AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol. 43—No. 204
10-20-78
PAGES
48989-49283

Federal Register

FRIDAY, OCTOBER 20, 1978



highlights

IMPROVING GOVERNMENT REGULATIONS

The FEDERAL REGISTER of November 1 will contain an updated list of dates on which agencies plan to publish regulatory agendas under Executive Order 12044.

SUNSHINE ACT MEETINGS 49105

FEDERAL ACQUISITION REGULATION PROJECT
OMB/FPPO announces availability and requests comments by 12-20-78 on draft regulation 49025

FLOODPLAIN MANAGEMENT AND WETLANDS PROTECTION
SBA extends effective date of interim rule implementing Executive Orders 11988 and 11990 (Part III of this issue) 49237

EMERGENCY SCHOOL AID ACT
HEW/OE announces 11-27-78 as the closing date for transmittal of applications for Special Projects Program for fiscal year 1979 49056

SUPPLEMENTAL SECURITY INCOME PROGRAM
HEW/SSA excludes certain State and local assistance from computation of "countable income"; effective 10-20-78 48994

EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS
Labor/FCCPO updates rules to consolidate compliance responsibility functions authorized under Executive Order 12086; effective 10-20-78 (Part IV of this issue) 49240

DESIGNATED SALVAGE TIMBER SALE PROGRAM
USDA/FS proposes to set forth policy and procedure for administering preferential awards to small business firms; comments by 11-20-78 49028

FEDERAL MINERAL DEPOSITS—FINANCIAL ASSISTANCE
Interior/BLM proposes to make loans available to local governments to relieve social and economic impact; comments by 11-20-78 49005

FISHERY CONSERVATION AND MANAGEMENT
Commerce/NOAA proposes new information requirements for fishery management plans; comments by 11-20-78 49023
Commerce/NOAA issues preliminary determinations on certain 1978 foreign fishing permits; comments by 11-20-78 49032

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
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.

federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202-523-5240.**

FEDERAL REGISTER, Daily Issue:	
Subscription orders (GPO)	**202**-783-3238
Subscription problems (GPO)	**202**-275-3050
"Dial - a - Reg" (recorded summary of highlighted documents appearing in next day's issue).	
Washington, D.C.	**202**-523-5022
Chicago, Ill	**312**-663-0884
Los Angeles, Calif	**213**-688-6694
Scheduling of documents for publication.	**202**-523-3187
Photo copies of documents appearing in the Federal Register.	523-5240
Corrections	523-5237
Public Inspection Desk	523-5215
Finding Aids	523-5227
Public Briefings: "How To Use the Federal Register."	523-5235
Code of Federal Regulations (CFR)	523-3419 523-3517
Finding Aids	523-5227

PRESIDENTIAL PAPERS:	
Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents	523-5235
Index	523-5235
PUBLIC LAWS:	
Public Law dates and numbers	523-5266 523-5282
Slip Laws	523-5266 523-5282
U.S. Statutes at Large	523-5266 523-5282
Index	523-5266 523-5282
U.S. Government Manual	523-5230
Automation	523-3408
Special Projects	523-4534

HIGHLIGHTS—Continued

PACIFIC BILLFISHES AND SHARKS
Commerce/NOAA announces public hearing on 11-13, 11-14 and 11-21-78 to discuss preliminary management plan; comments by 12-24-78 ..... **49024**

CANCER TESTING
HEW/NIH publishes notice announcing availability of bioassay reports on various chemicals for possible carcinogenicity (4 documents) **49055, 49056**

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS
USDA/APHIS proposes revision to standard requirements for leptospira bacterin and avian pox vaccines (2 documents); comments by 12-19-78 ..... **49012, 49013**

ANIMAL DRUGS
HEW/FDA approves use of a selenium disulfide suspension as a cleansing agent for dogs; effective 10-20-78 ..... **48996**
HEW/FDA authorizes the manufacture of soluble bactiracin methylene disalicylate and streptomycin sulfate oral powder for treatment of dogs for bacterial enteritis; effective 10-20-78 ... **48997**
HEW/FDA modifies condition of use for neomycin sulfate sterile solution and identical products; effective 10-20-78 ..... **48996**

FEDERAL PREVAILING RATE ADVISORY COMMITTEE
CSC announces public availability of activities report for calendar year 1977 ..... **49032**

AERONAUTICAL ADVISORY FREQUENCIES
FCC proposes to permit certain ground vehicles new means of safety communications; comments by 11-15-78; reply comments by 11-27-78 ..... **49017**

CABLE TELEVISION
FCC alters rules by eliminating certification procedures and adopting system of registration; effective 10-20-78 ..... **49003**

TELECOMMUNICATIONS TERMINAL EQUIPMENT AND SYSTEMS
FCC proposes rule providing for certain exceptions required to protect the national defense and security as well as other appropriate exceptions; comments by 11-17-78; reply comments by 12-19-78 ..... **49020**

EXTRA LONG STAPLE COTTON
USDA/ASCS sets forth marketing quotas and acreage allotments for 1979 crop year; effective 10-16-78 ..... **48990**

U.S. GRAIN STANDARDS ACT
USDA/FGIS issues request on official weighing and supervision of weighing for export grain; effective 11-20-78 ..... **49027**

NUCLEAR POWER PLANTS
NRC issues intent to implement recommendation for improvement of licensing activities **49082**

MEETINGS—

DOE: Energy Research Advisory Board, 11-9 and 11-10-78 49049
HEW: Secretary's Advisory Committee on Rights and Responsibilities of Women, Health Task Force, 11-16-78 49057
FDA: Advisory Committees, November meetings 49051
OE: Extension and Continuing Education National Advisory Council, 10-31, 11-6, 11-9, and 11-16-78 49056
State/AID: Board for International Food and Agricultural Development Joint Research Committee, 11-7 and 11-8-78 49084
Treasury: United States Tax Court Nominating Commission, 11-6-78 49085
USDA/FS: Committee of Scientists, 11-1 thru 11-3, 12-7 thru 12-8-78, and 1-8 thru 1-10-79 49028

SEPARATE PARTS OF THIS ISSUE

Part II, Labor/ESA 49148
Part III, SBA 49237
Part IV, Labor/FCCPO 49240

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

CAB—Off-route charter rules 42736; 9-21-78
DOT/CG—Drawbridge operation regulations; Saginaw River, Mich 41389; 9-18-78
Drawbridge operation regulations; Frederica River, Ga 41389; 9-18-78
Drawbridge operation regulations; Albemarle and Chesapeake Canal, Va 41390; 9-18-78
Interior/Secy—Uniform Relocation Assistance and Real Property Acquisition Policies; clarification of existing regulations (2 documents) 42753-42756; 9-21-78
Moving and related expenses and replacement housing payments to those relocated from mobile homes 42751; 9-21-78
PS—Intellectual property other than patents; policy concerning acquisition and management 42249; 9-20-78

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

[Last Listing: October 19, 1978]

H.R. 10965 ..... Pub. L. 95-473
To revise, codify, and enact without substantive change the Interstate Commerce Act and related laws as subtitle IV of title 49, United States Code, "Transportation". (Oct. 17, 1978; 92 Stat. 1337). Price: $2.50.
S. 682 ..... Pub. L. 95-474
Port and Tanker Safety Act of 1978. (Oct. 17, 1978; 92 Stat. 1471). Price: $1.10.
H.R. 6503 ..... Pub. L. 95-475
To amend the Intercoastal Shipping Act, 1933, and for other purposes. (Oct. 18, 1978; 92 Stat. 1494). Price: $.60.
H.R. 12028 ..... Pub. L. 95-476
Veterans' Housing Benefits Act of 1978. (Oct. 18, 1978; 92 Stat. 1497). Price: $.80.
H.R. 11302 ..... Pub. L. 95-477
Environmental Research, Development, and Demonstration Authorization Act of 1979. (Oct. 18, 1978; 92 Stat. 1507). Price: $.70.
H.R. 12255 ..... Pub. L. 95-478
"Comprehensive Older Americans Act Amendments of 1978". (Oct. 18, 1978; 92 Stat. 1513). Price: $1.70.
H.R. 11886 ..... Pub. L. 95-479
Veterans' Disability Compensation and Survivors' Benefits Act of 1978. (Oct. 18, 1978; 92 Stat. 1560). Price: $.70.
H.R. 12929 ..... Pub. L. 95-480
Making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1979, and for other purposes. (Oct. 18, 1978; 92 Stat. 1567). Price: $1.10.

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Meetings:
International Food and Agricultural Development Board, Joint Research Committee 49084

AGRICULTURAL MARKETING SERVICE

Rules

Lemons grown in Ariz. and Calif 48991

Proposed Rules

Filberts grown in Oreg. and Wash 49011
Tomatoes grown in Fla 49010

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules

Cotton; marketing quotas and acreage allotments 48990

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Forest Service.

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Notices

Meetings:
Explosives Tagging Advisory Committee; correction 49085

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Proposed Rules

Viruses, serums, toxins, etc.:
Avian pox vaccine safety test .. 49013
Leptospira bacterin standards; challenge dose titer range, increase 49012

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Notices

Procurement list, 1978; additions and deletions 49035

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
Atlanta-Portland/Seattle Subpart N proceeding; canceled 49029
Chicago-Midway expanded service proceeding 49029
Loftleidir, H.F. Icelandic Airlines 49030
Yucatan service case 49032

CIVIL SERVICE COMMISSION

Rules

Excepted service:
Commerce Department et al .. 48989
Defense Department et al. (2 documents) 48989
International Communication Agency 48990

Notices

Federal Prevailing Rate Advisory Committee; activities report, availability 49032

COMMERCE DEPARTMENT

See National Oceanic and Atmospheric Administration.

ECONOMIC REGULATORY ADMINISTRATION

Notices

Industrial plants burning natural gas or petroleum products, prohibition orders:
Alabama Electric Cooperative, Inc 49035
Iowa Public Service Co 49036
Savannah Electric & Power Co 49036

EDUCATION OFFICE

Notices

Applications and proposals, closing dates:
Emergency school aid, FY 1979 49056
Meetings:
Extension and Continuing Education National Advisory Council 49056

EMPLOYMENT AND TRAINING ADMINISTRATION

Notices

Employment transfer and business competition determination; financial assistance applications 49058
Unemployment compensation:
Federal extended benefits; "on" and "off" indicators; New York 49059

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedes decisions (Ark., Ga., Ill., Ind., Mich., N.Y., Okla., Pa., Tenn., Tex., Wash., Wis.) (part II of this issue) 49148

ENERGY DEPARTMENT

See also Economic Regulatory Administration, Federal Energy Regulatory Commission.

Notices

International atomic energy agreements; civil uses; subsequent arrangements:
Czechoslovakia et al 49048
Sweden et al 49048
Meetings:
Energy Research Advisory Board 49049

FEDERAL COMMUNICATIONS COMMISSION

Rules

Cable television:
Certification procedure replaced by registration 49003
FM broadcast stations; table of assignments:
California 49002

Proposed Rules

Aviation services, etc.:
Aeronautical advisory frequencies; use by ground vehicles at landing areas without control tower or flight service station 49017
FM broadcast stations; table of assignments:
Florida; extension of time 49022
Radio broadcast services:
Community leader survey, primer amendment; extension of time 49021
Public service announcement airing by broadcast licensees; extension of time ... 49022
Telephone network, connection of terminal equipment:
National defense and security, etc.; registration exceptions. 49020

Notices

AM and FM broadcast applications ready and available for processing 49049

FEDERAL CONTRACT COMPLIANCE PROGRAMS OFFICE

Rules

Equal employment opportunity; compliance responsibility 49240

FEDERAL DEPOSIT INSURANCE CORPORATION

Proposed Rules

Remote Service Facility procedures; correction 49014

FEDERAL ENERGY REGULATORY COMMISSION

Rules

Policy and Interpretations:
Natural gas; optional procedure for certificating new producer sales; policy statement 48992

Notices

Environmental statements; availability, etc.:
Sitka, City and Borough of, Alaska; Green Lake Dam, etc 49048

Hearings, etc.:
Arkansas Louisiana Gas Co. (2 documents) 49037
Arkansas-Missouri Power Co . 49038
Boston Edison Co 49039
Columbia Gas Transmission Corp 49040
El Paso Natural Gas Co 49040
El Paso Natural Gas Co. et al.. 49040
Florida Gas Transmission Co 49041
Iowa Power & Light Co. (2 documents) 49042
Kansas Gas & Electric Co 49043
Kansas Power & Light Co..... 49043
Natural Gas Pipeline Co. of America et al 49045
New York State Electric & Gas Corp 49045
Northern Natural Gas Co 49046
Michigan Wisconsin Pipe Line Co 49043
Potomac Edison Co 49046
South Texas Natural Gas Gathering Co 49047
Tennessee Gas Pipeline Co 49047
Texas Eastern Transmission Corp 49048

FEDERAL GRAIN INSPECTION SERVICE

Notices

Weighing and supervision of weighing; export grain 49027

FEDERAL PROCUREMENT POLICY OFFICE

Proposed Rules

Federal Acquisition Regulation Project; availability of draft regulation; inquiry 49025

FEDERAL RAILROAD ADMINISTRATION

Notices

Rail system plan, northeast; supplemental transaction proposal 49084

FEDERAL RESERVE SYSTEM

Notices

Applications, etc.:
Anson Bancshares, Inc..... 49049
Byron Bancorporation, Inc 49050
First Holdrege Bancshares, Inc 49050
Hunter Holding Co 49050
Northwest Ohio Bancshares, Inc 49050
Rainier Bancorporation..... 49051
Tarrant Bancshares, Inc..... 49050
Commercial banks; condition and income reports forms; inquiry 49050

FEDERAL TRADE COMMISSION

Rules

Prohibited trade practices:
Interco Inc. et al 48991

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs, feeds, and related products:
Bacitracin methylene disalicylate and streptomycin sulfate oral powder..... 48997
Neomycin sulfate sterile solution 48996
Selenium disulfide suspension 48996

Proposed Rules

Medical devices:
Hearing aids; exemptions from Federal preemption; denial of New Jersey requirement..... 49015
Hearing aids; exemptions from Federal preemption; State and local requirements; extension of time 49014

Notices

Meetings:
Advisory committees, panels, etc 49051

FOREST SERVICE

Notices

Meetings:
Scientists Committee, National Forest Management Act .. 49028
Timber sale and disposal:
Special Salvage Timber Program 49028

GEOLOGICAL SURVEY

Rules

Coal-mining operating regulations:
Surface and underground reclamation standards on Federal lands, State-Federal cooperative agreements, civil penalties, etc.; extension of comment period 49009

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Food and Drug Administration; National Institutes of Health; Social Security Administration.

Rules

Procurement; approval actions.. 48999
Procurement; drugs and medical supplies 49001
Procurement; solicitations, availability; synopses published 48998

Notices

Meetings:
Women, Rights and Responsibilities, Secretary's Advisory Committee 49057

INTERIOR DEPARTMENT

See also Geological Survey; Land Management Bureau.

Notices

Environmental statements; availability, etc.:
Obed Wild and Scenic River, Tenn..... 49058

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief 49090
Hearing assignments (2 documents) 49088
Motor carriers:
Permanent authority applications; correction 49085
Temporary authority applications (2 documents) ... 49090, 49097
Railroad freight rates and charges; various States, etc.:
Nationwide 49085

LABOR DEPARTMENT

See also Employment and Training Administration; Employment Standards Administration; Federal Contract Compliance Programs Office; Mine Safety and Health Administration.

Notices

Adjustment assistance:
Amigo Smokeless Coal Co. et al 49060
A-T-O Inc 49067
Bestform Foundations of Pennsylvania, Inc 49062
Bethlehem Steel Corp 49063
Carousel Slack Co 49064
CEL Fashions, Inc 49064
Clarke Precision Molding Co. et al 49061
Colt Industries 49076
Daniel, Meyer, Products Corp 49071
Dante Fashions 49064
Eastman Manufacturing Co., Inc 49065
Fairfield Glove Co 49065
Florsheim Shoe Co 49066
Formflex Foundations, Inc 49066

Freedom Electronics & Engineering, Inc 49066
General Instrument Corp 49067
Houston Electronics Corp 49068
Jasper Brassiere Co 49068
Kaye Coat Co., Inc 49069
Keystone Fireworks Mfg. Co., Inc 49069
Leather Sportswear, Inc 49069
Lebanon Steel Foundry 49070
Levi-Ottenheimer 49070
Loyal Cloak Co 49071
North Bergen Leather Products Co 49072
Novelle Fashions, Inc 49072
Paceco, Inc 49072
Regal Sportogs, Inc 49073
Republic Steel Corp 49073
River Street Sportswear Corp 49074
Smith, A. O., Corp 49062
Spun Steel Co 49074
Star Coat Manufacturing Co., Inc 49074
Steven Knitting Mills 49075
Tima, Inc 49075
TRW Crescent Wire & Cable Co 49076
United Merchants & Manufacturers, Inc. (2 documents) 49077
U.S. Steel Corp. (2 documents) 49078
Western Publishing Co., Inc .. 49079
Wilkoff Co 49079

LAND MANAGEMENT BUREAU

Proposed Rules

Financial assistance, local governments; mineral development impacts relief 49005

Notices

Alaska native selections; applications, etc.:
Bethel Native Corp 49057
Applications, etc.:
Alaska 49057
Authority delegations:
State Directors, et al.; lands and resources 49058

MANAGEMENT AND BUDGET OFFICE

See Federal Procurement Policy Office.

MINE SAFETY AND HEALTH ADMINISTRATION

Notices

Petitions for mandatory safety standard modification:
Consolidation Coal Co 49059
Peabody Coal Co 49060

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Certification; appearance before NASA:
Craddock, Wade L., Jr. 49080
Golden, Dr. Robert L. 49080

NATIONAL INSTITUTES OF HEALTH

Notices

Carcinogenesis bioassay reports; availability:
Anilazine 49055
4-Nitroanthranilic acid 49055
1-Phenyl-3-methyl-5-pyrazolone 49055
2,5-Toluenediamine sulfate 49056

NATIONAL MEDIATION BOARD

Proposed Rules

Representation disputes under Railway Labor Act; time limits on applications 49015

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Proposed Rules

Fishery conservation and management:
Fishery management plans; development guidelines 49023
Foreign fishing; Pacific billfishes and sharks; hearings . 49024

Notices

Fishery management plans, environmental statements, meetings, etc.:
Foreign fishing permits; preliminary determinations 49032

NATIONAL TRANSPORTATION SAFETY BOARD

Notices

Aircraft accidents; investigation hearings 49084

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
Detroit Edison Co., et al 49081
Power Authority of State of New York 49082
Sacramento Municipal Utility District 49083
Licensing, nuclear power plant; improvement recommendations; policy statement 49082
Meetings:
Reactor Safeguards Advisory Committee 49080

SMALL BUSINESS ADMINISTRATION

Rules

Floodplain management and wetlands protection; policy and procedures; delay in effective date 49237

SOCIAL SECURITY ADMINISTRATION

Rules

Aged, blind, and disabled; supplemental security income for:
Income, exclusion from; assistance based on need furnished by States or political subdivisions 48994

STATE DEPARTMENT

See Agency for International Development.

TRANSPORTATION DEPARTMENT

See Federal Railroad Administration.

TREASURY DEPARTMENT

See also Alcohol, Tobacco and Firearms Bureau.

Notices

Meetings:
Tax Court Nominating Commission, U.S 49085

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

5 CFR

213 (4 documents) 48989, 48990

7 CFR

722 48990
910 48991

PROPOSED RULES:

966 49010
982 49011

9 CFR

PROPOSED RULES:

113 (2 documents) 49012, 49013

12 CFR

PROPOSED RULES:

303 49014
304 49014
328 49014

13 CFR

116 49237

16 CFR

13 48991

18 CFR

2 48992

20 CFR

416 48994

21 CFR

522 48996
524 48996
548 48997

PROPOSED RULES:

808 (2 documents) 49014, 49015

30 CFR

211 49009

41 CFR

3-1 (3 documents) 48998, 48999
3-3 49000
3-4 49000
3-7 49002
3-56 49001
60-1 49240
60-2 49249
60-4 49254

41 CFR—Continued

60-20 49258
60-30 49259
60-40 49264
60-50 49265
60-60 49266
60-250 49269
60-741 49276

43 CFR

PROPOSED RULES:

1880 49016

47 CFR

73 49002
76 49003

PROPOSED RULES:

2 49017
68 49020
73 (3 documents) 49021, 49022
87 49017

50 CFR

PROPOSED RULES:

602 49023
611 49024

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during October.

1 CFR

Ch. I 45339

3 CFR

PROCLAMATIONS:

4125 (Revoked in part by Proc. 4604) 45977
4436 (Revoked in part by Proc. 4604) 45977
4604 45977
4605 47711

EXECUTIVE ORDERS:

11246 (Amended by EO 12086 46501
11752 (Revoked by EO 12088) 47707
12010 (Supersed by EO 12087) 46823
12085 45337
12086 46501
12087 46823
12088 47707

MEMORANDUMS:

September 26, 1978 46821
September 26, 1978 (Correction) 46953
October 2, 1978 45547

REORGANIZATION PLANS:

No. 4 of 1978 47713

5 CFR

180 47163
213 ..... 45549, 45550, 46287, 47167, 47168, 48989, 48990
297 46505
539 46287
550 46288

7 CFR

2 45339
29 45340
53 45979
270 47881
271 47882
272 47884
273 47889
274 47927
275 47927
277 47934
278 47934
279 47934
280 47934
281 47881
282 47881
722 48990
910 ..... 46288, 47485, 48991
918 47485
927 45341
928 46955
929 46831
948 45979
965 47486

7 CFR—Continued

966 ..... 45342, 46831
981 47969
982 47970
984 47486
989 47970
999 47971
1201 46289
1421 47972
1464 46833
1488 ..... 45551, 47719
1822 ..... 45980, 47487, 48619
1845 48619
1864 47487
1904 46290
1980 ..... 46290, 46505
2852 46291

PROPOSED RULES:

905 47533
906 46305
946 45375
966 49010
967 46549
982 49011
1001 45520
1002 46853
1064 ..... 45881, 46305
1065 45881
1126 47534
1207 45884
1464 47194
1701 45591
1924 46306
2852 47755

8 CFR

108 48620
236 48620
242 48620

9 CFR

78 47168
94 46516
203 ..... 46494, 46955

PROPOSED RULES:

3 47964
113 ..... 49012, 49013

10 CFR

2 46292
21 48621
35 47975
73 45981
205 46517
430 ..... 47118, 48986
465 45536

PROPOSED RULES:

50 47978
72 46309
207 48922
212 47978

10 CFR—Continued

PROPOSED RULES—Continued

430 45375
725 48922
1010 48922

12 CFR

5 47156
25 47144
201 45821
207 ..... 45821, 46956
220 ..... 45821, 46956
221 ..... 45821, 46956
224 ..... 45821, 46956
226 ..... 47719, 47720
228 47144
262 47157
303 47157
345 47144
521 46836
522 46836
523 46839
524 46841
525 46842
526 46844
527 46846
531 46847
532 46848
543 47160
545 47161
546 47162
562 47162
563 47162
563e 47144
584 47163
611 47488
612 47488
615 47489

PROPOSED RULES:

303 ..... 46976, 49014
304 ..... 46976, 49014
328 ..... 46976, 49014
563b 48956
703 47731

13 CFR

116 49237
120 46960
122 46960

PROPOSED RULES:

120 47734
121 45591
305 47980

14 CFR

Ch. II 47490
23 46233
25 ..... 46233, 46238
27 46233
29 46233
36 47489

14 CFR—Continued

39 ..... 45343, 45981–45983, 46523, 46960, 48623–48626
71 ..... 45343, 45344, 45983–45985, 46524–46526, 46961, 47490, 48626, 48627
73 46961
75 45345
91 46233
95 45985
97 46526
121 ..... 46234, 46782
127 46783
135 46783
241 46294
302 47490
384 47491
385 47491
1210 45823

PROPOSED RULES:

1 ..... 46734, 48653
21 ..... 46734, 48653
23 ..... 46734, 48653
25 46034
39 ..... 5375–45380, 46037
71 ..... 45381, 45382, 46038, 46549, 46978, 46979, 48653
121 46034
135 ..... 46734, 48653
291 45383
296 45383
399 46980

15 CFR

372 47171
377 47172
386 46962

16 CFR

13 ..... 47173, 47721, 48628, 48991
456 46296
1402 47721
1500 47174
1505 45551

PROPOSED RULES:

13 ..... 45593, 46856, 47736
306 46550
419 48654
444 47194
1307 47194
1500 47684
1501 47684
1608 47952
1610 47952
1611 47952
1700 47738

17 CFR

15 45825
19 45825
30 47722
32 47492
200 45991
230 47492
240 47495
249 46299
275 47176

17 CFR—Continued

PROPOSED RULES:

170 46039
240 47538
270 47542

18 CFR

1 46528
2 48992
154 45553

PROPOSED RULES:

Ch. I 45595, 47542
1 47542
801 48657
803 46980

19 CFR

4 46962

PROPOSED RULES:

6 46981
141 47543
146 45885

20 CFR

404 45345
416 ..... 45554, 48994

21 CFR

5 46299
14 ..... 45555, 47722
136 47177
146 45556
176 45556
178 47723
182 47724
184 47724
229 46528
310 47178
522 ..... 46300, 48996
524 48996
540 46529
548 48997
558 46300
610 47182
1220 46301

PROPOSED RULES:

16 ..... 46321, 46322
20 46321
54 46322
71 46322
74 45611
81 45613
101 45613
170 46322
171 46322
180 46322
182 46550
201 45614
207 45614
310 ..... 46322, 47198
312 46322
314 ..... 45614, 46322
320 46322
330 46322
350 46694
361 46322
430 46322

21 CFR—Continued

PROPOSED RULES—Continued

431 46322
510 46322
511 46322
514 46322
558 46322
570 46322
571 46322
601 46322
630 46322
808 ..... 49014, 49015
812 46321
1003 46322
1010 46322

22 CFR

1100 47182

PROPOSED RULES:

6a 46046

23 CFR

630 47138
640 46963
772 45838

PROPOSED RULES:

625 48658

24 CFR

260 45557
888 ..... 46529, 48628
1914 ..... 46848, 46966, 47725
1916 46970
1917 45558–45580

PROPOSED RULES:

803 46552
888 46552
1917 ..... 45383–45398, 47201–47211, 47546–47574, 47740–47753

25 CFR

258 46971

PROPOSED RULES:

700 46047

26 CFR

1 ..... 45582, 47504

PROPOSED RULES:

1 ..... 46859, 47211, 47753

28 CFR

0 45992
16 ..... 45992, 45993
50 45992

PROPOSED RULES:

2 46859

29 CFR

94 ..... 47936, 47937
97 ..... 47936, 47937
1910 ..... 45762, 46322, 47182
1926 47182
2700 46531

29 CFR—Continued

PROPOSED RULES:

2200 46047
2201 46047
2610 46868

30 CFR

48 47454
211 49009

PROPOSED RULES:

Ch. VII 45886
11 47212
55 47213
56 47213
57 47213
715 46048

31 CFR

203 47506
214 47506
226 47506
317 47506
321 47507

32 CFR

Ch. XX 46280
242b 46531
552 46971

PROPOSED RULES:

Ch. I 47480

33 CFR

165 46532
208 47184
239 47470

PROPOSED RULES:

146 48982
150 48982
175 45399

36 CFR

7 46849
905 48633

PROPOSED RULES:

223 46323

38 CFR

3 45347
4 45348
14 46530

PROPOSED RULES:

21 45399
36 45400

39 CFR

111 ..... 45838, 45839, 48636

40 CFR

33 47975
35 47130
50 46246
51 46264
52 ..... 47726, 48637, 48638
60 47692
61 47692
65 47727
80 47728

40 CFR—Continued

81 45993
85 47728
86 45583
180 ..... 45362, 45583, 46537, 47729
422 46020

PROPOSED RULES:

6 47213
51 ..... 46272, 46275
52 ..... 45401, 46553, 46554, 46869, 46870
53 46272
65 ..... 45402-45410, 47214
87 45411
122 47213
123 47213
124 47213
125 47213
151 47213
162 ..... 46555, 47215
180 ..... 45412, 47575, 48658

41 CFR

Ch. 101 45842
1-3 46302
3-1 ..... 48998, 48999
3-3 49000
3-4 49000
3-7 49002
3-56 49001
8-12 45363
14-1 45584
14-4 48639
14-55 45584
60-1 49240
60-2 49249
60-4 49254
60-20 49258
60-30 49259
60-40 49264
60-50 49265
60-60 49266
60-250 49269
60-741 49276
114-38 48640

PROPOSED RULES:

Ch. I 47480
3-7 47217
3-57 47217
51-1 45413
101-20 46555
105-61 47981

42 CFR

57 47694
405 48948

PROPOSED RULES:

50 46871
54a 47983
57 47698
455 47474
474 47474

43 CFR

422 46538

PROPOSED RULES:

1880 49016

43 CFR—Continued

PUBLIC LAND ORDERS:

5648 46850
5649 48640

45 CFR

100a 46020
104 46020
105 46020
180 ..... 46020, 46021
232 45747
233 45585
302 45751
1201 46021
1705 47195

PROPOSED RULES:

Ch. XIII 46871
100b 46871
206 45887
233 ..... 45887, 45888
1370 47218

46 CFR

50 46545
56 46545
71 46546
91 46546
111 46546
189 46546
528 46972

PROPOSED RULES:

4 48982
25 45399
35 48982
78 48982
97 48982
167 48982
185 48982
196 48982

47 CFR

0 46326
1 45842
2 46326
18 46326
73 ..... 45842, 46972, 47975, 49002
74 47975
76 49003
83 45364

PROPOSED RULES:

1 ..... 46658, 46982
2 ..... 47218, 49017
21 46983
42 45892
43 45892
63 ..... 47576, 49020
64 47576
73 ..... 45620, 45895, 45899, 46048, 46049, 46871-46876, 47221, 47222, 47576, 47577, 47985, 47986, 48659, 49021, 49022
76 ..... 47222, 48667
83 ..... 45901, 47578
87 ..... 47218, 49017
91 47578

49 CFR

Ch. I 48641
7 48646
106 45366
107 45366
511 47507
533 46546
571 ..... 45366, 46547, 48646
1033 ..... 45586, 45587, 45863, 45865, 45866, 45868, 46850, 47730, 47976
1056 46548
1121 45588
1207 46974
1249 46974
1252 46851

PROPOSED RULES:

Ch. II 45903, 45905, 46052

49 CFR—Continued

PROPOSED RULES—Continued

Ch. X 46877
172 46050
195 46051
215 45414
218 ..... 45416, 46555
229 47579
393 46555
570 48669
1062 46053

50 CFR

10 45370
17 45759
18 45370
20 45588
26 ..... 45374, 48648

50 CFR—Continued

32 ..... 46029-46032, 46548, 47196, 47528, 47976 48649
33 45869
216 46975
258 45869
351 47528
651 45872
652 46033

PROPOSED RULES:

17 ..... 45512, 45513
226 ..... 45905, 48669
602 ..... 46023, 46024
611 ..... 46054, 46349, 47222, 49024
652 46880
672 ..... 46349, 47222
675 45909

FEDERAL REGISTER PAGES AND DATES—OCTOBER

Pages	*Date*	*Pages*	*Date*
45337-45545	Oct. 2	46953-47162	12
45547-45819	3	47163-47484	13
45820-45975	4	47485-47706	16
45977-46285	5	47707-47968	17
46287-46499	6	47969-48617	18
46501-46820	10	48619-48987	19
46821-46951	11	48989-49283	20

rules and regulations

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

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

[6325-01-M]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce, Department of Energy

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment (1) changes the title of a position in the Department of Commerce from Special Assistant to the Director to Special Advisor to the Director to reflect more appropriately the duties of the position, (2) changes the title of a position at the Department of Energy from Staff Assistant to the Deputy Associate Administrator for Congressional and Intergovernmental Affairs/Director, Office of Congressional Affairs at FEA to Staff Assistant, Congressional Affairs, to the Director, Office of Congressional Affairs at DOE. This position formerly existed at the Federal Energy Administration and was subsequently transferred to the Department of Energy on September 30, 1977. And (3) excepts under schedule C a position at the Department of Energy because it is confidential in nature. Appointments may be made to these positions without examination by the Civil Service Commission.

EFFECTIVE DATE: September 22, 1978.

FOR FURTHER INFORMATION CONTACT:

James R. Edman, 202-632-4533.

Accordingly, 5 CFR 213.3314(v)(1) and 213.3331(m)(6) are amended and 213.3331(t)(2) is added as set out below:

§ 213.3314 Department of Commerce.

* * * * *

(v) *Bureau of the Census.* (1) One Special Advisor to the Director.

* * * * *

§ 213.3331 Department of Energy.

* * * * *

(m) *Office of the Assistant Secretary for Intergovernmental and Institutional Relations.* * * *

(6) Three Staff Assistants, Congressional Affairs.

* * * * *

(t) *Southwestern Power Administration.* * * *

(2) One Deputy Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

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

[FR Doc. 78-29593 Filed 10-19-78; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Department of Defense, National Foundation on the Arts and the Humanities, Department of Transportation, U.S. Metric Board

AGENCY: Civil Service Commission.

ACTION: Final rule.

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

EFFECTIVE DATE: August 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Sherwin, 202-632-4533.

Accordingly, 5 CFR 213.3306(b)(2), 213.3394(i)(7) and 213.3383 are added and 213.3382(q) is amended as set out below:

§ 213.3306 Department of Defense.

* * * * *

(b) *Court of Military Appeals.* * * *

(2) One Personal and Confidential Assistant to a Judge.

* * * * *

§ 213.3382 National Foundation on the Arts and the Humanities.

* * * * *

(q) One Secretary and one Staff Assistant to the Deputy Chairman, National Endowment for the Humanities.

* * * * *

§ 213.3394 Department of Transportation.

* * * * *

(i) *National Highway Traffic Safety Administration.*

(7) One Chief of Consumer Participation.

* * * * *

§ 213.3383 U.S. Metric Board.

(a) One Special Assistant to the Executive Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

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

[FR Doc. 78-29594 Filed 10-19-78; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Department of Defense, Department of Transportation

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C certain positions at the Department of Defense and Department of Transportation because they are confidential in nature. Appointments may be made to the positions without examination by the Civil Service Commission.

EFFECTIVE DATE: September 23, 1978.

FOR FURTHER INFORMATION CONTACT:

James R. Edman, 202-632-4533.

Accordingly, 5 CFR 213.3306(a)(28) and 213.3394(a)(16) are added as set out below:

§ 213.3306 Department of Defense.

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

(28) One Special Assistant to the Assistant Secretary for Program Analysis and Evaluation.

* * * * *

§ 213.3394 Department of Transportation.

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

(16) One Labor Advisor to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

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

[FR Doc. 78-29595 Filed 10-19-78; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

International Communication Agency

AGENCY: Civil Service Commission.

ACTION: Amendment of final rule.

SUMMARY: The United States Information Agency has changed its title to International Communication Agency. This is to amend the headnotes of the Schedules A, B, and C authorities to conform with the change.

EFFECTIVE DATE: October 20, 1978.

FOR FURTHER INFORMATION CONTACT:

James R. Edman, 202-632-4533.

Accordingly, the headnotes of 5 CFR 213.3128, 213.3228, and 213.3328 are amended as follows:

§ 213.3128 International Communication Agency.

* * * * *

§ 213.3228 International Communication Agency.

* * * * *

§ 213.3338 International Communication Agency.

* * * * *

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

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

[FR Doc. 78-29596 Filed 10-19-78; 8:45 am]

[3410-05-M]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1979 Crop of Extra-Long Staple Cotton: Acreage Allotments and Marketing Quotas

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to (1) determine and proclaim a national marketing quota and national acreage allotment for the 1979 crop of extra-long staple cotton (referred to as "ELS" cotton), (2) apportion the national acreage allotment to States; and (3) establish the period for holding the national marketing quota referendum in order to find whether farmers are in favor of or opposed to the announced marketing quota for ELS cotton. The need for this rule is to satisfy the statutory requirements of the Agricultural Adjustment Act of 1938, as amended (referred to as the "Act"). The latest available statistics of the Federal Government have been used in making determinations under this rule.

EFFECTIVE DATE: October 16, 1978.

ADDRESS: Production Adjustment Division, ASCS, USDA, 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Charles V. Cunningham (ASCS), 202-447-7873.

SUPPLEMENTARY INFORMATION: A notice that the Secretary was preparing to make determinations with respect to these provisions was published in the Federal Register on August 8, 1978 (43 FR 35053) in accordance with 5 U.S.C. 553. Two comments were received. Both recommended that the national acreage allotment be established at 120,000 acres. After considering the comments received, it was determined the national marketing quota for the 1979 crop of ELS cotton should be 137,000 bales and that the national acreage allotment for such crop should be 114, 965 acres.

It is essential that these provisions be made effective as soon as possible since the proclamation of the quota and the national allotment is required by statute to be made not later than October 15, 1978. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, this amendment to 7 CFR §§ 722.558 to 722.561 shall become effective upon the filing of this document with the Director, Office of the Federal Register, with respect to the 1979 crop of ELS cotton. The material previously appearing in these sections under centerhead "1978 Crop of Extra-Long Staple Cotton; Acreage Allotments and Marketing Quotas" remains in full force and effect as to the crop to which it was applicable.

Accordingly, 7 CFR §§ 722.558 through 722.561 are amended to read as follows:

§ 722.558 National marketing quota for the 1979 crop of ELS cotton.

The marketing quota for the 1979 crop of ELS cotton is hereby proclaimed to be an amount of 137,000 standard bales determined in accordance with section 347(b) of the Act. The quota is based on the following data:

(1) Estimated domestic consumption, 1979-80	65,000
(2) Estimated exports, 1979-80	+30,000
(3) Adjustment to assure adequate stocks	+52,000
(4) Estimated imports, 1979-80	-10,000
Total	137,000

§ 722.559 National acreage allotment for the 1979 crop of ELS cotton.

It is hereby determined and proclaimed that a national acreage allotment shall be in effect for the 1979 crop of ELS cotton. The amount of such national allotment is 114,965 acres calculated by multiplying the national quota in bales by 480 pounds (net weight of a standard bale) and dividing the result by the national average yield of 572 pounds per planted acre of ELS cotton for the four calendar years 1974, 1975, 1976, and 1977.

§ 722.560 Apportionment of national acreage allotment to the States.

The national acreage allotment of 000,000 acres is apportioned to the States in accordance with section 344(b) of the Act as follows:

State:	*State allotment*
Arizona	49,714
California	552
Florida	142
Georgia	150
New Mexico	23,282
Texas	41,125

§ 722.561 National marketing quota referendum for the 1979 crop of ELS cotton.

The national marketing quota referendum for the 1979 crop of ELS cotton shall be held during the referendum period December 4 to 8, 1978, inclusive, by mail ballot in accordance with part 717 of this chapter (33 FR 18345, 34 FR 12940, 36 FR 12730, 38 FR 12891).

(Secs. 301, 343, 344, 347, 375; 52 Stat. 38, as amended; 63 Stat. 670, as amended; 63 Stat. 675, as amended; 52 Stat. 66, as amended: 7 U.S.C. 1301, 1343, 1344, 1347, 1375.)

NOTE.—The Agricultural Stabilization and Conservation Service has determined that this document does contain a major proposal requiring preparation of an impact statement. The impact statement is available from Charles V. Cunningham, ASCS, 202-447-7873.

Signed at Washington, D.C., on October 16, 1978.

BOB BERGLAND,
Secretary

[FR Doc. 78-29546 Filed 10-20-78; 8:45 am]

[3410-02-M]

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

[Lemon Reg. 169]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period October 22-28, 1978. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: October 22, 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 Adminstrative Committee, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on October 17, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

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

§ 910.469 Lemon Regulation 169.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period October 22, 1978, through October 28, 1978, is established at 225,116 cartons.

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

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

Dated: October 18, 1978.

JOHN J. GARDNER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-29808 Filed 10-19-78; 8:45 am]

[6750-01-M]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2929]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Interco Incorporated, et al.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a St. Louis, Mo. manufacturer and distributor of footwear, wearing apparel, and accessories and its subsidiaries to cease suggesting resale prices for their products; maintaining price fixing agreements; compelling price adherence and exlusive dealings through coercion; and penalizing recalcitrant dealers. The firms are also required to reinstate terminated resellers; and maintain relevant records for a 5-year period.

DATES: Complaint and order issued September 26, 1978.[1]

FOR FURTHER INFORMATION CONTACT:

Leroy Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243-EB Federal Building, 26 Federal Plaza, New York, N.Y. 10007. 212-264-1207, or, Paul R. Peterson, Director, 4R, Cleveland Regional Office, Federal Trade Commission, 1339 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199. 216-522-4207.

SUPPLEMENTARY INFORMATION: On Friday, July 21, 1978, there was published in the FEDERAL REGISTER, 43 FR 31345, a proposed consent agreement with analysis in the matter of Interco Inc., a corporation, Londontown Corp., a corporation, and Queen Casuals, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Sub-

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

part—Coercing and Intimidating: § 13.350 Customers or prospective customers; § 13.358 Distributors. Subpart—Combining or Conspiring: § 13.395 To control marketing practices and conditions; § 13.425 To enforce or bring about resale price maintainance; § 13.430 To enhance, maintain or unify prices; § 13.470 To restrain or monopolize trade; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-45 Maintain records; § 13.533-65 renegotiation and/or amendment of contracts. Subpart—Cutting Off Access To Customers or Market: § 13.535 Contracts restricting customers' handling of competing products; § 13.560 Interfering with distributive outlets; § 13.605 Withholding supplies or goods from competitors' customers. Subpart—Cutting Off Supplies or Service; § 13.610 Cutting off supplies or service; § 13.613 Advertising contacts; § 13.655 Threatening disciplinary action or otherwise. Subpart—Dealing On Exclusive and Tying Basis: § 13.670 Dealing on exclusive and tying basis; § 13.670-10 Clayton Act, Sec. 3; § 13.670-20 Federal Trade Commission Act. Subpart—Discriminating Between Customers: § 13.685 Discriminating between customers; § 13.685-5 Clayton Act; § 13.685-10 Federal Trade Commission Act. Subpart—Discriminating In Price Under Section 2, Clayton Act—Payment For Services or Facilities For Processing, or Sale Under 2(d): § 13.825 Allowances for services or facilities.—Furnishing Services or Facilities For Processing, Handling, Etc. Under 2(e): § 13.845 Share of advertising expenses. Subpart—Discriminating In Price Under Section 5, Federal Trade Commission Act: § 13.880 Delivered price systems. Subpart—Maintaining Resale Prices: § 13.1130 Contracts and agreements; § 13.1140 Cutting off supplies; § 13.1145 Discrimination; § 13.1145-5 Against price cutters; § 13.1145-45 In favor of price maintainers; § 13.1150 Penalties; § 13.1155 Price schedules and announcements; § 13.1160 Refusal to sell; § 13.1165 Systems of espionage; § 13.1165-80 Requiring information of price cutting.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 49 Stat. 1526; (15 U.S.C. 45, 13); sec. 3, 38 Stat. 731; (15 U.S.C. 14).)

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-29704 Filed 10-19-78; 8:45 am]

[6740-02-M]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. R-441]

PART 2—GENERAL POLICY AND INTERPRETATION

Modification in Finding Clause (1) of Order No. 455-C Issued May 19, 1978

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order denying requests for clarification, rehearing, and reconsideration and modifying order No. 455-C.

SUMMARY: In 1972 the Commission issued order No. 455 which established optional procedures for certificating new producer sales of gas. Order No. 455 was subsequently amended by order No. 455-C in May 1978. The subject regulations which was contained in § 2.75 relate to the collection of contract rates from customers for deliveries of natural gas at no higher than the prevailing nationwide rate. The Commission received petitions asking for clarification, rehearing and reconsideration of order No. 455-C. This order denies requests for clarification, rehearing, and reconsideration and also modifies the language in finding clause No. (1) of order No. 455-C issued by the Commission on May 19, 1978.

EFFECTIVE DATE: Effective on date of issuance.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Pendley, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, 202-275-4216.

ORDER DENYING REQUESTS FOR CLARIFICATION, REHEARING, AND RECONSIDERATION AND MODIFYING ORDER NO. 455-C

OCTOBER 11, 1978.

On June 16, 1978, Ecee, Inc., Pinto, Inc., Vsea, Inc., Texas Production Co., and TBP Offshore Co., and on June 19, 1978, POGO Producing Co. and Pennzoil Oil & Gas, Inc. (hereinafter collectively referred to as Petitioners) filed for clarification, rehearing, and reconsideration of order No. 455-C, pursuant to section 19(a) of the Natural Gas Act and § 1.34 of the Commission's [1] rules of practice and procedure.

ALLEGATIONS OF PETITIONERS

Petitioners contend that the Commission did not comply with the mandatory requirements of the Administration Procedure Act [2] nor did "good cause" [3] exist to waive said requirements. Further, Petitioners allege that order No. 455-C is void as the Commission did not comply with the DOE Act. Petitioners contend that said Act obligates "the Commission (to) give notice of and have a hearing on any rulemaking which relates to the establishment of rates and charges under the Act." [4] Petitioners contend that order No. 455-C will weaken optional procedure as a viable alternative mechanism, will create rate uncertainty by instituting an "open ended" period of collecting a rate which might be below that later found to be just and reasonable, and will exceed the Commission's statutory authority by instituting a retroactive rate increase.[5] Petitioners also contend that the issuance of order No. 455-C does not comply with the Sunshine Act.[6]

BACKGROUND

In 1972 the Commission issued order No. 455 [7] which established the optional procedure for certificating new producer sales of natural gas. Optional procedure, § 2.75: (1) Permits the producer to request approval of contracts at rates that may exceed the maximum authorized by the applicable rate order; (2) allows the Commission to determine in a single proceeding whether "the public convenience and necessity" warrants the issuance of a certificate and whether the rates requested are "just and reasonable"; (3) allows the Commission to issue a permanent certificate which upon acceptance by the producer is not subject to change under section 4 of the Act; (4) allows the producer to collect these rates without risk of refund obligations; and (5) provides an abandonment assurance, if authorized, at the end of the contract term.[8]

Originally, paragraph (o) of § 2.75 permitted producers, 6 months after the commencement of deliveries, to

[1] Prior to Oct. 1, 1977, the "Commission" refers to the Federal Power Commission; subsequent thereto, it refers to the Federal Energy Regulatory Commission.

[2] 5 U.S.C. 553.

[3] 5 U.S.C. 553(b)(B).

[4] Petition of Ecee, Inc., Pinto, Inc., Vsea, Inc., Texas Production Co., and TBP Offshore Co., for rehearing and reconsideration of order No. 455-C, p. 3.

[5] Application of POGO Producing Co., and Pennzoil Oil & Gas, Inc., for clarification, rehearing, and reconsideration, pp. 2 and 3.

[6] Id. at 9; Sunshine Act, 5 U.S.C. 552(b).

[7] Order No. 455, Optional Procedure for Certificating New Producer Sales of Natural Gas, 48 FPC 218 (1972), affirmed in part and reversed in part sub nom., *Moss* v. *F.P.C.*, 502 F. 2d 461 (D.C. Cir. 1974), reversed in part, 424 U.S. 494 (1976).

[8] 18 CFR 2.75; 424 U.S. at 497, 598.

collect their contract rate without any refund obligation until such time as a final order was issued by the Commission. Subsequently, the 6-month provision was extended to 9 months.[9] The Commission reasoned that "the public interest requires a disposition of the certificate applications under the optional procedure * * * prior to the effectuation of a nonrefundable contract rate." [10]

ORDER NO. 455-C

On May 19, 1978, the Commission further revised paragraph (o) of § 2.75 by again extending the time period for analysis.[11] Section 2.75(o) now states that upon determining that a final decision would not be reached by the Commission within the 9-month period, the Commission may extend the analysis period until a final order is issued. During the extended period, deliveries would continue to be made at rates no higher than the prevailing nationwide rate. Also, the revision provided for a surcharge to be recouped by the applicant if the final order established a just and reasonable rate in excess of the nationwide rate collected during the extended period. These revisions of § 2.75(o) became effective upon issuance of the Commission order.

COMPLIANCE WITH THE ADMINISTRATIVE PROCEDURE ACT

Petitioners contend that the Commission ignored the mandatory rulemaking procedure set by the Administrative Procedure Act (APA) which delineates a general notice of proposed rulemaking,[12] an opportunity for public participation or comment,[13] and publication of the rule at least 30 days prior to its effective date.[14] Although the commission acted under a finding of good cause [15] which waives the procedural rulemaking steps, Petitioners contend that good cause did not exist and that the order violates the APA rulemaking procedure. Further, Petitioners state that jurisprudence requires more than an agency's bare allegation of "good cause" to justify its dispensing with normal procedures, and that any exception must be strictly scrutinized.

At the time order No. 455 was issued, the Commission reiterated its responsibility to assure reliable and adequate supplies at the lowest reasonable costs to the consumers of natural gas.

> To this end, we seek to provide two incentives to domestic production, both fully congruous with consumer protection. First, we will certificate sales of gas not previously deliverable to the interstate market at prices which are shown to be in the public interest. Second, to the extent possible, we will lessen rate uncertainty which has prevailed since the early 1960's.[16]

Further, the Commission delineated its reasoning with regard to the 6-month period of analysis.

> Such a limitation is, however, a reasonable one, since predicated on the assumption that the Commission will have acted by final order within that period of time * * * 6 months is clearly an adequate period for preliminary Staff analysis and review of applications tendered under the optional procedure. Accordingly, by action to deny or condition certificates prior to the expiration of the 6-month period, we can protect against the impact of a nonrefundable rate which is not just and reasonable.[17]

During the 6 years from issuance of order No. 455 to its revision in order No. 455-C, the applications requesting optional procedure have become more complex requiring lengthy detailed analysis, and additional information. As well, the contract rate sought has increased dramatically during this time period with producers now seeking to collect substantially higher rates. It has long been recognized that the Commission has the flexibility to adapt its policies to changing circumstances.[18]

Obviously, the consequences of allowing producers to automatically collect their contract rate no matter how high at the expiration of the 9-month period imposes a substantial hardship for the consumer. This would be true even if producers were required, as they were not under order Nos. 455, 455-A and 455-B, to make refunds of amounts collected at the expiration of the 6- to 9-month period in excess of the just and reasonable rate.

As we stated in order No. 455-C:

> The Commission cannot permit consumers to go unprotected during the period of analysis and administrative proceedings necessary to determine the public interest and the necessity of allowing sales of gas at prices substantially in excess of the nationwide norm.[19]

The Administrative Procedures Act recognizes two exceptions to notice and public participation: One is for general statements of policy; the other is for a good cause finding that the procedure is impracticable, unnecessary or contrary to the public interest. The Commission utilized the latter exception.

The Commission did not peremptorily stamp "good cause" on the issuance of order No. 455-C; rather, in compliance with the Administrative Procedure Act, the Commission delineated its good cause findings that notice and public procedure were contrary to the public interest. The Commission stated that it was "concerned that a delay in the effective date of this rule until after public comment would trigger a flood of applications during the comment period from producers wishing to collect contract rates after the 9-month period without refund obligation." [20] The Commission feared that "Such a result would defeat the Commission's purpose of protecting consumers from the economic burden of nonrefundable rate collections in excess of the just and reasonable rate." The Commission feared that it would be so overwhelmed "with § 2.75 applications that existing as well as new applications could not be processed within the 9-month period. [21]

COMPLIANCE WITH DOE ACT

Petitioners contend that the order No.455-C, issued under the "good cause" exception to APA rulemaking regulations is void under section 403(c) of the DOE Act. Section 403(c) provides: "Any function described in section 402 of this Act which relates to the establishment of rates and charges under the Federal Power Act or the Natural Gas Act, may be conducted by rulemaking procedures. Except as provided in subsection (d), the procedures in such a rulemaking proceeding shall assure full consideration of the issues

---

[9] In the Pennzoil Louisiana and Texas Offshore Co., Inc., et al., order issued May 8, 1978, in docket Nos. CI77-702, et al., the applicable time period ran 9 months from the date the Commission was notified of commencement of deliveries as required by sec. 2.75(n).

[10] Order No. 455-B, Amendment of Statement of Policy Relating to Optional Procedure for Certificating New Producer Sales of Natural Gas, issued Nov. 25, 1974, in docket No. R-441.

[11] Order No. 455-C, Further Amendment of Statement of Policy Relating to Optional Procedure for Certificating New Producer Sales of Natural Gas, issued on May 19, 1978, in docket No. R-441.

[12] Administrative Procedure Act, 5 U.S.C. 553(b).

[13] Administrative Procedure Act, 5 U.S.C. 553(c).

[14] Administrative Procedure Act, 5 U.S.C. 553(d).

[15] Administrative Procedure Act, 5 U.S.C. 553(b)(B)

* * * when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

[16] Order No. 455, Mimeograph at 3.

[17] Order No. 455, Mimeograph at 24.

[18] *Permian Basin Area Rate* cases, 390 U.S. 747 at 800, 816 n. 99; *Wisconsin* v. *F.P.C.*, 373 U.S. 294, 309 (1963); *F.P.C.* v. *Natural Gas Pipeline Co.*, 315 U.S. 575, 586 (1942).

[19] Order No. 455-C, Mimeograph at 4.

[20] During an en banc hearing before the Commission on June 19, 1978, a witness for United alluded to a sense of urgency on the part of PLATO to avoid a Commission order which would change § 2.75 as one of the reasons for filing the optional procedure petition hurriedly on May 17, 1978. Commission in en banc hearing in *Pennzoil Louisiana and Texas Offshore Co. Inc.*, docket Nos. CI78-767, CI77-702, CI78-499, CI78-501, et al., June 19, 1978, transcript pp. 354, 365-366, 368, 370-371, 372-373, 375.

[21] Order No. 445-C, Mimeograph at 6.

and an opportunity for interested persons to present their views." Section 403(c) has no applicability to order No. 455-C because the Commission was not, in that order, establishing rates. Rather, the Commission was changing certain requirements regarding the time periods for which rates could be collected as well as provisions regarding refunds and surcharges. The rates which would be subject to the order would be established in separate proceedings under the optional procedure provisions of the Commission regulations.

Moreover section 403(c) is not the exclusive authority for the Commission's rulemakings, nor was it relied on in the issuance of the order. With respect to its authority to issue rules, the Commission in order No. 455-C, cited section 16 of the Natural Gas Act and section 401(a) of the Department of Energy Act. Both of these sections authorize the Commission, without qualification, to issue rules and regulations necessary to carry out its functions. Accordingly, it is the Administrative Procedure Act which governed order No. 455-C. As pointed out above, the Commission has complied with that Act.

RATE CERTAINTY

We agree that, at least for the period after the expiration of the 9-month period and prior to the Commission's determination of the just and reasonable rate, the provisions of order No. 455-C will diminish, for a period of time, the assurance to producers of the exact amount of revenues that they may retain. However, since throughout this period the producer will be authorized to keep the amount ultimately determined to be the just and reasonable rate, any asserted rate uncertainty does not really exist within the normal regulatory context. In any event, even if we were to accede to the producer's argument that rate certainty is a significant factor, it must be balanced against a need to adequately protect the consumer against unreasonable charges. The purpose of order No. 455-C was to strike a fair balance between these factors.

Petitioners' concern that our order violates the prohibition against retroactive ratemaking is misplaced. If the 9-month period is extended by us, the collection of the national ceiling rate will involve the collection of a tentative rate, which it is recognized, will be subject to upward adjustment in the event the just and reasonable rate is determined to be higher. It is thus the conditional nature of the rate which takes it out of the posture of retroactive ratemaking. We believe this procedure to be essentially the same as that followed when a producer collects an above ceiling rate, subject to refund. The difference in procedure is that the consumer is not required to pay above ceiling rates pending the Commission's determination, and this is particularly important when the contract is substantially above the ceiling and the volumes are large. Furthermore, our procedure obviates the difficulties involved in the trickling down of refunds to consumers.[22]

COMPLIANCE WITH THE SUNSHINE ACT

Petitioners question the Commission's compliance with the Sunshine Act [23] in the following manner: "To the best knowledge of Applicants, the Commission did not adopt this order during an open meeting as required by the Government in the Sunshine Act, 5 U.S.C.A. 552b, and its own regulations, 18 CFR 1.3a." [24]

In fact, the Secretary of the Commission issued a notice of the meeting on the afternoon of May 19, 1978, in accordance with the Sunshine Act. The meeting was held at 2 p.m., May 19, 1978, in the Commission meeting room, and was, in compliance with the Act, open to the public. The Commission's actions in this matter were in compliance with the Sunshine Act.

MODIFICATION OF ORDER NO. 455-C

The Commission has determined to modify the language of finding clause (1) order No. 455-C to more accurately portray the Commission's position in this matter.

The Commission orders: (A) The requests for clarification, rehearing, and reconsideration filed by Petitioners on June 16, 1978, and June 19, 1978, respectively, are hereby denied based on reasons set forth herein.

(B) The language in finding clause (1) has been modified to read as follows:

Good cause exists to issue this amendment without notice and public procedure. It is contrary to the public interest to provide for notice and public procedure because to do so would deter the Commission's efforts to protect consumers against the collection by producers of rates in excess of the national ceiling rate, without refund obligation and would delay the protection consumers are required to receive under the Natural Gas Act.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29564 Filed 10-19-78; 8:45 am]

---

[22] *F.P.C. v. Tennessee Gas Transmission Co.*, 371 U.S. 145, 154 (1962).

[23] Sunshine Act, 5 U.S.C. 552b; order No. 562, Order Adopting Rules Governing Observation of Commission Meetings and Ex Parte Communications, issued Mar. 11, 1977, in docket No. RM77-4.

[24] Joint Application for Clarification, Rehearing, and Reconsideration, filed on June 19, 1978, in docket No. R-441 by Applicants, POGO producing Co. and Pennzoil Oil & Gas, Inc.

[4110-07-M]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart K—Income and Exclusions

EXCLUSION FROM INCOME OF ASSISTANCE BASED ON NEED FURNISHED BY STATES OR POLITICAL SUBDIVISIONS

AGENCY: Social Security Administration, HEW.

ACTION: Final rule.

SUMMARY: These rules provide for the exclusion from countable income in the Supplemental Security Income program (SSI) of assistance based on need furnished by a State or local government (including Indian tribes). The requirements that assistance payments must be made in cash to an individual, on a regular basis and in supplementation of an individual's SSI benefits have been removed. Thus payments made to a vendor on behalf of an eligible individual can now be excluded from countable income. For example, payments to providers of food, clothing, and shelter are now excluded if they are based on need.

DATES: These amendments will be effective October 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Harry Short, Legal Assistant, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-7455.

SUPPLEMENTARY INFORMATION: On September 30, 1977, a notice of proposed rulemaking and proposed amendments to subpart K of regulations No. 16 were published in the FEDERAL REGISTER (42 FR 52439).

ASSISTANCE FURNISHED BY A STATE OR POLITICAL SUBDIVISION

Section 1612(b) of the Social Security Act describes what income shall be excluded from countable income in determinations of eligibility for and amount of supplemental security income (SSI) benefits. Section 1612(b)(6) authorizes the exclusion of assistance based on need furnished by a State or local government. Effective October 1, 1976, the original requirements that assistance had to be made in cash to the individual on a regular

basis and in supplementation of SSI benefits were removed by section 505(b) of Pub. L. 94-566. This now permits the exclusion of certain State or local government payments which previously resulted in countable income (e.g., foster care payments, adoption subsidies, and other payments to providers of food, clothing or shelter) if they are based on need and are furnished wholly by a State or local government. Since the statute requires that the assistance payments be made by a State or local government, excludable assistance payments still may not include any Federal or private funding.

The original criteria are still used to describe certain State supplementary benefit payments. Technical amendments are also being made in the regulations defining State supplementary payments for purposes of clarity.

COMMENTS ON NOTICE OF PROPOSED RULEMAKING

Interested parties were given the opportunity to submit data, views, or arguments within 45 days with regard to the proposed amendments.

Six agencies submitted comments. A State welfare department and a neighborhood legal aid society endorsed the changes as proposed. An association for the mentally retarded, while endorsing the proposed changes, expressed regret that assistance from a program funded in whole or in part by Federal or nonpublic moneys cannot be excluded from countable income. A State welfare agency, a Federal agency and a State social services agency suggested revisions be made in the regulations to permit the exclusion of Federal moneys and private donations from countable income. The State welfare agency contended that it was not the intention of Pub. L. 94-566 that title XX funds be considered income in determinations of eligibility for and amount of SSI payments. The Federal agency was concerned over the fact that assistance payments it makes are considered income to the recipients. The agency acknowleged that existing laws may not permit the necessary revisions to the regulations.

The above suggestions have not been accommodated since section 1612(b)(6) requires that the assistance be furnished by a State or local political subdivision. This requirement has been interpreted to mean State and local governmental funding which does not include Federal and private moneys. Therefore, this regulation section cannot be revised to permit exclusion of assistance involving Federal or private funds. However, an existing regulation, § 416.1109(b), excludes the value of social services provided under title XX from the definition of income for title XVI purposes. Thus, the suggestions involving title XX funds are accommodated under that section.

The State social services agency also expressed concern that assistance furnished by a State or political subdivision under a program not solely using the person's income as the criterion for eligibility would not be excluded from countable income for SSI purposes. The agency referred to a program in which eligibility for assistance is based upon eligibility for SSI benefits. The amount of assistance given is based on the person's actual situation (for example, a utility arrearage) irrespective of income. These amendments provide for the exclusion from income of assistance provided by a State or political subdivision under a program which uses income, or income and resources, as criteria for determining eligibility for and amount of such assistance. Since eligibility for the program described by the State social services agency is based on eligibility for SSI (which uses an income and resources test) we believe, based on the facts presented, that assistance given under this program would be excludable under 1612(b)(6) and these regulations.

Accordingly, the amendments as proposed are hereby adopted and set forth below.

Secs. 1102, 1612, 1614, 1616, and 1631 of the Social Security Act; 49 Stat. 647, as amended, 86 Stat. 1468, 1471, 1474, and 1475; (42 U.S.C. 1302, 1382a, 1382c. 1382e, and 1383).)

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income program.)

Dated: July 25, 1978.

DON WORTMAN,
Acting Commissioner of Social Security.

Approved: October 11, 1978.

HALE CHAMPION,
Acting Secretary of Health, Education and Welfare.

Part 416 of chapter III of title 20 of the Code of Federal Regulations is amended as follows:

1. Section 416.1145 is amended by revising paragraph (b)(2) to read as follows:

§ 416.1145 Exclusions from income; order of application.

* * * * *

(b) For the purpose of determining countable income in accordance with § 416.1115, the following income shall be excluded after income described in paragraph (a) of this section:

* * * * *

(2) Assistance based on need which is furnished by a State or political subdivision (including Indian tribes), or any combination of such jurisdictions (§ 416.1151).

* * * * *

2. Section 416.1151 is revised to read as follows:

§ 416.1151 State assistance based on need.

(a) Assistance based on need furnished to or on behalf of an eligible individual (and eligible spouse, if any) shall not be considered in determining countable income under title XVI provided:

(1) The assistance is furnished by a State or political subdivision (including Indian tribes) under a program which uses income, or income and resources, as criteria for determining eligibility for an amount of such assistance; and

(2) The assistance payment is funded wholly by a State or by a political subdivision of a State (including Indian tribes), or any combination of such jurisdictions. When Federal or nonpublic moneys are provided for the assistance payment, e.g., when there is a specific Federal/State program of project or formula grants (such as grants-in-aid under title IV-A of the Act), the assistance payment is not funded wholly by a State or a political subdivision.

(b) Any payments which are excluded from countable income under paragraph (a) of this section are also excluded from income to be deemed under § 416.1185 (published as a notice of proposed rulemaking with interim effectiveness at 42 FR 3316 on January 18, 1977).

3. Section 416.2001 is amended by revising paragraph (a) to read follows:

§ 416.2001 State supplementary payments; general.

(a) *State supplementary payments; defined.* State supplementary payments are any payments made by a State or one of its political subdivisions (including any such payments for which reimbursement is available from the Social Security Administration pursuant to Pub. L. 94-23, as amended) to a recipient of supplemental security income benefits (or to an individual who would be eligible for such benefits except for income), if the payments are made:

* * * * *

[FR Doc. 78-29700 Filed 10-19-78; 8:45 am]

[4110-03-M]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 78N-0285]

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Neomycin Sulfate Sterile Solution

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the animal drug regulations for neomycin sulfate sterile solution to indicate those conditions of use for which approval of identical products need not include certain types of efficacy data. Approval may require submission of bioequivalency or similar data. The product was the subject of a National Academy of Science—National Research Council, Drug Efficacy Study Group (NAS/NRC) evaluation.

