.01
Elevator Constructors	10.55	.745	.56	4%+a+b	.025
Elevator Constructors Helpers	7.385	.745	.56	4%+a+b	.025
Elevator Constructors Helpers (Prob.)	5.275				
Ironworkers	11.28	.84	1.36		.03
Laborers:					
General laborers	6.85	.50	.57		
Operators of jackhammer (etc.)	7.05	.50	.57		
Wagon drill (etc.)	7.15	.50	.57		
Handling of all materials (etc.)	7.00	.50	.57		
Laborers assisting tile (etc.)	6.90	.50	.57		
Handling & using dynamite	7.18	.50	.57		
Caisson work (top men)	7.10	.50	.57		
Caisson work (bottom men)	7.30	.50	.57		
Mixer man	7.25	.50	.57		
Line Construction:					
Linemen, cable splicers	11.39	.45	3%		3/8%
Winch truck operators	7.97	.45	3%		3/8%
Groundman	6.83	.45	3%		3/8%
Marble, tile & terrazzo workers	8.55	.45	.45		
Millwrights (Adams County)	11.45	.50	.55		.05
Millwrights (York County)	10.59	.35	.40		.03
Painters:					
Brush	7.80	.35	.15		
Steel & Spray	8.35	.35	.15		
Piledrivermen	11.12	2.33	1.35	c	.12
Plasterers (York County)	8.60	.35	.25		.01
Plasterers (Adams County)	9.60	.65	.50		.01
Plumbers	11.30	.70	.85		.12
Roofers:					
Composition	9.25	.61	.30	.25	
Slate & tile	9.85	.61	.30	.25	

DECISION NO. PA78-3067

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sheet Metal Workers	10.05	1.39	1.18		.05
Soft Floor Layers:					
Adams County	9.20	.50	.55		.05
York County	9.89	.65	.65		.03
Sprinkler Fitters	12.31	.75	1.05		.08
Steamfitters	11.30	.70	.85		.12
Truck Drivers:					
Pickup, Dump, Service Trucks, Flat Trucks to and including 2 Highway License Plates	8.39	d	e		
Transit Mix, Winch Trucks, Tractor Trailers, all types of Euclid, Ross Lumber Carriers, and Trucks over 2 Plates	8.64	d	e		

Welders - 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

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

c. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans's Day; Thanksgiving Day.

d. Employer shall contributes $71.37 per month to a Health & Welfare Fund.

e. Employer shall contributes $46.80 per month to a Pension Fund.

DECISION NO. PA78-3067

Page 3

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
GROUP 1	$12.44	7%	10.3%	a	1.8%
GROUP 2	12.15	7%	10.3%	a	1.8%
GROUP 3	11.28	7%	10.3%	a	1.8%
GROUP 4	10.51	7%	10.3%	a	1.8%
GROUP 5	10.04	7%	10.3%	a	1.8%
GROUP 6	9.13	7%	10.3%	a	1.8%
GROUP 7	12.69	7%	10.3%	a	1.8%
GROUP 7-A	12.94	7%	10.3%	a	1.8%
GROUP 7-B	13.18	7%	10.3%	a	1.8%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill 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 before and after the holiday.

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: TX78-4094
Supersedes Decision No. TX78-4025, dated March 31, 1978, in 43 FR 13739.
DESCRIPTION OF WORK: See "Area Covered by Various Zones"

COUNTIES: Statewide
DATE: Date of Publication

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -	$ 3.00	$ 3.00	$ -	$ 2.95
Asphalt Heaterman	3.95	3.30	3.60	3.50	3.00
Asphalt Raker	4.45	4.15	4.10	3.55	3.70
Asphalt Shoveler	-	3.00	3.00	2.65	2.95
Batching Plant Scaleman	5.05	4.50	4.25	3.80	4.00
Batterboard Setter	-	3.00	3.65	2.65	3.50
Carpenter	5.25	5.35	4.50	4.65	4.55
Carpenter Helper	4.30	4.00	4.00	3.60	3.50
Concrete Finisher (Paving)	5.00	5.25	4.25	4.25	4.35
Concrete Finisher Helper (Paving)	3.75	3.35	3.25	3.00	3.45
Concrete Finisher (Structures)	5.50	4.50	4.45	4.15	4.10
Concrete Finisher Helper (Structures)	4.45	3.50	4.00	3.60	3.50
Concrete Rubber	-	-	-	3.10	3.50
Electrician	-	6.75	7.50	5.50	7.25
Electrician Helper	-	3.80	-	3.60	3.50
Fireman	-	-	-	-	-
Form Builder (Structures)	5.20	4.65	4.60	3.75	4.55
Form Builder Helper (Structures)	4.00	-	4.00	3.35	3.60
Form Liner (Paving and Curb)	4.00	-	-	2.85	4.00
Form Setter (Paving and Curb)	4.40	4.70	4.85	3.85	4.15
Form Setter Helper (Paving and Curb)	3.50	4.00	4.00	3.40	3.50
Form Setter (Structures)	5.50	5.50	4.65	4.15	4.40
Form Setter Helper (Structures)	4.40	4.10	3.60	3.50	3.60
Laborer, Common	3.00	3.00	3.00	2.65	2.95
Laborer, Utility Man	4.00	3.80	3.70	3.30	3.20
Manhole Builder, Brick	4.00	4.00	3.00	3.25	4.05
Mechanic	5.50	5.00	4.50	4.25	4.70
Mechanic Helper	4.35	4.65	3.65	3.35	4.00
Oiler	4.50	4.50	4.05	3.00	4.05
Serviceman	4.35	4.00	3.75	3.85	3.55
Painter (Structures)	4.60	-	6.00	5.00	4.90
Painter Helper (Structures)	-	-	3.50	4.00	3.00
Piledrivermen	-	-	-	3.40	4.75
Pipelayer	4.90	4.00	5.00	3.50	3.50
Pipelayer Helper	4.35	3.50	3.50	3.00	3.00
Pneumatic Mortarman	-	-	-	-	3.00
Powderman	5.00	5.00	4.50	4.50	4.25
Powderman Helper	-	-	3.50	3.45	2.95
Reinforcing Steel Setter (Paving)	4.35	-	-	3.00	3.85
Reinforcing Steel Setter (Structures)	4.90	4.70	4.40	3.80	4.75
Reinforcing Steel Setter Helper	3.25	-	3.50	3.25	3.50
Steel Worker (Structural)	-	-	3.75	3.50	4.15
Steel Worker Helper (Structural)	-	-	-	-	3.50

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Sign Erector	$ 4.00	$ -	$ 4.00	$ 3.75	$ 3.35
Sign Erector Helper	3.50	-	3.50	3.25	-
Spreader Box Man	4.80	4.40	4.25	3.90	3.50
Swamper	3.25	3.75	-	3.40	3.50
Power Equipment Operators:					
Asphalt Distributor	4.75	4.20	4.25	3.55	4.00
Asphalt Paving Machine	5.05	4.25	4.25	3.70	4.30
Broom or Sweeper Operator	3.85	4.00	3.65	3.75	3.50
Bulldozer, 150 HP and Less	4.80	4.10	4.00	4.00	4.00
Bulldozer, over 150 HP	5.00	4.50	4.50	4.50	4.50
Concrete Paving Curing Machine	4.75	-	-	4.40	4.00
Concrete Paving Finishing Machine	5.00	4.35	-	4.80	-
Concrete Paving Form Grader	5.50	-	-	-	-
Concrete Paving Gang Vibrator	-	-	-	-	4.60
Concrete Paving Grinder	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	-
Concrete Paving Joint Sealer	-	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	-
Concrete Paving Mixer	5.00	-	-	-	4.10
Concrete Paving Saw	4.50	4.00	4.50	-	-
Concrete Paving Spreader	-	-	-	-	4.35
Paving Sub Grader	-	-	4.25	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	5.10	5.00	4.40	4.30	4.00
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.50	5.25	5.00	5.00	5.00
Crusher or Screening Plant Operator	4.90	4.50	4.35	4.10	3.75
Elevating Grader	5.15	4.00	4.10	-	3.50
Form Loader	-	-	-	-	4.00
Foundation Drill Operator (Crawler Mounted)	5.35	5.85	4.60	4.00	7.70
Foundation Drill Operator (Truck Mounted)	6.25	6.50	5.50	-	5.50
Foundation Drill Operator Helper	4.00	4.00	-	-	3.75
Front End Loader (2½ CY and Less)	4.65	4.25	3.95	3.90	4.00
Front End Loader (Over 2½ CY)	5.25	4.70	4.50	4.55	4.50
Hoist (Double Drum and Less)	-	-	4.00	3.10	-
Mixer (Over 16 CF)	4.65	-	-	-	4.50
Mixer (16 CF and Less)	-	-	-	-	-
Motor Grader Operator, Fine Grade	5.50	5.50	5.00	5.20	5.00
Motor Grader Operator	5.05	5.00	4.25	4.50	4.50
Pump Crete	-	-	-	-	-

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):	$	$	$	$	$
Roller, Steel Wheel (Plant-Mix Pavements)	4.35	3.50	3.80	3.50	3.00
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.10	3.90	3.60	3.35	3.00
Roller, Pneumatic (Self-Propelled)	4.20	3.50	3.55	3.30	3.25
Scrapers (17 CY and Less)	4.45	4.00	4.00	4.00	3.75
Scrapers (Over 17 CY)	5.10	4.50	4.50	4.50	4.50
Self-Propelled Hammer	-	-	3.50	-	3.00
Side Boom	4.00	3.25	3.50	-	3.25
Tractor (Crawler Type) 150 HP & Less	3.60	3.50	3.35	3.30	3.55
Tractor (Crawler Type) over 150 HP	4.60	4.50	3.80	3.80	4.25
Tractor (Pneumatic) 80 HP & Less	3.80	3.70	3.75	3.25	3.00
Tractor (Pneumatic) over 80 HP	4.25	4.00	4.00	3.75	3.25
Traveling Mixer	4.35	4.25	4.00	4.15	3.10
Trenching Machine, Light	4.00	4.25	4.35	3.75	3.50
Trenching Machine, Heavy	4.00	-	-	4.25	4.75
Wagon Drill, Boring Machine or Post Hole Driller Operator	4.00	4.10	4.00	4.00	4.00
Truck Drivers:					
Single Axle, Light	4.00	3.50	3.50	3.35	3.15
Single Axle, Heavy	4.15	4.05	3.70	-	-
Tandem Axle or Semitrailer	4.15	-	3.50	3.45	-
Lowboy-Float	5.50	3.60	4.00	4.05	4.00
Transit-Mix	-	-	-	3.50	-
Winch	4.25	-	3.75	-	3.60
Vibrator Man (Hand Type)	3.05	-	-	-	3.00
Weighman (Truck Scales)	3.50	3.50	3.25	3.05	-
Welder	5.50	5.25	4.65	4.60	4.60
Welder Helper	-	3.25	-	3.50	3.50

	ZONE 6 Basic Hourly Rates	ZONE 7 Basic Hourly Rates	ZONE 8 Basic Hourly Rates	ZONE 9 Basic Hourly Rates	ZONE 10 Basic Hourly Rates
Air Tool Man	$ 2.75	$ 3.00	$ 3.25	$ 3.25	$ 3.25
Asphalt Heaterman	3.90	3.50	3.25	3.75	3.50
Asphalt Raker	3.60	4.10	3.75	4.30	4.50
Asphalt Shoveler	3.60	3.20	-	4.25	3.50
Batching Plant Scaleman	4.00	3.80	3.85	4.85	4.20
Batterboard Setter	-	3.80	-	-	-
Carpenter	4.00	4.50	5.25	4.50	5.00
Carpenter Helper	3.35	3.65	4.00	3.50	3.75
Concrete Finisher (Paving)	3.35	4.50	4.10	4.75	5.00
Concrete Finisher Helper (Paving)	2.95	3.00	4.00	3.50	3.75
Concrete Finisher (Structures)	4.00	4.00	4.65	4.75	5.00
Concrete Finisher Helper (Structures)	3.50	3.65	3.25	4.00	4.05
Concrete Rubber	3.50	3.30	3.30	4.00	3.50
Electrician	7.50	6.55	6.50	7.00	6.75
Electrician Helper	-	3.15	3.00	4.00	5.00
Fireman	-	-	-	-	-
Form Builder (Structures)	4.55	4.60	4.25	4.00	5.00
Form Builder Helper (Structures)	3.75	3.75	4.00	3.25	4.15
Form Liner (Paving and Curb)	3.25	3.50	4.00	-	5.00
Form Setter (Paving and Curb)	3.75	4.10	4.10	4.50	4.00
Form Setter Helper (Paving and Curb)	2.85	3.65	3.85	3.75	3.75
Form Setter (Structures)	4.50	4.25	4.70	4.50	5.00
Form Setter Helper (Structures)	3.00	3.00	3.50	3.75	4.20
Laborer, Common	2.65	3.00	3.00	3.00	3.00
Laborer, Utility Man	3.50	3.50	3.40	3.00	3.60
Manhole Builder, Brick	3.85	3.75	-	-	-
Mechanic	4.05	4.50	5.00	4.50	5.00
Mechanic Helper	3.85	3.90	3.95	4.10	4.45
Oiler	3.25	3.75	3.75	3.75	4.20
Serviceman	3.50	3.75	3.80	3.50	4.00
Painter (Structures)	4.50	5.00	4.25	3.50	-
Painter Helper (Structures)	-	3.50	-	-	-
Piledrivermen	5.00	3.75	-	4.00	4.75
Pipelayer	3.75	3.95	4.00	4.05	4.00
Pipelayer Helper	2.85	3.25	3.50	3.50	3.50
Pneumatic Mortarman	-	-	-	-	-
Powderman	3.75	-	4.40	4.75	4.75
Powderman Helper	-	-	3.00	-	-
Reinforcing Steel Setter (Paving)	3.80	-	-	-	4.00
Reinforcing Steel Setter (Structures)	4.50	4.00	4.15	4.90	4.95
Reinforcing Steel Setter Helper	3.75	3.50	3.40	3.25	3.00
Steel Worker (Structural)	-	-	4.50	-	4.25
Steel Worker Helper (Structural)	-	-	3.70	-	3.75

	ZONE 6 Basic Hourly Rates	ZONE 7 Basic Hourly Rates	ZONE 8 Basic Hourly Rates	ZONE 9 Basic Hourly Rates	ZONE 10 Basic Hourly Rates
Sign Erector	$ 5.00	$ -	$ 4.50	$ 4.65	$ 4.75
Sign Erector Helper	3.50	-	4.00	3.10	3.90
Spreader Box Man	4.00	3.60	3.75	4.00	4.60
Swamper	-	-	-	4.00	-
Power Equipment Operators:					
Asphalt Distributor	3.75	3.85	4.00	4.30	4.45
Asphalt Paving Machine	4.25	4.65	4.35	4.25	4.50
Broom or Sweeper Operator	3.40	3.50	4.10	3.70	3.90
Bulldozer, 150 HP and Less	3.80	4.00	4.25	4.00	4.50
Bulldozer, over 150 HP	4.20	4.50	5.15	4.50	4.75
Concrete Paving Curing Machine	-	3.50	4.00	3.70	5.00
Concrete Paving Finishing Machine	-	3.00	-	-	4.95
Concrete Paving Form Grader	-	3.50	-	-	-
Concrete Paving Gang Vibrator	-	3.50	-	-	-
Concrete Paving Grinder	-	3.50	-	-	-
Concrete Paving Joint Machine	-	-	-	-	-
Concrete Paving Joint Sealer	-	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	4.50
Concrete Paving Mixer	-	-	-	-	4.00
Concrete Paving Saw	3.50	-	-	4.75	4.75
Concrete Paving Spreader	-	-	-	-	4.50
Paving Sub Grader	-	3.50	-	-	4.00
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.95	4.50	4.30	4.50	4.70
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.00	5.20	5.00	4.95	5.00
Crusher or Screening Plant Operator	3.50	3.50	4.75	4.20	-
Elevating Grader	-	4.00	-	-	-
Form Loader	4.00	-	-	-	3.25
Foundation Drill Operator (Crawler Mounted)	-	-	5.75	-	-
Foundation Drill Operator (Truck Mounted)	5.50	-	5.50	4.50	5.75
Foundation Drill Operator Helper	3.75	-	4.25	4.25	4.10
Front End Loader (2½ CY and Less)	3.70	3.95	3.90	4.00	4.35
Front End Loader (Over 2½ CY)	4.00	4.50	4.50	4.70	5.00
Hoist (Double Drum and Less)	-	-	-	-	-
Mixer (Over 16 CF)	-	4.25	-	-	3.75
Mixer (16 CF and Less)	3.50	-	-	-	3.75
Motor Grader Operator, Fine Grade	4.50	5.50	5.40	5.00	5.00
Motor Grader Operator	4.10	4.50	4.50	4.35	4.75
Pump Crete	-	-	-	-	-

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):	$	$	$	$	$
Roller, Steel Wheel (Plant-Mix Pavements)	3.85	3.65	3.55	4.00	4.25
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.35	3.55	3.80	3.70	3.80
Roller, Pneumatic (Self-Propelled)	3.45	3.55	3.45	3.45	3.80
Scrapers (17 CY and Less)	3.50	3.75	4.00	4.00	4.50
Scrapers (Over 17 CY)	4.00	4.50	5.00	4.50	4.75
Self-Propelled Hammer	3.15	-	-	-	4.25
Side Boom	-	-	-	-	-
Tractor (Crawler Type) 150 HP & Less	2.80	3.60	3.00	3.10	3.60
Tractor (Crawler Type) over 150 HP	4.15	4.15	3.50	4.25	4.75
Tractor (Pneumatic) 80 HP & Less	3.40	3.00	3.25	3.25	3.60
Tractor (Pneumatic) over 80 HP	3.80	3.65	4.35	3.75	3.60
Traveling Mixer	3.50	3.80	-	4.15	3.75
Trenching Machine, Light	3.00	3.25	3.50	4.00	-
Trenching Machine, Heavy	-	-	4.85	4.45	5.00
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.75	3.75	3.95	3.80	4.00
Truck Drivers:					
Single Axle, Light	3.30	3.25	3.00	3.50	3.60
Single Axle, Heavy	-	-	3.25	3.50	4.00
Tandem Axle or Semitrailer	-	3.75	3.50	3.50	-
Lowboy-Float	-	3.50	3.75	-	4.85
Transit-Mix	-	-	-	-	-
Winch	3.50	-	-	-	-
Vibrator Man (Hand Type)	-	3.00	3.00	-	-
Weighman (Truck Scales)	-	-	-	3.00	3.00
Welder	4.50	4.25	5.00	4.50	5.50
Welder Helper	-	3.75	-	3.25	-

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ 3.75	$ -	$ 3.05	$ 3.00	$ 4.00
Asphalt Hesterman	3.75	3.75	4.00	-	3.75
Asphalt Raker	5.00	3.75	4.00	3.90	4.50
Asphalt Shoveler	3.25	3.00	4.00	-	4.00
Batching Plant Scaleman	4.35	4.25	3.50	3.00	5.50
Batterboard Setter	3.25	-	-	-	4.15
Carpenter	4.75	5.50	4.25	5.10	5.80
Carpenter Helper	3.75	4.05	4.00	4.00	4.00
Concrete Finisher (Paving)	5.05	5.00	4.75	4.50	5.75
Concrete Finisher Helper (Paving)	4.00	4.10	4.00	4.00	5.00
Concrete Finisher (Structures)	4.75	4.70	5.05	5.50	5.75
Concrete Finisher Helper (Structures)	3.75	4.00	4.10	4.10	4.35
Concrete Rubber	3.25	4.50	-	-	4.25
Electrician	6.25	7.25	5.00	7.00	8.05
Electrician Helper	3.90	-	-	5.50	3.75
Fireman	-	-	3.05	3.00	-
Form Builder (Structures)	5.00	5.00	5.05	4.75	5.25
Form Builder Helper (Structures)	4.00	4.00	4.00	4.10	4.50
Form Liner (Paving and Curb)	5.00	4.00	3.75	-	5.80
Form Setter (Paving and Curb)	5.00	4.00	5.00	4.85	5.00
Form Setter Helper (Paving and Curb)	3.50	3.25	4.00	3.50	4.50
Form Setter (Structures)	4.65	4.50	5.35	5.50	5.45
Form Setter Helper (Structures)	3.85	3.90	4.00	4.00	4.15
Laborer, Common	3.00	3.00	3.00	3.00	3.75
Laborer, Utility Man	3.55	3.50	3.55	3.00	4.00
Manhole Builder, Brick	4.50	-	-	-	5.15
Mechanic	5.00	5.25	5.50	5.20	6.00
Mechanic Helper	3.75	4.05	4.00	3.75	4.25
Oiler	4.25	3.75	4.25	4.10	5.00
Serviceman	3.50	3.50	4.40	3.65	5.25
Painter (Structures)	5.50	5.25	-	-	7.90
Painter Helper (Structures)	4.50	-	-	-	4.40
Piledrivermen	-	5.25	-	-	6.00
Pipelayer	4.00	4.00	3.85	3.65	5.00
Pipelayer Helper	3.75	3.00	-	3.00	3.75
Pneumatic Mortarman	-	-	-	-	-
Powderman	5.10	4.25	-	3.40	-
Powderman Helper	-	3.25	-	-	-
Reinforcing Steel Setter (Paving)	4.60	3.75	-	4.00	4.50
Reinforcing Steel Setter (Structures)	4.65	4.55	4.00	4.00	5.15
Reinforcing Steel Setter Helper	4.00	3.75	4.00	-	3.75
Steel Worker (Structural)	4.25	5.00	-	-	5.25
Steel Worker Helper (Structural)	3.60	3.25	-	-	4.50

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Sign Erector	$ 4.00	$ -	$ -	$ -	$ 4.25
Sign Erector Helper	3.25	-	-	-	-
Spreader Box Man	4.10	3.90	4.75	4.10	4.00
Swamper	4.00	3.30	-	-	-
Power Equipment Operators:					
Asphalt Distributor	4.30	4.10	5.00	4.00	5.00
Asphalt Paving Machine	4.00	4.00	4.50	4.10	5.00
Broom or Sweeper Operator	3.50	3.75	3.80	4.10	4.50
Bulldozer, 150 HP and Less	4.50	4.50	4.50	4.00	5.00
Bulldozer, over 150 HP	5.25	4.85	5.25	4.80	5.80
Concrete Paving Curing Machine	4.75	4.50	-	-	5.50
Concrete Paving Finishing Machine	5.25	4.50	-	-	6.00
Concrete Paving Form Grader	4.00	-	-	-	4.25
Concrete Paving Gang Vibrator	-	-	-	-	-
Concrete Paving Grinder	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	5.50
Concrete Paving Joint Sealer	4.00	4.00	-	-	5.50
Concrete Paving Longitudinal Float	4.50	-	-	-	4.75
Concrete Paving Mixer	5.25	4.50	-	-	-
Concrete Paving Saw	4.15	4.25	-	-	5.50
Concrete Paving Spreader	5.25	4.00	-	-	5.65
Paving Sub Grader	5.25	4.00	-	-	5.50
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.75	4.70	4.80	4.35	5.50
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.25	5.25	5.60	5.50	6.00
Crusher or Screening Plant Operator	4.50	3.50	4.00	3.75	5.00
Elevating Grader	-	4.25	-	-	-
Form Loader	3.25	3.75	-	-	3.80
Foundation Drill Operator (Crawler Mounted)	-	5.75	3.50	-	7.00
Foundation Drill Operator (Truck Mounted)	5.00	5.75	5.75	5.00	4.50
Foundation Drill Operator Helper	4.10	4.00	-	4.25	3.75
Front End Loader (2½ CY and Less)	4.00	4.00	4.50	4.00	4.55
Front End Loader (Over 2½ CY)	4.75	4.80	4.90	5.00	5.70
Hoist (Double Drum and Less)	-	-	-	-	3.75
Mixer (Over 16 CF)	-	4.90	3.65	-	5.50
Mixer (16 CF and Less)	3.75	-	-	-	4.50
Motor Grader Operator, Fine Grade	5.25	5.00	5.00	5.00	6.35
Motor Grader Operator	4.50	4.50	4.65	4.25	5.50
Pump Crete	3.75	-	-	-	5.00

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):	$	$	$	$	$
Roller, Steel Wheel (Plant-Mix Pavements)	4.70	4.00	4.50	3.75	4.50
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.70	3.50	4.00	3.75	4.60
Roller, Pneumatic (Self-Propelled)	3.75	3.60	4.50	3.50	4.00
Scrapers (17 CY and Less)	4.35	4.25	4.60	4.00	4.50
Scrapers (Over 17 CY)	4.75	4.50	5.00	4.50	5.00
Self-Propelled Hammer	-	-	-	-	-
Side Boom	-	-	3.35	-	-
Tractor (Crawler Type) 150 HP & Less	3.75	3.25	4.00	-	4.00
Tractor (Crawler Type) over 150 HP	5.00	4.25	5.00	4.00	4.75
Tractor (Pneumatic) 80 HP & Less	3.75	3.85	3.05	3.50	3.75
Tractor (Pneumatic) over 80 HP	4.25	4.25	4.75	3.75	4.00
Traveling Mixer	3.75	4.70	3.50	3.65	5.00
Trenching Machine, Light	3.75	-	-	-	4.50
Trenching Machine, Heavy	3.85	-	-	-	5.75
Wagon Drill, Boring Machine or Post Hole Driller Operator	4.50	4.50	-	3.75	3.75
Truck Drivers:					
Single Axle, Light	3.50	3.45	3.85	3.25	4.00
Single Axle, Heavy	4.00	3.50	4.10	3.50	4.50
Tandem Axle or Semitrailer	4.00	3.55	-	3.75	4.10
Lowboy-Float	4.50	-	5.00	-	4.75
Transit-Mix	4.00	-	-	-	5.00
Winch	3.60	-	-	-	-
Vibrator Man (Hand Type)	3.50	3.00	-	-	-
Weighman (Truck Scales)	3.00	3.50	3.00	3.00	3.75
Welder	4.50	5.00	4.50	3.60	6.00
Welder Helper	3.75	3.00	-	-	4.50

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -				
Asphalt Heaterman	4.50				
Asphalt Raker	4.70				
Asphalt Shoveler	-				
Batching Plant Scaleman	4.65				
Batterboard Setter	-				
Carpenter	5.85				
Carpenter Helper	4.50				
Concrete Finisher (Paving)	6.00				
Concrete Finisher Helper (Paving)	5.00				
Concrete Finisher (Structures)	6.00				
Concrete Finisher Helper (Structures)	4.55				
Concrete Rubber	-				
Electrician	7.60				
Electrician Helper	4.60				
Fireman	-				
Form Builder (Structures)	5.15				
Form Builder Helper (Structures)	3.85				
Form Liner (Paving and Curb)	4.50				
Form Setter (Paving and Curb)	5.00				
Form Setter Helper (Paving and Curb)	-				
Form Setter (Structures)	5.50				
Form Setter Helper (Structures)	3.90				
Laborer, Common	3.85				
Laborer, Utility Man	4.00				
Manhole Builder; Brick	-				
Mechanic	5.75				
Mechanic Helper	4.00				
Oiler	4.50				
Serviceman	4.50				
Painter (Structures)	6.00				
Painter Helper (Structures)	3.85				
Piledrivermen	5.50				
Pipelayer	6.00				
Pipelayer Helper	3.85				
Pneumatic Mortarman	-				
Powderman	-				
Powderman Helper	-				
Reinforcing Steel Setter (Paving)	5.50				
Reinforcing Steel Setter (Structures)	5.75				
Reinforcing Steel Setter Helper	4.00				
Steel Worker (Structural)	5.50				
Steel Worker Helper (Structural)	-				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Sign Erector	$ 4.50				
Sign Erector Helper	-				
Spreader Box Man	5.00				
Swamper	4.50				
Power Equipment Operators:					
Asphalt Distributor	6.00				
Asphalt Paving Machine	5.50				
Broom or Sweeper Operator	3.85				
Bulldozer, 150 HP and Less	5.00				
Bulldozer, over 150 HP	5.70				
Concrete Paving Curing Machine	4.50				
Concrete Paving Finishing Machine	6.00				
Concrete Paving Form Grader	4.50				
Concrete Paving Gang Vibrator	-				
Concrete Paving Grinder	-				
Concrete Paving Joint Machine	4.50				
Concrete Paving Joint Sealer	-				
Concrete Paving Longitudinal Float	4.50				
Concrete Paving Mixer	-				
Concrete Paving Saw	4.75				
Concrete Paving Spreader	4.75				
Paving Sub Grader	-				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	6.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	6.50				
Crusher or Screening Plant Operator	-				
Elevating Grader	-				
Form Loader	-				
Foundation Drill Operator (Crawler Mounted)	-				
Foundation Drill Operator (Truck Mounted)	-				
Foundation Drill Operator Helper	-				
Front End Loader (2½ CY and Less)	4.50				
Front End Loader (Over 2½ CY)	6.00				
Hoist (Double Drum and Less)	-				
Mixer (Over 16 CF)	-				
Mixer (16 CF and Less)	-				
Motor Grader Operator, Fine Grade	6.00				
Motor Grader Operator	5.50				
Pump Crete	-				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):	$				
Roller, Steel Wheel (Plant-Mix Pavements)	4.75				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.50				
Roller, Pneumatic (Self-Propelled)	4.50				
Scrapers (17 CY and Less)	4.85				
Scrapers (Over 17 CY)	5.00				
Self-Propelled Hammer	-				
Side Boom	-				
Tractor (Crawler Type) 150 HP & Less	3.85				
Tractor (Crawler Type) over 150 HP	4.50				
Tractor (Pneumatic) 80 HP and Less	3.85				
Tractor (Pneumatic) over 80 HP	4.50				
Traveling Mixer	4.50				
Trenching Machine, Light	-				
Trenching Machine, Heavy	-				
Wagon Drill, Boring Machine or Post Hole Driller Operator	4.00				
Truck Drivers:					
Single Axle, Light	4.00				
Single Axle, Heavy	4.10				
Tandem Axle or Semitrailer	4.25				
Lowboy-Float	7.10				
Transit-Mix	-				
Winch	-				
Vibrator Man (Hand Type)	-				
Weighman (Truck Scales)	-				
Welder	6.55				
Welder Helper	-				

AREA COVERED BY VARIOUS ZONES

ZONE 1 - Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita & Wilbarger Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction (does not include building structures in rest area projects) and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 2 - Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum & Young Cos.