EFFECTIVE DATE: October 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald A. Gable, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, Mich. 49001, is the sponsor of a new animal drug application (NADA 11-953V) which was conditionally approved August 14, 1959. The conditional approval concerned 50 and 200 milligram per milliliter neomycin sulfate sterile solutions for intramuscular, intravenous, or topical use for the treatment of cattle, horses, sheep, swine, dogs, and cats for chronic and acute bacterial infections due to organisms susceptible to neomycin. The status of the application was upgraded to approved on January 5, 1960.

Certain drug products containing neomycin were the subject of an NAS/NRC evaluation published in the FEDERAL REGISTER of August 21, 1970 (35 FR 13403). The Academy evaluated, and the agency concurred, these preparations as probably effective in treating systemic bacterial infections in cattle, horses, sheep, swine, dogs, and cats caused by pathogens sensitive to the drug. The Academy stated that (1) each disease claim should be properly qualified as to the name of disease caused by pathogens sensitive to the drug, and if the claim cannot be so qualified it must be dropped; (2) the minimum inhibitory concentration table tends to be misleading and should be deleted; (3) the labeling should carry a warning concerning curare-like neuromuscular blockade; (4) the inclusive phraseology describing use of the drug tends to be misleading and an overstatement of the activity of the drug; (5) comments relating to development of resistant microorganisms should be rephrased as resistance to neomycin sulfate has been reported more frequently.

This evaluation concerned the drug's effectiveness and safety to the animal to which it is administered. It did not take into account the safety for food use of food derived from drug-treated animals. The August 21, 1970 announcement was published (1) To inform holders of new animal drug applications (NADA's) as to the findings of the Academy and the agency and (2) to inform all interested persons that such articles may be marketed providing they are the subject of an approved NADA and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

The Upjohn Co. responded by submitting a supplement to NADA 11-953V updating its application by providing current information concerning manufacturing and controls and revised labeling. No new efficacy data were required.

The supplement was approved by a regulation published in the FEDERAL REGISTER of November 9, 1971 (36 FR 21405). The regulation (21 CFR 135b.40, recodified 21 CFR 522.1484) did not specify those conditions of use which were NAS/NRC approved—drug uses for which approval of an NADA does not require efficacy data as specified by §§ 514.1(b)(8)(ii) and 514.111(a)(5)(vi) (21 CFR 514.1(b)(8)(ii) and 514.111(a)(5)(vi)) of the animal drug regulations.

This document amends the regulations to indicate those conditions of use for which approvals for identical products need not include certain types of efficacy data required for approval as above. In lieu of those data, approval may require bioequivalency or similar data as suggested in the guideline for submitting NADA's for NAS/NRC reviewed generic drugs, available with the Hearing Clerk (HFA-305), Food and Drug Administration.

In addition, the regulation is editorially revised to reflect current format.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), § 522.1484 is revised to read as follows:

§ 522.1484 Neomycin sulfate sterile solution.

(a) *Specifications.* Each milliliter of sterile aqueous solution contains 50 milligrams of neomycin sulfate (equivalent to 35 milligrams of neomycin base). The neomycin sulfate used in manufacturing the drug conforms to the standards of identity, strength, quality, and purity prescribed by § 444.42a(a)(1) of this chapter.[1]

(b) *Sponsor.* See No. 000009 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* 5 milligrams per pound of body weight daily divided into portions administered every 6 to 8 hours for 3 to 5 days.[1]

(2) *Indications for use.* Administer to dogs and cats for the treatment of acute and chronic bacterial infections due to organisms susceptible to neomycin.[1]

(3) *Limitations.* For intramuscular or intravenous use only. Neomycin is not for use parenterally in food-producing animals because of prolonged residues in edible tissues. Labeling shall bear an appropriate expiration date. For use by or on the order of a licensed veterinarian.[1]

Effective date. This regulation shall be effective October 23, 1978.

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

Dated: October 12, 1978.

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

[FR Doc. 78-29493 Filed 10-19-78; 8:45 am]

[4110-03-M]

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Selenium Disulfide Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Hart-Delta, Inc., providing for use of a selenium disulfide suspension on dogs as a cleansing shampoo and as an agent for removing skin debris.

[1] These claims are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter.

EFFECTIVE DATE: October 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Hart-Delta, Inc., 5055 Choctaw Drive, Baton Rouge, La. 70805, filed an NADA (111-349V) providing for use of a selenium disulfide suspension on dogs as a cleansing shampoo and as an agent for removing skin debris associated with dry eczema and nonspecific dermatoses.

This application concerns a product that is similar to a National Academy of Sciences—National Research Council (NAS/NRC) reviewed product, approval of which is reflected in the regulations in 21 CFR 524.2101. This application is approved on the basis of generic equivalence to the reviewed product. It conforms to the NAS/NRC panel recommendations published in the FEDERAL REGISTER of September 5, 1970 (35 FR 14168).

Approval of this application does not constitute reevaluation of the NAS/NRC recommendations for use on dogs as a cleansing agent.

In accordance with the freedom of information regulations and § 514.11(e)(2)(ii) of the animal drug regulations (21 CFR 514.11(e)(2)(ii)), a summary of the safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFA-305), Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), part 524 is amended in § 524.2101 by revising paragraphs (b) and (c) (2) to read as follows:

§ 524.2101 Selenium disulfide suspension.

* * * * *

(b) *Sponsors.* (1) See No. 043731 in § 510.600(c)(2) of this chapter for use as in paragraphs (c)(2)(i) of this section.

(2) See No. 015563 in § 510.600(c)(2) of this chapter for use as in paragraph (c)(2)(ii) of this section.

(c) * * *

(2) *Indications for use.* (i) For use on dogs as a cleaning shampoo and as an agent for removing skin debris associated with dry eczema, seborrhea, and nonspecific dermatoses.[1]

(ii) For use on dogs as a cleansing shampoo and as an agent for removing skin debris associated with dry eczema and nonspecific dermatoses.

* * * * *

Effective date. This regulation becomes effective October 23, 1978.

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

Dated: October 11, 1978.

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

[FR Doc. 78-29331 Filed 10-19-78; 8:45 am]

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter.

[4110-03-M]

PART 548—CERTIFIABLE PEPTIDE ANTIBIOTIC DRUGS FOR ANIMAL USE

Soluble Bacitracin Methylene Disalicylate and Streptomycin Sulfate Oral Powder

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The regulations are amended to reflect approval of a supplemental new animal drug application (NADA) filed by Pitman-Moore, Inc., providing for the manufacture of bacitracin methylene disalicylate and streptomycin sulfate oral powder from soluble, instead of nonsolubilized, bacitracin methylene disalicylate and for the deletion of certain inactive ingredients.

EFFECTIVE DATE: October 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald A. Gable, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Pitman-Moore, Inc., Washington Crossing, N.J. 08560, filed a supplemental NADA (65-107V) providing for a change in the form of bacitracin methylene disalicylate used in soluble bacitracin methylene disalicylate and streptomycin sulfate oral powder. The original drug formulation contains bacitracin methylene disalicylate which is no longer commercially available. In its place, the sponsor is using soluble bacitracin methylene disalicylate which is the sodium salt of bacitracin methylene disalicylate. Because this change alters the specifications of one of the antibiotics used in this drug, an amendment to the requirements for certification is necessary. In addition, one of the inactive ingredients, sodium saccharin, has been deleted because of questions regarding its safe use. The oral powder containing soluble bacitracin methylene disalicylate, streptomycin sulfate, and carob flour is used for treating dogs for bacterial enteritis and associated diarrhea. The regulation effecting this approval is amended to reflect use of the solubilized form of bacitracin. This approval does not alter the safety and effectiveness of the drug and has not required reevaluation of its safety and effectiveness.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i), (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i), (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), part 548 is amended in § 548.112d by revising the section heading and paragraph (a)(1) and (3) (i) (*a*) and (ii) (*a*) to read as follows:

§ 548.112d Soluble bacitracin methylene disalicylate and streptomycin sulfate oral powder.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Soluble bacitracin methylene disalicylate and streptomycin sulfate oral powder is composed of soluble bacitracin methylene disalicylate and streptomycin sulfate with carob flour and with or without one or more suitable and harmless diluents, colorings, and flavorings. Each gram contains 200 units of soluble bacitracin methylene disalicylate, streptomycin sulfate equivalent of 20 milligrams of streptomycin, and 850 milligrams of carob flour. Its soluble bacitracin methylene disalicylate content is satisfactory if it is 90 to 165 percent of the amount of bacitracin that it is represented to contain. Its streptomycin sulfate content is satisfactory if it is 90 to 125 percent of the amount of streptomycin that it is represented to contain. Its loss on drying is not more than 7.5 percent. The soluble bacitracin methylene disalicylate used conforms to the standards prescribed by § 548.112a of this chapter for soluble bacitracin methylene disalicylate without diluents, and in addition, it passes the safety test. The streptomycin sulfate used conforms to the standards prescribed by § 539.170(a)(1) of this chapter.

* * * * *

(3) * * *

(i) * * *

(*a*) The soluble bacitracin methylene disalicylate used in making the batch

for potency, safety, loss on drying, and pH.

* * * * *

(ii) * * *

(a) The soluble bacitracin methylene disalicylate used in making the batch, 5 packages, each containing approximately 5 grams.

* * * * *

Effective date. This regulation shall be effective October 23, 1978.

(Sec. 512 (i), (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i), (n)).)

Dated: October 12, 1978.

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

[FR Doc. 78-29492 Filed 10-19-78; 8:45 am]

[4110-12-M]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-1—GENERAL

Subpart 3-1.10—Publicizing Procurement Actions

AGENCY: Office of the Secretary, HEW.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department of Health, Education, and Welfare, is amending the Departmental procurement regulations by adding a new Subpart 3-1.10, Publicizing Procurement Actions. The new subpart relates the Department's policy with respect to making solicitations available to interested parties and clarifies the Federal Procurement Regulations exemption for synopsizing procurements for services from educational institutions.

The Department is issuing the amendment to insure that interested parties are able to obtain copies of solicitations after procurements are synopsized in the Commerce Business Daily, and to insure that response dates for bids or proposals permit adequate time for an interested party to request and receive a solicitation and to prepare and submit an offer by the closing date. In addition, the Department is proposing a clarification to the exemption for synopsizing procurements for services from educational institutions under § 1-1.1003-2(a)(8). That is, the exemption from the requirement to synopsize is to be applicable only when there is a noncompetitive procurement for services from one educational institution. When more than one educational institution is to be solicited, the procurement is to be synopsized.

EFFECTIVE DATE: This amendment is effective October 20, 1978.

FOR FURTHER INFORMATION, CONTACT:

Ed Lanham, Division of Procurement Policy and Regulations Development, OGP-OASMB-OS, Room 539-H, Hubert H. Humphrey Building, Department of Health, Education, and Welfare, Washington, D.C. 20201, 202-245-6347.

SUPPLEMENTARY INFORMATION: On August 1, 1978, the proposed rule regarding the publicizing of procurement actions was published in the FEDERAL REGISTER (43 FR 33761) inviting public comment by August 31, 1978. As a result, six responses were received, five from educational institutions and one from a private firm.

One of the respondents supported the proposed policy. Another suggested that the response period begin on the date the solicitation synopsis is published in the Commerce Business Daily rather than the date the solicitation is issued. The Federal Procurement Regulations (§ 1-1.1003-6) require that a procuring activity either publicize (synopsize) the proposed procurement in the Commerce Business Daily ten (10) calendar days before issuance of the solicitation or, if this is not feasible, forward the synopsis to the Commerce Business Daily to arrive not later than the date of issuance of the solicitation, and the Department is required to comply with this regulation. In addition, adoption of the suggestion would hamper the procuring activity's issuance of the solicitation because the issuance would be delayed until the procuring activity has verified the date the synopsis has appeared or is appear in the Commerce Business Daily. Therefore, the suggestion was not accepted.

Four of the respondents recommended that the thirty (30) calendar day minimum response period when procuring other than standard commercial articles or services be increased to at least forty-five (45) calendar days. The Department emphasizes that the thirty (30) calendar day response period and the twenty (20) calendar day response period, when procuring standard commercial articles or services, are minimum periods, and the procuring activity has the option of establishing a response period greater than the minimum response period based upon the complexity and the available leadtime of each particular procurement. The Department's basis for establishing the minimum response periods is Federal Procurement Regulations § 1-2.202-1(c) which sets forth the minimal 20 and 30 calendar day response periods. Therefore, the suggestion was not accepted.

The policy regarding the publicizing of procurement actions is finalized as originally stated in the proposed rule. The provisions of the amendment are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

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

Therefore, 41 CFR Chapter 3, is amended in the manner set forth below.

Dated: October 16, 1978.

E. T. RHODES,
Deputy Assistant Secretary for Grants and Procurement.

Under Part 3-1, General, Subpart 3-1.10, Publicizing Procurement Actions, is established. In addition, the table of contents for Part 3-1 is amended to add the following:

Subpart 3-1.10—Publicizing Procurement Actions

Sec.
3-1.1000 Scope of subpart.
3-1.1001 General policy.
3-1.1002 Availability of invitations for bids, requests for proposals, and requests for quotations.
3-1.1003 Synopses of proposed procurements.
3-1.1003-1 [Reserved]
3-1.1003-2 General requirements.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 3-1.10—Publicizing Procurement Actions

§ 3-1.1000 Scope of subpart.

This subpart establishes Departmental policy with respect to making solicitations available to interested parties and synopsizing proposed procurements in the Commerce Business Daily.

§ 3-1.1001 General policy.

It is the Department's policy to conduct its procurements in an open fashion, to make procurements known to the public in a timely manner, to foster open and unrestricted competition, and to allow potential bidders and offerors to participate in the procurement process without artificial restrictions.

§ 3-1.1002 Availability of invitations for bids, requests for proposals, and requests for quotations.

(a) Potential offerors/bidders must be allowed a reasonable period of time in which to prepare and submit a response to a solicitation. As a general

rule, the response period is to be at least 20 calendar days when procuring standard commercial articles or services, and at least 30 calendar days when procuring other than standard commercial articles or services. The 20 and 30 calendar day response periods begin on the date the solicitation is issued. The response periods are applicable to all formally advertised and negotiated procurements and for small purchases of $5,000 and above, except in cases of unusual emergency.

(b) As indicated in § 1-1.1002, a reasonable number of copies of each solicitation publicized in the Department of Commerce Synopsis, including specifications and other pertinent information, are to be made available by the issuing office for distribution to requesting parties.

(1) A reasonable number of copies is defined as that number of copies necessary to promptly satisfy all requests received for the first 20 calendar days beginning on the date the solicitation is issued. All requests received during the 20-day periods are to be filled. Requests received after the 20-day periods may be filled on a supply available, first-come, first-served basis. If the supply of solicitations is exhausted after the twentieth day, an interested party requesting a copy should be so notified and advised that a copy of the solicitation is available in the issuing office for viewing.

(2) When response periods of less than 20 days for standard commercial articles or services and less than 30 days for other than standard articles or services are used, all requests received during these shorter than preferred periods are to be promptly filled. If a requestor requires a copy of a solicitation after these periods and the supply is exhausted, the requestor should be so notified.

§ 3-1.1003 Synopses of proposed procurements.

§ 3-1.1003-1 [Reserved]

§ 3-1.1003-2 General requirements.

(a)(1)-(7) [Reserved]

(8) The exemption from the requirement to synopsize in § 1-1.1003-2(a)(8) is applicable only when there is to be a noncompetitive procurement for services from one educational institution. When more than one educational institution is to be solicited, the procurement is required to be synopsized in the Commerce Business Daily.

(5 U.S.C. 301; 40 U.S.C. 486(c).)

[FR Doc. 78-29752 Filed 10-19-78; 8:45 am]

[4110-12-M]

MANAGEMENT APPROVAL LEVELS REGARDING DEPARTMENTAL PROCUREMENT ACTIONS

Miscellaneous Amendments

AGENCY: Department of Health, Education, and Welfare.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department of Health, Education, and Welfare is amending 41 CFR Chapter 3 to change management approval levels regarding departmental procurement actions. This is in accordance with the Secretary's memorandum of May 18, 1977, entitled "Actions Required to Correct Major Deficiencies in the Contracting and Grant Processes."

A review of management approval levels regarding departmentwide procurement actions revealed that the majority of approvals are being made by the "head of the procuring activity" (HPA), and that the management level of the official designated as the HPA varies throughout the Department's principal operating components and regional offices. The diversity of the HPA designation has resulted in the determination to establish those approval actions at comparable management levels throughout the Department. This serves to introduce uniform control in the procurement process, vest the requisite authority and responsibility for procurement decisionmaking with the appropriate management official, and simplify the procurement process.

In conjunction with the foregoing, the Department is establishing Subpart 3-1.2, Definition of Terms, and is introducing the term "principal official responsible for procurement" to designate the official who is to approve many of the procurement actions previously approved by the HPA.

EFFECTIVE DATE: October 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Ed Lanham, Division of Procurement Policy and Regulations Development, Office of Grants and Procurement, OASMB-OS, Department of Health, Education, and Welfare, Washington, D.C. 20201, 202-245-6347.

It is the general policy of the Department to allow time for interested parties to participate in the rulemaking process. However, since the amendments concern internal administrative procedures, the public rulemaking process was deemed unnecessary in this instance. The provisions of these amendments are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107. Therefore, 41 CFR Chapter 3 is amended as follows:

Dated: October 6, 1978.

E. T. RHODES,
Deputy Assistant Secretary for Grants and Procurement.

PART 3-1—GENERAL

1. Subpart 3-1.2, Definition of Terms, is established under Part 3-1, General. In addition, the table of contents for part 3-1 is amended to add the following:

* * * * *

Subpart 3-1.2—Definition of Terms

Sec.
3-1.200 Scope of subpart.
3-1.250 Principal official responsible for procurement.

* * * * *

Subpart 3-1.2—Definition of Terms

§ 3-1.200 Scope of subpart.

Definitions of commonly used procurement terms are in subpart 1-1.2 of the Federal Procurement Regulations. This subpart sets forth the definitions of other procurement and administrative terms used throughout this chapter.

§ 3-1.250 Principal official responsible for procurement.

The "principal official responsible for procurement" is defined in terms of certain organizational positions within the Office of Management Services (OMS-OS), Office of Facilities Engineering (OFE-OS), Social Security Administration (SSA), Health Care Financing Administration (HCFA), Office of Human Development Services (OHDS), National Institutes of Health (NIH), Health Services Administration (HSA), Health Resources Administration (HRA), Food and Drug Administration (FDA), Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), Center for Disease Control (CDC), Office of the Assistant Secretary for Health (OASH), Office of Education (OE), National Institute of Education (NIE), and the Regional Offices (RO's), as follows:

OMS-OS—Director, Division of Contract and Grant Operations, OMS-OASMB.
OFE-OS—Director, Office of Facilities Engineering, OASMB.
SSA—Director, Division of Contracting and Procurement, Office of Materiel Man-

agement, Office of Management and Administration.

HCFA—Chief, Contract Branch, Division of Contracts, Grants, and Administrative Services, Office of Management and Budget.

OHDS—Chief, Contracts Branch, Division of Grants and Contracts Management, Office of Administration and Management.

NIH—Director, Division of Contracts and Grants, Office of Administration (For procurements assigned to the Division of Contracts and Grants); Director, Division of Administrative Services, Office of Administration (For procurements assigned to the Division of Administrative Services).

HSA—Director, Office of Contracts and Grants, Office of Administration.

HRS—Director, Division of Grants and Contracts Management, Office of Administration.

FDA—Director, Division of Contracts and Grants Management, Office of the Associate Commissioner for Administration.

ADAMHA—Director, Division of Grants and Contracts Management, Office of the Administrator.

CDC—Director, Procurement and Grants Office, Office of the Center Director.

OASH—Director, Division of Materiel Management, Administrative Support Center, Office of Management.

OE—Director, Division of Grants and Procurement Management, Office of Management.

NIE—Chief, Contracts and Grants Management Division, Office of Administration and Management.

RO—Director, Regional Administrative Support Center in each Regional Office.

§ 3-1.405 [Amended]

2. Section 3-1.405(b) is amended by deleting the last sentence ("This approval authority shall not be redelegated."), and substituting the following: "This approval authority may be redelegated to a designee not lower than the principal official responsible for procurement."

§ 3-1.5403 [Amended]

3. Section 3-1.5403(a) is amended by deleting the term "head of the procuring activity or his designee" in the next to last sentence, and substituting the following: "principal official responsible for procurement (not delegable)."

PART 3-3—PROCUREMENT BY NEGOTIATION

§ 3-3.303 [Amended]

4. Section 3-3.303 is amended by deleting the first sentence, and substituting the following: "The following determinations and findings shall be made by the head of the principal operating component (POC), or the Assistant Secretary for Management and Budget in cases involving the Office of the Secretary:".

5. Section 3-3.303-51 is deleted in its entirety, and the following is substituted:

§ 3-3.303-51 Determination that the making of advance payments is in the public interest.

The determination required by § 1-3.302(d) that the making of advance payments is in the public interest shall be made by the principal operating component (POC), Office of the Secretary (OS), and Regional Office (RO) officials, as follows:

SSA—Director, Division of Contracting and Procurement, Office of Materiel Management, Office of Management and Administration.

HCFA—Chief, Contract Branch, Division of Contracts, Grants, and Administrative Services, Office of Management and Budget.

OHDS—Director, Division of Grants and Contracts Management, Office of Administration and Management.

PHS—Deputy Executive Officer.

ED—Deputy Assistant Secretary for Management and Budget.

OMS-OS—Director, Division of Contract and Grant Operations, OMS-OASMB.

OFE-OS—Director, Office of Facilities Engineering, OASMB.

RO—Principal Regional Official (PRO) in each Regional Office.

This authority is not delegable by the referenced officials.

§ 3-3.303-52 [Amended]

6. Section 3-3.303-52 is amended to delete the term "head of the procuring activity." in the title, and by substituting the term "principal official responsible for procurement."

7. Section 3-3.303-52(a) is amended to delete the term "head of the procuring activity or his designee [1]" and by substituting the term "principal official responsible for procurement (not delegable):"

8. Section 3-3.303-52(a) is further amended to delete the footnote designation "[1]" in items (1), (3), (6), and (8), and the footnote [1] at the bottom of the page.

§ 3-3.306-50 [Amended]

9. Section 3-3.306-50 is amended by deleting the first sentence, and substituting the following: "Determinations and findings to be made by the head of a principal operating component (POC) or, for OS, the Assistant Secretary for Management and Budget (ASMB) shall be prepared in an original and four copies and forwarded through procurement channels to the POC head or the ASMB."

§ 3-3.306-51 [Amended]

10. Section 3-3.306-51(a) is amended by deleting the heading "Secretarial determinations.", and substituting the term "POC head determinations." In addition, the term "an Assistant Secretary" in the first sentence is deleted, and the term "the head of a POC or the Assistant Secretary for Management and Budget" is substituted.

§ 3-3.306-54 [Amended]

11. Section 3-3.306-54 is amended by deleting the first paragraph and substituting the following:

Each determination to be signed by the officials cited in § 3-3.303-51 shall be accompanied by a briefing letter.

* * * * *

§ 3-3.408 [Amended]

12. Section 3-3.408 is amended by deleting paragraphs (d)(1) and (d)(2) and substituting the following:

* * * * *

(d) *Approval.* (1) Any letter contract which obligates more than 50 percent of the estimated cost of the procurement or provides for a period of effectiveness of more than 90 days must be approved by the appropriate official cited in § 3-3.303-51. (This authority is not delegable.) All requests for approval must be in writing, prepared by the contracting officer, and submitted to the appropriate official through normal procurement channels. Any letter contract which obligates up to 50 percent of the estimated cost of the procurement or provides for a period of effectiveness up to 90 days must be approved by the principal official responsible for procurement (not delegable).

(2) [Reserved]

* * * * *

13. Section 3-3.408(g) is amended by eliminating the first paragraph and substituting the following:

* * * * *

(g) *Approval for modifications to letter contracts.* All letter contract modifications (amendments) must be approved by the appropriate official referenced in paragraph (d)(1) of this § 3-3.408. Requests for authority to issue letter contract modifications shall be processed in the same manner as requests for authority to issue letter contracts (see paragraph (d)(1) of this section) and shall include the following:

* * * * *

PART 3-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

§ 3-4.5101 [Amended]

14. Section 3-4.5101(a) is amended by deleting the phrase in the first sentence, "an official delegated such authority (see Subpart 3-75.3).", and substituting the following: "the principal

official responsible for procurement (not delegable)."

PART 3-56—GOVERNMENT PROPERTY

§ 3-56.301 [Amended]

15. Section 3-56.301(a) is amended by deleting the term "head of the procuring activity (§ 3-75.101)" in the second sentence and substituting the term "principal official responsible for procurement (not delegable)."

(5 U.S.C. 301; 40 U.S.C. 486(c).)

[FR Doc. 78-29701 Filed 10-19-78; 8:45 am]

[4110-12-M]

PROCUREMENT OF DRUGS AND MEDICAL SUPPLIES AND MAXIMUM ALLOWABLE COST FOR DRUG PRODUCTS

Final Rule

AGENCY: Office of the Secretary, HEW.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department of Health, Education, and Welfare, is amending its procurement regulations by adding a new Subpart 3-4.61, Procurement of Drugs and Medical Supplies, to consolidate the Department's policies pertaining to the procurement of drugs and medical supplies. The new subpart incorporates the Department's general policy regarding the procurement of drugs, the procurement of drug products classified by effectiveness, and the maximum allowable cost for drug products. As a result of the consolidation, § 3-1.352, Drug products—effectiveness, is deleted. In conjunction with the policy on the maximum allowable cost for drug products, Subpart 3-7.50, Special Contract Clauses, is amended by adding the clause entitled, Maximum Allowable Cost for Drugs.

EFFECTIVE DATE: These amendments are effective October 20, 1978.

FOR FURTHER INFORMATION, CONTACT:

E. S. Lanham, Division of Procurement Policy and Regulations Development, OGP-OASMB-OS, Room 539-H, Hubert H. Humphrey Building, Department of Health, Education, and Welfare, Washington, D.C. 20201, 202-245-6347.

SUPPLEMENTARY INFORMATION: On August 2, 1978, the proposed rule regarding the addition of a new subpart containing the Department's policy on the procurement of drugs and medical supplies was published in the FEDERAL REGISTER (43 FR 33940). Public comments were invited, and one comment was received.

The commenter opposed the incorporation of the sentence, "Only the prescriber may approve 'product shifting' of drugs." in paragraph (b) of § 3-4.6101-1, Policy. Upon evaluation of the commenter's rationale for requesting deletion of the sentence, the Department determined that the sentence was misleading and has removed it from the final regulation.

The provisions of the amendments are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

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

Therefore, 41 CFR Chapter 3, Parts 3-1, 3-4, and 3-7 are amended in the manner set forth below

Dated: October 5, 1978.

E. T. RHODES,
Deputy Assistant Secretary for Grants and Procuremnt.

PART 3-1—GENERAL

Subpart 3-1.3—General Policies

§ 3-1.352 [Deleted]

1. Under Subpart 3-1.3, General Policies, of Part 3-1, General, delete § 3-1.352, Drug products—effectiveness, in its entirety.

PART 3-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

2. Under Part 3-4, Special Types and Methods of Procurement, Subpart 3-4.61, Procurement of Drugs and Medical Supplies, is established. In addition, the table of contents for Part 3-4 is amended to add the following:

* * * * *

Subpart 3-4.61—Procurement of Drugs and Medical Supplies

Sec.
3-4.6100 Scope of subpart.
3-4.6101 Procurement of drugs.
3-4.6101-1 Policy.
3-4.6103 Effectiveness of drug products.
3-4.6103-1 General.
3-4.6103-2 Policy.
3-4.6104 Maximum allowable cost for drugs.
3-4.6104-1 General.
3-4.6104-2 Applicability.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 3-4.61—Procurement of Drugs and Medical Supplies

§ 3-4.6100 Scope of subpart.

This subpart provides policies pertaining to the procurement of drug products and medical supplies by the Department or the Department's contractors.

§ 3-4.6101 Procurement of drugs.

§ 3-4.6101-1 Policy.

(a) Drugs shall be procured at the lowest possible price consistent with acceptable standards of identity, strength, quality, purity, safety, and effectiveness, and with due regard for the welfare of the patient and the professional judgment of the prescriber.

(b) Procuring activities shall ensure that drugs are procured by generic name on a competitive basis whenever it is possible to obtain therapeutically effective equivalent drugs of established quality. However, the professional judgment of the prescriber to request drugs by brand name or house designation must be recognized when the best interest of the patient requires it. Similarly, scientific investigators have the prerogative to request drugs having end-product characteristics considered necessary for the conduct of research or investigations.

§ 3-4.6103 Effectiveness of drug products.

§ 3-4.6103-1 General.

(a) The National Academy of Sciences National Research Council (NAS-NRC) has established effectiveness classifications for the indication of drug products, based upon the following criteria:

(1) Factual information that is freely available in scientific literature;

(2) Factual information that is available from the Food and Drug Administration, the manufacturer, or other sources; and

(3) Experience and informed judgment of the members of NAS—NRC panels.

(b) The indications mentioned in the following categories refer to "the effect the drug purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling." That is, the indications are the claims noted in the labeling of a given drug product.

(1) *Category A.—Effective.* For the presented indication, the drug is effective on the basis of the criteria cited in paragraph (a) of this section.

(2) *Category B.—Probably effective.* For the indication presented, effectiveness of the drug is probable on the basis of the criteria cited in paragraph (a) of this section, but additional evi-

dence is required before it can be assigned to Category A.

(3) *Category C.—Possibly effective.* In relation to the indication in question, there is little evidence of effectiveness under any of the criteria cited in paragraph (a) of this section. The possibility that additional supporting evidence might be developed should not be ruled out, however.

(d) *Category D.—Ineffective.* In relation to the indication in question, there is no acceptable evidence under any of the criteria cited in paragraph (a) of this section to support a claim of effectiveness.

§ 3-4.6103-2 Policy.

(a) It is the Department's policy to *not* procure drug products classified "ineffective" or "possibly effective" for use in its direct care programs. However, there are two exceptions to this policy:

(1) Drug products categorized as "ineffective" and "possibly effective" may be procured for use in the pursuit of approved clinical research projects.

(2) Drug products categorized as "possibly effective" may be procured when no alternate means of therapy with drug products in the "probably effective" or "effective" categories are available.

(b) This policy applies to similar drug products marketed by the same or other firms.

§ 3-4.6104 Maximum allowable cost for drugs.

§ 3-4.6104-1 General.

(a) The regulation entitled "Limitation on Payment or Reimbursement for Drugs," also known as the Maximum Allowable Cost or MAC regulation, is set forth in Part 19 to Subtitle A of Title 45 of the Code of Federal Regulations.

(b) The MAC regulation established Departmental policies and procedures for determining allowable drug costs and, where applicable, dispensing fees to be used to establish:

(1) Reimbursement to providers and health maintenance organizations under the medicare program;

(2) Reimbursement to States under State administered health, welfare, and social service programs; and

(3) Allowable costs under projects for health services.

§ 3-4.6104-2 Applicability.

(a) This regulation implements the MAC regulation by establishing procurement procedures consistent with the purpose and intent of the MAC regulation.

(b) This regulation applies to the direct procurement of drugs by the Department and the procurement or supply of drugs by the Department's contractors.

(c) This regulation does not apply to the procurement of drugs for research programs made by the Department and its contractors.

PART 3-7—CONTRACT CLAUSES

Subpart 3-7.50—Special Contract Clauses

3. Under Subpart 3-7.50, Special Contract Clauses, of Part 3-7, Contract Clauses, add section 3-7.5021 as follows:

* * * * *

§ 3-7.5021 Maximum allowable cost for drugs.

The following clause, or one reading substantially as follows, shall be included in all contracts subject to the provisions of the Maximum Allowable Cost regulation and § 3-4.6104.

MAXIMUM ALLOWABLE COST FOR DRUGS

(a) Reimbursement for drugs provided or used under this contract shall be in accordance with the Maximum Allowable Cost (MAC) regulation set forth in 45 CFR Subtitle A, Part 19. In accordance with § 19.3 of the MAC regulation, the amount which is recognized for reimbursement or payment purposes for any drug purchased under the terms of the contract shall not exceed the lowest of:

(1) The maximum allowable cost of the drug, if any, established in accordance with § 19.5 of the MAC regulation plus a reasonable dispensing fee;

(2) The acquisition cost of the drug plus a reasonable dispensing fee; or

(3) The provider's usual and customary charge to the public for the drug: *Provided*, That:

(i) The maximum allowable cost established for any drug shall not apply to a brand of that drug prescribed for a patient which the prescriber has certified in his own handwriting is medically necessary for that patient: *And provided further*, That:

(ii) When compensation for drug dispensing is included in some other amount payable to the provider by the reimbursing or payment program agency, a separate dispensing fee will not be recognized.

(b) The contractor agrees:

(1) To include the following solicitation notification in all applicable solicitations issued under this contract and to ensure that subcontractors include it in any subsequent applicable solicitations:

This procurement is subject to the Maximum Allowable Cost (MAC) regulation set forth in Part 19 to Subtitle A of Title 45 of the Code of Federal Regulations.

(2) To include this clause, including this paragraph (b), in all applicable subcontracts, regardless of tier, awarded pursuant to this contract.

(3) To include the furnished MAC determination or acquisition cost data in all applicable solicitations issued under this contract and in all resultant subcontracts awarded pursuant to this contract.

(5 U.S.C. 301; 40 U.S.C. 486(c).)

[FR Doc. 78-29754 Filed 10-19-78; 8:45 am]

[6712-01-M]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 78-152; RM-3004]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Solvang, Calif.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: In response to a petition, the Federal Communications Commission amends its regulations relating to radio broadcast services, by adding to the FM table of assignments Channel 244A as a first assignment at Solvang, California. An FM station will provide that community with a first local aural broadcast service.

EFFECTIVE DATE: November 27, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER

Adopted: October 12, 1978.

Released: October 17, 1978.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Solvang, Calif.), BC Docket No. 78-152, RM-3004.

1. The Commission has before it the *Notice of Proposed Rule Making*, adopted May 16, 1978, 43 FR 23617, in the above-entitled proceeding instituted in response to the petition filed by John C. Butler ("petitioner"). The petition proposed the assignment of Class B FM Channel 233 at Solvang, California, as that community's first FM assignment.

2. The Notice indicated that a basis could not be found for an exception to the policy of assigning class B FM channels only to large communities. Instead, since there was an available class A channel which could provide city-grade coverage to Solvang, we proposed assignment of channel 244A to that community. Petitioner filed com-

ments in which he stated that if a class A channel were assigned to Solvang, he would not apply for it.

3. Comments were also filed by Clifford A. Wagner [1] and Santa Ynez Valley Broadcasting Co. stating that if channel 244A were assigned to Solvang they would apply for it.

4. Solvang (pop. 2,004), in Santa Barbara County (pop. 264,324)[2] is located in the Santa Ynez Valley approximately 160 kilometers (100 miles) northwest of Los Angeles and 40 kilometers (25 miles) northwest of Santa Barbara, Calif. There is no local aural broadcast service in Solvang.

5. We believe the public interest would be served by the assignment of FM channel 244A to Solvang, Calif. Interests have been expressed for the use of a class A channel and an FM station would provide that community with a first local aural broadcast service.

6. Authority for the adoption of the amendment contained herein appears in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

7. *Accordingly, it is ordered,* That effective November 27, 1978, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended as it pertains to the community listed below:

City and Channel No.	
Solvang, Calif.	244A

8. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-29751 Filed 10-19-78; 8:45 am]

[6712-01-M]

[CT Docket No. 78-206; RM-3102; FCC 78-690]

PART 76—CABLE TELEVISION SERVICES

Cable Television Certificate of Compliance Process

AGENCY: Federal Communications Commission.

ACTION: Report and order in CT docket 78-206.

SUMMARY: The Commission is amending its rules to eliminate the certification procedure for new cable television operations and replace it with a system of registration. This change is in furtherance of the Commission's efforts to deregulate the cable television industry. Adoption of the registration process is intended only to make the initiation of new cable television services more efficient.

EFFECTIVE DATE: October 20, 1978.

ADDRESS: Office of the Secretary, Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James Ewalt, Cable Television Bureau, 202-632-6468.

In the matter of amendment of part 76 of the Commission's rules and regulations concerning the cable television certificate of compliance process, CT docket No. 78-206,[1] RM-3102. Report and order (proceeding terminated) (43 FR 30845).

Adopted: September 27, 1978.

Released: October 13, 1978.

By the Commission: Commissioner Brown absent.

1. On July 12, 1978, the Commission issued a notice of proposed rulemaking, FCC 78-460, —— FCC 2d —— (1978), initiating this proceeding to determine whether the present system of prior review and certification of all new cable television operations ought to be eliminated and replaced by a simpler, more efficient process of registration. Comments were received from parties representing cable television interests, television broadcast interests, one State education department, and one municipality. After consideration of the comments we have determined that the certification process should be eliminated and a process of registration adopted instead. Appendix A sets forth the new regulations we are adopting to implement this procedure. Appendix B contains a list of parties filing comments in this proceeding.

2. When the certification process was adopted in 1972 the Commission addressed the question of procedural matters stating:

> With the adoption of our new program for cable television, we are also instituting new procedures. These have been designed to assure: That effective public notice of new proposals is given; that applications contain full information on the details of system operation; and that new cable proposals are, without exception, reviewed for consistency with our rules. *Cable Television Report and Order,* FCC 72-108, 36 FCC 2d 143 at paragraph 109 (1972).

We also stated that:

> Cable television is an emerging technology that promises a commmunications revolution. Inevitably, our regulatory pattern must evolve as cable evolves—and no one can say what the precise dimensions will be. *Cable Report and Order, id.,* at par. 189.

We contemplated dynamic procedural regulations changing over time, dependent upon changes within the industry as well as our assessment of the Commission's proper role in the regulatory process. Those procedures adopted in 1972 were thought to be essential at that stage for the "orderly development" of the industry in that they provided a means of obtaining citizen input with respect to the operation of particular cable systems and as a means of screening service proposals prior to the commencement of operations. *Cable Report and Order, id.* In general, it was thought that the process would be a useful complement to the substantive regulatory program. See discussion in notice beginning at paragraph 2.

3. Comments filed in this proceeding were nearly unanimous in recommending some type of overhaul of the certification process. Broadcast interests typically argued that the certification process should not be abandoned but merely streamlined, retaining the notice and service requirements. Most important, they argue, is the need to continue Commission authorization of new services as this facilitates enforcement through forfeiture and may be necessary for copyright purposes. The American Broadcasting Cos., Inc., in its comments further suggest that it would be premature to abandon certification at this time because it would prejudice pending issues regarding cable television's public interest responsibilities and the scope of the Commission's authority to impose such obligations. Cable television interests on the other hand enthusiastically support elimination of the certification process and propose replacing it with a process of simple registration. They argue that certification no longer serves its purpose and imposes unjustified delays and cost burdens on the initiation of new cable services. Others commenting also agree that the process should be revamped, but argue strongly for retention of a public notice procedure whereby interested parties may learn of new cable services.

---

[1] Although Wagner's comments were received after the expiration date for filing reply comments, we see no purpose in rejecting this pleading only to require a refiling of these comments for action. There has been no objection to our acceptance of this pleading and no other parties would be affected thereby. Therefore, we have accepted this pleading for our consideration.

[2] Population figures are taken from the 1970 U.S. census.

[1] This *Report and Order* also constitutes a partial decision with respect to petitions for reconsideration of our *Report and Order in Docket 21002,* FCC 77-530, 66 FCC 2d 380 (1977). See footnote 4 below. For that reason, copies of this decision will be filed in docket 21002 and the Secretary of the Commission is directed to serve copies on all parties to docket 21002.

4. The notice in this proceeding set forth a number of reasons why the certification process was no longer believed to be efficiently serving its intended purposes and why the whole process was in need of reexamination. In general, we expressed the feeling that whatever benefits there were in the process had come to be more than outweighed by the costs it imposed on the Commission, the cable industry, and the public, especially in light of the other alternative procedures available for obtaining compliance with the rules. The need for a change in this process was largely unchallenged in the comments received. After consideration of these comments and the alternatives available to us, we have determined to delete the existing certificate system and replace it with a registration procedure.

5. This change appears desirable for a number of reasons. First, recent amendments to the Communications Act permitting the imposition of monetary forfeitures on cable operators of up to $20,000 for violations of Commission rules now provide us with a new and significant enforcement tool.[2] Because the procedure for imposing these civil penalties is less cumbersome than previously available means of enforcement, it should provide additional incentives for compliance which greatly diminish the need for a process of prior review and certification. An additional incentive for compliance with the carriage rules is also created by passage of the general copyright law revision under which violations of the Commission's signal carriage rules may also be violations of the copyright law for which harsh penalties may be imposed. These include statutory damages, treble damages, injunctions, the payment of attorney's fees, and criminal sanctions when the violation is willful and "for purposes of commercial advantage or private financial gain."[3]

6. A second factor in the decision to eliminate the certification process concerns the speed with which the cable industry has grown. When the certification process was adopted in 1972, the industry was perceived to be on the brink of a period of very rapid development. We stated at that time that this was a new regulatory program involving many unknowns so that "inevitably, our regulatory pattern must evolve as cable evolves." *Cable Television Report and Order, supra*, at paragraph 189. The speed with which new operations have commenced has not matched our expectations in 1972. Thus, the continued need for an especially close scrutiny of new cable operations as they commence is questionable. The Commission must, in its efforts to best regulate the industry, continually concern itself with the most efficient allocation of its own resources. In view of the slower than anticipated rate of growth of the industry we need not be as concerned as we were in 1972 that developments will be so rapid that they can only be coped with through a prior review process.[4]

7. Another important development supporting our decision to eliminate this process relates to various substantive changes in the rules that have been made since 1972. When first adopted, the process was used, among other things, to review compliance with the franchise standards, the access channel rules, and matters relating to preemptions of local laws or franchise requirements. Since that time we have moved away from our franchise standards, have moved toward making the preemptions self-enforcing, and have reduced the degree to which access matters are considered in the certification process.[5] Other efforts to deregulate the cable television industry, particularly through deletion of those complex "leapfrogging" rules regulating from which markets particular signals had to be selected and the elimination of all of the more complex rules from smaller cable systems (those with under 1,000 subscribers),[6] also mean that there is a reduced likelihood of inadvertent rule violations that might be revealed through a prior review process. This action is, in fact, the culmination of a series of evolutionary steps concerning the certification process which we have taken as greater confidence in our ability to enforce the rules was developed. Among the steps already taken toward a streamlining of the certification rules are the simplified filing requirement adopted in docket 21002, a total exemption from the requirement for smaller systems, and an expedited system for the addition of local signals.[7] This step is a continuation of this process of rule reform.

These arguments were previously considered by the Commission and were rejected for reasons specifically spelled out in the *Report and Order in Docket 21002*. No new fact or argument having been presented, we are not persuaded that our decision in that proceeding was incorrect. On the contrary, our review of *Gill Cable, Inc.* (San Jose, Calif.), FCC 77-683, 66 FCC 2d 515 (1977), the case advanced by the legislative committee to illustrate the need for prior review and approval of cable operators' access plans, strengthens our original skepticism about the value of the deleted requirements. In *Gill Cable*, it was our response to complaints, not our prior review and approval of the operator's

[2] Communications Act Amendments of 1978, Pub. L. 95-234, 92 Stat. 33, amending 47 U.S.C. § 503(b).

[3] General Revision of the Copyright Law, Pub. L. 94-553, 90 Stat. 2041 (1976), 17 U.S.C. 101-810 (1976). The provision of this law that ties the copyright obligations of cable operators to the Commission's signal carriage rules is found in sec. 111(c) (1) and (2). The remedies and penalties for copyright infringements are found in ch. 5 of the statute.

[4] As noted, paragraph 2, supra, in 1972 where we adopted the current cable regulatory approach we anticipated that cable might grow so rapidly that so stringent a measure as prior review and approval of service offerings would be necessary to assure its "orderly development," *Cable Television Report and Order, supra*, at par. 189, and to permit the growth of cable "without jeopardizing the basic structure of over-the-air television." Id., at par. 58 (footnote omitted). In fact, anticipated penetration rates have been far below levels predicted prior to the 1972 *Report and Order*. For example, the 1970 Broadcast Bureau Staff Report, The Economics of the TV-CATV Interface, estimated that 25 percent of TV homes would be connected to cable by 1975, and that an upper limit of 50 percent was reasonable. As of this date, approximately 17 percent of TV homes receive cable service, with the annual increase over the last 6 years averaging less than 2 percent of TV homes. We have recognized, in the *Second Report and Order in Docket No. 20423*, 55 FCC 2d 541 (1975), that "the cable industry has not developed with the speed many had predicted it would * * *."

[5] The franchise standards were largely deleted, along with the requirements relating to review of access channel proposals and franchise consistency statements in the certification process, in the *Report and Order in Docket 21002, supra*. Reconsideration of that decision insofar as it related to changes in the certification process (sec. 76.13) has been sought by the Legislative Committee of the Philadelphia Community Cable Coalition et al. In order to avoid any appearance that our present action forecloses a positive response to that petition without its merits have been considered and in accordance with footnote 13 of the notice in this proceeding we believe it appropriate to consider and resolve that portion of the legislative committee's reconsideration petition here. Restoration of those certification requirements that were deleted in docket 21002 is basically sought on the grounds that they were a useful, unburdensome requirement which protected consumers, eased the Commission's enforcement burden, and served to advise the cable operator of his obligations under the rules.

[6] *Report and Order in Docket 20487*, FCC 75-1409, 57 FCC 2d 625 (1975) (largely deleting the "leapfrogging" rules). *Second Report and Order in Docket 20561*, FCC 78-288, 68 FCC 2d —— (1978) (exempting small systems from franchise and certification requirements, "sports blackout" rules, and distant signal limitations).

[7] *Order*, FCC 73-1214, 43 FCC 2d 1072 (1973) (allowing addition of local signal without certification); *Second Report and Order in Docket 20561, supra* (exempting cable systems with fewer than 1,000 subscribers from the certification process); *Report and Order in Docket 21002, supra* (simplifying the certificate application procedures).

access statement, which secured compliance with our rules. In sum, we have considered the substance of the reconsideration petitions and find nothing in them that would dissuade us from the action proposed in this proceeding. To the extent those petitions seek rule changes inconsistent with those we are adopting in this proceeding, those petitions are denied.

8. We believe the certification process has largely accomplished the purposes we set out for it in 1972, that is to bring the industry as a whole into compliance with the Commission's regulatory program for cable television. The bulk of applications received today are for changes in already certified systems and reflect a high degree of awareness of the Commission's rules. The remainder of the applications, about 20 percent, are for new cable systems. Of these, almost all are filed by established operators certified for operations elsewhere or who are seeking approval to extend an existing operation into a neighboring community where the permissible signal carriage complement is well known by the applicant. It is quite unusual, in other words, for a new cable system to be constructed and operated by owners who are inexperienced with our cable regulatory program. At present the staff discovers very few requests for inconsistent signals that are not accompanied by a waiver request. This indicates to us that one of the major functions of the process—to educate the industry with respect to our rules—has been substantially accomplished so that the need for a continuation of this process is greatly diminished.[8]

9. Under the regulatory scheme adopted in 1972 it was intended that "new cable proposals [be] reviewed, *without exception*, for consistency with [the] rules." *Cable Report and Order, supra*, at paragraph 109 (emphasis added). Fully implementing this program of wholesale review proved as recently as 1974 to require a staff of 35 including 27 attorneys. In considering whether to continue the certification process we cannot ignore these very substantial costs nor the additional costs which this process imposes on the public in the form of delays in the receipt of new or improved cable television service. The problem is particularly acute when it is considered that every proposal for new or added service is held up for 2 or 3 months in order that a regulatory action may be taken with respect to a small minority of situations. Even were there adequate staff available to promptly process all applications filed, delays of this length would be hard to avoid considering the time involved in preparing the application and the delays built into the process by the requirement that each application be placed on public notice and held for 30 days before action may be taken. Several operators in their comments produced examples demonstrating that the processing period for consistent, unopposed applications for certificates of compliance often extends for 5 or more months. Several other systems allege that the processing period is even longer, approaching 6 months. Commission backlog figures confirm that there have been delays in the processing of applications, although the length of such delays has varied greatly depending upon the type of application involved and the staff available at any particular time to process the applications. Of course, some potential violations are uncovered through this process, but when the number of such violations is compared to the overall impact of the certification process in delaying service to the public we cannot conclude that a case has been made for its continuation. This is particularly the case when other enforcement tools are available with which to obtain compliance with the rules.

10. In the notice it was suggested that the certification process could be replaced by a simpler procedure whereby cable operators would register with the Commission by providing certain basic information pertaining to the operation and identification of their cable television operations. It was noted that registration already was being used for systems serving fewer than 1,000 subscribers and for systems adding local, "must carry" broadcast stations to their operations. These registration procedures were suggested as possible models for a procedure to replace certification. Generally, broadcast interests argued that adoption of a pure "registration" procedure which lacked Commission review and authorization would jeopardize protections for consumers and communications entities because it fails to provide adequate notice to interested parties and necessary information regarding the impact of nonbroadcast services such as subscription cable television. Most importantly, however, adoption of a registration procedure would impair the Commission's ability to enforce its regulations by eliminating prior review and restricting the use of forfeiture authority. The broadcasters do, however, acquiesce in, and some even detail, a "registration" procedure which is more efficient than the present certification process but which maintains the features noted above. Comments from the cable industry strongly favor a simple process of registration patterned after that presently used for cable systems serving fewer than 1,000 subscribers. While limited notice and service requirements would be acceptable, the operators want most to have eliminated the procedural delays encountered while seeking certification. They argue also that enforcement tools such as forfeiture are available to assure compliance with the regulations.

11. Taking all of the preceding factors into account, we have decided to replace the present system of certification with a simple registration procedure similar to the one employed for smaller cable television systems by present section 76.10 of the rules. Simple registration coupled with public notice will protect the interests of broadcast licensees, local authorities, the public and other interested parties while enabling cable operators to initiate new or different broadcast signals to their communities with a minimum of delay and burden. At the same time the Commission will continue to receive the information it needs to monitor cable operations throughout the country. We do not agree with the charges that this action is premature and neglects our public interest responsibilities. We have not abandoned the substantive provisions of our rules. Rather, we are adopting simpler, more efficient procedures for the initiation of new services, and we will continue our vigorous enforcement of the rules as we seek to fulfill the purposes for which they were adopted.[9]

Registration and Commencement of Service

12. Briefly, the registration procedure we are adopting will work as follows: Operators of cable systems commencing operation or adding signals to an existing operation will be required to file certain basic information with the Commission relating to system identification, location, and signal carriage. A separate copy of the registration statement will be required for each community in which service is to be provided. Immediately upon filing

[8] Since March 1972, 12,250 applications for certificates of compliance or interim authorization have been processed. More than 7,500 system community units have been scrutinized at least once.

[9] The Commission enjoys particular leeway, applying its experience and judgment gained in dealing with dynamic conditions, to bring about necessary changes in its procedural rules, as it has done in this proceeding. See, *FCC* v. *Schreiber*, 381 U.S. 279, 289-90 (1965); also, *American Farmlines* v. *Black Ball Freight Service*, 397 U.S. 532 (1970). No party can successfully argue that it has any vested right in maintenance of the status quo. Particularly, it is legitimate for the Commission to pursue simplification and ease of administration in its rules. See *CBS Television Network Affiliates Ass'n* v. *FCC*, 555 F2d 985 (D.C. Cir., 1977) (affirmed revisions in the cable television network nonduplication rules).

this information, operation may be commenced or new signals added. The filing of this information is solely for the purpose of providing the Commission with certain basic information concerning the identity, location, and operations of cable systems and, in contrast with the certification procedure, does not create a forum in which disputes concerning proposed operations may be resolved. Thus, there will be no requirement that the registration statement be served on any party, nor will there be any systematic review of the information filed by the Commission's staff to ascertain if the service proposed is in compliance with the rules. Cable operators or others seeking either a variance from or enforcement of the rules will proceed in other forms, not through oppositions to or waiver requests filed with the registration form. See discussion beginning at paragraph 16 herein.

13. The commencement of operation upon filing of the registration will be entirely at the risk of the system operator. If violations are subsequently discovered, appropriate regulatory sanctions, including specifically the imposition of forfeitures and the issuance of cease and desist orders, may be employed. Moreover, the filing of a waiver request by a cable operator or the inclusion of signals whose carriage is not permitted by the rules in a registration statement will not prevent the imposition of sanctions if carriage of such signals is commenced in violation of the rules even if it is subsequently determined that a waiver of the rules is appropriate.

Information To Be Filed

14. Cable operators seeking to register signal carriage will be required to file only basic information relating to their system's identity, location, signal carriage, and equal employment opportunity program.[10] This reflects the Commission's perception of the registration process as an information gathering tool rather than as a forum for resolution of questions concerning the rules. Thus, registration statements should reflect actual signal carriage and not include other signals for which it is hoped that a waiver can be obtained. After a system has registered its signal carriage complement or has previously obtained a certificate of compliance or an interim authorization, additional signals may be registered individually without listing the entire complement of signals. Deleted signals need not be registered. We emphasize that any changes in operator, mailing address, or operational status continue to require submission of the appropriate information pursuant to § 76.400 of the rules. Several comments urge that cable operators be required to submit other information such as nonbroadcast services and penetration rates. We believe this additional information would encumber the registration process, is available from other sources such as the annual reports filed by each system and is not necessary for the purpose of registration. If it will be relevant in another context, that will be the appropriate time to obtain it.

Service and Public Notice

15. A public notice will be issued by the Commission setting forth the details of each cable registration as it is received. There will be no requirement that the registration statement be served on any party. Many of the comments received in this proceeding were addressed to the notice issue and indicate the concern held by those parties for the inclusion of a notice provision as part of any registration procedure. Key Television, Inc., for instance notes that it is a broadcast licensee in a small, highly saturated market, and argues that because cable carriage is so important, notification of the commencement of all new cable operations is imperative. Similarly, the State Education Department of the University of the State of New York, and the city of Seattle Board of Public Works Office of Communications both stress the importance of notice for educational administrations and municipalities. On the other hand, comments from cable operators note the economic and administrative burdens often imposed by the service requirements.[11] We agree that notice is important and, therefore, all registration statements will be placed on public notice. We believe that this simple procedure will be sufficient to protect any legitimate interests which may be affected by a cable system's service proposals and, in consequence, that the extensive service requirements of the past safely may be discontinued. Many who presently must be served (such as grade B licensees) have no direct interest or mandatory carriage rights. The commencement of cable operation or alterations in cable service offerings will almost always be attended by advertising to acquaint the community with its availability. Thus, interested parties, including local authorities, consumers, broadcasters, and educators, will be alerted that a new cable service is being commenced. In addition, the public notice issued by the Commission will provide this information. We emphasize that the purpose of the public notice is informational only and that no rights are dependent upon its issuance.

Special Relief Procedures and Enforcement

16. Even in the absence of our certification process the rules provide ample procedural mechanisms for rule violations to be corrected, disputed questions to be ruled on, and for variances from the rules to be considered. First, those who would seek to have the Commission "waive any provision of the rules relating to cable television systems" or "impose additional or different requirements," may proceed through the special relief procedures specified in § 76.7 of the rules. Under this process direct service of the request must be made on "all interested parties," an opportunity is provided for a reply to the request, and the Commission has the flexibility to act on the matter either on the papers filed or after oral argument or hearing or the filing of such additional written submissions as may be required by the Commission. The same section of the rules also provides a mechanism for issuance of declaratory rulings to resolve complaints or disputed questions. Requests under this section of the rules may be filed simultaneously with the registration statement, but no rights accrue to the petitioner until Commission disposition thereon.

17. Although the Commission will retain full authority to issue temporary orders maintaining the status quo pending resolution of a contested matter, there will be no automatic stay imposed while the matter in controversy is being litigated. Comments from cable operators agree that this change is warranted, particularly in view of the new enforcement tools available to us. Even some broadcast interests, who benefit most from the existing automatic stay process, apparently are more concerned about continued notice and Commission "authorization" than automatic stays. Although the National Association of Broadcasters would impose additional procedural requirements, it agrees that automatic stays may not be necessary. It generally supports the proposal that a system,

upon receipt of timely objection, would be on notice that its carriage on noncarriage of a specific signal or signals might be violative of the Commission's rules. The system then would have the option of continuing carriage of the allegedly illegal signal * * * at the risk of a possible forfeiture or copyright infringement suit in the event of an adverse determination. See comments filed August 14, 1978, p. 4.

[10] We continue to require the filing of this statement because it is a one-time requirement and registration appears to be the most appropriate time for it to be filed.

[11] Sec. 76.13 (f) and (g) requires cable operators to serve copies of certificate of compliance applications on all grade B broadcast licensees, the local superintendent of schools, State and local educational authorities, and the local franchising authority, in addition to broadcast licensees possessing mandatory carriage rights.

In the past the use of such automatic stay process was thought to be necessary for several reasons including the feeling that the cable industry might develop in unforeseeable ways and with such speed that irreparable injury might occur before regulatory relief could otherwise be granted, because the penalties available for use against rule violators were too weak to assure compliance, and because of the difficulties inherent in the withdrawal of service after the public had become accustomed to it. The first two of these considerations now provide much less justification for such a process. The last consideration remains, but does not outweigh, in our opinion, the negative aspects of withholding service from the public whenever an objection of any type is made to that service. Rather, it seems preferable to invoke such a stay either on our own motion or at the request of any party only in those particular situations where its need has been specifically justified.

18. Where rule violations are uncovered they can be addressed either through the issuance of an order to show cause under § 76.9 of the rules or through the imposition of forfeitures. We are in the process of developing and soon will announce specific rules to implement forfeiture authority. Allegations of rule violations need not be formally presented to merit our attention. See § 1.41 of rules.

19. Some parties have questioned the adequacy of forfeitures as an enforcement tool in the absence of the certification process. Under the statute any party that violates a Commission rule but who is not a holder of a "license, permit, certificate, or other authorization issued by the Commission" may not be subject to the payment of any forfeiture until the violation has been formally brought to his attention and the violation has occurred again.[12] We are confident that the forfeiture remedy will prove efficacious even if the less direct approach to its implementation were acquired. Even though our decision here is not dependent upon our interpretation of the procedural steps necessary to impose forfeitures, it appears that it would be useful to advise affected parties of our interpretation of our authority in this area. In our view, the registration statement which the rules will still require of cable operators is a sufficient license or authorization under this section so that a forfeiture may be imposed without the initial warning.[13]

[12] 47 U.S.C. § 503(b)(5).

[13] The meaning of the terms "license, permit, certificate, or other authorization" is not definitively set forth either in the Communications Act or in the legislative history of the Communications Act Revisions of 1978. However, the legislative history indicates that the initial warning approach of section 503(b)(5) was included in the amendments to protect those persons who might not reasonably know they were engaging in an activity regulated by the Commission. See, S. Rep. No. 95-580, 95th Cong., 1st Sess. (1977). Cable operators are presumed to be aware that their activities are regulated as evidenced by the registration filing requirement. Also, the term "license" is defined in the Administrative Procedure Act, 5 U.S.C. 551, as the "whole or a part of an agency permit, certificate, approval, *registration*, charter, membership, statutory exemption or other form of permission." (Emphasis added.)

RULE CHANGES

20. Adoption of the registration process is intended only to make more efficient the initiation of new cable television services by revising the Commission's procedural rules. It is not intended to alter in any way the substantive provisions of the rules. For example, while an operator no longer is required to submit a franchise for Commission approval prior to commencing operation, the franchise still must conform to the Commission's requirements as set out in the rules. Also, as noted by the Federal Aviation Administration representative to the Interdepartmental Radio Advisory Committee, this new procedure does not relieve the operator of the requirements imposed by §§ 76.610 and 76.611 of the rules relating to notification of operations in the frequency bands 108-136 and 225-400 MHz. Likewise, adoption of the registration process in no way constitutes a change in our concern that certain areas of regulation remain free from additional requirements imposed by local regulatory authorities. Thus, the registration process will produce some procedural changes to the extent that judgments previously made during the certificating process, such as signal carriage consistency and franchise fee limitations, now will be made in either a special relief or enforcement context. With respect to comments from noncommercial educational interests, arguing against the proposed change to a registration procedure, we do not believe the rule we are adopting works a substantive alteration in the manner of affording economic protection to educational stations, as approved in *Colby-Bates-Bowdoin Educational Foundation, Inc.* v. *FCC*, 574 F. 2d 639 (1st Cir. 1978). Nevertheless, it is apparent that some procedural changes are affected. The educational television commentors have argued that deletion of prior, personal notification to them of new or added cable television importation of distant competing signals, together with a decision to allow immediate startup of those services, will impact their flow of local contributions and audience shares. Moreover, they argue, startup prior to adjudication of any objections to that service will establish equities in carriage and viewing patterns which will be reluctantly rescinded after a final decision. In answer, we first point out that the actual process open to educators for voicing opposition has changed little under the new rule. The objections allowed under §§ 76.59(c) and 76.61(d) of the rules have always been implemented pursuant to the special relief provisions and burdens of § 76.7, just as will be the case under the registration process. The differences under the new rule have to do with the manner of receiving notice, and the time at which opposition may be filed. As to notice, now educators, as well as all others, will need to follow the Commission public notices of registration filings in order to become aware of signal carriage information, in addition to reviewing the annual report filings of cable systems. Nothing in the comments or our experience has indicated that this notice process change will work hardships. The effect of the rule probably more important to educators is that they cannot delay startup of new or increased cable services simply by filing their § 76.7 oppositions. The reason for this change has been procedural, and not intended to alter either burdens or substance of protection. We will continue, under the pattern explained in *Colby-Bates, supra*, to be solicitous of the special needs of educational stations, audiences. However, we do not believe, nor have we been shown in this proceeding, that this change denigrates their interests. The comments have acknowledged the opportunity for abuse of process under the former rule allowing an initial procedural stay of cable service. See Public Broadcasting Service Comments, August 14, 1978, at 9.

We believe that the interests of educational stations' viewers can be adequately assessed and protected, as needed, under this rule. We would note that they already have the capability under current procedures—§ 76.7 and related sections—to make requests for stay of cable carriage of competing educational signals. We will give such filings the scrutiny they warrant, in light of the concerns espoused by these stations. In addition, if it appears, from our experience with and application of the new rule to educational stations' circumstances, that modification of the rule is necessary, we will be amenable to reasonable amendment of the process.

PENDING APPLICATIONS

21. Those cable systems with certificate of compliance applications presently pending before the Commission will be considered to have registered and are free to initiate their new operations to the extent they are consist-

ent with the rules, as of the effective date of the adoption of these new procedures. Applications for certificates contain the information required for registration and, therefore, no need exists to have these systems refile. This should ameliorate the exisitng "backlog" problems.[14] Requests for special relief contained in applications or objections to consistent service will be identified and processed as special relief matters. Systems previously certified will be considered to have registered and no further filings, other than required annual reports, will be necessary until new signals are added to their operations.

22. Because the action in this proceeding relieves a restriction imposed on the initiation of new cable television operations, we are advancing the effective date so that the registration procedure adopted herein is effective immediately upon publication in the FEDERAL REGISTER.[15]

Authority for the amendments to the rules adopted in the appendix attached hereto is contained in sections 2, 3, 4 (i), and (j), 301, 303, 307, 308, 309, 315, and 317 of the Communications Act of 1934, as amended.

Accordingly, *it is ordered*, That part 76 of the Commission's rules and regulations is amended, effective October 20, 1978, as set forth below. *It is further ordered*, that this proceeding is terminated.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1088, 1089 (47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309 315, 317).)

FEDERAL COMMUNICATIONS COMMISSION,
WLILLIAM J. TRICARICO,
Secretary.

1. In § 0.288 paragraph (d) is amended to delete "76.20" after the words "as provided in § 76.8"; paragraph (i) is amended to delete "certificates" after the words "conditions in permits"; paragraph (k) is amended to delete "certificates" after the words "and to cancel"; paragraphs (r), (s), and (t) are deleted and paragraph (u) is amended to read as follows:

§ 0.288 Authority delegated.

* * * * *

(u) To act on petitions for special relief subject to the limitations of paragraph (q) above, unless novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines are involved.

* * * * *

§ 76.7 [Amended]

2. Section 76.7(i) is deleted.

3. Subpart B is renamed "Registration Statements."

§ 76.10 [Deleted]

4. Section 76.10 is deleted.

§ 76.11 [Deleted]

5. Section 76.11 is deleted.

6. A new § 76.12 is added as follows:

§ 76.12 Registration statement required.

A system community unit shall be authorized to commence operation or add a television broadcast signal to existing operations only after filing with the Commission the following information:

(a) The legal name of the operator, entity identification or social security number, and whether the operator is an individual, private association, partnership, or corporation. If the operator is a partnership, the legal name of the partner responsible for communications with the Commission shall be supplied;

(b) The assumed name (if any) used for doing business in the community;

(c) The mail address, including ZIP code, and the telephone number to which all communications are to be directed;

(d) The date the system provided service to 50 subscribers;

(e) The name of each separate community or area served and the county in which it is located;

(f) The television broadcast signals to be carried which previously have not been certified or registered; and

(g) A statement of the proposed community unit's equal employment opportunity program, as described in § 76.311, unless such program has previously been filed for the community unit or is not required to be filed by § 76.311 (d) and (g) basing this conclusion on the anticipated number of full-time employees during January, February, and March of the year following commencement of operations. If no program statement is filed, an explanation must be submitted.

§ 76.13 [Deleted]

7. Section 76.13 is deleted.

8. A new § 76.14 is added as follows:

§ 76.14 Who may sign registration statements.

(a) Registration statements shall be personally signed by the operator; by one of the partners, if the operator is a partnership; by an officer, if the operator is a corporation; by a member who is an officer, if the operator is an unincorporated association; or by any duly authorized employee of the operator.

(b) Registration statements may be signed by the operator's attorney in case of the operator's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reasons why the registration statement was not signed by the operator. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

§ 76.16 [Deleted]

9. Section 76.16 is deleted.

10. A new § 76.17 is added to read as follows:

§ 76.17 Public notice.

The Commission will give public notice of the filing of registration statements.

§ 76.18 [Deleted]

11. Section 76.18 is deleted.

§ 76.20 [Deleted]

12. Section 76.20 is deleted.

§ 76.25 [Deleted]

13. Section 76.25 is deleted.

§ 76.27 [Deleted]

14. Section 76.27 is deleted.

15. Section 76.29(a) is amended to delete "pursuant to a valid certificate of compliance" after the words "for operations not authorized" and substitute "by the Commission's rules," and paragraph (b)(7) is amended to read as follows:

§ 76.29 Special temporary authority.

* * * * *

(b) * * *

(7) A certificate of service on all interested parties.

* * * * *

§ 76.57 [Amended]

16. Section 76.57(c) is amended to delete "approval in the certificating process" after the words "shall not require prior" and substitute "registration with the Commission"; and paragraph (d) is amended to delete "Commission notification or approval in the certificating process" after the words "shall not require prior" and substitute "registration with the Commission."

---

[14] On Aug. 17, 1978, the National Cable Television Association filed a "Petition for Adoption of Interim Processing Procedures" for processing certificate of compliance applications pending our decision in this proceeding. We believe our action today eliminates any excess burden on systems with pending applications by immediately granting them "registered" status, and, therefore, we are denying the petition.

[15] See, Administrative Procedure Act, 5 U.S.C. 553(d)(1).

§ 76.59 [Amended]

17. Section 76.59(d)(3) is amended to delete "approval in the certificating process" after the words "shall not require prior" and substitute "registration with the Commission", and paragraph (d) (1), (2), and (4) is amended to delete "Commission notification or approval in the certificating process" after the words "shall not require prior" and substitute "registration with the Commission."

§ 76.61 [Amended]

18. Section 76.61(e)(3) amended to delete "approval in the certificating process" after the words "shall not require prior" and substitute "registration with the Commission", and paragraph (e) (1), (2), and (4) is amended to delete "Commission notification or approval in the certificating process" after the words "shall not require prior" and substitute "registration with the Commission."

19. Section 76.65(a) is revised to read as follows:

§ 76.65 Grandfathering provisions.

(a) The provisions of §§ 76.57, 76.59, 76.61, and 76.63 shall not require the deletion of any television broadcast or translator signals which a community unit was authorized to carry or was lawfully carrying prior to March 31, 1972: *Provided, however,* That if carriage of a signal has been limited by Commission order to discrete areas of a community, any expansion of service will be subject to the appropriate provisions of this subpart. If a community unit is authorized to carry signals, either by virtue of specific Commission authorization or otherwise, any other community unit already operating or subsequently commencing operations in the same community may carry the same signals. (Any such new community unit shall, before instituting service, register with the Commission if otherwise required by § 76.12.)

* * * * *

20. Section 76.305(a)(9) is added to read as follows and in paragraph (c) the first sentence is revised to delete the words "or until the system receives a certificate or certificates of compliance from the Commission occasioned by a local franchise review, whichever occurs later.

§ 76.305 Records to be maintained locally by cable television system operators for public inspection.

(a) * * *

(9) A copy of every registration statement filed with the Commission pursuant to § 76.12 of the rules.

* * * * *

§ 76.400 [Amended]

21. The "note" in § 76.400 is amended to delete "during preoperational certification" after the words "routinely assigned" and substitute "upon registration."

PARTIES FILING COMMENTS IN CT DOCKET 78-206

1. Bureau of Mass Communications, State Education Department, University of the State of New York.
2. City of Seattle Board of Public Works Office of Cable Communications.
3. National Cable Television Association.
4. A-R Telecommunications Division of Adams-Russell.
5. Telecable Corp.
6. Teleprompter Corp.
7. Joint comments of five cable operators filed by their attorneys, Dow, Lohnes & Albertson.
8. Joint comments of 73 cable operators filed by their attorneys, Cole, Zylstra & Raywid.
9. American Broadcasting Companies, Inc.
10. Key Television, Inc.
11. National Association of Broadcasters.
12. Cox Broadcasting Corp. and Multimedia, Inc.
13. Joint comments of 29 broadcast licensees.
14. Community Antenna Television Association.
15. Public Broadcasting Service.
16. Department of Transportation—Federal Aviation Administration.

[FR Doc. 78-29445 Filed 10-19-78; 8:45 am]

[4310-31-M]

Title 30—Mineral Resources

CHAPTER II—U.S. GEOLOGICAL SURVEY, DEPARTMENT OF THE INTERIOR

PART 211—COAL MINING OPERATING REGULATIONS

AGENCY: Geological Survey, Interior.

ACTION: Revision of regulations.

SUMMARY: On August 22, 1978, final rules were published in the FEDERAL REGISTER (43 FR 37181) revising departmental existing Federal coal mining operating regulations (30 CFR Part 211) to comply with the requirements of section 523 of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87. Section 211.75(c)(3) of the final regulations, relating to the modification of cooperative agreements in existence on August 3, 1977, pursuant to section 523(c) of the Act, provides that modification of such existing agreements must be agreed to within 60 days of the date of publication of the revised regulations. The purpose of this amendment is to extend the period for reaching an agreement to 90 days from the date of publication of the final rules in the FEDERAL REGISTER.

EFFECTIVE DATE: October 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Chedville L. Martin, Staff Attorney, Division of Surface Mining, Office of the Solicitor, 202-343-5207.

SUPPLEMENTARY INFORMATION: Section 523(c) of the Surface Mining Control and Reclamation Act authorizes States with cooperative agreements existing on the date of enactment which provide for State regulation of surface coal mining and reclamation operation on Federal lands to elect to continue such agreements provided they are modified to fully comply with the initial regulatory procedues set forth in section 502 of the Act. Several States have indicated a desire to modify their agreements and the Department is actively engaged in concluding negotiations with these States. However, it has been determined that it is administratively impossible to conclude these negotiations within the 60-day time limit set forth in the rules published on August 22, 1978. The Department believes it is in the public interest to extend the time limit for 30 days.

OTHER INFORMATION: The principal author of this rulemaking is Chedville L. Martin, Staff Attorney, Division of Surface Mining, Office of the Solicitor, 202-343-5207. Under the authority delegated to the Secretary of the Interior by the Mineral Leasing Act of 1920 as amended, and the Surface Mining Control and Reclamation Act of 1977, part 211, chapter II, title 30 of the Code of Federal Regulations is amended as set forth below:

Section 211.75 is amended by revising (c)(3) to read as follows:

§ 211.75 Applicability of State law.

* * * * *

(c) * * *111(3) The Governor of any State that wishes to modify the cooperative agreement existing on August 3, 1977, shall notify the Secretary in writing of the State's intent to modify the cooperative agreement. The notice of intent to modify the cooperative agreement must have been received by the Secretary prior to December 31, 1977, and the modification to the existing cooperative agreement agreed to within 90 days of the date of publication of these regulations. Failure to give notice or to timely complete the modification shall result in termination of any cooperative agreement executed prior to August 3, 1977.

Dated: October 19, 1978.

HOPE M. BABCOCK,
Deputy Assistant Secretary, Energy and Minerals.

[FR Doc. 78-29873 Filed 10-19-78; 12:33 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.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 966]

[Amdt. No. 1]

TOMATOES GROWN IN FLORIDA

Notice of Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed amendment would extend through June 16, 1979, the minimum grade, size, pack, container, marking and inspection requirements effective from October 15 through November 15, 1978, for tomatoes grown in certain counties in Florida. It would promote orderly marketing of such tomatoes by keeping less desirable sizes and qualities from being shipped to consumers.

DATE: Comments due: November 4, 1978.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077-S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 125 and order No. 966, both as amended (7 CFR 966) regulate the handling of tomatoes grown in designated counties of Florida. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Florida Tomato Committee, established under the order, is responsible for its local administration.

This notice is based upon recommendations made by the committee at its public meeting in Palm Beach, Fla., on September 8, 1978.

The recommendations of the committee reflect its appraisal of the composition of the 1978-79 crop of Florida tomatoes and the marketing prospects for this season. The proposed regulation is similar to those issued during past seasons and to the temporary regulation in effect during October 15 through November 15, 1978. The proposed grade and size requirements are necessary to prevent tomatoes of lower quality and undesirable size from being distributed in fresh market channels. Such tomatoes are usually of negligible economic value to producers. This would provide consumers with tomatoes of good quality and size throughout the season consistent with the overall quality of the crop. The proposed requirements, including those for containers, container net weights, and size classifications, are intended to standardize shipments in the interest of orderly marketing and to improve returns to growers.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Shipments would be allowed to certain special purpose outlets without regard to minimum grade, size, container or inspection requirements provided that safeguards were used to prevent such tomatoes from reaching unauthorized outlets. Tomatoes for canning are exempt under the legislative authority for this part. Since no purpose would be served by regulating tomatoes used for relief or charity purposes such shipments would also be exempt. Because export requirements differ materially, on occasion, from domestic market requirements such shipments would also be exempt.

The following types of tomatoes would be exempt from these regulations: Elongated types commonly referred to as pear shaped or paste tomatoes, cerasiform type tomatoes commonly referred to as cherry tomatoes, hydroponic tomatoes and greenhouse tomatoes. Such types are generally of good quality, readily identifiable either by their distinctive shapes or container markings and usually comprise a very small part of the total crop. Tomatoes marketed within the regulated area would be unregulated because of an increase in the u-pick type of harvest in Florida production areas close to urban areas and resulting difficulty in obtaining compliance with regulations. The minimum quantity exemption would permit persons to handle up to 60 pounds of tomatoes per day without regard to the requirements of this part. This would reduce the problem of enforcement on small shipments of essentially noncommercial nature. The proposals concerning special pack shipments are intended to help handlers in the production area compete on an equal basis with those outside the area by not requiring reinspection of previously inspected and certified tomatoes when repacked in consumer size packages.

Occasionally individual fruit of several new varieties, including Flora-Dade, may be elongated in shape. This characteristic may be exaggerated by adverse growing conditions. It is anticipated that handlers packing these varieties usually will be able to comply with all provisions of the regulation. However, if situations arise in which the incidence of tomatoes not of the normal globular shape makes sizing in accordance with present grade standards infeasible, the affected varieties could be exempted from the size requirements of the regulation.

The proposed amendment is as follows:

§ 966.317 Handling regulation.

During the period November 16, 1978, through June 16, 1979, no person shall handle any lot of tomatoes for shipment outside the regulated area unless they meet the requirements of paragraph (a) or are exempted by paragraphs (b) or (d).

(a) *Grade, size, container and inspection requirements.* (1) *Grade.* Tomatoes shall be graded and meet the requirements specified for U.S. No. 1, U.S. combination, U.S. No. 2 or U.S. No. 3, of the U.S. standards for grades of fresh tomatoes. When not more than 15 percent of tomatoes in any lot fail to meet the requirements of U.S. No. 1 grade and not more than one-third of this 15 percent (or 5 percent) are comprised of defects causing very serious damage including not more than one percent of tomatoes which are soft or affected by decay, such tomatoes may be shipped and designated as at least 85 percent U.S. No. 1 grade.

(2) *Size.* (i) Tomatoes shall be at least 2$\frac{6}{32}$ inches in diameter and be sized in accordance with § 2851.1859 of the U.S. tomato standards.

(ii) Tomatoes of designated sizes may not be commingled unless they

are over 2 17/32 inches in diameter and each container shall be marked to indicate the designated sizes.

(iii) Only the generic terms as defined in § 2851.1859 may be used to indicate size designations on containers of tomatoes; except that the following abbreviations may be used—SML for small, MED for medium, LG for large, EX LG for extra large, or MAX LG for maximum large.

(3) *Containers.* (i) Tomatoes shall be packed in containers of 20, 30 or 40 pounds designated net weights and comply with the requirements of § 2851.1863 of the U.S. tomato standards.

(ii) Each container shall be marked to indicate the designated net weight and must show the name and address of the shipper in letters at least one-fourth (¼) inch high.

(iii) If the container in which the tomatoes are packed is not clean and bright in appearance without mark, stains, or other evidence of previous use, the lid of such container shall be marked in a principal display area at least 2½ inches high and 4½ inches long with the words "Used Box" in letters not less than 1¼ inches high and the name of the shipper and point of origin in letters not less than ⅜ inch high.

(4) *Inspection.* Tomatoes shall be inspected and certified pursuant to the provisions of § 966.60. Each handler who applies for inspection shall register with the committee pursuant to § 966.113. Handlers shall pay assessments as provided in § 966.42. Evidence of inspection must accompany truck shipments.

(b) *Special purpose shipments.* The requirements of paragraph (a) of this section shall not be applicable to shipments of tomatoes for canning, relief, charity or export if the handler thereof complies with the safeguard requirements of paragraph (c) of this section. Shipments for canning are also exempt from the assessment requirements of this part.

(c) *Safeguards.* Each handler making shipments of tomatoes for canning, relief, charity or export in accordance with paragraph (b) of this section shall:

(1) Apply to the committee and obtain a certificate of privilege to make such shipments.

(2) Prepare on forms furnished by the committee a report in quadruplicate on such shipments authorized in paragraph (b) of this section.

(3) Bill or consign each shipment directly to the designated applicable receiver.

(4) Forward one copy of such report to the committee office and two copies to the receiver for signing and returning one copy to the committee office. Failure of the handler or receiver to report such shipments by signing and returning the applicable report to the committee office within 10 days after shipment may be cause for cancellation of such handler's certificate and/or receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of any such certificate, the handler may appeal to the committee for reconsideration.

(d) *Exemption.* (1) *For types.* The following types of tomatoes are exempt from these regulations: Elongated types commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top, and Roma varieties; cerasiform type tomatoes commonly referred to as cherry tomatoes; hydroponic tomatoes; and greenhouse tomatoes.

(2) *For minimum quantity.* For purposes of these regulations each person subject thereto may handle up to but not to exceed 60 pounds of tomatoes per day without regard to the requirements of these regulations but this exemption shall not apply to any shipment or any portion thereof of over 60 pounds of tomatoes.

(3) *For special packed tomatoes.* Tomatoes resorted, regraded, and repacked by a handler who has been designated as a "Certified Tomato Repacker" by the committee are exempt from the tomato grade classifications of paragraph (a)(1) and the size classifications of paragraph (a)(2) (except that the tomatoes shall be at least 2 6/32 inches in diameter) and the container requirements of paragraph (a)(3) if such tomatoes comply with the inspection requirements of paragraph (a)(4).

(4) *For varieties.* Upon recommendation of the committee, varieties of tomatoes that are elongated or otherwise misshapen due to adverse growing conditions may be exempted by the Secretary from the provisions of paragraph (a)(2) *Size.*

(e) *Definitions.* "Hydroponic tomatoes" means tomatoes grown in solution without soil; "greenhouse tomatoes" means tomatoes grown indoors. A "Certified Tomato Repacker" is a repacker of tomatoes in the regulated area who has the facilities for handling, regrading, resorting, and repacking tomatoes into consumer size packages and has been certified as such by the committee. "U.S. tomato standards" means the revised U.S. standards for grades of fresh tomatoes (7 CFR 2851.1855–2851.1877), effective December 1, 1973, as amended, or variations thereof specified in this secton (Title 7, Chapter I, Part 51 was redesignated Title 7, Chapter 28, Part 2851 on June 27, 1977). Other terms in this section shall have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part, and the U.S. tomato standards.

(f) *Applicability to imports.* Under section 8e of the act and section 980.212 "Import regulations" (7 CFR 980.212, as amended; 43 FR 3349) tomatoes imported during the effective period of this section shall be at least U.S. No. 3 grade and at least 2 6/32 inches in diameter. Not more than 10 percent, by count, in any lot may be smaller than the minimum specified diameter.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

Dated: October 17, 1978.

JOHN J. GARDNER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-29703 Filed 10-19-78; 8:45 am]

[3410-02-M]

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Proposed Free and Restricted Percentages for 1978-79 Marketing Policy Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would establish free and restricted percentages of 50 percent and 50 percent, respectively, for inshell filberts for the marketing policy year beginning August 1, 1978. The free percentage prescribes the total merchantable supply subject to regulation which may be handled as inshell filberts. The restricted percentage prescribes that portion which must be withdrawn from such handling. The action is taken under the marketing order for filberts grown in Oregon and Washington to promote orderly marketing conditions.

DATES: Written comments to this proposal must be received by November 17, 1978.

ADDRESSES: Written comments should be submitted in duplicate to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader 202-447-6393.

SUPPLEMENTARY INFORMATION: This proposal was recommended by the Filbert Control Board. The Board is established under the marketing agreement, as amended, and order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposed percentages are based upon the following estimates by the Filbert Control Board for the 1978-79 marketing policy year:

	Tons
Inshell supply:	
(1) Total	12,925
(2) Less substandard, etc	1,681
(3) Merchantable production	11,244
(4) Carryover Aug. 1, 1978 of merchantable filberts	58
(5) Supply subject to regulation (item 3 plus item 4)	11,302
Inshell requirements:	
(6) Trade demand	5,800
(7) Carryover July 31, 1979	950
(8) Total	6,750
(9) Less carryover Aug. 1, 1978 not subject to 1978-79 regulation	1,055
(10) Inshell requirements	5,695
Percentage:	
(11) Free percentage (item 10 divided by item 3)	50
(12) Restricted percentage (100 pct minus 50 pct)	50

The free percentage prescribes that portion of the total merchantable supply subject to regulation which may be handled as inshell filberts. The restricted percentage prescribes that portion which must be withheld from such handling. Restricted filberts may be shelled (for domestic or foreign consumption), exported, or disposed of in outlets determined by the Filbert Control Board to be noncompetitive with normal market outlets for inshell filberts.

The proposal is as follows:

§ 982.228 Free and restricted percentages—1978-79 marketing policy year.

The free and restricted percentages for merchantable filberts for the 1978-79 marketing policy year shall be 50 percent and 50 percent, respectively.

Dated: October 16, 1978.

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

[FR Doc. 78-29570 Filed 10-19-78; 8:45 am]

[3410-34-M]

Animal and Plant Health Inspection Service

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Amended Challenge Level; Leptospira Bacterin Standards

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

ACTION: Proposed rule.

SUMMARY: This proposed amendment would revise the potency test in four standard requirements for leptospira bacterin by increasing the range in titer permitted for the challenge dose from 10-1,000 hamster LD_{50} to 10-10,000 hamster LD_{50}. Failure of the challenge to be within the range of titer permitted by the present standards occurs frequently and requires the test to be repeated. This amendment would reduce the number of retests required by increasing the range in titer permitted for challenge without affecting the validity of the results.

DATE: Comments must be received on or before December 19, 1978.

ADDRESS: Interested parties are invited to submit written data, views, or arguments regarding the proposed regulation to: Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828-A, Federal Building, Hyattsville, Md. 20782.

FOR FURTHER INFORMATION CONTACT:
Dr. R. J. Price, 301-436-8245.

SUPPLEMENTARY INFORMATION: The present standard requirements for leptospira bacterins require potency tests to be conducted in hamsters using a challenge dose of 10-1,000 hamster LD_{50} for each animal. Failure of the challenge to have a titer within this range requires the test to be designated as a no test and to be repeated.

It is difficult to consistently prepare challenge material that will have a titer within this range because fresh challenge material such as is used here may vary in virulence. Therefore, an exact titer of the materials cannot be determined until the completion of the test. As a result, retests are frequently required.

This amendment would increase the range in titer permitted for challenge in these tests to 10-10,000 hamster LD_{50}. A survey of tests conducted over a 1-year period indicates this increase would reduce the number of retests conducted for these products by licensees by nearly 26 percent.

This reduction in retests would be accomplished without affecting test results since data indicate survival of hamsters in this test is not significantly effected by the titer of the challenge when evaluated in a range of 10-10,000 hamster LD_{50}.

§§ 113.86—113.89 [Amended]

1. The first letter in each word of the headings for §§ 113.86, 113.87, 113.88, and 113.89 are to be capitalized.

2. Section 113.86 would be amended by revising paragraph (c)(3) to read:

§ 113.86 Leptospira Pomona Bacterin.

* * * * *

(c) * * *

(3) *Challenge.* From 14-18 days postvaccination, challenge each vaccinate and each control intraperitoneally with a suspension of virulent *Leptospire pomona* organisms, using a dose of 10-10,000 hamster LD_{50} as determined by titration.

* * * * *

3. Section 113.87 would be anended by revising paragraph (c)(3) to read:

§ 113.87 Leptospira Icterohaemorrhagiae Bacterin.

* * * * *

(c) * * *

(3) *Challenge.* From 14-18 days postvaccination, challenge each vaccinate and each control intraperitoneally with a suspension of *Leptospira icterohaemorrhagiae* organisms using a dose of 10-10,000 hamster LD_{50} as determined by titration.

* * * * *

4. Section 113.88 would be amended by revising paragraph (c)(3) to read:

§ 133.88 Leptospira Canicola Bacterin.

* * * * *

(c) * * *

(3) *Challenge.* From 14-18 days postvaccination, challenge each vaccinate and each control intraperitoneally with a suspension of virulent *Leptospira canicola* organisms using a dose of 10-10,000 hamster LD_{50} as determined by titration.

* * * * *

5. Section 113.89 would be amended by revising paragraph (c)(3) to read:

§ 113.89 Leptospira Grippotphosa Bacterin.

* * * * *

(c) * * *

(3) *Challenge.* From 14–18 days post-vaccination, challenge each vaccinate and each control intraperitoneally with a suspension of virulent *Leptospira grippotyphosa* organisms using a dose of 10–10,000 hamster LD_{50} as determined by titration.

* * * * *

All written submissions made pursuant to this notice will be made available for public inspection at the address listed in this document during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 12.7(b)).

Done at Washington, D.C., this 16th day of October 1978.

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

NORVAN L. MEYER,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 78-29597 Filed 10-19-78; 8:45 am]

[3410-34-M]

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Avian Pox Vaccine Safety Test; Proposed Revision

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

ACTION: Proposed rule.

SUMMARY: This proposed amendment would revise the standard requirement for avian pox vaccines by adding a new safety test for vaccines that are recommended for use in birds 10 days of age or younger. Since issuance of the present standard requirement, new products have been developed that are recommended for use in birds as young as 1 day of age. This amendment would update the present standard by adding a safety test to evaluate these new products.

DATE: Comments must be received on or before December 19, 1978.

ADDRESS: Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to: Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828-A, Federal Building, Hyattsville, Md. 20782.

FOR FURTHER INFORMATION CONTACT:

Dr. R. J. Price, 301-436-8245.

SUPPLEMENTARY INFORMATION:

The safety test provided in the present standard requirement for avian pox vaccines in § 113.161 was designed for the testing of vaccine that is recommended for use in birds 6 to 8 weeks of age. Since the issuance of this standard, new avian pox vaccines have been developed that are recommended for use in birds as young as 1 day of age. The safety test in the present standard has been found to be unsatisfactory for use in the evaluation of these new products, since it does not make provision for occasional deaths that occur when conducting tests in birds less than 5 days of age that are not attributable to the product. As a result, retests are frequently required.

This amendment would provide a new two-stage safety test for these new products that is designed to be conducted in birds less than 5 days of age. This test would provide a valid evaluation of safety and result in less retesting of product than is required by the present standard.

Some editing changes would also be made for clarity and consistency in the safety test for products recommended for use in older birds.

1. The first letter in each word of the heading for § 113.161 is to be capitalized.

2. Section 113.161 would be amended by revising paragraph (d)(1) to read:

§ 113.161 Avian pox vaccine.

* * * * *

(d) * * *

(1) *Safety test.* Final container samples of completed product from each serial shall be tested to determine whether the vaccine is safe for use in susceptible young birds. Vaccines recommended for use in birds 10 days of age or younger shall be tested in accordance with paragraphs (d)(1) (i), (ii), and (iii) of this section.

(i) Twenty-five susceptible birds 5 days of age or younger, properly identified and obtained from the same source and hatch, shall be vaccinated as recommended on the label, with the equivalent of 10 doses of vaccine each, and the birds shall be observed each day for 14 days. Severe clincial signs or death shall be counted as failures. Two-stage sequential testing may be conducted if the first test (which then becomes stage one) has three failures.

(ii) The results shall be evaluated according to the following table:

CUMULATIVE TOTALS

Stage	Number of birds	Failures for satisfactory serials	Failures for unsatisfactory serials
1	25	2 or less	4 or more.
2	50	6 or less	6 or more.

(iii) If unfavorable reactions occur which are not attributable to the product, the test shall be declared inconclusive and may be repeated or, in lieu thereof, the serial declared unsatisfactory.

(iv) Vaccines not recommended for use in birds 10 days of age or younger shall be tested for safety as follows:

Each of twenty-five 3- to 5-week-old, fowl-pox-susceptible birds shall be vaccinated as recommended on the label with the equivalent of 10 doses and observed each day for 14 days. If any of the birds show severe clinical signs of disease or death during the observation period due to causes attributable to the product, the serial is unsatisfactory. If unfavorable reactions occur which are not attributable to the product, the test shall be declared inconclusive and may be repeated or, in lieu thereof, the serial declared unsatisfactory.

* * * * *

All written submissions made pursuant to this notice will be made available for public inspection at the address listed in this document during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays), in a manner convenient to the public business (7 CFR 12.7(b)).

Done at Washington, D.C., this 16th day of October 1978.

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

NORVAN L. MEYER,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 78-29598 Filed 10-19-78; 8:45 am]

[6714-01-M]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Parts 303, 304, and 328]

REMOTE SERVICE FACILITY

Proposed Revision of Procedures; Correction

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed rule; correction.

SUMMARY: In FR Doc. 78-28796 appearing at page 46976 in the issue of Thursday, October 12, 1978, on page 46976, in the first column, the "DATE" paragraph should read as follows: "Comments must be received by December 11, 1978."

FOR FURTHER INFORMATION CONTACT:

Roger A. Hood, Assistant General Counsel, Federal Deposit Insurance Corporation, Washington, D.C. 20429, 202-389-4628.

FEDERAL DEPOSIT INSURANCE CORPORATION
ALAN R. MILLER,
Executive Secretary.

[FR Doc. 78-29602 Filed 10-19-78; 8:45 am]

[4110-03-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 808]

[Docket No. 77N-0333]

EXEMPTION FROM PREEMPTION OF STATE AND LOCAL HEARING AID REQUIREMENTS

Applications for Exemption

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This proposal would deny an exemption from Federal preemption for a New Jersey hearing aid device requirement. The agency issued in the FEDERAL REGISTER of July 28, 1978 (43 FR 33180), a proposed regulation responding to applications from 19 State and local governments, including the State of New Jersey, for exemptions from Federal preemption for hearing aid device requirements. This proposal is in response to a request for an extention of the comment period on that proposal. The request pointed out that the July 28, 1978, proposal filed to address a regulation for which the State of New Jersey had sought exemption from preemption. elsewhere in this issue of the FEDERAL REGISTER is a notice extending the comment period on that proposal.

DATE: Comments by December 19, 1978, proposed effective date of the final regulation based on this proposal is 30 days after the date of publication of the final regulation in the FEDERAL REGISTER.

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:

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 issued a proposed regulation responding to 19 applications for exemption from Federal preemption of State and local hearing aid requirements. The applications were filed under section 521(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360k(b)). Interested persons were given until September 26, 1978, to comment on the proposed regulation.

In the same issue of the FEDERAL REGISTER (43 FR 32868), interested persons were given an opportunity to request an oral hearing on the proposed regulation. The Commissioner received several requests for an oral hearing. Subsequently, in the FEDERAL REGISTER of September 22, 1978 (43 FR 43037), the Commissioner announced that the oral hearing would be held on October 31, 1978, and that written notices of appearance should be filed by October 10, 1978.

In the proposal of July 28, 1978, the Commissioner proposed to exempt New Jersey Statutes Annotated, sections 45:9A-23, -24, and -25. Subsequently, it was brought to the attention of the Commissioner that the proposal failed to address one requirement for which New Jersey sought exemption from preemption, namely, chapter 3, section 5 of the rules and regulations adopted pursuant to N.J.S.A. 45:9A-1 et seq.

Chapter 3, section 5, provides that no hearing aid may be sold without a hearing examination including, at a minimum, pure tone air-conduction and bone conduction thresholds. The measurements must be conducted in an environment which meets or exceeds the American national standard criteria for background noise in audiometer rooms.

The Commissioner agrees that the July 28, 1978, proposal should have addressed chapter 3, section 5 of the rules and regulations adopted pursuant to N.J.S.A. 49:9A-1 et seq.

The Commissioner has determined that a requirement of an audiological evaluation would create an additional barrier to the receipt of a hearing aid where audiological services are scarce and could increase the cost of obtaining a hearing aid without providing any conclusive assurance that the patient would benefit from amplification. The requirements of chapter 3, section 5, are the equivalent of an audiological evaluation requirement. Therefore, the Commissioner is proposing to deny exemption from preemption for this requirement.

Interested persons may address this issue at the oral hearing on October 31. Anyone who has not yet filed a notice of appearance for the October 31 hearing and who wishes to address this issue may schedule an appearance by telephoning Joseph M. Sheehan at 301-427-7114.

Therefore, under the Federal Food, Drug and Cosmetic Act (secs. 521, 701, 52 Stat. 1055-1056 as amended, 90 Stat. 574 (21 U.S.C. 360k, 371)) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that part 808 be amended by adding new § 808.80 to read as follows:

§ 808.80 New Jersey.

(a) The following New Jersey medical device requirements are enforceable notwithstanding section 521 of the Act, because the Commissioner of Food and Drugs has granted an exemption from preemption under section 521(b) of the Act:

(1) New Jersey Statutes Annotated, section 45:9A-23, on the condition that New Jersey, in enforcing this requirement, applies the definition of "used hearing aid" in § 801.420(a)(6) of this chapter.

(2) New Jersey Statutes Annotated, sections 45:9A-24 and 45:9A-25.

(b) The following New Jersey medical device requirement is preempted by section 521 of the Act and has been denied an exemption from preemption: Chapter 3, section 5 of the rules and regulations adopted under New Jersey Statutes Annotated, section 45:9A-1 et seq.

Interested persons may, on or before December 19, 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: October 16, 1978.

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

[FR Doc. 78-29571 Filed 10-19-78; 8:45 am]

[4110-03-M]

[21CFR Part 808]

[Docket No. 77N-0333]

EXEMPTION FROM PREEMPTION OF STATE AND LOCAL HEARING AID REQUIREMENTS

Applications for Exemption; Extension of Comment period

AGENCY: Food and Drug Administration.

ACTION: Extension of time for Comment.

SUMMARY: This document extends the time for submission of comments of a proposed regulation that would exempt certain State and local hearing aid device requirements from Federal preemption. The agency is taking this action in response to a request for an extension.

DATE: The deadline for written comments is December 19, 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:

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 issued a proposed regulation responding to 19 applications for exemption from Federal preemption of State and local hearing aid requirements. The applications were filed under section 521(b) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360k(b)). Interested persons were given until September 26, 1978 to comment on the proposed regulation. In the same issue of the FEDERAL REGISTER (43 FR 32868), interested persons were given an opportunity to request an oral hearing on the proposed regulation. The Commissioner has received several requests for an oral hearing. Subsequently, in the FEDERAL REGISTER of September 22, 1978 (43 FR 43037), the Commissioner announced that the oral hearing would be held on October 31, 1978, and that written notices of appearance should be filed by October 10, 1978.

The Commissioner has received a request for a 60-day extension of the comment period. The request pointed out that the proposed regulation is of major importance requiring the broadest possible public input. The request also pointed out that the proposed regulation failed to address a requirement for which the State of New Jersey had sought exemption from preemption. Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner issues a proposed regulation addressing that New Jersey requirement.

The Commissioner agrees that an extension of the comment period is in order.

Therefore, under the Federal Food, Drug and Cosmetic Act (secs. 521, 701, 52 Stat. 1055-1056 as amended, 90 Stat. 574 (21 U.S.C. 360k, 371)) and under authority delegated to him (21 CFR 5.1), the Commissioner hereby extends the comment period to December 19, 1978. This extension will enable interested persons to comment on all issues with respect to exemptions from Federal preemption of State and local hearing aid device requirements.

Interested persons may, on or before December 19, 1978, submit to the Hearing (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding exemptions from preemption of State and local hearing aid device requirements. 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 the brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 16, 1978.

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

[FR Doc. 78-29572 Filed 10-19-78; 8:45 am]

[7550-01-M]

NATIONAL MEDIATION BOARD

[29 CFR Part 1206]

REPRESENTATION DISPUTES TIME LIMITS ON APPLICATIONS

AGENCY: National Mediation Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The proposed text eliminates the note to § 1206.4(b) of the National Mediation Board Rules. The effect of such action is to make the time limits on applications for the investigation of representation disputes applicable to employees who are unrepresented for purposes of collective bargaining. The proposed text also makes certain grammatical changes in the existing text of rule 1206.4. The effect of the changes is to clarify the meaning of the rule.

DATES: Consideration will be given to all written comments received on or before December 19, 1978.

ADDRESS: Written comments should be addressed to Mr. Rowland K. Quinn, Jr., Executive Secretary, National Mediation Board, Washington, DC 20572.

FOR FURTHER INFORMATION CONTACT:

Rowland K. Quinn, Jr., Executive Secretary, National Mediation Board, telephone: 202-523-5920.

SUPPLEMENTARY INFORMATION: These proposed regulations are issued pursuant to the authority of 44 Stat. 577, as amended, 45 U.S.C. 151 et seq.

By direction of the National Mediation Board.

Dated: October 17, 1978.

ROWLAND K. QUINN, JR.,
Executive Secretary.

It is proposed that 29 CFR 1206.4 be amended to read as follows:

§ 1206.4 Time limit on applications.

Except in unusual or extraordinary circumstances, the National Mediation Board will not accept an application for investigation of a representation dispute among employees of a carrier:

(a) For a period of two (2) years from the date of a certification covering the same craft or class of employees on the same carrier, and

(b) For a period of one (1) year from the date on which:

(1) The Board conducted an election among the same craft or class of employees on the same carrier and less than a majority of eligible voters participated in the election; or

(2) The Board dismissed a docketed application covering the same craft or class of employees on the same carrier

because no dispute existed as defined in § 1206.2 of these rules; or

(3) The applicant withdrew an application covering the same craft or class of employees on the same carrier after the application was docketed by the Board.

[FR Doc. 78-29733 Filed 10-19-78; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 1880]

FINANCIAL ASSISTANCE, LOCAL GOVERNMENTS

Loans for Relief From Mineral Development Impacts

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: Section 317(c) of the Federal Land Policy and Management Act of 1976, as amended, authorizes the Secretary of the Interior to make loans to qualified States and their political subdivisions to relieve the adverse impacts which may result from the development of mineral deposits leased under the Act of February 25, 1920, as amended. This proposed rulemaking provides the procedure under which the loans may be made.

DATE: Comments requested by November 20, 1978.

ADDRESS: Send comments to: Director (210), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

Comments will be available for public review in room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Robert C. Bruce, 202-343-8735.

SUPPLEMENTARY INFORMATION: Section 317(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1747), as amended by the Act of August 20, 1978 (Pub. L. 95-352), authorizes the Secretary of the Interior to make loans to those States and their political subdivisions that qualify under the provisions of the section. The loans are to be used to relieve social and economic impacts that result from the development of mineral deposits leased under the Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.). This does not cover the lease of mineral deposits on the Outer Contenental Shelf. The proposed rulemaking establishes the procedure under which States and their political subdivisions will apply for loans to relieve social and economic impacts resulting from the leasing and development of Federal mineral resources.

The loan program will be dependent on the amount of money, if any, appropriated by the Congress in any given fiscal year for such a program even though the loans are repaid out of the receipts paid the States under the provisions of section 35 of the Act of February 25, 1920.

The principal author of this proposed rulemaking is Mr. Robert C. Bruce of the Division of Legislation and Regulatory Management, assisted by the Divisions of Budget and program Development and Finance, all of the Bureau of Land Management.

It is hereby determined that the publication of this document is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the Nationl Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required. The Department of the Interior has determined that this document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044.

Pursuant to the authority of section 317(c) of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1740), it is proposed to amend part 1880, group 1800, subchapter A, chapter II of title 43 of the Code of Federal Regulations by adding a new subpart 1882 as set forth below:

Subpart 1882—Mineral Development Impact Relief Loans

Sec.

1882.0-1 Purpose.
1882.0-2 Objective.
1882.0-3 Authority.
1882.0-5 Definitions.
1882.1 Loan fund, general.
1882.2 Qualifications.
1882.3 Application procedures.
1882.4 Allocation of funds.
1882.5 Terms and conditions.
1882.5-1 Tenure of loan.
1882.5-2 Interest rate.
1882.5-3 Limitation on amount of loans.
1882.5-4 Loan repayment.
1882.5-5 Security for a loan.
1882.5-6 Use of loan.
1882.5-7 Nondiscrimination.
1882.5-8 Additional terms and conditions.
1882.6 Loan renegotiation.
1882.7 Inspection and audit.

AUTHORITY: Sec. 317(c), Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1740) (90 Stat. 2767).

Subpart 1882—Mineral Development Impact Relief Loans

§ 1882.0-1 Purpose.

The purpose of this subpart is to establish procedures to be followed in the implementation of a program under section 317 of the Federal Land Policy and Management Act to make loans to qualified States and their political subdivisions.

§ 1882.0-2 Objective.

The objective of the program is to provide financial relief through loans to those States and their political subdivisions that are experiencing adverse social and economic impacts as a result of the development of Federal mineral deposits leased under the provisions of the Act of February 25, 1920, as amended.

§ 1882.0-3 Authority.

Section 317(c) of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1744), authorizes the Secretary of the Interior to make loans to States and their political subdivisions to relieve social or economic impacts resulting from the development of Federal minerals leased under the Act of February 25, 1920 (30 U.S.C. 181 et seq.).

§ 1882.0-5 Definitions.

As used in this subpart, the term:

(a) "Secretary" means the Secretary of the Interior.

(b) "Director" means the Director, Bureau of Land Management.

(c) "Act" means the Act of February 25, 1920, as amended (30 U.S.C. 181).

§ 1882.1 Loan fund, general.

Funds appropriated by Congress for loans for relief of adverse social and economic impacts resulting from the development of Federal mineral deposits leased and developed under the Act may be made to those States and their political subdivisions who qualify under this subpart. Such loans may be used for: (a) Planning, (b) construction and maintenance of public facilities, and (c) provisions for public services.

§ 1882.2 Qualifications.

(a) Any State or any political subdivision of a State receiving payments from the Federal Government under the provisions of section 35 of the Act that can document to the satisfaction of the Director that it has suffered or will suffer adverse social and economic impacts as a result of the leasing and development of Federal mineral deposits under the provisions of the Act shall be considered qualified to receive loans made under this subpart.

(b) A loan to a qualified political subdivision of a State receiving payment from the Federal Government under the provisions of section 35 of the Act shall be conditioned upon a showing of proof, satisfactory to the Director, by the political subdivision that it has a pledge from the State of sufficient funds from the payments made under section 35 of the Act to

the State to secure the payment of the loan.

§ 1882.3 Application procedures.

No later than October 1 of the fiscal year in which a loan is to be made, the State or its political subdivision shall submit a letter signed by the authorized agent requesting a loan. The authorized agent shall furnish proof of authority to act for the State or political subdivision with the application. Such letter shall constitute a formal application for a loan under this subpart and shall contain the following:

(a) The name of the State or political subdivision requesting the loan.

(b) The amount of the loan requested.

(c) The name, address, and position of the person in the State or political subdivision who is to serve as contact on all matters concerning the loan.

(d) A description and documentation of the adverse social and economic impacts suffered as a result of the leasing and development of Federal mineral deposits.

(e) An analysis and documentation of the additional expenses generated as a result of the leasing and development of Federal minerals.

(f) Proposed uses of the funds derived from the loan.

(g) The Director may request any additional information from the applicant that is needed to properly act on the loan application. The applicant shall furnish such additional information in any form acceptable to the applicant and the Director. No loan shall be granted unless such additional information is timely received by the Director.

§ 1882.4 Allocation of funds.

If applications for loans exceed the funds appropriated for such purpose, loans shall be allocated among the States and their political subdivisions in a fair and equitable manner, after consultation with the Governors of the affected States, giving priority to those States and political subdivisions suffering the most severe social and economic impacts. The allocation of funds under this section shall be the final action of the Department of the Interior.

§ 1882.5 Terms and conditions.

§ 1882.5–1 Tenure of loan.

Loans shall be for a period not to exceed 10 years. Loan documents shall include a schedule of repayment showing the amount of the principal and interest due on each installment.

§ 1882.5–2 Interest rate.

Loans shall bear interest at a rate equivalent to the lowest interest rate paid on an issue of at least $1 million of bonds exempt from Federal taxes of the applicant State or any agency thereof within the calendar year immediately preceding the year of the loan. Proof of each rate shall be furnished by an applicant with its application.

§ 1882.5–3 Limitation on amount of loans.

Total outstanding loans under this program for qualified States or their political subdivisions shall not exceed the total amount of the qualified States's projected mineral revenues under the Act for the 10 years following. The total outstanding loans shall be the sum of the unpaid balance on all such loans made to a qualified State and all of its qualified political subdivisions.

§ 1882.5–4 Loan repayment.

Loan repayment shall be by withholding mineral revenus payable to the qualified State for itself or its political subdivisions under the Act until the full amount of the loan and interest have been recovered.

§ 1882.5–5 Security for a loan.

The only security for loans made under this subpart shall be the mineral revenues received by a qualified State or its political subdivisions under the Act. Loans made under this subpart shall not constitute an obligation upon the general property or taxing authority of the qualified recipient.

§ 1882.5–6 Use of loan.

A loan made under this subpart may be used for the non-Federal share of the aggregate cost of any project or program otherwise funded by the Federal Government which requires a non-Federal share for such project or program and which provides planning or public facilities otherwise eligible for assistance under the Act.

§ 1882.5–7 Nondiscrimination.

No person shall, on the grounds of race, color, religion, national origin or sex be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity funded in whole or part with funds made available under this subpart.

§ 1882.5–8 Additional terms and conditions.

The Director may impose any terms and conditions that he determines necessary to assure the achievement of the purpose of the loans made under this subsection.

§ 1882.6 Loan renegotiation.

The Secretary may, upon application of a qualified State or one of its qualified political subdivisions, take any steps he determines neessary and justified by the failure of anticipated mineral development or related revenues to materialize as expected when the loan was made under this subpart to renegotiate the loan, including restructuring of the loan. All applications submitted under this section shall set forth in detail the basis for the renegotiation of the loan. The renegotiated loan shall meet the requirements of this subpart to the extent possible.

§ 1882.7 Inspection and audit.

Upon receipt of a loan under this subpart, the grantee of the loan shall establish accounts and related records necessary to record the transactions relating to receipt and disposition of such loan. These accounts and related records shall be sufficiently detailed to provide an adequate inspection and audit by the Secretary and the Comptroller General of the United States. The loan funds shall not be commingled with other funds of the recipient.

GARY J. WICKS,
Acting Assistant Secretary of the Interior.

OCTOBER 16, 1978.

[FR Doc. 78-29599 Filed 10-19-78; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2 and 87]

[Gen. Docket No. 78-323; RM-3058; FCC 78-699]

AERONAUTICAL ADVISORY FREQUENCIES

Authorizing use by Aeronautical Utility Mobile Stations Located at Certain Landing Areas Which Do Not Have a Control Tower or FAA Flight Service Station

AGENCY: Federal Communiciations Commission.

ACTION: Proposed rulemaking.

SUMMARY: Amendment of the rules to permit aeronautical advisory frequencies to be utilized by certain ground vehicles at landing areas which are served by an aeronautical advisory station (unicom), but which do not have a control tower or FAA flight service station in operation. The FAA requested that this proposed rule change be considered. The additional communications capability of the eligible vehicles is intended to improve aviation safety at the many airports affected.

DATES: Comments must be received on or before November 15, 1978, and reply comments must be recevice on or before November 27, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Robert H. McNamara, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of parts 2 and 87 of the rules to authorize the use of aeronautical advisory frequencies by aeronautical utility mobile stations located at certain landing areas which do not have a control tower or FAA flight service station.

Adopted: September 26, 1978.

Released: October 12, 1978.

By the Commission:

SUMMARY

1. In this notice we are proposing to amend the Commission's rules to permit certain ground vehicles which routinely operate on airports that have no functioning control tower or FAA flight service station, but which are served by an aeronautical advisory station, to utilize aeronautical advisory frequencies for safety related communications.

BACKGROUND

2 The Commission has received a letter from the Federal Aviation Administration (FAA) requesting that the rules be amended to allow FAA vehicles and certain other ground vehicles to utilize aeronautical advisory frequencies while operating on landing areas not served by a control tower or FAA flight service station. FAA feels that safety and operating efficiency would be enhanced at these airports by permitting vehicles used for inspections, maintenance, emergencies, and the like, to communicate with the local aeronautical advisory station (unicom) when operating on the airfield. Primarily, these vehicles would be expected to monitor the appropriate frequency and only transmit or acknowledge relevant safety information. FAA recommends that communications by such vehicles, if authorized, be subject to the supervision of the advisory station operator. Also it is recommended that nonsafety communications, such as dispatching, not be permitted. We note that from time to time the Commission has received, and in appropriate cases granted, requests for waivers to provide similar communications capabilities for certain ground vehicles operating on nontower airfields.

DISCUSSION

3. Presently, aeronautical advisory frequencies are limited to the necessities of safe and expeditious operation of private aircraft, such as runway conditions, types of fuel available, wind conditions, weather information, and dispatching. Further, only one aeronautical advisory station is permitted on a landing area.[1] Due to congestion problems on the then one available aeronautical advisory frequency at uncontrolled airports, the Commission amended the rules to provide two additional frequencies for advisory purposes at these landing areas.[2] In view of the nature of this radio service and the potential that increased traffic would negate the beneficial effects of the two additional frequencies recently provided, we are cautious regarding the grant of broader access to the advisory frequencies.

4. However, it appears that with appropriate safeguards, as discussed below, the FAA recommended rule change would provide an added safety feature at many uncontrolled airports without appreciably increasing message traffic on the advisory frequencies. Therefore, we propose to amend the rules substantially as requested by FAA, to permit FAA vehicles and aeronautical utility mobile stations to utilize aeronautical advisory frequencies on a noninterference basis, at airports which have an aeronautical advisory station but no control tower or FAA flight service station (FSS). Also, at landing areas which have a part-time control tower and/or part-time FSS, utility mobile stations will be permitted to use advisory frequencies during the hours that neither the control tower nor FSS is in operation, on the same basis as utility mobile stations at nontower, non-FSS airfields. Communications by utility mobile stations on advisory frequencies will be limited to the necessities of safety (such as runway conditions and hazards on the landing area). Further, these stations will be required to discontinue transmission when so requested by the advisory station operator.

5. Eligibility for authority to operate utility mobile stations will be limited to those applicants able to demonstrate a legitimate need and authority to operate a ground vehicle on the particular airport movement area. An airport movement area is defined as the runways, taxiways, and other areas which are utilized for taxiing, takeoff and landing of aircraft, exclusive of loading ramps and parking areas. For example, the use of ground vehicles for inspection of airport movement areas by airport operators and State and local governmental organizations, and the various emergency and support vehicles, such as crash trucks and snowplows, customarily used on an airfield, would satisfy the proposed eligibility requirements. On the other hand, fuel trucks which normally operate only on ramp and parking areas, serve as an example of the type of vehicle not contemplated to be eligible. Our intention in proposing this rule amendment is to provide a means for vehicles which routinely operate on a nontower, non-FSS landing area to *monitor* the advisory frequency and communicate when safety considerations so dictate.

PROPOSAL

6. Accordingly, we propose to amend §§ 2.106, 87.257 and Subpart J of Part 87 of the Commission's rules to permit aeronautical advisory frequencies to be utilized on a noninterference basis by FAA vehicles and aeronautical utility mobile stations authorized to operate at landing areas having an aeronautical advisory station and either a part-time or no control tower or FAA flight service station.

7. The proposed amendments to the Commission's rules, as set forth below, are issued pursuant to the authority contained in sections 4(i) and 303 (b), (c), (d), and (r) of the Communications Act of 1934, as amended.

COMMENTS

8. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before November 15, 1978, and reply comments on or before November 27, 1978. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and five copies of all statements, briefs, or comments shall be furnished the Commission. All comments received in response to this Notice of Proposed Rule Making, will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

10. Regarding questions on matters covered in this document contact Robert McNamara, 202-632-7107.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[1] This restriction has been retained in the rules since the inception of the aeronautical advisory service. As indicated in a report prepared by Special Committee 113 of the Radio Technical Commission for Aeronautics (Document No. DO-129, November 23, 1965) such a limitation is necessary for safety, legal, and technical considerations.

[2] Report and Order, docket No. 20123, FCC 77-253, adopted April 1977; 42 FR 20469, 64 FCC 2d 573.

Parts 2 and 87 of Chapter I of title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

In § 2.106 footnote US31 is amended to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

U.S. FOOTNOTES

* * * * *

US31 Except as provided below the band 121.9375–123.0875 MHz is for use by private aircraft stations.

The frequencies 122.700, 122.725, 122.750, 122.800, 122.950, 122.975, 123.000, 123.050 and 123.075 MHz may be assigned to aeronautical advisory stations. In addition, at landing areas having a part-time or no airdrome control tower or FAA flight service station, these frequencies may be assigned on a secondary noninterference basis to aeronautical utility mobile stations, and may be use by FAA ground vehicles for safety related communications during inspections conducted at such landing areas.* *

* * * * *

PART 87—AVIATION SERVICES

1. In § 87.257, paragraph (d)(5) is added to read as follows:

§ 87.257 Scope of service.

* * * * *

(d) * * *

(5) Aeronautical advisory stations may communicate with aeronautical utility mobile stations and FAA ground vehicles, concerning runway conditions and safety hazards on the landing area when neither an airdrome control tower nor FAA flight service station is in operation. (Transmissions by aeronautical utility mobile stations are subject to the control of the aeronautical advisory station to the extent that communications by ground vehicles must be discontinued when so requested by the aeronautical advisory station).

* * * * *

2. Section 87.431 is amended to read as follows:

§ 87.431 Frequencies available.

(a) At landing areas having an airdrome control tower or an FAA flight service station, the frequencies 121.600 through 121.925 MHz listed in § 87.401(a) are available to aeronautical utility mobile stations. The other frequencies listed in § 87.401(a) may be assigned to utility mobile stations on such landing areas only after FCC coordination with FAA. The frequency that will be assigned to the utility mobile station at an airport served by a control tower or flight service station, is the frequency that is used by the control tower for ground traffic control or the flight service station to communicate with ground vehicles.

(b) In addition to the frequencies described in paragraph (a) of this section, at landing areas which have a part-time airdrome control tower or part-time FAA flight service station and an aeronautical advisory station, the frequency assigned to the advisory station is available on a noninterference basis to aeronautical utility mobile stations. However, utility mobile stations may transmit on the advisory frequency only when the control tower or flight service station has ceased operations.

(c) At landing areas which have an aeronautical advisory station but no airdrome control tower or FAA flight service station, the frequency assigned to the advisory station is available on a noninterference basis to aeronautical utility mobile stations. (The frequencies available for assignment to aeronautical advisory stations are described in § 87.253.)

3. Section 87.432 is amended to read as follows:

§ 87.432 Eligibility.

(a) Authorization to operate an aeronautical utility mobile station on the frequencies described in § 87.431(a) will be issued only for operation at landing areas having an airdrome control tower or FAA flight service station.

(b) Authorization to operate an aeronautical utility mobile station on an aeronautical advisory frequency will be issued only for operation at landing areas having an aeronautical advisory station and either a part-time or no airdrome control tower or FAA flight service station. In addition, an applicant must: (1) Demonstrate a need to routinely operate a ground vehicle on the airport movement area (the airport movement area is defined as the runways, taxiways and other areas which are utilized for taxiing, takeoff and landing of aircraft, exclusive of loading ramp and parking areas); (2) identity the vehicle in which the station is to be located; and (3) either attach a statement that the applicant is the airport owner or operator, or a State or local governmental aeronautical agency; or attach a statement from the airport owner or operator granting permission to operate the subject vehicle(s) on the specified airport movement area.

4. Section 87.433 is amended to read as follows:

§ 87.433 Scope of service.

(a) Communications by an aeronautical utility mobile station at a landing area which has an airdrome control tower or FAA flight service station in operation, are limited to the management of ground traffic at the airport.

(b) Aeronautical utility mobile stations which operate on the aeronautical advisory station frequency are authorized only to transmit and acknowledge information relating to safety, such as runway conditions and hazards on the airfield. (Such stations are expected to be employed primarily for monitoring advisory communications.)

5. Section 87.437, including the heading, is amended to read as follows:

§ 87.437 Supervision by operator of airdrome control tower, FAA flight service station or aeronautical advisory station.

(a) Transmissions by an aeronautical utility mobile station are subject to the control of the airdrome control tower, the FAA flight service station or the aeronautical advisory station, as appropriate at the particular landing area. When so requested by the control tower, the flight service station or advisory station, a utility mobile station must discontinue transmitting immediately.

(b) An aeronautical utility mobile station must guard its assigned frequency during periods of operation.

(c) Aeronautical utility mobile stations operating on the frequency assigned to an airdrome control tower or FAA flight service station must cease to transmit on that frequency when neither of these stations are in operation.

6. Section 87.439 is amended to read as follows:

§ 87.439 Frequency change.

In the event that the utility frequency is changed by the Federal Aviation Administration (to a frequency in the band 121.600–121.925 MHz) or by the Federal Communications Commission, an aeronautical utility mobile station licensee has temporary authority for a period of 90 days to use the new frequency in place of the one listed on the license. An application for modification of the station license to specify the new frequency must be submitted within 10 days from the date that the station commences operation on the new frequency.

[FR Doc. 78-29559 Filed 10-19-78; 8:45 am]

[6712-01-M]

[47 CFR Part 68]

[CC Docket No. 78-331; FCC 78-712; Transmittal No. 13012]

AMERICAN TELEPHONE & TELEGRAPH CO.

Providing for Certain Exceptions Required To Protect the National Defense and Security as Well as Other Appropriate Exceptions

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: As of July 1, 1979, all customer-provided tele-communications terminal equipment and systems must be registered in conformance with the FCC's rules. The Department of Defense has requested that the FCC make an exception for their equipment and systems in instances where compliance with the registration requirements would compromise the national security and defense. The FCC is thus proposing to amend its rules to meet this need. In addition, the FCC is soliciting comments on whether other special exceptions would be appropriate.

DATES: Comments must be received on or before November 17, 1978, and reply comments must be received on or before December 19, 1978.

ADDRESS: Send Comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Eliot J. Greenwald, Common Carrier Bureau, 202-632-5550.

SUPPLEMENTARY INFORMATION: In the matter of American Telephone & Telegraph Co., revision to tariff FCC No. 263 880th revised page 1; amendment of Part 68 of the Rules to provide for certain exceptions required to protect the national defense and security as well as other appropriate exceptions. Memorandum opinion and order and notice of proposed rulemaking.

Adopted: October 5, 1978.

Released: October 20, 1978.

By the Commission: 1. Presently before the Commission is Transmittal No. 13012, filed by American Telephone & Telegraph Co. (A.T. & T.) on June 5, 1978, to become effective on October 6, 1978. This transmittal would revise Tariff FCC No. 263 to require that as of July 1, 1979, customer-provided equipment that is used in connection with long-distance message telecommunications service (MTS) must conform to the registration requirements of Part 68 of the Commission's rules. 47 CFR 68.1 *et seq.* The Department of Defense (DOD) filed a petition for suspension and investigation on June 30, 1978. A.T. & T. filed an opposition on July 11, 1978.

2. In its petition, DOD explains that it has frequently connected its own telephone equipment and communications systems to telephone company provided services for use with MTS. It adds that in many instances the specific type of equipment, or the geographic location of the equipment may be subject to security classification, or the equipment or location may be used for security classified projects and exercises. DOD lists four general areas where these classified equipment items, locations and projects/exercises normally occur:

1. Communications support of the President and other senior U.S. officials, particularly when they are in a travel status;

2. Communications support of U.S. intelligence agencies, including counterintelligence;

3. Communications support of criminal investigative activities, particularly of espionage, sabotage, and subversion; and

4. Communications support of other classified/sensitive activities approved at Cabinet-official levels.

DOD contends that compliance with Part 68 of the Commission's rules would result in the public release of classified information. Thus, DOD maintains that the tariff revisions that would require it to register classified equipment, locations, and projects/exercises should not be allowed to go into effect.

3. In its opposition, A.T. & T. contends that its tariff revisions were necessary to comply with the Commission's *Third Report and Order* in Docket No. 19528, FCC No. 78-248, released April 13, 1978. A.T. & T. maintains that the order does not make any exceptions for DOD or any other party. A.T. & T. adds that should the Commission conclude that the Part 68 requistration program does not apply to certain Government equipment because of national defense or security, A.T. & T. would not oppose such action.

4. We agree with DOD when it maintains that the Commission never intended to enact an equipment registration program that would interfere with the national security and defense. In this regard we note that section 1 of the Communications Act requires that we regulate communications "* * * for the purpose of the national defense * * *" 47 U.S.C. § 151. Furthermore, in our *Third Report and Order* for Docket No. 19528, we stated at paragraph 67, note 20, that certain entities such as governmental agencies were presumed competent by the carriers to install and maintain their own telephone equipment and communications systems.[1] Nevertheless, Part 68, as written, does not contain any exceptions for DOD.

5. It would therefore appear appropriate to adopt an exception to the registration requirements of Part 68 of the rules to allow governmental agencies such as DOD to install and maintain their own communications equipment and systems without registration in instances where such governmental agency can certify that the equipment and systems will not harm the public telephone network and where disclosure of either equipment, locations, or projects/exercises would compromise the national security and defense.

6. Any such exception which we might adopt would have to be narrowly drawn so as not to compromise the objectives of our telephone equipment registration program. Thus, it would appear appropriate to limit such an exception solely to equipment and systems affecting national defense, and continue to require that DOD or other agencies conform to the requirements of Part 68 of our rules in instances where the information would not be classified. If DOD were to install an ordinary telephone, for example, in a nonclassified location, the registration requirements of Part 68 should apply.

7. In view of this, we will institute rulemaking to determine whether, and to what extent, Part 68 should be amended to reflect a national defense exception along these lines. Additionally, there are other historic exceptions to the earlier tariff requirements prohibiting interconnection of customer provided systems or equipment. They include, among others, railroads, pipeline companies, right-of-way companies,[2] so-called "service station" lines,[3] and customers in hazardous or inaccessible locations.[4] *See First Report and Order*, 56 FCC 2d 593, 598 (1975). These exceptions may also have been affected by the *Third Report and Order* in Docket No. 19528. We will thus explore whether any other special exceptions to Part 68 should be adopted for reasons other than national defense. We realize that many of these historical exceptions

---

[1] Moreover, in adopting the Part 68 standards for plugs and jacks in Docket No. 20774, we acknowledged the continuing validity of analagous exceptions to the predecessor telephone company imposed interconnection requirements. *See* 41 FR 28694, 28699 (Jul. 12, 1976).

[2] These include utilities such as electric companies.

[3] These are subscribers whose locations are distant from the main telephone lines and have been given the opportunity to connect their own lines to the main telephone lines.

[4] These include locations such as mining operations where a telephone may be located in a potentially explosive atmosphere.

were adopted in order to allow particular customers to interconnect their own systems or equipment.[5] At the present time, however, our Part 68 rules generally accord customers a right of interconnection. Thus, it may not be necessary to retain these historical tariff exceptions by making them exceptions to Part 68 of the rules. Moreover, we do not intend to relitigate the question of whether special assemblies provided by telephone companies or others should be registered or used with protective circuitry registered under Part 68 of the Rules. This matter was presented for decision on several occasions and has been ruled on. *Memorandum Opinion and Order*, 64 FCC 2d 1058, 1060-62 (1977).

8. This still leaves for consideration A.T. & T.'s Transmittal No. 13012 and DOD's Petition. Under the new tariff, the existing requirements will remain effective through the transition period specified in section 68.2 of our rules. Therefore DOD's equipment will not have to be registered until the expiration of that period, which is currently July 1, 1979. In any event, A.T. & T's tariff appears to fully comply with the Commission's existing rules in this regard, and therefore, suspension and investigation is unwarranted. However, it is our intention to act expeditiously on the rulemaking which we are instituting in order that these issues can be resolved prior to the end of the transition period.

9. In view of the foregoing, *it is ordered*, That the Petition of the Department of Defense for Suspension and Investigation of American Telephone & Telegraph Co.'s Transmittal No. 13012 revisions to Tariff FCC No. 263 is denied.

10. *It is further ordered*, That, pursuant to the provisions of sections 1, 2(a), 4(i)-(j), 201(b), 202(a), 203, 205, and 403 of the Communications Act of 1934 (as amended), 47 U.S.C. 151, 152(a), 154(i)-(j), 201(b), 202(a), 203, 205, and 403, and 5 U.S.C. 553, notice is given of proposed rule changes in part 68 of the FCC's Rules and Regulations, 47 CFR 68.1 *et seq.* to create an exception to the registration requirement for telephone systems and equipment provided by governmental agencies or others as discussed in paragraph 5 through 7, *supra*. Comments are specifically requested on the following issues.

(a) Should there be an exception to the general requirements of Part 68 of the FCC's Rules, running to equipment or systems provided by governmental agencies in instances where compliance with Part 68 might compromise the national security or defense? How shall any such exception be defined?

(b) Are there other special customer circumstances, such as those expressed in the historical special "interconnection" tariff regulations for pipeline, right-of-way, and railroad companies, as well as "service station" lines and hazardous or inaccessible locations, which would also warrant special treatment under Part 68 of the FCC's Rules? How shall the contours of any such special treatment be defined?

(c) What procedures, if any, should be adopted for any exceptions to part 68 of the FCC's Rules which might be promulgated under (a) or (b) above to assure that equipment or systems connected to the nationwide telephone network do not cause it harm?

(d) What specific rules or rule changes should be adopted in Part 68 of the FCC's Rules consistent with the foregoing?

11. *It is further ordered*, That interested persons may file comments on or before November 17, 1978 and reply comments on or before December 19, 1978. We particularly encourage the Department of Defense to actively participate in this proceeding. In reaching its decision in this matter the Commission may consider any other relevant information before it in addition to the comments filed pursuant to this notice. In accordance with § 1.419 of the Commission's Rules, 47 CFR 1.419, an original and 11 copies of all comments, replies, pleadings, briefs and other documents filed shall be furnished to the Commission. Responses filed in this proceeding will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters at 1919 M Street NW., Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-29699 Filed 10-19-78; 8:45 am]

[5] *See, e.g.*, American Telephone & Telegraph Co., 32 FCC 337 (1962) (providing for railroad interconnection).

[6712-01-M]

[47 CFR PART 73]

[BC Docket No. 78-237; RM-2937]

BROADCAST RENEWAL APPLICANTS FOR NONCOMMERCIAL EDUCATIONAL BROADCAST APPLICANTS, PERMITTEES AND LICENSEES

Primer on Ascertainment of Community Problems; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding concerning the Primer on Ascertainment of Community Problems by Broadcast Renewal Applicants and Noncommercial Educational Broadcast Applicants, Permittees and Licensees. Petitioners, National Religious Broadcasters, Inc., and the Midwest Chapter of the National Religious Broadcasters, state that the additional time is necessary so that they can respond to the issues involved.