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction (does not include building structures in rest area projects) and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 3 - Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward & Winkler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction (does not include building structures in rest area projects) and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories)

ZONE 4 - Brewster, Culberson, El Paso*, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Counties

DESCRIPTION OF WORK: Highway Construction (does not include building structures in rest area projects) and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residental construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Utilities Incidental to General Building Construction in El Paso County

ZONE 5 - Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Cos.

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction (does not include building structures in rest area projects) and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories)

ZONE 6 - Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy & Zapata Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction (does not include building structures in rest area projects), Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 7 - Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction (does not include building structures in rest area projects), Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 8 - Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction (does not include building structures in rest area projects), and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories)

ZONE 9 - Bell*, Bosque, Coryell*, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan & Navarro Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction (does not include building structures in rest area projects) and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories)

*Not to be used for Paving & Utilities Incidental to General Building Construction in Bell & Coryell Counties

ZONE 10 - Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Somervell, Tarrant* & Wise Counties

DESCRIPTION OF WORK: Heavy, Water & Sewer Lines and Highway Construction (does not include building structures in rest area projects) and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories)

*Not to be used for Heavy Construction & Utilities Incidental to General Building Construction in Tarrant County

ZONE 11 - Collin, Dallas, Ellis, Grayson & Rockwall Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway Construction (does not include building structures in rest area projects) and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 12 - Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt & Wood Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction (does not include building structures in rest area projects) and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories)

ZONE 13 - Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction (does not include building structures in rest area projects) and Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 14 - Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker & Washington Cos

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction (does not include building structures in rest area projects) and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories)

ZONE 15 - Brazoria, Fort Bend, Galveston*, Harris, Matagorda, Montgomery, Waller & Wharton Counties

DESCRIPTION OF WORK: Highway Construction (does not include building structures in rest area projects) and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes & garden type apartments up to and including 4 stories).

*Not to be used for Paving & Utilities Incidental to General Building Construction on Galveston Island

ZONE 16 - Chambers, Hardin, Jefferson*, Liberty & Orange* Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction (does not include building structures in rest area projects), Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Heavy Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction in Jefferson & Orange Counties.

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Ector & Midland
DECISION NO.: TX78-4095 DATE: Date of Publication
Supersedes Decision No. TX78-4051, dated May 12, 1978, in 43 FR 20718.
DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.30	.75	.85		.07
BOILERMAKERS	10.55	.80	1.00		.02
BRICKLAYERS & STONEMASONS:					
Ector County	8.00				
Midland County	9.60				
CARPENTERS	9.25				.05
CEMENT MASONS	6.00				
ELECTRICIANS:					
ZONE 1 - shall include that area covered by the city limits of Midland & Odessa & extend out 20 miles therefrom	10.45	.60	3%		1/10%
ZONE 2 - shall include that area extending from the outer limits of Zone 1 out to & including 50 miles from the city limits of Midland & Odessa	10.75	.60	3%		1/10%
ZONE 3 - shall include that area extending from the outer limits of Zone 2 & shall extend to the outside limits of the Union Jurisdiction	10.95	.60	3%		1/10%
GLAZIERS	5.48				
IRONWORKERS:					
Structural; Ornamental; Reinforing	9.13	.55	1.00		.10
All ironworkers on jobs 30 miles or more from Terminal (midway Odessa-Midland)	9.255	.55	1.00		.10
LABORERS	3.94				
LATHERS	9.45				
PAINTERS:					
Brush	7.35	.30	.20		.04
Spray & sandblasters	8.10	.30	.20		.04
PLASTERERS	8.20				.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - shall be 15 miles or less from the Courthouse of either Odessa	9.11		.44		.02
ZONE 2 - shall be more than 15 miles but less than 30 miles	9.21		.44		.02
ZONE 3 - shall be more than 30 miles but less than 45 miles	9.31		.44		.02
ZONE 4 - shall be more than 45	9.61		.44		.02

DECISION NO. TX78-4095

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$ 5.65				
SHEET METAL WORKERS	6.32				
TILE SETTERS	5.25				
TRUCK DRIVERS	3.94				
POWER EQUIPMENT OPERATORS:					
Asphalt paving machines	4.25				
Asphalt rakers	4.00				
Backhoes	4.90				
Bulldozers	4.50				
Cranes, derricks & draglines	5.59				
Foundation drills	4.12				
Front end loaders	4.00				
Motor graders	5.25				
Scrapers	4.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bell, Bosque, Coryell, Falls, Hill & McLennan

DECISION NO.: TX78-4096

DATE: Date of Publication

Supersedes Decision No. TX78-4073, dated July 21, 1978, in 43 FR 31569.

DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction in Bosque, Falls, Hill & McLennan Counties).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
ZONE 1 - Bell Coryell & Falls	$11.05	.60	.60		.08
ZONE 2 - Bosque, Hill & McLennan	10.43	.40	.76		.03
BOILERMAKERS	10.55	.80	1.00		.02
BRICKLAYERS	10.10		.55		.03
CARPENTERS:					
ZONE 1 - Bell & Coryell Cos.					
Carpenters	8.70				
Millwrights	8.95				
ZONE 2 - Bosque, Falls, Hill & McLennan:					
Carpenters	8.95				
Millwrights	9.35				
CEMENT MASONS	9.24	.50	.55		
ELECTRICIANS:					
ZONE 1 - Bell (that part which is nearer to Waco than Austin but excluding that part of Ft. Hood, the boundary which presently is located approx. 2 miles inside the Bell Co. line & the City of Killeen), Bosque, Coryell (except that part of Ft. Hood south of Cowhouse Creek), Falls, Hill & McLennan Cos.	9.70	.60	3%		1/4%
ZONE 2 - Bell (that part which is nearer to Austin than Waco & not to exceed more than 2 miles into Bell Co. from the southeast boundary line of Coryell Co., Gray Field & the City of Killeen) & Coryeall (that part south of Cowhouse Creek) Counties	11.10		8%		.8%
ELEVATOR CONSTRUCTORS:					
Mechanics	9.91	.745	.35	4%+a+b	.02
Helpers	70%JR	.745	.35	4%+a+b	.02
Helpers (Probationary)	50%JR				
GLAZIERS	7.20				
IRONWORKERS	10.05	.55	1.00		.12
LABORERS:					
Unskilled	2.97				
Mason tenders & mortar mixers	3.55				
LATHERS	9.30			.80	.05
LINE CONSTRUCTION:					
Linemen; Linemen operators	12.15		3%		1/2%
Cable splicers	13.37		3%		1/2%
Groundman, 1st 6 months	7.29		3%		1/2%
Groundman, 2nd 6 months	7.90		3%		1/2%
Groundman, 1 year & over	8.51		3%		1/2%
PAINTERS:					
GROUP 1 - Brush	7.60				.04
GROUP 2 - Boiler pipe & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers, boatswain chair	8.10				.04

DECISION NO. TX78-4096

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 3 - Ames tools for dry wall	$ 8.20				.04
GROUP 4 - Spray work & self-feeding rollers	8.35				.04
GROUP 5 - Steam cleaning, sandblasting & hazardous work	8.70				.04
PLASTERERS	9.99	.45	.55		.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Area within a 35 mile radius of Waco including Temple, Marlin, Clifton, Hillsboro & Belton	9.18	.30	.33		.03
ZONE 2 - All other areas	9.58	.30	.33		.03
ROOFERS:					
GROUP 1 - Slate, tile, asbestos, roofing & siding	6.95				.03
GROUP 2 - Composition, built-up, damp & waterproofing	6.80				.03
GROUP 3 - Kettlemen	5.10				.03
SHEET METAL WORKERS:					
ZONE 1 - Within a radius of 20 miles from the McLennan Co. Court House, Waco	9.19	.45	.44		.07
ZONE 2 - Over 20 miles but less than 45 miles including the towns of Hillsboro, Temple, Marlin, Gatesville & Clifton	9.69	.45	.44		.07
ZONE 3 - Over 45 miles	10.19	.45	.44		.07
SPRINKLER FITTERS	11.60	.75	1.05		.08
TRUCK DRIVERS	2.80				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly r
b - Paid Holidays A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgivin Day; F-the Friday after Thanksgiving Day; G-Christmas Day

DECISION NO. TX78-4096

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$10.44		.40		
GROUP 2	9.37		.40		
GROUP 3	8.15		.40		
GROUP 4	8.04		.40		

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor-Driven, two drums or more; Mix Mobile; High-Lifts & loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Trenching Machine (all sizes); Gradall; Foundation Boring Machine; Scoopmobile; Shovel, power operated; Pump Crete Machines; Clam Shell Operator; Rock Crusher Operated on Job; Welding Machine, 6 to 12; Two 125 cu. ft. Compressors; Well points, including installations

GROUP 2 - Blade Grader, Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pulsometer; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2½ in. or larger; Pneumatic Roller; High-Lifts & Loaders, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machines or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator

GROUP 3 - Fireman

GROUP 4 - Oiler

INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 3.25				
Asphalt Heaterman	3.75				
Asphalt Raker	4.30				
Asphalt Shoveler	4.25				
Batching Plant Scaleman	4.85				
Carpenter	4.50				
Carpenter Helper	3.50				
Concrete Finisher (Paving)	4.75				
Concrete Finisher Helper (Paving)	3.50				
Concrete Finisher (Structures)	4.75				
Concrete Finisher Helper (Structures)	4.00				
Concrete Rubber	4.00				
Electrician	7.00				
Electrician Helper	4.00				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.25				
Form Setter (Paving & Curb)	4.50				
Form Setter Helper (Paving & Curb)	3.75				
Form Setter (Structures)	4.50				
Form Setter Helper (Structures)	3.75				
Laborer, Common	3.00				
Laborer, Utility Man	3.00				
Mechanic	4.50				
Mechanic Helper	4.10				
Oiler	3.75				
Serviceman	3.50				
Painter (Structures)	3.50				
Piledrivermen	4.00				
Pipelayer (Concrete & Clay)	4.05				
Pipelayer Helper(Concrete & Clay)	3.50				
Plumbers:					
Zone 1 - 35 miles from Waco including towns of Temple & Belton	9.18	.30	.33		.03
Zone 2 - all area not included in Zone 1	9.58	.30	.33		.03
Powderman	4.75				
Reinforcing Steel Setter (Structures)	4.90				
Reinforcing Steel Setter Helper	3.25				
Sign Erector	4.65				
Sign Erector Helper	3.10				
Spreader Box Man	4.00				
Swamper	4.00				
Power Equipment Operators:					
Asphalt Distributor	4.30				
Asphalt Paving Machine	4.25				
Broom or Sweeper Operator	3.70				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.50				
Concrete Paving Curing Machine	3.70				

DECISION NO. TX78-4096

INCIDENTAL PAVING & UTILITIES (BEE & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Concrete Paving Saw	$ 4.75				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.95				
Crusher or Screening Plant Op.	4.20				
Foundation Drill Op. (Truck Mounted)	4.50				
Foundation Drill Op. Helper	4.25				
Front End Loader (2½ CY & Less)	4.00				
Front End Loader (Over 2½ CY)	4.70				
Motor Grader Op., Fine Grade	5.00				
Motor Grader Operator	4.35				
Roller, Steel Wheel (Plant-Mix Pavements)	4.00				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.70				
Roller, Pneumatic (Self-Propelled)	3.45				
Scrapers (17 CY and Less)	4.00				
Scrapers (Over 17 CY)	4.50				
Tractor (Crawler Type) 150 HP & Less	3.10				
Tractor (Crawler Type) over 150 HP	4.25				
Tractor (Pneumatic) 80 HP & Less	3.25				
Tractor (Pneumatic) over 80 HP	3.75				
Traveling Mixer	4.15				
Trenching Machine, Light	4.00				
Trenching Machine, Heavy	4.45				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.80				
Truck Drivers:					
Single Axle, Light	3.50				
Single Axle, Heavy	3.50				
Tandem Axle or Semitrailer	3.50				
Weighman (Truck Scales)	3.00				
Welder	4.50				
Welder Helper	3.25				

SUPERSEDEAS DECISION

STATE: Virginia

COUNTIES: Bland, Buchanan, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise & Wythe

DECISION NO.: VA78-3062

Supersedes Decision No. VA76-3253, dated September 24, 1976 in 41 FR 42154.

DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Raker	$ 3.50				
Carpenter, Structure	4.91				
Carpenter Helper, Structure	3.81				
Concrete Finisher	4.54				
Concrete Finisher Helper	3.75				
Guardrail/Fence Erector	3.47				
Iron Worker, Reinf.	5.00				
Iron Worker, Reinf. Helper	3.50				
Iron Worker, Structural	5.00				
Iron Worker, Structural, Helper	3.00				
Laborer, Unskilled	3.00				
Mechanic	4.89				
Mechanic Helper	3.75				
Painter, Bridge	5.32				
Powderman Blaster	4.75				
Asphalt Distributor Operator	3.65				
Asphalt Paver Operator	4.05				
Backhoe Operator	5.08				
Bulldozer Operator	4.97				
Bulldozer Operator (Utility)	4.00				
Concrete Paving Machine Operator	3.75				
Crane, Derrick, Dragline Operator (1 Yd. & Under)	5.25				
Crane, Derrick, Dragline Operator (Over 1 Yd.)	5.36				
Drill Operator	4.29				
Loader Operator (2 Yds. & Under)	4.00				
Loader Operator (Over 2 Yds.)	5.14				
Motor Grader Operator (Fine Grade)	5.12				
Motor Grader Operator (Rough Grade)	5.12				
Oiler Greaser	3.89				
Power Tool Operator	5.00				
Roller Operator (Rough)	3.36				
Roller Operator (Finish)	3.50				
Scraper Pan Operator	4.50				
Shovel Operator (1 Yd. & Under)	4.85				
Shovel Operator (Over 1 yd.)	4.92				
Stone Spreader Operator	3.75				
Transit Mix Truck Operator	3.28				
Truck Driver, Heavy Duty (7 C.Y. & Under)	3.50				

DECISION NO. VA78-3062

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Driver, Heavy Duty (Over 7 C.Y.)	$ 3.91				
Truck Driver (Multi-Rear Axle)	3.59				
Truck Driver (Single-Rear Axle)	3.43				

SUPERSEDEAS DECISION

STATE: Virginia
DECISION NO.: 78-VA-3063

COUNTY: Alleghany, Augusta, Bath
Clarke, Frederick, Highland
Page, Rockbridge, Rockingham
Shenandoah & Warren

DATE: Date of Publication

Supersedes Decision No. VA76-3245, dated September 10, 1976 in 41 FR 38748.
DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASPHALT RAKER	3.50				
CARPENTER, STRUCTURE	5.59				
CARPENTER HELPER, STRUCTURE	4.20				
CONCRETE FINISHER	4.98				
CONCRETE FINISHER HELPER	3.55				
ELECTRICIAN	6.67				
FIREMAN	3.00				
FORM SETTER ROAD	7.00				
GUARDRAIL/FENCE ERECTOR	5.17				
IRONWORKER, REINF.	4.00				
IRONWORKER, STRUCTURAL	6.25				
IRONWORKER, STRUCTURAL, HELPER	3.00				
LABORER, UNSKILLED	3.00				
LANDSCAPE WORKER	4.12				
MASON, STRUCTURE	5.65				
MECHANIC	5.05				
MECHANIC. HELPER	4.18				
PAINTER	5.42				
PAINTER, BRIDGE	4.00				
PILE DRIVER LEADMAN	7.00				
PIPE LAYER	3.75				
POWDERMAN BLASTER	5.60				
SIGN ERECTOR	4.40				
AIR COMPRESSOR OPERATOR	4.50				
ASPHALT DISTRIBUTOR OPERATOR	3.50				
ASPHALT PAVER OPERATOR	4.29				
BACKHOE OPERATOR	5.11				
BULLDOZER OPERATOR	5.15				
BULLDOZER OPERATOR (UTILITY)	3.50				
CONCRETE PAVING MACHINE OPERATOR	5.25				
CRANE, DERRICK, DRAGLINE OPERATOR (1 YD. & UNDER)	5.50				
CRANE, DERRICK, DRAGLINE OPERATOR (OVER 1YD.)	5.50				
CRUSHER FEEDER OPERATOR	3.25				
DRILL OPERATOR	4.00				
FORM GRADER OPERATOR	4.25				
LOADER OPERATOR (2 YDS. & UNDER)	4.35				
LOADER OPERATOR (OVER 2 YDS.)	4.81				
MOTOR GRADER OPERATOR (FINE GRADE)	5.47				
MOTOR GRADER OPERATOR (ROUGH GRADE)	5.47				
OILER GREASER	3.75				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER TOOL OPERATOR	3.50				
ROLLER OPERATOR (ROUGH)	3.50				
ROLLER OPERATOR (FINISH)	4.04				
SCRAPER PAN OPERATOR	5.00				
SHOVEL OPERATOR (1 YD. & UNDER)	4.60				
SHOVEL OPERATOR (OVER 1 YD.)	4.69				
STONE SPREADER OPERATOR	4.08				
SUBGRADE MACHINE OPERATOR	3.50				
TRACTOR OPERATOR (UTILITY)	4.25				
TRUCK DRIVER, HEACY DUTY (7 C.Y. & UNDER)	3.88				
TRUCK DRIVER, HEAVY DUTY (OVER 7 C.Y.)	3.88				
TRUCK DRIVER (MULTI-REAR AXLE)	3.84				
TRUCK DRIVER (SINGLE-REAR AXLE)	3.52				

[FR Doc. 78-26426 Filed 9-21-78; 8:45 am]

FRIDAY, SEPTEMBER 22, 1978
PART IV



federal register

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

SPECIAL DIETARY FOODS

Label Statements

[4110-03]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket 75N-0318]

PART 105—FOODS FOR SPECIAL DIETARY USE

Label Statements

AGENCY: Food and Drug Administration.

ACTION: Final order following a public hearing on regulations.

SUMMARY: This final order revises label statements for special dietary foods used in reducing or maintaining body weight or caloric intake or in the diet or diabetics and prevents misleading label statements on foods that are not useful for special dietary purposes. The regulations have been issued following a formal evidentiary public hearing and publication of a tentative order.

DATES: Labeling may be changed to comply with the final regulation on September 22, 1978; all products initially introduced into interstate commerce after July 1, 1979, shall comply.

FOR FURTHER INFORMATION CONTACT:

Taylor M. Quinn, Bureau of Foods (HFF-300), Food and Drug Administration, Department of Health, Education, and Welfare, Federal Building 8, 200 C Street SW., Washington, D.C. 20204, 202-245-1243.

SUPPLEMENTARY INFORMATION: In the matter of revising regulations for food for special dietary uses, the Commissioner of Food and Drugs is issuing a final order, following a formal evidentiary public hearing, setting forth regulations with respect to label statements on special dietary foods used in reducing or maintaining body weight or in the diet of diabetics, and to related misleading label statements on other foods.

In a tentative order published in the FEDERAL REGISTER of July 19, 1977 (42 FR 37166), the Commissioner issued proposed statements of reasons, findings of fact, and conclusions of law, and tentative regulations in this matter. Interested persons were invited to submit written exceptions to the tentative order within 30 days. Time for filing exceptions was subsequently extended through October 18, 1977, by a notice published in the FEDERAL REGISTER of August 12, 1977 (42 FR 40921).

Twenty-six exceptions were received, three of which were incorrectly designated as comments by the hearing clerk. Nineteen other comments were received. Some late submissions have been received. All have been considered. Four comments expressed general support for the regulation. Some submissions opposed the issuance of any regulation on the basis of the present record, while others disagreed with specific provisions. Based on the submissions, the Commissioner has made some modifications in the order. Each of the significant contentions is discussed below.

The Commissioner adopts the proposed statement of reasons as published in the tentative order as the final statement of reasons, with the modifications stated below in the responses to exceptions and comments.

PROCEDURAL MATTERS

1. Several exceptions stated that the record for this proceeding is stale and out-of-date and fails to take account of new developments since the close of the hearing in 1970. Several cited the concerns about the safety of saccharin and the possible unavailability of any nonnutritive sweetener as a new development not reflected in the record. Others cited the establishment of nutrition labeling and its adequacy to provide caloric information. They objected to the issuance of any final order based on the existing record. They urged that, instead, the Commissioner commence a new proceeding or reopen the hearing to consider new developments and to permit rebuttal of findings relating to new provisions not found in the regulations stayed for the hearing.

The Commissioner is aware that the proceeding to revise the special dietary food regulations has been a lengthy one. The subject matter encompassed in this proceeding was broad and included claims for infant foods, hypoallergenic foods, vitamins and minerals, and other matters. Orders were issued separately on these different claims to ease the workload demands. The weight control regulations are the concluding matter. A great deal of information on this subject was accumulated in the record and had to be considered. Furthermore, formal evidentiary public hearings take considerable time to prepare, to hold, and to evaluate. The agency's procedures governing these hearings have been improved since the time the hearing on this matter was held, but it must be recognized that considerable time would be involved if any new proceeding were begun or the hearing reopened.

The Commissioner would start a new proceeding if he thought the present record were inadequate to reach a fair and sound decision. The basic principles of weight control have not altered since the close of the hearing. Interested persons have had an opportunity to submit exceptions to the tentative order. the Commissioner has given careful attention to the submissions, and he discusses them in more detail below. In response to the submissions, he has made a number of changes in the regulations issued in this order.

Obesity problems are widespread and public interest in special dietary foods is strong. Therefore, it is important to issue regulations to protect and inform the public about foods that are useful in controlling weight. Furthermore, uncertainty exists in industry about the type of label claims considered appropriate, and the existence of that uncertainty may discourage some firms even from making appropriate claims for foods that are useful. The commissioner believes that a pressing need for final regulations exists and that an adequate record supports the regulations as revised.

Under § 105.67 (21 CFR 105.67; formerly 21 CFR 125.6, before recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), the only label statement specifically required for foods offered for weight control relate to a statement about calories, protein, fat, and carbohydrates in the food, a requirement that can be met through nutrition labeling. No regulations specify either the conditions under which foods may claim to be "reduced calorie" or "low calorie," or the nature of labeling information that must appear. Nutrition labeling provides important information about the nutrition content of the labeled foods and is required for all foods bearing nutrition claims, including claims about caloric content. The nutrition labeling regulation was established after the close of the hearing, but it does not eliminate the need for the regulations in this order. For example, nutrition labeling does not provide information about the amount of caloric reduction in foods that claim to be useful in weight control because of a caloric reduction. The nutrition labeling regulation does not establish criteria to prevent misleading claims, and although it would provide for listing the number of calories in food on the information panel, it would not prevent a food containing 200 or more Calories from being offered as "low calorie."

The developments with respect to the safety of nonnutritive sweeteners were not specifically anticipated in the record. A decision about the availability of saccharin has been deferred under the Saccharin Study and Label-

ing Act, Pub. L. 95-203 (Nov. 23, 1977). The final regulations established by this order are general and permit appropriate claims by foods that achieve their caloric reductions in a variety of ways, including means that do not involve the use of a nonnutritive sweetener. The regulations are concerned with labeling claims rather than the separate matter of the safety of nonnutritive sweeteners or any other food ingredient. A nonnutritive sweetener is available at present; but the Commissioner believes that even if a nonnutritive sweetener were not available, the regulations would be appropriate. They permit varied foods useful in weight control diets to make suitable claims. The petition process for establishing alternative criteria would be available if at some point the full degree of ordinarily useful calorie reduction were not technologically achievable.

LOW CALORIE CLAIMS AND UNPROCESSED FOODS

2. Some submissions supported the provision on low calorie foods, including one submission from the Society for Nutrition Education, which stated that these provisions appeared to allow claims for foods generally considered useful in weight control diets in relatively unrestricted amounts. A few comments urged that foods containing more than 40 Calories per serving should be considered "low calorie." A comment pointed out that some fruits and vegetables, such as beets, corn, peas, and applesauce, would not be considered "low calorie" under the tentative order.

The "low calorie" food designation identifies foods that are genuinely low in calories, and many vegetables and other unprocessed foods would satisfy the criteria. Not all fruits and vegetables, however, are genuinely low in calories. Consequently, the regulations are not made inappropriate solely by the fact that some vegetables and fruits do not satisfy the criteria.

CALORIC DENSITY

3. Several submissions objected to the establishment of any maximum caloric density limit for low calorie foods, maintaining that the limit would bar low calorie claims that are useful in diets. Many foods, including some calorically reduced jellies and preserves, gelatine desserts, salad dressings, sugar substitutes, cookies, and candies, presently bear such claims. The submissions viewed the caloric density requirement as unnecessary to prevent consumers from eating foods in multiple servings at will, and cited the information in the record (Hirsch Tr. 30, 305-07, Mayer WD-53-Mayer, p. 32, Tr. 28840-44, Swanson Tr. 22523, 22511) that consumers do not increase portion sizes of foods. An exception maintained that the Commissioner overlooked testimony that caloric density should not be used to classify foods, and tha nutrient density must also be considered. (Darby Tr. 26, 309, WD-49-Howard, pp. 17-20.) Furthermore, it was claimed that the statement of calories per serving would alert the consumer to the fact that increased servings would increase calories. The particular caloric density figure of 0.4 Calorie per gram was described as capricious in that there was no more support for it than for any other figure.

The submissions also maintained that the testimony cited in the tentative order as support for the caloric density limit related to unaltered foods. Some exceptions suggested that a caloric density limit might be useful to prevent inappropriate claims for unaltered foods that contain many calories in a small serving (e.g., sugar), but that it should not apply to foods containing 40 Calories or less that have been altered to reduce their calorie content significantly or those that are significantly less calorically dense than the unaltered food. According to these exceptions, many of these foods are not likely to be consumed in excess; salad dressing was cited as an example of a food that is consumed in limited quantities, because of taste, and for a specific use, solely on salads.

Another exception noted that sugar substitutes contain nutritive sweeteners for technological reasons and consequently exceed the caloric density level set in the tentative order, but contain only 4 Calories per serving and are regarded by consumers as low in calories. Another comment suggested that, if the aim were to prevent diet claims by snack foods, the restriction be made directly in those terms. Several comments complained of a lack of notice and opportunity to present testimony at a hearing on a caloric density provision and urged that a notice of proposed rulemaking be issued before establishing such a provision or that the record be reopened with notice of opportunity to rebut this provision.