DATES: Comments must be received on or before November 16, 1978, and reply comments December 18, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Freda Lippert Thyden, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of the primer on ascertainment of community problems by broadcast renewal applicants and noncommercial educational broadcast applicants, permittees and licensees. Order extending time for filing comments and reply comments.

Adopted: October 12, 1978.

Released: October 16, 1978.

By the Chief, Broadcast Bureau:

1. On August 1, 1978, the Commission adopted a Memorandum Opinion and Order and Notice of Proposed Rulemaking, 43 FR 35357 (see also 43 FR 41241, Sept. 15, 1978), concerning the above-captioned proceeding. The present dates for filing comments and reply comments are October 16, and November 15, 1978, respectively.

2. On October 3, 1978, counsel for the National Religious Broadcasters, Inc. ("NRB"), filed a request seeking an extension of time for filing comments and reply comments to and including January 15, and March 16, 1979, respectively.[1] Counsel states that due to the complexity of issues NRB anticipates raising [2] and the geographical and other diversity of its member organizations and their interests in this proceeding, additional time is necessary to prepare comments.

3. On the basis of the reasons represented in the above-mentioned request for extension of time, we are persuaded that some additional time is warranted in order to assure development of a sound and comprehensive record on which to base a final decision in

[1] A Motion for Extension of time was also filed by the Midwest Chapter of the National Religious Broadcasters, requesting an extension for filing comments to Jan. 15, 1979.

[2] In this regard, counsel states that NTB proposes to offer the Commission, among other things, a survey of the law of the 50 states as it relates to the acts advocated by certain of the petitioners and their supporters.

this proceeding. We are, therefore, granting 30 additional days for filing comments and believe the same amount of time is appropriate for the filing of the reply comments.

4. Accordingly, *it is ordered*, That the requests for extension of time filed by the National Religious Broadcasters, Inc., and the Midwest Chapter of the National Religious Broadcasters, Inc. are granted to and including November 16, and December 18, 1978, respectively, and are denied in all other respects.

5. This action is taken pursuant to sections 4(i), 5(d)(1), 303(r) and 307(b) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-29695 Filed 10-19-78; 8:45 am]

[6712-01-M]

[47 CFR PART 73]

[BC Docket No. 78-207; RM-3208; RM-3209]

TELEVISION BROADCAST STATIONS IN MIAMI, AND WEST PALM BEACH, FLA.

Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding concerning the proposed assignment of television channels in Miami, West Palm Beach, Hollywood, and Boca Raton, Fla. Petitioner, Pierson, Ball & Dowd, state that the additional time is needed so that it can prepare comments.

DATE: Reply comments must be filed on or before October 31, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Miami, West Palm Beach, Hollywood, and Boca Raton, Fla.). Order extending time for filing reply comments.

Adopted: October 12, 1978.

Released: October 16, 1978.

By the Chief, Broadcast Bureau:

1. On July 6, 1978, the Commission adopted a Notice of Proposed Rulemaking, 43 FR 30841 (see also 43 FR 40251, Sept. 11, 1978) proposing to substitute UHF TV channel 64 for UHF TV channel 39 at Miami, Fla. The date for filing comments has expired and the date for filing reply comments is presently October 10, 1978.

2. On September 28, 1978, a request was filed by the law firm of Pierson, Ball & Dowd ("Pierson") seeking an extension of time for filing reply comments to and including October 31, 1978. Pierson states that a number of pleadings have been filed in this proceeding which require careful study.

3. We are of the view that the public interest would be served by granting the additional time so that Pierson, Ball & Dowd may file any information which may be helpful to the Commission in resolving the issues in this proceeding.

4. Accordingly, *it is ordered*, That the request for filing reply comments submitted by Pierson, Ball & Dowd is granted to and including October 31, 1978.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-29696 Filed 10-19-78; 8:45 am]

[6712-01-M]

[47 CFR PART 73]

[BC Docket No. 78-251; RM-2712]

AIRING OF PUBLIC SERVICE ANNOUNCEMENTS BY BROADCAST LICENSEES

Order extending time for filing comments and reply comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding concerning the airing of public service announcements by broadcast licensees. Petitioner, Public Media Center, states that the additional time is necessary so that it can respond to the issues involved.

DATES: Comments must be filed on or before November 22, 1978, and reply comments on or before December 22, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Freda Lippert Thyden, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION: In the matter of petition to institute a notice of inquiry and proposed rulemaking on the airing of public service announcements by broadcast licensees. Order extending time for filing comments and reply comments.

Adopted: October 12, 1978.

Released: October 16, 1978.

By the Chief, Broadcast Bureau:

1. On August 8, 1978, the Commission adopted a Memorandum Opinion and Order and Notice of Inquiry, 43 FR 37725; concerning the above-entitled proceeding. The present dates for filing comments and reply comments are October 23, and November 22, 1978, respectively.

2. On September 29, 1978, counsel for Public Media Center ("PMC"), filed a request for extension of time for filing comments to and including November 22, 1978. Counsel states that various questions regarding public service announcements have been posed by the Commission. He contends that while much of this information is readily available to broadcast licensees, the listening and viewing public who have in the past been in a position to participate in Commission proceedings have had little reason to compile data until now. Counsel asserts that PMC is in communication with citizen and public interest groups, as well as local groups, which constitute a large and diverse segment of radio and television listeners, who have expressed a desire to participate in this proceeding.

3. We are of the view that the public interest would be served by this extension so that Public Media Center may file any information which might be helpful to the Commission in reaching a decision in this proceeding.

4. Accordingly *it is ordered*, That the dates for filing comments and reply comments in Docket No. 78-251 are extended to and including November 22, and December 22, 1978, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-29697 Filed 10-19-78; 8:45 am]

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 602]

FISHERY MANAGEMENT PLANS

Proposed Guidelines for Development

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Proposed amendments to regulations.

SUMMARY: These proposed amendments require fishery management plans (FMP's) to contain information regarding: (1) Historical and projected transfers from U.S. harvesters to foreign vessels, (2) the processing capacity of U.S. fish processors, and (3) data which U.S. processors must submit to the Secretary of Commerce. The addition of such information is required by Pub. L. 95-354, an amendment of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.) (FCMA).

DATE: Comments are invited until November 20, 1978.

ADDRESS: Comments should be submitted in writing to the Assistant Administrator for Fisheries, National Marine Fisheries Service (F37), Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Mr. Alfred J. Bilik, Program Support Specialist, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7265.

SUPPLEMENTARY INFORMATION: The FCMA establishes certain criteria and procedures for foreign vessels to engage in fishing in the fishery conservation zone (FCZ) of the United States. Included in those procedures is a requirement that no foreign fishing vessel may engage in fishing within the FCZ unless a valid permit has been issued to such vessel. As amended by Pub. L. 95-354, the FCMA requires that in the case of any application for a permit by a foreign vessel which proposes to receive U.S. harvested fish from vessels of the United States, the Secretary of Commerce may approve the application unless the Secretary determines that U.S. fish processors have adequate capacity, and will utilize such capacity, to process all U.S. harvested fish from the fishery concerned. Accordingly, the FCMA, as amended, requires all FMP's to contain information regarding the capacity and extent to which U.S. fish processors, on an annual basis, will process fish covered by FMP's.

50 CFR Part 602 contains the guidelines for development of FMP's (42 FR 34450, July 5, 1977; 42 FR 36980, July 18, 1977). It is proposed that § 602.3 be amended to require the inclusion in FMP's of historical information on any transfers of U.S. harvested fish to foreign vessels. A significant amendment is the proposal that a new subsection be added to § 602.3(b)(8) entitled "Domestic processing capacity" which will require inclusion in FMP's of an assessment and specification of the capacity and extent to which U.S. fish processors will process the stocks of fish covered by the plan. Certain factors are enumerated which shall be considered in assessing the extent to which U.S. fish processors will process the stocks. Comments regarding these factors and their application, or additional factors which deserve consideration, are specifically solicited.

Finally, it is proposed that § 602.3 specify the types of data which FMP's may require to be submitted by U.S. fish processors.

Signed in Washington, D.C., this 17th day of October, 1978.

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

§ 602.2 [Amended]

1. Revise § 602.2(b)(5) by deleting the second sentence and substituting as follows:

* * * * *

(b) * * *

(5) * * * In determining whether U.S. fishermen will not harvest an optimum yield, the Councils are to give consideration to the capacity and extent to which fishing vessels of the United States will harvest such optimum yield, including U.S. harvested fish which will be received at sea by foreign vessels. * * *

§ 602.3 [Amended]

2. Revise § 602.3(b)(8)(iv) by inserting "(A)" after "the fishery." and by adding a new subparagraph (B) as follows:

* * * * *

(b) * * *
(8) * * *
(iv) * * *

(B) Describe and enumerate the amount or tonnage of any transfers, or proposed transfers, of the stock(s) comprising the management unit from U.S. harvesters to foreign vessels."

3. Amend § 602.3(b)(8) by adding the following new subparagraph (v):

* * * * *

(b) * * *
(8) * * *

(v) *Domestic processing capacity.* Assess and specify the capacity and extent to which U.S. fish processors, on an annual basis, will process the stock(s) comprising the management unit. In assessing the extent to which U.S. fish processors will process the stock(s), the following factors, as appropriate, shall be considered:

(A) Any contracts or other agreements for the purchase of U.S. harvested fish by U.S. fish processors;

(B) The actual ability and intent of U.S. processors to utilize that ability to process a particular species;

(C) Considerations as geographical proximity of harvest areas to the facilities of U.S. fish processors, especially in relation to the refrigeration/freezing capability of potential U.S. fish harvesting vessels;

(D) Recent history of extent to which U.S. fish processors have processed particular species;

(E) Availability and capacity of the labor force, processing machinery, freezers and cold storage facilities of the U.S. fish processors and intent and plans to increase availability or capacity of any of the above to process a particular species;

(F) Seasonal schedules of the U.S. fish processors; and

(G) Availability of U.S. harvesting vessels to supply the stock(s) comprising the management unit taking into consideration such things as capability of vessels to fish the species in the fishery, seasonal schedules, and relative availabilities and prices of alternative fisheries.

* * * * *

4. Substitute the following for § 602.3(b)(9)(ii):

* * * * *

(b) * * *
(9) * * *

(ii) *Domestic processing sector.* Describe the wholesale products and their values. Specify the degree of dependence of the processing sector upon products from the fishery.

* * * * *

5. Revise § 602.3(b)(13)(viii) by substituting "the harvesting and processing sectors of the U.S. fishing industry." for "U.S. fishermen."

6. Revise the head for § 602.3(b)(14)(ii) by substituting "(ii) *Domestic and foreign harvesters*" for "(ii) *Domestic and foreign fishermen*".

7. Revise § 602.3(b)(14)(ii) after "number of hauls," by adding "numbers or weight of fish received by foreign vessels from U.S. harvesting vessels,".

8. Substitute the following for § 602.3(b)(14)(iii):

* * * * *

(b) * * *

(14) * * *

(iii) *Processors.* The plan shall specify the data that shall be submitted by fish buyers, processors, etc. who purchase, transport, and process the catch of the stock(s). The data specified shall include, but are not limited to:

(A) The amount or tonnage of fish purchased, transported, and/or processed, by species.

(B) Locations at which fish are received and/or processed, by species.

(C) Limitations as to seasons, quantities, or quality standards of fish which apply to fish received and/or processed, by species.

(D) Disposition of the fish received or processed, by species.

(E) Prices paid for fish received, by species.

§ 602.4 [Amended]

9. Add to § 602.4(b)(8) the following:

* * * * *

(b) * * *

(8) * * *

(v) Domestic processing capacity.

* * * * *

10. Amend § 602.4(b)(14)(ii) to read: "Domestic and Foreign Harvesters"

§ 602.5 [Amended]

1. Revise § 602.5(d)(1) to read:

* * * * *

(d) * * *

(1) *Council review.* The Act directs each Council to review on a continuing basis, and revise as appropriate, the assessments and specifications made regarding the optimum yield from, the capacity and extent to which U.S. fish processors will process U.S. harvested fish from, and the total allowable level of foreign fishing in, each fishery within its geographical area of authority.

12. Amend § 602.5(d)(2), second sentence, to read:

* * * * *

(d) * * *

(2) * * * At least once each year, each Council must assess the accuracy of the estimates of MSY and optimum yield, the capacity and extent to which U.S. fish harvesters will harvest the optimum yield, the capacity and extent to which U.S. fish processors will process U.S. harvested fish, and the total allowable level of foreign fishing for each plan implemented regardless of whether the plan is prepared by a Council or by the Secretary.* * *

[FR Doc. 78-29605 Filed 10-19-78; 8:45 am]

[3510-22-M]

[50 CFR Part 611]

PACIFIC BILLFISHES AND SHARKS

Preliminary Fishery Management Plan

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice of public hearings.

SUMMARY: On September 14, 1978, the National Marine Fisheries Service (NMFS) published a notice in the FEDERAL REGISTER (43 FR 41062) withdrawing proposed rulemaking to implement a Preliminary Management Plan (PMP) for Pacific Billfish and Oceanic Sharks. The PMP was published in the FEDERAL REGISTER on July 21, 1978 (43 FR 3137-1406). The proposed rulemaking was withdrawn to provide an opportunity for the NMFS to reconsider certain provisions in the PMP. This notice is published to announce a series of public hearings to solicit inputs from the public on the issues being addressed in the reconsideration of the PMP.

DATES: Hearings will be held on November 13, 14, and 21, 1978. Comments should be submitted by December 24, 1978.

ADDRESSES: The hearing schedule is as follows:

Monday, November 13, 1978, 7 p.m., the Civic Center Conference Room, Saipan, Northern Mariana Islands.

Tuesday, November 14, 1978, 7 p.m., Legislative Hall, Agana, Guam.

Tuesday, November 21, 1978, 7 p.m., the Conference Center, Pago Pago, American Samoa.

Send comments to: Mr. Gerald V. Howard, Director, Southwest Region, National Marine Fisheries Service (NOAA), 300 South Ferry Streeet, Terminal Island, Calif. 90731, telephone: 213-548-2575.

FOR FURTHER INFORMATION CONTACT:

Mr. Denny Moore, 202-634-7454.

SUPPLEMENTARY INFORMATION: The particular issues for which the NMFS solicits public inputs are:

1. *Consideration of fishery conservation and management measures to apply in the fishery conservation zone (FCZ) seaward of the Northern Mariana Islands.* The PMP published in the FEDERAL REGISTER did not propose any such measures because the Fishery Conservation and Management Act of 1976 (FCMA) did not apply to the Northern Mariana Islands at the time the PMP was being prepared in 1977. The FCMA became applicable to the Northern Mariana Islands on January 8, 1978. The NMFS now proposes that the PMP be revised to apply to the FCZ around the Northern Mariana Islands as well as other portions of the FCZ in the Pacific Ocean. The alternatives being considered include establishment of 12-mile and 50-mile zones in which retention of billfish or other affected species by foreign fishing vessels may be prohibited. The NMFS is particularly interested in obtaining the views of the people of the Northern Mariana Islands as to the importance of domestic fishing and appropriate conservation and management measures; and in receiving data on domestic catches of billfish, sharks, and associated species.

2. *Consideration of separate determinations of optimum yield (OY), domestic capacity, and total allowable levels of foreign fishing (TALFF's) for each species of fish covered by the PMP for separate portions of the FCZ.* The published PMP proposed that there be a single determination of OY and TALFF for each affected species (or species group) in aggregate for the FCZ. Many organizations and individuals who commented on the PMP said that this approach did not give sufficient consideration to the special social and economic conditions and needs of different portions of the FCZ. Some commentors were especially concerned that the PMP could adversely affect operations of American Samoa-based foreign longliners whose deliveries are critical to tuna canneries which constitute the principal private industry of American Samoa. The NMFS is especially interested in receiving data on domestic and foreign catches of the fish covered by the PMP in the FCZ seaward of American Samoa, and in hearing the views of American Samoa interests on the impacts which would be expected if the PMP as originally proposed were implemented. The NMFS also solicits views on the merits of establishing separate OY's and TALFF's for different fisheries in the FCZ.

3. *Consideration of establishing OY's and TALFF's for wahoo and dolphin (also known as mahi mahi in Hawaii and masi masi in American Samoa).* The published PMP did not apply to foreign catches of wahoo and dolphin in the FCZ because of the limited data available on abundance, distribution, and stock status of these species. These species therefore would continue to be "prohibited species" under the FCMA and foreign fishing regulations (50 CFR 611.13). Reviewers of the PMP indicated that these species

are of special importance to American Samoans. Longliners deliver these species in addition to tuna, and wahoo are canned for local consumption while dolphin enter the fresh fish markets. Prohibition of retention of these species in the FCZ, it is claimed, may deprive American Samoans of important sources of protein. Therefore, consideration is being given to modification of the PMP to determine OY and TALFF for dolphin and wahoo. Consideration is also being given to establishing separate OY's for these species in separate fisheries in the FCZ. The NMFS is especially interested in obtaining data on domestic and foreign catches of wahoo and dolphin in the FCZ, quantities of each species processed and consumed in American Samoa and elsewhere, and alternative conservation and management measures to apply to foreign catches of wahoo and dolphin in the FCZ.

4. *Consideration of alternative reproting and inspection requirements.* The PMP and proposed rulemaking called for a variety of reporting, inspection, and related measures to monitor the foreign fishing which would be permitted under the PMP. Some commentors indicated that many of the foreign vessels involved would have substantial difficulty complying with all these requirements. Therefore, the NMFS is interested in obtaining the views of the affected public concerning the extent to which modification of these requirements is warranted and the appropriate modifications, if any.

The NMFS has not reached any definite conclusions on the above issues at this time. The NMFS is cooperating with the Pacific and Western Pacific Fishery Management Councils and with State governments and other interests in evaluation alternatives. A Draft Supplemental Impact Statement/PMP is being prepared and will be distributed to interested parties in advance of the hearings to provide them with additional background. A notice of availability for the draft Supplemental will be published in the FEDERAL REGISTER in the future.

Dated: October 17, 1978.

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 78-29710 Filed 10-19-78; 8:45 am]

[3310-01-M]

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

[48 CFR Ch. 1]

FEDERAL ACQUISITION REGULATION PROJECT

Availability and Request for Comment of Draft Regulation

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of availability and request for comment on draft regulation.

SUMMARY: The Office of Federal Procurement policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR). Additional segments will be announced for availability and comment on later dates. The regulation is being developed to replace the current system of procurement regulations. It will be a single uniform acquisition regulation for use by all Federal executive agencies in the acquisition of supplies and services with appropriated funds.

DATE: Comments must be received on or before December 20, 1978.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William W. Thybony, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, NW., Room 9025, Washington, D.C. 20503. Government personnel may obtain copies from the contact points indicated in the list at the end of this notice.

FOR FURTHER INFORMATION CONTACT:

Willaim Maraist, or Strat Valakis, 202-395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purpose of the FAR is to reduce the proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear, and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section of part available for review and describe any new policies therein.

The following segment of the draft Federal Acquistion Regulation is available for the public and Government agency review and comment.[1]

PART 29—TAXES

29.000 Scope of part.
29.1 General.
29.2 Federal Excise Taxes.
29.3 State and Local Taxes.
29.4 Contract Clauses.

PART 29—TAXES

29.000 Scope of part—states that this part explains Federal, State and local taxation of certain supplies and services, the applicability of such taxes to the Federal Government, and prescribes policy and procedures for use of tax clauses.

29.1 General—advises contracting officers to coordinate with and consult legal counsel on tax matters and to discourage contractors from negotiating independently with taxing authorities under certain circumstances.

29.2 Federal excise taxes—discusses the impostion of Federal excise taxes on certain supplies and services and the fact that the Federal Government is often exempt from such taxes. It describes the procedures and circumstances under which the Government takes advantage of the available exemptions.

29.3 State and local taxes—discusses the application of State and local taxes to the Federal Government and to its contractors and subcontractors. It covers the procedure for claiming exemption from the taxes, as well as the special circumstances involving the North Carolina Sales and Use Tax Act.

29.4 Contract clauses—prescribes the circumstances for use of certain tax clauses. The tax clauses are provided here for review purposes. However, they will be published in part 52 of the completed FAR.

This segment of the FAR contains new policy only to the extent that certain DOD policies have been extended to all agencies where the change was considered desirable or necessary. Other changes include: (1) The material has been reorganized for clarity; (2) the FAR has not employed the DAR and FPR "guidance-by-example"; (3) applicable tax statutes are cited for reference purposes; but are not paraphrased: (4) the complicated subject of State and local taxes has been covered by a general discussion and reference to legal counsel on specific questions; (5) sections on exports and evidence of exemption are expanded and made consistent; (6) the discussion of taxes on communication and transportation has been amplified.

Government personnel in the following agencies must obtain copies of the FAR drafts through the established agency contact point listed for each agency. Official agency views are requested by this notice. Agency personnel, therefore, should not send their comments directly to the Office of Federal Procurement Policy. They should be coordianted within the

[1] Filed with the original document.

agency and made a part of the agency's formal comments.

Dated: October 18, 1978.

LESTER A. FETTIG,
Administrator.

FAR AGENCY CONTACT POINT LIST

Mr. Edmund Alvarez, 447-3937, Deputy Director, Administrative Services, Office of Operations and Finance, Room 113W, Administration, Building, *Department of Agriculture*, Washington, D.C. 20250, STOP 209.

Mr. Aubrey T. Chason, 281-8167, Chief, Procurement Management Staff, Office of Logistics, *Central Intelligence Agency*, Washington, D.C., STOP 64.

Mr. Donald J. Biglin, 632-6161, Director, Bureau of Management Services, *Civil Service Commission*, 1900 E Street NW., Room 5554, Washington, D.C. 20415, STOP 227.

Mr. David Larkin, 377-3891, Deputy Director for Program Development, Office of Administrative Services and Procurement, Room 6959, *Department of Commerce*, Washington, D.C. 20230, STOP 206.

Mr. Charles W. Fletcher, 557-1145, Executive Director, *Committee for Purchase from the Blind and Other Severely Handicapped*, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

Mr. Thomas Cassidy, 697-6710, *OUSDRE Department of Defense*, The Pentagon, Room 3D 1080, Washington, D.C. 20301.

Mr. Carl Brotman, 695-0255, Army Policy Member, DAR Council, Office of Assistant Secretary of the Army, R.D. & A., *Department of the Army*.

Mr. Billy Williams, 692-3324, Navy Policy Member, DAR Council, Office of Assistant Secretary of the Navy, OASN (MRANL), *Department of the Navy*.

Lt. Col. Daniel Unruh, 695-1997, Air Force Policy Member, DAR Council, AF/RDC, *Department of the Air Force*.

Mr. David Freeman, 274-6411, DLA Policy Member, DAR Council, *Defense Logistics Agency*, Cameron Station, Alexandria, Va.

Mr. Thomas Ruppert 353-4515 *U.S. Department of Energy* Procurement Policy Division M/S C-167, GTN Washington, D.C. 20545.

Mr. William E. Mathis 755-0822 Director, Contracts Management Division (PM 214) *Environmental Protection Agency* 401 M Street, SW, Room 2003 Washington, D.C. 20460 STOP 460

Mr. A. J. Nicolosi, 724-1133, Procurement Agent, Procurement and Contracts Branch, *Federal Trade Commission*, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580.

Mr. John Brosnan, 275-5476, *U.S. General Accounting Office*, Room 7075, 441 G Street NW., Washington, D.C. 20548.

Mr. Paul E. Goulding, 566-1226, Acting Deputy Administrator, *General Services Administration*, Washington, D.C. 20405, STOP 29.

Mr. Ed T. Rhodes, 245-8771, Deputy Assistant Secretary for Grants and Procurement, *Department of Health, Education, and Welfare*, Hubert H. Humphrey Building, Room 513D, Washington, D.C. 20201, STOP 367.

Mr. Thomas R. Whittleton, 724-0040, Director, Office of Procurement and Contracts, *Department of Housing and Urban Development*, Room B-133, 711 Building, Washington, D.C. 20410, STOP 98.

Mr. William Opdyke, 343-5914, Division of Procurement and Grants, Office of Administrative and Management Policy, *Department of the Interior*, 18th and C Street NW., Washington, D.C. 20240.

Mr. James T. McIlwee, 724-9711, Chief, Contract and Procurement Division, Office of Administration, *International Communication Agency*, Washington, D.C. 20547, STOP 121.

Mr. Stuart E. Schiffer, 739-3306, Acting Deputy Assistant Attorney General, Civil Division (Room 3607), *Department of Justice*, Washington, D.C. 20530.

Mr. Walter C. Terry, 523-9148, Director, Office of Grants, Procurement and ADP Management Policy, *Department of Labor*, 200 Constitution Avenue NW., Room S-1325, Washington, D.C. 20210, STOP 205.

Mr. Stuart J. Evans, 755-2255, Director of Procurement, *National Aeronautics and Space Administration*, Washington, D.C. 20546.

Mr. Kenneth B. Foster, 632-5772, Director, Division of Grants and Contracts, *National Science Foundation*, 1800 G Street NW., Washington, D.C. 20550.

Mr. Edward L. Halman, 427-4460, Director, Division of Contracts, *Nuclear Regulatory Commission*, Washington, D.C. 20555, STOP 555.

Mr. Thomas M. Constant, 724-0104, Assistant to the Governer, *Canal Zone Government, Panama Canal Company*, 425 13th Street NW., Room 312, Washington, D.C. 20004.

Mr. Edward H. Lewis, 653-6635, Associate Administrator for Procurement, *Small Business Administration*, 1441 L Street NW., Washington, D.C. 20416, STOP 71.

Mr. Harry P. Barton, 381-5924, Director, Office of Supply Services, *Smithsonian Institute*, Amtrak Building, Room 3120, 955 L'Enfant Plaza SW., Washington, D.C. 20024.

Mr. Joseph C. Watkins, 235-9107, Chief, Support Division, Office of Contract Management, *Agency for International Development*, Department of State, Washington, D.C. 20523, STOP 100.

Mr. Thaddeus J. Figura, 235-9512, Chief, Supply and Transportation Division, *Department of State*, Room 532, SA-6, Washington, D.C. 20520, STOP 27.

Mr. James L. Williams, Jr., 566-1401, Director, Division of Purchasing, *Tennessee Valley Authority*, Chattanooga, Tenn. 37401.

Mr. Barnett M. Anceleitz, 426-4237, Director, Installations and Logistics, *Department of Transportation*, Washington, D.C. 20490, STOP 330.

Mr. Thomas P. O'Malley, 376-0650, Assistant Director, Office of Administrative Programs, *Department of the Treasury*, Main Treasury Mail Room, 15th and Pennsylvania Avenue NW., Washington, D.C. 20220, STOP 223.

Mr. Eugene A. Keller, 245-4818, Assistant for Procurement Policy, Procurement and Supply Department, *United States Postal Service*, Room 1512, Washington, D.C. 20260, STOP 201.

Mr. Clyde C. Cook, 389-3808, Director, Supply Service, Department of Medicine and Surgery, *Veterans Administration*, Washington, D.C. 20420.

[FR Doc. 78-29866 Filed 10-19-78; 11:36 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.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

OFFICIAL WEIGHING AND SUPERVISION OF WEIGHING

Intent

AGENCY: Federal Grain Inspection Service, Department of Agriculture.

ACTION: Notice.

SUMMARY: Notice is given that effective November 20, 1978, the Administrator of the Federal Grain Inspection Service (FGIS), U.S. Department of Agriculture (USDA), will require all export grain to be officially weighed in accordance with provisions of the U.S. Grain Standards Act, as amended (7 U.S.C. 71 et. seq.) hereinafter cited as the Act), whether the grain is shipped from an export port location or from a location other than an export port location. Pending further study, the Administrator has determined that truck and rail shipments of grain exported into Canada, other than grain shipped from export locations, will not be required to be officially weighed until further notice. Additionally, notice is given that effective November 20, 1978, official weighing and supervision of weighing will be available upon request for nonexport grain.

EFFECTIVE DATE: November 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Leslie E. Malone, Assistant Deputy Administrator, Room 1627—South Building, FGIS, USDA, Washington, D.C. 20250, 202-447-9166.

SUPPLEMENTARY INFORMATION: Since May 20, 1978, all grain transferred into or out of export elevators at export port locations has been officially weighed, as defined in section 3(x) of the Act (7 U.S.C. 75(x)), and as required by sections 5(a)(1) and 5(a)(2) of the Act (7 U.S.C. 77(a) (1) and (2)). In addition, official weighing and supervision of weighing, as defined in section 3(y) of the Act (7 U.S.C. 75(y)), are available on a request basis at nonexport elevators at export port locations. At export port locations, all official weighing and supervision of weighing are performed by official inspection personnel employed by the FGIS or by States which have been delegated export weighing authority by the Administrator under section 7A(c)(2) of the Act (7 U.S.C. 79a(c)(2)).

Mandatory Weighing After November 20

In addition to all export grain transferred into or out of export elevators at export port locations, effective November 20, 1978, all export grain transferred out of grain elevators at other than export port locations, must be officially weighed in accordance with the official weighing requirements of section 5(a)(1) of the Act.

In essence, section 5(a)(1) provides that no person shall ship from the United States to any place outside thereof any lot of grain, unless, first, the lot is officially weighed as it is being loaded aboard the final carrier in which it is to be transported from the United States; and, second, a valid official certificate showing the certified weight of the lot of grain has been provided by official inspection personnel and is promptly furnished by the shipper, or his agent, to the consignee.

Until further notice, the official weighing requirements of section 5(a)(1) will not be applied to grain shipped by truck or rail into Canada from export elevators that are not located at export port locations. Additional time is needed for FGIS to evaluate the feasibility of requiring the weighing of such shipments and its long-range impact on agricultural trade between the United States and Canada.

Permissive Weighing After November 20

Pursuant to sections 7A(b) and 7A(e) of the Act (7 U.S.C. 79a (b) and (e)), effective November 20, 1978, the Administrator will authorize official weighing or supervision of weighing of grain not subject to the official weighing requirements of sections 5(a)(1) and 5(a)(2) of the Act. Such weighing services will be available on a request basis.

At locations where the Administrator has designated an official agency to perform official inspection functions, the official agency will be afforded an opportunity to apply for an amendment to its designation and, provided the agency is deemed qualified, its designation will be amended to authorize the agency to perform official weighing and supervision of weighing services. Such official weighing and supervision of weighing shall be performed only by those employees of the official agency specifically licensed to do so by the Administrator.

If an official agency does not apply for an amended designation, requests for official weighing or supervision of weighing in the geographic area assigned to the agency will be handled by FGIS. The Administrator may publish a notice in the Federal Register seeking applications from others for designation as the official agency to provide official weighing and supervision of weighing services in geographic areas in need of such services. Applicants for such designations will be required to meet the criteria in section 7(f)(1) of the Act (7 U.S.C. 79(f)(1)). If no State or local government agency or person applies for such designations, FGIS will continue to provide official weighing or supervision of weighing services.

An official agency holding a designation to officially inspect grain which applies for an amended designation to provide official weighing and supervision of weighing services will be assigned only one geographic area in which to perform the combined functions. Not more than one official agency shall provide official weighing and supervision of weighing services at one time in any one area, pursuant to section 7A(i) of the Act (7 U.S.C. 79a(i)).

Effective November 20, 1978, official agencies designated to perform official weighing and supervision of weighing functions are prohibited from performing unofficial weighing services on commodities covered by the amended Act. This is in accordance with section 26.86(e)(2) of the regulations under the Act (7 CFR 26.86(e)(2)), which prohibits official personnel from engaging in any unofficial activities which the public could construe as an unofficial function under the Act.

Facility Requirements

Before official weighing or supervision of weighing may be performed at a grain elevator, warehouse, or other storage or handling facility, either on a mandatory or permissive basis, such facilities must comply with requirements of section 7A(f) of the Act (7 U.S.C. 79a(f) and meet additional cri-

teria for approval established by the Administrator. Accordingly, effective November 20, 1978, no grain elevator, warehouse, or other storage or handling facility shall export grain from the United States unless it has been specifically approved for official weighing by the Administrator. Until further notice, however, those elevators at locations other than export port locations that export grain by truck or rail into Canada will not have to be approved for weighing by the Administrator.

Done in Washington, D.C. October 18, 1978.

DAVID C. MANGUM,
Acting Administrator.

[FR Doc. 78-29842 Filed 10-19-78; 10:03 am]

[3410-11-M]

Forest Service

NATIONAL FOREST MANAGEMENT ACT COMMITTEE OF SCIENTISTS

Meeting

The Committee of Scientists has scheduled three public meetings to continue preparation of its report to the Secretary of Agriculture regarding the scientific and technical adequacy of proposed regulations prepared by the Forest Service pursuant to Section 6 of the National Forest Management Act.

Each meeting will be held: beginning 8:30 a.m.

November 1-3, 1978 at the Edgewater Inn, 2411 Alaskan Way, Seattle, Wash., (meeting will adjourn 12 a.m., November 3).
December 7-8, 1978 at the Mansion Inn, 700 16th Street, Sacramento, Calif. (meeting will adjourn 5 p.m., December 8).
January 8-10, 1979 in Houston, Tex. Meeting facilities will be announced.

At its November 1-3 meeting, the Committee will hold intensive discussion on two major issues:

1. Lands suitable for timber production will be discussed on the morning of November 1, 1978.
2. Silvicultural standards will be discussed on the morning of November 2, 1978.

Wilderness and timber harvest scheduling, with particular emphasis on criteria for developing departures from mondeclining evenflow, will be discussed December 7-8.

Recommendations for treating the above subjects in regulations or for modifying the content of the proposed regulations should be sent to Charles R. Hartgraves, Forest Service, Director, Land Management Planning, P.O. Box 2417, Washington, D.C. 20013, area code 202-447-5933, to insure adequate consideration.

These are primarily working sessions for the purpose of preparing the Committee Report to the Secretary, and therefore the Committee will not engage in extensive public discussion.

Dated: October 16, 1978.

DOUGLAS R. LEISZ,
Deputy Chief.

[FR Doc. 78-29709 Filed 10-19-78; 8:45 am]

[3410-11-M]

SPECIAL SALVAGE TIMBER SALE PROGRAM

Forest Service Policy

AGENCY: Forest Service, USDA.

ACTION: Proposed Policy.

SUMMARY: This proposal sets forth policy and procedures for administering a set-aside program of preferential awards to small business firms bidding on designated salvage timber sales. The program is to be based on a special size standard for loggers and other small forest products firms currently being promulgated by the Small Business Administration.

DATES: Written comments must be received by November 20, 1978.

ADDRESSES: Submit comments to: John R. McGuire, Chief, Forest Service, Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013.

All written submissions made pursuant to this notice will be available for public inspection in the office of the Timber Management Staff, 12th and Independence Avenue, South Agriculture Building, Room 3207, Washington, D.C., during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Jim Beavers or George Leonard, Timber Management Staff, Forest Service, Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013, 202-447-4051.

SUPPLEMENTARY INFORMATION: On October 3, 1978, the Administrator of the Small Business Administration (SBA) published a proposed rule in the FEDERAL REGISTER which would establish a size standard for small business firms applicable to a special salvage timber sale program to be jointly administered by the Forest Service and SBA. This program is designed to facilitate the salvage of insect-infested, dead, and down timber on National Forest System lands.

It is proposed to add the following to the Forest Service Manual.

2438.—Special Salvage Timber Sale Program.

The Special Salvage Timber Sale Program is a joint program administered by the Forest Service and the Small Business Administration (SBA). It provides for preferential award of certain salvage sales, funded under Section 14(h) of the National Forest Management Act of 1976, to loggers and forest products concerns qualified under size standards promulgated by the SBA. Initially the program will be tested on a limited number of Forests. Following an evaluation period it is anticipated that the program will be expanded Nationwide. The two Agencies plan to monitor it closely in order to be sure that it meets its objectives and does not adversely affect volumes available to small or large manufacturing concerns. Timber set aside under this program will be included in nonmanufacturer volume in establishing shares and in 6-month analyses as provided in the 1971 USDA/SBA Agreement.

2438.1—Authority.—The Small Business Act (15 U.S.C. 631) provides authority for the use of set-aside sales to ensure that a fair proportion of the total sales of government property be made to small business firms. SBA, acting under authority of the Small Business Act, has established a small business size standard which defines firms eligible for preferential award on salvage sales. The program operates under the general framework of the USDA/SBA Agreement of December 1971.

2438.2—Objective.—In order to promote the optimum use of wood material, the National Forest Management Act authorized the establishment of a revolving fund to cover the cost of preparing and administering sales of insect-infested, dead, damaged or down timber. The intent of this fund was to provide for increasing the sales of such timber. The objective of the Special Salvage Timber Sale Program is to encourage the development and maintenance of logging capability so that the utilization of such timber can be improved.

2438.3—Eligible Firms.—For the purposes of the Special Salvage Timber Sale Program, the SBA defines a small business as a concern that:

1. Is primarily engaged in the logging or forest products industry;
2. Is independently owned and operated;
3. Is not dominant in its field of operation; and
4. Together with its affiliates, its number of employees has not exceeded 25 persons during any pay period for the past 12 months.

2438.4—Eligible Sales.—Sales meeting all of the following criteria may be set-aside for preferential bidding to small business:

1. Sale preparation financed with salvage sale funds or with funds intended as "seed money" for the salvage sale fund. Where a mix of appropriated and salvage sale funds has

been used, more than 50 percent of the estimated preparation cost shall have been paid with salvage sale funds.

2. Sale period no more than 1 year.

3. Sale involves only minor road construction or reconstruction.

4. Sale does not involve catastrophic damage, such as fire or windstorm.

Generally, salvage sales meeting the above criteria will be set aside, unless experience demonstrates that competitive bidding by small loggers and small forest products firms cannot be expected. Relatively small sales are preferred. However, there is no size limit on the sale, provided it can be completed by loggers of average capability in the area. Larger sales suitable for logging by only one or two operators in the area should be avoided so as to prevent allocation to individual firms.

When fire, windstorm or other catastrophic losses occur, the total capacity of the tributary industry is often needed to salvage the timber in a timely manner. Therefore, such sales are not eligible to be set aside under this program. A catastrophic loss is a loss resulting from a single, indentifiable event which affects volume of more than 10 percent of the volume planned for sale on the affected District within any 6-month period or 1 million board feet, whichever is less.

As a general rule, the size of the program in any locality should be geared to the existing capability of the local qualifying firms. However, occasionally it may be appropriate to set aside a larger volume when it is reasonable to expect that all of the included timber will be harvested promptly.

2438.41—Selection process.—Forest Supervisors administering salvage sale programs will, after considering such advice as the SBA representative may offer, select sales to be set aside for preferential bidding by concerns with less than 25 employees and notify the SBA field representative using SBA Form 441 to document the selection process. Each sale selected will be specifically defined as to whether the 30-70 log distribution requirement is or is not required on sawlog volume from that sale (see 2438.5). The SBA field representative will be provided a reasonable period (at least 1 week) for comment prior to publication of the program.

In the event the SBA field representative disagrees on whether or not a proposed sale should be set aside or whether 30-70 manufacturing requirements shall apply, the matter shall be promptly referred to the Regional Forester for review. Because of the need for prompt action on salvage sales, the Regional Forester's decision on whether or not to set aside specific sales or to apply the 30-70 requirement is final. However, if the SBA field representative believes that policy issues relating to the operation of the program are involved, he may seek review of the policy issues, without delay of the particular sale, by higher authorities within the Agencies. It is the intent of the Agencies that the program be a joint program and Forest Supervisors will make every effort to work cooperatively with SBA field representatives.

If a set-aside is agreed upon and the Forest Supervisor determines that it is no longer advisable, or if a new sale is proposed after agreement on the 6-month program, the Forest Supervisor will consult with the SBA representative following the same procedures as outlined above.

2438.5—Contract conditions.—The Forest Service and SBA expect to make annual reviews during the first 3 years of the Special Salvage Timber Sale Program, so that adjustments can be made as necessary to insure that the program objectives are met. In order to facilitate this review, contracts for set-aside salvage sales shall require the purchaser to provide the Forest Service with an accounting of log deliveries by 6-month periods. Data to be furnished shall include volume and species delivered, the point of delivery, and the name and affiliation of the party to whom the logs were sold. The contract shall also require the purchaser to make his records, including payroll records, available to the Forest Service and SBA to verify his eligibility for participation in the program.

Timber sold under the special salvage timber sale program will generally be offered subject to 30-70 manufacturing requirements (see FSM 2431.19) unless the Forest Supervisor determines the purchaser of the sale will not have a competitive market for logs available from qualified small business firms. A competitive market would involve two or more qualified firms which have demonstrated interest in the types (species, size, condition) of logs to be produced on the salvage sale and located within the normal log haul distance from the proposed sale. The Forest Supervisor will consult with the SBA field representative in determining whether sales shall be subject to the 30-70 manufacturing requirement.

2438.6—Size protests.—Instructions set forth in FSM 2431.19 govern procedures for responding to size protests. It is important to notify SBA of the nature of the sale so that appropriate priority can be assigned to resolving the protest.

Dated: October 16, 1978.

R. A. RESLER,
Acting Chief,
Forest Service.

[FR Doc. 78-29708 Filed 10-19-78; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket 30233]

ATLANTA-PORTLAND/SEATTLE SUBPART N PROCEEDING

Cancellation of Hearing

Counsel for Aeroamerica, Inc., has advised the presiding administrative law judge that Aeroamerica, Inc., is withdrawing its certification application in this proceeding. Accordingly, the hearing set for October 20, 1978 (43 FR 46558, October 10, 1978) regarding Aeroamerica's application is canceled.

Dated at Washington, DC., October 17, 1978.

RUDOLF SOBERNHEIM,
Administrative Law Judge.

[FR Doc. 78-29693 Filed 10-19-78; 8:45 am]

[6320-01-M]

[Docket 33019]

CHICAGO-MIDWAY EXPANDED SERVICE PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 8, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Ronnie A. Yoder.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the orders of the Board and the Judge in the docket on file in the Docket Section of the Civil Aeronautics Board. In order to facilitate the conduct of the conference, parties and applicants for intervention are instructed to submit with respect to each phase of the hearing specified in Order 78-7-41 (one copy to each party and six copies to the Judge): (1) proposed statements of issues; (2) proposed stipulations; (3) proposed request for information and for evidence; (4) statements of position; and (5) proposed procedural dates. The Bureau of Pricing and Domestic Aviation will circulate its material on or before October 16, 1978, and the other parties on or before October 30, 1978. The submissions of the other parties shall be limited to points on which

they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., October 13, 1978.

RONNIE A. YODER,
Administrative Law Judge.

[FR Doc. 78-29691 Filed 10-19-78; 8:45 am]

[6320-01-M]

[Order 78-10-67; Docket 33305]

LOFTLEIDIR, H.F. (ICELANDIC AIRLINES)

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of October 1978.

Loftleidir, H.F. (Icelandic Airlines) is the holder of a foreign air carrier permit authorizing foreign air transportation of persons, property, and mail between terminal points in Iceland and the alternate U.S. terminal points New York, N.Y., and Chicago, Ill. By application filed on August 29, 1978, Loftleidir requests amendment of its foreign air carrier permit to add Baltimore, Md., as a U.S. coterminal point. On September 27, 1978, Loftleidir filed a motion for an order to show cause. The authority sought by Loftleidir is provided for in an Exchange of Notes dated August 17, 1978, between the United States and Iceland, amending the Annex of the United States-Iceland Air Transport Services Agreement. Loftleidir wishes to begin offering the service on November 4, 1978.

OPERATING HISTORY

Loftleidir was established in March 1944 as a domestic Icelandic carrier. It began international operations in 1947. In May 1948 it received its existing foreign air carrier permit and began New York-Iceland operations in August 1948.[1] In 1953 Loftleidir began offering U.S.-originating passengers, on a New York-Reykjavik-Luxembourg routing, fares at levels significantly below those established by the member carriers of the International Air Transport Association (IATA) in IATA fare agreements. Loftleidir has continued to offer scheduled low far alternatives vis-a-vis IATA carriers.

PRESENT OPERATIONS

Loftleidir currently operates 19 weekly round-trips to Iceland from the United States during the peak summer season and ten during the off-peak winter season.[2] Single-plane service to Luxembourg via Iceland is available to all passengers. Loftleidir operates four DC-8-63 aircraft. In 1977 its passenger revenues were over $49 million and its cargo revenues over $4 million.

SERVICE PROPOSAL

Loftleidir plans to operate three weekly round-trips during the peak summer season (April 1-October 31) and one weekly round-trip the remainder of the year from Baltimore to Iceland, continuing on to Luxembourg.[3] It will provide single-class service on an unrestricted basis. The basic round-trip fare will be $310 and be available between September 1 and May 31; the peak period fare will be $385 and be available between June 1 and August 31.[4]

The carrier forecasts for Calendar Year 1979: (1) 21,669 round-trip passengers; (2) $7.6 million in passenger revenues; (3) $1.7 million in freight revenues; and (4) $1.6 million operating profit for the proposed service.[5]

OWNERSHIP AND CONTROL

Loftleidir owns no interest in any other person. Loftleidir's stock is held by Flugleidir, H.F., a holding company over 99 percent owned by Icelandic nationals, including 6.3 percent owned by the Government of Iceland.[6] All directors and key management personnel of Loftleidir are Icelandic citizens.

ENFORCEMENT AND SAFETY RECORD

Loftleidir represents that it has never had its operating authority suspended, revoked, canceled or otherwise terminated, and that in the past 5 years it has not been involved in any safety violations or accidents.[7]

Loftleidir, along with several other route carriers providing scheduled service in the North Atlantic market, was a party to the consent decree entered in *United States* v. *Compagnie Nationale Air France, et al.* (S.D.N.Y., 1975) involving tariff rebating. Loftleidir states, however, that it has not been cited for any specific tariff violation in the past 5 years.

The State of Maryland filed an answer on October 3, 1978, in support of Loftleidir's application. It urged expedited action on the application.

In granting Loftleidir its existing routes to the United States, the Board determined that the carrier was substantially owned and effectively controlled by citizens of Iceland; that it was financially and operationally fit; and that it was in the public interest to grant the carrier authority to the United States.[8] Loftleidir's application indicates that no changes in its corporate structure or operations have occurred which would cast doubt upon the accuracy or validity of the Board's previous findings. Moreover, Loftleidir has operated United States-Iceland scheduled services for 30 years. During the last 25 years, Loftleidir has offered competitive low-fare service in the North Atlantic market giving consumers an alternative to the much higher scheduled fares set by IATA, albeit with a stop en route in Iceland. Thousands of U.S. citizens have taken advantage of Loftleidir's low fares to Luxembourg from New York and Chicago via Iceland, and we find it in the public interest to amend Loftleidir's foreign air carrier permit to authorize Baltimore-originating service to Iceland.

In view of the foregoing and all the facts of record, the Board tentatively finds and concludes that:

1. It is in the public interest to amend the foreign air carrier permit issued to Loftleidir, H.F. (Icelandic Airlines);

2. The public interest requires that the exercise of the privileges granted

[1] *Loftleidir, H.F., Air Carrier Permit*, 9 C.A.B. 373 (1948). Loftleidir's route authority has remained unchanged since 1948. Loftleidir, along with other foreign route air carriers with outstanding foreign air carrier permits, was authorized to engage in off-route charter trips in 1958. See *Foreign Off-Route Charter Service Investigation*, 27 C.A.B. 196.

[2] Twelve from New York and seven from Chicago in the summer; seven from New York and three from Chicago in the winter.

[3] The proposed services will result in an annual fuel consumption of 3.9 million gallons, see Loftleidir Exhibit LL-3001. The marginal increase in flights at Baltimore-Washington International Airport will not lead to a significant increase in air pollution or a significant increase in the ambient noise level, see Loftleider's environmental evaluation, Exhibit LL-3000.

[4] The fares will not be available to Luxembourg-originating passengers. Loftleidir expects to offer children's discounts at 50 percent of the applicable normal fare and to impose surcharges during holiday seasons.

[5] See Loftleidir Exhibit LL-805.

[6] Flugleidir owns, in addition to Loftleidir, interest in the following companies: (1) 100 percent of Flugfelag Islands, H.F., an Icelandic airline with domestic authority and international authority between Iceland and the United Kingdom and Scandinavia; (2) 100 percent of Hekla Holdings Limited, which owns International Air Bahama, an airline with international route authority between Nassau and Luxembourg; (3) 33 percent of Cargolux International Airlines, S.A., a Luxembourgian all-cargo airline; (4) 40 percent of Flugfelag Austurlands, H.F. (East Air Limited), an Icelandic commuter airline; (5) 35 percent of Flugfelag Nordurlands, H.F. (North Air Limited), an Icelandic commuter airline; (6) 80 percent of Urval Travel Agency, a travel agency in Reykjavik; (7) 100 percent of Icelandic Airlines, Inc. a travel agency in New York City; (8) 100 percent of Loftleidir Icelandic Airlines, S.A., a travel agency in Luxembourg; (9) 100 percent of Loftleidir Icelandic Airlines, S.A.R.L., a travel agency in Paris; (10) 100 percent of Hotel Esja HT in Reykjavik; (11) 23 percent of Hotel Aerogulf in Luxembourg; and (12) 16.7 percent of Hotel Husavik in Aukeyri, Iceland, see Loftleidir Exhibit LL-103.

[7] The minor exception was a hard landing at John F. Kennedy International Airport, New York in 1973. See Loftleidir Exhibit LL-2000.

[8] See *Loftleidir Permit*, 9 C.A.B. 373, 377.

by the amended permit shall be subject to the terms, conditions, and limitations contained in the specimen permit attached to this order, and to such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Board;

3. Loftleidir, H.F. (Icelandic Airlines) is fit, willing and able properly to perform the foreign air transportation described in the specimen permit, and to conform to the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board;

4. The public interest does not require an oral evidentiary hearing on the application;[9]

5. The amendment of Loftleidir, H.F. (Icelandic Airlines') foreign air carrier permit would not constitute "a major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 and will not constitute a "major regulatory action" under the Energy Policy and Conservation Act of 1975, as defined in section 313.4(a)(1) of the Board's Regulations;[10]

6. The request of Loftleidir, H.F. (Icelandic Airlines) for a waiver of Part 312 of the Board's Regulations, regarding the requirements for the filing of an environmental evaluation should be granted; and

7. Except to the extent granted, the application of Loftleidir, H.F. (Icelandic Airlines) in Docket 33305 should be denied.

Accordingly,

1. We direct all interested persons to show cause why the Board should not (1) make final its tentative findings and conclusions, and (2) issue an amended foreign air carrier permit to Loftleidir, H.F. (Icelandic Airlines) in the specimen form attached, subject to the approval by the President pursuant to section 801 of the Act;[11]

2. Any interested persons having objections to the issuance of an order making final the Board's tentative findings and conclusions and issuing the attached specimen permit shall, no later than October 26, 1978, file with the Board and serve on the persons named in paragraph 5 below, a statement of objections specifying the part or parts of the tentative findings or conclusions objected to, together with a summary of testimony, statistical data, and concrete evidence expected to be relied upon in support of the objections. If an oral evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, we will give further consideration to the matters and issues raised by the objections before we take further action, *Provided*, that we may proceed to enter an order in accordance with our tentative findings and conclusions set forth in this order, if we determine that there are no factual issues presented that warrant the holding of an oral evidentiary hearing;[12]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Secretary shall enter an order which (1) shall make final our tentative findings and conclusions set forth in this order, and (2) subject to the approval of the President, shall issue an amended foreign air carrier permit to the applicant in the specimen form attached; and

5. We are serving this order upon Loftleidir, H. F. (Icelandic Airlines), the Ambassador of Iceland in Washington, D.C., the U.S. Departments of State and Transportation, Pan American World Airways, Trans World Airlines, Braniff Airways, Northwest Airlines, Delta Air Lines, Trans International Airlines, World Airways, Capitol International Airways, and the Governor and the State of Maryland.

We shall publish this order in the FEDERAL REGISTER and shall transmit a copy to the President of the United States.

By the Civil Aeronautics Board.[13]

PHYLLIS T. KAYLOR,
Secretary.

[Specimen Permit]

UNITED STATES OF AMERICA CIVIL AERONAUTICS BOARD, WASHINGTON, D.C.

PERMIT TO FOREIGN AIR CARRIER (AS AMENDED)

Loftleidir, H.F. (Icelandic Airlines) is authorized, subject to the provisions set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules and regulations of the Board, to engage in foreign air transportation of persons, property, and mail, as follows: Between a terminal point or points in Iceland, and the coterminal points New York, New York, Chicago, Illinois, and Baltimore, Maryland.

The holder shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Iceland for Icelandic international air service.

The holder shall not operate any aircraft under the authority granted by this permit, unless the holder complies with the operational safety requirements at least equivalent to Annex 6 of the Chicago Convention.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Iceland shall be parties.

The holder shall keep on deposit with the Board a signed counterpart of C.A.B. Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in Agreement C.A.B. 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

The initial tariff filed by the holder shall not set forth rates, fares and charges lower than those that may be in effect for any U.S. air carrier in the same foreign air transportation; *However*, this limitation shall not apply to a tariff filed after the initial tariff regardless of whether this subsequent tariff is effective before or after the introduction of the authorized service.

By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted here shall be subject ot such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Board.

[9] Any interested persons having objections to the issuance of an order making final the Board's tentative findings and conclusions, and issuing the attached permit, shall be allowed ten (10) days in which to respond from the date of service of this order.

[10] Our tentative findings are based upon the fact that amendment of Loftleidir, H.F. (Icelandic Airlines') permit will not result in a significant increase in civil aviation operations at U.S. points, nor will it result in an annual increase in fuel consumption of more than 10 million gallons of fuel.

[11] We, therefore, are granting the Loftleidir, H.F. (Icelandic Airlines) motion for an order to show cause.

[12] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[13] All Members concurred.

This permit shall be effective on ——, 1978. Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement or amendment, which shall have the effect of eliminating the route or routes authorized by this permit from the routes which may be operated by airlines designated by the Government of Iceland (or in the event of the elimination of any part of the authorized route or routes, the authority granted shall terminate to the extent of such elimination); or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Iceland in lieu of the holder, or (3) upon the termination or expiration of the Air Transport Services Agreement between the Government of the United States of America and the Government of Iceland effective February 1, 1945, as amended by Exchanges of Notes on April 11, 1945 and August 17, 1978: *However*, clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation authorized becomes the subject to any treaty, convention, or agreement to which the United States of America and Iceland are or shall become parties.

The Civil Aeronautics Board, through its Secretary, has executed this permit and affixed its seal on .

[SEAL]

Issuance of this permit to the holder approved by the President of the United States on , in .

——— ———,
Secretary.

[FR Doc. 78-29694 Filed 10-19-78; 8:45 am]

[6320-01-M]

[Docket 33220]

YUCATAN SERVICE CASE

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter will be held on November 30, 1978, at 10 a.m. in Room 1003, Hearing Room B, Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned judge.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the judge of: (1) Proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Pricing and Domestic Aviation will circulate its material on or before November 9, 1978, and the other parties on or before November 21, 1978. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Pricing and Domestic Aviation, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., October 17, 1978.

RUDOLF SOBERNHEIM,
Administrative Law Judge.

[FR Doc. 78-29692 Filed 10-19-78; 8:45 am]

[6325-01-M]

CIVIL SERVICE COMMISSION

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Public Availability of Report of Activities

Pursuant to section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and OMB Circular A-63 of March 27, 1974, the Federal Prevailing Rate Advisory Committee has prepared a report on its activities during calendar year 1977.

The report is available for public inspection and copying at the following location:

U.S. Civil Service Commission, Federal Prevailing Rate Advisory Committee, 1900 E Street NW., Washington, D.C. 20415.

DONALD J. BIGLIN,
Advisory Committee Management Officer, Civil Service Commission.

[FR Doc. 78-29586 Filed 10-19-78; 8:45 am]

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric

FOREIGN FISHING

Preliminary Determinations of Consistency

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Preliminary determinations of consistency of certain 1978 foreign fishing permits with the Fishery Conservation and Management Act of 1976, as amended by Pub. L. 95-354.

SUMMARY: Public comments are sought on preliminary determinations of the consistency of 1978 foreign fishing permits to receive U.S. harvested Gulf of Alaska pollock and Pacific hake with provisions of Pub. L. 95-354.

DATE: Comments received by November 20, 1978, will be considered.

ADDRESS: Comments may be submitted in writing to the Assistant Administrator of Fisheries, National Marine Fisheries Service, F37, Washington, D.C. 20235.

ADDITIONAL INFORMATION MAY BE OBTAINED FROM:

Mr. Alfred J. Bilik, Permits and Regulations Division, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, telephone 202-634-7265.

SUPPLEMENTARY INFORMATION: The fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 et seq. (Act) provides for a national program for the conservation and management of the Nation's fishery resources within the fishery conservation zone (FCZ). Under the Act and § 611.3 of the Foreign Fishing Regulations (50 CFR Part 611), procedures are established for foreign participation in fisheries under the exclusive management authority of the United States. Any foreign vessel harvesting fish or supporting fishing operations in the FCZ must have a permit. Activities in support of fishing include those in which a foreign vessel in the FCZ receives fish from a U.S. fishing vessel. The amount of fish that a foreign nation's vessels may harvest in the FCZ is limited to that amount which has been allocated by the Department of State to that nation. However, receipts by foreign vessels from U.S. vessels do not count against such allocations.

A NOAA policy, published in the FEDERAL REGISTER on May 12, 1978, created a mechanism to closely review foreign permit applications involving the receipt of U.S. harvested fish by foreign vessels in the FCZ to minimize the possibility that the optimum yield in a fishery would be exceeded. The policy was based on factors directly related to conservation and management of the resource and the requirements of the Act. The policy did not take into consideration any preference for U.S. fish processors.

On August 28, 1978, the President signed Pub. L. 95-354 into law. This law amended the Act to provide a preference for U.S. fish processors to U.S. harvested fish to the extent such processors have and will utilize the capacity to process such fish. An application for a foreign fishing vessel to receive U.S. harvested fish in the FCZ may be approved only if U.S. fish processors do not have, or will not utilize, the capacity to process all U.S. harvested fish from the fishery concerned. The amounts of any U.S. harvested fish which may be received by foreign fishing vessels in the FCZ may not exceed that portion of the optimum yield which will not be utilized by U.S. fish processors.

On June 9, 1978, NMFS issued foreign fishing permits to two Republic of Korea fishing vessels to allow the vessels (*Soo Gong 51* and *Book Neung*) to receive from vessels of the u.S. in the FCZ in 1978 up to a total of 51,460 metric tons (m.t.) of Gulf of Alaska pollock and various amounts of certain other designated species normally taken incidental to the pollock fishery.

On August 16 a similar permit was issued to the Soviet vessel, *Sulak*, for a similar operation in the pollock fishery. The amount of incidental species which may be received by the foreign vessels was determined as a percentage of the pollock received. Percentage limits were derived from experience with the incidental catch in directed foreign fisheries for Alaska pollock. The permits thus were consistent with the NOAA policy of May 12 and complied in all respects with existing requirements of the Act and other applicable law.

On August 16, 1978, NMFS also issued foreign fishing permits to the Soviet fishing vessels MYS *GRINA*, *TERNEY*, and *18 Siezd Vlksm* to allow the vessels to receive from vessels of the United States in the FCZ off California, Oregon, and Washington during 1978, up to a total of 10,000 m.t. of Pacific hake and various amounts of certain other designated species normally taken incidental to the hake fishery. The amount of incidental species which may be received by the foreign vessels again was determined as a percentage of the hake received. Percentage limits were derived from limitations on incidental catch by foreign fishing vessels prescribed under the 1978 Foreign Fishing Regulations for the Washington-Oregon-California trawl fishery. These permits thus also were consistent with the NOAA policy of May 12 and complied in all respects with existing requirements of the Act and other applicable law.

The purpose of this notice is to publish for public comment preliminary NMFS determinations concerning the consistency of permit actions applicable in 1978 for the above named vessels, with the Act, as amended by Pub. L. 95-354, specifically subparagraph 204(b)(6)(B) (i) and (ii). In order to make such determinations, it is necessary to assess the anticipated U.S. harvest of Pacific hake off Washington, Oregon, and California and of Alaska pollock in the Gulf of Alaska in 1978 and to assess the capacity, and utilization of such capacity, of U.S. fish processors to process Pacific hake and Alaska pollock from these geographic areas in 1978. Applying provisions of subparagraphs 204(b)(6)(B)(i) to reconsideration of permits issued on June 9 and August 16 requires a determination whether United States fish processors have adequate capacity, and will utilize such capacity, to process all United States harvested hake and/or pollock from the Washington, Oregon, and California trawl fishery and/or the Gulf of Alaska Trawl fishery in 1978. If U.S. processors do not have, or will not utilize, adequate capacity, the condition of subparagraph 204(b)(6)(ii) must be applied. Under this condition, the total amount or tonnage of U.S. harvested hake or pollock which may be received at sea by foreign fishing vessels during 1978 under the permits may not exceed that part of the optimum yield of these species which will not be utilized by United States fish processors. Permit modifications, if any are required, may be effected in accordance with § 611.3 (i) of the Foreign Fishing Regulations (50 CFR Part 611).

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

OCTOBER 17, 1978.

1978 FOREIGN FISHING PERMITS FOR RECEIVING U.S. HARVESTED ALASKA POLLOCK—REPUBLIC OF KOREA (ROK) VESSELS "SOO GONG" 51 AND "BOOK NEUNG" AND SOVIET VESSEL "SULAK"

ANTICIPATED U.S. HARVEST

U.S. fishing vessels which operate in the Gulf of Alaska historically have not engaged in bottom trawl fishing operations but, rather, have been rigged to fish for crab and shrimp. For the most part, those vessels currently rigged for crab fishing would require major modifications in order to fish for Alaska pollock while most shrimp vessels could easily accommodate groundfish gear. There are about 80 shrimp fishing vessels operating out of Kodiak. In addition, there are two to five trawlers in the Kodiak area which devote a substantial amount of effort towards catching groundfish, including Alaska pollock, for bait. Up to three vessels in and around Petersburg have trawled for pollock during the winter and for flounders during the spring. From 60 to 70 dragnet vessels which normally harvest rockfish and flounder off the Washington, Oregon., and California coasts could fish for Alaska pollock in Gulf of Alaska if the weather conditions and economic factors were suitable. Of the total number of vessels presently capable of harvesting and immediately available to harvest Alaska pollock, a significant portion do not have freezing capability. Thus, these vessels could engage in the Alaska pollock fishery (other than the bait fishery) only in close proximity to a processing plant, a floating processor or a transport with freezer storage. While some conversions to the Alaska pollock fishery have been noted, mass shifts are not indicated.

The projection for the 1977 U.S. harvest of Alaska pollock from the Gulf of Alaska was 1,000 m.t. Actual catches were approximately 232 m.t. the 1978 projection was 17,000 m.t. This amount was contemplated to cover significant increases in domestic landings. In addition, a reserve of 33,760 m.t. has been set aside to accommodate domestic landings in excess of 17,700 m.t. and transfers from U.S. fish harvesters to foreign processors. And assessment completed by the Alaska Region, NMFS in early September has found that the 1978 U.S. harvest will be approximately 32,700 m.t. That assessment is based on catches through June of approximately 500 m.t. with the remainder predicated on the timely commencement and successful operation of the proposed transfer of Alaska pollock to the ROK vessels. Agents for U.S. harvesters who plan to deliver pollock to the ROK vessels state that up to seven U.S. vessels will deliver up to 50 tons per day per vessel for the balance of the year. Operation of the Soviet vessel in the Gulf of Alaska is not expected during 1978.

CAPACITY AND UTILIZATION OF SUCH CAPACITY OF U.S. FISH PROCESSORS

The initial projection of 1978 U.S. processing capacity of Alaska pollock was 17,700 m.t. Early in 1978 that projection was revised downward to 3,000 m.t. of Alaska pollock. The amount of Alaska pollock processed through June was approximately 500 m.t. Two U.S. fish processors who earlier in the year purchased Alaska pollock no longer are accepting deliveries. U.S. fish processors currently are fully utilized processing salmon and shrimp with shifts to crab processing contemplated. In short, realistic production estimates for the remainder of the year indicate that the amount of Alaska pollock which will be processed by U.S. fish processors during 1978 will not significantly exceed the 500 m.t. already processed. There are no indications of processing vessels or freezer transports employed or planned for use by U.S. fish processors for pollock production in 1978.

QUANTITIES WHICH MAY BE RECEIVED

Having established that U.S. fish processors do not have capacity, or will not utilize such capacity, to process all U.S. harvested Alaska pollock which up to seven U.S. vessels have potential to harvest in 1978, it is necessary to reassess the amount of Gulf of Alaska pollock which may be received by foreign fishing vessels in 1978. In accordance with section 204(b)(6)(B)(ii) of the act, as amended by Pub. L. 95-354, such amount may not exceed that portion of the optimum yield (OY) of Gulf of Alaska pollock which will not be utilized by U.S. fish processors. The OY of Gulf of Alaska pollock in 1978 is established at 168,800 m.t. That amount less the 500 m.t. expected to be processed by U.S. fish processors in 1978 leaves 168,300 m.t. Permits for the foreign vessels restrict the amount of U.S. harvested Gulf of Alaska pollock which may be received

by foreign vessels to a maximum of 51,460 m.t., thus meeting the requirements of section 204(b)(6)(B)(ii).

Under the terms of the permits, moreover, the actual amounts of gulf of Alaska pollock which will be received by foreign fishing vessels may be reduced below 51,460 m.t. the permit provides that if the Director of NMFS determines that 51,400 m.t. of pollock has been harvested by vessels of the United States the permitted foreign fishing vessels may not receive additional U.S. harvested fish in the FCZ. That is, at such time as the total of U.S. harvested Alaska pollock delivered to U.S. fish processors and delivered to foreign vessels equals 51,460 m.t., the foreign vessels may not receive any further U.S. harvested fish. thus, unexpectedly large amounts of Gulf of Alaska pollock harvested by U.S. vessels and processed by U.S. fish processors may reduce amounts that may be received by the foreign vessels.

It should be noted that the Gulf of Alaska trawl fishery management plan, prepared by the North Pacific Fishery Management Council, is to be implemented in late 1978. The plan includes new estimates of the domestic harvest of pollock. thus only about 10,850 m.t. of pollock plus 500 m.t. landed at U.S. ports (11,350 m.t.) will be harvested under the existing preliminary management plan for this fishery. It is expected that about 21,850 m.t. of pollock will be harvested under the fishery management plan for the balance of the year (November-December). Therefore, a total 1978 U.S. harvest of 33,200 m.t. of pollock is expected.

CONCLUSION

The anticipated U.S. harvest of Alaska pollock in the Gulf of Alaska during 1978 (33,200 m.t.) exceeds the capacity and expected utilization of such capacity of U.S. fish processors for Alaska pollock in that fishery during 1978 (500 m.t.). The amount of U.S. harvested fish which may be received by the subject foreign fishing vessels (51,460 m.t. or less) does not exceed that portion of the OY which will not be utilized by U.S. fish processors (168,300 m.t.). thus, permits issued to the foreign vessels are consistent with the provisions of section 204(b)(6)(B) (i) and (ii) of the act, as amended by Pub. L. 95-354. Further, permit restrictions insure that when the total U.S. harvest of Gulf of Alaska pollock reaches 51,460 m.t. in 1978, no further U.S. harvested fish may be received by the foreign vessels.

1978 FOREIGN FISHING PERMITS FOR RECEIVING U.S. HARVESTED PACIFIC HAKE—SOVIET VESSELS "MYS GRINA", "TERNEY", AND "18 SIEZD VLKSM"

ANTICIPATED U.S. HARVEST

Fishing vessels which operate out of Pacific coast ports from Northern California to Washington generally have not engaged in the hake fishery but, rather, have fished for shrimp, crab, rockfish, flounder, and other groundfish. These vessels generally shift among the west coast fisheries according to prices offered and the annual and seasonal availability of the fish resources. However, there are 30 to 50 crab boats which could be converted for trawling operations; up to 100 shrimp boats are rigged for trawling; and 60-70 dragnet vessels currently harvesting rockfish and flounder could operate in the hake fishery. Thus, while up to 220 U.S. vessels are capable of harvesting Pacific hake, the number which will engage in that fishery is dependent primarily on relative prices for and anticipated abundance of Pacific hake and other species. Currently, these factors do not create favorable conditions for mass shifts to the hake fishery. A significant number of the vessels capable of harvesting Pacific hake do not have freezing capability. Thus, these vessels could engage in the Pacific hake fishery only in close proximity to a processing plant, a floating processor or a transport with freezer storage.

The projection for the 1977 U.S. harvest of Pacific hake was 6,800 m.t. The actual 1977 U.S. harvest is estimated at only 630 m.t. The projection for the 1978 U.S. harvest was set originally at 41,000 m.t. This was a high-side estimate to allow for vastly increased domestic landings plus the contemplated joint venture. Based on the conduct of the 1978 fishery to date and reassessments of projections for the remainder of the 1978 fishery, on August 14, 1978, the anticipated U.S. harvest of Pacific hake was set at 10,000 m.t. Prior to August 14, 1978, the contemplated action was approved by the Pacific Fishery Management Council with no dissenting vote and was published in the FEDERAL REGISTER for public comment on August 4, 1978. No comments were received. It should be noted that 5,000 m.t. of the anticipated U.S. harvest of 10,000 m.t. was based on the availability of foreign processing vessels to receive the catch at sea.

CAPACITY AND UTILIZATION OF SUCH CAPACITY OF U.S. FISH PROCESSORS

The early 1978 survey indicated that about 6,000 m.t. of the 41,000 m.t. U.S. harvest of Pacific hake would be processed by U.S. fish processors in 1978. In August, in the process of reassessing the anticipated U.S. harvest of Pacific hake during 1978, most of the potential and major buyers and processors of Pacific hake were contacted. Quatitative estimates of hake production were generally not forthcoming. However, based on production up to that time and realistic production estimates for the remainder of the year it was determined that the amount of Pacific hake which will be processed by U.S. fish processors in 1978 will not exceed 4,000 m.t. It is apparent that the high interest of U.S. fish processors in Pacific hake has not yet been matched by capacity and performance. At present there is only one floating processor being employed by U.S. hake processors in 1978. There are no other indications of floating processors or freezer transports being employed or planned for use by U.S. fish processors during 1978.

QUANTITITES WHICH MAY BE RECEIVED

Having established that U.S. fish processors do not have the capacity, or will not utilize such capacity, to process all U.S. harvested Pacific hake in 1978, there remains the necessity to reassess the amount of Pacific hake, which may be received by foreign vessels. In accordance with section 204(b)(6)(B)(ii) of the Act, as amended by Pub. L. 95-354, such amount may not exceed that portion of the optimum yield (OY) of Pacific hake which will not be utilized by U.S. fish processors. The OY for Pacific hake in 1978 is established at 130,000 m.t. That amount less the 4,000 m.t. anticipated to be processed by U.S. fish processors in 1978 leaves 126,000 m.t. Permits for the Soviet vessels restrict the amount of U.S. harvested Pacific hake to a maximum of 10,000 m.t., thus meeting the requirements of section 204(b)(6)(B)(ii).

Because of the late start of operations by the Soviet vessels (September 17) and the required cessation of such operations not later than October 31, it is probable that the amount of Pacific hake which will be delivered to the Soviet vessels will not exceed 5,000 m.t. That amount added to the amount expected to be processed by U.S. fish processors, 4,000 m.t., does not exceed the anticipated U.S. harvest of 10,000 m.t. Moreover, the terms of the permits for the Soviet vessels provide that if the Director, NMFS, determines that 10,000 m.t. have been harvested by vessels of the United States, the permitted foreign vessels may not receive additional U.S. harvested fish in the FCZ. That is, at such time as the total of U.S. harvested Pacific hake delivered to U.S. fish processors and delivered to the Soviet vessels equals 10,000 m.t., the Soviet vessels may not receive any further

U.S. harvested fish. Thus, unexpectedly large amounts of Pacific hake processed by U.S. fish processors may reduce amounts that may be received by the Soviet vessels.

CONCLUSION

The anticipated U.S. harvest of Pacific hake off Washington, Oregon, and California during 1978 (10,000 m.t.) exceeds the capacity and expected utilization of such capacity of U.S. fish processors for Pacific hake in that fishery during 1978 (4,000 m.t.) by 6,000 m.t. The maximum amount of U.S. harvested fish which may be received under the terms of the permits by the Soviet vessels (10,000 m.t.) does not exceed that portion of the OY which will not be utilized by U.S. fish processors (126,000 m.t.). Thus, permits issued to the Soviet vessels are consistent with the provisions of section 204(b)(6)(B)(i) and (ii) of the Act, as amended by Pub. L. 95-354. Further, permit restrictions ensure that when the total U.S. harvest of Pacific hake reaches 10,000 m.t. in 1978, no further U.S. harvested fish may be received by the Soviet vessels.

[FR Doc. 78-29604 Filed 10-19-78; 8:45 am]

[6820-33-M]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1978

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The committee has received proposals to add to Procurement List 1978 a commodity to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: November 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: This notice is pulished pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and the service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and service to Procurement List 1978, November 14, 1977 (42 FR 59015):

NO NSN

Currency Packing Block, BEP Stock No. L-1391 (formerly BEP L-83).

SIC 0782

Grounds Maintenance Bldgs. M254, M311, M312, M317/318, M325, M339, M340, M495, Naval Air Station, Miramar, San Diego, Calif. 92145.

C. W. FLETCHER,
Executive Director.

[FR Doc. 78-29601 Filed 10-19-78; 8:45 am]

[3128-01-M]

DEPARTMENT OF ENERGY

ALABAMA ELECTRIC COOPERATIVE, INC.

Prohibition Order; Effectiveness

Pursuant to section 2 of the Energy Supply and Environmental Coordination Act of 1974, as amended, 15 U.S.C. 791 et seq. (ESECA), and 10 CFR 303.37 and 305.7, the Department of Energy (DOE) gives notice that the prohibition order dated June 30, 1975, to the below named powerplant shall be effective on the date this notice is signed. The prohibition against the burning of natural gas or petroleum products at the McWilliams Generating Station, powerplant No. 3, as its primary energy source shall commence January 15, 1979. This prohibition shall be in effect until December 31, 1984, unless the order is subsequently amended by DOE.

Docket No.	Owner	Generating station	Powerplant No.	Location
OFU-060	Alabama Electric Cooperative, Inc.	McWilliams	3	Gantt, Ala.

In accordance with the provisions of the Clean Air Act (42 U.S.C. 1857 et. seq.) (sec. 119(d)(1)(B)) which were in effect at the time the subject order was issued and in accordance with the requirements of the Clean Air Act, as amended (42 U.S.C. 7413(d)(5) and the Act of August 7, 1977, Pub. L. 95-95, 112), EPA certified to the Federal Energy Administration (FEA), by letter dated April 28, 1976, that on and after January 28, 1976 powerplant No. 3 could burn coal and comply with the applicable regional limitation. A copy of the EPA letter is attached to this notice.

An Environmental Assessment (EA) of the environmental impact of the issuance of the notice has been performed and as a result of that assessment, FEA, on July 15, 1977, issued a declaration (42 FR 37233, July 20, 1977) that the June 30, 1975, prohibition order when made effective by this notice is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C). The EA and the negative determination are available upon request from the DOE National Office at the address stated below:

Department of Energy, Division of Coal Utilization, 2000 M Street NW., Washington, D.C. 20461, phone: 202-254-5436.

As provided in the June 30, 1975, prohibition order, any person aggrieved by such order may file an appeal with the DOE's Office of Hearings and Appeals (formerly Office of Exceptions and Appeals), in accordance with 10 CFR part 303, subpart H, within 30 days after service of this notice.

In accordance with 10 CFR part 303, subpart J, application may be made for modification or rescission of the prohibition order based on "significantly changed circumstances", which circumstances occurred during the interval between issuance of the prohibition order and service of this notice. Such application shall be filed within 30 days of service of this notice. Application for modification or rescission based on significantly changed circumstances occurring after such interval may be filed at any time after service of this notice.

All terms and conditions of the prohibition order and this notice, may be the subject of either an appeal or an application for modification or rescission.

Any terms utilized in this notice have the same meaning as such terms have in 10 CFR parts 303 and 305 in the prohibition order.

The prohibition order is effective on the date this notice is signed. Pursuant to 10 CFR 303.7(c), service of the NOE is complete upon mailing. The prohibition against the burning of natural gas or petroleum products commences on January 15, 1979.

Any questions regarding this notice should be directed to Mr. Walter A. Romanek, Director, Division of Coal Utilization, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, 202-254-3910.

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

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[3128-01-M]

IOWA PUBLIC SERVICE CO.

Prohibition Order; Effectiveness

Pursuant to section 2 of the Energy Supply and Environmental Coordination Act of 1974, as amended, 15 U.S.C. 791 et seq. (ESECA), and 10 CFR 303.37 and 305.7, the Department of Energy (DOE) gives notice that the prohibition order dated June 30, 1975, to the below named powerplant shall be effective on the date this notice is signed. The prohibition against the burning of natural gas or petroleum products at the George Neal Generating Station, powerplant No. 1, as its primary energy source shall commence November 15, 1978. This prohibition shall be in effect until December 31, 1984, unless the order is subsequently amended by DOE.

Docket No.	Owner	Generating station	Powerplant No.	Location
OFU-007	Public Service Co	George Neal	1	Salix, Iowa

In accordance with the provisions of the Clean Air Act (42 U.S.C. 1857 et seq.) (section 119(d)(1)(B)) which were in effect at the time the subject order was issued and in accordance with the requirements of the Clean Air Act, as amended (42 U.S.C. 7413(d)(5) and the Act of August 7, 1977, Pub. L. 95-95 112), EPA certified to the Federal Energy Administration (FEA), by letter dated November 19, 1976, that October 1, 1978 was the earliest date upon which powerplant No. 1 could burn coal and comply with the applicable regional limitation. A copy of the EPA letter is attached to this notice.

An Environmental Assessment (EA) of the environmental impact of the issuance of the notice has been performed, and as a result of that assessment, DOE, on June 23, 1978, (43 FR 28229, June 29, 1978) issued a declaration that the June 30, 1975, prohibition order when made effective by this notice is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C). The EA and the negative determination are available upon request from the DOE National Office at the address stated below:

Department of Energy, Division of Coal Utilization, 2000 M Street NW., Washington, D.C. 20461, phone: 202-254-5436.

As provided in the June 30, 1975, prohibition order, any person aggrieved by such order may file an appeal with the DOE's Office of Hearings and Appeals (formerly Office of Exceptions and Appeals), in accordance with 10 CFR Part 303, Subpart H, within 30 days after service of this notice.

In accordance with 10 CFR Part 303, Subpart J, application may be made for modification or rescission of the prohibition order based on "significantly changed circumstances", which circumstances occurred during the interval between issuance of the prohibition order and service of this notice. Such application shall be filed within 30 days of service of this notice. Application for modification or rescission based on significantly changed circumstances occurring after such interval may be filed at any time after service of this notice.

All terms and conditions of the prohibition order and this notice, may be the subject of either an appeal or an application for modification or rescission.

Any terms utilized in this notice have the same meaning as such terms have in 10 CFR Parts 303 and 305 in the prohibition order.

The prohibition order is effective on the date this notice is signed. Pursuant to 10 CFR 303.7(c), service of the NOE is complete upon mailing. The prohibition against the burning of natural gas or petroleum products commences as of November 15, 1978.

Any questions regarding this notice should be directed to Mr. Walter A. Romanek, Director, Division of Coal Utilization, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, 202-254-3910.

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

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 78-29712 Filed 10-19-78; 8:45 am]

[3128-01-M]

SAVANNAH ELECTRIC & POWER CO.

Prohibition Order; Effectiveness

Pursuant to section 2 of the Energy Supply and Environmental Coordination Act of 1974, as amended, 15 U.S.C. 791 et seq. (ESECA), and 10 CFR 303.37 and 305.7, the Department of Energy (DOE) gives notice that the prohibition order dated June 30, 1975, to the below named powerplants shall be effective on the date this notice is signed. The prohibition against the burning of natural gas or petroleum products at the Port Wentworth Generating Station, powerplants Nos. 1, 2 and 3, as their primary energy source shall commence December 15, 1978. This prohibition shall be in effect until December 31, 1984, unless the order is subsequently amended by DOE.

Docket No.	Owner	Generating station	Powerplant No.	Location
OFU-068, OFU-069, OFU-070.	Savannah Electric & Power Co.	Port Wentworth	1, 2, and 3	Port Wentworth, Ga.

In accordance with the provisions of the Clean Air Act (42 U.S.C. 1857 et seq.) (section 119(d)(1)(B)) which were in effect at the time the subject order was issued and in accordance with the requirements of the Clean Air Act, as amended, (42 U.S.C. 7413(d)(5) and the Act of August 7, 1977, Pub. L. 95-95, 112), EPA recertified to the Department of Energy (DOE), by letter dated November 2, 1977, that October 1, 1978 was the earliest date upon which powerplant Nos. 1, 2 and 3 could burn coal and comply with the appli-

cable regional limitation. A copy of the EPA letter is attached to this notice.

An Environmental Assessment (EA) of the environmental impact of the issuance of the notice has been performed, and as a result of that assessment, FEA, on april 14, 1977, (42 FR 20494, April 20, 1977) issued a declaration that the prohibition order when made effective by this notice is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C). The EA and the negative determination are available upon request from the DOE National Office at the address stated below:

Department of Energy, Division of Coal Utilization, 2000 M Street NW., Washington, D.C. 20461, Phone: (202-254-5436.

As provided in the June 30, 1975, prohibition order, any person aggrieved by such order may file an appeal with the DOE's Office of Hearings and Appeals (formerly Office of Exceptions and Appeals), in accordance with 10 CFR Part 303, Subpart H, within 30 days after service of this notice.

In accordance with 10 CFR Part 303, Subpart J, application may be made for modification or rescission of the Prohibition Order based on "significantly changed circumstances", which circumstances occurred during the interval between issuance of the prohibition order and service of this notice. Such application shall be filed within 30 days of service of this notice. Application for modification or rescission based on significantly changed circumstances occurring after such interval may be filed at any time after service of this notice.

All terms and conditions of the prohibition order and this notice may be the subject of either an appeal or an application for modification or rescission.

Any terms utilized in this notice have the same meaning as such terms have in 10 CFR Parts 303 and 305 in the prohibition order.

The prohibition order is effective on the date this notice is signed. Pursuant to 10 CFR 303.7(c), service of the NOE is complete upon mailing. The prohibition against the burning of natural gas or petroleum products commences as of December 15, 1978.

Any questions regarding this Notice should be directed to Mr. Walter A. Romanek, Director, Division of Coal Utilization, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, 202-254-3910.

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

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 78-29713 Filed 10-19-78; 8:45 am]

[6740-02-M]

Federal Energy Regulatory Commission

[Docket No. CP78-540]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

OCTOBER 12, 1978.

Take notice that on September 27, 1978, Arkansas Louisiana Gas Co. (Applicant), P.O. Box 1126, Shreveport, La. 71163, filed in Docket No. CP78-540, an application, pursuant to section 7(c) of the Natural Gas Act for authorization to drill five new wells in the Chiles Dome Area, Oklahoma, to test and develop new storage facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that this application is filed as a substitute for the petition to amend the order, issued on April 26, 1977, in Docket No. CP77-222, which Applicant filed on September 11, 1978. It is stated that pursuant to a budget-type authorization issued in Docket No. CP77-222. Applicant collected data which indicates the suitability of using the Chiles Dome Field in Coal County, Okla., as a new gas storage reservoir. In order to confirm the data collected, Applicant states that it desires to drill five new wells and that such wells would ultimately be incorporated into the storage reservoir as injection/withdrawal wells. Applicant anticipates using the Chiles Dome reservoir for its long-term storage needs and general system use and estimates that it would have a rated deliverability of 133,000 Mcf of gas per day, thus augmenting its existing Ada Storage Field. Applicant estimates the cost of drilling the new wells would be $3,500,000, which would be financed from cash on hand and short-term borrowing.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission, or its designee, on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29674 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Docket No. RP74-61 (PGA78-3)]

ARKANSAS LOUISIANA GAS CO.

Notice of Filing of Revised Tariff Sheets Reflecting Purchased Gas Cost Adjustment

OCTOBER 5, 1978.

Take notice that on September 29, 1978, Arkansas Louisiana Gas Co. (Arkla) tendered for filing 18th Revised Sheet No. 4 to its FERC Gas Tariff First Revised Volume No. 1, Rate Schedule No. G-2, to become effective November 1, 1978.

Arkla states that the purpose of 18th Revised Sheet No. 4 is to track producer and pipeline supplier price changes as of November 1, 1978 and to recover the accumulated deferred purchased gas costs as of July 31, 1978, through unit rate adjustments computed pursuant to provisions of Arkla's purchased gas cost adjustment clause contained in its FERC Rate Schedule No. G-2.

Arkla also states that copies of the revised tariff sheet and supporting data were mailed to Arkla's jurisdictional customers and other interested parties affected by this tariff change.

Any person desiring to be heard or to protest said filing should file a Peti-

tion to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29675 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Docket No. ER78-489]

ARKANSAS-MISSOURI POWER CO.

Order Accepting in Part for Filing, Rejecting in Part, Suspending Proposed Rate Increase and Establishing Procedures

OCTOBER 12, 1978.

On July 13, 1978, Arkansas-Missouri Power Co. (Ark-Mo) tendered for filing a proposed rate change for its services to four firm power customers and three transmission service customers.[1] Ark-Mo's submittal was declared deficient in a letter dated August 11, 1978, and was completed on September 12, 1978. The proposed rate revision would increase revenues by approximately $323,091 (29.07 percent) to the firm power customers and by approximately $285,195 (75.84 percent) to the transmission customers, based on the 12-month test period ending December 31, 1979.

The original July 13th submittal requested an effective date of September 1, 1978, for all rates except the proposed transmission service rate to the city of Thayer. The September 12 transmittal letter accompanying the curing documents does not propose a new effective date; neither does Ark-Mo reiterate its request for a September 1 effective date or seek waiver of 18 CFR 35.3 notice requirements. According to 18 CFR 35.2(c), the filing date shall be September 12, 1978, and the suspension period shall commence 30 days thereafter, pursuant to 18 CFR 35.2(e).

As to the effective date for the proposed transmission service rates for the city of Thayer, Ark-Mo indicates that the rates are not to become effective until after the June 30, 1983, expiration of the fixed rate transmission contract currently in effect between the parties. Accordingly, the Commission shall reject the proposed rates for filing, denying the implied request for waiver of the Commission's notice requirements.[2] This denial is based solely upon the prematurity of the filing, and does not reflect the view that the continuation of transmission service to the city of Thayer upon expiration of the existing contract is inappropriate.

Notice of the filing was issued on July 26, 1978, with protests or petitions to intervene due on or before August 2, 1978. No such protests or petitions have been received.

We note that Ark-Mo's case-in-chief includes an allocation of a portion of Liquid Metal Fast Breeder Reactor (LMFBR) research contributions and Electric Power Research Institute (EPRI) contributions to the resale cost of service. In *Carolina Power & Light Co.*, Opinion No. 19, August 2, 1978, we affirmed that part of the Initial Decision in which the Presiding Judge removed LMFBR contributions from the wholesale customers' cost of service. Neither may contributions to EPRI be allocated to wholesale customers' cost of service. Such contributions are voluntary and are made on the basis of retail sales. Moreover, many wholesale customers make contributions to LMFBR and EPRI on the basis of their retail sales. Accordingly, we shall summarily dispose of the allocation to resale cost of service of contributions to LMFBR and EPRI.[3] However, we shall not require Ark-Mo to refile in this case to reflect proper treatment of LMFBR or EPRI, as the cost of refiling may outweigh the benefits it could be expected to produce. It should nevertheless be noted that, in the future, filings must comport with Commission determinations on these issues.

In addition, we find that Ark-Mo has included Accumulated Deferred Investment Tax Credit (ADITC) in its capital structure at zero cost. In the event that Ark-Mo seeks in the proceeding to claim a return on this component of its capital structure, Ark-Mo shall be bound, as are all utilities, by the precedent established in Opinion 19[4] that the appropriate return on this component shall be the overall rate of return allowed, rather than the return on common equity.

We also note Ark-Mo's allocation of General Plant based on plant ratios. In *Minnesota Power & Light Co.*, Opinion No. 20, issued August 3, 1978, in Docket Nos. E-9499, et al., we held that "General Plant as covered by accounts 389-399 in the Commission's Uniform System of Accounts for Public Utilities and Licenses, should be properly allocated on the basis of labor costs," and that "the Company's plant allocation method is not reasonable." We also "requir(ed) that labor ratios be used in allocating general plant. * * * in succeeding cases." In a subsequent order,[5] we indicated that the use of labor ratios in functionalizing general plant was a "general rule" and held that the burden on the applicant was "to show that labor ratios are unreasonable as applied to the Company, not merely that its alternative method might be reasonable." We reiterate that, at hearing, Ark-Mo must sustain the burden of proving labor ratios "unreasonable" and that the mere proffer of evidence of a "reasonable alternative" would be insufficient.[6]

Our reviews indicates that the rates filed by Ark-Mo have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, the Commission will accept the submittal for filing, excepting the proposed transmission rates for the city of Thayer, and suspend the proposed rates for 5 months. Accordingly, the rates will become effective March 13, 1979, subject to refund.

The Commission orders:

(A) The rates proposed by Arkansas-Missouri Power Co., excepting those rates proposed for transmission service to the city of Thayer, are hereby accepted for filing and are suspended for 5 months, to become effective as of March 13, 1979, subject to refund.

(B) Waiver of 18 CFR 35.3 notice requirements as pertains to the proposed rates for transmission service by Arkansas-Missouri Power Co. to the city of Thayer is hereby denied.

(C) The rates tendered for filing by Arkansas-Missouri Power Co. for transmission service to the city of Thayer is hereby rejected.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(A) of the DOE Act and by the Federal Power Act and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter 1, a public hearing shall be held concerning the justness and reasonableness of the rates proposed by the Arkansas-Missouri Power Company in this proceeding.

(E) The Staff shall prepare and serve top sheets on all parties on or before January 10, 1979.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (*see*, Delegation of Authority, 18 CFR 3.6(d)) shall

[1] See attachments A and B.

[2] Although Ark-Mo has not explicitly requested a waiver of 18 CFR 35.3, such a request is implicit in Ark-Mo's July 13 transmittal letter.

[3] *See also Connecticut Light & Power Co.*, Docket No. ER77-517 (order issued Aug. 31, 1978).

[4] *See Carolina, supra* at 2.

[5] *Public Service Co. of Indiana*, Docket No. ER78-513, issued Aug. 25, 1978.

[6] *See also, Pennsylvania Electric Co.*, Docket No. ER78-494, issued Sept. 29, 1978.

convene a conference in this proceeding to be held within ten (10) days after the serving of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions (except motions to consolidate and sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A

FIRM POWER CUSTOMERS

City of Campbell.
City of Thayer.
Gideon-Anderson Lumber Co.
Missouri Utilities Co.

TRANSMISSION SERVICE CUSTOMERS

Arkansas Electric Cooperative Corp.
Mississippi County Electric Cooperative, Inc.
City of Thayer.

ATTACHMENT B.—*Arkansas-Missouri Power Co., Designations and Descriptions*

[Docket No. ER78-489]

Filed: Sept. 12, 1978.
Dated: Undated.
Effective: Mar. 13, 1979, subject to refund.

Designations	Other party	Descriptions
Supp. No. 5 to rate schedule FPC No. 13 (supersedes supp. No. 4).	Missouri Utilities Co	Resale power schedule R-1.
Supp. No. 3 to rate schedule FPC No. 40 (supersedes supp. No. 2).	Gideon-Anderson Lumber Co.	Do.
Supp. No. 2 to supp. No. 4 to rate schedule FPC No. 30 (supersedes supp. No. 1 to supp. No. 4).	City of Thayer, United States of America.	Do.
Supp. No. 3 to rate schedule FPC No. 42 (supersedes supp. No. 2).	City of Campbell	Do.
Supp. No. 3 to rate schedule FPC No. 46	Arkansas Electric Cooperative Corp.	Wheeling service W-1.
Supp. No. 1 to[1] supp. No. 2 to rate schedule FPC No. 30	City of Thayer, United States of America.	Do.

[1]This filing is rejected.

[FR Doc. 78-29616 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Docket No. ER 78-304]

BOSTON EDISON CO.

Order Clarifying Prior Order

OCTOBER 4, 1978.

The Commission in Opinion No. 809-A,[1] inter alia, directed Boston Edison Co. (Edison) "to file a definitive, cost justified partial requirements rate tariff within 4 months of the issuance of this order." Edison responded by filing a proposed partial requirements tariff on April 10, 1978, this filing being docketed in ER78-304. Then by order issued on May 30, 1978, the Commission accepted the proposed partial requirements tariff for filing and set the matter for hearing. A prehearing conference on the matter was convened on July 19, 1978, during which procedural and jurisdictional concerns arose which have led to the instant motion for clarification filed by Edison on July 27, 1978.

Since Edison has received no requests for service under the newly filed partial requirements tariff, it did not ask for an effective date for that tariff.[2] In the May 30 order, the Commission waived § 35.3(a) and deferred the question of suspension until Edison files notice of commencement of service and asks for an effective date.

During the July 19 prehearing conference (Tr. 3-4), the Presiding Administrative Law Judge expressed concern that, without the partial requirements tariff being in effect, any Commission ruling thereon would be merely advisory and not enforceable.[3] Edison then agreed to seek clarification from the Commission as to its jurisdiction over this tariff absent an effective date (Tr. 37). In its July 27 motion which followed, Edison requests in the alternative either an order that the Commission has jurisdiction to rule definitively upon a rate schedule offered to but not taken by an customer, thus having no effective date, or the assignment of an effective date 30 days after the filing of this motion, in the event the Commission would not otherwise have jurisdiction.[4]

We find that Edison's requested clarification is correct and that no effective date is required for the Commission to exercise full jurisdiction under the Federal Power Act. When waiver of the effective date provision in our filing regulations is appropriate, as in the instant case, supra, the Commission does have jurisdiction to definitively rule upon the justness and reasonableness of rates, charges or tariffs under which the applicant utility seeks to provide service even though no potential customer has yet requested such service. The operative jurisdictional language of the Federal Power Act is "any rate, charges, or classification, demanded, observed, charged, or collected by any public utility * * *."[5] Clearly, Edison's filed partial requirements tariff is "demanded" in that Edison would provide partial requirements service only under that tariff, subject of course to a Commission ruling to the contrary. Accordingly, the Commission possesses jurisdiction under sections 205 and 206 of the Federal Power Act to adjudicate this tariff which has been demanded but never requested to be put into effect.

As a matter of sound regulatory administration, § 35.3(a) requires rate schedules or tariffs to be tendered for filing not less than 30 days nor more than 90 days before the effective date. This requirement can be and was waived in this proceeding when the Commission in the May 30 order found good cause. Specifically, the Commission in Opinion 809-A, supra note 1, concluded that a partial requirements rate should be established through a new filing even though no concrete request for partial requirements service has been made.

The Commission orders:

Edison's July 27 motion for clarification of jurisdiction is granted to the extent set forth in the body of this order.

[1] *Boston Edison Company*, Opinion No. 809-A, Docket Nos. E-7738 and E-7784, issued December 9, 1977.

[2] Instead, Edison requested waiver of § 35.3(a) of the Commission's Rules and Regulations under the Federal Power Act (rate filing cannot be made more than 90 days before effective date) and stated that it would inform the Commission when the tariff is to become effective.

[3] Edison stated on the record that it would be bound by a final nonappealable Commission order relative to the partial requirements tariff.

[4] Edison's full requirements wholesale customers, the Towns of Concord, Norwood and Wellesley, Mass. (the Towns) answered this motion for clarification on August 7, 1978. The Towns oppose setting any effective date, supporting instead deferral of an effective date pending final resolution on the merits.

[5] Section 206(a) of the Federal Power Act, 16 U.S.C. § 824(e). Similar language appears in section 205 of the Federal Power Act, 16 U.S.C. 824(d).

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-29676 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Docket No. RP73-86]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Proposed Changes in FERC Gas Tariff

OCTOBER 5, 1978.

Take notice that Columbia Gas Transmission Corp. (Columbia) on September 29, 1978, tendered for filing the following revised tariff sheet to its FERC Gas Tariff, Original Volume No. 1, to become effective November 1, 1978:

FORTY-SEVENTH REVISED SHEET NO. 16

Columbia states that Forty-seventh Revised Sheet No. 16 is necessary in order to comply with Commission order issued January 20, 1975 at Docket No. RP73-86 which provides for a phased removal of its multiple zone system. In compliance with the above mentioned order the rates contained in this filing reflect a further one-sixth movement to be effective November 1, 1978 toward a system-wide rate structure.

Copies of this filing were served upon the Company's jurisdictional customers, interested State commissions and to each of the parties set forth on the official service list in this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 20, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29677 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Docket No. CP77-407]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

OCTOBER 13, 1978.

Take notice that on October 4, 1978, El Paso Natural Gas Co. (Petitioner), P.O. Box 1492, El Paso, Tex. 79978, filed in Docket No. CP77-407, a petition, pursuant to section 7(c) of the Natural Gas Act, to amend the order issued July 5, 1978, in the instant docket so as to extend the period in which Petitioner is authorized to transport natural gas for Pacific Interstate Transmission Co. (Pacific), all as more fully set forth in the petition on file with the Commission and open to public inspection.

Petitioner states that it was authorized to transport and deliver, on a best efforts basis, up to 200 billion Btu's of gas per day for Pacific for a limited-term period ending October 31, 1978. It is stated that Petitioner receives the gas from Northwest Pipeline Corp. (Northwest) at a delivery point near Ignacio, Colo., and delivers the gas to Southern California Gas Co. (SoCal), for Pacific's account, at the Arizona-California boundary. It is further stated that Pacific's gas purchase agreement with Northwest has been amended to extend until October 31, 1981, with an automatic extension of the term to and including September 30, 1989. Consequently, Petitioner requests that the order of July 5, 1978, in the instant docket be amended to extend the period of authorization from October 31, 1978, through September 30, 1989.

The petition indicates that the gas supplies to be received under the extended arrangements would aid SoCal in meeting its public responsibilities to gas consumers in its service areas.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 6, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29678 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Docket No. CP78-548]

EL PASO NATURAL GAS CO. AND NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 12, 1978.

Take notice that on September 29, 1978, El Paso Natural Gas Co. (El Paso), Post Office Box 1492, El, Paso, Tex. 79978, and Northern Natural Gas Co. (Northern), 2223 Dodge Street, Omaha, Nebr. 68102, filed a joint application in Docket No. CP78-548 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (i) the utilization of certain existing facilities, (ii) the construction and operation of certain new facilities, and (iii) the limited-term delivery and exchange of up to 30 billion Btu's equivalent of natural gas per day on a firm and best efforts basis, at points of interconnection of El Paso's and Northern's facilities located in Eddy County, N. Mex. and Hemphill County, Tex., and the balancing point in Pecos County, Tex., all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that El Paso is advised that Northern has acquired interests in gas production in two (2) supply areas, including two (2) wells presently connected to El Paso's existing field gathering facilities in such areas, both areas located in Eddy County, N. Mex., from which production can be delivered to El Paso, on a short-term basis, for exchange. It is stated that El Paso's existing facilities have capacity adequate to handle such production. Northern is advised that El Paso, through its gas acquisition and development program, has available natural gas supplies which are temporarily in excess of El Paso's available system capacity in Hemphill County, Tex.[1] El Paso is advised further, that Northern also has an existing gathering system located in Hemphill County, Tex., that currently pos-

[1]It is stated that El Paso filed with the Commission on June 19, 1978, as supplemented on July 14, 1978, at Docket No. CP78-383, its application to increase the capacity of its existing Panoma to Dumas system, which will assist El Paso in increasing its capacity in Hemphill County, Tex. By order issued September 5, 1978, the Commission granted El Paso requisite certificate authorization at Docket No. CP78-383.

sesses a small amount of excess capacity, which capacity can be used to accept deliveries of natural gas made available by El Paso for exchange, on a firm and a best efforts basis, for a limited-term period. Accordingly, in order to facilitate and effectuate such interim arrangements, El Paso and Northern have entered into a limited-term exchange agreement dated August 29, 1978 (exchange agreement), designed to assist each party in making additional quantities of natural gas available to their respective systems, it is asserted.

The application further states that under the subject exchange agreement, Northern has agreed to accept, partially on a firm and partially on a best efforts basis from El Paso up to an aggregate of 30 billion Btu's of natural gas that would be delivered by El Paso at mutually agreed to points of interconnection that would be installed between the parties systems in Hemphill County, Tex., hereinafter referred to as the Hemphill County Delivery Points. It is stated that from the date of initial deliveries through October 1, 1978, Northern has agreed to receive at the Hemphill County Delivery Points, up to 5 billion Btu's per day of natural gas on a firm basis. It is further stated that after October 1, 1978, and extending to the end of the term of the subject exchange arrangement (Apr. 30, 1979), Northern has agreed to receive at said points up to 15 billion Btu's per day of natural gas on a firm basis and up to 15 billion Btu's per day of natural gas on a best efforts basis. Concurrently, El Paso has agreed to receive from Northern quantities of natural gas equivalent on a million Btu basis to the firm and best efforts quantities delivered by El Paso to Northern such quantities to be made available to El Paso by Northern from the Little Box Canyon and Cass Ranch area supply sources located in Eddy County, N. Mex., hereinafter referred to as the Eddy County Delivery Points, it is said.

It is asserted that El Paso and Northern have agreed that the subject limited-term exchange arrangement would provide for the exchange of equivalent quantities of natural gas on a million Btu basis on a reasonably concurrent basis without charge. It is further asserted that should an imbalance occur, the exchange agreement provides that any such imbalance would be eliminated by the parties as soon as possible at Mobil Oil Corp's (Mobil) Coyanosa Plant located in Pecos County, Tex.

It is said that with respect to the existing Eddy County Delivery Points, no new or additional facilities would be required by either party. It is further said that as for new wells that Northern may acquire an interest in and which are located in the areas of interest set forth in the exchange agreement, Northern has agreed to install those facilities necessary to deliver and measure natural gas to El Paso's system and El Paso has agreed to install all necessary taps and side valves to accept such natural gas into its existing field gathering system. The parties have agreed that Northern would install necessary taps, side valves and related piping necessary to effectuate the receipt of natural gas from El Paso at the Hemphill County Delivery Points. It is said that El Paso would install all remaining facilities, including measurement and flow control devices at the Hemphill County Delivery Points. Further, El Paso requests that the authorizations sought herein, when granted, specifically permit the construction and operation of minor tap and valve facilities, as may be required, to permit Northern to attach to El Paso's gathering system additional wells which may become available to Northern in the Little Box Canyon and Cass Ranch areas of Eddy County, N. Mex., it is said. Northern would construct and operate its specific facilities at the Hemphill County Delivery Points A and B as well as additional facilities, when necessary, to attach future wells in Eddy County, N. Mex., through use of its budget-type gas-purchase facility authorization at Docket No. CP77-587, it is asserted. It is further stated that the total estimated cost of the facilities to be constructed by El Paso hereunder is $98,041, which cost El Paso would finance from internally generated funds.

The exchange agreement would become effective when all necessary regulatory approvals have been obtained and accepted and would continue in full force and effect through April 30, 1979, it is indicated.

It is stated that the subject agreement would make available to Northern certain natural gas supplies for the forthcoming 1978-79 heating season. It is further stated that the agreement would enable El Paso to obtain gas supplies which cannot be presently transported by El Paso to its interstate system markets due to El Paso's temporarily limited pipeline capacity in the Hemphill County, Tex., area.

Any person desiring to be heard or to make any protest with reference to said application should, on or before November 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the authorization is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29679 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Docket No. CP78-537]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

OCTOBER 12, 1978.

Take notice that on September 25, 1978, Florida Gas Transmission Co. (Applicant), P.O. Box 44, Winter Park, Fla. 32790, filed in CP78-537 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 6.5 miles of pipeline facilities to extend between block 149 and block 132 in the South Marsh Island area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has acquired the right to purchase 77 percent of the total amount of gas produced from the block 149 field by Shell Oil Co., Florida Gas Exploration Co., Barber Oil Exploration, Inc., and Drillamex, Inc. Applicant requests authorization to construct and operate approximately 6.5 miles of 10-inch pipeline to extend

from Shell Oil Co.'s platform "A" in block 149 to the facilities of Transcontinental Gas Pipe Line Co. (Transco) in block 132, South Marsh Island area, offshore Louisiana. The proposed facilities Applicant States would be used to transport the gas produced from block 149 for delivery to Transco's facilities through which the gas would be transported for redelivery to Applicant in St. Helena Parish, La. Applicant estimates that it would cost $3,600,000 to construct the proposed facilities and states that the construction would be financed from cash on hand and short-term borrowing.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission, or its designee, on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29680 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Docket No. ER78-629]

IOWA POWER & LIGHT CO.

Notice of Filing of Transmission Service Agreement

OCTOBER 12, 1978.

Take notice that Iowa Power & Light Co., Des Moines, Iowa (Iowa Power) on September 29, 1978, tendered for filing a Transmission Service Agreement with Iowa-Illinois Gas & Electric Co., Davenport, Iowa (Iowa-Illinois) dated December 30, 1977.

Relating to the proposed utilization by Iowa-Illinois of 202 MW of capacity in Iowa Power's existing 345 kV transmission system from the Sycamore substation near Des Moines, Iowa, to Hills substation near Hills, Johnson County, Iowa, the agreement facilitates transmission of Iowa-Illinois' share of Council Bluffs Generating Unit No. 3 capacity. The agreement is to become effective on the first of the month next following synchronization of the unit, which is not anticipated to occur prior to October 1978. Consequently, an effective date of November 1, 1978 is requested, subject to confirmation of the synchronization date.

Iowa Power states the purpose of the proposed rates and charges is to recover reflected costs of the facilities to be provided as the scheduling path, for associated operation and maintenance, and for transmission losses for which compensation in kind is provided.

Iowa Power states copies of the filing have been mailed to Iowa-Illinois and to the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 20, 1978. Protests will be considered by the Commission in determining the appropriate action be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29681 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Docket No. ER78-630]

IOWA POWER & LIGHT CO.

Notice of Filing of Transmission Service Agreement

OCTOBER 12, 1978.

Take notice that Iowa Power & Light Co., Des Moines, Iowa (Company) on September 29, 1978, tendered for filing a Transmission Service Agreement with Eastern Iowa Light & Power Cooperative, Wilton, Iowa (Cooperative), dated February 27, 1978.

Relating to the proposed utilization by Cooperative of 24 MW of capacity in Company's existing 345 kV transmission system from the Sycamore substation near Des Monies, Iowa, to Hills substation near Hills, Johnson County, Iowa, the agreement facilitates transmission of Cooperative's share of Council Bluffs Generating Unit No. 3 capacity. The agreement is to become effective on the first of the month next following synchronization of the unit, which is not anticipated to occur prior to October 1978. Consequently, an effective date of November 1, 1978, is requested, subject to confirmation of the synchronization date.

Company states the purpose of the proposed rates and charges is to recover reflected costs of the facilities to be provided as the scheduling path, for associated operation and maintenance, and for transmission losses for which compensation in kind is provided.

Company states copies of the filing have been mailed to Cooperative and to the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 20, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29682 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Docket No. ER77-578]

KANSAS GAS & ELECTRIC CO.

Notice of Compliance Filing

OCTOBER 13, 1978.

Take notice that Kansas Gas & Electric Co. on February 28, 1978 tendered for filing changes in its FPC Electric Service Tariff Nos. 32, 45, 46, 47, 48, 49, 72, 74, 87, 89, 98, 110, 113, 114, 115, 117, 118, 119, 120, 122, 123, 124, 125, 126, 127, 128, 129, 131, and 134, in response to Ordering Paragraph H of the Commission's February 1, 1978, order in the above-noted docket.

This filing represents a number of contractual amendments which have not been previously filed with the Commssion. The majority are changes to the maximum and minimum amounts of power delivered to the customer.

The amendments date back to 1970 and were executed by both parties with appropriate copies supplied upon execution, according to the Company.

Any person desiring to be heard or to protest said application should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before October 27, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29683 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Docket No. ER79-2]

KANSAS POWER & LIGHT CO.

Notice of Filing

OCTOBER 12, 1978.

Take notice that Kansas Power & Light Co. on October 2, 1978, tendered for filing an amendment dated September 5, 1978, to that Certain Contract dated August 7, 1974, and designated KPL Rate Schedule FPC No. 186. The Company indicates that the contract concerns wholesale electric service to the City of Minneapolis.

The Company requests waiver of the Commission's notice requirements to allow for an effective date of September 5, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 23, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29684 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Docket No. CP78-545]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

OCTOBER 11, 1978.

Take notice that on September 28, 1978, Michigan Wisconsin Pipe Line Co. (Applicant), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP78-545 an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Applicant to (1) provide transportation services for United Gas Pipe Line Co. (United), Panhandle Eastern Pipe Line Co. (Panhandle), Mississippi River Transmission Corp. (Mississippi), and Northern Indiana Public Service Co. (NIPSCO); (2) construct and operate pipeline, measurement, and compressor facilities necessary to provide the transportation services; and (3) exchange natural gas with Great Lakes Gas Transmission Co. (Great Lakes), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

The application indicates that ANR Storage Co. (ANR) filed in Docket No. CP78-432 a request for authorization to provide natural gas storage services for United, Panhandle, Mississippi, and NIPSCO (collectively referred to as the storage customers), and for such purpose to acquire, develop, and operate for underground natural gas storage gas fields located in Kalkaska County, Mich. Applicant states the purpose of the instant application is to obtain authorization to provide transportation services for the storage customers, and to construct and operate pipeline, measurement, and compression facilities necessary to provide such services.

Applicant states that it has agreed to provide a transportation service for United of up to 30,000,000 Mcf of natural gas, plus compressor fuel. During 1980 and ensuing Summer Periods (April 1 through October 31), it is stated that United would cause Midwestern Gas Transmission Co. (Midwestern) to deliver annually to Applicant up to 30,000,000 Mcf of gas at a daily rate of up to 100,000 Mcf at an existing point of connection between the pipeline systems of Applicant and Midwestern located in Channahon Township, Will County, Ill. (the Will County delivery point).

It is further stated that United would annually deliver to Applicant up to 10,750,000 Mcf at a daily rate of up to 53,750 Mcf at a point of interconnection between the pipeline systems of Applicant and United located in Rapides Parish, La. Subject to an exchange arrangement presently being negotiated by United with Arkansas Louisiana Gas Co. (Arkla), Applicant states as an alternative to making deliveries to Applicant in Rapides Parish, at Applicant's option United would cause Arkla to make deliveries to Applicant for United's account of up to 10,750,000 Mcf at the tailgate of Arkla's treating plant located in Custer County, Okla. Applicant states that it would transport and redeliver equivalent volumes to Michigan Consolidated Gas Co., Interstate Storage Division (Consolidated), at an existing point of connection between the pipeline systems of Applicant and Consolidated located in Ypsilanti Township, Washtenaw County, Mich. (the Willow Run delivery point). Consolidated would transport the quantities so received and redeliver equivalent quantities to Applicant at a point of interconnection between the systems of Applicant and Consolidated located at Applicant's W. G. Woolfolk Compressor Station in Austin Township, Mecosta County, Mich. (the W. G. Woolfolk delivery point), it is asserted. From this point, Applicant states that it would transport and redeliver the storage volumes to Great Lakes at a point of interconnection between the pipeline systems of Applicant and Great Lakes at Farwell, Mich. (the Farwell delivery point), and Great Lakes would redeliver equivalent volumes to ANR at a proposed point of connection between ANR and Great Lakes (the Kalaska delivery point) pursuant to a transportation and exchange arrangement between Applicant and Great Lakes.

It is stated that during the Winter Period (November 1 through March 31), ANR would deliver the storage volumes to Great Lakes which in turn would deliver such volumes to Applicant at the Farwell delivery point. Applicant would transport and redeliver equivalent volumes to Midwestern and Consolidated for the account of United. Applicant indicates that it

would annually redeliver to Midwestern at the Will County delivery point up to 20,000,000 Mcf at a rate of up to 222,222 Mcf per day and the balance to Consolidated at the W. G. Woolfolk delivery point at a daily rate of up to 105,278 Mcf. Applicant states that daily delivery rates and the times of such deliveries would be determined by it based on its ability to provide the proposed service. It is stated that the quantities delivered by Applicant to Consolidated would be transported by Consolidated and redelivered to Applicant at the Willow Run delivery point. Applicant would redeliver equivalent volumes to United by displacement at a point of connection between their systems in St. Mary Parish, La., it is said. As consideration for providing the transportation service, Applicant states that United would pay it an initial rate of $622,000 per month.

The application indicates that in accordance with a Transportation Agreement covering transportation for 50-day storage service and a second transportation Agreement covering off-peak storage service, both dated July 6, 1978, with Panhandle, Applicant has agreed to provide a transportation service for Panhandle of up to an aggregate of 1,260,000 Mcf of natural gas, plus compressor fuel. In combination, it is stated, the agreements provide that during the 1980 and ensuing Summer Periods, Panhandle would deliver to Applicant up to 1,260,000 Mcf at a daily rate of up to 6,310 Mcf at an existing point of connection between their systems located in Noble Township, Defiance County, Ohio (the Defiance delivery point). Applicant states that it would transport and redeliver equivalent volumes to Consolidated at the Willow Run delivery point. From this point, it is stated, the gas would be transported and delivered to ANR for storage in the manner described above for the transportation and delivery of storage gas for United.

During the Winter Periods, Applicant asserts, ANR would deliver the storage volumes to Great Lakes for transportation to Michigan Wisconsin. Applicant states that it would transport and redeliver equivalent volumes, to Consolidated at the W. G. Woolfolk delivery point at a daily rate of up to 23,909 Mcf, and Consolidated would transport and deliver equivalent volumes to Applicant at the Willow Run delivery point. Applicant states that it would redeliver by displacement equivalent volumes to Panhandle at the Defiance delivery point. As consideration for providing the transportation service, Applicant states that the agreement covering the transportation service for the 50-day storage service provides for an initial rate of $21,170 per month and $1,388 per month for the transportation service in conjunction with the off peak storage service.

The application indicates that in accordance with a Transportation Agreement dated September 22, 1978, with Mississippi, Applicant has agreed to provide a transportation service, in conjunction with a 100-day storage service to be provided by ANR, for Mississippi of up to 3,050,000 Mcf of natural gas, together with compressor fuel. Applicant states that during the 1980 and ensuing Summer Periods, Mississippi would cause Panhandle to deliver to it up to 3,050,000 Mcf at a daily rate of up to 15,266 Mcf at the Defiance delivery point. Applicant further states that Mississippi's gas would be transported from, and redelivered to, the Defiance delivery point for Mississippi's account in the same manner as Panhandle's storage gas, described above, except that Applicant would not be obligated to redeliver gas to Consolidated for the account of Mississippi in excess of 29,997 Mcf per day. Applicant states that Mississippi would pay it an initial rate of $48,708 per month.

Finally, the application indicates that in accordance with a Transportation Agreement dated May 12, 1978, with NIPSCO, Applicant has agreed to provide a transportation service for up to 2,000,000 Mcf of natural gas, plus compressor fuel. Applicant states that during the 1980 and ensuing Summer Periods, NIPSCO would cause Natural Gas Pipeline Co. of America (Natural) to deliver to it up to 2,000,000 Mcf at a daily rate of up to 10,000 Mcf at an existing point of connection between the systems of Applicant and Natural at Joliet, Ill. Applicant states that it would transport and redeliver equivalent volumes to Consolidated at the Willow Run delivery point. From this point, applicant indicates that NIPSCO's gas would be transported to ANR for storage in the same manner as United's storage gas, described above.

During the winter period, Applicant states that ANR would deliver to Great Lakes, for the account of Applicant, and Applicant would redeliver equivalent volumes to NIPSCO at a daily rate of up to 21,833 Mcf at the outlet side of its meter station in La-Porte County, Ind., where Applicant's pipeline system is connected with the system of NIPSCO and/or, at NIPSCO's request, at Applicant's existing meter station in Adams County, Ind., where Applicant indicates it makes deliveries to NIPSCO under other service agreements. As consideration for providing the transportation service, Applicant states that NIPSCO would pay it an initial rate of $31,367 per month.

To provide the transportation services for United, Panhandle, Mississippi, and NIPSCO described above, Applicant requests authorization to construct and operate the following new facilities:

1. 4,000 horsepower of compression and four additional 8-inch meters at Applicant's existing compressor station located in Will County, Ill., at an estimated cost of $3,157,670.
2. 1,000 horsepower of additional compression at Applicant's existing compressor station located in Defiance County, Ohio, at an estimated cost of $898,030.
3. 4,000 horsepower of additional compression at Applicant's W. G. Woolfolk Compressor Station located in Mecosta County, Mich., at an estimated cost of $3,863,630.
4. 31.6 miles of 36-inch O.D. pipeline loop located in Mecosta, Osceola, and Clare Counties, Mich., between applicant's W. G. Woolfolk Compressor Station and Lincoln Compressor Station, at an estimated cost of $18,879,990.

Applicant estimates that the total cost of the above-described facilities will be $26,851,630 which, it indicates, would be financed initially with treasury funds, retained earnings and other funds generated internally together with borrowings from banks and/or short-term lines of credit as required. Applicant states that it contemplates that any bank borrowings will be permanently financed as market conditions permit.

To implement the above-described arrangement, Applicant states that it and Great Lakes have entered into a Gas Transportation and Exchange Contract dated May 30, 1978. Applicant indicates that the agreement provides that during the Summer Period, Great Lakes would exchange a maximum quantity of 300,000 Mcf per day for not in excess of 60 days and 200,000 Mcf per day for the remaining days. It is stated that during the Summer Period, the point of delivery where Applicant would make deliveries of exchange gas is at the Farwell interconnection and the point of delivery where Great Lakes would make redelivery of the exchange gas is at the Kalkaska delivery point. During the winter period, Applicant states that ANR would make deliveries of up to 550,000 Mcf per day to Great Lakes of storage gas at the Kalkaska delivery point, and Great Lakes would provide transportation and make redeliveries of equivalent volumes to Applicant at the Farwell interconnection and/or alternatively at an existing point of connection between the pipeline systems of Applicant and Great Lakes at Crystal Falls, Mich. As consideration for providing the transportation service, Applicant states that Great Lakes would charge 2.66 cents per Mcf for all gas received by Great Lakes for Applicant's account at the Kalkaska delivery point during the Winter Period.

Any person desiring to be heard or to make any protest with reference to said application should on or before

November 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.7). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. any person wishing to become a party to a proceeding or to participate as a party in any hearing herein must file a petition to intervene in accordance with the Commission's rules.

Take further notice, that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission, or its designee, on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29624 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Docket No. CP78-535]

NATURAL GAS PIPELINE CO. OF AMERICA, ET AL., COMPLAINANTS, V. TEXACO INC., ET AL., DEFENDANTS

Notice of Complaint

OCTOBER 12, 1978.

Take notice that on September 22, 1978, Natural Gas Pipeline Co. of America, 122 South Michigan Avenue, Chicago, Ill. 60603, Sea Robin Pipeline Co., P.O. Box 1478, Houston, Tex. 77001, and United Gas Pipeline Co., P.O. Box 1478, Houston, Tex. 77001 (jointly referred to as Complainants), jointly filed in Docket No. CP78-535 a complaint, pursuant to section 13 of the Natural Gas Act, against Texaco Inc. (Texaco), Tenneco Oil Co., a Division of Tenneco Inc. (Tenneco), and Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee) (jointly referred to as Defendants) alleging that Defendants have improperly produced and caused to be delivered to Tennessee natural gas from certain unitized blocks located in the Federal Domain, offshore Louisiana, all as more fully set forth in the complaint which is on file with the Commission and open to public inspection.

The facts alleged by Complainants are as follows: Complainants purchase gas produced from West Cameron Blocks 532, 533, and 534. The producers which have an interest in said West Cameron Blocks are Mobil Oil Corp., Chevron U.S.A., Inc., Pennzoil Louisiana and Texas Offshore, Inc., Pogo Producing Co., and Pennzoil Oil and Gas, Inc. Tennessee purchases gas produced by Tenneco and Texaco from East Cameron Block 281. Two reservoirs underlie all or part of the West Cameron Blocks 532, 533, and 534 and East Cameron Block 281, with the 3,200 ft. Sand reservoir underlying West Cameron Blocks 532, 533, and 534 and East Cameron Block 281, and the 3,500 ft. Sand reservoir underlying West Cameron Blocks 532 and 533, and East Cameron Block 281. In 1976, the Oil and Gas Supervisor, Production Control, Gulf of Mexico Area, of the United States Geological Survey (USGS) determined these reservoirs to be competitive. Subsequently, the USGS established a unitization plan, determining the proportionate share of production from such reservoirs to which each producer is entitled, which became effective January 1, 1977.

Complainants allege that since January 1, 1977, to the present Texaco and Tenneco have been producing from these reservoirs volumes of natural gas in excess of the amounts attributable to the East Cameron Block 281 under the USGS order. Complainants state that Texaco and Tenneco's proportionate share of the reservoirs as established by the USGS order is 16 percent. Complainants further state that from January 1, 1977 to July 1, 1978, Texaco and Tenneco have produced a combined total of 51,800,000 Mcf of gas from the two reservoirs which constitutes a production of 30,900,000 Mcf of gas over the amount properly attributable to their share as determined by USGS. The amount of recoverable reserves remaining in the two reservoirs, Complainants state to be 133,600,000 Mcf of gas. Consequently, Complainants state that because they are concerned that gas to which they are entitled will not be delivered to them, they request that the Commission issue an order directing Tenneco and Texaco to produce and Tennessee to take deliveries of no more gas than the amounts attributable to East Cameron Block 281 under the USGS unitization order. Additionally, it is requested that Tenneco, Texaco and/or Tennessee be ordered to begin immediately paying back to Complainants amounts of gas which Tennessee took in disregard of the unitization order. Alternatively, Complainants request that an order be issued establishing a date for a hearing on this matter.

Any person desiring to be heard or to make any protest with reference to said complaint should on or before November 15, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29621 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Project No. 2852]

NEW YORK STATE ELECTRIC & GAS CORP.

Notice of Application for Major License for Constructed Project

OCTOBER 12, 1978.

Public notice is hereby given that New York State Electric & Gas Corp. ("applicant") has filed an application under the Federal Power Act (16 U.S.C. 791(a)-825(r) (1970)) for a major license for its constructed Keuka project, FERC project No. 2852. The Keuka project is located on the impounded waters of Lamoka and Waneta Lakes near the cities of Geneva and Corning, in Schuyler and Steuben Counties, N.Y. Correspondence regarding this application should be sent to Mr. L. Theodore Everett, senior vice president, New York State Electric & Gas Corp., P.O. Box 287, Ithaca, N.Y. 14850 and Huber, Magill, Lawrence & Farell, 99 Park Avenue, New York, N.Y. 10016.

The constructed 2 megawatt Keuka project consists of:

(1) The Bradford Dam, located at the south end of Lamoka Lake, which is comprised of (A) a concrete, earth, and rock fill spillway and gate section (30 feet wide, 85 feet long, and 20 feet high) including a concrete apron (65 feet (average) wide, 31 feet long, and 8 inches thick); (B) two concrete outlet tunnels each of which are 6 feet wide, 4.5 feet high, and 30 feet long; (C) two earth and rock fill embankments, the one west of the spillway measuring 25

feet (average) wide, 424 feet long, and 10 feet high; the one east of the spillway measuring 48 feet (average) wide, 57 feet long, and 10 feet high;

(2) A natural channel, 25 feet wide, 5 feet deep, and 4,400 feet long connecting Lakes Lamoka and Waneta;

(3) An unlined canal 12 feet wide, 7 feet deep, and 9,290 feet long connecting Lake Waneta to the headworks structure;

(4) A reinforced concrete headworks structure;

(5) A concrete penstock, 54 inches in diameter and 3,600 feet long, connected to a riveted steel penstock 42 inches in diameter and extending 825 feet to the generating plant;

(6) A reinforced concrete powerhouse approximately 18 feet long, 30 feet wide, and 27 feet high;

(7) A single generating unit rated at 2,000 kW under a design head of 380 feet;

(8) A transmission-distribution substation located 50 feet east of the generating station; and

(9) Two 25.5-kV transmission lines.

(A) One approximately 7.5 miles long terminating at the Dundee substation; and

(B) One approximately 8.2 miles long terminating at the Hammondsport substation.

(10) Appurtenant facilities; and

(11) The impounded waters of Lakes Lamoka and Waneta which provide a storage capacity of approximately 5,760 acre-feet, at a spillway elevation of 1,099 feet.

RECREATION

Recreationists now make only limited use of the project area. Development plans for the near future provide only for parking facilities. Applicant states that access to the lakes is good.

USE OF PROJECT ENERGY

All energy generated is incorporated into the applicant's main transmission system for use within the State.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before December 18, 1978. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29622 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-2]

NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 12, 1978.

Take notice that on October 2, 1978, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP79-2 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing January 1, 1979, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of the budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coestensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant request that the provisions of § 157.7 (b)(1) of the Commission's Regulations be waived so as to authorize Applicant to spend an amount not to exceed $15,000,000, with no single onshore project cost to exceed $2,500,000 and no single offshore project cost to exceed $3,500,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisidiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission, or its designee, on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29623 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Docket Nos. ER78-460; ER78-483]

POTOMAC EDISON CO.

Notice of Compliance Filing

OCTOBER 5, 1978.

Take notice that Potomac Edison Co. on September 28, 1978, tendered for filing Period II costs the 12 month period ending June 30, 1979, a revised Statement M (Schedules 1 and 2) and Statement N (Schedule 1) of Period I of the initial filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 16, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with

the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29625 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-4]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Application

OCTOBER 13, 1978.

Take notice that on October 3, 1978, South Texas Natural Gas Gathering Co. (South Texas) Five Greenway Plaza East, Houston, Tex. 77046, filed in Docket No. CP79-4, an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing with the date of the requested authorization, and operation of facilities to enable South Texas to take into its certificated main pipeline system natural gas which would be purchased or received from producers or other similar sellers, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment South Texas' ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with South Texas.

It is stated that the total cost of the proposed facilities would not exceed $360,000 and that the cost of any single project would not exceed a cost of $90,000. It is indicated that these costs would be financed from cash on hand and from cash generated from normal operations and internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for South Texas to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29626 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Docket No. CP78-543]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO, INC.

Notice of Application

OCTOBER 12, 1978.

Take notice that on September 28, 1978, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Tex. 77001, filed in Docket No. CP78-543 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Haverhill Gas Co. (Haverhill), a distributor customer of Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that Haverhill has arranged to purchase volumes of liquefied natural gas (LNG) from Distrigas of Massachusetts Corp. (DOMAC), pursuant to an agreement between these parties dated February 3, 1977. In Docket No. CP77-216, et al., DOMAC received temporary certificate authorization from the Commission to make the sale, it is said. Applicant states that it is requesting authorization to transport gas for Haverhill in order to enable Haverhill to receive volumes of natural gas equivalent to volumes of LNG which Haverhill would purchase from DOMAC.

Applicant proposes to receive from Boston Gas Co. (Boston Gas), a distributor customer of Applicant, daily volumes of natural gas during each winter period from November 1 through the following March 31 as requested by Haverhilll, up to a maximum daily volume of 1,300 Mcf, not to exceed 72,800 Mcf in any winter period, and to transport and deliver equal volumes to Haverhill at Applicant's existing Haverhill Sales Meter Station Delivery Point in Essex County, Mass. Boston Gas would receive daily volumes of LNG from DOMAC and would release equivalent volumes of gas to Applicant, it is said.

For the proposed transportation service Applicant would charge Haverhill 16.18 cents per Mcf, it is indicated.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to

appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29627 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Docket No. RP75-73; (AP No. 78-3)]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Informal Settlement Conference

OCTOBER 12, 1978.

Take notice that an informal settlement conference in this docket will be convened at 1:30 p.m., on October 19, 1978, in Room 8402 of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously be permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29628 Filed 10-19-78; 8:45 am]

[6740-02-M]

[Project No. 2818—Alaska]

CITY AND BOROUGH OF SITKA

Notice of Availability of Staff Draft Environmental Impact Statement

Notice is hereby given in the captioned project, that on or about October 24, 1978, as required by § 2.81(b) of Commission order No. 415-C, a draft environmental impact statement, prepared by the Staff of the Federal Energy Regulatory Commission, was made available for comments. This statement deals with the environmental impact of the issuance of a Federal Energy Regulatory Commission license to the city and borough of Sitka for the construction, operation, and maintenance of the proposed Green Lake Dam, reservoir, power tunnel, powerhouse, transmission line, and access road. The project would have an installed capacity of 16,500 kW.

This statement has been circulated for comments to Federal, State, and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426 and at its San Francisco Regional office located at 555 Battery Street, San Francisco, Calif. 94111. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before December 8, 1978.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to section 1.8 of the Commission's Rules of practice and procedures. Petitioners must also file timely comments on the draft statement in accordance with section 2.81(c) of order No. 415-C.