The testimony cited in the submissions indicated the difficulty in developing a low calorie standard and the need for some limitations. One expert testified that low calorie claims present "a complex situation," that a statement of calories per serving would discourage "binges," that there may be difficulties in determining serving sizes, and that some decision may well have to be made on certain classes of low calorie foods separately from a blanket decision (Mayer Tr. 28840-47). Another expert recognized that there could be excess consumption of "diet foods but that excess consumption was unlikely when the individual received proper nutritional education. The testimony cited in the exceptions as being overlooked by the Commissioner is not entirely clear in meaning, but it appears that one of the experts cited considered caloric density of some relevance in classifying foods as low calorie. The expert considered most, but not necessarily all, foods containing below a certain number of calories as useful in a low calorie diet. The expert later indicated he did not believe that "low calorie" would convey "the proper concept" for salad dressing and mayonnaise in their unaltered form, but that a "lower" calorie claim would be appropriate if the food were reduced in caloric density (Darby Tr. at 26309-13).

The Commissioner points out that the caloric density requirement would not prohibit "reduced calorie" claims for foods such as those mentioned in the comments, if significant caloric reductions have been made. Such foods could be labeled as "Reduced Calorie." That language would clearly indicate their usefulness in weight control diets. The Commissioner is of the opinion that the use of the term "Low Calorie" in labeling these foods would be potentially misleading, unless the food were distinctly low in caloric content and not likely to be consumed in excess because of its small serving size.

The Commissioner believes that the record reflects general agreement that foods labeled "Low Calorie" should be genuinely useful to consumers as low in calories. Furthermore, to be useful, the designation "low calorie" should not be applied to foods which have few calories per piece or serving but which may be frequently consumed in large amounts during the day. Calorically dense foods such as sugar, many candies, or potato chips may have a low number of calories in a single small portion but are not appropriately viewed as low calorie.

The same difficulties can also exist with respect to reduced calorie foods, even if the foods have less than 40 Calories in a serving. For example, a candy, jam, or salad dressing might have a one-third reduction in calories and contain 40 Calories or less in a single piece or serving. The Commissioner does not believe a "low calorie" claim should be automatically permitted on all reduced calorie foods that contain 40 Calories or less per serving. Low calorie claims should be permitted on these foods, in addition to any reduced calorie claim they may bear, only if the food is numerically low in calories and not likely to be consumed because of its small serving sizes in an amount that is excessive in view of the weight control purpose. The Commissioner does not see any way to assure that the category of low calorie food is thus circumscribed except by using a

caloric density approach, by adopting a total daily consumption approach for low calorie foods, or by establishing the maximum amount of calories in a low calorie food at a very low level. The caloric density approach is simpler to apply, and is less prone to abuse, than a total consumption approach. Setting a very low maximum amount of calories in low calorie foods would exclude useful foods. Accordingly, the Commissioner relies on the support in the record for a daily consumption limit for low calorie foods to substantiate the need for a caloric density requirement. The Commissioner has accepted finding 64 that a daily consumption limit is inappropriate because of the difficulties in applying such a limit, but he believes that there is a need to limit low calorie claims either through a daily consumption or caloric density standard.

Of the foods mentioned in the comments, the only one that appears to call for a different treatment is sugar substitutes. As an exception noted, sugar substitutes have about 4 calories in a 1-gram packet and have a 90-percent caloric reduction in comparison with a 2-teaspoon serving of sugar, containing 36 calories, that is equivalent in sweetness. According to handbook 8, there are 3.85 calories in a gram of granulated sugar. Thus, a 2-teaspoon serving of sugar would weigh more than 9 grams. If a sugar substitute had the same weight as the sugar it replaces, it would have a caloric density of approximately 0.4 calorie per gram, the level set in the regulation. Because consumers use only the amount of a sugar substitute that provides an equivalent degree of sweetness as the sugar replaced, it is reasonable to evaluate the caloric density of the sugar substitute in relationship to the weight of the food it replaces. The caloric density maximum guards against low calorie labeling on foods that may be consumed in excess amounts due to their small serving sizes. Because of the negligible caloric content of the sugar substitutes and its replacement of a food with a considerably higher number of calories and greater weight, it is not likely that consumers will consume an excessive number of calories from repeated servings of sugar substitutes.

The other foods mentioned in the exceptions do not appear to have the same features that warrant special treatment of the sugar substitutes. The other foods do not have the same negligible amount of calories. They also do not achieve their caloric reduction in a way that reduces the weight of the food in relationship to its organoleptic effect.

If foods other than sugar substitutes can be shown to deserve exemption from the general rule, the Commissioner will propose an exemption upon receipt of a petition setting forth facts that demonstrate that an exemption is warranted.

The Commissioner has set the caloric density level at 0.4 calorie per gram based on the information in the record that indicates that most soups, juices, fruits, and vegetables containing 40 calories or less per serving can satisfy this density level. It is appropriate to have the low calorie criteria reflect the characteristics of these foods because they are generally considered the most useful types of low calorie foods.

The testimony cited in the exceptions supporting the relevance of a nutrient density requirement was directed at the stayed regulations' requirements for a 50-percent reduction for calorically reduced foods rather than low calorie foods. That testimony favored an individual determination of each food's usefulness in weight control programs (WD-49-Howard, pp. 17-20).

The Commissioner has already discussed in the preamble to the tentative order his reasons for lowering the percentage reduction for calorically reduced foods. He also believes it important to have general regulations rather than ad hoc standards for determining when foods may bear low calorie and comparative caloric reduction claims. If a food that does not meet the general criteria is useful as a reduced calorie or low calorie food because of its nutrient density or other factors, a petition may be submitted to amend the regulations to provide for appropriate claims on that food.

Reduced Calorie Foods

4. Several submissions supported the provision that reduced calorie foods have at least a one-third reduction in calories, but some urged that a reduction of less than one-third be deemed sufficient. One submission suggested a 10-percent reduction to encompass the lowest figure receiving support from an expert at the hearing. A 20-percent reduction was considered significant, based on certain determinations relating to protein and other nutrients in § 101.9 of the nutrition labeling regulation (21 CFR 101.9; formerly 21 CFR 1.17). One comment suggested consideration of allowing a 20-percent reduction in caloric density for the four major food groups because a significant reduction in the total diet might result.

Most of the submissions suggesting a lower number urged that it be established at a 25-percent reduction to allow more foods to bear claims; such a reduction, these submissions claimed, would be consistent with the aim of achieving weight reduction through moderate sustained reductions in various foods. One submission disagreed with the hearing examiner that the selection of a specific figure for a minimum reduction was somewhat arbitrary and maintained that a 25-percent reduction should be set because it received the widest support from industry experts at the hearing. By contrast, according to the submission, the figure of 33⅓ percent adopted in the tentative order had no particular support. Some comments stated the petition procedure for establishing alternative criteria would be unnecessary if the amount of the reduction were set at a lower figure that the commenters considered more appropriate. One submission noted that the hearing examiner had found a 35-percent reduction reasonable but that the Commissioner had not specifically made such a finding about the reasonableness of a 33⅓-percent reduction.

The Commissioner finds that reduced calories foods should have at least a one-third reduction in calories. It is feasible for many foods to achieve a reduction of this degree. Alternative criteria will be established for foods, including those in the major food groups, on the basis of a showing that the foods cannot achieve a one-third reduction but are useful to include in a diet program. The Commissioner agrees that a diet program should have a moderate sustained reduction; but because not all foods can be calorically altered, it is important to have a reasonably large reduction in those that can be altered and that are offered for sale specifically on the basis of their caloric reduction. These foods are being offered for use by large numbers of people, not all of whom may follow the strict diet that might make small reductions in a few foods useful to some dieters. Many consumers would expect reduced calorie foods to have a substantial reduction and will purchase and use the foods with that expectation.

The Commissioner does not believe the one-third reduction requirement is arbitrary. It is well within the range of figures receiving support from experts at the hearing, and it is more likely to be easily understood by consumers.

The Commissioner does not believe that the percentage reduction for reduced calorie foods should be determined on the basis of percentage levels considered significant in the nutrition labeling regulation for various claims concerning all types of nutrients. The problems with nutrient levels and calories are not similar enough to justify the use of the same criteria. Furthermore, the record provides specific information about the degree of reduction appropriate for reduced calorie foods in light of the important health concerns about obesity.

5. Many exceptions and comments urging a lower percentage reduction for reduced calorie foods were concerned with the effect of the regulation on bakery products, particularly bread. One exception contained a petition urging that a separate regulatory provision permit bread to be labeled "Reduced Calorie" if it achieved a 25-percent reduction. According to this submission, even though some breads could be made which had a greater reduction, these breads had a coarser texture and less satisfactory taste for consumers. The submission maintained that frequent consumption of bread at meals warranted special treatment because a reduction of 25 percent in each of three daily servings of bread could constitute a significant moderate reduction in the total diet. They cited testimony that the special dietary usefulness of foods should be evaluated individually, an approach they considered particularly appropriate for a basic food like bread.

The Commissioner has reviewed the petition and believes that it gives sufficient reasons to warrant its publication as a proposal. He believes, however, that such a change from the general rule should be made only after publication as a proposal and consideration of comments from consumers, nutritionists, and other interested persons. The submission indicated that it is technologically feasible to make bread with a greater calorie reduction but that the food would not be as palatable and acceptable to consumers. Comment on this matter would be particularly useful. The Commissioner, therefore, is not going to change the final rule for bread or other bakery products at this time but has published elsewhere in this issue of the FEDERAL REGISTER a proposal based on the petition to amend the regulation. Final action will be taken on the proposal after consideration of the comments received.

6. Several submissions objected to the requirement that to bear a reduced calorie claim a food have at least 25 fewer Calories per serving. The comments criticized the provision because it had not been in the stayed regulations on which the hearing was held and therefore did not have adequate support on the record. The comments expressed particular concern because the requirement would prevent usefulness claims concerning jams and jellies, which, because of the small serving sizes used, may have as much as a 50-percent reduction in calories without at least a 25-Calorie reduction in an individual serving. The comments urged that the number of servings in the total daily diet be considered in judging whether the food is of caloric importance and a reduction significant. Even if the provision had support with respect to inappropriate claims for foods used in small amounts (e.g., spices or condiments), the submission argued, the provision should not apply to accessory foods such as jellies that are of caloric importance because of their frequent use in the daily diet. Another submission maintained that no consensus developed at the hearing about the meaning of calorie importance and that, because the statement of the amount of the caloric reduction will protect the consumer, there was no need to preclude claims based on calorie importance.

Upon consideration of the comments, the Commissioner agrees that insistence upon at least a 25-calorie reduction per serving in all cases could result in prevention of "reduced calorie" claims for some foods that might be useful as substitutes for higher calorie foods. He has, therefore, removed this provision. He points out, however, that current law prohibits false and misleading claims. Compliance with § 105.66 of this amendment (designated § 125.5 when initially proposed) does not relieve products from complying with the statutory prohibition against false and misleading claims. Claims may be misleading in a way not specifically dealt with in the regulation, e.g., reduced calorie claims for foods that were already low calorie before manipulation.

7. One submission suggested deletion of the provision that a food be offered as reduced in calories only if the higher calorie reference food is sold in sufficient quantities that awareness of the lower calorie substitute would be useful to those on calorie restricted diets. The submission pointed out that there is no meaningful definition of sales "in sufficient quantity."

The Commissioner agrees and has removed the provision concerning quantity of sales of the reference food.

8. A few submissions objected to the provisions concerning alternative criteria for reduced calorie food because of the requirement to show that the reduction in the food would be significant in the daily diet. The submissions argued that it would be unreasonable to expect a single food to achieve a significant reduction in the daily diet in view of the 20 or more foods consumed during a day.

The Commissioner agrees that the food itself need not be the sole source of a significant reduction in the daily diet and has modified the regulation to provide that the food be shown to contribute to a significant reduction in calories and be useful to those in weight control programs.

9. Several submissions criticized as new, unsupported in the record, and subjective, the requirement that a reduced calorie food have organoleptic properties similar to those of the food with which it is compared. Only foods with nonnutritive sweeteners could meet the test with respect to sweetness. The Submissions claimed that, even though other calorically altered foods have some perceptible differences in taste or other characteristics, consumers accept the differences and that label statements indicating how the caloric reduction has been achieved adequately alert consumers to the differences. Other comments reflected confusion about whether foods having a significant caloric reduction, but dissimilar in organoleptic properties, could bear any claims of usefulness in weight control.

Both the tentative order and the final regulations provide that a food can bear claims of dietary usefulness in relationship to a food dissimilar in organoleptic properties if the caloric difference is significant. For example, the labeling might bear a diet claim separate from the name and bear a caloric comparison to another food for which the labeled food may substitute. This comparison may appear on either the principal display panel or the information panel.

Under the tentative order, however, the food could neither be labeled as reduced in calories nor bear a term immediately in juxtaposition to its name or in its labeling that suggested the food was identical in organoleptic properties to the food with which it was being compared. For example, the Commissioner would regard it as misleading to label water-packed pears simply as "reduced calorie pears" or "diet pears," based on a caloric comparison with pears in heavy syrup, because the labeling misleadingly suggests that the labeled product is similar in all its properties, including sweetness, to the sweetened pears. The Commissioner still considers it misleading to include "reduced calorie," "diet," or other similar terms immediately in juxtaposition to the common or usual name of a food that does not have organoleptic properties similar to those of the food with which it is compared. However, he has revised the regulation to clarify that foods may use "reduced calorie" and "diet" terms in making weight control claims so long as the material differences in organoleptic properties are indicated in conjunction with the labeling. For example, the labeling might state that the food is reduced in calories and less sweet than a specified food or that it is water packed and reduced in calories in comparison with a food packed in heavy syrup.

The need to take account of organoleptic differences between foods in comparative statements is a matter of avoiding misleading statements, rather than a matter of the labeling about dietary properties needed in special di-

etary foods. The stayed regulations did not expressly address this labeling issue. Because the record does not specifically indicate which claims are misleading on this basis, the final regulation has been revised to delete specific examples but to incorporate the general principle that materially misleading statements concerning the organoleptic similarities or differences between compared foods should not be made. In each individual case, a decision as to how these general principles apply and whether the particular labeling is actually misleading will be made, based on the labeling for a particular food.

10. Several comments pointed out an error in § 105.66(d)(1) (ii) and (iv) of the tentative amendment. When a calorically reduced food has one-third fewer calories than another food, the higher calorie food has half again as many calories as the reduced calorie food, not one-third more calories as misstated in the tentative order.

The correction has been made in the final regulation in paragraph (d)(1)(ii). Paragraph (d)(1)(iv) has been deleted for the reason explained above.

11. A comment asked for a clarification that a serving can be equivalent for purposes of making caloric comparisons even if the serving does not have the same weight or volume.

The Commissioner agrees that in instances such as that of the sugar substitutes mentioned earlier, the serving size does not have to be the same as long as the effect is the same, i.e., the same amount of sweetening effect. In most instances, however, the serving sizes will be the same. If, for example, a reduced calorie claim for bread were based on slicing the bread half as thick, the claim would be misleading.

12. On the basis that the provision is new, some exceptions objected to the provision that a reduced calorie food be nutritionally equivalent to the food with which it is compared.

The Commissioner maintains that the provision is adequately supported by the testimony about the importance of maintaining nutrition in weight control diets as explained in the tentative order.

OTHER LABELING REQUIREMENTS

13. Several submissions objected to the provision that the principal display panel contain a clear and concise statement of how the special dietary usefulness had been achieved and the percentage by weight of nonnutritive ingredients. They viewed the statement as unnecessary in view of the ingredient statement and other labeling information and the finding that the manner of the caloric alteration does not affect the caloric significance. According to the submissions, the statement was not useful or needed "fully to inform" consumers, as required by section 403(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(j)), of the value of the food for its intended special dietary use. Several submissions particularly objected to the requirement that the information appear on the principal display panel where space is limited. Several asked for clarification about the degree of detail required (e.g., whether it would be sufficient to state "less fat" instead of detailing how the fat was reduced). Another exception stated that it would be impossible to state clearly and concisely how fruit sugars are used in lieu of sucrose to achieve calorie reduction and suggested that the disclosure be limited to nonnutritive ingredients.

Others pointed out that nonnutritive ingredients are added for technological reasons to calorically altered foods and that the statement would be lengthy and complex. One submission asked whether water would be considered a nonnutritive ingredient whose use would be required to be disclosed, and others asked whether a food that is not a source of calories would be considered nonnutritive according to the criteria used in § 105.3(d) (21 CFR 105.3(d); formerly 21 CFR 125.1(d)) to define an artificial sweetener. Other submissions suggested the statement might be misleading in containing a declaration of added nutritive and nonnutritive sweeteners or the percentage of nonnutritive constitutents, without disclosing that the food inherently contained other constitutents of the same type. Several exceptions objected to naming nonnutritive and nutritive sweeteners as unnecessary. One comment urged that the percentage of nonnutritive sweeteners also be declared. One submission thought the requirements duplicated the provisions in § 105.79 (21 CFR 105.79; formerly 21 CFR 125.7), and others regarded the declaration of nonnutritive constitutents as unnecessary and unsupported by the testimony in the record.

The provision in the tentative order requiring a statement of how the caloric alteration has been achieved has been deleted because, as noted in the submisssion, it is not necessary in view of the ingredient statement and other labeling information.

The regulation has been revised to require on the principal display panel or information panel a statement indicating the presence of any nonnutritive and nutritive sweeteners and the identity and percentage of ingredients not utilized in normal metabolism that are used to achieve the special dietary usefulness in weight control. This information was required by the stayed regulations and is supported by the record. The requirement replaces a provision with a similar purpose found in § 105.79 that is being revoked by this order. That section is being revoked with the issuance of this order because the revised special dietary food regulations were intended to replace completely the earlier regulations on this topic. Because they are not the principal means of achieving the special dietary usefulness, the nonnutritive ingredients used solely for technological purposes would not have to be declared in this statement.

As revised, the regulations do not require the statement to name the specific nonnutritive constitutents or sweeteners used. The specific names will appear in the ingredient statement.

For purposes of this label declaration, the term "nonnutritive sweetener" has the same meaning as the definition of "artificial sweetener" in § 105.3. Other constitutents will be considered nonnutritive if they are not utilized in normal metabolism. To alert those consumers who are avoiding the use of nutritive sweeteners, the regulation provides for a declaration of the presence of nutritive sweeteners in any food that achieves its special dietary usefulness through the use of nonnutritive sweeteners. Water is not regarded as a nonnutritive constituent.

14. A few submissions objected to the label declaration in § 105.66(a)(2) of the tentative order that "weight control by diet requires limiting total intake of calories." They based their objection on the absence of the requirements in the stayed regulations and on the shortage of labeling space resulting from other labeling requirements established since the close of the hearing. Furthermore, they stated that the statement is unnecessary in view of the finding that consumers understand the relationship between food consumption and weight.

Upon reconsideration, the Commissioner has decided that this statement is unnecessary and has removed the requirement.

15. Some submissions objected that the minimum type size requirements were not in the stayed regulations and took additional label space.

The Commissioner points out that the only portions of the tentative regulation that require minimum type size are § 105.66 (c)(1)(iii), (d)(2)(i), and (f)(2). The Commissioner agrees that minimum type sizes are not in the stayed regulations. He has, therefore, removed the minimum type size requirements from the regulations. He points out, however, that § 101.2 (21 CFR 101.2; formerly 21 CFR 1.8d) requires that any information required by part 105 to appear on the label of a food appear prominently and conspicuously and in type size at least 1/16

inch in height. Therefore, if all information required by § 105.66 to be on the label were not both prominent and conspicuous and in type size at least 1/16 inch in height, the label would be illegal unless covered by an exemption.

16. Some exceptions objected to the requirement for nutrition labeling in § 101.9 on the grounds that the applicability of nutrition labeling depends on the validity of that section of the regulations and cannot be required for special dietary foods based on this proceeding because nutrition labeling was not provided for in the regulations on which the hearing was held.

Others asked that a narrative form be permissible for nutrition labeling on small labels or that a shortened statement be provided for foods that are not meaningful sources of nutrition. One exception viewed nutrition labeling as a significant intervening event and asked that the record be reopened to allow evidence on the adequacy of nutrition labeling to provide calorie information.

Nutrition labeling is validly required by § 101.9 for any food making a nutrition claim, including any food making a calorie claim. The final regulation issued in this order refers to the nutrition labeling requirement merely to insure that it will not be overlooked. Nutrition labeling is required if the conditions of § 101.9 are met, whether or not that requirement is mentioned in this document. Thus, no additional information is being required.

If a narrative form is thought necessary for presenting nutrition information, the proper procedure is to file a petition under part 10 (21 CFR Part 10) to seek an amendment of format for all foods similarly situated.

Other Diet Claims

17. Some submissions urged that the regulation deal only with reduced calorie and low calorie claims. They argued that the stayed regulations were not intended to preclude other types of claims relating to weight control. Several comments and exceptions maintained that a food could be useful in weight control even though it was not low calorie or comparatively reduced or lower in calories.

Under the tentative order, § 105.66(e) generally restricted the use of special dietary usefulness claims for foods that were not low calorie, reduced calorie, or comparatively useful within the meaning of paragraphs (c) and (d). The final regulation has been revised to provide that any food may make a claim of special dietary usefulness for weight control on some basis other than its being "low calorie," "reduced calorie," or comparatively useful within the meaning of paragraphs (c) and (d). The claim must not be misleading and the basis for the claim must be conspicuously and clearly stated in conjunction with the claim. These foods may make appropriate claims, e.g., "for calorie restricted diets" or "useful for weight control."

Any food that purports to be useful for weight control will be subject to the provisions of § 105.66 (a) and (b) as revised. These provisions note the requirement that the food bear nutrition labeling, labeling about the presence of nonnutritive ingredients, and a conspicuous and nonmisleading statement of the basis of the claim.

Sections 105.66(f) and 105.67 with respect to "sugarless," "dietetic," "diabetic," and similar claims have not been changed in their applicability. The record upon which this regulation is based shows that "sugarless," "dietic," and similar claims may be regarded as low calorie and reduced calorie claims. Thus, these terms cannot generally be used without a disclaimer on foods that are not low calorie or comparatively reduced within the meaning of § 105.66 (c) or (d).

The Commissioner advises that he would not regard as a claim of special dietary usefulness for weight control labeling that simply stated in factual terms the number of calories per serving in the food or that compared the calories in the food with another food. However, the labeling would be regarded as a claim of special dietary usefulness if the labeling otherwise suggests usefulness for weight control. In any case, such caloric declarations trigger nutrition labeling in accordance with § 101.9.

18. Several exceptions and comments urged that the regulation state the importance of portion controlled diets for weight regulation. These points were cited by Weight Watchers International as support for its position that foods can be considered of use for weight control based on a total diet program like that offered by that organization. The submissions contained information on the history and nature of the organization's weight control programs and petitioned that the regulations be amended so that they would not apply to foods whose labeling clearly shows that they are useful as part of a total planned dietary program that provides for a nutritionally balanced diet with a daily caloric intake adequate to permit weight loss or weight control.

The Commissioner agrees that a total dietary program in which adequate amounts and balances of nutrients are provided and in which total calories are controlled may be useful in weight reduction and weight control. A food used in such a program may bear appropriate claims of usefulness in weight control as described above. To avoid the possibility of misleading consumers, foods that are neither low calorie nor reduced calorie, but which claim to be of use as part of a particular dietary program, should be explicitly labeled to state that they are useful in weight control only as part of the specified dietary plan. It is also inappropriate and potentially misleading to imply that a food becomes a "low calorie" or "reduced calorie" food simply by reducing the serving size. Claims for the usefulness of portion control can be made, provided the manufacturer explains that calorie reduction is achieved through changes in serving size; thus, consumers will not be misled into believing that such foods are different from other foods in the marketplace (i.e., consumers will not think portion control ice cream contains fewer calories than other ice cream on a volume-for-volume basis).

19. Two exceptions urged that foods offered as components of controlled diet meals be allowed to make claims of usefulness for weight control or be exempt, like low calorie meals and formulated meal replacements, from the present regulation, pending the issuance of regulations concerning such foods, e.g., cold cereals in a specified breakfast program.

As explained above, foods may make claims of usefulness in weight control even though they are not low calorie or significantly reduced in calories. The regulation has been revised to clarify that other nonmisleading claims of usefulness for weight control may be made, and, consequently, there appears to be no need to provide a specific exemption for components of controlled diet meals.

20. Some submissions expressed concern that the tentative order might be interpreted to treat as weight control claims statements (e.g., "unsweetened") that indicated that no additional sugars had been added to a food. According to the submissions, a statement that a food contains no added sweeteners is of interest to consumers, and unlike claims that a food contains no sugar, the claim did not imply a caloric reduction or a low calorie food.

The regulation is not intended to apply to factual statements that a food is "unsweetened" or that no sweeteners have been added to foods (e.g., juices) that contin inherent sugars. Section 105.66(f) has been revised accordingly.

Sugarless

21. One comment from the American Dietetic Association supported a requirement that foods that are labeled "sugar-free" or "no sugar" be labeled to state that they are not calorie reduced. Some submissions objected to this requirement insofar as it would

apply to sugarless gums and mints offered as helpful in avoiding tooth decay. According to the submission, no evidence in the record suggests that consumers would view the sugarless claim as applied to gums and mints as a weight control claim, particularly because consumers do not consider gum a food. The comments stated that the disclaimer is unnecessary because the gums and mints do not contain a significant number of calories and because the disclaimer could misleadingly suggest that these foods contain a high number of calories or significantly more calories than similar foods made with sucrose. The submission cited testimony from a hearing before the Federal Trade Commission that the foods are useful in not promoting tooth decay and argued that the disclaimer would confuse the consumer about the usefulness of the food for this other purpose. The comments pointed out the need to correct an ambiguity as to whether § 105.66(f)(2) applies to "sugar-free" and other claims in addition to "sugarless" claims.

The Commissioner points out that testimony at the hearing on which this regulation is based did, indeed, indicate that consumers might think "sugarless" claims were low calorie or reduced calorie claims. All the regulation calls for is a simple statement to remove the possibility of misleading the consumer. The Commissioner does not see how the statement required by the regulation could confuse the consumer as to the possible usefulness for not promoting tooth decay. No specific information was offered in the exceptions that would show that such confusion would occur. Furthermore, foods can be labeled in other ways to suggest usefulness in not promoting tooth decay without using terms such as "sugarless" that suggest a weight control purpose, e.g., "non-cariogenic" or "does not promote tooth decay." The Commissioner has also revised the regulation to provide additional alternative statements, such as "not for weight control," "useful only in not promoting tooth decay," or "contains carbohydrates which do not promote tooth decay," to indicate that the food is not being offered for use in weight control.

To remove the ambiguity pointed out in the exception, § 105.66(f)(2) has been changed to show that it applies to "sugarless" and other similar claims.

Diabetic Claims

22. Some submissions objected to the labeling statements provided for foods offered for use in the diet of diabetics in that the disclaimer of value in weight control programs was confusing and unnecessary. The comments claimed that the record demonstrated the value of hexitol-sweetened foods to diabetics. One submission stated that "dietetic" was an appropriate labeling identification for diabetic foods. A comment from the society for Nutrition Education supported as necessary the provision in the tentative order because the use of "diet" and "diabetic" has caused "confusion and misrepresentation" for years. The American Dietetic Association questioned the need for special labeling of foods for diabetics and stated that special labeling implying that some foods are better or desirable in the diet of the well-regulated diabetic is false and misleading.

The submissions have not noted any significant new information. The statement of reasons in the tentative order gave the reasons for believing that the provisions as found in the tentative order are needed.

The Commissioner continues to believe that the disclaimer is necessary to prevent consumers from being misled into thinking such products are low calorie or calorie reduced foods. Information in the record indicates that "dietetic" labeling might cause consumers to think that foods so labeled were low calorie or calorie reduced. (See findings of fact 16, 20, and 21 (42 FR 37172).)

Miscellaneous

23. One comment described finding of fact 10 (see 42 FR 37172) as giving confusing information about mannitol, since mannitol is not metabolized like sorbitol and is instead rapidly excreted, according to the comment. The Commissioner recognizes that there are differences in the absorption and excretion rates for sorbitol and mannitol in that mannitol is variably absorbed and readily excreted in the urine. However, the metabolism of both sugar alcohols proceeds through fructose and is essentially the same.

24. One comment recommended that references to calories in the sense of kilocalories be capitalized to indicate the kilocalorie.

The Commissioner is aware that it is traditional in nutrition literature to capitalize the word "Calorie" when used to represent kilocalories when a numerical value is expressed. Although this distinction is not likely to be recognized by consumers, it is also not likely to confuse them. Therefore, the Commissioner agrees that the word "Calorie" when used to represent the word "kilocalorie" should be capitalized when associated with a numerical value, and this change has been made.