All petitions to intervene must be filed on or before December 8, 1978.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-29617 Filed 10-19-78; 8:45 am]

[3128-01-M]

Office of Assistant Secretary for International Affairs

UNITED STATES AND EUROPEAN ATOMIC ENERGY COMMUNITY

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the additional agreement for cooperation between the Government of the United States of America and the Europeon Atomic Energy Community (EURATOM) concerning the peaceful uses of atomic energy and the agreements for cooperation between the Government of the United States of America and the Governments of Sweden and Austria concerning civil uses of atomic energy.

The subsequent arrangements to be carried out under the above-mentioned agreements involve the following retransfers:

Application No.	Countries	Description and end use of material
RTD/EU(SW)-40	Sweden to Germany	2,248 kgs of uranium as UO_2 enriched to 1.44 percent U-235 for conversion to UF_6 for use as feed under DOE enrichment contracts.
RTD/AT(EU)-46	Germany to Austria	30 g of uranium enriched to 93 percent U-235 in the form of UCO kernels for methods and phase analysis by X-ray examination of the chemical composition.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security of the United States.

These subsequent arrangements will take effect no sooner than 15 days after the date of the publication of this notice (November 6, 1978).

For the Department of Energy.

Dated: October 16, 1978.

HAROLD D. BENGELSDORF,
Director for Nuclear Affairs, International Programs.

[FR Doc. 78-29715 Filed 10-19-78; 8:45 am]

[3128-01-M]

PROPOSED SUBSEQUENT ARRANGEMENT

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "Subsequent Arrangement" under the Agreement Between the United States of America and the International Atomic Energy Agency (IAEA) for Cooperation in Peaceful Application.

The subsequent arrangement to be carried out under the above mentioned agreement involves transfer of the material listed below for use in the IAEA's Safeguards Analytical Laboratory Evaluation (SALE) program. This program is designed to evaluate the capability of participating laboratories to analyze materials to be safeguarded in the nuclear fuel cycle and to provide the means by which measurement capability may be improved through the interchange of measurement technology.

Contract No.	Countries	Material
WC-IACZ-101	United States and Czechoslovakia	53.1g uranium as UO_2 containing 1.2g of U-235, 20g uranium as U-NO_3 containing 0.8g of U-235 and 3.5g plutonium as PuO_2 containing 3g of Pu-239.
WC-EU-100	United States and West Germany	20g of uranium containing 0.8g of U-235.
WC-EU-102	United States and United Kingdom	4g of uranium containing 0.2g of U-235 and 20g of uranium containing 0.8g of U-235.
WC-EU-103	United States and France	4g of uranium containing 0.2g of U-235.
WC-EU-104	United States and West Germany	87.5g of uranium containing 2.1g of U-235.
WC-EU-105	United States and France	87.5g of uranium containing 2.1g of U-235 and 20g of uranium containing 0.8g of U-235.
WC-EU-106	United States and West Germany	87.4g of uranium containing 2.1g of U-235 and 20g of uranium containing 0.8g of U-235.
WC-EU-107	United States and Belgium	178.4g of uranium containing 4.2g of U-235 and 40g of uranium containing 1.6g of U-235.
WC-EU-108	United States and the Netherlands	87.6g of uranium containing 2.1g of U-235 and 40g of uranium containing 1.5g of U-235.
WC-EU-109	United States and Italy	89.0g of uranium containing 2.1g of U-235.
WC-EU-110	United States and West Germany	87.5g of uranium containing 2.1g of U-235 and 20g of uranium containing 0.8g of U-235.
WC-EU-111	United States and United Kingdom	87.3g of uranium containing 2.1g of U-235 and 20g of uranium containing 0.8g of U-235.
WC-JA-11	United States and Japan	87.6g of uranium containing 2.1g of U-235.
WC-JA-10	....do	87.3g of uranium containing 2.1g of U-235 and 40g of uranium containing 1.5g of U-235.
WC-IARFI-103	United States and Finland	87.5g of uranium containing 2.1g of U-235 and 20g of uranium containing 0.8g of U-235.
WC-IAAU-102	United States and Austria	88.8g of uranium containing 2.1g of U-235.
WC-AR-2	United States and Argentina	3.1g of plutonium containing 0.8g of Pu-239 and 3g of natural uranium.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than November 6, 1978.

Dated: October 16, 1978.

For the Department of Energy.

HAROLD D. BENGELSDORF,
Director for Nuclear Affairs, International Programs.

[FR Doc. 78-29609 Filed 10-19-78; 8:45 am]

[3128-01-M]

Office of Energy Research

ENERGY RESEARCH ADVISORY BOARD

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Energy Research Advisory Board will meet Thursday and Friday, November 9 and 10, 1978, from 9 a.m., to 5 p.m., in Room 1E-235, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C.

The Board was established to advise the Department of Energy on overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

The tentative agenda is as follows:

Preliminary organization.
Presentation of DOE programs.
Further organization and preparation for next meeting.

The meeting is open to the public. The Chairman of the Board is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Board will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements on the agenda items should inform Georgia Hildreth, Director, Advisory Committee Management (202)252-5935, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Transcripts of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, DOE, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcripts from the reporter.

Issued at Washington, D.C., on October 17, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-29608 Filed 10-19-78; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

AM AND FM BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Correction

Adopted: October 13, 1978.

Released: October 16, 1978.

By the Chief, Broadcast Facilities Division.

The FM application listed below, which was inadvertently omitted from the cut-off Notice, BC Mimeo No. 8201, adopted on October 6, 1978, and released on October 11, 1978, is hereby incorporated into that Notice.

BPH-10924, New Nashua, N.H., Gateway Communications, Req: 106.3 MHz; No. 292; 300 ft.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-29614 Filed 10-19-78; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

ANSON BANCSHARES, INC.

Formation of Bank Holding Company

Anson Bancshares, Inc., Anson, Tex., has applied for the Board's approval under section 3(a)(1) of the Bank Holding company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank of Anson, Anson, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 14, 1978.

Board of Governors of the Federal Reserve System, October 16, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-29587 Filed 10-19-78; 8:45 am]

[6210-01-M]

BYRON BANCORPORATION, INC.

Formation of Bank Holding Company

Byron Bancorporation, Inc., Byron, Minn., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of State Bank of Byron, Byron, Minn. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 8, 1978.

Board of Governors of the Federal Reserve System, October 16, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-29585 Filed 10-19-78; 8:45 am]

[6210-01-M]

FIRST HOLDREGE BANCSHARES, INC.

Formation of Bank Holding Company

First Holdrege BancShares, Inc., Holdrege, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of The First National Bank of Holdrege, Holdrege, Nebr. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 6, 1978.

Board of Governors of the Federal Reserve System, October 16, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-29588 Filed 10-19-78; 8:45 am]

[6210-01-M]

HUNTER HOLDING CO.

Formation of Bank Holding Company

OCTOBER 13, 1978.

Hunter Holding Co., Hunter, N. Dak., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares (less directors' qualifying shares) of Security State Bank, Hunter, N. Dak. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than November 13, 1978.

Board of Governors of the Federal Reserve System, October 13, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-29589 Filed 10-19-78; 8:45 am]

[6210-01-M]

NORTHWEST OHIO BANCSHARES, INC.

Acquisition of Bank

Northwest Ohio Bancshares, Inc., Toledo, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of National Bank of Paulding, Paulding, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than November 8, 1978.

Board of Governors of the Federal Reserve System, October 16, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-29590 Filed 10-19-78; 8:45 am]

[6210-01-M]

[Docket No. R-0183]

SMALL BANKS

Reports of Condition and Income

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed simplification of Reports of Condition and Income.

SUMMARY: The Federal Reserve System has issued for public comment a proposed simplified version of the Reports of Condition and Income for small banks (banks with less than $100 million in assets) which could be used by commercial banks to reduce their reporting burden. The simplified reports would eliminate approximately 40 percent of the reporting over a year's time compared to the standard form and could be used by 91 percent of all commercial banks.

DATE: Comments should be received by November 15, 1978.

ADDRESS: Comments should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Copies of the reports are available upon request to the Federal Reserve Banks or to the Federal Reserve System's Freedom of Information Office 202-452-3684.

Board of Governors of the Federal Reserve System, October 13, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-29592 Filed 10-19-78; 8:45 am]

[6210-01-M]

TARRANT BANCSHARES, INC.

Formation of Bank Holding Company

Tarrant Bancshares, Inc., Fort Worth, Tex., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding compnay by acquiring 80 per cent or more of the voting shares of Tarrant Bank, Forth Worth, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank,

to be received not later than November 14, 1978.

Board of Governors of the Federal Reserve System, October 16, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-29591 Filed 10-19-78; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

RAINIER BANCORP.

Proposed Acquisition of Rainier Credit Life Insurance Co.

Rainier Bancorp., Seattle, Wash., has applied, pursuant to Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire through its subsidiary, Rainier Credit Co., all of the voting shares of Rainier Credit Life Insurance Co., Phoenix, Ariz., a proposed new subsidiary. Notice of the application was published on August 16, 1978 in *The Seattle Times*, a newspaper circulated in Seattle, Wash., and on August 21, 1978 in *The Arizona Republic*, a newspaper circulated in Phoenix, Ariz.

Applicant states that the proposed subsidiary would engage in the activities of underwriting, as reinsurer of credit life and disability insurance which is directly related to extensions of credit by Rainier National Bank and Rainier Credit Co. (both wholly owned subsidiaries of Rainier Bancorp.) Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 6, 1978.

Board of Governors of the Federal Reserve System, October 12, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-29707 Filed 10-19-78; 8:45 am]

[4110-03-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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 Hospital and Personal Use Devices Section of the General Medical Devices Panel.	Nov. 6, 9 a.m., Room 6831, FB-8, 200 C Street SW., Washington, D.C.	Open public hearing 9 to 10 a.m.; open committee discussion, 10 a.m. to 4:30 p.m.; Lillian Yin (HFK-470), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7555.

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 general hospital and personal use devices to Lillian Yin. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify Lillian Yin by October 27, 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 an indication of the approximate time required to make their presentations.

Open committee discussion. The General Hospital and Personal Use Devices Section will classify the following devices: Examination light, gas-powered fluid injectors, graduated liquid medication containers, ice bags, liquid crystal vein location device, liquid medication dispenser, medical insoles, I.V. bag pressure infusion device, rescue blanket, snake bite kit, and syringe needle introducer.

The Panel will discuss the Emergency Care Research Institute's Final Report for Neonatal Apnea Monitors and the Panel's recommended classification of these monitors.

The Panel will also discuss the previous classification recommendations for forehead liquid crystal fever indicators, bed-patient monitors, elastic stockings, vacuum regulator, ultraviolet air purifier, suction catheter and tip, and spinal pressure manometers.

Committee name	Date, time, and place	Type of meeting and contact person
2. Cardiovascular and Renal Drugs Advisory Committee.	Nov. 6 and 7, 9 a.m., Conference Room G-H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing, Nov. 6, 9 to 10 a.m.; open committee discussion, Nov. 6, 10 a.m. to 5 p.m., Nov. 7, 9 a.m. to 1 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4730.

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 cardiovascular and renal disorders.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will review and discuss new drug application (NDA) 18-103—Selacryn (ticrynafen)—Smith, Kline and French; NDA 18-154—Loniten (minoxidil)—Upjohn; and an FDA update on NDA 18-017—Timolate (timolol maleate), NDA 18-009—Saralasin (1-SAR-8-ALA angiotensin I), NDA 17-937—Petrin (pentrinitrol).

Committee name	Date, time, and place	Type of meeting and contact person
3. Ear, Nose, and Throat Devices Section of Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel.	Nov. 6 and 7, 9 a.m., room 1813, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing, Nov. 6, 9 a.m. to 12 p.m.; open committee discussion, Nov. 6, 12 to 4:30 p.m., Nov. 7, 9 a.m. to 4:30 p.m.; Glenn A. Rahmoeller (HFK-450), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7536.

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 proposed classification recommendations for ear, nose, and throat devices. Those desiring to make formal presentations should notify Glenn Rahmoeller by October 16, 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 an indication of the approximate time required to make their presentations.

Open committee discussion. The Ear, Nose, and Throat Devices Section will review: Medical and scientific data on the safety and efficacy of porous polyethylene when used as a middle ear implant material; medical and scientific data on nasal septal implants; procedures for regulating devices under investigational study; and other matters that may come to the Panel's attention relating to the classification of ear, nose, and throat devices.

Committee name	Date, time, and place	Type of meeting and contact person
4. Clinical Toxicology Devices Section of the Clinical Chemistry and Hematology Devices Panel.	Nov. 8 and 9, 9 a.m., Room 1209, 8757 Georgia Ave., Silver Spring, Md.	Open public hearing, Nov. 8, 9 to 10 a.m.; open committee discussion, Nov. 8, 10 a.m. to 5 p.m., Nov. 9, 9 a.m. to 5 p.m.; William C. Dierksheide (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 products listed below to Srikrishna Vadlamudi. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify Dr. Vadlamudi at 301-427-7234 by October 20, 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 an indication of the approximate time required to make their presentations.

Open committee discussion. The Panel will review and comment on the reclassification petition under section 513(f)(2) of the act (21 U.S.C. 360c(f)(2)), by Wien Labs on their product Tri-Cy Test Set (a radioimmunoassay for tricylic antidepressent drugs). The Panel will review the classification list for completeness, particularly in relation to the following products: Tetrahydrocannabinal; dopamine; methotrexate; netilmicin; carbamazepine; procainimide; guinidine; and amitriptyline.

Committee name	Date, time, and place	Type of meeting and contact person
5. Technical Electronic Product Radiation Safety Standards Committee.	Nov. 9, 9 a.m., Room 146, 12720 Twinbrook Parkway, Rockville, Md.	Open public hearing, 9 to 10 a.m.; open committee discussion, 10 a.m. to 4:30 p.m.; Michael S. Terpilak (HFX-440), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3429.

General function of the Committee. The Committee advices on technical feasibility, reasonableness, and practicability of performance standards for electronic products to control the emission of radiation pursuant to 42 U.S.C 263f(f)(1)(A).

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Anyone from outside the agency wishing to make a presentation at the meeting is to submit a copy of the presentation to the executive secretary at least 3 weeks in advance of the meeting. This will permit distribution and advance review by the committee members.

Open committee discussion. The Committee will discuss the amendments to the diagnostic X-ray standard, the proposed mercury vapor lamp standard, and the status report on standards projects.

Committee name	Date, time, and place	Type of meeting and contact person
6. Antimicrobial Panel	Nov. 10 and 11, 9 a.m., Georgia Room, Holiday Inn, Bethesda, Md.	Open public hearing, Nov. 10, 9 to 10 a.m.; open committee discussion, Nov. 10, 10 a.m. to 4:30 p.m., Nov. 11, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6057.

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those who desire to make such a presentation should notify the contact person before November 7, 1978, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The Panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this Panel (see also 21 CFR 330.10(a)(2)).

The Panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
7. Psychopharmacologic Drugs Advisory Committee.	Nov. 13 and 14, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing, Nov. 13, 9 to 10 a.m.; open committee discussion, Nov. 13, 10 a.m. to 4:30 p.m., Nov. 14, 9 a.m. to 4:30 p.m.; Robert C. Nelson (HFD-120), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3800.

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 practice of psychiatry and related fields.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss and review a new NDA from Sandoz Laboratories (Temazepam); and NDA resubmission from Schering Labs (Halazepam); report on Guidelines for Clinical Evaluation of Drugs in Dementia; and staff report on geriatic sections for previously published DNDP composed "Guidelines."

Committee name	Date, time, and place	Type of meeting and contact person
8. Science Advisory Board	Nov. 13 and 14, 9 a.m., Bldg. 12, National Center for Toxicological Research, Jefferson, Ark.	Open public hearing, Nov. 13, 9 to 10 a.m.; open committee discussion, Nov. 13, 10 a.m. to 4 p.m., Nov. 14, 9 a.m. to 2 p.m.; Ruth S. Magee, National Center for Toxicological Research, Jefferson, Ark. 72079, 501-541-4528.

General function of the Committee. The Committee advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. This discussion will include orientation for new members; the perinatal Research program; biolchemical mechanisms of toxicity; personnel safety; heritable translocation white paper; and the review of experiment 014 (mutagenesis).

Committee name	Date, time, and place	Type of meeting and contact person
9. Fertility and Maternal Health Drugs Advisory Committee.	Nov. 16, 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 5 p.m., A. T. Gregoire (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3490.

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 practice of obstetrics and gynecology.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss prenatal glucocorticoid treatment; prevention of respiratory distress syndrome; clinical safety and efficacy of ethinyl estradiol, and conjugated natural estrogens as postcoital contraceptive agents; DES task force report; and FDA action report.

Committee name	Date, time, and place	Type of meeting and contact person
10. Arthritis Advisory Committee	Nov. 16 and 17, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing, Nov. 16, 9 to 10 a.m.; open committee discussion, Nov. 16, 10 a.m. to 5 p.m., Nov. 17, 9 a.m. to 5 p.m.; Joyce Creamer (HFD-150), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4360.

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 arthritic conditions.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issued pending before the Committee.

Open committee discussion. The Committee will discuss Meclomen; Azathioprine use in rheumatoid arthritis; and reports from the Slow-acting Anti-Rheumatic Drugs Subcommittee (SAARDS) and the Non-Steroidal Anti-Inflammatory Drugs Subcommittee (NSAIDS). The Committee will also discuss general guidelines; relabeling gold salts; committee management information; and date for the next meeting.

Committee name	Date, time, and place	Type of meeting and contact person
11. Miscellaneous Internal Drug Products Panel.....	Nov. 17, 18, and 19, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. (Nov. 17), Holiday Inn, Chevy Chase, Md. (Nov. 18 and 19).	Open public hearing, Nov. 17, 9 to 10 a.m.; open committee discussion, Nov. 17, 10 a.m. to 4:30 p.m., Nov. 18 and 19, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those who desire to make such a presentation should notify the contact person before November 14, 1978, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The Panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The Panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
12. Hematology Section of the Clinical Chemistry and Hematology Devices Panel.	Nov. 21, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing, 9 to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; William C. Dierksheide (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. Those desiring to make formal presentations should notify Kaiser Aziz at 301-427-7550 by November 7, 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 an indication of the approximate time required to make their presentations.

Open committee discussion. The Section will review and comment on the reclassification petition under section 513(f)(2) of the act, by Abbott Laboratories, North Chicago, Ill. 60064, for its radioimmunoassay for platelet factor 4, the PF4-RIA diagnostic kit.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1-hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Comissioner approves the scheduling of meetings at locations outside of the Washington, D.C., area on the basis of the criteria of 21 CFR 14.22 of FDA's regulations relating to public advisory committees.

Dated: October 13, 1978.

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

[FR Doc. 78-29495 Filed 10-19-78; 8:45 am]

[4110-08-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

REPORT ON BIOASSAY OF 1 - PHENYL - 3 - METHYL - 5 - PYRAZOLONE FOR POSSIBLE CARCINOGENICITY

Availability

1-Phenyl-3-methyl-5-pyrazolone (CAS 89-25-8) has been tested for cancer-causing activity with rats and mice in the bioassay program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary. A bioassay of 1-phenyl-3-methyl-5-pyrazolone for possible carcinogenicity was conducted using Fischer 344 rats and B6C3F1 mice. Applications of the chemical include use in hair dyes and as an intermediate in the manufacture of dyes. 1-Phenyl-3-methyl-5-pyrazolone was administered in the feed, at either of two concentrations, to groups of 49 or 50 male and 50 female animals of each species.

Under the conditions of this bioassay, there was no evidence for the carcinogenicity of 1-phenyl-3-methyl-5-pyrazolone to Fischer 344 rats or B6C3F1 mice.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalog of Federal Domestic Assistance Program No. 13.393, Cancer Cause and Prevention Research.)

Dated: October 11, 1978.

DONALD S. FREDRICKSON,
Director, National Institutes of Health.

[FR Doc. 78-29301, Filed 10-19-78; 8:45 am]

[4110-08-M]

REPORT OF BIOASSAY OF ANILAZINE FOR POSSIBLE CARCINOGENICITY

Availability

Anilazine (CAS 101-05-3) 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 anilazine 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 a fungicide.

It is concluded that under the conditions of this bioassay, anilazine was not carcinogenic for either Fischer 344 rats or B6C3F1 mice.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalog of Federal Domestic Assistance Program No. 13.393, Cancer Cause and Prevention Research.)

DONALD S. FREDRICKSON,
Director, National Institutes of Health.

[FR Doc. 78-29302 Filed 10-19-78; 8:45 am]

[4110-08-M]

REPORT ON BIOASSAY OF 4-NITROANTHRANILIC ACID FOR POSSIBLE CARCINOGENICITY

Availability

4-Nitroanthranilic acid (CAS 619-17-0) 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 4-nitroanthranilic acid for possible carcinogenicity was conducted using Fischer 344 rats and B6C3F1 mice. Applications of the chemical include use in the past as an intermediate in the manufacture of dyes. 4-Nitroanthranilic acid was administered in the feed, at either of two concentrations, to groups of 50 male and 50 female animals of each species. Under the conditions of this bioassay evidence was not provided for the carcinogenicity of 4-nitroanthranilic acid in Fischer 344 rats or B6C3F1 mice.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalog of Federal Domestic Assistance Program No. 13.393, Cancer Cause and Prevention Research.)

Dated: October 11, 1978.

DONALD S. FREDRICKSON,
Director, National Institutes of Health.

[FR Doc. 78-29303 Filed 10-19-78; 8:45 am]

[4110-08-M]

REPORT ON BIOASSAY OF 2,5-TOLUENEDIAMINE SULFATE FOR POSSIBLE CARCINOGENICITY

Availability

2,5-Toluenediamine sulfate (CAS 6369-59-1) has been tested for cancer-causing activity with rats and mice in the bioassay program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary. A bioassay for possible carcinogenicity of 2,5-toluenediamine sulfate was conducted using Fischer 344 rats and B6C3F1 mice. Applications of the chemical include use as an intermediate in the manufacture of dyes. 2,5-Toluenediamine sulfate was administered in the feed, at either of two concentrations, to groups of 50 males and 50 females of each species.

Under the conditions of this bioassay, sufficient evidence was not obtained to demonstrate the carcinogenicity of 2,5-toluenediamine sulfate in either Fischer 344 rats or B6C3F1 mice.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalog of Federal Domestic Assistance Program No. 13.393, Cancer Cause and Prevention Research.)

Dated: October 11, 1978.

DONALD S. FREDRICKSON,
Director, National Institutes of Health.

[FR Doc. 78-29304 Filed 10-19-78; 8:45 am]

[4110-89-M]

Office of Education

EMERGENCY SCHOOL AID ACT

Closing Date for Transmittal of Applications for the Special Projects Program for Fiscal Year 1979

Applications are invited under the Emergency School Aid Special Projects Program.

Authority for this program is contained in section 708(a)(2) of the emergency School Aid Act ("ESAA"; Title VII of Pub. L. 92-318, as amended (20 U.S.C. 1601-1619)).

This program provides financial assistance to local educational agencies that have adopted desegregation plans (or other plans described in section 706(a) of the statute) for initial implementation during the 1978-79 school year and that have not previously applied for ESAA assistance based on those plans.

The Commissioner has determined that projects to meet needs arising from the implementation of the plans described above will make substantial progress toward achieving the purposes of the statute.

Closing date for transmittal of applications. Applications for awards must be mailed (postmarked) or hand delivered by November 27, 1978.

Applications delivered by mail. An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.532B, Washington, D.C. 20202.

Proof of mailing must consist of a legible U.S. Postal Service dated postmark or a legible mail receipt with the date of the 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 date 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.

Applications delivered by hand. An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept hand delivered applications between 8 a.m. and 4 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Applications that are hand delivered will not be accepted after 4 p.m. on the closing date.

Available funds. Fiscal year 1979 appropriations under the statute have not yet been made. It is expected that $5,000,000 will be available to support projects submitted in response to this notice.

Application forms. Application forms and program information packages are available and may be obtained by writing to the Special Projects Branch, Equal Educational Opportunity Programs, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

Project period. Grant awards made pursuant to this notice will be for projects beginning no earlier than January 2, 1979, and ending no later than September 30, 1979.

Resubmitted applications. As required by section 710(d)(2) of the emergency School Aid Act (20 U.S.C. 1609(d)(2)), applications from local educational agencies which are not approvable in whole or in part will be returned to applicants for modification and resubmission, within a reasonable period of time, at the applicants' option.

Applicable regulations. The regulations applicable to this program are:

(a) Regulations relating generally to programs under the Emergency School Aid Act (45 CFR Part 185) and in particular 45 CFR 185.94 through 185.94-4, relating to Other Special Projects; and

(b) The Office of Education general provisions regulations (45 CFR Parts 100, 100a, and appendices), except to the extent that those regulations are inconsistent with 45 CFR Part 185.

Further information. For further information contact David Lerch, Acting Branch Chief, Special Projects Branch, Equal Educational Opportunity Programs, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202, telephone 202-245-2465 or 245-0931.

(20 U.S.C. 1601-1619.)

Dated: October 13, 1978.

(Catalog of Federal Domestic Assistance No. 13.532; Emergency School Aid-Special Projects.)

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 78-29600 Filed 10-19-78; 8:45 am]

[4110-02-M]

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Meeting

AGENCY: National Advisory Council on Extension and Continuing Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agendas of forthcoming meetings of four ad-hoc committees of the National Advisory Council on Extension and Continuing Education. It also describes the functions of the Council. Notice of meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend the meetings.

DATE: Meetings: October 31, November 6, November 9, and November 16, 1978.

ADDRESS: Council's office: 425 Thirteenth Street NW., Suite 529, Washington, D.C. 20004.

FOR FURTHER INFORMATION:

William G. Shannon, Executive Director, National Advisory Council on Extension and Continuing Education, 425 Thirteenth Street NW., Suite 529, Telephone: 202-376-8888.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-329. The Council is required to report annually to the President, the Congress, the Secretary of HEW, and the commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Part A of Title I (HEA) including policies and procedures governing the approval of State plans under section 105; and to advise the Assistant Secretary of HEW on Part B (Lifelong Learning activities) of the title. The Council is required to review the administration and effectiveness of all federally supported extension and continuing education programs.

The meetings of the Council are open to the public. However, because of limited space in the Council's office, those interested in attending any meeting are asked to call the Council's office beforehand. Available seats will be assigned on a first-come basis. Less than 15 days notice to the public for the meetings is given because conflict in schedules among participants required the Council to reschedule the first committee meeting for October 31 rather then early November, as originally planned. Each of the meetings of the ad-hoc committees will begin at 9 a.m. and adjourn at about 5 p.m.

The agenda for the Council meetings are summarized as follows:

A. TUESDAY, OCTOBER 31

Meeting of the Title I Committee to review for reauthorization purposes title I and other titles of the Higher Education Act.

B. MONDAY, NOVEMBER 6

Meeting of the Committee on Adult Learning Needs and Financial Aid to review for reauthorization purposes Federal student financial aid provisions (title IV, HEA), especially as they relate to unserved adult educational needs.

C. THURSDAY, NOVEMBER 9

Meeting of the Committee on Private Funding Alternatives for Postsecondary Continuing Education to review for reauthorization purposes opportunities in the private sector for increased support to adult learners.

D. THURSDAY, NOVEMBER 16

Meeting of the Committee on International Dimensions of Continuing Education to review for reauthorization purposes opportunities among community and other organizations to increase support for cross-cultural continuing education programs among adults.

All records of the Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 Thirteenth Street NW., Washington, D.C.

Dated: October 17, 1978.

WILLIAM G. SHANNON,
Executive Director.

[FR Doc. 78-29606 Filed 10-19-78; 8:45 am]

[4110-12-M]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which is established to provide advice to the Secretary of Health, Education, and Welfare on the impact of the policies, programs, and activities of the Department on the status of women, will hold its Health Task Force meeting on Thursday, November 16, 1978 from 10 a.m. to 5 p.m., in Room 403-A, Hubert H. Humphrey Building, and on Friday, November 17, 1978 from 9 a.m. to 1 p.m., in Room 529-A, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. The agenda will include discussions on: (1) Health Advisory Committees; (2) Teenage Pregnancy Initiative; (3) President's Mental Health Report; (4) National Health Insurance; and (5) Health Care Financing Administration (HCFA) regulations for medicaid-medicare boards of directors.

Further information on the Committee may be obtained from: Susan C. Lubick, executive secretary, telephone 202-245-8454. These meetings are open to the public.

Dated: October 16, 1978.

SUSAN C. LUBICK,
Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc. 78-29706 Filed 10-19-78; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-12918]

ALASKA

Application for Pipeline Right-of-Way

OCTOBER 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 State of Alaska, Department of Fish and Game filed an application for a right-of-way to construct a 2-inch pipeline for the purpose of transporting natural gas across the following described Federal lands.

SEWARD MERIDIAN, ALASKA

T. 13 N., R. 2 W.
Section 6

The pipeline will transport natural gas from the main line to hatchery building and residences at the Fort Richardson Hatchery.

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 on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Anchorage District Office, 4700 East 42d Street, Anchorage, Alaska 99502.

CURTIS V. MCVEE,
State Director.

[FR Doc. 78-29568 Filed 10-19-78; 8:45 am]

[1505-01-M]

[F-14838-A]

ALASKA NATIVE CLAIMS SELECTION

In FR Doc. 78-24686, appearing at page 39183 in the issue of Friday, September 1, 1978, make the following changes:

1. On page 39185, the seventh line of the second land description in column

2 should read, "15758 parcel V, F-16138, F-16193 parcel".

2. On page 39186, the first line of the second land description in column 1 should read, "T.8 N., R 71 W. (surveyed),".

3. On page 39187, the third line of the second land description in column 1 should read, "Secs. 11 to 14, inclusive, all;".

[4310-84-M]

[Bureau Order No. 701, Amdt. No. 27]

STATE DIRECTORS

Lands and Resources—Redelegation of Authority

Bureau Order No. 701, dated July 23, 1964, is further amended as follows:

1. Subparagraph (7), paragraph (t) of section 1.9 is amended to read:

PART II—REDELEGATION OF AUTHORITY TO STATE DIRECTORS

* * * * *

SECTION 1.9—*Land use.*

* * * * *

(t) *Matters pertaining to Alaska only.*

* * * * *

(7) *Alaska Native selections.* Take all actions pursuant to 43 CFR Parts 2650 through 2654, and the authority delegated to the Director, Bureau of Land Management by 235 DM 1.1G under the Alaska Native Claims Settlement Act of December 18, 1971, (Pub. L. 92-203, 85 Stat. 688), as amended, including authority to sign and execute easement agreements between the Department and the Alaska Native corporations.

2. PART IV-B—REDELEGATION TO MANAGERS—OUTER CONTINENTAL SHELF OFFICES

Footnote 7 is amended to read as follows:

[7] The New Orleans OCS Office has responsibility for the Gulf of Mexico OCS and the Atlantic OCS from and including Florida to the east-west block line common to blocks 404 and 448 found on OCS Official Protraction Diagram NJ 18-11, revised June 22, 1977 (the approximate State line between North Carolina and Virginia). The New York OCS Office has responsibility for the Atlantic OCS from the east-west block line common to blocks 404 and 448 found on OCS Official Protraction Diagram NJ 18-11 (the approximate State line between Virginia and North Carolina) to the International boundary between the United States and Canada. The Pacific OCS Office has responsibility for the Pacific OCS from the International boundary between the United States and Mexico north to the International boundary between the United States and Canada, and for the Hawaii OCS. The Alaska OCS Office has responsibility for the Alaska OCS.

ARNOLD E. PETTY,
Acting Director.

OCTOBER 17, 1978.

[FR Doc. 78-29705 Filed 10-19-78; 8:45 am]

[4310-70-M]

Office of the Secretary

[INT DES 78-28]

DEVELOPMENT PLAN AND ADDENDUM TO FINAL ENVIRONMENTAL STATEMENT OBED WILD AND SCENIC RIVER, TENNESSEE

Availability

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an addendum to the final environmental statement on a development plan for Obed Wild and Scenic River, Tennessee. The final statement (FES 76-53) was prepared by the Heritage Conservation and Recreation Service (formerly Bureau of Outdoor Recreation), dated October 19, 1976.

The addendum presents additional information on proposals in the final environmental statement on the establishment of Obed Wild and Scenic River, administration of this area, and development of facilities which are to remain largely the same as that proposed in the final statement.

Copies are available for review from or for inspection at the following locations for a period of 30 days from publication of this notice (until November 20, 1978), after which proposals contained in this document may be implemented:

Regional Director, Southeast Regional Office, National Park Service, 1895 Phoenix Boulevard, Atlanta, Ga. 30349.

National Park Service, Obed Wild and Scenic River, Land Acquisition Office, P.O. Box 429, Wartburg, Tenn. 37887.

Project Manager, Big South Fork National River and Recreation Area, P.O Box 477, Oneida, Tenn. 37841.

The U.S. Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: October 16, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary of the Interior.

[FR Doc. 78-29612 Filed 10-19-78; 8:45 am]

[4510-30-M]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate, or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within 2 weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 16th day of October 1978.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK ENDING OCTOBER 13, 1978

Name of Applicant, Location of Enterprise, and Principal Product or Activity

Galileo Electro-Optics Corp., Sturbridge, Mass., manufacture of fiber optic components, optical communication fiber, and electronic components.
Coleco Industries, Inc., Fulton and Montgomery Counties, N.Y., manufacture of toys, games, and swimming pools.
Bellanca Aircraft Corp., Alexandria, Minn., Osceola, Wis., manufactrure of single engine aircraft.
LoDal, Inc., Kingsford, Mich., manufacture of industrial refuse collection vehicles.
TemTex Industries, Inc., Malakoff and Terrell, Tex., manufacture of face-clay bricks and metal fireplaces.
Morgan Colorado Beef Co., Fort Morgan, Colo., beef fabrication facility.
Greenhouses, Salinas, Calif., florist.

[FR Doc. 78-29300 Filed 10-9-78; 8:45 am]

[4510-30-M]

FEDERAL-STATE EXTENDED BENEFITS

Ending of Extended Benefit Period in the State of New York

This notice announces the ending of the extended benefit period in the State of New York effective on October 21, 1978.

BACKGROUND

The Federal-State Extended Unemployment Compensation Act of 1970 (Title II of Pub. L. 91-373; 84 Stat. 695, 708; 26 U.S.C. 3304 note), created a program of extended unemployment benefits (referred to as Extended Benefits) as a permanent part of the Federal-State unemployment compensation program, for unemployed individuals who have exhausted their rights to regular unemployment benefits under State and Federal unemployment compensation laws. This act is implemented by regulations of the Department of Labor at Part 615 of Title 20 of the Code of Federal Regulations, 20 CFR Part 615 (43 FR 13818, March 31, 1978), and in the unemployment compensation laws of the several States.

Extended Benefits are payable in a State during an extended benefit period, which is triggered on when unemployment in the State or in all States collectively reaches the high levels set in the act. During an extended benefit period the maximum amount of extended benefits which is payable to eligible individuals is up to 13 weeks, but the total of extended benefits and regular benefits together may not exceed 39 weeks. An extended benefit period commenced in the State of New York on February 17, 1974.

The act and the New York unemployment compensation law also provide than an extended benefit period in a State will trigger off when unemployment in the State is no longer at the high levels set in the act. A benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator. The extended benefit period in New York has now triggered off.

DETERMINATION OF "OFF" INDICATOR

The head of employment security agency of the State of New York has determined, in accordance with the State law and 20 CFR 615.21(e), that the average rate of insured unemployment in the State for the period consisting of the week ending on September 30, 1978, and the immediately preceding 12 weeks, has decreased so that for that week there was an "off" indicator in that State. Therefore, the extended benefit period in that State terminates with the week ending on October 21, 1978.

INFORMATION FOR CLAIMANTS

Persons who wish information about their rights to extended benefits in the State of New York should contact the nearest local office of the New York State Department of Labor.

Signed at Washington, D.C., on October 17, 1978.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc. 78-29669 Filed 10-19-78; 8:45 am]

[4510-43-M]

Mine Safety and Health Administration

[Docket No. M-78-92-C]

CONSOLIDATION COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that Consolidation Coal Co., 1800 Washington Road, Pittsburgh, Pa. 15241, has filed a petition to modify the application of 30 CFR 75.1101-8 (Sprinkler Systems), to its Laurel Mine, located in Somerset County, Pa. in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of Petitioner's statement is as follows:

(1) The petitioner requests permission to use a single line of automatic sprinklers for its fire protection system at main and secondary belt-conveyor drives in the above mine. Automatic sprinklers with actuation temperatures between 200° F and 230° F would be located on 10-foot centers with water pressure equal to or greater than 10 psi. Since the aperture of the automatic sprinklers is ½ inch, a strainer is not needed.

(2) To corroborate the effectiveness of the above system, the petitioner cites a USBM study on "Suppression of Fires on Underground Coal Mine Conveyor Belts," NTIS PB250 368 Final Report on USBM Contract No. H0122086.

(3) A system with the required second branch line would be less reliable. This second branch line is vulnerable to damage from material which may fall off the belt, thereby reducing the system reliability and operability.

(4) The proposed modification reduces the amount of piping, thereby making it practical to fully fill the system with antifreeze. Such protection is critical, since winter air temperatures as low as −40° F occur in Laurel Mine.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before November 20, 1978. Comments must be filed with the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: October 12, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 78-29671 Filed 10-19-78; 8:45 am]

[4510-43-M]

[Docket No. M-78-101-C]

PEABODY COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that Peabody Coal Co., Box 235, St. Louis, Mo. 63166, has filed a petition to modify the application of 30 CFR 75.1710-1 (canopies), to its Sunnyhill No. 9 South Underground Mine, located in Perry County, New Lexington, Ohio, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of petitioner's statement is as follows:

(1) This petition pertains to the installation of cabs or canopies on Acme Roof Bolters used at the above mine.

(2) A cab or canopy on the above equipment diminishes miner safety for the following reasons:

(a) It significantly reduces the operator's field of vision.

(b) It restricts arm and leg movements, thereby causing operator fatigue.

(c) It limits the operator's means of getting on and off the equipment, thereby impairing his ability to escape from the equipment in an emergency.

(d) The significant increase in the height of the equipment creates the danger of destruction of line curtains and other similar ventilation devices.

(3) Miners refuse to operate such equipment installed with cabs or canopies because they fear for their safety and the safety of other miners.

(4) In the alternative, petitioner proposes:

(a) Compliance with all terms and provisions of its roof control plan adopted and filed in accordance with 30 CFR 75.200;

(b) Continuance of a regular program of safety instruction with emphasis on problems relating to top and roof falls;

(c) Frequent tests of the top by management employees and miners to determine its stability;

(d) Continued job safety analysis studies to assure compliance of roof control practices with company policy as well as Federal and State requirements; and

(e) Continued efforts in cooperation with the MSHA technical support group to design and construct suitable cabs and canopies which will not diminish the safety of miners.

REQUESTS FOR COMMENTS

Persons interested in this petition may furnish written comments on or before November 20, 1978. Comments must be filed with the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: October 12, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 78-29670 Filed 10-19-78; 8:45 am]

[4510-28-M]

Office of the Secretary

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 3, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 3, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 4th day of October 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Amigo Smokeless Coal Co., Jackpot No. 4 (UMWA).	Wyco., W. Va	Oct. 3, 1978	Sept. 27, 1978	TA-W-4,230	Mining of coal.
Amigo Smokeless Coal Co., Amigo No. 2 (UMWA).	Amigo, W. Va	do	do	TA-W-4,231	Do.
Amigo Smokeless Coal Co., Amigo No. 3 (UMWA).	do	do	do	TA-W-4,232	Do.
Amigo Smokeless Coal Co., Tralee Preparation Plant (UMWA).	Tralee, W. Va	do	do	TA-W-4,233	Cleaning of coal.
Amigo Smokeless Coal Co., Wyco Tipple (Loading Station) (UMWA).	Wyco, W. Va	do	do	TA-W-4,234	Loading of coal for shipment.
Amigo Smokeless Coal Co., Amigo Tipple (Loading Station) (UMWA).	Amigo, W. Va	do	do	TA-W-4,235	Do.
Amigo Smokeless Coal Co., Central Shop (UMWA).	Tralee, W. Va	do	do	TA-W-4,236	Maintenance of mining equipment.
Anthony & Josephine (company)	Gloucester, Mass	do	Sept. 29, 1978	TA-W-4,237	Catching and selling of fish.
GAF Photo Service (workers)	Appleton, Wis	do	Sept. 22, 1978	TA-W-4,238	Developing of film.
McAuley Textile Corp. (workers)	Ellsworth, Ma	do	Sept. 27, 1978	TA-W-4,239	Yarn (most from synthetic fibre).
Mirando Manufacturing Co., Inc. (workers).	Elizabeth, N.J	Oct. 2, 1978	do	TA-W-4,240	Men's and boys' jackets.

APPENDIX —Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Niffty Creations, Inc. (workers)	Lindenhurst, N.J	do	Sept. 28, 1978	TA-W-4,241	Ladies' jackets and blazers.
Reda Pump Co. (IUOE)	Bartlesville, Okla	Sept. 27, 1978	Sept. 26, 1978	TA-W-4,242	Oil and water well pumps.
Robby Kent, Ltd. (company)	New York, N.Y	Sept. 25, 1978	Sept. 20, 1978	TA-W-4,243	Sweaters.
Rockwell International Corp. Admiral Group—Buffalo Sales & Service Division (company).	Cheektowaga, N.Y	Oct. 3, 1978	Sept. 29, 1978	TA-W-4,244	Sell and service color and black and white televisions.
Rockwell International Corp. Admiral Group (workers).	Chicago, Ill	Oct. 2, 1978	Sept. 26, 1978	TA-W-4,245	Providing engineering functions related to the production of color televisions.
Do	Schaumburg, Ill	do	Sept. 29, 1978	TA-W-4,246	Administrative office.
Sherry Gale Casuals (company)	New York, N.Y	Sept. 25, 1978	Sept. 20, 1978	TA-W-4,247	Sweaters.

[FR Doc. 78-29672 Filed 10-19-78; 8:45 am]

[4510-28-M]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 3, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 3, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 10th day of October 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition no.	Articles produced
Clarke Precision Molding Co. (workers).	Fall River, Mass	October 10, 1978	October 6, 1978	T-W-4,248	Plastic molded luggage of various sizes.
Fermon Tanning Corp. (workers)	Peabody, Mass	October 6, 1978	Sept. 11, 1978	T-W-4,249	Suede cowhide splits.
Grunart, Inc. (ILGWU)	Paterson, N.J	October 2, 1978	Sept. 26, 1978	T-W-4,250	Ladies' sportswear.
F/V Linda B., Inc., (workers)	Gloucester, Mass	October 4, 1978	Sept. 18, 1978	T-W-4,251	Catching and selling of fish.
Rockwell International Corp., Admiral Group (workers).	McKees Rocks, Pa	do			
		October 3, 1978		T-W-4,252	Selling and service center—distribution (warehouse).
Rockwell International Corp., Admiral Group (Teamsters).	East Rutherford, N.J	October 6, 1978	October 2, 1978	T-W-4,253	TV service center—commercial and residential.
Rockwell International Corp., Admiral Group (workers).	Medford, Mass	do	do	T-W-4,254	Sales and service center—commercial and residential service for TV and serves as a distributor to large stores.
Saland & Salant, Inc. (ACTWU)	Union City, Tenn	October 10, 1978	October 4, 1978	T-W-4,255	Men's jeans.
United Screw & Bolt Corp. (UAW)	Cleveland, Ohio	October 4, 1978	October 2, 1978	T-W-4,256	Sheet metal screws, recessed heads, oval heads, slotted heads, washer heads, pan heads, etc.
Volvo Brass & Copper Co. (USWA)	Kenilworth, N.J	October 6, 1978	October 3, 1978	T-W-4,257	Brass and copper products—brass and copper wire, flat wire and brass copper sheet and sheet material.

[FR Doc. 78-29673 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-2756, 3126]

A. O. SMITH CORP., MILWAUKEE, WIS.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2756 and TA-W-3126: Investigations regarding eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

Investigation TA-W-2756 was initiated on December 12, 1977 in response to a worker petition received on December 2, 1977 which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers and former workers producing front suspension control arms for Chrysler cars at the Automotive Division of the Milwaukee, Wis. plant of A. O. Smith Corp. During the course of the investigation, it was determined that the products being produced were fixtures (tools, dies, and jigs), which are required for the production of control arms, passenger car frames, and truck frames.

Investigation TA-W-3126 was initiated on February 15, 1978 in response to a worker petition received on February 1, 1978 which was filed by the Smith Steel Workers on behalf of workers and former workers producing automobile and truck frames and their components at the Milwaukee, Wis. plant of A. O. Smith Corp. Production is fully integrated between the Tool Engineering Services group of workers and the Production section group of workers who together form the Automotive Division of the Milwaukee, Wis. plant of A. O. Smith Corp. Workers are not identifiable by product line.

Notices of Investigation were published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65306) for TA-W-2756 and on February 28, 1978 (43 FR 8209) for TA-W-3126. No public hearing was requested and none was held.

The information upon which the determinations were made was obtained principally from officials of A. O. Smith Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met with respect to the production of car frames, truck frames and fixtures for car frames and truck frames:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of light truck frames increased from 52.2 thousand units in 1975 to 68.2 thousand units in 1976 and then decreased to 27.0 thousand units in 1977. U.S. imports of automobile frames increased from 915.4 thousand units in 1975 to 959.2 thousand units in 1976 and then decreased to 921.1 thousand units in 1977.

The ratio of imports to domestic production for light truck frames decreased from 2.7 percent in 1975 to 2.6 percent in 1976 and to 0.9 percent in 1977.

For automobile frames, the ratio of imports to domestic production decreased from 19.9 percent in 1975 to 15.7 percent in 1976 and to 14.2 percent in 1977.

The Department's survey of A. O. Smith's customers revealed that none of the customers who decreased purchases of truck frames and car frames from A. O. Smith increased purchases from foreign sources.

With respect to the production of control arms, which is A. O. Smith's major product, and fixtures for control arms, all of the group eligibility requirements of section 222 of the act have been met.

U.S. imports of control arms increased from 756.2 thousand units in 1975 to 1,925.0 thousand units in 1976 and to 2,055.3 thousand units in 1977.

The imports to domestic production ratio for control arms increased from 2.2 percent in 1975 to 5.2 percent in 1976 and to 5.6 percent in 1977.

A survey conducted among customers who purchase control arms from A. O. Smith Corp. revealed that the major customer decreased control arm purchases from A. O. Smith, and increased purchases from foreign sources in each year from 1975 through 1977. Layoffs in February were a result of bad weather.

CONCLUSIONS

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with control arms, A. O. Smith's major product, produced by the Tool Engineering Services and the Production sections of the Automotive Division of the Milwaukee, Wis., plant of A. O. Smith Corp. contributed importantly to the decline in sales and production and to the total or partial separation of workers at that plant. In accordance with the provisions of the act, I make the following certification:

All workers of the Tool Engineering Services section of the Automotive Division of the Milwaukee, Wis., plant of A. O. Smith Corp., engaged in employment related to the production of fixtures for control arms, who became totally or partially separated from employment on or after November 1, 1977, and before February 1, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and All workers of the Production section of the Automotive Division of the Milwaukee, Wis., plant of A. O. Smith Corp., engaged in employment related to the production of control arms, who became totally or partially separated from employment on or after October 1, 1977, and before February 1, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that increases of imports of articles like or directly competitive with car frames and truck frames produced at the Milwaukee plant did not contribute importantly to the decrease in sales or production or to the total or partial separation of workers at that plant.

Signed at Washington, D.C., this 10th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29629 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3433]

BESTFORM FOUNDATIONS OF PENNSYLVANIA, INC., JOHNSTOWN, PA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3433: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 28, 1978 in response to a worker petition received on March 13, 1978 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing bras and girdles at Bestform Foundations of Pennsylvania, Inc., Johnstown, Pa. The investigation revealed that ladies' panties, sleepwear, and loungewear are also produced.

The notice of investigation was published in the FEDERAL REGISTER on

April 11, 1978 (43 FR 15205). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bestform Foundations, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

United States imports of brassieres increased from 6,921 thousand dozen in 1975 to 8,751 thousand dozen in 1976 and to 9,507 thousand dozen in 1977. The ratio of imports to domestic production increased from 45.2 percent in 1975 to 51.6 percent in 1976. Imports of brassieres in the first quarter of 1978 increased to 2,402 thousand dozen compared to 2,235 thousand dozen in the first quarter of 1977.

Company imports of ladies' undergarments increased by 22.9 percent in 1977 compared to 1976. In 1977, Bestform Foundations imported nearly the same numbers of ladies' undergarments as it produced domestically in all of the company's divisions. These company imports, which were almost entirely bras, continued at an even greater rate in the first four months of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with bras produced by Bestform Foundations of Pennsylvania, Inc., Johnstown, Pa. contributed importantly to the decline in sales and production and to the total or partial separation of workers at the firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Bestform Foundations of Pennsylvania, Inc., Johnstown, Pa. who became totally or partially separated from employment on or after March 10, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of October 1978.

James F. Taylor,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29630 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3729, 3730, 3731]

BETHLEHEM STEEL CORP., BETHLEHEM, PA.

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3729, 3730, and 3731: Investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigations were initiated on May 18, 1978 in response to a worker petition received on April 17, 1978 which were filed by the recorders on behalf of all workers engaged in the production of tool and alloy steel; machine tools; heavy, light, and drop forgings; brass, iron, and steel foundry products at the Bethlehem, Pa. plant of the Bethlehem Steel Corp. Subsequent investigation revealed that the workers filing the petition were not engaged in employment related to the production of any of the following products: heavy, light and drop forgings; brass, iron or steel foundry products at the Bethlehem plant. The current investigation includes alloy bars, alloy tool steel, ingot molds and carbon steel structural shapes.

Workers producing alloy bars and tool steel were previously certified eligible to apply for adjustment assistance under TA-W-924. This certification expired August 27, 1978. Workers producing carbon steel structural shapes were certified eligible to apply for adjustment assistance under TA-W-1496. The impact date was November 15, 1975 and the termination date was January 1, 1977.

The Notice of Investigation was published in the Federal Register on June 13, 1978 (43 FR 25498-99). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Bethlehem Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. With respect to the workers engaged in employment related to the production of carbon steel structural shapes, without regard to whether any of the other criteria have been met the following criterion has not been met:

That sales or production, or both, of such firm or subdivision have decreased absolutely.

Sales and production of structural shapes increased in quantity in 1977 compared to 1976 and continued to increase in the first 5 months of 1978 compared to the same 1977 period.

With respect to workers engaged in employment related to the production of one of the following: alloy bars, tool steel, or ingot molds, all of the group eligibility requirements of section 222 of the act have been met.

Alloy Bars

U.S. imports of alloy bars increased from 81,200 tons in 1976 to 140,900 tons in 1977. The ratio of imports to domestic shipments increased from 3.3 percent in 1976 to 5.6 percent in 1977.

U.S. imports of tool steel increased from 27,600 short tons in 1976 to 39,200 short tons in 1977. The ratio of imports to domestic shipments increased from 36.2 percent in 1976 to 45.9 percent in 1977.

The Department conducted a survey of some of the customers purchasing alloy bars and alloy tool steel produced at the Bethlehem, Pa. plant of the Bethlehem Steel Corp. Several of the customers indicated they reduced purchases from Bethlehem Steel and increased purchases from foreign sources in the first quarter of 1978 compared to the same 1977 period. Some customers reported that imports have adversely affected their purchases from domestic producers.

Ingot Molds

The majority of the ingot molds produced at the Bethlehem, Pa. plant are interworks shipments to other Bethlehem Steel plants which have previously been certified eligible to apply for adjustment assistance.

Conclusions

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with one of the following products: alloy bars or tool steel, have contributed importantly to the decline in sales or production and to the total or partial separation of workers engaged in employment related to the production of each of these products at the Bethlehem, Pa. plant.

I further conclude that increased imports of articles like or directly competitive with various carbon steel products at the Sparrows Point, Md.; Lackawanna, N.Y.; Johnstown, Pa. and Steelton, Pa. plants of Bethlehem Steel Corp. contributed importantly to the decline in sales or production of ingot molds and to the total or partial separation of workers engaged in employment related to the production of

this product at the Bethlehem, Pa. plant.

In accordance with the provisions of the act, I make the following certification:

All workers of the Bethlehem, Pa. plant of the Bethlehem Steel Corp. engaged in employment related to the production of either alloy bars or tool steel who became totally or partially separated from employment on or after August 27, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers of the Bethlehem, Pa. plant of the Bethlehem Steel Corp. engaged in employment related to the production of ingot molds who became totally or partially separated from employment on or after April 12, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further determine that all workers engaged in employment related to the production of carbon steel structural shapes at the Bethlehem, Pa. plant of the Bethlehem Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29631 Filed 10-19-78; 8:45 am]

[4510-38-M]

[TA-W-3836]

CAROUSEL SLACK CO., HAMMONTON, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3836: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on June 14, 1978 in response to a worker petition received on June 12, 1978, which was filed on behalf of workers and former workers producing men's and women's slacks at Carousel Slacks, Hammonton, N.J.

The notice of investigation was published in the FEDERAL REGISTER on June 27, 1978 (43 FR 27024). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Carousel Slack Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of elegibility to apply for adjustment assistance, each of the groups of eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations or threats thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that in 1976 and 1977 Carousel Slacks was a contractor of men's slacks primarily for one apparel manufacture. Carousel's sales increased in 1977 compared to 1976. This manufacturer does not import slacks or use foreign contractors. In 1978 this manufacturer changed product lines. Carousel as a result has contracted with other manufacturers.

CONCLUSION

After careful review I determine that all workers of Carousel Slack Co., Hammonton, N.J. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29632 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3663]

CEL FASHIONS, INC., UNION CITY, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3663: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on May 8, 1978 in response to a worker petition received on April 28, 1978 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing children's winter coats at CEL Fasions, Inc., Union City, N.J. The investigation revealed that children's coats and women's coats are produced.

The Notice of Investigation was published in the FEDERAL REGISTER on May 26, 1978 (43 FR 22793). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of CEL Fashions, Inc., its customers (manufacturers), the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion was not met:

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the total or partial separations, or threat thereof, and to the absolute decline in sales or production.

CEL Fashions, Inc. was founded in April 1976. Total sales increased during the last three quarters of 1977 compared to the last three quarters of 1976.

The Department conducted a survey of customers of CEL Fashions, Inc. The customers responding to the survey accounted for 80 percent and more than 90 percent of CEL's sales in 1976 and 1977, respectively. The only customer who reduced purchases of coats from CEL and increased purchases of imported women's and children's coats during the period under consideration accounted for a negligible portion of CEL's sales.

CONCLUSION

After careful review, I determine that all workers of CEL Fashions, Inc., Union City, N.J. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29633 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3614]

DANTE FASHIONS, HOBOKEN, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3614: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 8, 1978, in response to a worker petition received on April 28, 1978,

which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' coats at Dante Fashions, Hoboken, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on May 26, 1978 (43 FR 22793). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dante Fashions, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of such firm or subdivision have decreased absolutely.

Sales increased in quantity in 1977 compared to 1976 and also increased in the January-May period of 1978 compared to the same period in 1977. Dante Fashions produces on order; therefore, sales and production are equal.

CONCLUSION

After careful review, I determine that all workers of Dante Fashions, Hoboken, N.J. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29634 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3786]

EASTMAN MANUFACTURING CO., INC., WILBRAHAM, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3786: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 31, 1978, in response to a worker petition received on May 24, 1978, which was filed on behalf of workers and former workers producing electrical systems for engines at Eastman Manufacturing Co., Inc., Wilbraham, Mass.

The notice of investigation was published in the FEDERAL REGISTER on June 20, 1978 (43 FR 26497). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Eastman Manufacturing Co., Inc., its customers, the U.S. Department of Commerce, the Federal Reserve Board, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports of battery charging generators and alternators decreased absolutely in quantity from 295,600 units in 1976 to 289,500 units in 1977, then increased from 131,100 units in the first half of 1977 to 187,200 units in the first half of 1978. These imports increased absolutely in value from $8.1 million in 1976 to $8.6 million in 1977, then increased from $3.2 million in the first half of 1977 to $5.5 million in the first half of 1978. The ratio of imports to domestic production remained at 1.5 percent in both 1976 and 1977.

Imports of other electronic ignition equipment for internal combustion engines increased absolutely in value from $78.2 million in 1976 to $98.7 million in in 1977, and increased from $47.5 million in the first half of 1977 to $58.2 million in the first half of 1978. The ratio of imports to domestic production increased from 7.5 percent in 1976 to 8.5 percent in 1977.

Sales by Eastman Manufacturing Co., Inc., to the R. E. Phelon Co. represented 98 percent, 96 percent, and 99 percent, respectively, of total company sales in value for fiscal years 1976, 1977, and 1978 (the fiscal year begins July 1 of the preceding calendar year and ends June 30). The remainder of sales were directly to local engine manufacturers.

The major customer of Eastman Manufacturing Co. was surveyed. The customer did not purchase any imported magneto parts, or imported magnetos, either directly or indirectly from other domestic sources. The customer stated that purchases from Eastman Manufacturing Co., Inc., declined due to a shift in technology toward breaker-less electronic ignition systems. Eastman does not have the capability to produce most of the parts for this type system.

CONCLUSION

After careful review I determine that all workers of Eastman Manufacturing Co., Inc., Wilbraham, Mass., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29635 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W- 3979 and 3980]

FAIRFIELD GLOVE CO., FAIRFIELD, IOWA, BONAPARTE, IOWA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3979 and 3980: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on July 19, 1978 in response to a worker petition received on July 17, 1978 which was filed by the Amalgamated Clothing & Textile Workers' Union on behalf of workers and former workers producing work gloves at the Fairfield and Bonaparte, Iowa plants of Fairfield Glove Co.

The Notice of Investigation was published in the FEDERAL REGISTER on July 28, 1978 (43 FR 32885). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Fairfield Glove Co., the Amalgamated Clothing & Textile Workers' Union, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

There have been no layoffs or threats thereof, or reduced work hours at either plant in the past 12 months. Workers at both plants were certified eligible to apply for adjustment assistance in previous investigations (see TA-W-706 and 707); the period of certification expired on July 2, 1978.

CONCLUSION

After careful review, I determine that all workers of Fairfield Glove Co., Fairfield and Bonaparte, Iowa are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-29636 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3914]

FLORSHEIM SHOE CO., CHICAGO, ILL.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3914: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on June 27, 1978 in response to a worker petition received on June 26, 1978 which was filed on behalf of workers and former workers producing women's and men's shoes at the Chicago, Ill. plant of the Florsheim Shoe Co. During the course of the investigation, it was established that only men's shoes are produced.

The notice of investigation was published in the FEDERAL REGISTER on July 7, 1978 (43 FR 29364). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Florsheim Shoe Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. It is concluded that all of the requirements have been met.

U.S. imports of men's dress and casual footwear decreased from 58.7 million pairs in 1976 to 56.5 million pairs in 1977, and increased to 16 million pairs in the first quarter of 1978 from 15.7 million pairs in the same period of 1977. The ratios of imports to domestic production and consumption increased from 70.4 percent and 41.3 percent, respectively, in 1976 to 71.7 percent and 41.8 percent, respectively, in 1977 and decreased from 77.3 percent and 43.6 percent, respectively, in the first quarter of 1977 to 76.2 percent and 43.2 percent respectively, in the same period of 1978.

The decline in production and employment at Florsheim's Chicago plant can be linked to the import influence in the shoe industry generally, in accordance with the findings of the International Trade Commission. After careful consideration of all the alleged factors causing injury, the Commission concluded that certain footwear articles, including men's nonrubber shoes, were being imported into the United States in such increased quantities as to be the most substantial cause of injury to domestic producers. In the case of men's dress and casual footwear, the ratio of imports to domestic production has been greater than 50 percent in each of the past five years, reaching a peak level of 71.7 percent in 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's shoes produced at the Chicago, Ill. plant of the Florsheim Shoe Co. contributed importantly to the decline in sales or production and to the total or partial separation of workers at the plant. In accordance with the provisions of the act, I make the following certification:

All workers of the Chicago, Ill. plant of the Florshiem Shoe Co. who become totally or partially separated from employment on or after August 12, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29638 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3686]

FORMFLEX FOUNDATIONS, INC., SADDLE BROOKE, N.J.

Affirmative Determination Regarding Application for Reconsideration

On September 21, 1978, counsel for one of the former workers of Formflex Foundations, Inc., requested administrative reconsideration of the Department of Labor's negative determination regarding eligibility to apply for worker adjustment assistance. This determination was published in the Federal Register on August 25, 1978 (43 FR 38127).

Counsel for the worker raises one basic issue in the application; namely, that the appropriate subdivision should be redefined from the total plant at Saddle Brooke, N.Y., to the sewing department at Saddle Brooke, N.J., which closed in 1978.

CONCLUSION

After review of the application, I conclude that the claims of counsel are of sufficient weight to justify reconsideration of the Department of Labor's prior decisions. The application is, therefore, granted.

Signed at Washington, D.C., this 12th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29637 filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3952]

FREEDOM ELECTRONICS & ENGINEERING, INC., DORCHESTER, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3952: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 6, 1978, in response to a worker petition received on July 5, 1978, which was filed on behalf of workers and former workers producing electronic components at Freedom Electronics & Engineering, Inc., Dorchester, Mass. The Department's investigation revealed that Freedom Electronics & Engineering produces power supplies, printed circuit boards, and electronic cables.

The Notice of the Investigation was published in the FEDERAL REGISTER on July 18, 1978 (43 FR 30927-30928). No

public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Freedom Electronics & Engineering, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. With respect to workers producing electronic cables, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of such firm or subdivision have decreased absolutely.

Freedom Electronics produces on order, therefore sales equal production. Sales increased from fiscal year 1977 to fiscal year 1978 (12 months ending Mar. 30, 1978).

With respect to workers producing power supplies and printed circuit boards, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Customers surveyed who accounted for 100 percent of Freedom's sales of power supplies and printed circuit boards did not purchase any imported power supplies or printed circuit boards, either directly, or indirectly through domestic suppliers in 1977 or 1978.

CONCLUSION

After careful review, I determine that workers of Freedom Electronics & Engineering, Inc., Dorchester, Mass., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29639 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3819]

GENERAL INSTRUMENT CORP., F. W. SICKLES DIVISION, CHICOPEE, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3819: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 7, 1978, in response to a worker petition received on May 30, 1978, which was filed on behalf of workers and former workers of the General Instrument Corp., F. W. Sickles Division, Chicopee, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on June 20, 1978 (43 FR 26499). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the General Instrument Corp., F. W. Sickles Division, and Deparment files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the criteria have been met.

The F. W. Sickles Division formerly produced electronic components at the General Instrument facilities in Chicopee, Mass. In the early 1970's production operations were transferred to a Sickles Division plant in Taiwan, but support operations such as repair, testing, and administrative functions were retained in Chicopee. A certification of eligibility to apply for adjustment assistance applicable to workers of the Sickles Division in Chicopee was issued at that time under provisions of Title III, Chapter 3, of the Trade Expansion Act of 1962 (TEA-W-21).

The F. W. Sickles Division maintained support operations for the Taiwan plant in Chicopee until 1978. In mid-1978 the firm transferred repair and testing operations to Juarez, Mexico, and administrative support functions to El Paso, Tex., resulting in the layoff of all remaining Sickles employees in Chicopee. The transfer was made largely in light of the fact that, since production operations are no longer in Chicopee, domestically oriented support functions such as repair and testing could be conducted in an area with lower labor costs than those in Chicopee; i.e., Juarez, Mexico.

The transfer of support operations out of Chicopee is a continuation of the transfer of production operations several years ago. Thus, increased import competition has continued to adversely affect workers at the Sickles Division, Chicopee facility in 1978.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with electronic components formerly produced by the F. W. Sickles Division of General Instrument Corp., Chicopee, Mass., contributed importantly to the separation of workers engaged in production support operations at that facility. In accordance with the provisions of the Act, I make the following certification:

All workers of the F. W. Sickles Division of General Instrument Corp., Chicopee, Mass., who became totally or partially separated from employment on or after January 1, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-29659 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3153]

GEORGE J. MEYER MANUFACTURING DIVISION, A-T-O INC., WORCESTER, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3153: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 16, 1978, in response to a worker petition received on February 6, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers producing labeling and stripstamping machinery at the Worcester, Mass., plant of George J. Meyer Manufacturing Division of A-T-O Inc.

The notice of investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8862). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of George J. Meyer Manufacturing, its customers, the Packaging Machinery Manufacturing Institute, the U.S. Department of Commerce, the U.S. International

Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

United States imports of packing, packaging, and bottling machinery for food products increased absolutely in each year from 1973 to 1977 and increased relative to domestic production in each year from 1974 to 1977. Imports increased from 65.1 million dollars in 1975 to 74.2 million dollars in 1976 and increased to 85.9 million dollars in 1977.

The ratio of imports to domestic production increased from 17 percent in 1974 to 19 percent in 1976 and increased to 20.2 percent in 1977.

Because the life expectancy of the machinery produced by the subject firm is 20 years, and the firm may not have the same customers from year to year, a survey was conducted of companies who were approached by sales personnel of the subject firm in 1977. Of those companies which did purchase labeling and stripstamping machinery, several purchased imported machinery in greater quantity and value than from domestic sources. None of these companies purchased this type of machinery from George J. Meyer Manufacturing.

CONCLUSION

After careful review I conclude that increases of imports of articles like or directly competitive with labeling and stripstamping machinery produced by the Worcester, Mass., plant of George J. Meyer Manufacturing contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Worcester, Mass., plant of George J. Meyer Manufacturing Division of A-T-O Inc., who became totally or partially separated from employment on or after March 26, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29640 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3082]

HOUSTON ELECTRONICS CORP., KANE, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3082: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on February 7, 1978, in response to a worker petition received on January 26, 1978, which was filed on behalf of workers and former workers producing crystal holders at Houston Electronics Corp., Kane, Pa.

The Notice of Investigation was published in the FEDERAL REGISTER on February 24, 1978 (43 FR 7744). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Houston Electronics Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A Department survey of Houston Electronics' customers showed that most of the customers did not purchase imported crystal holders. Only one customer purchased imported crystal holders, from other domestic sources. This customer's purchases of imported crystal holders accounted for an insignificant and decreasing percentage of its total purchases from other domestic sources.

CONCLUSION

After careful review, I determine that all workers of Houston Electronics Corp., Kane, Pa., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29641 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3734]

JASPER BRASSIERE CO., JASPER, ALA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3734: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on May 18, 1978, in response to a worker petition received on May 16, 1978, which was filed on behalf of workers and former workers producing brassieres and girdles at the Jasper Brassiere Co., Jasper, Ala.

The Notice of Investigation was published in the FEDERAL REGISTER on June 13, 1978 (43 FR 25498). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jasper Brassiere Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of brassieres, bralettes, and Bandeaux increased from 8,751 thousand dozen in 1976 to 9,507 thousand dozen in 1977. During the first quarter of 1978, imports increased to 2,402 thousand dozen compared to 2,235 thousand dozen during the same quarter of 1977. The ratio of imports to domestic production increased from 45.2 percent in 1975 to 51.6 percent in 1976.

U.S. imports of corsets and girdles increased from 231 thousand dozen in 1976 to 269 thousand dozen in 1977. During the first quarter of 1978, imports increased to 72 thousand dozen compared to 53 thousand dozen during the same quarter of 1977.

A Departmental survey of the manufacturer for which Jasper Brassiere Co. does a major portion of its contract work revealed that the customer decreased purchases of brassieres and girdles from the subject firm during

first quarter of 1978 compared to first quarter of 1977 while increasing the use of foreign contractors to produce brassieres and girdles.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the brassieres and girdles produced by the Jasper Brassiere Co., Jasper, Ala., contributed importantly to the decline in sales or production and to the total or partial separation of workers at that plant. In accordance with the provisions of the act, I make the following certification:

All workers at the Jasper Brassiere Co., Jasper, Ala., who became totally or partially separated from employment on or after May 9, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 16th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-29642 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3639]

KAYE COAT CO., INC., PASSAIC, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3639: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on May 8, 1978, in response to a worker petition received on April 28, 1978, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing junior's and children's coats and raincoats at Kaye Coat Co., Inc., Passaic, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on May 26, 1978 (43 FR 22793). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Kaye Coat Co., Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the total or partial separation, or threat thereof, and to the absolute decline in sales or production.

Sales by Kaye Coat increased in value in every quarter in 1977, compared to the corresponding quarter in 1976. The value of sales increased in 1977 compared to 1976 and increased in the first 5 months in 1978 compared to the first 5 months of 1977.

Total sales by Kaye Coat include coats produced in-house and coats which are cut by Kaye Coat and sewn by domestic apparel contractors. Declines in employment and production at Kaye Coat during periods of increasing company sales reflect temporary reductions in in-house sewing; that is, increased utilization of other domestic sewing contractors.

CONCLUSION

After careful review, I determine that all workers of Kaye Coat Co., Inc., Passaic, N.J., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29643 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3873]

KEYSTONE FIREWORKS MFG. CO., INC., DUNBAR, PA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3873: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on June 20, 1978 in response to a worker petition received on June 19, 1978 which was filed by the United Steelworkers of America on behalf of workers and former workers producing fireworks and firework display items at the Dunbar, Pa. plant of Keystone Fireworks Manufacturing Co., Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on June 30, 1978 (43 FR 28580). No public hearing was requested and none was held.

The determination was based upon formation obtained principally from officials of Keystone Fireworks Manufacturing Co., Inc., its customers, manufacturers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the act must be met. It is concluded that all of the requirements have been met.

Imports of fireworks increased in 1976 from 1975 and increased 19 percent in 1977 from 1976 and increased 35 percent in the first quarter of 1978 compared to the first quarter of 1977. The ratio of imports to domestic production was 259.1 percent in 1976.

Customers of Keystone who were surveyed indicated that some respondents had decreased purchases of fireworks from Keystone and increased purchases of imports in 1977 from 1976 and in the first half of 1978 compared to the first half of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with fireworks produced at the Dunbar, Pa. plant of Keystone Fireworks Manufacturing Co., Inc., contributed importantly to the decline in sales or production and to the total or partial separation of workers at that plant. In accordance with the provisions of the act, I make the following certification:

All workers of the Dunbar, Pa., plant of Keystone Fireworks Manufacturing Co., Inc., who become totally or partially separated from employment on or after June 16, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29644 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3874]

LEATHER SPORTSWEAR, INC., BRIDGEPORT, CONN.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3874: Investigation regarding

certification of eligibility to apply for adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on June 20, 1978 in response to a worker petition received on June 19, 1978 which was filed on behalf of workers and former workers producing men's and women's leather and suede outerwear at Leather Sportswear, Inc., Bridgeport, Conn.

The Notice of Investigation was published in the FEDERAL REGISTER on June 30, 1978 (43 FR 28580). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Leather Sportswear, Inc., its customers, the U.S. International Trade Commission, U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of leather coats and jackets-men's boys', women's, misses', juniors', and children's increased from $177,800,000 in 1976 to $186,400,000 in 1977.

Customers who were surveyed indicated that they did not decrease purchases of leather coats and jackets from the subject firm and increase purchases of leather coats and jackets from foreign sources.

CONCLUSION

After careful review I determine that all workers of Leather Sportswear, Inc., Bridgeport, Conn., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of October, 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29645 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3568]

LEBANON STEEL FOUNDRY, LEBANON, PA.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3568: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on May 3, 1978 in response to a worker petition received on April 20, 1978 which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel castings at Lebanon Steel Foundry, Lebanon, Pa.

The notice of investigation was published in the FEDERAL REGISTER on May 16, 1978 (43 FR 21068). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lebanon Steel Foundry, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Iron and Steel Institute, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met.

Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of steel castings increased from 27.1 million dollars in 1976 to 33.9 million dollars in 1977. The ratio of imports to domestic production increased from 1.1 percent in 1976 to 1.3 percent in 1977.

A survey of many of Lebanon Steel Foundry's customers revealed that most did not import steel castings in 1977 or in the first quarter of 1978. The only customers that increased purchases of imported steel castings and reduced purchases from Lebanon Steel Foundry together represented an insignificant percentage of sales.

CONCLUSION

After careful review, I determine that all workers of Lebanon Steel Foundry, Lebanon, Pa., are denied eligibility to apply for trade adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29646 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3736]

LEVI-OTTENHEIMER, BALTIMORE, MD.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3736: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on May 18, 1978 in response to a worker petition received on May 11, 1978 which was filed on behalf of workers and former workers producing ladies' jumpsuits, blouses, shorts, slacks, and boys' sportswear (mainly slacks) at Levi-Ottenheimer, Baltimore, Md. The investigation revealed the workers produced girls' and women's gymsuits and boys' jeans and jean-cut slacks.

The Notice of Investigation was published in the FEDERAL REGISTER on June 13, 1978 (43 FR 25493-9). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Levi-Ottenheimer, its customers, the U.S. Department of Commerce, the National Cotton Council of America, the American Textile Manufacturers Institute, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. With respect to workers producing gymsuits without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations or threat thereof, and to the absolute decline in sales or production.

Gymsuits are classified in a basket category which includes playsuits, sunsuits, washsuits, and similar apparel. Industry sources report there are no gymsuits entering the United States.

A survey of Levi-Ottenheimer's customers purchasing gymsuits, evinced that those customers did not purchase imported gymsuits during the period from 1975 through 1977.

With respect to workers producing boys' jeans and jean cut slacks, all of the group eligibility requirements of section 222 of the act have been met.

The U.S. imports of men's and boys' woven cotton and man-made fiber jeans and dungarees increased from 9 million units in 1975 to 14 million units in 1976, and increased to 23 million units in 1977. The ratio of imports of jeans and dungarees to domestic production increased from 3.8 percent in 1975 to 5.4 percent in 1976, and increased to 8.5 percent in 1977.

A survey of customers of Levi-Ottenheimer was conducted by the Department. The survey indicated that some customers had reduced purchases of jeans and jean-cut slacks from Levi-Ottenheimer and increased purchases of imported jeans and jean-cut slacks in 1977 compared to 1976.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that increases of imports of articles like or directly competitive with boys' jeans and jean cut slacks produced at Levi-Ottenheimer, Baltimore, Md. contributed importantly to the declines in sales and production and to the separations of workers at that firm. In accordance with the provisions of the act, I make the following certification:

All workers engaged in employment related to the production of boys' jeans and jean cut slacks at the Baltimore, Maryland plant of Levi-Ottenheimer who becames totally or partially separated from employment on or after May 10, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further determine that all workers engaged in the production of girls' and women's gymsuits at the Baltimore, Maryland plant of Levi-Ottenheimer are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29647 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3689]

LOYAL CLOAK CO., LAKEWOOD, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3689: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on May 8, 1978 in response to a worker petition received on April 28, 1978 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' coats and suits at Loyal Cloak Co., Lakewood, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on May 26, 1978 (43 FR 22793). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Loyal Cloak Co., its customers (manufacturers), the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses', and children's coats and jackets increased from 2252 thousand dozen in 1976 to 2723 thousand dozen in 1977. Imports declined from 590 thousand dozen in the first quarter of 1977 to 572 thousand dozen in the first quarter of 1978. The ratio of imports to domestic production increased from 48.3 percent in 1976 to 54.9 percent in 1977.

U.S. imports of women's, misses', and children's suits decreased from 408,000 dozen in 1976 to 384,000 dozen in 1977. Imports increased from 62,000 dozen in the first quarter of 1977 to 104,000 dozen in the same period in 1978. The ratio of imports to domestic production decreased from 11.4 percent in 1976 to 10.5 percent in 1977.

During the period under investigation Loyal Cloak Co. produced for one manufacturer. This manufacturer increased purchases of imported ladies' coats and suits and increased purchases from Loyal Cloak in 1977 compared to 1976. This manufacturer reduced purchases from Loyal Cloak Co. and increased purchases of imports in the first half of 1978 compared to the first half of 1977.

CONCLUSION

After a careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the ladies' coats and suits produced at Loyal Cloak Co., Lakewood, N.J. contributed importantly to the decline in sales and to the separation of workers at that plant. In accordance with the provisions of the act, I make the following certification:

All workers of Loyal Cloak Co., Lakewood, N.J. who became totally or partially separated from employment on or after October 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of October, 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29648 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-4005]

MEYER DANIEL PRODUCTS CORP., BROOKLYN, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4005: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on July 31, 1978 in response to a worker petition received July 18, 1978 which was filed on behalf of workers and former workers producing lampshades at Meyer Daniel Products Corp., Brooklyn, N.Y.

The Notice of Investigation was published in the FEDERAL REGISTER on August 8, 1978 (43 FR 35130-1). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Meyer Daniel Products Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Industry sources state that imports of lampshades are negligible. A survey of some of Meyer Daniel's customers was conducted. Most of the respon-

dents indicated that they did not purchase imported lampshades. Those respondents that purchase imports indicated that they decreased purchases of imported lampshades from 1976 to 1977 and in the first half of 1978 compared to the same period of 1977.

CONCLUSION

After careful review I determine that all workers of Meyer Daniel Products Corp., Brooklyn. N.Y. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-29649 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3721]

NORTH BERGAN LEATHER PRODUCTS CO., NORTH BERGEN, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3721: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on May 16, 1978 in response to a worker petition received on May 8, 1978 which was filed by the International Leather Goods, Plastics and Novelty Workers Union on behalf of workers and former workers producing ladies' handbags at the North Bergen Leather Products Co., North Bergen, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on June 27, 1978 (43 FR 27923-4). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the North Bergen Leather Products Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Handbag Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the act must be met. The Department's investigation revealed that all of the requirements have been met.

U.S. imports of handbags increased from 90.2 million units in 1976 to 92.8 million units in 1977. Imports increased from 22.1 million units in the first quarter of 1977 to 34 million units in the first quarter of 1978. The ratio of imports to domestic production increased from 111.1 percent in 1976 to 116.6 percent in 1977.

A survey of a sample of the North Bergen Leather Products Co.'s customers representing a significant portion of sales in 1976 and 1977 indicated that they either import handbags directly or purchase imported handbags from domestic sources. These customers' purchases of both types of imported handbags increased in 1977 compared to 1976 while their purchases from the subject firm decreased during the same period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the handbags produced at the North Bergen Leather Products Co., North Bergen, N.J. contributed importantly to the decline in sales and to the separation of workers at that plant. In accordance with the provisions of the act, I make the following certification:

All workers at the North Bergen Leather Products Company, North Bergen, New Jersey who became totally or partially separated from employment on or after May 5, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29650 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3624]

NOVELLE FASHIONS, INC., HOBOKEN, N.J.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on May 8, 1978 in response to a worker petition received on April 28, 1978 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' coats at Novelle Fashions, Inc., Hoboken, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on May 26, 1978 (43 FR 22793). No public hearing was requested and none was held.

Due to the short term of operation of Novelle Fashions, Inc. and to the seasonality of the ladies' coat industry, there is not sufficient information in this case upon which to base a determination. In addition, worker qualifying requirements in section 231 of the act may not be met at this time. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 13th day of October 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 78-29651 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-4001]

PACECO, INC., ALAMEDA, CALIF.

Certification Regarding Eligibility To Apply For Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-4001: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on July 26, 1978 in response to a worker petition received on July 24, 1978 which was filed by the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers on behalf of workers and former workers engaged in employment related to the production of fabricated steel which is produced in the form of cranes at the Alameda, Calif. plant of Paceco, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on August 4, 1978 (43 FR 34562). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Paceco, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibiity to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the criteria have been met.

Imports of dockside container cranes are not separately identifiable in the TSUSA import schedules but are reflected in the category, "fabricated structural steel". Imports of fabricated structural steel increased from 94,400 tons in 1976 to 142,100 tons in 1977 before declining from 24,800 tons in the first quarter of 1977 to 24,600 tons in the first quarter of 1978. The ratio of imports to the domestic shipments of fabricated structural steel increased from 2.5 percent in 1976 to 4.1 percent

in 1977 and continued to increase from 3.0 percent in the first quarter of 1977 to 3.3 percent in the first quarter of 1978. With specific regard to imports of dockside container cranes, industry sources have stated that the ratio of imports to the domestic production of dockside container cranes has increased from approximately 0 percent in 1974 to almost 100 percent in 1978.

All of the company's business is obtained through competitive bid. The Department conducted a survey of some of the firms offering contracts on which Paceco bid. The percentage of work awarded to foreign fabricators increased in 1976 compared to 1975 while the percentage of work awarded to Paceco declined in the same period. Due to the nature of the product, the actual production on a contact will be completed 12 to 24 months after the award date of the contract. Therefore, contracts lost in 1976 will adversely affect employment and production in 1977 and 1978. None of the respondents awarded any contracts to Paceco in 1976 or 1977 and most of the contracts awarded by the respondents in 1976 and 1977 were awarded to foreign fabricators.

CONCLUSION

It is concluded that increased imports of articles like or directly competitive with the dockside container cranes produced at the Alameda, Calif. plant of Paceco, Inc., have contributed importantly to the total or partial separation and to the decline in sales and production at the plant as required for certification under the Trade Act of 1974. In accordance with the provisions of the act, I make the following certification:

All employees of the Alameda, Calif. plant of Paceco, Inc., who became totally or partially separated from employment on or after July 20, 1977 are eligible to apply for adjustment assistance benefits under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29652 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3657]

REGAL SPORTOGS, INC., HACKENSACK, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3657: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on May 8, 1978 in response to a worker petition received on April 28, 1978, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' and children's coats at Regal Sportogs, Inc., Hackensack, N.J.

The notice of investigation was published in the FEDERAL REGISTER on May 26, 1978 (43 FR 22793). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Regal Sportogs, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the total or partial separation, or threat thereof, and to the absolute decline in sales or production.

Average employment at Regal Sportogs remained constant from 1976 to 1977 and increased in the first 5 months of 1978 compared to the first 5 months of 1977. Average employment increased in the third and fourth quarters of 1977 compared to the like period of 1976. The ladies' and children's coat industry is typically a seasonal operation. In most years, contractors suffer a period of negligible orders during the first quarter of the year, before winter production begins. Although employment declines took place in the form of layoffs at Regal Sportogs during the period under investigation, these employment declines are seasonal declines. Regal Sportogs, Inc. has been closed for 5 months during each spring season since 1975.

CONCLUSION

After careful review I determine that all workers of Regal Sportogs, Inc., Hackensack, N.J. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of October, 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29053 Filed 10-19-78 8:45 am]

[4510-28-M]

[TA-W-3470]

REPUBLIC STEEL CORP. (ENDURO DIVISION), MASSILLON, OHIO

Negative Determination Regarding Eligibility to Apply for Worker adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3470: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on April 4, 1978 in response to a worker petition received on March 24, 1978 which was filed by the United Steel Workers of America on behalf of workers and former workers producing stainless and specialty steel products at the Massillon, Ohio plant of Republic Steel Corp. The investigation revealed that the petition was to cover workers in the Enduro Division of Republic Steel Corp.

In a determination signed on May 25, 1976, all workers producing stainless steel at the Massillon, Ohio plant were certified as eligible to apply for adjustment assistance. (See TA-W-666.) The certification expired on May 25, 1978.

The Notice of Investigation was published in the FEDERAL REGISTER on April 28, 1978 (43 FR 18360-61). No public hearing was requested an none was held.

The determination was based upon information obtained principally from officials of Republic Steel Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligivility requirements of section 222 of the act must be met. Without regard to whether any of the other critieria have been met, the following criterion has not been met:

That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Average employment for the Enduro Division increased from 1976 to 1977 and in the first nine months of 1978

compared to the same period in 1977. From May 25, 1978, the earliest possible impact date, to the present there have been no significant declines in employment, and no reduced work weeks have occurred. There is no immediate threat of separation to workers of the Enduro Division.

CONCLUSION

After careful review, I determine that all workers at the Massillon, Ohio plant (Enduro Division) of Republic Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29654 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3769]

RIVER STREET SPORTSWEAR CORP., LOWELL, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3769: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on May 24, 1978 in response to a worker petition received on May 22, 1978 which was filed on behalf of workers and former workers producing women's dresses and sportswear at River Street Sportswear Corp., Lowell, Mass.

During the course of the Department's investigation it was revealed that River Street Sportswear no longer manufactures dresses. Sportswear production consists of skirts, slacks, jackets and shirts.

The Notice of investigation was published in the FEDERAL REGISTER on June 6, 1978 (43 FR 24634-35). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of River Street Sportswear Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

A survey of manufacturers for whom River Street Sportswear did contract work revealed that all of the manufacturers responding to the Department's survey reported increasing sales. Respondents indicated that most manufacturers did not purchase imports, those that did purchase imports indicated that the imported articles were different from those contracted for with River Street Sportswear.

CONCLUSION

After careful review, I determine that all workers of River Street Sportswear Corp., Lowell, Mass. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29665 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3482]

SPUN STEEL CO. CANTON, OHIO

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3482: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on April 6, 1978 in response to a worker petition received on March 27, 1978 which was filed by the United Automobile, Aircraft and Agricultural Implement Workers on behalf of workers and former workers producting automotive pulleys at the Canton, Ohio plant of the Spun Steel Co., which is a division of Aspro, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on April 25, 1978 (43 FR 17550 and 17551). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Aspro, Inc., Spun Steel Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. The investigation revealed that all of the criteria have been met.

U.S. imports of automotive pulleys increased from 2.4 million units in 1976 to 4.5 million units in 1977. The ratio of imports to domestic production increased from 4.7 percent in 1976 to 8.3 percent in 1977.

A survey conducted with customers of the Spun Steel Company revealed that most customers increased purchases of imported automotive pulleys from 1976 to 1977, while decreasing their purchases from the Canton, Ohio, plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the automotive pulleys produced at the Canton, Ohio, plant of the Spun Steel Co., a division of Aspro, Inc., contributed importantly to the decline in sales and to the separation of workers at that plant. In accordance with the provisions of the act, I make the following certification:

All workers of the Spun Steel Co., Canton, Ohio, who became totally or partially separated from employment on or after March 22, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of October, 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29656 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3629]

STAR COAT MANUFACTURING CO, INC., HOBOKEN, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3629: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on May 8, 1978 in response to a worker petition received on April 28, 1978 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers

producing ladies' coats and raincoats at Star Coat Manufacturing Co., Inc., Hoboken, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on May 26, 1978 (43 FR 22793). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Star Coat Manufacturing Co., its customers (manufacturers), the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the act must be met. It is concluded that all of the requirements have been met.

U.S. imports of Women's, Misses', and Children's Coats and Jackets increased from 2252 thousand dozen in 1976 to 2723 thousand dozen in 1977. Imports declined from 590 thousand dozen in the first quarter of 1977 to 572 thousand dozen in the first quarter of 1978. The ratio of imports to domestic production increased from 48.3 percent in 1976 to 54.9 percent in 1977.

U.S. imports of Women's, Misses', and Children's Raincoats decreased from 261 thousand dozen in 1976 to 242 thousand dozen in 1977. Imports increased from 84 thousand dozen in the first quarter of 1977 to 129 thousand dozen in the first quarter of 1978. The ratio of imports to domestic production decreased from 45.0 percent in 1976 to 40.3 percent in 1977.

The Department conducted a survey of the principal manufacturers for which Star Coat Manufacturing Co. worked in 1976 and 1977. Manufacturers that accounted for a majority of sales in 1976 reduced purchases from Star Coat Manufacturing Co. and increased purchases of imported coats and rainwear in 1977 compared to 1976. Manufacturers that accounted for a majority of sales in 1977 reported that they reduced purchases from Star Coat Manufacturing Co. and increased purchases of imports in the first quarter of 1978 compared to the first quarter of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the ladies' coats and raincoats produced at Star Coat Manufacturing Co., Hoboken, N.J. contributed importantly to the decline in sales and to the separation of workers at that plant. In accordance with the provisions of the act, I make the following certification:

All workers of Star Coat Manufacturing Co., Inc., Hoboken, N.J. who became totally or partially separated from employment on or after March 28, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of October, 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29657 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3917]

STEVEN KNITTING MILLS, NEW YORK, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3917: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on June 27, 1978 in response to a worker petition received on June 26, 1978 which was filed on behalf of workers and former workers producing knit fabrics at Steven Knitting Mills, New York, N.Y.

The Notice of Investigation was published in the FEDERAL REGISTER on July 7, 1978 (43 FR 29364). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Steven Knitting Mills, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imported wearing apparel cannot be considered to be like or directly competitive with finished or unfinished fabric. Imports of fabric must be considered in determining import injury to workers producing fabric.

The Department surveyed a sample of Steven Knitting Mills' major customers (apparel manufacturers) who had reduced their purchases of fabrics from that firm. Most respondents indicated that they did not purchase imported fabric.

CONCLUSION

After careful review I determine that all workers of Steven Knitting Mills, New York, N.Y. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29658 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3501]

TIMA, INC., GREENSBORO, N.C.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3501: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 11, 1978, in response to a worker petition received on March 27, 1978, which was filed on behalf of workers and former knitting polyester and cotton yarn into fabrics for the garment industry at Tima, Inc., Greensboro, N.C.

The Notice of Investigation was published in the FEDERAL REGISTER on May 2, 1978 (43 FR 18790). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Tima, Inc., its customers, the American Textile Manufacturers Institute, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The petitioners allege that increased imports of finished apparel contributed importantly to the decline in sales

or production and to the separation of workers producing knitted fabric at Tima, Inc., Greensboro, N.C. Imported wearing appared cannot be considered to be like or directly competitive with knitted fabric. Imports of all types of finished fabric must be considerd in determining import injury to workers producing knitted fabric at Tima, Inc.

Aggregate imports of all finished fabric (bleached, dyed, and printed) both woven and knitted, declined absolutely from 1976 to 1977 and then increased in the first quarter of 1978 compared to the same period in 1977. The ratios of imports to domestic production and consumption remained less than 2 percent from 1974 through 1977.

Customers who contracted with Tima for the knitting of fabric were surveyed. The survey revealed that none of the customers who responded purchased imported fabric or used foreign contractors during 1976 or 1977. Furthermore, the customers' sales increased from 1976 to 1977.

CONCLUSION

After careful review I determine that all workers of Tima, Inc., Greensboro, N.C., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., the 12th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 78-29661 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3958]

TRENT TUBE DIVISION OF COLT INDUSTRIES, CARROLLTON, GA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3958: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 11, 1978, in response to a worker petition received on July 6, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless steel pipe and tubing at the Carrollton, Ga., plant of Trent Tube Division of Colt Industries.

The Notice of Investigation was published in the FEDERAL REGISTER on July 25, 1978 (43 FR 32199). No public hearing was requested and none was held.

On May 28, 1976, the Department issued a certification of eligibility to apply for adjustment assistance benefits to all workers of the Carrollton, Ga., plant of Trent Tube division of Colt Industries. This certification expired May 28, 1978—2 years from the date of issuance.

The information upon which the determination was made was obtained principally from officials of Trent Tube Division, its customers, the Iron and Steel Institute, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

United States imports of stainless steel pipe and tubing increased from 12.5 thousand short tons in the first half of 1977 to 12.8 thousand short tons in the first half of 1978.

A survey of customer of Trent Tube's Carrollton plant revealed that several major customers decreased purchases of stainless steel pipe and tubing from the subject firm while increasing purchases of imports in the first half of 1978 compared to the first half of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel pipe and tubing produced at the Carrollton, Ga., plant of the Trent Tube Division of Colt Industries contributed importantly to the total or partial separation of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Carrollton, Ga., plant of Trent Tube Division of Colt Industries who became totally or partially separated from employment on or after May 28, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of October, 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29662 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3747]

TRW CRESCENT WIRE CABLE CO., TRENTON, N.J.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3747: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 23, 1978, in response to a worker petition received on May 18, 1978, which was filed by the International Association of Machinists on behalf of workers and former workers producing building wire at the Trenton, N.J., plant of TRW Crescent Wire & Cable Co. The investigation revealed that industrial wire, power cable, and instrument and control products are manufactured at the plant.

The Notice of Investigation was published in the FEDERAL REGISTER on June 6, 1978 (43 FR 24633). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the TRW Crescent Wire & Cable Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

The Department contacted a representative sample of the customers of TRW Crescent Wire & Cable Co., Trenton, N.J. None of the customers reported increasing purchases of imports and reducing purchases from TRW Crescent in 1977 compared to 1976 and in the first quarter of 1978 compared to the same period in 1977.

CONCLUSION

After careful review, I determine that all workers of TRW Crescent Wire & Cable Company, Trenton, N.J., are denied eligibility to apply for ad-

justment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29663 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3472]

UNITED MERCHANTS AND MANUFACTURERS, SHELBY MILLS, SHELBY, N.C.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3472: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on April 4, 1978, in response to a worker petition received on March 23, 1978, which was filed on behalf of workers and former workers producing spun type material for apparel at the Shelby, N.C., plant of United Merchants and Manufacturers.

During the course of the investigation it was established that the plant produces greige fabric for apparel.

The investigation was expanded to include the Buffalo, Clearwater, and Bath, S.C., plants of United Merchants.

The notice of investigation was published in the FEDERAL REGISTER on April 28, 1978 (43 FR 18360-18361). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of United Merchants and Manufacturers, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analyst, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. It is concluded that all of the requirements have been met.

The Department's investigation revealed that U.S. imports of greige woven polyester fabric increased from 19.9 million square yards in 1976 to 27.6 million square yards in 1977. Imports decreased from 6.6 million square yards in the first quarter of 1977 to 4.6 million square yards in the first quarter of 1978. The ratio of imports to domestic production increased from .38 percent in 1976 to .55 percent in 1977.

Imports of greige woven non-industrial cotton fabric decreased from 613 million square yards in 1976 to 445 million square yards in 1977. Imports increased from 92 million square yards in the first quarter of 1977 to 128 million square yards in the first quarter of 1978. The ratio of imports to domestic production decreased from 15.1 percent in 1976 to 9.9 percent in 1977.

Imports of greige woven woolen fabric increased from 17.2 million square yards in 1976 to 22.7 million square yards in 1977. Imports increased from 5.7 million square yards in the first quarter of 1977 to 7.6 million square yards in the first quarter of 1978.

A survey of customers of United Merchants' sales division indicated that customers accounting for a significant proportion of the total sales of Shelby, Buffalo, Seminole, and Bath mills decreased purchases of fabric from these mills and increased purchases of imported fabric in 1977 compared to 1976 and in the first quarter of 1978 compared to the same period of 1977. Another division of United Merchants and Manufacturers imports greige fabric.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the greige fabric for apparel produced by the Shelby, N.C., plant of United Merchants contributed importantly to the total or partial separation of workers at that plant. In accordance with the provisions of the act, I make the following certification:

All workers of the Shelby, N.C., plant of United Merchants and Manufacturers, Inc., who became totally or partially separated from employment on or after March 20, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of October, 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29664 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3472a, 3472b, 3472c]

UNITED MERCHANTS & MANUFACTURES, INC., BUFFALO MILLS, BUFFALO, S.C., SEMINOLE MILLS, CLEARWATER, S.C.; BATH MILLS, BATH, S.C.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3472a, 3472b, 3472c: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on April 4, 1978, in response to a worker petition received on March 23, 1978, which was filed on behalf of workers and former workers producing spun type material for apparel at the Shelby, N.C., plant of United Merchants & Manufactures, Inc. During the course of the investigation it was established that the plant produces greige woven fabric for apparel.

The investigation was expanded to include the Buffalo, Clearwater, and Bath, S.C. plants of United Merchants.

The notice of investigation was published in the FEDERAL REGISTER on April 28, 1978 (43 FR 18360-18361). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of United Merchants & Manufactures, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. It is concluded that all of the requirements have been met.

The Department's investigation revealed that U.S. imports of greige woven polyester fabric increased from 19.9 million square yards in 1976 and increased to 27.6 million square yards in 1977. Imports decreased from 6.6 million square yards in the first quarter of 1977 to 4.6 million yards in the first quarter of 1978. The ratio of imports to domestic production increased from 0.38 percent in 1976 to 0.55 percent in 1977.

Imports of greige woven non-industrial cotton fabric decreased from 613 million square yards in 1976 to 445 million square yards in 1977. Imports increased from 92 million square yards in the first quarter of 1977 to 128 mil-

lion square yards in the first quarter of 1978. The ratio of imports to domestic production increased from 15.1 percent in 1976 to 9.9 percent in 1977.

Imports of greige woven woolen fabric increased from 17.2 million square yards in 1976 22.7 million square yards in 1977. Imports increased from 5.7 million square yards in the first quarter of 1977 to 7.6 million square yards in the first quarter of 1978.

A survey of customers of United Merchants' sales division indicated that customers accounting for a significant proportion of the total sales of Shelby, Buffalo, Seminole, and Bath Mills decreased purchases of fabric from these mills and increased purchases of imported fabric in 1977 compared to 1976 and in the first quarter of 1978 compared to the same period of 1977. Another division of United Merchants & Manufactures imports greige fabric.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the greige fabric for apparel produced by the Buffalo, Clearwater, and Bath, S.C., plants of United Merchants & Manufactures contributed importantly to the decline in sales and production and to the separation of workers at those plants. In accordance with the provisions of the act, I make the following certification:

All workers of the plants, listed below, of United Merchants & Manufactures, Inc., who became totally or partially separated from employment on or after March 20, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Plant names and locations:

Buffalo Mills—Buffalo, S.C.
Seminole Mills—Clearwater, S.C.
Bath Mills—Bath, S.C.

Signed at Washington, D.C., this 16th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.78-29665 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-2588A]

UNITED STATES STEEL CORP., FAIRLESS WORKS, TRENTON, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2588A: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on November 9, 1977, in response to a worker petition received on October 31, 1977, which was filed by the United Steelworkers of America on behalf of all workers producing all carbon steel and steel products at the Fairless Works of the United States Steel Corp., Fairless Hills, Pa.

Workers engaged in the production of hot rolled sheets, tin mill products, carbon rods, and wire and wire products at the Fairless Hills, Pa. plant of the Fairless Works, United States Steel Corp., were certified eligible to apply for adjustment assistance on April 6, 1973 (see TA-W-2588). Workers engaged in employment related to the production of cold rolled sheets, bar-size light shapes and galvanized sheets at the Fairless Hills plant were denied eligibility to apply for adjustment assistance.

Further investigation revealed that the rope mill at the Fairless Works is a separate plant located in Trenton, N.J. Workers engaged in the production of wire rope, cord, strand, and other wire products at the Trenton plant are not covered under the certification for the Fairless Works. The Trenton plant receives all its carbon rods from Fairless Hills. Because it is an integrated operation of the Fairless Works, the investigation was expanded to include the Trenton, N.J. plant.

The Notice of Investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of United States Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the criteria have been met.

The Department conducted surveys of some customers purchasing the following products from the Trenton plant of United States Steel: wire rope and cord, wire strand, and carbon rods.

Wire rope and cord represents the great majority of sales by the Trenton, N.J., plant of United States Steel in 1977. Several customers surveyed concerning purchases of wire rope, cord and strand in 1976 compared to 1977 and the first quarter of 1978 to the like quarter in 1977, increased their purchases of imports while decreasing purchases from the Trenton plant.

Sales of wire rope, cord, and strand and employment at the Trenton plant were higher in the fourth quarter of 1977 and the first quarter of 1978 than in the same quarters respectively a year earlier.

CONCLUSION

After careful review, I conclude that increases of imports of articles like or directly competitive with the wire rope, cord, and strand produced by the Trenton, N.J., plant of Fairless Works of the United States Steel Corp., contributed importantly to the separation of workers at that facility. In accordance with the provisions of the act, I make the following certification:

All workers of the Trenton, N.J., plant, Fairless Works of the United States Steel Corp. who become totally or partially separated from employment on or after October 20, 1976, and before October 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

FR Doc. 78-29666 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3417]

UNITED STATES STEEL CORP., McKEES ROCKS, PA.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3417: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on March 27, 1978, in response to a worker petition received on November 17, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing railway wheels and axles at the McKees Rocks, Pa., plant of United States Steel Corp.

The Notice of Investigation was published in the FEDERAL REGISTER on April 11, 1978 (43 FR 15205). No public hearing was required and none was held.

The information upon which the determination was made was obtained principally from officials of United States Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

RAILROAD AXLES

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A survey was conducted of some of the firms which purchased railroad axles from the McKees Rocks plant. The results of the survey indicated that most of the firms surveyed increased their purchases of axles from the McKees Rocks plant in 1977 compared to 1976 and in the first half of 1978 compared to the first half of 1977. None of the firms surveyed reduced purchases of axles from the McKees Rocks plant while increasing purchases of imported axles.

RAILROAD WHEELS

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

Import data for railroad wheels and railroad axles are not separately identifiable. Imports of railroad wheels and axles increased from 32.2 thousand tons in 1976 to 57.2 thousand tons in 1977. Imports amounted to 19.8 thousand tons in the first quarter of 1978 compared to 10.0 thousand tons in the first quarter of 1977.

A survey was conducted of some of the firms which purchased railroad wheels from the McKees Rocks plant. The results of the survey indicated that most of the firms surveyed increased their purchases of wheels from the McKees rocks plant in 1977 compared to 1976. However, several of these firms reduced purchases from the McKees Rocks plant in the first half of 1978 compared to the first half of 1977 and increased purchases of imported railroad wheels during the same period.

CONCLUSIONS

After careful review I determine that all workers engaged in employment related to the production of railroad axles at the McKees Rocks, Pa., plant of United States Steel Corp., are denied eligibility to apply for adjustment assistance unter Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that increases of imports of articles like or directly competitive with railroad wheels produced by the McKees Rocks, Pa., plant of United States Steel Corp., contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the act, I made the following certification:

All workers engaged in employment related to the production of railroad wheels at the McKees Rocks, Pa., plant of United States Steel Corp., who became totally or partially separated from employment on or after January 1, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Ace of 1974.

Signed at Washington, D.C. this 10th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29667 Filed 10-19-78 8:45 am]

[4510-28-M]

[TA-W-3756]

WESTERN PUBLISHING COMPANY, INC., ST. LOUIS, MO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3756: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 23, 1978 in response to a worker petition received on May 18, 1978 which was filed on behalf of workers and former workers engaged in commercial printing at the St. Louis, Mo. facility of Western Publishing Co., Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on June 6, 1978 (43 FR 24634). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Western Publishing Co., Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of advertising printing materials including posters, billboards signs, and pamphlets are negligible and have had little, if any, effect upon the domestic industry.

The petitioning workers are employed in the St. Louis, Mo. plant of Western Publishing Co. The St. Louis plant performs commercial printing services on a contract basis. The largest percentage of business is the printing of billboard signs. The plant also prints smaller signs and posters.

CONCLUSION

After careful review, I determine that all workers of the St. Louis, Missouri plant of the Western Publishing Co., Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of October 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29668 Filed 10-19-78; 8:45 am]

[4510-28-M]

[TA-W-3846]

THE WILKOFF CO., YOUNGSTOWN, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3846: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 14, 1978 in response to a worker petition received on June 9, 1978 which was filed by the United Steelworkers of America on behalf of workers and former workers producing structural steel and other related carbon steel products at Wilkoff Co., Youngstown, Ohio. Subsequent investigation revealed that Wilkoff Co. pickles steel sheets and plates for steel companies and processes and sells scrap steel.

The Notice of Investigation was published in the FEDERAL REGISTER on June 27, 1978 (43 FR 27924). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Wilkoff Co. and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. The Department has determined that services are not "articles" within the meaning of Section 222 of the Act, and that independent firms for which the subject firm provides services cannot be considered to be the "workers' firm."

The Wilkoff Co. cleans rusted steel sheets and plates for steel companies in its pickling department. Ownership of the sheets and plates is retained by the steel companies for which Wilkoff performs the pickling.

Wilkoff's scrap metal department purchases scrap metal which is subsequently sheared, burned or baled.

Until December 1976, Wilkoff also fabricated its own structural steel. At the end of December 1976, Wilkoff closed its structural steel department. Separations resulting from the closure of the structural steel department occurred on December 31, 1976. Section 223(b)(1) of the Trade Act of 1974 states that a certification under this section shall not apply to any worker whose last total or partial separation from the subject firm occurred more than 12 months prior to the date of filing under Title II, Chapter 2 of the Trade Act of 1974. The date of the petition is May 10, 1978. Therefore, workers laid off prior to May 10, 1977 are not eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974.

Since January 1977, workers at the Wilkoff Co. have been engaged in pickling steel sheets and plates for steel companies and processing scrap metal for sale to steel mills. Workers do not produce an article within the meaning of section 222(3) of the Trade Act.

All workers engaged in pickling steel sheets and plates and processing scrap metal for sale at Wilkoff Co. are employed by that firm. Thus, the Wilkoff Co. must be considered to be "the workers' firm."

CONCLUSION

After careful review, I determine that all workers of the Wilkoff Co., Youngstown, Ohio are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of October, 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-29660 Filed 10-19-78; 8:45 am]

[7510-01-M]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (78-46)]

DR. ROBERT L. GOLDEN

Certification

Pursuant to the provision contained in section 207 of Title 18 U.S.C. (Pub. L. 87-849, 76 Stat. 1124), having found that Dr. Robert L. Golden, formerly Chief, Space Physics Branch, Space and Life Sciences Directorate, Lyndon B. Johnson Space Center, National Aeronautics and Space Administration (NASA), and presently an employee of New Mexico State University, Las Cruces, N. Mex., possesses outstanding scientific qualifications, I certify that the national interest would be served by the said Dr. Robert L. Golden acting as agent for or appearing personally before NASA on behalf of New Mexico State University in connection with the negotiation and administration of contracts or grants by the University with NASA, and the performance of work under such University contracts or grants with NASA, for (1) reasearch on the search for cosmic antimatters including measurement of positrons and antiprotons, and (2) measurement of isotopic abundance in cosmic rays, on matters in which he participated personally and substantially as an employee of NASA or which were under his official responsibility as a NASA employee.

This certification is directed to be published in the FEDERAL REGISTER.

Dated: October 3, 1978.

ROBERT A. FROSCH,
Administrator.

[FR Doc. 78-29582 Filed 10-19-78; 8:45 am]

[7510-01-M]

[Notice (78-47)]

WADE L. CRADDOCK, JR.

Certification

Pursuant to the provision contained in section 207 of Title 18 U.S.C. (Pub. L. 87-849, 76 Stat. 1124), having found that Wade L. Craddock, Jr., formerly Assistant Chief, Space Physics Branch, Space and Life Sciences Directorate, Lyndon B. Johnson Space Center, National Aeronautics and Space Administration (NASA), presently an employee of New Mexico State University, Las Cruces, N.M., possesses outstanding scientific qualifications, I certify that the national interest would be served by the said Wade L. Craddock, Jr. acting as agent for or appearing personally before NASA on behalf of New Mexico State University in connection with the negotiation and administration of contracts or grants by the University with NASA, and the performance of work under such University contracts or grants with NASA, for research on (1) the search for cosmic antimatter, including measurement of positrons and antiprotons, and (2) measurement of isotopic abundance in cosmic rays, on matters in which he participated personally and substantially as an employee of NASA or which were under his official responsibility as a NASA employee.

This certification is directed to be published in the FEDERAL REGISTER.

Dated: October 3, 1978.

ROBERT A. FROSCH,
Administrator.

[FR Doc. 78-29583 Filed 10-19-78; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meetings

In order to provide advance information regarding proposed meetings of the ACRS subcommittees and working groups, and of the full committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or canceled since the last list of proposed meetings published September 21, 1978 (43 FR 42826). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the FEDERAL REGISTER approximately 15 days (or more) prior to the meeting. those subcommittee and working group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full committee meetings begin at 8:30 a.m. and sub-committee and working group meetings usually begin at 8:30 a.m. The exact time when items listed on the agenda will be discussed during full committee meetings and when subcommittee and working group meetings will start will be published approximately 15 days prior to each meeting. Information as to whether a meeting has been firmly scheduled, canceled, or rescheduled, or whether changes have been made in the agenda for the November 1978 ACRS full committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the com-

mittee (telephone 202-634-3267, Attention: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m., e.d.t., before October 29 and e.s.t. after that date.

SUBCOMMITTEE AND WORKING GROUP MEETINGS

Fluid Dynamics, October 24-25-26, 1978, San Francisco, Calif. Rescheduled to November 28-29-30, 1978.

Plant Arrangements, October 25, 1978, Washington, D.C. The subcommittee will begin its review of the NRC Generic Program, Systems Interaction in Nuclear Power Plants, Task A-17, and will review the Zion Station Systems Interaction Study. Notice of this meeting was published September 21 and October 10, 1978 (43 FR 42826 and 46611, respectively).

Surry Power Station, October 28, 1978, Washington, D.C., the subcommittee will discuss the steam generator repair program for Unit Nos. 1 and 2. Notice of this meeting was published October 13, 1978 (43 FR 47335).

Reactor Operations, November 1, 1978. Rescheduled from October 31-November 1. Washington, D.C. The subcommittee will review NRC Office of Nuclear Regulatory Research programs being conducted by the Research Support Branch, and will hear a briefing by representatives of the NRC Division of Operating Reactors concerning its policies and activities. Notice of this meeting was published September 21 and October 17, 1978 (43 FR 42826 and 47803, respectively).

Advanced Reactors, November 1, 1978, Washington, D.C. The subcommittee will continue its review of matters related to NRC sponsored research on the safety of advanced reactor designs. Notice of this meeting was published October 17, 1978 (43 FR 47802).

Regulatory Activities, November 1, 1978. Washington, D.C. Canceled. Notice of this meeting was published September 21, 1978 (43 FR 42826).

William H. Zimmer Nuclear Power Station, Unit No. 1, November 16-17, 1978. Rescheduled from November 15-16. Cincinnati, Ohio. The subcommittee will review the application of the Cincinnati Gas and Electric Co. for a license to operate Unit No. 1 of this station. Notice of this meeting was published September 21, 1978 (43 FR 42826).

Architect-Engineer Balance of Plant (Tentative), November 21, 1978. Rescheduled for December 18, Washington, D.C. Notice of this meeting was published September 21, 1978 (43 FR 42826).

Fluid Dynamics, November 28-29-30, 1978. Rescheduled from October 24-25-26. San Francisco, Calif. The subcommittee will meet with representatives of the NRC to discuss methods used in licensing by the NRC staff and the nuclear industry for calculating containment system response. Containment leak testing will also be discussed. In addition, the subcommittee will review the design basis and construction of the Mark II Boiling Water Reactor (BWR) Containment System. Notice of this meeting was published September 21, 1978 (43 FR 42826).

Power and Electrical Systems, December 1, 1978, Washington, D.C. The subcommittee will meet with representatives of Westinghouse Corp. and the NRC staff to review the potential adverse interactions through the interconnection of protection and safety systems with reactor control systems described in RESAR-414.

Generic Items, December 5, 1978, Washington, D.C. The subcommittee will review the status of the various generic items contained in the committee's November 15, 1977, "Status of Generic Items Relating to Light-Water Reactors, Report No. 6."

Regulatory Activities, December 6, 1978, Washington, D.C. The subcommittee will review working papers and future regulatory guides; also, it will discuss pertinent activities which affect the current licensing process and/or reactor operations.

Architect-Engineer Balance of Plant, December 18, 1978. Rescheduled from November 21, 1978. Washington, D.C. The subcommittee will review the Fluor Power Services, Inc., Balance of Plant Standard Safety Analysis Report (BOPSSAR) and its relationship to the Babcock and Wilcox Standard Reference System B-SAR-205 for a preliminary design approval.

Salem Nuclear Power Station, Unit No. 2, December 19, 1978, Washington, D.C. The subcommittee will review the application of the Public Service Electric and Gas Co. for a license to operate Unit No. 2 of this station.

Regulatory Activities, January 3, 1979, Washington, D.C. The subcommittee will review working papers and future regulatory guides; also, it will discuss pertinent activities which affect the current licensing process and/or reactor operations.

Extreme External Phenomena, January 9, 1979, Las Vegas, Nev. The subcommittee will review NRC-sponsored research regarding seismic design of nuclear power plants.

ACRS FULL COMMITTEE MEETINGS

November 2-4, 1978

A. *Fast Flux Test Facility—Operation.

B. *Reactor Safety Research—Review NRC Safety Research Program.

November 9-11, 1978

*Representatives of the ACRS will meet with representatives of the Reactor Safety Commission (RSK) of the Federal Republic of Germany to discuss items of mutual interest related to nuclear safety and regulation.

December 7-9, 1978

Agenda to be announced.

January 4-6, 1979

Agenda to be announced.

Dated: October 18, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-29732 Filed 10-19-78; 8:45 am]

[7590-01-M]

[Docket No. 50-341-OL]

DETROIT EDISON CO., ET AL.

Establishment of Atomic Safety and Licensing Board to Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

DETROIT EDISON CO., ET AL.

(Enrico Fermi Atomic Power Plant, Unit 2)

Construction Permit No. CPPR-87

This action is in reference to a notice published by the Commission on September 11, 1978, in the FEDERAL REGISTER (43 FR 40327) entitled "Opportunity for Hearing."

The Chairman of this Board and his address is as follows:

Charles Bechhoefer, Esq., Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The other members of the Board and their addresses are as follows:

Dr. David R. Schink, Department of Oceanography, Texas A. & M. University, College Station, Tex. 77840.

Mr. Frederick J. Shon, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Md., this 13th day of October 1978.

JAMES R. YORE,
Chairman Atomic Safety and Licensing Board Panel.

[FR Doc. 78-29565 Filed 10-19-78; 8:45 am]

[7590-01-M]

[Docket No. 50-286, Facility Operating License No. DPR-64]

POWER AUTHORITY OF THE STATE OF NEW YORK, INDIAN POINT NUCLEAR GENERATING STATION, UNIT NO. 3

Denial of Amendment Application

The U.S. Nuclear Regulatory Commission (the Commission) has denied the Power Authority of the State of New York's (the licensee) "application for an Extension of the Period of Interim Operation Using the Installed Once-through Cooling System and Motion for Expedited Commission Consideration" dated August 7, 1978. The licensee seeks amendment of Condition 2.E.(1) of DPR-64 so as to extend the date for termination of operation with once-through cooling [1] to allow for (1) the Environmental Protection Agency (EPA) to reach an administrative decision in the pending discharge permit proceeding involving Indian Point 3 (and other steam-electric generating facilities on the low Hudson River), (2) any judicial remedies from the EPA decision to be exhausted, and (3) the cooling tower, if required by EPA, to be constructed.

The Commission's denial is set forth in a letter dated October 13, 1978, from Harold R. Denton, Director, Office of Nuclear Reactor Regulation to Paul J. Early, Assistant Chief Engineer, Projects of the licensee. Briefly, the bases for the denial are: (1) the Commission will be required to conform its license to whatever decision (including a compliance schedule for tower construction) is ultimately adopted by EPA; (2) the EPA proceeding is still in process and the Commission does not, therefore, have the benefit yet of an EPA decision; (3) the Commission will have to analyze whatever decision EPA reaches and determine what type of evaluation is required under the Commission's regulations implementing the National Environmental Policy Act; and (4) the Commission expects that the EPA final administrative decision will be rendered sufficiently in advance of the once-through cooling termination date that the Commission will be able to take whatever action might be required prior to that date. On these bases, the Commission determined that it is preferable to await the final EPA administrative decision before determining what action need be taken by the Commission and that there is no prejudice to the licensee from a denial of the application.

For further details with respect to this action, see (1) the licensee's application and supporting affidavit and (2) the letter fropm Mr. Denton to Mr. Early. Both of these documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the White Plains Public Library, 100 Martine Avenue, White Plains, N.Y. 10601.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Bethesda, Md., this 13th day of October 1978.

For the Nuclear Regulatory Commission.

RONALD L. BALLARD,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc. 78-29567 Filed 10-19-78; 8:45 am]

[1] Condition 2.E.(1) presently requires termination of operation with once-through cooling by September 15, 1980. By operation of Condition 2.E.(1)(e), that date has now become September 15, 1982. The Commission will appropriately amend the license.

[7590-01-M]

RECOMMENDATIONS FOR IMPROVING NUCLEAR POWERPLANT LICENSING

Policy Statement

In its continuing efforts to improve the effectiveness and efficiency of Nuclear Regulatory Commission (NRC) licensing activities consistent with providing increased opportunity for the public to participate in the licensing process, the Commission requested a staff study of the lessons learned in nuclear power plant licensing since the NRC was created. The results of this study were published in June 1977 as NUREG-0292, "Nuclear Power Plant Licensing: Opportunities for Improvement." A press release was issued on July 27, 1977, which summarized these recommendations, noted public availability of the report, and indicated that the Commission had directed the staff to prepare a plan to implement these recommendations.

It is the intent of the Commission to implement the following recommendations of NUREG-0292 on an experimental basis whenever opportunities arise and it is practical to do so on both currently docketed and forthcoming applications. The recommendations will be implemented as a collective set if possible; however, implementation of any single recommendation will be undertaken if the staff believes a productive result will be achieved.

RECOMMENDATION NO. 3

INCREASE PRETENDERING COORDINATION WITH APPLICANTS

The expanded pretendering coordination with applicants has as its objective the subsequent filing of an application that is of such quality as to minimize the need for extensive requests for additional information, clarification, or design or procedural commitment that often result in considerable delay in the review of an application after docketing. The expanded pretendering activities will be initiated about 9 months prior to the proposed tendering of an application and will be designed to provide additional guidance and direction to the applicant during the preparation of its application. The increased coordination activities during this period will include several working level meetings between the applicant and the staff to provide specific updated guidance to the applicant regarding the format and content of the application and to provide an opportunity to discuss key aspects of the design, relevant problems, and current staff positions.

RECOMMENDATION NO. 4

EXPAND AND RESTRUCTURE THE ACCEPTANCE REVIEW

The present acceptance review program was initiated following publication of the Standard Format and Content document in 1972 and provided the staff with a standard by which to determine whether a tendered application was sufficiently complete to permit docketing and detailed review. The Acceptance Review will be expanded to emphasize the quality of the material presented as well as completeness.

The expanded and restructured Acceptance Review has as its objective the assurance that all significant information needed by the staff for the preparation of its Safety Evaluation Report will be in the docketed application. During the acceptance review, the staff will examine the information provided in the tendered application to determine that it includes most, if not all, of the information that is generally presently available in an application only after it has been amended to include the additional information developed in response to the staff's first round of questions after the application is docketed.

This expanded and restructured Acceptance Review in conjunction with the proposed increased pretendering coordination activities should result in a significant reduction, if not elimina-

tion, in the need for repetitive and time-consuming question and answer cycles subsequent to docketing.

RECOMMENDATION No. 5

MODIFY CURRENT REVIEW PROCESS BY DEVELOPING EARLY SAFETY EVALUATION REPORT

In order to achieve the full measure of the benefits envisioned in implementing Recommendations No. 3 and No. 4, the present safety review sequence will be altered somewhat in this experimental program. Because of the increased pretendering coordination with applicants and the expanded and restructured Acceptance Review, it is expected that the two rounds of questions which are a part of the present review sequence would be essentially eliminated, and the review would be performed on the basis of the contents and quality of the application as docketed and supplemented by the applicant's responses to the staff questions asked during the expanded and restructured Acceptance Review. The staff's positions would be reflected in a Safety Evaluation Report which would be issued within about 6 months of docketing.

After evaluating the results of this experimental program, appropriate changes will be made to pertinent staff documents concerning procedures and practices in licensing reviews. If required, changes to Commission rules and regulations will be initiated. Pending any changes in the regulations after this evaluation, it is the intent of the Commission to proceed with the Acceptance Reviews of any applications, involved in the experimental program and where Recommendation 4 is to be implemented, on a case-by-case basis notwithstanding the provisions of the current regulation in 10 CFR 2.101 concerning the time limit and content of Acceptance Reviews.

In addition, the Commission has directed the staff to implement Recommendation No. 6:

INCREASE PUBLIC PARTICIPATION DURING STAFF REVIEW

Although the hearing process provides an opportunity for public participation, there is very little practical opportunity for interested members of the public, particularly those in the vicinity of the proposed site, to become aware of the staff's role during review of construction permit applications. It is the intent of the Commission to provide increased opportunity for the public to observe and participate in the licensing process in a meaningful way without imposing an undue burden upon the resources of staff manpower.

While the most efficient way to handle interaction of the staff with the applicant on licensing matters is to hold meetings in Bethesda where it is possible to have access to various elements of the staff, the costs and distance make it almost impossible, except for certain well-established intervenor organizations, for members of the public living near the proposed site to participate in these meetings. On the other hand, to arrange all such meetings near the proposed plant site would impose significant burdens upon the staff without necessarily providing commensurate improvement in public understanding of the licensing process.

Past experience with staff interaction with the public has shown that:

(1) The public appears to be most interested in the licensing process in the pre-docketing and/or early stages of the review.

(2) The number of people who attend public meetings appears to be directly correlated with the time of day at which the meetings are held. Past experience has shown that many more people attend meetings held in the evening than during the working day.

Based on the above considerations, a number of working meetings between the staff and construction permit applicants, both prior to and after docketing of an application, normally held at Commission offices in Bethesda, Md., will be held in the vicinity of the proposed site. Whenever possible, these meetings will be held in the evenings or on weekends.

These meetings will provide an opportunity for interested members of the public to listen to the staff and applicant discussions and observe the staff's role in the review of applications. Appropriate provisions will be made for public comments and questions and responses by the applicant and the staff.

Recommendation No. 6 is to be implemented by the staff to the extent permitted by resource considerations on all ongoing and future license application reviews. In this respect, it differs from the implementation of Recommendations No. 3, 4, and 5, which are being conducted on an experimental basis for selected applications.

Finally, whatever improvements that accrue in efficiency as a result of these recommendations will not be permitted to reduce the quality of the licensing review.

Future statements concerning the other recommendations of NUREG-0292 will be issued as appropriate.

Dated at Washington, D.C., this 16th day of October 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-29563 Filed 10-19-78; 8:45 am]

[7590-01-M]

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR-54 issued to Sacramento Municipal Utility district, which revised Technical Specifications for operation of the Rancho Seco Nuclear Generating Station, located in Sacramento County, Calif. The amendment is effective as of its date of issuance.

The amendment to the Technical Specifications revises the definitions of time periods for plant surveillance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 7, 1978, (2) Amendment No. 23 to License No. DPR-54, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, Calif. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 3rd day of October, 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-29566 Filed 10-19-78; 8:45 am]

[4910-58-M]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-465]

AIRCRAFT ACCIDENT—ST. THOMAS, V.I.

Accident Investigation Hearing

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 10 a.m., (local time) on November 6, 1978, at the Frenchman's Reef-Holiday Inn, St. Thomas, V.I.

The public hearing will be held in connection with the Safety Board's investigation of an accident involving an Antilles Air Boats, Inc., Grumman G21A, which occurred September 2, 1978, at St. Thomas, V.I.

DAVID F. THOMAS,
Hearing Officer.

OCTOBER 17, 1978.

[FR Doc. 78-29611 Filed 10-19-78; 8:45 am]

[4710-02-M]

DEPARTMENT OF STATE

Agency for International Development

JOINT RESEARCH COMMITTEE OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the 17th meeting of the Joint Research Committee of the Board for International Food and Agricultural Development on November 7 and 8, 1978.

The purpose of the meeting is to review the Collaborative Research Support Program planned under an AID contract for fisheries and aquaculture; to review procedures and programs for developing and implementing Collaborative Research Support Programs; to discuss measures for handling unsolicited research proposals; to discuss areas and schedules for possible exploratory and planning grants; to consider methods for determining priorities for contract research and other related subjects.

This meeting will convene at 9 a.m. and adjourn at 5 p.m. on November 7 and 8, 1978. The meeting will be held in the Dynasty Room of the Holiday Inn, 1850 North Fort Myer Drive, Arlington, Va. 22209. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Office of Title XII Coordination, Development Support Bureau, is designated AID Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-2243.

Dated: October 12, 1978.

ERVEN J. LONG,
AID Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 78-29569 Filed 10-19-78; 8:45 am]

[4910-06-M]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. RFA 305-78-1]

CONSOLIDATED RAIL CORP. (CONRAIL)

Supplemental Transaction Proposal

AGENCY: Federal Railroad Administration.

ACTION: Notice of supplemental transaction proposal.

SUMMARY: This notice solicits public comment on a proposal being developed by the Federal Railroad Administration ("FRA") by which the Consolidated Rail Corp. ("ConRail") would transfer 30 miles of railroad track in the Groton, Conn., area to the Providence & Worcester Co. ("P. & W."). FRA is developing this proposal because ConRail and the P. & W. have been unable to agree on the terms of the transfer through private negotiations. The State of Connecticut asserts that service on the affected trackage would be improved by a transfer of ownership to the P. & W.

COMMENTS MUST BE RECEIVED ON OR BEFORE: November 20, 1978.

ADDRESS FOR COMMENTS: Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Douglas Taylor, Office of Passenger and Special Programs, Office of the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION:

The final system plan was a plan developed by the United States Railway Association which specified the rail properties in the Northeast to be conveyed to ConRail in 1976. Section 305 of the Regional Rail Reorganization Act of 1973 ("Act"), 45 U.S.C. 745, authorizes the Secretary of Transportation ("Secretary"): (1) to develop proposals for transactions supplemental to the final system plan which promote the establishment and retention of a financially self-sustaining rail service system in the Northeast and (2) to transmit such a proposal to the United States Railway Association for analysis and evaluation. The proposal must contain a description of the transaction proposed, the rail properties involved, the parties to the transaction, the financial and other terms of the transaction, and the purposes of the Act or the goals of the final system plan intended to be effectuated by the transaction.

The State of Connecticut has requested that the Secretary develop a supplemental transaction proposal with regard to the following railroad track now owned by ConRail: (1) the southernmost portion of the Norwich Secondary Track, extending from Groton to Plainfield, Conn., and (2) the Groton Old Main Branch line, located in Groton, Conn. Under the proposal being developed by FRA the P. & W. would acquire these rail facilities from ConRail and would acquire trackage rights from the National Railroad Passenger Corp., along approximately three miles of the Shoreline Track, located between the junction of the Norwich Secondary Track with the Shoreline Track and the Groton Old Main Branch line with the Shoreline Track. The State asserts that such an acquisition by the P. & W. would promote the establishment of a financially self-sustaining rail system; insure the establishment and maintenance of a rail service system adequate to meet the transportation needs and service requirements of the region; enhance both Northeast Corridor passenger service and intercity rail transportation between Worcester, Mass. and New London, Conn.; retain and promote competition in Connecticut and in the region; and enhance community development in eastern Connecticut.

The comments will be taken into consideration by the FRA in developing the proposal. However, formal acknowledgment of the comments will not be provided.

(Sec. 305 of the Regional Rail Reorganization Act of 1973 (Pub. L. 93-236), as amended.)

Dated: October 2, 1978.

CHARLES SWINBURN,
Associated Administrator for Federal Assistance, Federal Railroad Administration.

[FR Doc. 78-29613 Filed 10-19-78; 8:45 am]

[1505-01-M]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 78-6]

ADVISORY COMMITTEE ON EXPLOSIVES TAGGING AND ITS TECHNICAL SUBCOMMITTEE

Closed Meeting

Correction

In FR Doc. 78-27040, appearing on page 43790 in the issue of Wednesday, September 27, 1978, the signature at the end of the document should read, "John G. Krogman".

[4810-25-M]

DEPARTMENT OF THE TREASURY

Office of the Secretary

U.S. TAX COURT NOMINATION COMMISSION

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the U.S. Tax Court Nominating Commission will meet in the General Counsel's office in the Treasury Department on November 6, 1978, at 10:30 a.m. The Commission was established by Executive Order 12064 of June 5, 1978 (43 FR 24661).

The members of the Commission will continue to examine the qualifications of persons to be recommended to the President for appointment to the U.S. Tax Court. This process will necessarily involve consideration of information of a personal nature relating to candidates for appointment. Discussion of sensitive and confidential matters relating to such persons in a meeting open to the public would constitute a clearly unwarranted invasion of personal privacy of the individuals being considered for appointment to the Tax Court.

Meetings of the Commission must be conducted in a manner conducive to a frank exchange of views and searching evaluation of the qualifications of candidates for appointment to the Tax Court. Open meetings would have a chilling effect on candid comments by Commission members about the qualifications of such candidates and would inhibit the ability of the Commission to obtain comments of third parties. Open meetings would thus significantly frustrate the Commission's efforts to implement its primary function under the Executive order.

A determination as required by section 10(d) of the Federal Advisory Commiittee Act has been made that this meeting will concern matters within section 552b(c)(6) and 9(B) of Title 5, United States Code, and that the public interest requires that this meeting be closed to public participation.

Dated: October 18, 1978.

ROBERT H. MUNDHEIM,
General Counsel.

[FR Doc. 78-29796 Filed 10-19-78; 8:45 am]

[1505-01-M]

INTERSTATE COMMERCE COMMISSION

[Decisions Volume No. 28]

DECISION-NOTICE

Correction

In FR Doc. 78-25769 appearing at page 41128 in the issue for Thursday, September 14, 1978, on page 41130, in the middle column, in the paragraph "MC 69492 (Sub-63F)", in the 14th line, "Hichman, KY" should read "Hickman, KY".

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 349 (Sub-1)]

INCREASED FREIGHT RATES AND CHARGES, 1978, NATIONWIDE

OCTOBER 17, 1978.