25. A comment stated that the labeling statements provided for in the tentative order "appear complicated," but the comment offered no specific suggestions for simplification.

Some of the labeling statement requirements have been removed, and the Commissioner believes the others are as simple as possible in view of the complicated nature of the subject matter.

26. Some comments suggsted that it would be inappropriate to allow only processed foods to bear claims of usefulness in weight control and that labeling should permit the designation of foods that are low in calories generally, or "low in calories" compared to the class of foods to which they belong, including possibly very lean meats and fish.

Both processed and unprocessed foods may bear appropriate claims under the regulation. The Commissioner points out, however, that "low calorie" designation on lean meats that contain more than 40 Calories per serving could be potentially confusing to consumers, who associate "low calorie" claims with foods generally low in calories. Some type of comparative caloric claims may be appropriate to designate the lower calorie foods in high calorie food groups, but there are difficulties in developing appropriate claims for foods that are compared with foods having considerable differences in nutritional values.

Some editorial corrections have been made in the text of the regulation.

Findings of Fact Relevant to § 105.66 of Final Order

1. Obesity is a major public health problem in the United States today. The degree of health hazard is not necessarily proportional to the degree of obesity, and there can be significant health hazards of interference with body functions from relatively small amounts of excess weight[1] (WD-53-Mayer, pp. 26-27). (Based on HEF 427, the Commissioner has omitted a finding about whether obesity is increasing because it is not necessary and because current statistics have not been examined.)

2. The likelihood of successful weight reduction is in significant part a function of the prior duration of the obesity, and the longer the duration the less the likelihood of success. In treating obese patients, the object is to enable the patient to moderate his intake for the rest of his life and it is advisable to modify, in the main, the quantity of foods to which he is habituated (WD-53-Mayer, pp. 16-17, 26-27; Stare, transcript 29220; WD-G-Levine, Q. and A. 37 (HEF 428)).

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[1] The Commissioner has deleted the term "obese overweight" whenever it appeared in the Hearing Examiner's findings because the term is redundant, and he has substituted the correct term "excess weight."

3. Obesity is caused by an excess of caloric intake over caloric expenditure in the same time period (WD-53-Mayer, pp. 15-16; WD-3A-Sebrell, p. 22; WD-G-Ricketts, p. 3; WD-G-Levine, Q. and A. 33-34; WD-76-Stare, Q. and A. 11-13 (HEF 429)).

4. Obesity can be psychologically damaging, particularly to adolescents, even if subsequently reduced. Obese persons frequently regain lost weight (WD-53-Mayer, pp. 14-15, 17-20; Ricketts, transcript 20795; Levine, transcript 22371). (Based on HEF-430, the Commissioner has omitted a finding about the exact percentage of obese children who become obese adults because it is not necessary and he is uncertain about the precise percentage.)

5. Regaining of lost weight may be dangerous to health, and is particularly discouraging to patients and therapists. Prevention of further obesity is as important to public health in the United States as reduction of already-existing obesity (WD-53-Mayer, pp. 16, 21; Levine, transcript 22371-72, 22400; Ricketts, transcript 20740, 20795; WD-49-Hirsch, p. 4; Darby, transcript 26303; Stare, transcript 29220 (HEF 431)).

6. A food may be of value for special dietary use by reason of its value in preventing obesity. A food may be of value for special dietary use by reason of its value in maintenance of reduced body weight. A food may be of value for special dietary use by reason of its value in reducing excess weight (WD-53-Mayer, pp. 34-35; Darby, transcript 26293-94 (HEF 432)).

7. Body weight can be reduced by restricting total caloric intake and, if possible, increasing physical activity. Body weight can be raised by increasing caloric intake (WD-G-Ricketts, Q. and A. 15-16, 18; WD-G-Levine, Q. and A. 36; WD-76-Stare, Q. and A. 16 (HEF 443)).

8. A pound of weight (due to fat) in human beings is produced by approximately 3,500 calories in excess of expenditure in a given time period, and a deficit of this amount in a given time period will reduce 1 pound of weight due to fat (WD-53-Mayer, p. 15). (Based on HEF 435, the Commissioner has accepted the Hearing Examiner's finding with the addition of the bracketed term.)

9. The goals of prevention of weight gain, maintenance of reduced weight, and reduction of weight, for large groups of people, are compatible with each other in that a balanced diet with moderate caloric reduction is the optimum route to each of these three goals since, as stated in the Final Report to the President of the White House Conference on Food, Nutrition, and Health by the Subpanel on Obesity of the Panel on Adults in an Affluent Society: The Degenerative Diseases of Middle Age: "It is clear that the best and most effective results occur with a balanced diet of the usually available foodstuffs but with a decrease in total caloric intake of a type that can be used both for weight reduction and for the maintenance of lower body weight after reduction has been achieved" (WD-53-Mayer, pp. 29-30, 22-24, 41-42; WD-49-Hirsch, 26A, p. 14, transcript 30,331; Darby, transcript 26,294; WD-3A-Sebrell, pp. 22-23, transcript 26,150; exhibit 0-695-53).

10. Sorbitol and mannitol are sugar alcohols. Sorbitol is readily metabolized into fructose and thereafter forms part of a general pool with protein, fats, vitamins, and other substances from which pool the body may produce glucose as needed. When this glucose is released into the blood, insulin may be required. Sorbitol produces approximately 4 kcal (kilocalorie) per gram. Mannitol is variable in its caloric value. Like sorbitol, mannitol, after it is initially metabolized, enters the general pool from which glucose is derived by the body (WD-G-Levine, Q. and A. 25-27, 80, 191; WD-G-Ricketts, Q. and A. 37-38; Bondy, transcript 30060, 30062; Steinke, transcript 30563-5; WD-49-Shuman, p. 10 (HEF 436)).

11. "Artificial sweetener" is a sweetening substance not used in normal metabolism as a source of calories (WD-G-Levine, Q. and A. 81 (HEF 437)).

12. The most common use of artificial sweeteners in foods is for the purpose of reducing or maintaining the body weight and in the diets of diabetics (WD-G-Moses, Q. and A. 21 (HEF 438)).

13. Purchasers regard foods labeled as being artificially sweetened to be for caloric restriction and weight reduction (WD-G-Swanson, Q. and A. 22-24 (HEF 439)).

LABEL INFORMATION

14. Purchasers in the United States are aware of the relationship between their body weight and the foods they eat. Purchasers in the United States are highly responsive to the labeling, promotion, and advertising of foods (WD-G-Swanson, Q. and A. 15-17 (HEF 440)).

15. The FDA survey reports the following: 53 percent of the respondents have used products labeled "artificially sweetened"; 27 percent, "dietetic"; 45 percent, "low calorie"; 36 percent, "lower in calories"; 35 percent, "sugar free"; 10 percent, "diabetic"; 16 percent, "salt restricted". (Exh. P-1151, d-1, Q. 43 (HEF 441)).

16. The FDA survey reports the following: Of those who used the products labeled as described in the preceding finding, 55 percent used the products labeled "artificially sweetened" on their own initiative; 25 percent did so with products labeled "dietetic"; 45 percent, "low calorie"; 36 percent, "lower in calories"; 33 percent, "sugar free"; 4 percent, "diabetic"; 5 percent, "salt restricted" (Exh. P-1151, d-2, Q. 44 (HEF 442)).

17. The FDA survey reported the following: 66 percent of the respondents understood that a food with the label statement "for calorie restricted diets" was intended for use in a reducing diet and 8 percent, for use in a diabetic diet; 22 percent understood the label statement "dietetic" as intended for people on a reducing diet and 28 percent, for people on a diabetic diet; 36 percent understood the label statement "diet" to mean that the food was of value in a weight reducing diet and 9 percent, as intended for use by diabetics (Exh. P-1151, d-5, Q. 50-52 (HEF 444)).

18. The great variety of labels, labeling, promotional material, and advertising for foods offered for special dietary uses because of their reduced caloric or carbohydrate content in the United States tends to confuse and mislead (WD-G-Ricketts, Q. and A. 73-80; WD-G-Iverson, Q. and A. 30-38, 42-47, 52-61, 68 (HEF 445)).

19. There is no uniformity to the labeling information or the descriptive phrases used to indicate that a food is of value in a calorie or carbohydrate restricted diet (WD-G-Moses, pp. 39-40, 50-128 (HEF 446)).

20. The label statement "low calorie" appears on the following labels: Exhs. P-794, P-800-802, P-807, P-809, P-812, P-814, P-829, P-832, P-837-844, P-856, P-872, P-916, P-918-920, P-930-934, P-936-943, P-945-949, P-955-957, P-960, P-962-964, P-972, P-975, P-991, P-993, P-1003, P-1009; WD-G-Moses, pp. 50-51; "lower in calories", Exhs. P-774, P-776, P-777, P-906, P-929, P-971, P-990; WD-G-Moses, p. 63; "low in carbohydrate," "no available carbohydrate," "starch free," P-1038-1039, P-803, P-805, P-806, P-815, P-850, P-851, P-854, P-955, P-965, P-985, P-987, P-1018; WD-G-Moses, p. 71; representations that sugar was absent, such as, "for sugar restricted diets," "sugarless," "sugar free," "no added sugar," "prepared without sugar," Exhs. P-773-774, P-776, P-778, P-779, P-780-781, P-783-798, P-804, P-816, P-818-820, P-824, P-828, P-834-837, P-839-842, P-844, P-846-847, P-849-855, P-857-868, P-870, P-883-884, P-906, P-908, P-917-918, P-920-930, P-947, P-949-950, P-954, P-959, P-972-974, P-983, P-987-988, P-992, P-1015, P-1017-1018; WD-G-Moses, pp. 84-85; "low fat," "lower in fat," Exhs. P-692, P-898, P-966, P-968-969, P-971-972, P-1002, P-1017; WD-G-Moses, pp. 92-93; "dietetic," Exhs. P-771-772, P-777-790, P-794-

797, P-803, P-805-806, P-808, P-811, P-813, P-815, P-817-818, P-823, P-825, P-834-835, P-842, P-845, P-847, P-849-854, P-857-862, P-870, P-888, P-897, P-906, P-916-917, P-919-920, P-922, P-924-928, P-954, P-974, P-983, P-987; WD-G-Moses, pp. 101-102; "diet," Exhs. P-767-768, P-823, P-827, P-846, P-895, P-898, P-909-915, P-929-930, P-932, P-935-936, P-939-940, P-949, P-959-960, P-982, P-992, P-995-996, P-998; WD-G-Moses, p. 102; "artificially sweetened," Exhs. P-775-776, P-807, P-809-810, P-812, P-814, P-816-817, P-819-822, P-824, P-827-828, P-830, P-833-841, P-843-844, P-847, P-855-856, P-866-867, P-872, P-932, P-934-936, P-939, P-946-950, P-955-957, P-959-964, P-972-974, P-988, P-1003, P-1015, P-1017-1021; WD-G-Moses, p. 125; "diabetic," "diabetes," "for diabetics," Exhs. P-816, P-819-822, P-826, P-873-881, P-883-888, P-894, P-1017; WD-G-Moses, p. 147; "special formula" bread, etc., Exhs. P-896, P-901-902, P-997, P-999-1001, P-1012; WD-G-Moses, p. 114 (HEF 447)).

21. The great variety and multiplicity of label designations for foods offered for special dietary use because of their reduced caloric or carbohydrate content has an adverse effect upon the purchasers' understanding of those products, and the potential for misunderstanding and error in perception increases as the number of such designations increases with respect to the ability of the purchaser to intelligently choose among such foods (WD-G-Swanson, Q. and A. 19 (HEF 448)).

22. As of 1970 the different methods used on the various labels, to express the amounts of protein, fat, and available carbohydrates present in the product, were in terms which were difficult to understand (WD-G-Moses, Q. and A. 34-37; WD-G-Iverson, Q. and A. 66, Exhs. P-640, P-641, P-647, P-688, P-767-847, P-849-868, P-870-1021, P-1035-1039, P-1042-1044, P-1090-1102, P-1104-1111). (Based on HEF 449, the Commissioner accepts the Hearing Examiner's findings as of 1970 because the subsequent institution of a requirement for nutrition labeling alleviated these difficulties.)

23. As of 1970, relatively few labels of foods offered as reduced in calories or carbohydrates provide information whereby the reduction in calories or carbohydrates can be measured or evaluated by purchasers. Frequently, when both nutritive and nonnutritive sweeteners are used in a food for special dietary use, the presence of the nutritive sweeteners and the proportion of the food which is comprised of nutritive substances is not made apparent (WD-G-Moses, Q. and A. 34-37, 56, 219-221; Exhs. P-640, P-641, P-647, P-688, P-690-698, P-767-847, P-849-869, P-870-1021, P-1035-1039, P-1042-1044, P-1090-1102, P-1104-1111; WD-G-Moses, pp. 131-134). (Based on HEF 455, the Commissioner accepts the Hearing Examiner's finding as of 1970 because the subsequent institution of a requirement for nutrition labeling alleviated these difficulties.)

24. Regulations of the Food and Drug Administration in effect in 1970 with respect to foods offered for the reduction or maintenance of body weight do not require label information sufficient to inform as to the number of calories that will be obtained through ingestion of an ordinary serving of the food (WD-53-Mayer, pp. 46-48; WD-G-Iversen, p. 18). (Based on HEF 456, the Commissioner accepts the Hearing Examiner's finding as of 1970 because the subsequent institution of a requirement for nutrition labeling alleviated these difficulties.)

25. Regulations of the Food and Drug Administration presently in effect governing goods offered for weight reduction or maintenance do not require label information which fully informs consumers as to the value of the food for special dietary use in that the regulations do not require the label to compare the number of calories contained in a reduced calorie food with the number of calories in the same food as ordinarily consumed (WD-G-Moses, pp. 31, 32; WD-53-Mayer, p. 48; WD-G-Levine, pp. 18-19, 25-26; WD-G-Ricketts, p. 10 (HEF 457)).

26. It is necessary to make an intelligent evaluation of the value of a food offered for special dietary use to increase, reduce or maintain body weight, or for the diets of diabetics, to know the amount of protein, fat, carbohydrates and calories contained in a serving of the food (WD-G-Levine, Q. and A. 28-32, 65, 68, 70; WD-G-Ricketts, Q. and A. 21-24, 26, 27, 97; WD-G-Ross, Q. and A. 69; WD-G-Iverson, Q. and A. 65, 66 (HEF 458)).

27. Amounts of protein, fat, and available carbohydrates are customarily expressed in grams (WD-G-Ricketts, Q. and A. 30; WD-G-Levine, Q. and A. 71 (HEF 459)). 8

28. Caloric content, in order fully to inform consumers, should be expressed in terms of an amount which constitutes an ordinary serving of the food (WD-G-Moses, pp. 19-20; WD-53-Mayer, pp. 46-48; WD-G-Levine, Q. and A. 73, 74; WD-G-Swanson, Q. and A. 49; WD-G-Ricketts, Q. and A. 31-33; WD-G-Ross, Q. and A. 69-71; WD-G-Iversen, Q. and A. 65, 66; (HEF 460)).

29. The phrase "for calorie restricted diets" is not necessary in order fully to inform consumers of the value of a food which purports to be or is represented as being for special dietary use by reason of being low or lower in calories (Mayer, Tr. 28, 912-913; Swanson, Tr. 22,905-906; WD-49-Hirsch, p. 20, Tr. 30,302).

Label Information on Fabrication or Alteration to Lower Calorie Content

30. Artificial sweeteners used to sweeten foods may be nutritive, nonnutritive or a combination of these. A diabetic or a person seeking to reduce or maintain his body weight must know the nature of the sweeteners used in the food to properly plan a diet. It is necessary that some designation such as "artifically sweetened" be used on the food's label to call attention to the presence of such sweeteners, and whether the artificial sweetener is nutritive or nonnutritive should be displayed. If the name of the artificial sweetener is used on the label, it is necessary and appropriate that the fact that it is nonnutritive be stated (WD-G-Levine, Q. and A. 87; WD-G-Ricketts, Q. and A. 40, 46, 58-60; WD-G-Ross, Q. and A. 79-82; (HEF 463)).

31. It will further the purpose of fully informing the purchaser as to the value of a food offered for special dietary use in which an artificial sweetener has been used to require that the label carry a statement comparing the caloric content of a specified serving of such food with an equivalent serving of the same food made with an amount of ordinary sugar which would produce sweetness equal to that produced by the use of the artificial sweetener (WD-G-Ricketts, Q. and A. 47, 28; WD-G-Levine, Q. and A. 90,91). (Based on HEF 467, the Commissioner does not accept this finding insofar as it relates to the labeling of low calorie foods.)

32. One gram of saccharin or of a saccharin salt is equivalent in sweetness to 300 grams of sugar (WD-G-Blomquist, Q. and A. 6-11; (HEF 468)).

33. Sweetness is an important component of palatability. Nonnutritive sweeteners provide the sensation of sweetness without adding calories (WD-53-Mayer, pp. 43-44; Sebrell, Tr. 26147; WD-G-Levine, pp. 9, 17, Tr. 22337; WD-G-Ricketts, p. 7; Iversen, Tr. 21844-45; (HEF 469)).

34. Food constituents, other than artificial sweeteners, which are not utilized in normal metabolism as a source of calories, are also useful as ingredients in foods for special dietary uses (WD-G-Ricketts, Q. and A. 61; WD-G-Ross, Q. and A. 87; (HEF 487)).

35. Such constituents include fibrous plant matter, commonly called "crude fiber." This material is not assimilated by the body (WD-G-Ricketts, Q. and A. 62-64; WD-G-Levine, Q. and A. 113-119; (HEF 488)).

36. Where a food that contains one or more of such constituents is offered for special dietary use for reduction or

maintenance of body weight or the regulation of carbohydrate intake, it is necessary for the purpose of fully informing purchasers as to the value of the food, that the label state the percent by weight of such ingredients and whether they are nutritive or nonnutritive. The label should also bear a statement of comparison between the calorie content of a specified serving of such food and an equivalent serving of the same food which does not contain such constituents, or with a food without the fabrication or alteration (WD-G-Ricketts, Q. and A. 65; WD-G-Levine, Q. and A. 121-122, 127; WD-G-Ross, Q. and A. 88). (Based on HEF 489, the Commissioner has accepted the finding with the addition of the final clause in the last sentence in order to take account of the alternative means of making the comparison permitted under the stayed regulations and the regulation in the tentative order. In addition, he has not accepted the finding that labeling about non-nutritive constituents is necessary in order to inform persons with intestinal disorders; the listing of the constituent in the statement of ingredients would generally be adequate for this purpose, and it would not be necessary solely for this purpose to require an additional label statement about the presence of nunnutritive constituents.)

REDUCED CALORIE FOODS

37. Many foods for special dietary use on the basis that they have been reduced in calories or carbohydrates are not significantly different from the unaltered food (WD-G-Levine, Q. and A. 93-98, 136, 222; (HEF 4511)).

38. Some foods, reduced in calories or carbohydrates, are not ordinarily eated in large enough amounts to have an appreciable value in the diet although the reductions are high on a percentage basis (WD-G-Levine, Q. and A. 159-163, 227; (HEF 453)).

39. Condiments and seasonings are not of caloric importance in the diet. They are consumed in small amounts. Caloric or carbohydrate reduction in such foods would have little effect in the diet of persons who desire to restrict their calorie carbohydrate intake. Even if the percentage of reduction is high, it is not scientifically reasonable to describe such foods as "low calorie" foods (WD-G-Levine, Q. and A. 159-163; WD-G-Ross, 96; WD-G-Ricketts, Q. and A. 72; (HEF 466)).

40. Artificial sweeteners, both nutritive and nonnutritive, can be useful in diets designed for the restriction of caloric intake and if promoted on this basis the caloric reduction resulting from the use of the artificial sweetener should be significantly large (WD-G-Ricketts, Q. and A. 34, 35, 49, 50; (HEF 470)).

41. The caloric significance of a given caloric reduction in a food is not affected by the manner in which the reduction is achieved. Where a food for special dietary use if promoted on the basis of a reduction in its caloric content by a means other than the use of nunnutritive sweeteners, the reduction should be significantly large (WD-G-Ricketts, Q. and A. 49, 50; WD-G-Levine, Q. and A. 128, 129, 164; WD-G-Ross, Q. and A. 91; WD-G-Iversen, Q. and A. 68; (HEF 471)).

42. The nutritional significance of a given caloric reduction in a food may be adverse depending upon the manner in which the caloric reduction was achieved, for example, where the caloric reduction results in elimination of protein, vitamins or minerals (WD-49-Hirsch, pp. 10-11).

43. A 50-percent reduction requirement would require some foods which are good sources of protein, such as dairy products, to reduce not only fat and carbohydrate content but protein content as well (WD-49-Howard, pp. 18-20). (Based on HEF 474, the Commissioner has limited the finding to "some" foods, since he does not believe it would be correct with respect to all foods.)

44. Significantly more foods can achieve a caloric reduction below 50 percent, and a 50-percent requirement is not consistent with the goal of a moderate reduction in as many foods as possible (WD-53-Mayer, pp. 50-51; Mayer, Tr. 28,806; WD-49-Hirsch, p. 16; WD-3A-Sebrell, p. 23). (Based on HEF 475, the Commissioner has not accepted the part of findings with respect to a 25-percent reduction for the reasons given in the statement of reasons.)

45. The size of the caloric reduction in a food for special dietary use, whether produced by the use of a nonnutritive artificial sweetener or by some other means, which would justify promotion on the basis of the reduction achieved was the subject of sharp disagreement among the expert witnesses who spoke to the matter (HEF 476).

46. Dr. Ricketts Stated: "And I stated several times before that the figure of 50 percent was an approximate one, an arbitrary one, and that I had no strong feelings about keeping it there or making it 60 percent or 40 percent. And I suppose I could not quibble very hard about 35 percent" (emphasis added) (Transcript 20826; (HEF 477)).

47. Dr. Levine stated: "When it comes to the selection of 50 percent, sure, everything has to be, in a sense arbitrary. But let us say you have a 100-calorie portion of something. If this is going to be really useful for reduction of weight it should be around 50 calories for the same serving, because there are certain foods that will never be reduced in caloric content" (emphasis added) Transcript 22212. And at Transcript 22275-76, he stated that he would consider an approximate reduction of 40 percent in the caloric value of pudding to be significant (HEF 478).

48. There was no more agreement on a single percentage figure among the expert witnesses who testified on behalf of the opponents whose estimates ranged from 10 percent, WD-49-Eisenstein, p. 16, Transcript 29419; to 25 percent, WD-49-Graham, p. 16; WD-49-Hirsch, p. 18; WD-3A-Darby, p. 6; WD-53-Mayer, p. 49, Transcript 28796; to from 25 to 30 percent, Stare, Transcript 29197-98; to 33 percent, WD-49-Olson, p. 21; (HEF 479)).

49. A 50-percent minimum requirement may operate to encourage the use of "fillers" in situations where products narrowly fall short of meeting the percentage (WD-49-Hirsch, p. 15; (HEF 480)).

50. The hearing examiner stated: "It appears that the selection of a minimum percentage figure of reduction in caloric value as significant for the purpose of justifying the promotion of a food for special dietary use on the basis of such reduction, is necessarily tinged with some arbitrariness. Under the circumstances and in the light of the evidence, I am persuaded to suggest that the figure of 35 percent is reasonable, workable, and most equitable * * *." (For the reasons given in the statement of reasons, the Commissioner has not accepted the part of the hearing examiner's findings (HEF-481) with respect to the diet of diabetics.)

51. A reduced calorie food should have at least a ⅓ reduction in calories per serving compared with the caloric content of an equivalent serving of the same food without fabrication or alteration. (HEF-481 and the reasons given in the Statement of Reasons.)

51a. Where a food for special dietary use is promoted on the basis that it is "lower in calories," it is reasonable and necessary to fully inform a purchaser as to the value of the food that the label bear a statement of comparison showing the caloric content of a specified serving of the food and the caloric content of an equivalent serving of the food and the caloric content of an equivalent serving of a similar food as customarily made and consumed (WD-G-Ricketts, Q. and A. 67; WD-G-Levine, Q. & A. 155, 156; WD-G-Ross, Q. and A. 90; (HEF 482)).

LOW CALORIE FOODS

52. In spite of the wide usage of the term "low in calories" in the labeling of foods for special dietary use in reducing or maintaining body weight, there is no common standard to deter-

mine when a food is "low in calories" (WD-G-Moses, Q. and A. 60, 62, 75-89; WD-G-Iversen, Q. and A. 67; e.g., 81-140 calories per serving, Exhs. P-1031-10-34; 40-130 calories per serving, Exhs. P-801, P-807, P-812, P-814, P-856, P-940, P-941, P-943, P-945, P-946, P-947, P-949, P-956, P-972, P-991, P-1003, P-1009; (HEF 454)).

53. A food for special dietary use which is promoted on the basis that it is a "low calorie" food should, in order to fully inform a purchaser as to its value, be required to meet a caloric standard designating a food as a "low calorie" food (WD-G-Levine, Q. and A. 142-145; WD-G-Ricketts, Q. and A. 81; (HEF 483)).

54. The dispute concerning the standard for "low calorie" was less sharp than that involving the signifi‹cance of caloric reduction. Drs. Ricketts, Levine, and Ross stated that a serving of such a food should not exceed 15 to 25 calories and that the total contribution to a day's diet should not exceed 50 calories (WD-G-Ricketts, Q. and A. 81, 82; WD-G-Levine, Q. and A. 139, 140; WD-G-Ross, Q. and A. (HEF 484)).

55. Dr. Mayer was of the opinion that the definition should include foods ranging from 25 to 75 calories (WD-53-Mayer, 54-55; (HEF 485)).

56. The hearing examiner stated: "As in 'significant reduction' fixing a standard for qualification of a food as 'low calorie' is more or less arbitrary in nature. In view of the evidence it is suggested that a fair figure would be not more than 25 kilocalories per serving with a daily ceiling of 65 calories." (For the reasons given in the statement of reasons, the Commissioner has not accepted the part of the findings relating to the particular figure that should be set.)

57. Caloric density, that is, the ratio of calories to weight, varies among foods (P-719).

58. Government and opponent witnesses testified that caloric density should be considered in determining the special dietary value of a food as a low calorie food (Darby, Traanscript 26,305, 26,309, 26,313; WD-G-Ricketts, p. 15; Levine, Transcript 22,353-54, 22,239).

59. The ratio of calories to gram of sugar is approximately 4:1, that is, 4 calories to a gram (P-719, p. 73).

60. Sugar, as pure carbohydrate, is a calorically dense food (Levine, 22,353-54, 22,239).

61. Those soups, juices, fruits, and vegetables which contain less than 65 calories in an ordinary serving contain a ratio of calories to grams of from 1:2 to 1:20, that is, one-half to one-twentieth of a calorie per gram, and most contain one-third to one-sixth of a calorie per gram (P-719, pp. 66-69, 47-49, 39-46, 77-86).

62. Soups, juices, fruits, and vegetables containing less than 65 calories in an ordinary serving are from one-eighth to one-eightieth as calorically dense as sugar, and most are from one-twelfth to one twenty-fourth as calorically dense as sugar.

63. The caloric densities of soups, juices, fruits, and vegetables are among the lowest of all foods eaten in the United States (P-719).

63a. Based on the foregoing, the Commissioner finds that a 40 calorie per serving maximum, in conjunction with a caloric density requirement of 0.4 calories per gram, is a reasonable requirement, and he further finds that together these requirements are appropriate and encompass a number of foods that are distinctly low in calories and that will not be consumed in excess due to small serving sizes.

64. There is no justifiable reason for restricting the term "low calorie" on the basis of average total daily intake of the food since the overall nutritional contribution of the food must be considered in dietary planning (WD-3A-Darby, p. 6).

Findings of Fact Relevant to §105.67 of Final Order

65. There were approximately 2.3 million "diabetics" in the United States in 1970. The median ages were 60.2 years for males and 61.8 years for females. Two-thirds of all diabetics were over 55 years of age. Diabetics who were under age 25 comprised 5 percent of the total. Undetected cases of this disease may have amounted to approximately 2 percent of the population in addition. Persons suffering from diabetes mellitus are known as "diabetics" (Exh. P-1082, pp. 3-4; WD-G-Levine, Q. and A. 171). (Based on HEF 490, the Commissioner accepts the statistical findings as valid as at the time of the hearing.)

66. There are no regulations presently having specific reference to foods for use in the diets of diabetics (WD-G-Moses, Q. and A. 72, p. 39 (HEF 491)).

67. The stayed regulations, which are the subject of the public hearing herein, published in December 1966; H.E. Exh. No. 3, includes § 125.6 (a), (b), (c), and (d) which regulates label statements for foods represented for the special dietary use of diabetics (HEF 492).

68. On June 6, 1969 during the course of the public hearing, the Chief of the Food Case Branch, Division of Case Guidance, Bureau of Regulatory Compliance of the FDA offered testimony suggesting the elimination of stayed § 125.6 (WD-G-Moses p. 41 (HEF 493)).

69. Such elimination was suggested because "at the time stayed § 125.6 was drafted, I thought it might be advisable to require a clear and direct declaration when a food was intended for use in diabetic diets, since this might be less likely to mislead consumers than the many indefinite descriptive terms now being used on such foods. Since that time, however, further experience has caused me to reconsider—I am informed that usually the diet of diabetics must be restricted in calories as well as in readily assimilated sugar and carbohydrates. The information needed by diabetics to control their intake of calories is required by stayed § 125.5. I therefore do not believe stayed § 125.6 is necessary" (WD-G-Moses, pp. 40-41 (HEF 494)).

70. The diets recommended for diabetics are not identical to diets recommended for weight reduction or weight control (WD-49-Shuman, p. 2; WD-49-Graham, p. 13; WD-49-Marble, p. 2; WD-98-Bondy, p.3; Steinke, Transcript 30551; WD-G-Ricketts, Q. and A. 87; WD-G-Levine, Q. and A. 187; WD-G-Ross, Q. and A. 80-82; (HEF 495)).

71. The carbohydrate intake recommended for diabetics depends on many factors, including the ratio of fat to protein in the food consumed. Caloric reduction per se has greater significance in diets for weight reduction or weight control than in the diets of diabetics. Many persons with diabetes are of normal weight, or even underweight, and do not need low calorie diets. If a diabetic is not overweight, his diet is not the same as that of an overweight person (WD-49-Kagan, p. 22, Transcript 30611; WD-49-Shuman, p. 2; WD-49-Marble, p. 2; WD-49-Hirsch, p. 23; Steinke, Transcript 30554-55). (Based on HEF 496, the Commissioner has not accepted the part of the findings relating to the nature of the dietary needs of diabetics for the reasons given in the Statemant of Reasons.)

72. Diabetics are sophisticated in their choice of foods and the label statement "for the diets of diabetics" as the means of identification of foods intended for such use would be beneficial and assist in fully informing such purchasers as to the value of the foods (Bondy, Transcript 30073-74; WD-49-Gitter, p. 22; Steinke, Transcript 30555-56 (HEF 497)).

Conclusions of Law

A. With respect to § 105.66 label statements relating to usefulness in maintaining or reducing caloric intake or body weight:

The Commissioner concludes, based on the statement of reasons, in conjunction with the findings of fact herein published, that:

1. It is reasonable and necessary, to fully inform purchasers of the value of foods for special dietary uses, to require that the labels of any food that

purports to be or is represented as useful in maintaining or reducing caloric intake or body weight bear label statements as required by § 105.66 as set forth in the order.

2. It is reasonable and necessary to prevent purchasers of special dietary foods for use in maintaining or reducing caloric intake or body weight from being misled about foods which are not of special dietary usefulness for such purpose to restrict the use of label statements, and/or to require certain disclosures on foods that are not of such special dietary usefulness as required by § 105.66 as set forth in the order.

B. With respect to § 105.67 label statements relating to food for use in the diet of diabetics:

The Commissioner concludes, based on the statement of reasons, in conjunction with the findings of fact herein published, that:

1. It is reasonable and necessary, to fully inform purchasers of the value of foods for special dietary uses, to require that the labels of any food that purports to be or is represented for use in the diet of diabetics bear the label statements as required by § 105.67 as set forth in the order.

2. It is reasonable and necessry to prevent purchasers of special dietary foods for use in the diet of diabetics from being misled about foods that are not of special dietary usefulness for such purpose to restrict the use of label statements as required by § 105.67 as set forth in the order.

Under § 25.1(f)(12) (21 CFR 25.1(f)(12)), the Commissioner has determined that this action will have no significant effect on the environment. No environmental impact statement is required.

FINAL ORDER

Therefore, on the basis of the foregoing statement or reasons, findings of fact, conclusions of law drawn therefrom and the record of the above proceeding and under the Federal Food, Drug, and Cosmetic Act (Sec. 201(n), 403 (a) and (j), 701 (a) and (e), 52 Stat. 1041 as amended, 1047-1048 as amended, 1055, 70 Stat. 919 as amended (21 U.S.C. 321(n), 343 (a) and (j), 371 (a) and (e))) and under the authority delegated to the Commissioner (21 CFR 5.1): *It is ordered*, That:

1. The stay of the effective date of §§ 125.5 and 125.6 (now 105.67) as promulgated in the FEDERAL REGISTER of December 14, 1966 (31 FR 15730), be ended and that these provisions be redesignated as §§ 105.66 and 105.67, respectively, and revised to read as follows:

§ 105.66 Label statements relating to usefulness in reducing or maintaining caloric intake or body weight.

(a) *General requirements.* Any food that purports to be or is represented for special dietary use because of usefulness in maintaining or reducing caloric intake or body weight, including, but not limited to, any food that bears representations that it is low or reduced in calories, shall bear:

(1) Nutrition labeling in conformity with § 101.9 of this chapter, unless exempt under that section; and

(2) The labeling provided for in paragraph (c) or (d) of this section, or a conspicuous statement of the basis upon which the food claims to be of special dietary usefulness.

(b) *Nonnutritive ingredients.* (1) Any food subject to paragraph (a) of this section that achieves its special dietary usefulness by use of a nonnutritive ingredient (i.e., one not utilized in normal metabolism) shall bear on its label a statement that it contains a nonnutritive ingredient and the percentage by weight of the nonnutritive ingredient.

(2) A special dietary food may contain a nonnutritive sweetener or other ingredient only if the ingredient is safe for use in the food under the applicable law and regulations of this chapter. Any food that achieves its special dietary usefulness in reducing or maintaining caloric intake or body weight through the use of a nonnutritive sweetener shall bear on its label the statement required by paragraph (b)(1) of this section, but need not state the percentage by weight of the nonnutritive sweetener. If a nutritive sweetener(s) as well as nonnutritive sweetener(s) is added, the statement shall indicate the presence of both type of sweeteners, e.g., "Sweetened with nutritive sweetener(s) and nonnutritive sweetener(s)."

(c) *"Low calorie" foods.* (1) A food may purport to be or be represented as "low calorie" only if:

(i) A serving of the food supplies no more than 40 calories, and

(ii) The food does not provide more than 0.4 calorie per gram, as consumed, or is a sugar substitute, and

(iii) The food bears on its principal display panel the term "low calorie," "low in calories," or "a low calorie food" in type size no smaller than one-half of the largest type size used on the label to represent, suggest, or imply special dietary usefulness, or type size 1/16 inch in height, whichever is larger.

(2) Foods that are low calorie within the meaning of paragraph (c)(1) of this section, as naturally occurring, without having any fabrication or alteration, may be labeled as a low calorie food, e.g., "celery, a low calorie food." They may not be labeled with the term "low calorie" immediately preceding the name of the food because such terminology would imply that the food has been altered to lower its calories with respect to other foods of the same type.

(d) *"Reduced calorie" foods, and other comparative claims.* (1) A food may be labeled as "reduced calorie," or with other terms representing or suggesting special dietary usefulness on the basis of a fabrication or alteration that makes the food lower in calories than a food it can substitute for in the diet only if:

(i) A comparison of the calorie content of a specified serving of the food with the calorie content of an equivalent serving of the same food without the fabrication or alteration of special dietary significance reveals a calorie reduction of at least one-third;

(ii) The food bears on its label a statement that clearly and concisely describes the comparison upon which the claim of special dietary usefulness is made. The statement shall either identify a specific food having at least one and a half times as many calories per serving for which the food can substitute, or indicate that the claim of special dietary usefulness is based on a comparison with the same food without the fabrication or alteration of special dietary significance. The statement shall also include a comparison between the calorie content of a specified serving of the food and an equivalent serving of the food it substitutes for, or the same food without the fabrication or alteration of special dietary significance, and

(iii) The food is not nutritionally inferior, under the criteria set forth in § 101.3(e) of this chapter, to the food for which it substitutes or the same food without the fabrication or alteration of special dietary significance.

(2)(i) Any food subject to this paragraph (d) that is similar in all its organoleptic properties to the food it is represented as substituting for, or to the food without the fabrication or alteration of special dietary significance, shall be labeled as "reduced calorie," "reduced in calories," or "a reduced calorie food."

(ii) Any food subject to this paragraph (d) that does not resemble in all its organoleptic properties the specific food for which it substitutes, e.g., canned pears packed in unsweetened water, in comparison with pears in heavy syrup, may be labeled with appropriate terms to indicate its dietary

usefulness, but in immediate proximity such labeling shall indicate material differences in organoleptic properties between it and the food to which it is compared. The food shall not bear terms in juxtaposition with its name or in the labeling that represent or suggest that the food is essentially the same as the other food in all its organoleptic properties except for a reduction in calories.

(3) It may not be technologically feasible to manufacture a "reduced calorie" food under the criteria set forth in this paragraph for all foods that are significant dietary sources of calories and for which it would be useful to those on calorie-restricted diets to have a reduced calorie substitute. Accordingly, the Commissioner may establish by regulation acceptable alternative criteria for a "reduced calorie" food, in a regulation issued pursuant to section 401 of the act establishing a standard of identity for the food, in a regulation in part 102 of this chapter establishing a common or usual name for the food, in an amendment to this section, or in a regulation issued pursuant to sections 201(n) and 403(a) of the act. A petition requesting such a regulation shall be submitted to the hearing clerk in the form established by part 10 of this chapter. Under no circumstances will a food be permitted to be labeled as "reduced calorie" unless (i) the petition demonstrates that it is not feasible to attain a greater caloric reduction than that for which approval is sought and (ii) the petition demonstrates that the use of the food, with the caloric reduction attained, will result in a significant reduction in calories in the diet and be useful to those on weight control programs.

(e) *Label terms suggesting usefulness as low calorie or reduced calorie foods.* (1) Except as provided in paragraph (e) (2) and (3) of this section, a food may be labeled with terms such as "diet," "dietetic," "artificially sweetened," "sweetened with nonnutritive sweetener," or other such terms representing or suggesting that the food is low calorie or reduced calorie or that the food may make a comparative claim of special dietary usefulness, only if: The food is labeled "low calorie" or "reduced calorie" or bears a comparative claim of special dietary usefulness in compliance with paragraph (c) or (d) of this section.

(2) Paragraph (e)(1) of this section shall not apply to any use of such terms that is specifically authorized by a regulation governing a particular food, or, unless otherwise restricted by regulation, to any use of the term "diet," which clearly shows that the food is offered solely for dietary use(s) other than regulating caloric intake or body weight, e.g., "for low-sodium diets."

(3) Paragraph (e)(1) of this section shall not apply to any use of such terms on a formulated meal replacement, low calorie meal, or other food that is represented to be of special dietary use as a whole meal, pending the issuance of a regulation governing the use of such terms on such foods.

(f) *Use of terms such as "sugar free," "sugarless," "no sugar," etc.* (1) Consumers may reasonably be expected to regard terms that represent that the food contains no sugars or sweeteners, e.g., "sugar free," "sugarless," "no sugar," as indicating a product which is low in calories or significantly reduced in calories. Consequently, except as provided in paragraph (f)(2) of this section, a food may not be labeled with such terms unless:

(i) It is labeled "low calorie" or "reduced calorie" or bears a comparative claim of special dietary usefulness labeled in compliance with paragraph (c) or (d) of this section, or

(ii) Such term is immediately accompanied, each time it is used, by the statement "Not a reduced calorie food," "Not a low calorie food," "Not for weight control," "Useful only in not promoting tooth decay," or other term indicating that the sole special usefulness of the food is for a specified purpose other than weight control.

(2) Paragraph (f)(1) of this section shall not apply to a factual statement that a food is unsweetened or contains no added sweeteners in the case of a food that contains apparent substantial inherent sugar content, e.g., juices.

§ 105.67 Label statement relating to food for use in the diet of diabetics.

(a) A food that purports to be represented for special dietary use because of usefulness in the diet of diabetics shall bear nutrition labeling in compliance with § 101.9 of this chapter, unless exempt under that section, and the statement "Diabetics: This product may be useful in your diet on the advice of a physician. This food is not a reduced calorie food." If the food is useful in maintaining or reducing calorie intake or body weight and labeled in conformity with § 105.66, the last sentence may be eliminated.

(b) A food shall not be represented to be useful in the diets of diabetics if such representation is false or misleading.

(c) The term "diabetic," "for diabetics," "diabetes," or the like, shall not be included as part of the name of any food, or otherwise be included on the labeling more prominently than the statement required by paragraph (a) of this section.

(d) The term "dietetic," "diet," or the like, shall not be included in the labeling of a food solely because of its possible usefulness in the diet of diabetics.

(e) A food shall not purport to be or be represented for special dietary use because of usefulness in the diet of diabetics solely by virtue of its being a food useful in reducing or maintaining caloric intake or body weight.

§ 105.79 [Revoked]

2. Section 105.79 *Nonnutritive constituents* is revoked.

Effective date. Compliance with this final regulation, including any required labeling change, may begin September 22, 1978; all products initially introduced into interstate commerce on or after July 1, 1979, shall fully comply.

(Secs. 403, 701, 52 Stat. 1047-1048 as amended, 1055-1056 as amended (21 U.S.C. 343, 371).)

Dated: September 15, 1978.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc. 78-26623 Filed 9-21-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 105]

[Docket No. 78P-0207]

SPECIAL DIETARY FOODS LABEL STATEMENTS; MISLEADING STATEMENT

Reduced Calorie Labeling for Bread

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: In response to a petition, the Commissioner is issuing a proposed rule which would permit bread to bear "reduced calorie" labeling if the bread has a 25-percent reduction in calories. Under a final order published elsewhere in this issue of the FEDERAL REGISTER, other foods are required to have a reduction in calories of 33⅓ percent to be labeled "reduced calorie."

DATES: Comments by November 21, 1978; tentative effective date; July 1, 1979.

ADDRESS: Comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Taylor M. Quinn, Bureau of Foods (HFF-300), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-1243.

SUPPLEMENTARY INFORMATION: Folowing a public hearing, the Commissioner of Food and Drugs has issued a final order and regulation, published elsewhere in the issue of the FEDERAL REGISTER, on label statements for special dietary foods for use in reducing or maintaining body weight (§ 105.66 (21 CFR 105.66)). That regulation establishes, among other things, the labeling that shall appear on foods that are offered as reduced in calories, and it also establishes the size of the caloric reduction a food must have in order to carry a nonmisleading claim. Under the regulation, in order for a food to be labeled as "reduced calorie," it must have a one-third reduction in calories compared with a food for which it can substitute that does not have the fabrication or alteration of special dietary significance. The regulation also provides that alternative criteria may be established by regulation to permit "reduced calorie" claims on foods for which it is not technologically feasible to achieve a one-third reduction.

Before issuing the final order, the Commissioner issued a tentative order in the FEDERAL REGISTER of July 19, 1977 (42 FR 37166) and invited the submission of exceptions. Some of these exceptions maintained that the 33⅓-percent reduction figure was too high, and that a lower figure should be set to govern reduced caloric claims in all foods. The Commissioner has not accepted these exceptions for the reasons discussed in the final order published elsewhere in this issue of the FEDERAL REGISTER. These exceptions requested that if no change were made in the general one-third caloric reduction requirement, alternative criteria be established by regulation to permit bread to be labeled as reduced in calories if the bread achieved a 25-percent reduction or a 15- to 20-percent reduction. One exception also asked that the exception be treated as a petition to establish a separate regulatory provision providing a 25-percent minimum caloric reduction for bread. This proposal is being published pursuant to that request.

The petition indicates that, although it is technologically feasible to make bread with a greater caloric reduction, the food would not be as palatable and acceptable to consumers. The Commissioner particularly invites comments from consumers, nutritionists, and food technologists on this matter. The administrative file for this proceeding contains the full text of the petition. The most pertinent parts of the petition are printed below with some citations omitted, and editorial changes to reflect that the document is being treated for this purpose as a petition to propose a rule rather as an exception to the tentative order on special dietary foods.

Interstate developed its "Light White" and "Light Wheat" breads to meet consumer demand for breads with reduced calories and higher fiber. It started by producing a product very similar in its properties to the other reduced calorie/high fiber breads presently being marketed. Such breads, and the initial Interstate products, have a caloric content for a two-slice serving of 100 to 106 Calories. However, such breads do not have a desirable taste or appearance compared to standardized and other conventional breads. Interstate's researchers described their 106 Calorie high fiber product as follows:

* * * the bread was extremely inferior. The volume of the bread was slightly reduced; dark, coarse, open grain; harsh chewy texture; poor symmetry. Also, the dough did not have the tolerance to handling and machining, and make-up was much more difficult * * *.

This same poor appearance also generally applies to competitive reduced calorie/high fiber breads presently being marketed. Consequently, Interstate's researchers attempted different formulations to improve taste, texture, and other organoleptic properties of its breads. In doing so, it discovered that formulations with a caloric content of 112-115 Calories per serving were significantly better than those below this range.

* * * * *

The basis for this petition is that even if a general 25-percent caloric reduction requirement is not accepted * * *, as Interstate believes it should be, a food such as bread, which is a very important component of the diet and consumed by most persons several times a day, stands in a special position. In the assessment of usefulness for special dietary purposes, each type of food may be separately examined and considered, rather than applying a single minimum caloric reduction requirement indiscriminately to all foods * * *. Because of the frequency with which bread is consumed, a lesser caloric reduction of such a food is very significant even if the same reduction would not be significant as to a less frequently consumed food. The special significance of a frequently consumed food like bread is illustrated by the following example: Consumption of three portions of 25-percent calorie reduced bread would provide a greater caloric reduction than consumption of two portions of a one-third calorie reduced food of an equivalent caloric content.

* * * Based on our most conservative assumption, which required six portions of 25-percent calorie reduced foods to achieve the desired 10-percent reduction in total daily caloric intake, the three daily servings of bread which many people eat, taken alone, would provide 50 percent of this goal. Obviously, when the consideration of increased exercise and consumption of "low calorie" foods lessens the number of portions of "reduced calorie" foods necessary to reach the 10-percent total daily caloric reduction goal, three servings of bread alone could fulfill this goal * * *.

The importance of bread in the daily diet of most Americans is hard to overemphasize. It is common knowledge that it is consumed by many persons at practically every meal. Moreover, such consumption at every meal is recommended by many nutritionists. The bread/cereal group of foods comprises one of the four basic food groups from which a well-balanced diet containing all essential nutrients should be composed * * *. Bread thus constitutes a substantial portion of virtually every American's diet.

* * * [T]he the palatability of foods is very important to the dieter, and every effort should be made to make available for weight control purposes the widest variety of the most palatable foods. Therefore, the data reported in * * * this submission as to the superior palatability of Interstate's "Light White" bread is of special significance and is an important justification for this petition to establish a special minimum caloric reduction requirement for bread.

This petition also relies on the lack of technological feasibility of producing a "reduced calorie" bread of acceptable palatability to assure an adequate level of consumption by consumers. Interstate's experiments showing such technological infeasibility are reported (in the submission on file with the Hearing Clerk). Interstate is prepared to demonstrate by evidence based on the research and development of its "Light White" bread the lack of technological feasibility of producing reduced calorie/high fiber bread which is acceptable to the con-

sumer and which achieves a 33⅓-percent caloric reduction.

In response to this petition, the Commissioner is issuing a proposal to permit breads with a one-quarter calor- ic reduction to bear reduced calorie claims if the bread otherwise complies with the regulations governing special dietary foods offered for weight control. The tentative effective date for this proposed rule is July 1, 1979, the same date upon which the regulation governing label statements on special dietary foods offered for weight control becomes mandatory. This proposed rule would allow additional foods to be "reduced calorie" claims. If action on the proposal is not taken by the July 1, 1979 effective date, the Commissioner does not intend to take regulatory action with respect to products labeled in accordance with this proposal until action is taken either to issue a final rule or to withdraw the proposal.

The Commissioner is issuing this proposal under the authority in sections 201(n) and 403(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(n) and 343(a)) to prohibit false and misleading claims. These provisions provide adequate authority to take the proposed action without relying on section 403(j) of the act, which governs labeling statements on special dietary foods.

Under § 25.1(f)(12) (21 CFR 25.1(f)(12)), the Commissioner has determined that this proposed action will have no significant effect on the environment. No environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(a), 701(a), 52 Stat. 1041, 1047 as amended, 1055 (21 U.S.C. 321(n), 343(a), 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that part 105 be amended in § 105.66 by adding new paragraph (d)(4) to read as follows:

§ 105.66 Label statements relating to usefulness in reducing or maintaining caloric intake or body weight.

* * * * *

(d) * * *

(4) A bread may bear the labeling provided for in paragraph (d) (1), (2), and (3) of this section if it achieves a one-quarter caloric reduction, rather than the one-third reduction specified in paragraph (d)(1) of this section, and if it otherwise complies with all the provisions of this section.

* * * * *

Interested persons may, on or before November 21, 1978, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: September 15, 1978.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc. 78-26624 Filed 9-21-78; 8:45 am]

federal register

FRIDAY, SEPTEMBER 22, 1978
PART V



DEPARTMENT OF LABOR

Wage and Hour Division

■

AGE DISCRIMINATION IN EMPLOYMENT ACT

Employee Benefit Plans

[4510-27]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 860]

AGE DISCRIMINATION IN EMPLOYMENT ACT

Employee Benefit Plans

AGENCY: Wage and Hour Division, Labor.

ACTION: Proposed amendment to interpretative bulletin and notice of hearing thereon.

SUMMARY: The interpretative bulletin on the Age Discrimination in Employment Act of 1967, as amended ("ADEA" or "Act"), sets forth various interpretations which indicate the construction of the ADEA that the Department of Labor believes to be correct and which will guide it in the performance of its administrative and enforcement duties under the Act. As a result of the Age Discrimination in Employment Act Amendments of 1978, Pub. L. 95-256, 92 Stat. 189 (approved April 6, 1978), several sections of the interpretative bulletin must be revised, and new sections must be added, in order to take account of the amendments, as well as to clarify interpretations which have previously been misunderstood. The revisions and additions reflect the statutory changes in 1978, the intent of Congress as reflected in the legislative history, and the general purposes of the Act. Each major change in the interpretative bulletin necessitated by the 1978 amendments will be published as a separate document in the FEDERAL REGISTER. This document deals with employee benefit plans. Other documents to be published deal with involuntary retirement, and with exemptions to the Act with respect to certain executive and policymaking employees and tenured faculty members.

DATES: Written comments must be received by the Department of Labor on or before November 21, 1978. A public hearing on the proposed amendment will be held beginning at 10 a.m. on October 23, 1978. Persons or organizations wishing to present their views at the hearing may not all be able to do so, because of time limitations. Priority will be given to persons or organizations which provide the Department with written comments on this proposed amendment by October 16, 1978.

ADDRESSES: The hearing will be held in Conference Room N-3437, A, B, and C, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210. Written comments and requests to testify at the hearings should be submitted in quadruplicate to Francis V. LaRuffa, Jr., Chief, Branch of Age Discrimination, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue NW., Room S-3028, Washington, D.C. 20210. A copy of all public documents may be examined during normal business hours at the office of Xavier M. Vela, Administrator, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue NW., Room S-3502, Washington, D.C. 20210. The entire record, or any part thereof, may be purchased at the actual cost of duplication as computed pursuant to the fee schedule in 29 CFR 70.62(b).

FOR FURTHER INFORMATION CONTACT:

Francis V. LaRuffa, Jr., Chief, Branch of Age Discrimination, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue NW., Room S-3028, Washington, D.C. 20210, telephone 202-523-7640. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department has under consideration a proposal to amend § 860.120 of the interpretative bulletin on the Age Discrimination in Employment Act, which deals with employee benefit plans under section 4(f)(2) of the Act, 29 U.S.C. 623(f)(2).

Prior to the 1978 amendments section 4(f)(2) provided:

> (f) It shall not be unlawful for an employer, employment agency, or labor organization—* * *
>
> (2) to observe the terms of * * * any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this Act, except that no such employee benefit plan shall excuse the failure to hire any individual * * *.

The 1978 amendments added a final clause to this section so that it now reads:

> (f) It shall not be unlawful for an employer, employment agency, or labor organization—* * *
>
> (2) to observe the terms of * * * any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this Act, except that no such employee benefit plan shall excuse the failure to hire any individual, and no such * * * employee benefit plan shall require or permit the involuntary retirement of any individual specified by section 12(a) of this Act because of the age of such individual * * *.

The 1978 amendments also expanded the age group protected by the Act from individuals at least 40 years of age but less than 65 years of age to individuals at least 40 but less than 70, effective January 1, 1979, in the non-Federal sector.

The raising of the age limitation of those protected by the Act from 65 to 70 will have a great impact on past employment practices, because the common practice of mandatorily retiring employees at age 65, and cutting off their entitlements to health and life insurance and other employee benefit plans at that age, will no longer be lawful. The amendment to section 4(f)(2) is also very important, because Congress, in making clear that section 4(f)(2) does not authorize involuntary retirement of protected employees on account of age, also reiterated the original intent of that exception as enacted in 1967.

Section 4(f)(2) is an exception to the Act's prohibitions against discrimination based on age contained elsewhere in section 4. Generally speaking, section 4(f)(2) permits a reduction in benefits for older workers on the bases of actuarially significant cost considerations. It is important to keep in mind, however, that any such reduction in employee benefits by an employer on the basis of age violates section 4(a)(1) of the Act (if not also section 4(a)(2)), since it is plainly "discriminat[ion] against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age * * *." Accordingly, under normal rules of statutory construction, an employer seeking to invoke section 4(f)(2) as a defense to such a discriminatory reduction in employee benefits based on age bears the heavy burden of proving clearly and unmistakably that every test of the exception has been met.

In fashioning the section 4(f)(2) exception with respect to employee benefit plans, Congress explicitly recognized that the cost of providing certain benefits to older workers is greater than providing those same benefits to younger workers. To require that the same benefits be provided to all workers without regard to age, Congress feared, would discourage the employment of older workers or would unduly burden the employer and thereby jeopardize the continued maintenance and operation of such plans. As explained by Senator Javits during passage of the original bill in 1967, section 4(f)(2) is "particularly significant," "since, in its absence, employers might actually have been discouraged from hiring older workers because of the increased costs involved in providing certain types of benefits to them" (S. Rept. 723, 90th Cong., 1st Sess. (1967), p. 14; 113 Cong. Rec. 31254-31255). Senator Javits also stated: "The meaning of this provision is as follows: An employer will not be compelled under this section to afford to older workers exactly the same pension, retirement, or insurance benefits as he affords to younger workers" (113 Cong. Rec. 32155). In a similar vein, Representative Daniels pointed out that section 4(f)(2) was "designed to maximize employment possibilities

without working an undue hardship on employers in providing special and costly benefits" (113 Cong. Rec. 34727). See also Hearings before the Senate Labor Subcommittee on S. 830 and S. 788, 90th Cong., 1st Sess., 1967, pp. 27-30, 53, 106-107.

Essentially the same explanations were made during passage of the 1978 amendments. Thus, Senator Williams agreed with the following statement by Senator Javits (124 Cong. Rec. S. 4450-S. 4451, daily ed., March 23, 1978):

> The purpose of section 4(f)(2) is to take account of the increased cost of providing certain benefits to oler workers as compared to younger workers.
>
> Welfare benefit levels for older workers may be reduced only to the extent necessary to achieve approximate equivalency in contributions for older and younger workers. Thus a retirement, pension, or insurance plan will be considered in compliance with the statute where the actual amount of payment made, or cost incurred in behalf of an older worker is equal to that made or incurred in behalf of a younger worker, even though the older worker may there by receive a lesser amount of pension or retirement benefits, or insurance coverage. This is consistent with the following statement I made during the November 6, 1967 floor consideration of the original act:
>
> The amendment relating to * * * employee benefit plans is particularly significant: Because of it an employer will not be compelled to afford older workers exactly the same pension, retirement, or insurance benefits as younger workers and thus employers will not, because of the often extremely high cost of providing certain types of benefits to older workers, actually be discouraged from hiring older workers. At the same time, it should be clear that this amendment only relates to the observance of bona fide plans. No such plan will help an employer if it is adopted merely as a subterfuge for discriminating against older workers.

Congressman Hawkins spoke to the same effect during House floor debate (124 Cong. Rec. H 2270. daily ed., March 21, 1978):

> Benefits would not have to be equal where there is a legitimate economic or business purpose other than age which justifies the differential in benefits. The purpose of section 4(f)(2) is to encourage the employment of older workers by permitting age-based variations in benefits where the cost of providing the benefits to older workers is substantially higher. Any age-based differences in benefits would have to [be] evaluated under the standard in section 4(f)(2).

In making similar remarks, Congressman Pepper cautioned that

> [p]assage of this act should not be construed by any employer, or any court, to permit the sudden, total and unilateral termination of a capable and healthy worker from a health, insurance, or other welfare benefit plan solely on the basis of age and without full economic justification. (124 Cong. Rec. H 2275, daily ed., March 21, 1978)

Similar statements were made by Congressman Weiss, a sponsor of the amendment to section 4(f)(2) (id. at H 2276):

> It should be noted that it is not the intention of this amendment to have older workers cut off from their health and benefit plans the day they reach age 65. While employers, under this section, may not be required to fully integrate older workers into their seniority and pension benefit plans, they should not interpret the 1977 [sic] amendments to the ADEA as a license to cease to provide reasonable benefits to their older employees.

The legislative history of the 1978 amendments establishes one exception to the otherwise uniform rule under section 4(f)(2) that age-based reductions in employee benefit plans must be justified by actuarially significant cost considerations. That exception is with respect to certain retirement plans—both defined contribution plans and defined benefit plans. The legislative history make clear that

> an employer will be permitted under the act, as amended, to maintain a defined contribution plan—other than a plan which is merely supplemental to a defined benefit or defined contribution plan maintained by the employer—which precludes employer and, if applicable, employee contributions to such a plan subsequent to an employee's attainment of the plan's normal retirement age. [124 Cong. Rec. S 4450, daily ed., March 23, 1978, remark of Sen. Javits.]

This statement by Senator Javits, with which Senator Williams concurred, is identical in all material respects to a statement by Congressman Dent with which Congressman Hawkins concurred (see 124 Cong. Rec. H2271, daily ed., March 21, 1978).

The legislative history also makes clear that under the ADEA, as amended, an employer maintaining a defined benefit retirement plan is not required (1) to credit, for purposes of benefit accrual, those years of service which occur after an employee has attained the normal retirement age under the plan; (2) to pay the actuarial equivalent of normal retirement benefits to an employee who continues to work beyond normal retirement age under such a plan; or (3) to provide for the accrual of benefits under such a plan during any years of service by an employee after normal retirement age.

Many questions about the effect of this legislative history have been raised over the last several months. Some of these questions have been quite general and some have dealt with individual employee benefit plans, particularly life insurance, health insurance, long-term disability and retirement benefits. These questions are listed below. Following each question is a brief discussion of the Department's proposed interpretation, including the rationale for the proposed interpretation. In most instances there is also an indication of the particular types of comments the Department believes would be especially helpful in formulating final interpretations.

1. WHAT KINDS OF EMPLOYEE BENEFIT PLANS FALL WITHIN SECTION 4(f)(2)?

With the single, limited exception required by the legislative history and noted above, section 4(f)(2) applies only to plans in which age is an actuarially significant factor in plan design. It is not relevant that salary and seniority may be significant factors in plan design. One example of a benefit where age is an actuarially significant factor is life insurance. Thus, the monthly premium cost of group term life insurance for each $1,000 in face value increases in proportion to the age of any particular individual in the covered group. On the other hand, age is not an actuarially significant factor in the design of time-off with pay plans, such as paid vacations and paid sick leave. Accordingly, time-off with pay plans could not lawfully provide lesser benefits to older workers on account of age.

The legislative history with respect to retirement plans, as described earlier, specifically permits certain reductions in benefits for older workers even though the reductions are not necessarily cost-justified. Exclusion from participation in retirement plans is not permitted, except under specified circumstances. The special rules on this subject are discussed below in the section on retirement benefits.

2. WHAT KINDS OF COST DATA MAY BE RELIED ON TO SHOW THAT AGE IS AN ACTUARIALLY SIGNIFICANT FACTOR IN PLAN DESIGN?

An employer may rely on data which show the actual cost to him of providing the particular benefit in question. However, there may be situations where cost data are not statistically significant, particularly for smaller employers, or where such data do not exist, as may be the case with respect to providing certain benefits to employees over age 65. In such circumstances, an employer may rely on reasonable actuarial data on benefit cost a for similarly situated employees. Such data, for example, may be available from the Social Security Administration or the Society of Actuaries, or from similar sources.

3. MAY COMPARISONS OF BENEFIT COSTS AT DIFFERENT AGE LEVELS BE MADE WITH RESPECT TO THE BENEFIT PACKAGE AS A WHOLE, OR MUST THE COST COMPARISON BE MADE ON A BENEFIT-BY-BENEFIT BASIS?

The proposed interpretation requires cost comparison on a benefit-

by-benefit basis. There are two major reasons for this approach.

First, this approach is more consistent with the general nondiscrimination policy underlying the Act, which is that employees are to be treated as individuals regardless of age except to the extent that age-based cost differences in benefits dictate otherwise. A "benefit package" approach would permit drastic reductions in one benefit because of rising costs for another benefit. As a result an individual employee might be deprived because of age of a benefit of particular value to him in a way unjustified by the age-related costs of that benefit.

Second, this approach seems far more workable, since reference to available actuarial data regarding one benefit without a complete analysis of an employer's benefit levels and actual experience will frequently be sufficient to indicate compliance or possible noncompliance.

The benefit-by-benefit approach is, however, subject to the criticisms that it limits employer flexibility in meeting employee needs and in dealing with providers of benefits and that it may permit employers to reduce one benefit for older workers (for example, life insurance) while realizing a cost savings with respect to another benefit (for example, health insurance when Medicare is available). The Department would welcome comments on the benefit-by-benefit approach and on workable alternative approaches.

4. MAY THE LEVEL OF A BENEFIT BE REDUCED ON THE BASIS OF THE AVERAGE COST OF THE BENEFIT FOR ALL EMPLOYEES WITHIN AN AGE RANGE (SUCH AS 6 TO 70 YEARS OLD), OR MUST THE COST OF THE BENEFIT BE CALCULATED ON A YEAR-BY-YEAR BASIS?

The proposed interpretation provides that cost comparisons and adjustments are to be made on a year-by-year basis. The approach seems most consistent with the policy and legislative history of the Act, as amended, to the effect that benefit reductions should not be greater than costs actually justify. If another approach were taken—if, for example, life insurance benefits were reduced at age 65 on the basis of the cost for employees age 65 to 69 as compared to the cost for employees age 60 to 64—employees would experience in their 65th year a large and sudden reduction in benefits unjustified by cost considerations with respect to that year. The Department would welcome comments on the year-by-year approach and on alternative approaches which would also protect employees from precipitous reductions in benefits.

5. WHERE THE GOVERNMENT PAYS FOR CERTAIN BENEFITS TO EMPLOYEES ON THE BASIS OF AGE—SUCH AS MEDICARE BEGINNING AT AGE 65—MAY AN EMPLOYER CEASE TO PROVIDE THOSE SAME BENEFITS UNDER HIS EMPLOYEE BENEFIT PLAN, EVEN THOUGH AS A RESULT THE COST TO THE EMPLOYER OF PROVIDING MEDICAL BENEFITS TO OLDER EMPLOYEES MAY BE LESS THAN FOR YOUNGER EMPLOYEES?

The proposed interpretation permits such coordination of benefits, even though the availability of the Government-financed benefits may be based on age, provided that, when the Government-financed benefits are included, older employees still enjoy no less of any specific benefit than younger employees. It is in the nature of many employee benefit plans to respond to individual needs, and it would seem reasonable for such plans to take into account the extent to which individual needs are met by other benefits provided by the Government.

6. MAY AN EMPLOYER REQUIRE THAT AN OLDER EMPLOYEE MAKE GREATER CONTRIBUTIONS INTO A BENEFIT PLAN AS A CONDITION OF EMPLOYMENT OR OF PARTICIPATION IN THE PLAN, IN ORDER FOR THE EMPLOYEE TO BE ABLE TO RECEIVE THE SAME LEVEL OF BENEFITS AS A YOUNGER EMPLOYEE?

The proposed interpretation answers this question in the negative. To impose such a requirement as a condition of employment would seem to violate the special restrictions in section 4(f)(2), as amended, which make clear that no employee benefit plan shall excuse the failure to hire any individual, nor may such a plan require or permit the involuntary retirement of any individual, within the protected age group. To impose such a requirement as a condition of participation in the plan would be inconsistent with the language and legislative history of section 4(f)(2). These authorities indicate that this provison contemplates adjustments in benefits, not adjustments in pay or in employee contributions which are a condition of employment or of participation in a benefit plan. A reduction in take-home pay would obviously discourage older employees from continuing their employment and would be deemed a subterfuge to evade the purposes of the Act. The proposed interpretation makes clear, however, that an older employee may be given the option to make the additional contribution necessary to prevent a reduction in benefits otherwise justified under section 4(f)(2).

7. HOW WOULD SECTION 4(f)(2), AS AMENDED, APPLY TO VARIOUS EMPLOYEE BENEFIT PLANS?

(a) *Life insurance.* Many if not most employers providing life insurance coverage to employees maintain group plans which either terminate or begin a percentage reduction at normal retirement age. A sudden, total cut-off of such benefits while an employee is in the protected age category cannot be cost justified based on the mortality tables commonly used and accepted by the insurance industry. It is clear from the statutory language and the legislative history that a sudden cessation of benefits, even where the cost of providing the benefits gradually increases with age, would not qualify for the Act's exception at section 4(f)(2). The reason for this conclusion is that in any given year, the cost of providing life insurance coverage increases with increased likelihood of mortality, but in no year, according to the actuarial tables, does the cost increase by such a large percentage as to justify total cessation of coverage. However, where an employer can demonstrate under section 4(f)(2) that a percentage reduction in coverage in any one year is justified by an increase in insurance cost, no violation of the ADEA would result.

(b) *Health insurance.* It is the Department's understanding that, ordinarily, health insurance coverage does not vary significantly with age up to age 65. Where employees are not now subject to mandatory retirement at that age, coverage after that age is almost invariably reduced to take account of Medicare. In view of the availability of Medicare starting at age 65, the proposed interpretation takes the position that reductions in total health benefits (Medicare plus benefits from other sources) for employees age 65 to 70 will not be justified.

(3) *Long-term disability.* Long-term disability plans raise some uniquely difficult problems under the Act. The purpose of these plans is to replace, at least partially, income which an employee would have earned but is unable to earn because of disability. There is a wide variation in the duration of benefits. The most common limitations are 5 years, 10 years, or to age 65. Some plans provide benefits until the employee reaches normal retirement age. There are many variations, not only in the duration of benefits but also in the types of disabilities covered. No problem arises where disability benefits are provided for a certain number of months or years regardless of age or where a disability pension is provided for life, regardless of age, for a permanent disability. The problem arises with plans which provide benefits until a specific age, where that age is less than 70.

The Act as amended protects an employee's expectation of employment up to age 70. It is therefore consistent with the Act to permit long-term disability plans to use age 70 as the upper limit on an employee's expected working life. Thus, an employee disabled at age 50 could receive 20 years of benefits and an employee disabled at 65 could receive 5 years of benefits.

Reductions in the level of long-term disability benefits on the basis of age are permissible where justified by age-related cost considerations as described elsewhere in this preamble and set forth in the proposed interpretation.

With respect to the cutting off of all long-term disability beneifts on account of age before age 70, the proposed interpretation sets forth two alternative proposals. Comments are invited on each approach. Under the first alternative, it would be unlawful for long-term disability benefits to cease at an age certain (prior to age 70), just as it would be unlawful for employees above an age certain to have no long-term disability coverage at all. This approach is consistent with that part of the legislative history which forbids total termination of employee benefits without a full economic justification.

The second alternative, while not ignoring this legislative history, tries to come to grips with a potentially serious flaw underlying the first alternative. This problem requires some discussion.

The first alternative approach to long-term disability benefits under section 4(f)(2) has been criticized on the ground that it rests on the unwarranted assumption that a worker who suffers from a long-term disability would, in the absence of the disability, have worked until age 70, despite the worker's entitlement to full retirement benefits at an earlier age. Accordingly, this criticism contends, the proposed first alternative interpretation would require a long-term disability plan to replace (at least partially) wages or salary which employees would not have expected to receive, since many if not most employees would have voluntarily left the work force prior to age 70 had then not become disabled.

The underlying problem is that expected working life is an individual and subjective matter. If one considered all objective characteristics, which on the basis of longitudinal studies can be shown to correlate with future working life, each disabled employee would receive disability benefits for the future working life computed on the basis of his or her individual characteristics. This individual employee approach would, however, be extremely unwieldy (if not impossible) for a group insurance plan, even where the necessary information was available.

Perhaps the approach which best responds to both the concerns of the Act and the practicalities of group insurance is a modification of the approach already used by many plans, that is, the assumption that employees "would retire" at a certain age. It is likely that within a group of employees under a disability plan, age is the best predictor of future working life. The use of a fixed "probable retirement age" makes use of this predictor. Under this approach, the probable retirement age would be an age by which most employees actually do choose to retire. Where employees choose to work beyond this age and then become disabled, another age would have to be uses.

In this connection, is should be noted that the most common age at which employees retire is 65. However, for those individuals still employed at age 60 (or later), the average remaining worklife is about 5 years. (See Length of Working Life of Men and Women, 1970, (U.S. Department of Labor, Bureau of Labor Statistics, Special Labor Force Report 187). This publication includes, in addition to detailed tables and a technical appendix, an article of the same name from the Monthly Labor Review of Feb. 1976.)

On the basis of such data, the second alternative interpretation would be not to question the cessation of long-term disability payments at age 65 for any employee who becomes disabled at age 60 or less. However, with respect to any employee who becomes disabled after age 60, the disability payments may not be cut off until at least 5 years after the disability occurs (except that disability payments would not have to continue beyond age 70).

This second alternative interpretation has the advantage of taking into account the fact that most employees do not work until age 70. However, the second alternative has been criticized on two grounds. One is that it is based on a study which was conducted at a time when mandatory retirement at age 65 was not forbidden by the ADEA. Even though it is well known that many employees retire by age 65 even when not compelled to do so, it is not certain whether this practice will continue once the ADEA's maximum age limitation is raised to 70. The Department would therefore welcome information and explanations which will permit a reasonable estimate to be made of the proportion of employees who are likely to retire by age 65 even after the maximum age limitation is exceeded to 70.

The other criticism of the second alternative approach is that it relies on age stereotypes. Plainly not every employee who is disabled before age 60 would have retired by age 65 had the disability not occurred. (On the other hand, of course, some employees who are disabled before age 60 would have retired before age 65 if they had not been disabled.) In defense of the second alternative approach, it should be noted that section 4(f)(2) was designed to permit age-triggered changes in benefit plans based not on individual characteristics, but on group characteristics. Thus, the face value of life insurance benefits under a group plan could be lower for 61 year olds than for 60 year olds, even though a particular 61-year-old has a significantly longer life expectancy than a particular 60-year-old. The Department would welcome comments on the ramifications of an approach to long-term disability based on assumptions about average or typical employees of specified ages.

(d) *Retirement plans.* There are two major types of retirement plans: Individual account plans and defined benefit plans. See ERISA, section 3(34) and section 3(35). Individual account plans (defined contribution plans) generally provide that each participant has an individual account and the participant's benefits are based solely on the account balance. No set benefit is promised in defined contribution plans, and the final amount is a result not only of the actual contributions, but also of other factors, such as investment gains and losses. Any pension plan which is not an individual account plan is a defined benefit plan, which provides a definitely determinable benefit, by specifying either a flat monthly pension payment or a schedule of payments based on a formula (frequently involving salary and years of service), and funded according to actuarial principles over the employee's period of participation.

The legislative history as outlined previously sets forth several explicit rules with respect to retirement benefits, and these have been adopted in the Department's proposed interpretations. Because of the possibility of inadvertent or willful abuse flowing from that part of the legislative history which permits cessation of employer contributions and of benefit accruals after normal retirement age, the Department will scrutinize carefully, as a potential subterfuge to evade the purposes of the Act, any plan providing for an unusually low normal retirement age.

According to the legislative history, a defined contribution plan which is "supplemental" to a defined benefit or defined contribution plan may not provide for the cessation of employer contributions after normal retirement age. It appears from this legislative history that Congress intended to

permit certain individual account plans to cease making or permitting contributions for participants who have reached normal retirement age. The proposed intepretation takes the position that any defined contribution plan is "supplemental" if it is maintained by an employer in addition to a defined benefit plan.

Where an employer has no defined benefit plan but two or more defined contribution plans, all but one of the defined contribution plans are "supplemental." The one defined contribution plan which is not supplemental would not be required to provide for contributions after normal retirement age. In such circumstances, it would be left to the employer to designate which one of the defined contribution plans was not supplemental.

While most of the proposed interpretations on retirement benefits deal with adjustments in the level of benefits, the question of whether an individual may be lawfully excluded from participation in a retirement benefit plan is also important. Since the legislative history permits the cessation of employer contributions to a defined contribution plan and the cessation of benefit accruals in a defined benefit plan at normal retirement age, the Department would not view it as a violation of the ADEA if an employee hired after normal retirement age were excluded from participation in either such plan.

With respect to an employee hired prior to normal retirement age, the situation is different. The proposed interpretation takes the position that the exclusion of such an employee from participation in a defined contribution plan is a violation of the ADEA that is not excused by section 4(f)(2). The reason for this is that in a defined contribution plan, the employer does not have to fund to achieve promised, definitely determinable benefits; the employer's obligation is simply to contribute the amounts called for under the plan. Accordingly, neither actuarial considerations nor age affect the level of an employer's contributions. (The reasons in favor of this position on defined contribution plans apply equally to employees who are hired after normal retirement age, but to adopt such a position with respect to those employees appears to be contrary to congressional intent.)

With regard to defined benefit plans, the proposed interpretation permits the exclusion from participation of any employee who is hired within 5 years of normal retirement age. Under such circumstances, the Department believes that an employer would be able to demonstrate that the plan provision authorizing exclusion is not a subterfuge to evade the purposes of the Act, since the substantial cost of funding a specific level of benefits in a relatively short period of time would be the reason for the exclusion. The same rule applies under the Employee Retirement Income Security Act (see section 202(a)(2) of ERISA and section 410(a)(2) of the Internal Revenue Code).

The exclusion from participation in a defined benefit plan of any employee hired more than 5 years from normal retirement age is forbidden by ERISA with respect to those plans covered by ERISA. Plans not covered by ERISA could exclude such employees only if it could be demonstrated that the exclusion was based on substantial cost considerations. Total exclusion would probably be very difficult if not impossible to justify on the basis of cost, but it might be possible to justify a differential in benefit formula in which age is not a factor. For example, a formula which provides for a specified percentage of salary for the first 5 years of service and a slightly higher percentage for each year thereafter would not be unlawful under the ADEA. However, a plan subject to ERISA or a tax-qualified plan would have to conform to the applicable rules forbidding excessive back loading.

This document was prepared under the direction and control of Xavier M. Vela, Administrator, Wage and Hour Division. The principal authors were James B. Leonard, Counsel for Legal Advice, and Thomas J. Allen, Attorney, Office of the Solicitor, and Sandra K. Bollhoefer, Wage-Hour Analyst, Wage and Hour Division. They were assisted by staff from the Office of the Solicitor and the Wage and Hour Division.

Accordingly, it is proposed to amend § 860.120 of Title 29, Code of Federal Regulations, as follows:

§ 860.120 Costs and benefits under employee benefit plans.

(a) *General.* Section 4(f)(2) of the Act provides that it is not unlawful for an employer, employment agency, or labor organization "to observe the terms of * * * any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this Act, except that no such employee benefit plan shall excuse the failure to hire any individual, and no such * * * employee benefit plan shall require or permit the involuntary retirement of any individual specified by section 12(a) of this Act because of the age of such individual." The legislative history of this provision indicates that its purpose is to permit age-based reductions in employee benefit plans where such reductions are justified by significant cost considerations. Accordingly, section 4(f)(2) does not apply to time-off with pay plans, such as paid vacations and paid sick leave. Where employee benefit plans do meet the criteria in section 4(f)(2), benefit levels for older workers may be reduced to the extent necessary to achieve approximate equivalency in cost for older and younger workers. A benefit plan will be considered in compliance with the statute where the actual amount of payment made, or cost incurred, in behalf of an older worker is equal to that made or incurred in behalf of a younger worker, even though the older worker may thereby receive a lesser amount of benefits or insurance coverage. Since section 4(f)(2) is an exception from the general nondiscrimination provisions of the Act, the burden is on the one seeking to invoke the exception that every element has been clearly and unmistakably met. The exception must be narrowly construed. The following sections explain three key elements of the exception: (1) What a "bona fide employee benefit plan" is; (2) what it means to "observe the terms" of such a plan; and (3) what kind of plan, or plan provision, would be considered "a subterfuge to evade the purposes of [the] Act." There is also a discussion of the application of the general rules governing all plans with respect to specific kinds of employee benefit plans. For a discussion of the provisions in section 4(f)(2) forbidding the failure to hire any individual or the involuntary retirement of any individual, see § 860.110 of this chapter.

(b) *"Bona fide employee benefit plan."* Section 4(f)(2) applies only to bona fide employee benefit plans. A plan is considered "bona fide" if its terms (including cessation of contributions or accruals in the case of retirement income plans) have been accurately described in writing to all employees and if it actually provides the benefits in accordance with the terms of the plan. Notifying employees promptly of the provisions and changes in an employee benefit plan is essential if they are to know how the plan affects them. For these purposes, it would be sufficient under the ADEA for employers to follow the disclosure requirements of ERISA and the regulations thereunder. The plan must actually provide the benefits its provisions describe, since otherwise the notification of the provisions to employees is misleading and inaccurate. An "employee benefit plan" is a plan, such as a retirement, pension, or insurance plan, which provides employees with what are frequently referred to as "fringe benefits." The term does not refer to wages or salary in cash; neither section 4(f)(2) nor any other section of the Act excuses the payment of lower wages or salary to older employees on account of age. Whether or not any particular employee benefit

plan may lawfully provide lower benefits to older employees on account of age depends on whether all of the elements of the exception have been met.

(c) *"To observe the terms" of a plan.* In order for a bona fide employee benefit plan which provides lower benefits to older employees on account of age to be within the section 4(f)(2) exception, the lower benefits must be provided in "observ[ance of] the terms of" the plan. As this statutory text makes clear, the section 4(f)(2) exception is limited to otherwise discriminatory actions which are actually prescribed by the terms of a bona fide employee benefit plan. Where the employer, employment agency, or labor organization is not required by the express provisions of the plan to provide lesser benefits to older workers, section 4(f)(2) does not apply. Important purposes are served by this requirement. Where a discriminatory policy is an express term of a benefit plan, employees presumably have some opportunity to know of the policy and to plan (or protest) accordingly. Moreover, the requirement that the discrimination actually be prescribed by a plan assures that the particular plan provision will be equally applied to all employees of the same age. Where a discriminatory provision is an optional term of the plan, it permits individual, discretionary acts of discrimination, which do not fall within the section 4(f)(2) exception.

(d) *"Subterfuge."* In order for a bona fide employee benefit plan which prescribes lower benefits for older employees on account of age to be within the section 4(f)(2) exception, it must not be "a subterfuge to evade the purposes of [the] Act." In determining whether a plan or plan provision is a subterfuge, it is irrelevant whether or not the plan or provision became effective before the original enactment of the ADEA or before the 1978 amendments. In general, a plan or plan provision which prescribes lower benefits for older employees on account of age is not a "subterfuge" within the meaning of section 4(f)(2), provided that the lower level of benefits is justified by age-related cost considerations. (The only exception to this general rule is with respect to certain retirement plans. See paragraph (f)(4) below.) There are certain other requirements that must be met in order for a plan not to be a subterfuge. These requirements are set forth below.

(1) *Cost data—General.* Cost data used in justification of a benefit plan which provides lower benefits to older employees on account of age must be valid and reasonable. This standard is met where an employer has cost data which show the actual cost to him of providing the particular benefit in question. Where such data do not exist or where the data exists but are based on a universe of employees too small to be statistically significant, the standard is met by reliance on reasonable actuarial data on benefit costs for similarly situated employees.

(2) *Cost data—Individual benefit basis.* Cost comparisons and adjustments under section 4(f)(2) must be made on a benefit-by-benefit basis. Thus, higher health insurance costs for older employees could justify a decrease in health insurance coverage but could not justify a decrease in any other benefit.

(3) *Cost data—Annual basis.* Cost comparisons and adjustments under section 4(f)(2) must be made on a year-by-year basis. Thus, a plan may not reduce a benefit respecting employees of a particular age if the cost per employee of the reduced benefit would be less than the cost incurred to provide the unreduced benefit to employees of any younger age. For example, where an employer chooses to provide unreduced life insurance benefits until age 65 and where the cost to the employer of the unreduced benefits is greatest for employees age 64, benefits for employees age 65 may be reduced only to the extent necessary to achieve approximate equivalency in cost for the employees age 65 and the employees age 64.

(4) *Mandatory reductions in take-home pay.* Any employee benefit plan which, on the basis of age, requires an individual specified in section 12(a) of the Act to make greater contributions than any younger employee in support of an employee benefit plan in order to receive the same level of benefits as the younger employee is a subterfuge to evade the pruposes of the Act. However, it is not a subterfuge to give an older employee the option, as an individual, to make the additional contribution necessary to receive the same level of benefits as younger employees (provided that the contemplated reductions in benefits is otherwise justified by section 4(f)(2)).

(5) *Forfeiture clauses.* Clauses in employee benefit plans which state that litigation or participation in any manner in a formal proceeding by an employee will result in the forfeiturte of his rights are unlawful insofar as they may be applied to those who seek redress under the Act. This is by reason of section 4(d) which provides that it is unlawful for an employer, employment agency, or labor organization to discriminate against any individual because such individual "has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation under this Act."

(6) *Refusal to hire clauses.* Any provision of an employee benefit plan which requires or permits the refusal to hire an individual specified in section 12(a) of the Act on the basis of age is a subterfuge to evade the purposes of the Act, regardless of the costs of providing the benefits specified in the plan.

(7) *Involuntary retirement clauses.* Any provisions of an employee benefit plan which requires or permits the involuntary retirement of any individual specified in section 12(a) of the Act on the basis of age is a subterfuge to evade the purpose of the Act, regardless of the costs of providing the benefits specified in the plan. (See also § 860.110, on involuntary retirement.)

(e) *Employee benefits provided by the Government.* An employee benefit plan does not violate the Act by permitting certain benefits to be provided by the Government, even though the availability of those benefits may be based on age. For example, an employee health benefit plan does not violate the Act by permitting certain health benefits to be paid for by medicare rather than by the plan. However, the availability of benefits from the Government will not justify a benefit reduction in an employer-provided plan if the result is that, taking the employer-provided and Government-provided benefits together, an older employee is entitled to a lesser benefit of any type that a similarly situated younger employee. For example, the availability of certain benefits to an older employee under medicare will not justify a plan which denies an older employee a benefit which is provided to younger employees and is not provided to the older employee by medicare. In other words, overall medical benefits (including medicare) for employees 65 to 70 must be no less than the lowest level of medical benefits for employees under 65.

(f) *Application of section 5(f)(2) to selected employee benefit plans.* Four of the most common types of employee benefit plans are life insurance, health insurance, long-term disability, and retirement benefits.

(1) *Life insurance.* It is not uncommon for life insurance coverage to remain constant until a specified age, frequently 65, and then be reduced. This practice will not violate the Act (even if reductions start before age 65), provided that the reduction in any 1 year for an employee of a particular age is no greater than is justified by the increased cost of coverage for that year. In the case of employees between ages 65 and 70, standard actuarial tables justify about an 8 percent yearly reduction in coverage in any 1 year, and the Department would not assert a violation where the reduction is no greater than this amount. It should be noted, however, that expulsion from a life insurance plan, on the

basis of age, would never be justified. It is not unlawful for life insurance coverage to cease at age 70 or upon separation from service, whichever occurs first.

(2) *Health insurance.* The great variety of health insurance plans makes it difficult to offer a general guideline as to what reductions might be justified by increased costs. Reductions may not be concentrated on certain items so as to make coverage less attractive to older workers. As a result of the savings to employers when benefits are available through medicare, reductions in total health benefits for employees age 65 to 70 will not be justified. As in the case of life insurance, exclusion from a health insurance plan, on the basis of age would never be justified. It is not unlawful for health insurance coverage to cease at age 70 or upon separation from service, whichever occurs first.

(3) *Long-term disability.* Reductions in the level of benefits on the basis of age are permissible only where justifiable by age-related cost considerations as set forth elsewhere in this section. [This position would be supplemented by one of two alternative positions. The first alternative is: "However, the cutting-off of all long-term disability benefits on account of age before age 70 is unlawful and not excused under section 4(f)(2)." The second alternative is: "However, the cutting-off of all long-term disability benefits on account of age before age 70 is unlawful and not excused *unless* the following conditions are met:

["(i) With respect to disabilities which occur at age 60 or less: The cessation of benefit payments occurs no earlier than age 65.

["(ii) With respect to disabilities which occur after age 60: The cessation of benefit payments occurs no less than 5 years after the onset of the disability (except that no payments need be made after age 70)."]

(4) *Retirement plans.* (i) *Participation.* No employee hired prior to normal retirement age may be excluded from a defined contribution plan. With respect to defined benefit plans not subject to the Employee Retirement Income Security Act (ERISA), Pub. L. 93-406, 29 U.S.C. 1001, 1003 (a) and (b), no employee hired at an age more than 5 years prior to normal retirement age may be excluded from such a plan unless the exclusion is justifiable on the basis of cost considerations as set forth elsewhere in this section. With respect to defined benefit plans subject to ERISA, such an exclusion would be unlawful. An employee hired at an age less than 5 years prior to normal retirement age may be excluded from a defined benefit plan, regardless of whether or not the plan is covered by ERISA. An employee hired after normal retirement age may be excluded from a defined benefit plan or a defined contribution plan.

(ii) *Benefits.* Except as provided in this paragraph, the benefits provided under a retirement plan must meet the requirements as set forth elsewhere in this section.

(A) A defined contribution plan may provide for the cessation of employer contributions after the normal retirement age of any participant in the plan. However, this provision applies only with respect to plans which are not "supplemental." Any defined contribution plan is deemed "supplemental" if it is maintained by an employer in addition to a defined benefit plan. Where an employer has no defined benefit plan but two or more defined contributions plans, all but one of the defined contribution plans are "supplemental." The one defined contribution plan which is not supplemental could provide for the cessation of employer contributions after normal retirement age. The employer can designate which one of the defined contributions plans is not supplemental.

(B) A defined benefit plan may fail to credit, for purposes of benefit accrual, service which occurs after an employee's normal retirement age.

(C) A defined benefit plan need not pay the actuarial equivalent of normal retirement benefits to an employee who retires after working beyond a plan's normal retirement age. (A defined contribution plan would have to pay the balance in the individual account.)

Signed at Washington, D.C., on this 19th day of September 1978.

XAVIER M. VELA,
Administrator,
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Federal Register

FRIDAY, SEPTEMBER 22, 1978
PART VI



DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

FOOD STAMP PROGRAM

[3410-30]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. No. 136]

Food Stamp Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This rule tightens the criteria for authorizing retailers and wholesalers to accept and redeem food stamps, sets forth criteria for determining periods of disqualification for retailers and wholesalers who have been found to have violated food stamp program regulations, allows the Food and Nutrition Service (FNS) to substitute a civil money penalty for a period of disqualification for a retailer or wholesaler if a disqualification would cause hardship to participating households, details the method for assessing a civil money penalty and requires retailers to provide cash change in amounts less than $1 in food stamp transactions. These regulations implement the Food Stamp Act of 1977.

EFFECTIVE DATE: The amendments to parts 270 and 271, and the new parts 278 and 279 take effect on January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Nancy Snyder, Deputy Administrator, Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250, 202-447-8982.

SUPPLEMENTARY INFORMATION: On May 2, 1978, the Department published a proposed rule (43 FR 18874-18958) to amend parts 271, 272, 273, and 274 of the food stamp program regulations and to add new parts 278, 279, and 282. As noted in the preamble to those proposed regulations the "* * * existing provisions (current regulations) regarding retailer/wholesaler activities have generally been considered successful (and therfore) major portions of this (proposed) section are a restatement of existing regulations, instructions or procedures." (43 FR at 18903.) Almost no comments were received on those existing regulations and provisions as republished in the proposal. Moreover, as compared to the other parts, relatively few comments were received regarding the retailer and wholesaler proposals. These comments led to few changes in the proposed retailer-wholesaler rules.

Rather than delay these final rules to combine them in a single massive publication likely to be issued later this month, and to allow firms sufficient time to plan for implementation of these regulations, the Department has decided to publish parts 278, 279, and those protions of part 271 related to parts 278 and 279, before publishing the remaining rules. A number of wording changes have been made to improve clarity. No specific mention of these changes will be made in this summary. The significant changes are discussed as follows:

Staple foods. Three commenters were concerned that the list of staple foods found in section 3(k) of the Food Stamp Act of 1977 (Act) mentions no bakery product but bread and that few bakeries have more than 50 percent bread sales.[1] As pointed out in the those comments,[2] the proposed regulations might be interpreted to exclude many bakeries despite the clear expression found in the House Report[3] that bakeries were to be authorized if they sold bread and breadstuffs which met the 50 percent staple foods test found in section 3(k) of the Act. The House Report stated that:

> To satisfy the 50 percent test, the store * * * should offer a variety of such staples, meaning a spectrum of * * * breadstuffs * * *, since the Committee has no reason to foreclose * * * bakeries * * * from being able to accept food stamps in trade.

Thus, to insure uniform administration of this requirement, in accord with the clear intent of the House Report, the Department has modified the list of staple foods to include "bread and breadstuffs." However, this change is not intended to permit the participation of pastry and donut shops that do not sell bread. The House Report noted that " * * * the intent of the Committee is * * * to eliminate without question certain stores, such as * * * speicalty donut stores not selling other bakery or bread products * * *. This intent would be effectuated by authorizing pastry, donut or bakery shops only if a line of basic bread products (breads and rolls) is customarily sold, in addition to the sales of other staple foods. This same rational extends to, for example, shops which only sell ice cream. These shops would not be authorized unless they customarily sold other dairy products in addition to ice cream.[4]

Delegation of authority. Approval or denial of authorization of retail or wholesale stores to accept food stamps is currently delegated to the officers in charge (OIC's of FNS field offices. Although no comments were received on this point, the Department has decided, for the sake of clarity, to specify when this authority lies with the OIC. The final rule is not intended to represent a change in current policy.

Approval of retailers and wholesalers. A number of commenters expressed fear that the 50 percent staple foods requirement would exclude many small grocery stores, especially rural grocery stores and convenience stores, from participation in the program.[5] The Department believes that these fears arise largely from misunderstanding of that statutory requirement. According to sections 3 (g) and (k) of the Act, staple food sales must be more than 50 percent of the store's eligible food sales only—not of the store's gross sales (their total sales of food and nonfood items). Sales of nonfood items, alcoholic beverages, hot food prepared for immediate consumption, newspapers, sundries, and general merchandise are not to be counted in determining the total food sales volume which is to be compared to the amount of staple food sales. The Department intends to implement this statutory requirement by asking retailers to estimate what percentage of their total food sales are comprised of staple food items on a simple self-declaration form. As noted in the preamble to the proposal, "[t]he House Report explains that retailers should not be required to set up any elaborate system of recordkeeping to prove to FNS that sales of staple foods warranted authorization." (43 FR at 18903.) As provided in the Act, any retailer which has food sales that are 50 percent or less staple foods will not be eligible for participation in the program. The final regulatory language regarding this point is merely designed to clarify what was intended in the proposed language.

The section on authorization of wholesalers has been changed to allow

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[1] Sec. 3(k) of the Act defines a retail food store, in part, as " * * * an establishment or recognized department thereof or house-to-house trade route, over 50 percentum of whose food sales volume consists of staple food items for home preparation and consumption, such as meat, poultry, fish, bread, cereals, vegetables, fruits, dairy products, and the like, but not including accessory food items, such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, and spices * * *."

[2] The Associated Retail Bakers of America, letter of June 3, 1978, provided a detailed and useful analysis of the bakery product issue. All retailer/wholesaler comments are available for public inspection and copying at FNS Offices, Room 640, 500 12th Street SW., Washington, D.C. 20250.

[3] House Committee on Agriculture (H. Rept. 95-464; June 24, 1977).

[4] As noted in the preamble to the proposal, the statutory intention was "* * * to eliminate certain stores such as candy and ice cream stores, spice stores (and) donut shops which do not also sell bread products * * *" (43 FR at 18903.)

[5] The letter of June 14, 1978, from NARGUS (the National Association of Retail Grocers of the United States), is representative of the comments concerning the feared loss of authorization for convenience stores and small rural groceries

FNS officials to consider local conditions more fully in deciding whether wholesalers are needed for the efficient and effective operation [6] of the program. Several commenters stated that the proposed rule provided insufficient flexibility to local FNS officials to allow them to carefully determine the need for wholesaler participation. Since the Act requires that this determination be made, the Department agrees that is is important not to limit FNS review of relevant considerations regarding the particular factors in each situation.

The proposed regulations stated that a firm could not be authorized as a wholesaler if its owner owners also owned an authorized retail foodstore, even though the retail food store was operated through a different firm. Several commenters objected to this proposal as unnecessarily hampering the authority of FNS to approve food outlets which could have a beneficial impact on program operations. The Department is convinced that the proposed requirement would disrupt the normal patterns of business for certain firms in a manner which would not necessarily be advantageous to participating households. Moreover, close scrutiny of joint ownership situations should prevent program abuse while allowing for authorization of firms required for the effective and efficient operation of the food stamp program.

The proposed regulations were also criticized as providing insufficient guidance for handling restaurants. Section 3(g) of the Act provides that certain aged, blind, or disabled persons may use coupons to buy meals in certain restaurants "* * * that contract with the appropriate agency of the State to offer meals * * * at concessional prices * * *." The final regulations clarify the procedures governing the activities of restaurants authorized to accept food coupons.

Participation of retail foodstores. The Department has dropped the requirement that retail food stores post the official food list. Several commenters stated that the list is inappropriate for posting in a communal dining facility, which is included in the definition of a "retail foodstore" in §271.2. However, retail foodstores should let any interested person inspect a copy of the official food list.

Implementation. These rules take effect on January 1, 1979, except that all authorizations still valid on that date shall remain valid unless the officer in charge informs the retailer or wholesaler that action will be taken to withdraw or deny authorization to the firm. The procedures provided under § 278.1 shall be followed in those circumstances.

Making change. A number of retailers commented that it was unfair to ask them to police the proposed rule which provided that: "An authorized retailer may not engage in a series of coupon transactions of less than $1 the purpose of which is to provide the same food stamp customer an amount of cash change greater than the maximum 99 cents cash change allowed in one transaction." (7 CFR 278.2(f), proposed.) The Department does not believe that this rule imposes a significant burden on retailers. As mentioned in the preamble to the proposal, this rule only prohibits the knowing abuse of the cash change procedure and provides retailers with grounds to refuse obvious attempts to abuse the cash change provisions. The Department believes that it is sufficiently important to attempt to prevent participants from converting large amounts of coupons into cash to impose this prohibition.

Accepting coupons before delivery. Two commenters suggested allowing nonprofit cooperative food-buying clubs to deliver food bought with food stamps up to 14 days after the participants submitted their orders and paid for the ordered food with food stamps. For the protection of participating households, the proposed regulations allowed cooperative food-buying clubs up to 10 days to deliver the food. The Department believes that a 14-day period is sufficiently short to insure the timely delivery of food to participating households and has changed the regulations accordingly.[7] Households, of course, may enter into agreements providing for the quicker delivery of food than the 14-day maximum.

Checking certain participants' ID cards. The Department has decided that it is necessary to mark communal dining facility participants' ID cards, to show that they are eligible to use their food stamps at those facilities, and to require the personnel or restaurants operating under State contracts to check the ID cards, where necessary to insure that food stamp program participants eating at restaurants are eligible to pay with food stamps. Stamped ID cards would facilitate the determination of eligibility to purchase prepared food and might avoid the adverse public reaction if ineligible persons could easily buy meals with food stamps.

Loss of coupons by banks. The current and proposed regulations allow FNS to honor claims for food stamps lost in transit between banks. During the comment period, FNS received a claim by a bank for a food stamp loss caused by the theft of stamps which were not in transit. At that time, there was no authority to honor such a claim. However, since there is no absolute protection against the theft of redeemed food stamps, and so that banks will not be discouraged from participating nor made to suffer losses which are not their fault, these final regulations provide that FNS will consider claims from banks for canceled food stamps lost as a result of burglary or robbery.

Amount of civil money penalty. The proposed regulations provide that FNS may impose civil money penalties on certain firms, which equal the average monthly food stamp redemption rate times 5 percent. The Department is concerned that in some cases a retailer could pay the 5-percent fine and still make a net profit on the food stamp business. The fine could represent merely a kind of fee or license to violate the regulations and act. To discourage this sort of practice, the Department has reserved the right to double the 5-percent multiplier for repeat violators.

Disqualification penalties. The final rules clarify when certain penalties are appropriate and reorganize the penalty schedule. The reorganization is designed to more heavily punish serious violations, especially where the firm had been previously warned by FNS, and especially if the violations were related to management policy.

PART 270—GENERAL INFORMATION AND DEFINITIONS

§ 270.2 [Amended]

Accordingly, 7 CFR part 270 is amended as follows:

Paragraphs (f), (g), (i), (m), (n), (q), (s), (x), (cc), (kk), (ll), (mm), (rr), (ss), and (zz) of § 270.2 are deleted and reserved.

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

§ 271.2 [Redesignated as § 271.11]

Part 271 is amended as follows:

Section 271.2 is redesignated as § 271.11. A new § 271.2 is added, reading as follows:

§ 271.2 Definitions.

"Communal dining facility" means a public or nonprofit private establishment, approved by FNS, which prepares and serves meals for elderly persons, or for supplemental security

[6] Section 9(b) of the Act provides that: "No wholesale food concern may be authorized to accept and redeem coupons unless the Secretary determines that its participation is required for the effective and efficient operation of the food stamp program. In addition, no firm may be authorized to accept and redeem coupons as both a retail food store and as a wholesale food concern at the same time."

[7] The letter from Don R. Hancock, dated June 3, 1978, noted, based on his cooperative food-buying experience, that 10 days was insufficient time to order and receive bulk foods from distant States.

income (SSI) recipients, and their spouses. It also includes senior citizens' centers, apartment buildings occupied primarily by elderly persons or SSI recipients, and their spouses, public or private nonprofit establishments (eating or otherwise) that feed elderly persons or SSI recipients, and their spouses, and federally subsidized housing for the elderly at which meals are prepared for and served to the residents. It also includes private establishments that contract with an appropriate State or local agency to offer meals at concessional prices to elderly persons or SSI recipients, and their spouses.

"Coupon" means any coupon, stamp, or type of certificate provided pursuant to the provisions of this subchapter for the purchase of eligible food.

"Drug addiction or alcoholic treatment and rehabilitation program" means any drug addiction or alcoholic treatment and rehabilitation program conducted by a private nonprofit organization or institution which is certified by the State agency or agencies designated by the Governor as responsible for the adiminstration of the State's programs for alcoholics and drug addicts pursuant to Pub. L. 91-616, "Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act of 1970" and Pub. L. 92-255, "Drug Abuse Office and Treatment Act of 1972" as providing treatment that can lead to the rehabilitation of drug addicts or alcoholics.

"Elderly person" means a person 60 years of age or older.

"Eligible food" means: (1) Any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods and hot food products prepared for immediate consumption; (2) seeds and plants to grow foods for the personal consumption of eligible households; (3) meals prepared and delivered by an authorized meal delivery service, or served by a communal dining facility for the elderly or SSI households, to households eligible to use coupons for delivered meals or communal dining; (4) meals prepared and served by an authorized drug addict or alcoholic treatment and rehabilitation center to households eligible to use coupons for those meals; and (5) in the case of certain eligible households living in areas of Alaska where access to food stores is extremely difficult and the households rely on hunting and fishing for subsistence, equipment for the purpose of procuring food for eligible households, including nets, lines, hooks, fishing rods, harpoons, knives, and other equipment necessary for subsistence hunting and fishing but not equipment for the purpose of transportation, clothing, or shelter nor firearms, ammunition, or other explosives.

"Meal delivery service" means a political subdivision, a private nonprofit organization, or a private establishment with which a State or local agency has contracted for the preparation and delivery of meals at concessional prices to elderly persons, and their spouses, and to the physically or mentally handicapped and persons otherwise disabled, and their spouses, such that they are unable to adequately prepare all of their meals.

"Nonprofit cooperative food purchasing venture" means any private nonprofit association of consumers whose members pool their resources to buy food.

"Retail foodstore" means: (1) An establishment or recognized department of an establishment, or a house-to-house trade route, whose eligible food sales volume is more than 50 percent staple food items for home preparation and consumption; (2) public or private communal dining facilities and meal delivery services and drug addict or alcoholic treatment and rehabilitation programs; (3) any store selling equipment for procuring food by hunting and fishing to eligible households in Alaska, as specified in the definition of eligible food; (4) any private nonprofit cooperative food purchasing venture, including those whose members pay for food prior to receipt of the food; and (5) a farmers' market.

"Staple food" means those food items intended for home preparation and consumption, which include meat, poultry, fish, bread and breadstuffs, cereals, vegetables, fruits, fruit and vegetable juices, and dairy products. Accessory food items, such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, and spices are not staple foods for the purpose of qualifying a firm to participate in the program as a retail foodstore.

"Wholsale food concern" means an establishment which sells eligible food to retail food stores or to meal services for resale to households.

PART 272—[REDESIGNATED]

Part 272 is redesignated as part 278 as set forth below.

Part 272 is redesignated as part 278 and is revised to read as follows:

PART 278—PARTICIPATION OR RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND BANKS

Sec.

278.1 Approval of retail foodstores and wholesale food concerns.
278.2 Participation of retail food stores.
278.3 Participation of wholesale food concerns.
278.4 Procedures for redeeming coupons.
278.5 Participation of banks.
278.6 Disqualification of retail foodstores and wholesale food concerns, and imposition of civil money penalties in lieu of disqualifications.
278.7 Determination and disposition of claims—retail foodstores and wholesale food concerns.
278.8 Administrative review—Retail foodstores and wholesale food concerns.

AUTHORITY: 91 Stat. 958 (7 U.S.C. 2011-2027).

§ 278.1 Approval of retail food stores and wholesale food concerns.

(a) *Application.* Any firm desiring to participate in the program shall file an application as prescribed by FNS. The FNS officer in charge shall deny or approve authorization, or request more information, within 30; days of receipt of the application.

(b) *Determination of authorization.* An applicant shall provide sufficient data on the nature and scope of the firm's business for the FNS officer in charge to determine whether the applicant's participation will further the purposes of the program. In making this determination the FNS officer in charge shall consider all of the following:

(1) *The nature and extent of the food business conducted by the applicant.* (i) Retail food stores which sell primarily food for home preparation and consumption and in which one or more staple food items, as defined in § 271.2, make up more than 50 percent of eligible food sales shall normally be considered to have food business of a nature and extent which will further the purposes of the program. These stores shall include: Full-line grocery stores; convenience stores; stores which sell meat, poultry, or, fish; stands which sell agricultural commodities; farmers markets; milk routes; bread routes; day-old bread stores; bakeries which sell bread; and nonprofit cooperative food-purchasing ventures which are properly licensed to sell food in the state and locality in which they are operating.

(ii) Firms whose primary business is not the sale of food for home preparation and consumption, but who have recognized grocery departments in which staple foods make up more than 50 percent of eligible food sales, shall normally be considered to have food business of a nature and extent which will qualify the store for participation in the program. In determining whether a store's staple food business is sufficient for the store to qualify for participation in the program, the FNS officer in charge shall also consider:

(A) The volume of staple food business the store does;

(B) The amount of sales of staple foods compared to other business conducted by the firm; and

(C) The availability of other authorized food stores in the area.

(iii) Wholesale food concerns whose primary business is the sale of eligible food at wholesale, and in which one or more staple food items, as defined in § 271.2, make up more than 50 percent of eligible food sales, shall normally be considered to have adequate food business for the purposes of the program.

(2) *The volume of coupon business which FNS may reasonably expect the firm to do.* The FNS officer in charge may consider such factors as the location of a store and previous food sales volumes in evaluating the ability of an applicant firm to attract food stamp business.

(3) *The business integrity and reputation of the applicant.* The FNS officer in charge may consider:

(i) Criminal conviction records reflecting on the honesty or integrity of officers or managers of the applicant firm;

(ii) Official records of removal from other Federal, State, or local programs;

(iii) Judicial determinations in civil litigation adversely reflecting on the integrity of officers or managers of the applicant firm;

(iv) Evidence of an attempt to circumvent a period of disqualification from the food stamp program or a civil money penalty imposed for violations of the Food Stamp Act and this part;

(v) Evidence of prior fraudulent behavior of officers, managers or employees of the applicant firm; and

(vi) Any other evidence reflecting on the business integrity and reputation of the applicant.

(4) *Other factors.* Any other factors which the FNS officer in charge considers pertinent to the application under consideration.

(c) *Wholesalers.* A wholesale food concern may be authorized if it meets the requirements of paragraphs (a) and (b) of this section and the FNS officer in charge determines that the firm is needed as a redemption outlet for authorized retail food stores. In addition, no firm may be authorized to accept and redeem coupons both as a retail food store and a wholesale food concern at the same time.

(d) *Meal services.* A meal delivery service or communal dining facility desiring to prepare and serve meals to households eligible to use coupons for those meals in addition to meeting the requirements of paragraphs (a) and (b) of this section, must establish that:

(1) It is recognized as a tax exempt organization by the Internal Revenue Service; or

(2) It is a senior citizens' center or apartment building occupied primarily by elderly persons and SSI recipients, and their spouses; or

(3) It is a private establishment operating under a contract with a State or local agency to prepare and serve (or deliver) low-cost meals to elderly persons and SSI recipients (and, in the case of meal delivery services, to elderly persons or handicapped persons) and their spouses. The contracts of private establishments must specify the approximate prices which will be charged.

(e) *Treatment programs.* Drug addict or alcoholic treatment and rehabilitation programs wishing to prepare and serve meals to households eligible to use coupons for those meals must, in addition to meeting requirements of paragraphs (a), (b), and (d)(1) of this section, be certified by the State agency or agencies designated by the Governor as responsible for the State's programs for alcoholics and drug addicts under Pub. L. 91-616, "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970" and Pub. L. 92-255, "Drug Abuse Office and Treatment Act of 1972," as providing treatment that can lead to the rehabilitation of drug addicts or alcoholics. In addition, the certification must show that the treatment program meets the standards required of treatment programs under the supervision of the State agency or agencies designated by the Governor as responsible for the State's programs for alcoholics and drug addicts. Approval to participate is automatically canceled at any time that a program loses its certification from the State agency or agencies.

(f) *Authorization card.* Upon approval, FNS shall issue a nontransferable authorization card to the firm. The authorization card shall be retained by the firm until superseded, surrendered, or revoked as provided in this part.

(g) *Denying authorization.* FNS shall deny the application of any firm if it determines that:

(1) The firm does not qualify for participation in the program as specified in paragraphs (b), (c), (d), and (e) of this section; or

(2) The firm has failed to pay in full any fiscal claim assessed against the firm under § 278.7. The FNS officer in charge shall issue a notice to the firm by certified mail or personal service of any authorization denial and shall advise the firm that it may request review of that determination.

(h) *Withdrawing authorization.* FNS shall withdraw the authorization of any firm authorized to participate in the program if it determines that the firm's continued participation will not further the purposes of the program. The FNS officer in charge shall issue a notice to the firm by certified mail or personal service to inform the firm of the determination and of the review procedure. FNS shall remove the firm from the program if the firm does not request review within the period specified in § 279.5.

(i) *Updating information.* FNS may require, from time to time, but not more than once each Federal fiscal year, a firm to update any or all of the information on the firm's application form. Failure to provide this information may result in the withdrawal of the firm's approval to participate in the program.

(j) *Applications containing false information.* The filing of any application containing false or misleading information may result in the denial or withdrawal of approval to participate in the program and may subject the firm and persons responsible to civil or criminal action.

(k) *Administrative review.* Any withdrawal or denial of authorization to participate in the program shall be subject to administrative review under § 278.8.

(l) *Safeguarding privacy.* The contents of applications or other information furnished by firms, including information on their gross sales and food sales volumes and their redemptions of coupons, may not be used or disclosed to anyone except for purposes directly connected with the administration and enforcement of the Food Stamp Act and these regulations.

§ 278.2 Participation of retail food stores.

(a) *Use of coupons.* Coupons shall be accepted by an authorized retail food store only in exchange for eligible food. Coupons may not be accepted in exchange for cash, except when cash is returned as change in a transaction in which coupons were accepted in payment for eligible food, under paragraph (d) of this section. Coupons may not be accepted in payment of interest on loans, or for any other nonfood use.

(b) *Equal treatment for coupon customers.* Coupons shall be accepted for eligible foods at the same prices and on the same terms and conditions applicable to cash purchases of the same foods at the same store. However, nothing in this part may be construed as authorizing FNS to specify the prices at which retail food stores may sell food. No retail food store may single out coupon users for special treatment in any way.

(c) *Accepting coupons.* No authorized retail food store may accept coupons marked "paid," "canceled," or "specimen." Nor may a retail food store accept coupons bearing any cancellation or endorsement, or coupons of other than the 1-dollar denomination which have been detached from the coupon books prior to the time of

purchase or delivery of eligible food unless the detached coupons are accompanied by the coupon books which bear the same serial numbers that appear on the detached coupons. It is the right of the household member or the authorized representative to detach the coupons from the book.

(d) *Making change.* An authorized retail food store shall use, for the purpose of making change, uncanceled and unmarked 1-dollar coupons which were previously accepted for eligible foods. If change in an amount of less than 1-dollar is required, the eligible household shall receive the change in cash. At no time may cash change in excess of 99 cents be returned in a coupon transaction. An authorized retail food store may not engage in a series of coupon transactions of less than 1 dollar the purpose of which is to provide the same food stamp customer an amount of cash change greater than the maximum 99 cents cash change allowed in one transaction.

(e) *Accepting coupons before delivery.* Food retailers may not accept coupons before delivering the food, retain custody of any unspent coupons, or in any way prevent an eligible household from using coupons in making purchases from other authorized firms. However, a nonprofit cooperative food purchasing venture may accept coupons from a member of the cooperative at the time the member places a food order. The food ordered must be made available to the member within 14 days from the day the cooperative receives the member's coupons.

(f) *Paying credit accounts.* Coupons may not be accepted by an authorized retail food store in payment for any eligible food sold to a household on credit.

(g) *Redeeming coupons.* Authorized retail food stores may exchange coupons in accordance with this part for face value, upon presentation through the banking system or through a wholesale food concern authorized to accept coupons from that retailer. Authorized drug addict and alcoholic treatment and rehabilitation programs may present coupons for redemption through authorized wholesale food concerns, or may purchase food in authorized retail food stores as authorized representatives of households participating in drug addict and alcoholic treatment and rehabilitation programs. Authorized drug addict and alcoholic treatment and rehabilitation programs may not present coupons directly to a bank for redemption.

(h) *Identifying coupon users.* Coupons may not knowingly be accepted from persons who have no right to possession of coupons. If a food retailer has any cause to believe that a person presenting coupons has no right to use the coupons, the food retailer should request the person to show the ID card of the household to establish the right of that person to use the coupons.

(i) *Checking meal delivery service recipients.* A nonprofit meal delivery service shall require the recipient of a delivered meal to show the marked ID card establishing the recipient's right to use coupons for that service the first time that the recipient offers coupons in payment for the service, and shall request the marked ID card at any time the nonprofit meal delivery service has cause to question the continued eligibility of the recipient to use coupons for delivered meals.

(j) *Checking hunting and fishing equipment users.* Authorized Alaskan retailers shall require coupon customers wanting to purchase hunting and fishing equipment with coupons to show their ID cards to determine that they live in an area designated by FNS as one in which persons are dependent upon hunting and fishing for subsistence.

(k) *Checking participants in restaurants.* A restaurant operating under a State contract shall require a household purchasing meals to show the marked ID card establishing the household's right to purchase meals with coupons unless the personnel of the restaurant know that the program participant tendering coupons is eligible to use coupons to purchase meals.

§ 278.3 Participation of wholesale food concerns.

(a) *Accepting coupons.* A wholesale food concern may redeem endorsed coupons from an authorized retail food store or authorized drug addict or alcoholic treatment program, if the coupons are accompanied by a properly filled-out and signed redemption certificate, and are not marked "paid," "canceled," or "specimen."

(b) *Accepting legally obtained coupons.* No authorized wholesale food concern may accept coupons if the wholesaler knows or has reasonable cause to believe that the coupons were not legally obtained for eligible food.

(c) *Redeeming coupons.* An authorized wholesale food concern may redeem coupons, properly accepted from retailers, through the banking system, upon presentation of the coupons with:

(1) The authorized retail food store's properly filled-out and signed redemption certificate for the coupons; and

(2) The authorized wholesale food concern's properly filled-out and signed redemption certificate.

(d) *Handling retailer redemption certificates.* No authorized wholesale food concern may alter, prepare, or complete an authorized retail food store's redemption certificate.

§ 278.4 Procedure for redeeming coupons.

(a) *Coupons accepted without authorization.* Coupons accepted by a retail food store or a wholesale food concern before the receipt by the firm of an authorization card from FNS may not be presented for redemption unless the FNS officer in charge has approved the redemption under § 278.7(b). Burned or mutilated coupons shall be presented for redemption to the FNS officer in charge as provided in § 278.7(c).

(b) *Endorsing coupons.* Each authorized retail food store or authorized wholesale food concern shall mark its authorization number or name on each coupon before it presents the coupons for redemption.

(c) *Using redemption certificates.* FNS will provide all authorized firms with redemption certificates. Wholesale food concerns and retail food stores, except for drug addict and alcoholic treatment and rehabilitation programs, shall use the redemption certificates to present coupons to banks for credit or for cash. All retail food stores which wish to redeem coupons at wholesale food concerns shall use the redemption certificates for that purpose. An authorized retail firm using redemption certificates to redeem coupons shall fill out the redemption certificate to show the value of the coupons redeemed, the name of the bank or wholesaler, the date, and the signature and title of the official of the firm redeeming coupons.

§ 278.5 Participation of banks.

(a) *Accepting coupons.* Banks may redeem coupons only from authorized retail food stores, meal services, and wholesale food concerns in accordance with this part and the instructions of the Federal Reserve Banks. Coupons submitted to banks for credit or for cash must be properly endorsed in accordance with § 278.4 and shall be accompanied by a properly filled-out and signed redemption certificate. Banks may require persons presenting coupons for redemption to show their authorization cards. Redemption certificates accepted by receiving banks shall be forwarded at least once a week to:

Minneapolis ADP Field Center, Food and Nutrition Service, USDA, 3930 West 65th Street, Minneapolis, Minn. 55435.

Coupons redeemed must be canceled by or for the first bank receiving the coupons by indelibly marking "paid" or "canceled" together with the name of the bank, or its routing symbol transit number, on each coupon. A portion of a coupon consisting of less than three-fifths of a whole coupon may not be redeemed by banks. Banks which are members of the Federal Reserve System, nonmember clearing banks, and nonmember banks which

have arranged with a Federal Reserve Bank to deposit coupons for credit to the account of a member bank on the books of the Federal Reserve Bank may forward canceled coupons directly to the Federal Reserve Banks. Other banks may forward canceled coupons through ordinary collection channels.

(b) *Role of Federal Reserve Banks.* Federal Reserve Banks, acting as fiscal agents of the United States, will receive canceled coupons for collection as cash items from armed forces installations, member banks of the Federal Reserve System, nonmember clearing banks, and nonmember banks which have arranged with a Federal Reserve Bank to deposit coupons for credit to the account of a member bank on the books of the Federal Reserve Bank, and will charge those items to the general account of the Treasurer of the United States.

(c) *FNS liability for loss in transit.* (1) FNS shall be liable for losses of shipments of canceled coupons while in transit to Federal Reserve or correspondent banks, except that:

(i) Coupons are not in transit while in the custody of the transmitting bank, the Federal Reserve, the correspondent bank, or their employees.

(ii) The bank must be unable to recover the loss from the carrier, and when there is a partial loss, there must be evidence that the package was tampered with or damaged in transit. The Federal Reserve and correspondent bank shall record the condition of packages which on receipt appear to have been tampered with or damaged in transit.

(iii) The Federal Reserve or correspondent bank must provide a statement that the shipment or part of the shipment was not received. In the event of a partial loss, this statement shall specify the condition of the package upon receipt and state whether it appeared to have been tampered with or damaged in transit.

(2) The commercial bank shall give a prompt written report of loss or damage to the post office or other carrier.

(3) Commercial banks shall submit the following documents to FNS in support of any claim for payment for coupons lost in transit:

(i) A copy of the notification of loss to the post office or other carrier;

(ii) An affidavit detailing the facts and the bank's procedures for making the shipment, the expected recovery from the carrier, and for partial losses, the condition of the package upon receipt and the basis for asserting whether it appeared to have been tampered with or damaged in transit;

(iii) A statement from the Federal Reserve or correspondent bank that the shipment or part of the shipment was not received. In the event of a partial loss, this statement shall state the basis for asserting whether the loss resulted from the package being tampered with or damaged in transit;

(iv) A copy of the cash letter which transmitted the shipment.

(4) FNS will obtain copies of the redemption certificates corresponding to claims.

(d) *Loss of coupons by burglary or robbery.* FNS will consider claims from banks for canceled coupons lost as the result of a burglary or robbery. The bank must provide FNS with (1) documentation showing that the stolen canceled coupons were in possession of the bank at the time of the burglary or robbery, (2) evidence that the amount of coupons not recovered will not be compensated by its insurer, (3) an investigation report detailing the facts of the robbery or burglary, and (4) evidence that negligence on the part of the bank did not contribute to the loss. Stolen coupons, later recovered, for which the bank was compensated by a claims payment from FNS shall be returned to FNS and shall not be redeemed.

(e) *FNS use of coupons to detect violations.* Regardless of any other provision in these regulations, coupons may be issued to, purchased by, or redeemed by persons authorized by FNS to use those coupons in examining and inspecting program operations, and for other purposes determined by FNS to be required for proper administration of the program. Coupons which have been so issued and used, as well as any coupons which have been issued under paragraph (g) of this section, or which FNS believes may have been issued, transferred, negotiated, used, or received in violation of this subchapter or of any applicable statute, shall at the request of FNS and on issuance of a receipt for them be turned over to FNS by the bank receiving the coupons, or by any other person to whom the request is addressed, together with any certificate(s) of redemption accompanying the coupons. Any coupons so requested shall not be eligible for redemption through Federal Reserve Banks or other collection channels. However, FNS may redeem coupons from any bank or person by payment of the face amount of the coupons upon determination by FNS that this direct redemption of coupons is warranted. FNS shall determine the proper disposition of any coupons held by FNS on completion of the examination or inspection in which the coupons were used. Claims or demands for unredeemed coupons surrendered to FNS may be mailed to the local FNS field office for the project area involved.

(f) *Selling coupons to stores for internal checks.* FNS may sell coupons at face value to any authorized retail food store which wishes to use coupons to conduct internal checks of coupon transactions. The retail food store must submit a written request to FNS which shall include a certification that the store recognizes that its use of coupons will not affect FNS action to enforce program regulations and that the requested coupons will be used only for internal checks of the store's employees and only to uncover sales of items other than eligible foods. The request shall also include the name of the city or county in which the stores to be checked through the use of the requested coupons are located and the name and address of any outside agency with which the retail food store has or will have a contract to conduct checks of the store's employees using coupons. The request shall be directed to the Federal Operations Division, FNS, U.S. Department of Agriculture, Washington, D.C. 20250, and shall be accompanied by a check or money order made payable to the Food and Nutrition Service to cover the face value cost of the coupons requested. Coupons bought by retail food stores for use in internal checks may be later redeemed for full value in accordance with § 278.4, and in redeeming those coupons, retail food stores are authorized to make the certification required for redemption.

(g) *Continued participation of households under investigation.* Upon the written request of Federal, State, or local government agencies which have authority to investigate, and are investigating, suspected violations of Federal or State statutes concerning the enforcement of the Food Stamp Act or the regulations, the State agency may allow ineligible households to continue program participation. The State agency may allow the households to continue participation in the program until the earlier of (1) expiration of the period of 90 days after the request is received or any longer period which FNS, upon request of the State agency, may approve in a particular case, or (2) receipt of notification from the investigative agency that participation may be terminated or that the investigation has been completed. Regardless of any other provision of these regulations, FNS may not hold the State agency liable for the value of any coupons issued to households under this paragraph.

278.6 Disqualification of retail food stores and wholesale food concerns, and imposition of civil money penalties in lieu of disqualifications.

(a) *Authority to disqualify or subject to a civil money penalty.* FNS may disqualify any authorized retail food store or authorized wholesale food

concern from further participation in the program for a reasonable period of time, not to exceed 3 years, as FNS may determine, if the firm fails to comply with the Food Stamp Act or this part. Any firm which has been disqualified and which wishes to be reinstated at the end of the period of disqualification or at any later time shall file a new application so that FNS may determine whether reinstatement is appropriate. The application may be filed starting 10 days before the end of the period of disqualification. FNS may, in lieu of a disqualification, subject the firm a to civil money penalty of up to $5,000 for each violation if FNS determines that a disqualification would cause hardship to participating households. For purposes of this section, unless otherwise noted, firm means the ownership or managment of an authorized retail food store or wholesale food concern or any person acting on behalf of the ownership or managment.

(b) *Charge letter.* Any firm considered for disqualification or imposition of a civil money penalty under paragraph (a) of this section shall have full opportunity to submit to FNS information, explanation, or evidence concerning any instances of noncompliance before FNS makes a final administrative determination. The FNS regional office shall send the firm a letter of charges before the determination. The letter shall specify the violations or actions which FNS believes constitute a basis for disqualification or imposition of a civil money penalty. The letter shall inform the firm that it may respond either orally or in writing to the charges contained in the letter within 10 days of receiving the letter. The firm's response shall set forth a statement of evidence, information, or explanation concerning the specified violations or acts. The firm shall make its response, if any, to the officer in charge of the FNS field office which has responsibility for the project area in which the firm is located.

(c) *Review of evidence.* The letter of charges, the response, and any other information available to FNS shall be reviewed and considered by the appropriate FNS regional office, which shall then issue the determination.

(d) *Basis for determination.* The FNS regional office making a disqualification or penalty determination shall consider: (1) the nature and scope of the violations committed by personnel of the firm, (2) any prior action taken by FNS to warn the firm about the possibility that violations are occurring, and (3) any other evidence that shows the firm's intent to violate the regulations.

(e) *Penalties.* FNS shall take action as follows against any firm determined to have violated the Act or regulations. The FNS regional office shall:

(1) Disqualify the firm for 3 years if the firm has committed flagrant violations of this part, such as buying large amounts of coupons or trafficking in ATP cards, which have resulted in major diversions of food stamps from their intended purpose.

(2) Disqualify the firm for 1 year if: (i) The evidence shows that: (A) It is the firm's policy to sell expensive or conspicuous nonfood items, cartons of cigarettes, or alcoholic beverages, in exchange for food coupons, and the firm has engaged in such practices, or

(B) The firm bought coupons at discount, and

(ii) The firm was warned about the possibility that violations were occurring and of the possible consequences of violating the regulations. The regional office may disqualify a firm for 1 year, even though the firm was not warned about the possibility that violations were occurring, if the regional office finds that the firm has committed unusually serious violations of the kind described in (i) (A) or (B) of this subparagraph.

(iii) The evidence shows that the firm's coupon redemptions for a specified period of time exceed its food sales for the same period of time.

(3) Disqualify the firm for 6 months if:

(i) The evidence shows that it is the firm's policy to commit violations such as the sale of common nonfood items in amounts normally found in a shopping basket and the firm was warned about the possibility that violations were occurring and of the possible consequences of violating the regulations, or

(ii) Violations such as those described in (2)(i) (A) or (B) of this subsection occurred but FNS has not specifically warned the firm that violations are occurring and of the possible consequences of violating the regulations.

(4) Disqualify the firm for 90 days if the ownership or managment personnel of the firm have committed violations such as described in paragraph (3)(i) of this subsection, and there is no indication that FNS has specifically warned the firm about the possibility that violations are occurring and of the possible consequences of violating the regulations.

(5) Disqualify the firm for 60 days if the evidence shows that violations such as those described in paragraph (3)(i) of this subsection occurred, but that the violations resulted from carelessness or poor supervision by the firm's ownership or management.

(6) Disqualify the firm for 30 days if the evidence shows that:

(i) Violations such as those described in paragraph (3)(i) of this subsection occurred as a result of carelessness or poor supervision by the firm's ownership or management, but FNS has not specifically warned the firm about the possibility that violations are occurring and of the possible consequences of violating the regulations, or

(ii) The violations are limited in nature and scope, and FNS has made a specific attempt to warn the firm that violations may be occurring and of the possible consequences of violating the regulations.

(7) Send the firm a warning letter if violations are too limited to warrant a disqualification.

(f) *Previous penalties.* The FNS regional office may assign a penalty that is more severe than the penalty normally warranted by the evidence of violations if the same firm has been previously disqualified or has been previously assigned a civil money penalty.

(g) *Criteria for civil money penalty.* FNS may impose a civil money penalty in lieu of disqualification only when the firm subject to a disqualification is selling a substantial variety of staple food items, and the firm's disqualification would cause hardship to food stamp households because there is no other authorized retail food store in the area selling as large a variety of staple food items at comparable prices.

(h) *Amount of civil money penalty.* FNS shall determine the amount of the civil money penalty as follows:

(1) Determine the firm's average monthly redemptions of coupons for the 12-month period ending at the time the firm was charged with violations.

(2) Multiply the average monthly redemption figure by 5 percent to represent the loss of profits that would result from the loss of coupon business and related cash business. FNS may double the 5 percent multiplier in cases in which the firm has been disqualified or subjected to a civil money penalty previously.

(3) Multiply the product arrived at in subparagraph (2) by the number of months for which the firm would have been disqualifed under paragraph (e) of this section. The civil money penalty may not exceed $5,000 for each violation.

(i) *Notifying the firm of civil money penalty.* The regional office FNS shall inform the firm in writing that it has 15 days in which to pay the fine or notify the regional office in writing of its intent to pay in installments as specified by the FNS regional office. In any event, the fine must be paid in full by the end of the period for which the firm would have been disqualified. FNS shall disqualify the firm for:

(1) The period determined to be appropriate under paragraph (e) of this

section if the firm refuses to pay the fine; or

(2) A period corresponding to the unpaid part of the fine, if the firm does not pay the fine in full or in installments as specified by the FNS regional office.

(j) *Review of determination.* The determination of the FNS regional office shall be final and not subject to further administrative or judicial review unless a written request for review is filed within the period stated in § 279.5.

(k) *Delivery of notice.* The delivery by certified mail or personal service of any notice required of FNS by this part will constitute notice to the addressee of its contents.

§ 278.7 Determination and disposition of claims—retail food stores and wholesale food concerns.

(a) *Claims against violators.* FNS may establish a claim against an authorized firm which has accepted coupons in violations of the Food Stamp Act or of this part. If a firm fails to pay the claim, FNS may collect the claim by offset against the amounts due the firm on redemption of other coupons, or deny an application for reauthorization by a firm which has been disqualified and has failed to pay a claim.

(b) *Coupons accepted without authorization.* (1) The FNS officer in charge may approve the redemption under § 278.4 of coupons accepted by firms before the receipt of an authorization card from FNS if the following conditions exist:

(i) The coupons were received in accordance with the requirements of this part governing acceptance of coupons except the requirement that the firm be authorized before acceptance;

(ii) The coupons were accepted by the firm in good faith, and without intent to circumvent this part; and

(iii) The firm receives authorization to participate in the program.

(2) Firms seeking approval to redeem coupons accepted without authorization shall present a written application for approval to the local FNS field office. This application shall be accompanied by a written statement signed by the firm of all the facts about the acceptance of the coupons. The statement shall also include a certification that the coupons were accepted in good faith, and without any intent to circumvent this part.

(c) *Burned or mutilated coupons.* FNS may redeem burned or mutilated coupons only to the extent that the Bureau of Engraving and Printing of the United States Treasury Department can determine the value of the coupons. The firm presenting burned or mutilated coupons for redemption shall submit the coupons to the local FNS field office with a properly filled-out redemption certificate. In the section of the redemption certificate for entering the amount of coupons to be redeemed, an estimate of the value of the burned or mutilated coupons submitted for redemption shall be entered if the exact value of the coupons is unknown. The phrase "Deputy Administrator for Fiscal Management, FNS, USDA," should be entered in the section of the redemption certificate for entering the name and address of the bank or wholesaler.

(d) *Old series coupons.* FNS may redeem the old series food coupons issued in 50-cent, 2-dollar, and 5-dollar denominations when they are presented for redemption. Firms presenting the coupons for redemption shall submit the coupons to the local FNS field office with a properly completed redemption certificate and a written statement, signed by a representative of the firm, detailing the circumstances of the acceptance of the coupons.

(e) *Denials of claims.* If a claim under this section is denied in whole or in part, notification of this action shall be sent to the firm by certified mail or personal service. If the firm is aggrieved by this action, it may seek administrative review as provided in § 278.8.

(f) *Lost or stolen coupons.* FNS may not be held liable for claims from retail food stores, meal services, or wholesale food concerns for lost or stolen coupons.

§ 278.8 Administrative review—retail food stores and wholesale food concerns.

(a) *Requesting review.* A food retailer or food wholesaler aggrieved by administrative action under §§ 278.1, 278.6 or 278.7 may, within the period stated in § 279.5, file a written request for review of the administrative action with the food stamp review officer. On receipt of the request for review, the questioned administrative action shall be stayed pending disposition of the request for review by the food stamp review officer.

(b) *Addressing the request.* The request for review shall be filed with the Director, Administrative Review Staff, FNS, U.S. Department of Agriculture, Washington, D.C. 20250.

(c) *Review procedure.* The procedure for food stamp reviews is published in part 279 and is available upon request from the Director, Administrative Review Staff.

Part 273 is redesignated as Part 279, and is revised to read as follows:

PART 279—ADMINISTRATIVE AND JUDICIAL REVIEW—FOOD RETAILERS AND FOOD WHOLESALERS

Subpart A—Administrative Review—General

Sec.
279.1 Scope and purpose.
279.2 Food Stamp Review Officer.
279.3 Authority and jurisdiction.
279.4. Rules of procedure.

Subpart B—Rules of Procedure

279.5 Manner of filing requests for review.
279.6 Content of requests for review.
279.7 Action upon receipt of a request for review.
279.8 Determination of the Food Stamp Review Officer.
279.9 Legal advice and extensions of time.

Subpart C—Judicial Review

279.10 Judicial Review.

AUTHORITY: 91 Stat. 958 (7 U.S.C. 2011-2027).

Subpart A—Administrative Review—General

§ 279.1 Scope and purpose.

Subpart A sets forth the procedure for the designation of the food stamp review officers and the authority and jurisdiction of those officers. Subpart B states the rules of procedure to be followed in the filing and disposition of the requests for review provided for in § 278.8. Subpart C concerns the rights of food retailers and food wholesalers to judicial review of the final determinations of the food stamp review officer.

§ 279.2 Food stamp review officer.

(a) *Designation of review officers.* The Administrator, FNS, shall designate one or more persons to act as food stamp review officers.

(b) *Assigning cases to review officers.* The officers shall serve for periods which the Administrator, FNS, shall determine. Changes in designations and additional designations may be made from time to time at the discretion of the Administrator, FNS. When more than one food stamp review officer has been designated, requests for review will be assigned for handling to individual food stamp review officers by a person designated by the Administrator, FNS. The names of the food stamp review officers shall be on file in the Office of the Administrator, FNS.

§ 279.3 Authority and jurisdiction.

(a) *Jurisdiction.* A food stamp review officer shall act for the Department on requests for review filed by firms aggrieved by any of the following actions:

(1) Denial of an application or withdrawal of authorization to participate in the program under § 278.1;

(2) Disqualification from participation in the program or imposition of a civil money penalty under § 278.6; or

(3) Denial of all or any part of any claim under § 278.7.

(b) *Authority.* The determination of the food stamp review officer shall be the final administrative determination of the Department, subject, however, to judicial review under section 14 of the Food Stamp Act and subpart C of this part.

§ 279.4 Rules of procedure.

Rules of procedure for the orderly filing and disposition of requests for review of firms submitted in accordance with § 279.5 are issued in subpart B of this part. The Administrator, FNS, may later issue amendments to any rules of procedure which are appropriate.

Subpart B—Rules or Procedure

§ 279.5 Manner of filing requests for review.

(a) *Addressing requests for review.* Requests for review submitted by firms shall be mailed to or filed with "Director, Administrative Review Staff, FNS, U.S. Department of Agriculture, Washington, D.C. 20250."

(b) *Content of requests.* Requests for review shall be in writing and shall state the name and business address of the firm involved, and the name, address and position with the firm of the person who signed the request. The request shall be signed by the owner of the firm, an officer or partner of the firm, or by counsel, and need not be under oath.

(c) *Time limit for requesting review.* A request for review shall be filed with the Director, Administrative Review Staff, within 10 days of the date of delivery of the notice of the action for which review is requested. For purposes of determining whether a request was timely:

(1) The filing date shall be the postmark date of the request, or equivalent if the written request is filed by a means other than mail;

(2) In computing the 10 day period, the day of delivery of the notice of the action for which review is requested may not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday. In that case, the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. As used in this paragraph, "legal holiday" includes New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other day designated as a holiday by the President or the Congress of the United States.

§ 279.6 Content of request for review.

(a) *Identifying the request.* Requests for review shall clearly identify the administrative action from which the review is requested. This identification shall include the date of the letter or other written communication notifying the firm of the administrative action, the name and title of the person who signed the letter or other communication, and whether the action under appeal concerns a denial of an application or a withdrawal of authorization to participate, a disqualification from further participation, a civil money penalty, or a denial of all or any part of a claim.

(b) *Supporting the request.* The request shall include information in support of the request showing the grounds on which review is being sought, or shall state that supporting information will be filed in writing at a later date. In the later case, the food stamp review officer shall notify the firm of the date by which the information must be filed. The firm requesting review may ask for an opportunity to appear before the food stamp review officer in person. However, any information submitted in person shall, if directed by the food stamp review officer, be put in writing by the firm and filed with the food stamp review officer within a period which the review officer shall specify.

§ 279.7 Action upon receipt of a request for review.

(a) *Holding action.* Upon receipt of a request for review of a disqualification action, of a civil money penalty, or of a withdrawal of authorization to participate, the food stamp review officer shall notify the appropriate FNS regional office, in writing, of the action under review and shall direct that the administrative action shall be held in abeyance until the food stamp review officer has made a determination. Upon receipt of a request for review of a denial of application to participate in the program, or of a denial of a claim, the food stamp review officer shall notify the appropriate FNS regional office, in writing, of the action under review and shall direct that the firm shall not be approved for participation or paid any part of the disputed claim until the food stamp review officer has made a determination. In any case, notice to the appropriate FNS regional office shall be accompanied by a copy of the request filed by the firm.

(b) *Filing supporting information.* If the request filed by the firm includes a request for an opportunity to file written information in support of its position at a later date, the food stamp review officer shall promptly notify the firm of the date by which the information shall be filed. If the firm fails to file any information in support of its position by the designated date, the information submitted with the original request shall be considered to be the only information submitted by the firm. In that case, if no information in support of the firm's position was submitted with the original request, the action of the appropriate FNS regional office shall be final.

(c) *Failure to meet with review officer.* If the firm filing the request for review asks to appear before the food stamp review officer in person, the review officer shall promptly notify the firm of the date, time and place set for the appearance. If the firm fails to appear before the food stamp review officer as specified, any written information timely submitted in accordance with this section shall be considered to be the only information submitted by the firm.

(d) *Basis for regional office determination.* The food stamp review officer shall require the appropriate FNS regional office to promptly submit, in writing, all information which was the basis for the administrative action for which the review has been requested.

§ 279.8 Determination of the food stamp review officer.

(a) *Basis for review officer determination.* The food stamp review officer shall make a determination based upon:

(1) The information submitted by the FNS regional office;

(2) Information submitted by the firm in support of its position; and

(3) Any additional information, in writing, obtained by the review officer from any other person having relevant information.

(b) *Review of denial of application or withdrawal of approval.* In the case of a request for review of a denial of an application or withdrawal of approval to participate in the program, the determination of the food stamp review officer shall sustain the action under review or shall direct that the firm be approved for participation.

(c) *Review of disqualification or civil money penalty.* In the case of a request for review of action disqualifying a firm from participation in the program or assessing a civil money penalty against the firm, the determination of the food stamp review officer shall sustain the action under review or specify a shorter period of disqualification or a reduced civil money penalty, direct that an official warning letter be issued to the firm in lieu of any period of disqualification or civil money penalty, or direct that no administrative action be taken. The food stamp review officer may change a disqualification of a firm selling a substantial variety of staple foods to a

civil money penalty if the review officer receives information that the disqualification would cause a hardship to participating households because there are no other firms in the area selling as large a variety of staple food items at comparable prices, and this information was not available to the regional office when the regional office made its determination to disqualify the firm. In such a case, the food stamp review officer, before he/she makes a determination, shall provide the information to the regional office, which shall report to the food stamp review officer whether the new information warrants a civil money penalty in lieu of disqualification. If the food stamp review officer determines that a civil money penalty in lieu of a disqualification is warranted, the review officer shall determine the amount of the penalty in accordance with § 278.6.

(d) *Review of denial of claim.* In the case of a request for review of a denial of all or part of a claim of a firm, the determination of the food stamp review officer shall sustain the action under review or shall specify the amount of the claim to be paid by FNS.

(e) *Notice of Review Officer determination.* The food stamp review officer shall notify the firm of the determination by certified mail. The notification shall be sent to the representative of the firm who filed the request for review.

(f) *Notifying the Regional Office.* The food stamp review officer shall send a copy of the notification to the firm to the appropriate FNS regional office, which shall take any action which may be necessary to comply with the determination of the review officer.

(g) *Effective date.* The determination of the food stamp review officer shall take effect 30 days after the date of delivery of the determination to the firm.

§ 279.9 Legal advice and extensions of time.

(a) *Advice from Office of the General Counsel.* If any request for review involves any doubtful questions of law, the food stamp review officer shall obtain the advice of the Department's Office of the General Counsel.

(b) *Extensions of time.* Upon timely written request to the food stamp review officer by the firm requesting the review, the food stamp review officer may grant extensions of time if, in the review officer's discretion, additional time is required for the firm to fully present information in support of its position. However, no extensions may be made in the time allowed for the filing of a request for review.

Subpart C—Judicial Review.

§ 279.10 Judicial review.

(a) *Filing for judicial review.* A firm aggrieved by the determination of the food stamp review officer may obtain judicial review of the determination by filing a complaint against the United States in the U.S. district court for the district in which the owner resides or is engaged in business, or in any court of record of the State having competent jurisdiction. The complaint must be filed within 30 days after the date of delivery or service upon the firm of the notice of determination of the food stamp review officer in accordance with § 279.8(e); otherwise the determination shall be final.

(b) *Summons and complaint.* Service of the summons and complaint in any such action shall be made in accordance with the rules of civil procedure for the U.S. district courts. The copy of the summons and complaint required by the rules to be served on the officer or agency whose order is being attacked shall be sent by registered or certified mail to the person in charge of the applicable regional office of FNS.

(c) *Trial de novo.* The suit in the U.S. district court or in the State court, as the case may be, shall be a trial de novo by the court in which the court shall determine the validity of the questioned administrative action. If the court determines that the administrative action is invalid, it shall enter a judgment or order which it determines is in accordance with the law and the evidence.

(d) *Stay of action.* Pending the judicial review, or any appeal from the judicial review, the administrative action under review shall remain in force, unless the firm makes application to the court and, after a hearing on the action showing irreparable injury, the court temporarily stays the administrative action under review pending disposition of the de novo trial or an appeal from the trial.

NOTE.—The Food and Nutrition Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A107.

NOTE.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated: September 19, 1978.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc. 78-26692 Filed 9-21-78; 8:45 am]

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