In a decision served September 15, 1978, the Commission reopened Ex Parte No. 349, and permitted the Eastern railroads to file a master tariff, subject to protest and possible suspension, providing for the increase of freight rates and charges within Eastern Territory by 3 to 20 percent on 24 SPC groups. The commodities in question are stated by the carriers to be generally transported at marginal or noncompensatory rate levels.

The carriers' proposal was based on the Commission's decision in Ex Parte No. 349, served June 7, 1978, which directed the railroads to "take immediate steps to remedy" the problems regarding commodities transported at below-cost rates. The commodities chosen by the carriers were selected on the basis of Schedule C data submitted in Ex Parte No. 349, which indicated that those commodities produced a revenue/cost ratio of 110 percent or less. The railroads stated that the proposed increases on individual commodities were based on the best judgment of the carriers as to the amount that the rate could be raised without a substantial possibility of diversion or loss of traffic. The carriers also stated that a general rate increase format was used because individual filings were not practicable, nor in conformity with the Commission's June 7 decision.

Several protestants contend that the carriers' proposal is not a general increase, and therefore, should have been docketed for rate bureau handling on an individual commodity basis. At present, mandatory docketing of general increase proposals is not required. Ex Parte No. 297, *Rate Bureau Investigation*, 351 ICC 437. Pursuant to Ex Parte No. 290, *Procedures Governing Rail General Increase Proceedings*, effective January 1, 1978, 49 CFR 1102.1, a general increase is defined as an increase in freight rates or charges, applying to a substantial number of commodities or services, for which the justification is revenue need. This proposal was filed on behalf of substantially all railroads in one of the three primary ratemaking territories and applies to a substantial number of commodities. The justification for the proposal is revenue need. We find that this proposal is a general increase under the present X-290 definition.[1]

Several other protestants submit that the Schedule C data is not a proper evidentiary basis for this proposal. Protestants point out that in the June 7 decision in Ex Parte No. 349, the Commission referred the carriers to its discussion of noncompensatory rates in Ex Parte No. 338, *Standards and Procedures For The Establishment of Adequate Revenue Levels*, decision served February 3, 1978. The Commission indicated in that proceeding that a proper resolution of the question of noncompensatory rates "would require a close examination of the costs of individual services, based on reliable cost evidence of the most specific kind." Ex Parte No. 338, *supra*, p. 37.

The quoted passage refers to the so-called "Kearney report" performed for the Commission in support of its evaluation of the 4-R Act. The analysis in the Kearney report relies on a burden study (one-percent waybill study) based on formula methods of cost escalation. In comparison with the Kear-

[1] Whether a more explicit definition of a "general increase" should be adopted will be considered in the reopened Ex Parte No. 290 proceeding. Additionally, we intend in the near future to review our Ex Parte No. 297 finding with regard to handling of general increases.

ney study, the Schedule C data is much more specific in that it is based upon a traffic study of all carloads handled in line-haul service by each of the 36 Class I railroads, with individual Rail Form A unit costs for each Class I railroad, with certain adjustments, applied to the traffic base. This conforms with the general intent of the Commission in its decision in Ex Parte No. 290 that the Schedule C data reflect known transportation characteristics of each commodity, and, therefore, present an adequate breakdown of each railroads' total revenue and expenses on a commodity by commodity basis, for the purposes of this first attempt to comply with Ex Parte No. 290, *supra*, 351 ICC 544, 569.

The question basically argued is whether the carriers' Schedule C data has been adequately adjusted to reflect actual transportation characteristics of each specified commodity, as required by the X-290 procedures. The possible need for further refinement of the X-290 procedures, particularly Schedule C, was noted in the Commission's June 7 decision in Ex Parte No. 349. Whether Schedule C should be further refined will be considered in the reopened Ex Parte No. 290 proceeding. For purposes of this proceeding, the Schedule C data is an adequate starting point to evaluate the instant proposal.

An extensive record was assembled in the Ex Parte No. 349 proceeding, and an additional record was compiled here. In Ex Parte No. 349, the record indicated that the Eastern railroads expected an additional $242 million in annual revenue from the proposed increase, to partially offset $315 million in increased costs (labor, supply and materials, and other items). The Commission's actions in reducing the proposed increase on bituminous coal from 7 to 4 percent, and further reductions imposed after the investigation in Ex Parte No. 343, *Nationwide Increased Freight Rates and Charges—1977*, decision served June 29, 1978, reduced the anticipated revenue gain to approximately $197 million annually. The proposed increases will yield approximately $23 million annually, and will still fall far short of the increased costs shown of record. Along with other poor financial indicators, we find that the increase is justified from a cost and revenue standpoint.

However, protestants have presented some compelling evidence with regard to certain commodities, and certain of these will be placed under investigation here.

With regard to sanitary paper, a recent 10 percent increase within the East became effective January 28, 1978, but is presently under investigation in Docket No. 36817 (Sub-1), *Sanitary Paper and Related Articles, East, Midwest, and South*, with a decision to be rendered in the near future. In view of this pending proceeding, and indications of record that this commodity may be moving at more than adequate revenue/cost ratios, the proposed 5 percent increase on sanitary paper products is placed under investigation here.

With regard to the proposed 10 percent increases on the recyclable commodities textile waste and paper, waste or scrap, the carriers' Schedule C data conflicts strongly with the Commission's findings in Ex Parte No. 319, *Investigation of Freight Rates for the Transportation of Recyclables or Recycled Commodities*, decision served February 4, 1977. There the Commission found revenue to variable cost ratios on Eastern territory movements of 120 percent for paper waste, and between 114 and 137 percent for textile waste materials. Ex parte No. 319, *supra*, pp. 335, a, v, and y, 337, 388. These two commodities are under investigation in Ex Parte No. 349 and we believe these same recyclable commodities should be placed under investigation here.

With regard to pulpwood logs, a 7 percent increase on this commodity was published by Canadian National Railways and ConRail, respondents in this proceeding, on movements from Wenlock, Vt to Carthage, NY, effective October 24, 1977. This rate is now the subject of a complaint in Docket No. 36896, *St. Regis Paper Company* v. *Canadian National Railways, et al.* In this proceeding a 10 percent increase on pulpwood logs is proposed. The unrebutted evidence of record indicates that the rates on these movements are in the range of 180 percent of variable costs, far above what could be considered a marginal or noncompensatory level. The record also indicates that St. Regis Paper Co. will bear the major portion of this increase. As such, we are ordering that the proposed rate increase on this commodity be suspended, and investigated.

It is ordered:

The proposed 10 percent increase on pulpwood logs (SPC No. 46, STCC No. 24 114), Item 575 of Tariff of Increased Rates and Charges X-349 (Sub-1), is suspended to and incuding May 19, 1979.

The following commodities are placed under investigation. For the convenience of the parties, the Standard Transportation Commodity Code (STCC) associated with the SPC numbers for the commodities under investigation, as set forth in Ex Parte No. 290, *supra*, pp. 628-635, are as follows:

SPC and commodity	STCC No.[1]
46—Pulpwood logs	24 114
63—Sanitary paper products	26 471
	26 472
120—Textile waste	22 941
	22 973
	22 994
	40 22-
121—Paper, waste, or scrap	40 214
	40 24-

[1]The four or five digit STCC numbers referred to also embrace all articles assigned additional digits listed thereunder in STCC Tariff 1-E.

All Eastern railroads subject to Part I of the Interstate Commerce Act are respondents, and as such, they have the burden of proof in this investigation.

This proceeding shall be handled under modified procedure as provided by the Commission's General Rules of Practice, except that 20 copies of all statements submitted shall be filed with the Commission, and that the filing and service of pleadings be as follows.

(a) Opening statements of facts and arguments may be submitted no later than November 16, 1978.

(b) Statements by shippers and other parties to this proceeding may be submitted no later than December 18, 1978.

(c) Reply statements by respondents may be submitted no later than January 8, 1979.

Notice is given that petitions and motions filed with regard to this investigation may be disposed of in the Commission's report. Accordingly, all parties should proceed upon the assumption that the pendency of a petition or motion will not justify any party's failure to comply with the scheduled due date for filing of statements.

In the event any increases resulting from the application of this tariff exceed the increases subsequently approved or prescribed by the Commission, the carriers will be required to refund the difference between the increase resulting from the application thereof and any increases which may subsequently be approved or prescribed by the Interstate Commerce Commission with interest as specified in section 15(8)(e). Respondents' master tariff contains an appropriate "Provision for Refund" in the form required by our order served September 15, 1978, with a provision for interest at 6.66 percent.

We direct the carriers' attention to our admonitions in prior general increase proceedings concerning maintenance and preservation of existing port relationships. See, for example, *Increased Freight Rates and Charges, 1972*, 341 ICC 288, 336, and *Increased Freight Rates, 1970 and 1971*, 339 ICC 125, 188. In making effective any in-

creases permitted herein, the carriers are required to protect and maintain all existing port relationships, duly established by order of the Commission or recognized customs of the trade, and to observe the prohibitions of the Interstate Commerce Act with regard to unjust discrimination and undue and unreasonable preference and prejudice.

All outstanding orders of the Commission are modified to the extent necessary to permit the proposed increases authorized in this decision to become effective.

On October 5, 1978, the National Association of Recycling Industries, Inc. (NARI) filed a motion to dismiss this general increase proceeding. Essentially, NARI argues that the Commission must refuse to approve any selective increases on recyclables (specifically textile waste and waste paper) in light of the remand issued in Ex Parte No. 319 by the Court of Appeals for the District of Columbia in No. 77-1187, *National Association of Recycling Industries, Inc.* v. *Interstate Commerce Commission*, August 2, 1978. NARI submits that this decision plus section 204 of the 4-R Act prevents any selective, disproportionate, or discriminatory increase on recyclables.

Section 204 of the 4-R Act required the Commission to conduct an investigation of the rate structures with respect to recyclables and virgin materials. That investigation was completed and, as noted by NARI, remanded to the Commission. Neither the statute nor the court decision suggests that the Commission may not authorize future rate adjustments.

However, an investigation is being ordered into the proposed increase on paper waste and textile waste. Most of NARI's other objections are similar to those of other parties—that this proceeding is not a general increase, and objections to the Schedule C data. As discussed earlier in this decision, these arguments are not persuasive, and the motion to dismiss is denied.

Environmental Considerations

We have, several times in the past, given considerable study to the environmental impacts associated with increased rates for recyclable commodities. Detailed environmental impact statements were prepared for general revenue proceedings in *Ex Parte No. 281, Increased Freight Rates and Changes, 1972*, and *Ex Parte No. 295 (Sub-1), Increased Freight Rates and Changes, 1973*, while an environmental threshold assessment survey was prepared in *Ex Parte No. 318, Increased Freight Rates and Changes, 1976*. These studies concluded that the demand for recyclables was only minimally influenced by changes in freight rates. The most recent comprehensive analysis of the environmental implications of freight rates for recyclables was undertaken in *Ex Parte No. 319, supra*. In that proceeding, an environmental impact statement (EIS) was prepared analyzing (1) whether the rate structure per se has a significant effect on the relative utilization of recyclable and competing virgin materials, and (2) whether general rail freight rate increases have a significant effect on relative utilization.

The EIS in *Ex Parte No. 319* found that transportation costs were not significant factors in determining the relative utilization of recyclable and virgin materials. With respect to waste paper, the EIS found that other factors, such as the supply of virgin fibers, consumer preference, and increasing demand for paper play a greater role in paper recovery than transportation costs and that the demand for scrap paper is relatively unresponsive to price. With respect to textiles, the EIS identified a downward trend in textile recycling caused by shifting consumer preferences for virgin materials, the increased use of synthetic fibers, and a decrease in the supply of usable textile scrap. In view of these factors, the impact of transportation rates on the use of textile scrap was determined to be minimal.

In this proceeding we are again confronted with the issue of what effect a proposed general increase on certain recyclable commodities will have on the quality of the human environment. In view of the extensive environmental record developed in past proceedings and the lack of contradictory evidence in the record in this proceeding, we conclude that not suspending the increases on waste paper and textile waste, and not suspending or investigating certain other commodities, will not have a significant impact on the quality of the human environment.

We will further develop the environmental record, however, in the course of the investigation ordered for the rate increases for the recyclable and other commodities through preparation of an environmental impact statement or threshold assessment, as appropriate.

Fourth Section No. 20584

Respondent railroads have applied for relief from the provisions of section 4 of the Act necessary to establish the rates and charges originally sought. The increases in rates and charges authorized herein cannot be published and made effective without producing in some instances rates or charges that yield greater compensation in the aggregate for the transportation of the like kind of property for a shorter than for a longer distance over the same line or route in the same direction, or greater compensation as a through rate or charge than the aggregate-of-intermediate rates or charges subject to the Act, in contravention of section 4. The increased cost of railroad operation necessitates the increases in rates and charges involved in this proceeding which cannot be made effective without forth-section relief; that application of the increased charges to or from more distant points will not result in the establishment of rates to or from more distant points that are not reasonably compensatory; that no protestant adequately opposed issuance of the fourth-section relief sought on the ground that it would be adversely affected by the fourth-section departures that may be created by the increased rates; and that a special case has been presented in which the Commission may authorize relief from the provisions of section 4;

Carriers subject to the Interstate Commerce Act and parties to said proceeding be, and they are hereby, authorized to establish and maintain the increased rates and charges described herein without observing the provisions of section 4 of the Act;

Parties to said proceeding be, and they are hereby, authorized to establish and maintain rates and charges permitted to become effective in this order without observing the long-and-short haul provisions of section 4 of the Act in cases arising out of the failure to apply the full increases in rates and charges over interstate routes between points in a single State, in turn caused by the failure of the State authorities to authorize the full increases permitted in this proceeding;

In those instances in which rates in contravention of section 4 are established under authority contained herein, the schedule containing such rates shall make reference to this decision in the manner required by Rule 28 of Tariff Circular No. 20.

Amendment to Special Permission No. 78-4200 Authorizing Certain Departures From the Commission's Published Tariff and Orders

It is ordered: Special Permission No. 78-4200 is hereby amended to permit the establishment of the increases in freight rate and charges authorized by the Commission in this decision subject to the terms, conditions, and limitations provided therein.

A copy of this decision will be served on each party to the proceeding in Ex Parte No. 349, on the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Governor of each State. A copy will also be deposited in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection. In addition statuto-

ry notice of the substance and procedures in this investigation will be given to the general public by delivering a copy to the Director, Office of the Federal Register, for publication.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Brown, Stafford, Gresham, and Clapp. Vice Chairman Christian dissenting in part. Commissioner Gresham concurring in part and dissenting in part.

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

Vice Chairman Christian, dissenting in part:

I disagree with the majority decision to the extent that it orders suspension and/or investigation of individual commodities. I detect no reason for tampering with the increases on these commodities.

In the case of the recyclables, there is no indication that the resulting rates would be unreasonably high. The same statement holds true for the sanitary paper rates regardless of the pending investigation proceeding. The rates on pulpwood logs are already subject to investigation by virtue of the complaint filed by St. Regis Paper Co. Any rate relief which may be needed can be ordered in the complaint proceeding.

To meet our obligations under the law, I believe that we must give significant rate flexibility to the railroads. We must resist the temptation of placing the heavy hand of regulation on carrier efforts to improve their financial condition. I am not prepared to tinker with carrier rate initiatives unless market dominance is apparent or there is a likelihood that the sections of the Act prohibiting unjust discrimination or undue preference and prejudice would be violated.

Commissioner Gresham, concurring in part and dissenting in part:

I am in agreement with the majority's decision to authorize additional increases and to place under investigation the increased rate levels for certain commodities currently subject to formal proceedings. I am not in agreement with the decision to suspend the increase on pulpwood logs. I would allow that increase to become effective pending the investigation.

I have difficulty, however, reconciling the majority's reasoning here with that previously espoused in Ex Parte No. 349, *Increased Freight Rates and Charges, 1978, Nationwide,* served June 7, 1978. In the earlier decision, a majority concluded that a higher level of increases on selected commodities (coal traffic) could not be authorized. The majority's rationale was that specific commodities could not be singled out for disproportionate treatment in an across-the-board increase. The majority noted the significance of coal to our Nation and refused to allow any portion of the Ex Parte No. 349 proposal to become effective unless the increase on coal was cut back to 4 percent. That decision did not contain any findings that the proposed increase would place the rates for specific movements of coal or for coal in general above the zone of reasonableness. Revenue need was not deemed an adequate basis for the additional 3 percent increase proposed by the railroads.

In the instant decision, the majority is permitting selective increases upon the same record that it earlier judged inadequate to support such a measure. I am at a loss to explain to the shipping public this discrepancy. I would emphasize my belief, though, that the kind of rate flexibility contemplated by today's action is essential if the financial plight of eastern carriers is to be improved.

[FR Doc. 78-29685 Filed 10-19-78; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Notice No. 731]

ASSIGNMENT OF HEARINGS

OCTOBER 17, 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 notifice of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

CORRECTION

MC 144741 (sub-1F), Nettleton Enterprise Co., Inc., d.b.a. Norwood Transport, now being assigned for hearing on Novemer 20 1978 (2 days), at Chicago, IL, instead of November 21, 1978 location hearing room to be later designated.

H. G. HOMME, Jr.,
Acting secretary.

[FR Doc. 78-29686 Filed 10-19-78; 8:45 am]

[7035-01-M]

[Notice No. 730]

Assignment of Hearings

OCTOBER 17, 1978.

Cases assigned for hearing, postponement, cancellation or oral argumant appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 123407 (Sub-417), Sawyer Transport, Inc., now being assigned for hearing on November 1, 1978, (3 days), in room 430, Federal Building, 5th Avenue and 19th Street, North, Birmingham, AL.

MC 56637 (Sub-14F), R.C.A. Truck Lines, Inc., now being assigned for hearing November 28, 1978, (3 weeks), at Chattanooga, TN, in a hearing room to be later designated.

MCC 10094, International Brotherhood of Teamsters, Chauffers, Warehousemen & Helpers Of America versus Akers Motor Lines, Inc., et al., now assigned for hearing on October 31, 1978, at Washington, DC, is canceled and reassigned for prehearing conference on October 31, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 141076 (Sub-16F), Rogers Motor Lines, Inc., now being assigned for hearing on December 4, 1978, (2 days), at New York, NY, in a hearing room to be later designated.

MC 138144 (Sub-27F), Fred Olson Co., Inc., now assigned December 6, 1978 (3 days), at Denver, CO, is canceled and reassigned to Chicago, IL, in a hearing room to be later designated.

MC-C-9361, Central Motors Express, Inc., et al., versus Smith's Transfer Corp. now assigned November 14, 1978 (2 days) at Frankfort, KY, in the conference room, 4th floor, State Office Building.

MC 142059 (Sub-30F), Cardinal Transport, Inc., now being assigned for hearing on December 5, 1978, (1 day), at Chicago, IL, in a hearing room to be later designated.

MC-F-13486, Witte Transportation Co.—Purchase (portion), Scott's Transportation Service, Inc., now being assigned for hearing on December 11, 1978, (5 days), at Chicago, IL, in a hearing room to be later designated.

MC 125996 (Sub-54), Road Runner Trucking, Inc., is assigned for hearing October 16, 1978 at Des Moines, IA, in Room 453, Federal Building, 210 Walnut Street.

MC 135874 (Sub-116F), Ltl Perishables, Inc., is assigned for hearing October 20, 1978 at Des Moines, IA, in Room 453, Federal Building, 210 Walnut Street.

MC 141922 (Sub-2F), A. B. Mini Bus Tours, Inc., now being assigned for hearing on December 6, 1978, (3 days), at New York, NY, in a hearing room to be later designated.

MC 115826 (Sub-306F), W. J. Digby, Inc., is assigned for hearing November 20, 1978 at Chicago, IL, (1 day) in a hearing room to be later designated.

MC 52657 (Sub-742), Arco Auto Carriers, Inc., now assigned for hearing November 20, 1978 at Chicago, IL, (2 days), is canceled and application dismissed.

MC 25798 (Sub-302), Clay Hyder Trucking Lines, Inc., is assigned October 19, 1978 at Washington, DC, is canceled and application dismissed.

MC 129387 (Sub-57F), Payne Transportation, Inc., now assigned November 14, 1978 (1 day) at St. Louis, MO, in a hearing room to be later designated.

MC 9812 (Sub-9F), C. F. Kolb Trucking Co., Inc., now assigned November 20, 1978 (2 days) at St. Louis, MO, in a hearing room to be later designated.

MC 56637 (Sub-14F), R.C.A. Truck Lines, Inc., now assigned for hearing on November 28, 1978, at Chattanooga, TN, is postponed to January 9, 1979 (14 days), at Chattanooga, TN, in a hearing room to be later designated.

MC 115826 (Sub-308F), W. J. Digby, Inc., now assigned for hearing on October 18, 1978, at Denver, CO, is canceled and transfered to modified procedure.

MC 125433 (Sub-144F), F-B Truck Line Co., now being assigned for hearing on January 9, 1979, (1 day), at Los Angeles, CA, in a hearing room to be later designated.

MC144581F, Harvey Hayes, an individual d.b.a. Hayes, Trailer Transport, now being assigned for hearing on January 10, 1979, (3 days), at Los Angeles, CA, in a hearing room to be later designated.

MC 2890 (Sub-54F), American Buslines, Inc., now being assigned for hearing on January 15, 1979, (1 week), at Los Angeles, CA, in a hearing room to be later designated.

MC 138882 (Sub-32), Wiley Sanders, Inc., now being assigned for hearing on January 24, 1979, (1 day), at Birmingham, AL, in a hearing room to be later designated.

MC 120257 (Sub-41), K. L. Breeden & Sons, Inc., now being assigned for hearing on January 25, 1979, (2 days), at Birmingham, AL, in a hearing room to be later designated.

MC 136828 (Sub-26F), Cook Transports, Inc., now being assigned for hearing on January 29, 1979, (1 week), at Birmingham, AL, in a hearing room to be later designated.

MC 61231 (Sub-122F), Easter Enterprises, Inc., d.b.a. Ace Lines, Inc., now assigned December 13, 1978 at Denver, CO, (3 days) in Room C-503, U.S. Courthouse, 1929 Stout Street.

MC 123872 (Sub-81F), W & L Motor Lines, Inc., now assigned December 11, 1978 (2 days) in Denver, CO, in Room C-503, U.S. Courthouse, 1929 Stout Street.

MC 121783 (Sub-2F), West-Pak, Inc., transferred to modified procedure.

MC 116254 (Sub-108) M1, Chem-Haulers, Inc., now being assigned for hearing on January 15, 1979, at the offices of the Interstate Commerce Commission, Washington, DC, continued to February 12, 1979 (2 weeks), at Nashville, TN, in a hearing room to be later designated, and continued to April 2, 1979, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 113908 (Sub-421), Erickson Transport Corp., now being assigned for continued hearing on December 4, 1978 (13 days), at San Francisco, CA, in a hearing room to be later designated.

MC 144400F, Bi-Rite Auto Transport, Inc., now being assigned for hearing on November 28, 1978 (4 days), at San Francisco, CA, in a hearing room to be later designated.

MC 77972 (Sub-30), Merchants Truck Line, Inc., now being assigned for hearing on October 25, 1978 (3 days), at the Holiday Inn (Rhodes room), Junction Hwy 78 and 45, Tupelo, MS and continued to October 30, 1978 (2 days), at the Sheraton Inn-Downtown, 300 North 10th Street, Birmingham, AL.

MC 97310 (Sub-25), Sharron Motor Lines, Inc., now being assigned for hearing on November 1, 1978 (3 days), at Birmingham, AL, in a hearing room to be later designated.

MC 103051 (Sub-426F), Fleet Transport Co., Inc., MC 103051 (Sub-429F), Fleet Transport Co., Inc., MC 111302 (Sub-123F), Highway Transport, Inc., and MC 124078 (Sub-791F), Schwerman Trucking Co., now being assigned for hearing on November 28, 1978 (1 day), at Nashville, TN, in a hearing room to be later designated.

MC-F-13546, Harper Truck Service, Inc.,—Purchase (portion)—F & W Express, Inc., now being assigned for hearing on December 4, 1978 (1 week), at Paducah, KY, in a hearing room to be later designated.

MC-C-10073, 88 Transit Lines, Inc., versus Fullington Auto Bus Co., Inc., now being assigned for hearing on December 5, 1978, (1 day), at Pittsburgh, PA, in a hearing room to be later designated.

MC 121412 (Sub-6), Suburban Lines, Inc., now being assigned for hearing on December 6, 1978 (3 days), at Pittsburgh, PA, in a hearing room to be later designated.

MC 135874 (Sub-104F), LTL Perishables, Inc., now assigned December 6, 1978 (1 day) at St. Paul, MN, in a hearing room to be later designated.

MC 119726 (Sub-131F), N.B.A. Trucking Co., now being assigned for hearing on January 9, 1979, (1 day), at Chicago, IL, in a hearing room to be later designated.

MC 111401 (Sub-521F), Groendyke Transport, Inc., now being assigned for hearing on January 10, 1979 (3 days), at Chicago, IL in a hearing room to be later designated.

MC 133233 (Sub-57), Clarence L. Werner, d.b.a. Werner Enterprises, now being assigned for hearing on January 15, 1979 (2 days), at Chicago, IL, in a hearing room to be later designated.

MC F13586, Sawyer Transport, Inc.—Control—Warsaw Trucking, Co. Inc., now being assigned for hearing on January 17, 1979 (3 days), at Chicago, IL, in a hearing room to be later designated.

MC 135078 (Sub-23F), American Transport, Inc., now being assigned for hearing on January 23, 1979 (1 day), at Atlanta, GA, in a hearing room to be later designated.

MC 138157 (Sub-65F), Southwest Equipment Rental, Inc., d.b.a. Southwest Motor Freight, now being assigned for hearing on January 24, 1979 (1 day), at Atlanta, GA, in a hearing room to be later designated.

MC 109397 (Sub-405F), Tri-State Motor Transit Co., now being assigned for hearing on January 25, 1979 (2 days), at Atlanta, GA, in a hearing room to be later designated.

MC-C-10145, Dart Truck Co., Inc., et al., versus Nick Strimbu, Inc., now being assigned for hearing on December 11, 1978 (1 day), at Columbus, OH, in a hearing room to be later designated.

MC 136981 (Sub-8F), Blair Cartage, Inc., now being assigned for hearing on December 12, 1978 (1 day), at Columbus, OH, in a hearing room to be later designated.

MC 115654 (Sub-88F), Tennessee Cartage Co., Inc., now being assigned for hearing on December 13, 1978 (3 days), at Columbus, OH, in a hearing room to be later designated.

MC 56679 (Sub-94), Brown Transport Corp., now being assigned for hearing on January 29, 1979 (1 day), at Miami, FL, in a hearing room to be later designated.

MC 144343F, Florida Car Transport, Inc., now being assigned for hearing on January 30, 1979 (1 week), at Miami, FL, in a hearing room to be later designated.

MC 19227 (M1F), Leonard Bros. Trucking Co., Inc., now assigned November 28, 1978, at Washington, DC, is canceled and reassigned to November 28, 1978 (4 days) at Miami, FL, in a hearing room to be later designated.

MC 114569 (Sub-207), Shaffer Trucking, Inc., is assigned for hearing December 4, 1978, at Los Angeles, CA, and will be held at Room 323, Court House, 312 North Spring Street.

MC 135874 (Sub-114) LTL Perishables, Inc., now assigned December 6, 1978 (1 week) at St. Paul, MN, is postponed indefinitely.

MC 113678 (Sub-713), Curtis, Inc., is assigned for hearing December 11, 1978, at Los Angeles, CA, and will be held in Room 323, Court House, 312 North Spring Street.

MC 129857 (Sub-4), GRM Inc., d.b.a. Port Terminal Transport, Inc., is assigned for hearing December 6, 1978, at Los Angeles, CA, and will be held in Room 323, Court House, 312 North Spring Street.

MC 124211 (Sub-320F), Hilt Truck Line, Inc., is assigned for hearing December 4, 1978, at Los Angeles, CA, and will be held at Room 323, Court House, 312 North Spring Street.

MC 128273 (Sub-286F), Midwestern Distribution, Inc., is assigned for hearing December 4, 1978, at Los Angeles, CA, and will be held at Room 323, Court House, 312 North Spring Street.

MC 134460 (Sub-10), Market Express, Inc., is assigned for hearing November 29, 1978, at Los Angeles, CA, and will be held at Room 323, Court House, 312 North Spring Street.

MC 125996 (Sub-56F), Road Runner Trucking, Inc., is assigned for hearing November 28, 1978, at Los Angeles, CA, and will be held at Room 323, Court House, 312 North Spring Street.

MC 115826 (Sub-301F), W. J. Digby, Inc., is assigned for hearing November 28, 1978, at Room C-503, U.S. Courthouse, 1929 Stout Street.

MC 144506F, Koller Petroleum Products, Inc., now assigned January 10, 1979, at Madison, WI (3 days) in a hearing room to be later designated.

MC 2890 (Sub-54F), American Buslines, Inc., now being assigned for hearing on January 15, 1979 (5 days), at Los Angeles, CA, in a hearing room to be later designated.

MC 144581F, Harvey Hayes, an individual, d.b.a. Hayes Trailer Transport, now being assigned for hearing on January 10, 1979 (3 days), at Los Angeles, CA, in a hearing room to be later designated.

MC 125433 (Sub-144F), F-B Truck Line Co., now being assigned for hearing on January 9, 1979 (1 day), at Los Angeles, CA, in a hearing room to be later designated.
MC 120257 (Sub-41), K. L. Breeden & Sons, Inc., now being assigned for hearing on January 25, 1979 (2 days), at Birmingham, AL, in a hearing room to be later designated.
MC 136828 (Sub-26F), Cook Transports, Inc., now being assigned for hearing on January 29, 1979 (1 week), at Birmingham, AL, in a hearing room to be later designated.
MC 138882 (Sub-32), Wiley Sanders, Inc., now being assigned for hearing on January 24, 1979 (1 day), at Birmingham, AL, in a hearing room to be later designated.
MC F13586, Sawyer Transport, Inc.—Control—Warsaw Trucking Co., Inc., now being assigned for hearing on January 17, 1979 (3 days), at Chicago, IL, in a hearing room to be later designated.
MC 119726 (Sub-131F), N.A.B. Trucking Co., Inc., now being assigned for hearing on January 9, 1979 (1 day), at Chicago, IL, in a hearing room to be later designated.
MC 111410 (Sub-521F), Groendyke Transport, Inc., now being assigned for hearing on January 10, 1979 (3 days), at Chicago, IL, in a hearing room to be later designated.
MC 133233 (Sub-57), Clarence L. Werner, d.b.a. Werner Enterprises, now being assigned for hearing on January 15, 1979 (2 days), at Chicago, IL, in a hearing room to be later designated.
MC 135078 (Sub-23F), American Transport, Inc., now being assigned for hearing on January 23, 1979 (1 day), at Atlanta, GA, in a hearing room to be later designated.
MC 138157 (Sub-65F), Southwest Equipment Rental, Inc., d.b.a. Southwest Motor Freight, now being assigned for hearing on January 24, 1979 (1 day), at Atlanta, GA, in a hearing room to be later designated.
MC 109397 (Sub-405F), Tri-State Motor Transit Co., now being assigned for hearing on January 25, 1979 (2 days), at Atlanta, GA, in a hearing room to be later designated.
MC 135797 (Sub-97), J. B. Hunt Transport, Inc., now assigned December 8, 1978, at Los Angeles, CA (1 day), in Room 323, Court House, 312 North Spring Street.

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

[FR Doc. 78-29688 Filed 10-19-78; 8:45 am]

[7035-01-M]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 17, 1978.

This application for long-and-short-haul relief has been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA No. 43613, Seatrain International, S.A., No. 23, intermodal rates on general commodities in containers, between rail terminals at ports in CA and ports in Central America, by way of New Orleans, LA, and Houston, TX, in its Tariff No. PC/CA-1, ICC No. 40, and Tariff No. CA/PC-1, ICC No. 41, to become effective November 10, 1978. Grounds for relief: Water competition.

By the Commission.

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

[FR Doc. 78-29687 Filed 10-19-78; 8:45 am]

[7035-01-M]

[Notice No. 196]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 11, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 50069 (Sub-536TA), filed August 22, 1978. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, OH 43616. Representative: William P. Fromm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methyl Napthalene* (in bulk, in tank vehicles), from Robinson, IL, to Princeton, LA, for 180 days. Supporting shipper: Ethyl Corp., 451 Florida, Baton Rouge, LA 70801. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

MC 51146 (Sub-625), filed August 16, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: John R. Patterson, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), when moving on bills of lading of Sheldon Forwarding Co. or United Freight Forwarders, Inc. (both freight forwarders), from Holyoke, MA, to points in IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Sheldon Forwarding Co., 170 Main Street, Holyoke, MA 01040 (William H. Clausen). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 51146 (Sub-626), filed August 16, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: John R. Patterson, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets and vanities and materials, equipment, and supplies* utilized in the manufacture and distribution of kitchen cabinets and vanities (1) from Adrian, ME to points in AR, CO, IL, IA, KS, LA, MN, MO, NE, ND, OK, SD, TX, and WI; and (2) from Lakeville, MN, to points in CO, IL, IA, KS, MI, MO, NE, ND, SD, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Merillat Industries, Inc., 2075 Beecher Road, Adrian, MI 49221 (Donald E. Corbin). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 51146 (Sub-627), filed August 16, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298,

Green Bay, WI 54306. Representative: John R. Patterson, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers* from Winston-Salem, NC, to Oklahoma City and Tulsa, OK, and Dallas, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: National Can Corp., 8101 West Higgins Road, Chicago, IL 60631 (Ron McDougald). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 51146 (Sub-632TA), filed August 22, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, WI 54306. Representative: John R. Patterson, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles, plastic containers, plastic articles and materials, equipment, and supplies* used in the manufacture, sale, and distribution of the foregoing commodities, between the facilities of Owens-Illinois at Havre de Grace, MD, and Birmingham, AL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666. (Jack R. Simmons). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 59488 (Sub-43TA), filed August 18, 1978. Applicant: SOUTHWESTERN TRANSPORTATION CO., P.O. Box 6187, 7600 South Central Expressway, Dallas, TX 75222. Representative: Lloyd M Roach, 7600 South Central Expressway, P.O. Box 226187, Dallas, TX 75266. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, TN, and New Orleans, LA, serving no intermediate points, and serving New Orleans, LA, for the purpose of interchange only: From Memphis over Interstate Hwy 55 to junction Interstate Hwy 12, then over Interstate Hwy 55 (U.S. 51) to junction Interstate Hwy 10, thence over Interstate Hwy 10 to New Orleans and return over the same route, for 180 days. Supporting shipper: Southern Pacific Transport Co. of Texas and Louisiana, 7600 South Central Expressway, P.O. Box 226187, Dallas, TX 75266. Send protests to: Michael M. Butler, District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105.

MC 60186 (Sub-54TA), filed August 16, 1978. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, P.O. Box 356, Rockville, CT 06066. Representative: Clifford J. O. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets and vanities, component parts, accessories and equipment therefor*, from the plant site and storage facilities of Yorketowne, a division of the Wickes Corp., located at or near Red Lion and Mifflinburg, PA, to Wickes Lumber and Building Supply Centers located in the States of DE, MD, NJ, NY, and VT, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wickes Lumber, division of the Wickes Corp., 515 North Washington Avenue, Saginaw, MI 48607. Send protests to: J. D. Perry, Jr., Interstate Commerce Commission, 135 High Street, Room 324, Hartford, CT 06101.

MC 70083 (Sub-32TA), filed August 16, 1978. Applicant: DRAKE MOTOR LINES, INC., 20 Olney Avenue, Cherry Hill, NJ 08002. Representative: Richard Rueda, Esq., 133 North Fourth Street, Philadelphia, PA 19106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ladies apparel wear and store supplies*, except in bulk, (1) from the facilities of the Miller-Wohl Co., Inc., at Secaucus, NJ to the facilities of or utilized by the Miller-Wohl Co., Inc., at or near Cleveland, OH and Detroit, MI and their respective commercial zones; (2) from the facilities of or utilized by the Miller-Wohl Co., Inc., at or near Cleveland, OH and its commercial zone, to the facilities of or utilized by the Miller-Wohl Co., Inc., at or near Detroit, MI and its commercial zone, for 180 days. Supporting shipper: The Miller-Wohl Co., Inc., 915 Secaucus Road, Secaucus, NJ 07094. Send protests to: John P. Lynn, Transportation Specialist, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 70083 (Sub-33TA), filed August 16, 1978. Applicant: DRAKE MOTOR LINES, INC., 20 Olney Avenue, Cherry Hill, NJ 08002. Representative: Richard Rueda, Esq., 133 North Fourth Street, Philadelphia, PA 19106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ladies apparel wear and store supplies*, except in bulk, from the facilities of Petrie Stores Corp. at Secaucus, NJ, to the facilities of or utilized by Petrie Stores Corp., at or near Cleveland, OH and Detroit, MI, and their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Petrie Stores Corp., 70 Enterprise Avenue, Secaucus, NJ 07094. Send protests to: John P. Lynn, Transportation Specialist, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 72069 (Sub-15TA), filed August 17, 1978. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 1030 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Preston, Federalsburg, Cambridge, and Queen Anne, MD; and Cheriton, Parksley, and Hallwood, VA, to points in NC, SC, AL, GA, FL, KY, LA, TN, and TX, for 180 days. Supporting shipper(s): Gerald Hudson, Traffic Manager, A. W. Sisk & Son, Inc., Preston, MD 21655. (2) James E. Langford Sales Manager, KMC Foods, Inc., P.O. Box 298, Queen Anne, MD 21657. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 1025 Federal Building, Baltimore, MD 21201.

MC 77061 (Sub-13TA), filed August 22, 1978. Applicant: SHERMAN BROS., INC., P.O. Box 706, 90129 Prairie Road, Eugene, OR 97402. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and iron and steel articles*, between points in Lane and Jackson Counties, OR, on the one hand, and, on the other, points in CA on and north of Mendocino, Glenn, Butte, Plumas, and Lassen Counties, for 180 days. Supporting shipper(s): There are approximately (11) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 Southwest, Yamhill Street, Portland, OR 97204.

MC 83539 (Sub-505TA), filed August 22, 1978. Applicant: C & H TRANS-

PORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Gypsun wallboard, lath and plaster*, from points in Clark County, NV, to points in AZ, CA, and UT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Flintkote Co., 2201 East Washington, Los Angeles, CA 90051. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 94350 (Sub-413TA), filed August 22, 1978. Applicant: TRANSIT HOMES, INC., Haywood Road at Transit Drive, P.O. Box 1628, Greenville, SC 29602. Representative: Mitchell King, Jr., P.O. Box 1628, Greenville, SC 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Oxford County, ME, to points in CT, MA, NH, NY, RI and VT, for 180 days. Supporting shipper: Oxford Homes, Route 26, Oxford, ME 04270. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

MC 95084 (Sub-125TA), filed August 17, 1978. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, 611 Church Street, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and machinery, agricultural implement and machinery parts and accessories, and materials, equipment and supplies*, between Graettinger, IA, on the one hand, and, on the other, points in the United States, in and east of MN, IA, MO, AR, and LA, for 180 days. Supporting shipper: Shaver Manufacturing Co., P.O. Box 358, Graettinger, IA 51342. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 106398 (Sub-829TA), filed August 22, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull, 525 South Main, Tulsa, OK 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, complete knocked down, or in sections, including component parts of such buildings when shipped therewith*, from the facilities of INRYCO at or near Cullman, AL, to points in OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: INRYCO, P.O. Box 393, Milwaukee, WI 53201. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Building, 215 NW, Third, Oklahoma City, OK 73102.

MC 106398 (Sub-830TA), filed August 22, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull, 525 South Main, Tulsa, OK 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Iron and steel articles*, from the facilities of EBAA Iron, Inc., at or near Eastland and Frisdo, TX, to AL, GA, DE, CT, MD, MA, NC, NY, NJ, PA, SC, TN, and VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: EBAA, Inc., Route 2, TX 76448. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Building, 215 NW, Third, Oklahoma City, OK 73102.

MC 107107 (Sub-470TA), filed August 22, 1978. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, 12805 Northwest 42d Avenue, Opa Locka, FL 33054. Representative: Ford W. Sewell, 12805 Northwest 42d Avenue, Opa Locka, FL 33054. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, comodities in bulk, those requiring special equipment and foodstuffs), between points in an south of the FL counties of Orange, Polk, Brevard, Pinellas, and Hillsborough, and Lake Mary, FL, for 180 days. There is no environment impact involved in this application. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately (21) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Donna M. Jones, Transportation Assistant, Insterstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest 53d Terrace, Miami, FL 33166.

MC 108380 (Sub-96TA), filed August 17, 1978. Applicant: JOHNSTON'S FUEL LINERS, INC., Box 100, Newcastle, WY 82701. Representative: Truman A. Stockton, Jr., The 1650 Grant Street, Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregates, including sand, gravel and crushed limestone*, from Pennington, Custer and Fall River Counties, SD, to Croos, Weston, Campbell, Sheridan, and Johnston Counties, WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Campbell County Concrete, Box 1136, Gillette, WY 82716. (2) Reeves, Inc., Box 610, Buffalo, NY. 82834. Send protests to: Paul A. Naughton District Supervisor, Interestate Commerce Commission, 105 Federal Building and U.S. Court House, 111 South Wolcott, Casper, WY 82601.

MC 109818 (Sub-31TA), filed August 22, 1978. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, 3909 West Rusholme, Davenport, IA 52804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Midwest Steel Division, National Steel Corp., at or near Portage, IN, to points in NE, and from Chicago, IL, to points in NE, for 180 days. Supporting shippers: There are approximately (5) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 114045 (Sub-508TA), filed August 22, 1978. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Beltline Road, Dallas, TX 75261. Representative: J.B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials and chemicals* (other than bulk, in tank vehicles), from Freehold, NJ, and New Brunswick, NJ, to points in CA., restricted to traffic originating at the named origin and destined to points within the named destination, for 180 days. Supporting shipper: Ciba-Geigy Corp., Ardsley, NY 10502. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 114273 (Sub-457TA), filed August 22, 1978. Applicant: CRST, INC., P.O. Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Battery boxes, covere or vents, rubber and plastic and parts thereof*, from Indianapolis, IN, to Kansas City and St. Joseph, MO, and Salina, and Kansas City, KS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Richardson Co., 2701 Lake Street, Melrose Park, IL 60160. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 114604 (Sub-56TA), filed August 22, 2978. Applicant: CAUDELL TRANSPORT, INC., Building 33 State Farmers Market, P.O. Drawer 1, Forest Park, GA 30050. Representative: Frank D. Haull, Postell & Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from the facilities of Dixie Packers, Inc., at or near Madison, FL, to the facilities of Winn-Dixie Stores at Montgomery, AL; Atlanta, GA; Louisville, KY; New Orleans, LA; Raleigh, NC; Charlotte, NC; Greenville, SC, and Fort Worth, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dixie Packers, Inc., P.O. Box 622, Madison, FL 32340. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

MC 115311 (Sub-302TA), filed August 22, 1978. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Mark C. Ellison, Watkins & Daniell, P.O. Box 872, Atlanta, GA 31061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard and particleboard*, from the facilities of Temple Industries, Inc., at or near Diboll and Pineland, TX, to points in OK, KS, MO, AR, AL, LA, and MS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Temple Industries, Inc., P.O. Drawer N, Diboll, TX, 75941. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

MC 115931 (Sub-67TA), filed August 22, 1978. Applicant: BEE LINE TRANSPORTATION, INC., P.O Box 3987, Missoula, MT 59801. Representative: Gene P. Johnson, P.O Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and tubing, and fittings and accessories therefor*, from Footville, WI, to points in IA, MN, MO, NE, ND, and SD, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Triangle Pipe & Tube Co., Inc., P.O. Box 711, New Brunswick, NJ 08903. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 117119 (Sub-700TA), filed August 22, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O Box 188, Elm Springs, AR 72728. Representative: L. M. McLean, P.O. Box 188, Elm Springs, AR 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from Lake City, PA, to Burley and Boise, ID, and Ontario, OR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ore-Ida Foods, Inc., P.O Box 10, Boise, ID 83707. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 120427 (Sub-19TA), filed August 17, 1978. Applicant: WILLIAMS TRANSFER, INC., 2128 East Highway 30, P.O Box 488, Grand Island, NE 68801. Representative: John K. Walker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain storage, drying and handling equipment and items* used in the manufacture of grain storage, drying and handling equipment, from points in the United States (except AK and HI), to Winnie, TX, restricted to traffic destined to the storage facilities utilized by Keniry Agri-Systems at or near Winnie, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Roger Keniry, President, Keniry Agri-Systems, Winnie, TX 77665. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

MC 121300 (Sub-4TA), filed August 22, 1978. Applicant: HARRIS TRANSPORTATION CO., 14880 Love's Lane, Victorville, CA 92392. Representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude talc* (in bulk), from points in Inyo County, CA, to San Diego, CA, and the Dunn Rail Siding and Field Rail Siding, both of which are near Yermo, CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Continental Minerals Corp., 1700 East Desert Inn Road, Las Vegas, NV 89109. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 123023 (Sub-8TA), filed August 18, 1978. Applicant: DI PIETRO TRUCKING CO., 2201 Sixth Avenue South, Seattle, WA 98134. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and malt beverages*, from Van Nuys, Fairfield, and Los Angeles, CA, and from points in Los Angeles, Madera, Napa, San Francisco, Sanoma, Santa Clara, and San Joaquin Counties, CA, to Everett, Mount Vernon, Burlington, and Bellingham, WA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Friendly Distributors, Inc., 2202 Wall Street, Everett, WA 98201. (2) Bell Rainier Distributors, Inc., P.O. Box 459, Bellingham, WA 98255. (3) Skagit-Northwest Dist., Co., Inc., 735 Fairhaven, Burlington, WA 98233. (4) Van Gasken Dist., Inc., 1005 West Hazel Street, Mount Vernon, WA 98273. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

MC 127539 (Sub-69TA), filed August 22, 1978. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Avenue East, Tacoma, WA 98424. Representative: Michael D. Duppenthaler, 515 Lyon Building, 607 Third Avenue, Seattle, WA 9804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in CA to points in OR and WA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers:

There are approximately 20 statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

MC 133314 (Sub-3TA), filed August 22, 1978. Applicant: SILVAN TRUCKING CO., INC., Rural Route 2, Box 137, Pendleton, IN 46064. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* (except in bulk), from facilities of Kal Kan Foods, Inc., in Sherburne, NY, to points in the United States east of the Mississippi River, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Kal Kan Foods, Inc., 3386 East 44th Street, Vernon, CA 90058. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

MC 136258 (Sub-5TA), filed August 22, 1978. Applicant: HARDING TRUCKING, INC., P.O. Box 65, Whiting, IA 51063. Representative: D. Douglas Titus, Titus, Holman & Myers, Suite 510, Benson Building, Sioux City, IA 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides* (in dump vehicles), from the facilities of Iowa Beef Processors, Inc., at or near Luverne, MN, to Dakota City, NE, under a continuing contract, or contracts, with Iowa Beef Processors, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert E. Gillespie, Manager, Rates and Regulatory Affairs, Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 136318 (Sub-52TA), filed August 17, 1978. Applicant: COYOTE TRUCK LINE, INC., 5367 West 86th Street, Indianapolis, IN 46268. Representative: David R. Parker, 1600 Broadway, 2310 Colorado State Bank Building, Denver CO 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furnishings*, from points in MS to Phoenix and Tucson, AZ; El Cajon, Fresno, Garden Grove, Los Angeles, Richmond, Sacramento, San Jose and San Leandro, CA; Las Vegas, NV, and Portland, OR. Restrictions: (1) restricted to traffic destined to the facilities of Montgomery Ward; and (2) restricted to traffic moving under a continuing contract, or contracts, with Montgomery Ward, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Montgomery Ward, 535 West Chicago Avenue, Chicago, IL 60671. Send protests to: Terrell Price, District Supervisor, Interstate Comerce Commission, Room CC-516, Mart Office Building, 800 Briar Creek Road, Charlotte, NC 28205.

MC 138313 (Sub-40TA), filed August 16, 1978. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street SW., Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation*, from ports of entry on the United States-Canada boundary line located in MT and ID to WY, UT, ID, MT, ND, and SD, restricted against the transportation of commodities in bulk; restricted to the transportation of traffic originating in foreign commerce. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Edwin L. Routt, Thermo-Spray NW., P.O. Box 6146, Portland, OR 97206. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 139457 (Sub-7TA), filed August 22, 1978. Applicant: G. L. SKIDMORE, d.b.a. JELLY SKIDMORE TRUCKING CO., P.O. Box 38, Paris, TX 75460. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved foodstuffs*, and; (2) *canned and packaged animal food*, from the facilities of Campbell Soup (Texas) Inc., at or near Paris, TX, to points in LA, under a continuing contract, or contracts, with Campbell Soup (Texas), Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Campbell Soup (Texas), Inc., Paris, TX 75460. Send protests to: Opal M. Jones Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 139858 (Sub-26TA), filed August 17, 1978. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Avenue, Hamilton, OH 45015. Representative: Chandler L. Van Orman, 1729 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic plumbing fixtures and plumbers' fittings, and materials, supplies and equipment* used in the manufacture and distribution thereof, from Walden, GA, to points in IL, IN, OH, WV, MI, KY, and PA Restriction: The operations above, if authorized, are subject to the following conditions: (1) Said operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with American Standard Inc., of New Brunswick, NJ (2) the product description does not include commodities which because of their size or weight require the use of special equipment, for 180 days. Supporting shipper: American Standard, Inc., Gregory J. Decker, Manager-Rates, P.O. Box. 2003, New Brunswick, NJ 08903. Send protets to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

MC 140829 (Sub-128TA), filed August 8, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and materials, equipment and supplies* used by manufacturers and distributors of chemicals (except in bulk, in tank vehicles), from Syracuse, NY; North Claymont and Atlas Point, DE; Warners and Linden, NJ; Hopewell, VA; Cleveland, OH; Belle, WV; Baltimore, MD; Chicago Heights, IL; Woodstock, TN, and Philadephia, PA, to Berkeley, MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Michael G. Graf, Administrative Manager, McKesson Chemical Co., 8925 Seeger Industrial Drive, Berkeley, MO 63134. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 10 North 14th Street, Omaha, NE 68102.

MC 142364 (Sub-4TA), filed August 8, 1978. Applicant: KENNETH SAGELY, d.b.a. SAGELY PRODUCE, P.O. Box 368, 2802 Kibler Road, Van Buren, AR 72956. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fencing, fencing materials, wire, and wire products*, from the facilities of Bekaert Steel Wire Corp., at or near Van Buren, AR, to points in AR, CA, CO, CT, DE, FL, ID, MD, MI,

MN, MT, NV, NJ, NE, NM, NY, NC, ND, OR, PA, RI, SC, SD, UT, VA, WA, WV, WI, and WY; and (2) *Steel rods,* from the facilities of Georgetown Steel Co., at or near Beaumont, TX, to the facilities of Bekaert Steel Wire Corp., at or near Van Buren, AR; and (3) *Steel wire carriers,* from all points in the United States (except AR, AK, and HI), to the facilities of Bekaert Steel Wire Corp., at or near Van Buren, AR, for 180 days. Supporting shipper: Bekaert Steel Wire Corp., I-40 and Lee Creek Road, Van Buren, AR 72956. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 142516 (Sub-12TA), filed August 16, 1978. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lamps, lighting fixtures and materials, equipment and supplies* used in the manufacture and sale of lamps and lighting fixtures (except commodities in bulk) between the facilities of North American Philips Lighting Co., located at or near Essex County, MA, Hammond, IN, South Brunswick and Hightstown, NJ, on the one hand, and, on the other, points in the United States (except AL and HI) under a continuing contract or contracts with North American Philips Lighting Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: North American Philips Lighting Co., Bank Street, Hightstown, NJ 08520. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 143687 (Sub-6TA), filed August 22, 1978. Applicant: DAVID DALE TRANSPORT, INC., 2 Franklin Street, West Medway, MA 02053. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Plastic articles (except in bulk) and cushioned envelopes,* from Hyannis, MA, to points in DE, IN, KS, KY, MI, MS, NJ, NY, PA, TN, and WI; and (2) *Equipment, materials, and supplies* used in the manufacture and distribution of plastic articles and cushioned envelopes (except in bulk), from the above-named destinations to the above-named origin, under a continuing contract, or contracts, with Sentinel Foam Products, Inc., Located at Hyannis, MA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sentinel Foam Products, Inc., Airport Road, Hyannis, MA 02601. Send protests to: John Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 144219 (Sub-2TA), filed August 18, 1978. Applicant: B.I.T. INC., P.O. Box 268, Reedley, CA 93654. Representative: Greg P. Stefflre, Kellner & Stefflre, Suite 1724, 700 South Flower Street, Los Angeles, CA 90017. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Primary aluminum in billets, ingots, pigs, slabs, and other produced shapes,* from the facilities of Intalco Aluminum Corp., at or near Ferndale, WA, and points in AZ, CA, ID, OR, NV, and UT, pursuant to a continuing contract, or contracts, with Intalco Aluminum Corp., Ferndale, WA, for 180 days. Supporting shipper: Intalco Aluminum Corp., P.O. Box 937, Ferndale, WA 98248. Send protests to: Michael M. Butler, District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105.

MC 144448 (Sub-3TA), filed August 22, 1978. Applicant: HERMAN STEFFENSMEIER, d.b.a. HERMAN STEFFENSMEIER TRUCKING, 811 East Decatur Street, West Point, NE 68788. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Alfalfa pellets and alfalfa meal,* from the facilities of Land O'Lakes Agricultural Services at West Point and Columbus, NE, to points in IA, MN, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Land O'Lakes Agricultural Services, 2827 8th Avenue South, Fort Dodge, IA 50501. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, NE 68102.

MC 145005 (Sub-2TA), filed August 18, 1978. Applicant: U & I, INC., d.b.a. U & I, INC., TRUCKING DIVISION, P.O. Box 2010, Salt Lake City, UT 84110. Representative: Dick E. Jones, P.O. Box 2696, Pasco, WA 99302. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Items and supplies* used in the repair, expansion and operation of facilities operated by Gourmet Food Products, Inc., and items manufactured and/or processed by Gourmet Food Products, Inc., between the facilities of Gourmet Food Products, Inc., at Boardman and Metolius, OR, on the one hand, and, on the other hand, all of the States west of the Mississippi River (excluding AK and HI), and the States of IL, IN, MI, and WI, under a continuing contract, or contracts, with Gourmet Food Products, Inc., for 180 days. Supporting shipper: Gourmet Food Products, Inc., P.O. Box 2365, Pasco, WA 99302, Judy Thomas, Customer Service Supervisor. Send protests to: L. D. Helfer, District Supervisor, Interstate Commerce Commission, 5301 Federal Building, 125 South State Street, Salt Lake City, UT 84138.

MC 145097 (Sub-1TA), filed August 8, 1978. Applicant: GEORGE C. HARPER, d.b.a. HARPER TRUCKING, P.O. Box 161, Green River, WY 82935. Representative: George C. Harper, Monroe Trailer Court, Space 16, Green River, WY 82935. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bentonite, barite, drilling compounds, and lost circulation materials,* in sacks and in bulk, between points in Sweetwater, Carbon, Uinta, Lincoln, and Teton Counties, WY, on the one hand, and, on the other, points in CO located on and west of U.S. Hwy 85 and on and north of Interstate 70, and points in Daggett, Summit, Duschene, Uinta, Carbon, Grand, Sanpete, UT, Salt Lake, Wasatch, Davis, Morgan, Weber, Rich, Cache, Tooele, Box Elder, and Emery Counties, UT and points in ID, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Wyo-Ben, Inc., 1242 North 28th, Billings, MT 59101; (2) Wyo-Ben United, P.O. Box 1016, Casper, WY 82602; (3) IMCO Services, 135 "C" Street, P.O. Box 1908, Rock Springs, WY 82901; (4) Drilling Mud, Inc., P.O. Box 2229, Rock Springs, WY 82901. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 105, Federal Building and Courthouse, 111 South Wolcott, Capser, WY 82601.

MC 145134 (Sub-1TA), filed August 4, 1978. Applicant: FMLD, INC., Box 181, Freeport Road, Creighton, PA 15030. Representative: Mark Lasser, 7130 Penn Avenue, Pittsburgh, PA 15208. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Empty containers, packaged petroleum motor oil, packaged petroleum industrial lubricants, packaged petroleum distillate products and all other products manufactured or distributed* or used in the manufacture of Pittsburgh Penn Oil Co. Products, between Creighton, PA, and points in the United States. This broad authority is required so that applicant can replace private shippers current activity without disruption of manufacturing and/or distribution, under a continuing contract, or contracts, with Pittsburgh

Penn Oil Co., for 180 days. Applicant has also filed and underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pittsburgh Penn Oil Co., Vice President, Box 181, Creighton, PA 15030. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 145179TA, filed August 8, 1978. Applicant: J & J CONTRACT CARRIER, INC., 60 South State Avenue, Indianapolis, IN 46201. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and (B) *equipment, materials, and supplies* used in the conduct of such business, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between the dairy and bakery manufacturing and meat processing facilities of The Kroger Co., at or near Indianapolis, IN, on the one hand, and, on the other, points in IL, KY, MI, MO, OH, and PA, and Atlanta, GA; Roanoke, VA; Dallas and Houston, TX; Little Rock, AR; and Memphis and Nashville, TN, under a continuing contract or contracts with The Kroger Co., of Cincinnati, OH, for 180 days. Supporting shipper: The Kroger Co., 1014 Vine Street, Cincinnati, OH 45201. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building, and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

MC 145250TA, filed August 18, 1978. Applicant: ROBERT R. MACKEN AND LOUIS M. MACKEN, d.b.a. MACKEN TRANSFER, 2006 Edison, P.O. Box 1832, Ames, IA 50010. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical instruments for water analysis equipment*; and (2) *materials, equipment, parts, and supplies* used by manufacturers of commodities in Part (1), (except commodities in bulk), between the facilities of Hach Chemical Co. at Ames, IA, and Berthoud and Loveland, CO; under a continuing contract, or contracts, with Hach Chemical Co., for 180 days. Applicant has also filed and underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hach Chemical Co., P.O. Box 389, Loveland, CO. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 145256TA, filed August 22, 1978. Applicant: L.K.M. CO., INC., 16637 Sylvester Road SW., Seattle, WA 98166. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clothing, finished and partially finished and shoes*, from the facilities of Pacific Trail, Inc., at or near Seattle, Spokane, Wenatchee and Chewelah, WA, and Gunnison, Manti, Brigham City, and Richfield, UT, to points in WA, OR, CA, UT, CO, MN, IL, OH, PA, MA, WI, and NY; and (2) *Materials and supplies* used in the manufacturing of clothing and partially finished clothing, from points in OR, WA, CA, UT, CO, MN, IL, MA, NY, TN, NJ, RI, CT, and PA, to the facilities of Pacific Trail, Inc., at or near Seattle, Spokane, Wenatchee, and Chewelah, WA, and Gunnison, Manti, Brigham City, and Richfield, UT, for 180 days. Supporting shipper: Pacific Trail Sportswear, 1310 Mercer Street, Seattle, WA 98109. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

MC 145257TA, filed August 17, 1978. Applicant: DUNBAR & SONS, INC., 8929 Grove Tree Way, Elk Grove, CA 95624. Representative: George M. Carr, Smulyan & Hartman, 235 Montgomery Street, Suite 1620, San Francisco, CA 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated wooden frame houses, including component packages, truss and precut members, which includes glass, aluminum and steel parts*, from the facilities of Pacific Modern Homes, Inc., Elk Grove, CA, to the cities of Reno, Fallon, Carson City, North Shore, Lake Tahoe, Yearington, Minden, and Palamino, an area within 20 miles of the city limits of each city, all within the State of Nevada and return, under a continuing contract, or contracts, with Pacific Modern Homes, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Pacific Modern Homes, Inc., P.O. Box 670, Elk Grove, CA 95624. Send protests to: A. J. Rodriguez, District Supervisor, 211 Main Street, Suite 500, San Francisco, CA 94105.

Passenger Carriers

MC 1515 (Sub-250TA), filed August 8, 1978. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: W. L. McCracken, Greyhound Tower, Phoenix, AZ 85077. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, Between Lincoln Tunnel Interchange and Delaware Memorial Bridge Interchange on the NJ Turnpike serving the intermediate points between the Newark-Jersey City Interchange and the New Brunswick Interchange including said Interchanges and serving Interchange Nos. 5 and 7: From Lincoln Tunnel Interchange over the NJ Turnpike to the Delaware Memorial Bridge Interchange, and return over the same route. Restriction: The operations authorized herein are subject to the following conditions: Service is restricted against the transportation of any traffic originating in New York, NY, destined to Newark, NJ, or originating in Newark destined to New York City, except on carrier's intercity schedules which neither originate nor terminate at a point in NJ. Service is restricted against transportation of traffic from or to Interchange Nos. 5 and 7 of the NJ Turnpike, which originate at or is destined to Philadelphia, PA, or New York, NY, for 180 days. Applicant intends to tack the authority here applied for to Docket No. MC 1515 and Subs. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately (11) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

MC 145245TA, filed August 18, 1978. Applicant: FRASER VALLEY BUS SERVICE LTD., 30856 South Fraser Way, Clearbrook, BC, Canada, V2S 1M3. Representative: William H. Preston, 1737 West 61st Avenue, Vancouver, BC, Canada, V6P 2C2. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at ports of entry on the International Boundary Line between the United States and Canada at or near Blaine, Lynden, and Sumas, WA, and extending to points in WA and OR. Restriction: To the transportation of traffic originating and terminating in BC, Canada, for 180 days. Supporting shippers: (1) Fraser Valley Broadcasters CFVR, 2722 Allwood Street, Abbotsford, BC, V2T 3R8, (2) Matsqui-Ab-

botsford Recreation Commission, 32383 South Fraser Way, Clearbrook, BC, V2T 1W7; (3) District of Mission Recreation, 7621 Taulbut Street, Mission, BC, V2V 4L9. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

By the Commission.

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

[FR Doc: 78-29689 Filed 10-19-78; 8:45 am]

[7035-01-M]

[Notice No. 195]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 11, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 11722 (Sub-58TA), filed August 29, 1978. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Philip G. Skofstad, P.O. Box 594, Gresham, OR 97030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel, rebar, fence posts, plain round, flats and merchant bar*, from McMinnville, OR to Stockton, Union City, Lynwood, Bell Garden, Los Angeles, Santa Rosa, La Habra, and San Leandro, CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cascade Steel Rolling Mills, Inc., 3200 North Highway 99W, P.O. Box 687, McMinnville, OR 97128. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 28088 (Sub-36TA), filed August 29, 1978. Applicant: NORTH & SOUTH LINES, INC., 2710 South Main Street, Harrisonburg, VA 22801. Representative: John R. Sims, Jr., attorney, 915 Pennsylvania Avenue, 425 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Harrisonburg, VA, to points in DE, MD, NC, NJ, PA, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Associated Food Brokers, Inc., Silver Spring, MD 20910. Send protests to: Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, VA 24011.

MC 28088 (Sub-37TA), filed August 29, 1978. Applicant: NORTH & SOUTH LINES, INC., 2710 South Main Street, Harrisonburg, VA 22801. Representative: John R. Sims, Jr., Esq., 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the facilities of Miller Brewing Co. at Fulton, NY, and Eden, NC, to Roanoke County, VA, for 180 days. Supporting shipper: Blue Ridge Beverage Co., Inc., P.O. Box 9, Salem, VA 24253. Send protests to: Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, VA 24011.

MC 36509 (Sub-30TA), filed July 13, 1978, and published in the FEDERAL REGISTER issue of September 14, 1978, and republished as corrected this issue. Applicant: LOOMIS ARMORED CAR SERVICE, INC., 821 Sansome Street, San Francisco, CA 94111. Representative: Robert C. Konkle (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin shipments*, between Denver, CO, and Philadelphia, PA, on the one hand, and, on the other, the commercial zones of Lake Tahoe, NV, Stateline, NV, Reno, NV, and Las Vegas, NV, and Phoenix, AZ, under a continuing contract or contracts with General Services Administration, Chief Contracts and Negotiations Branch, for 180 days. Supporting shipper: General Services Administration, Chief, Contracts and Negotiations Branch, GSA-FSS (FZTC), Washington, DC 20406. Send protests to: Michael M. Butler, District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105. The purpose of this republication is to add Philadelphia to the territorial description as previously indicated.

MC 56244 (Sub-58TA), filed August 25, 1978. Applicant: KUHN TRANSPORTATION CO., INC., P.O. Box 98 RD No. 2, Gardners, PA 17324. Representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail, wholesale, chain grocery, and food business houses* (except commodities in bulk and frozen foods), for the account of California Canners & Growers from points in Penn Township, York County, PA. to points in CT, IL, KY, ME, MA, MI, NH, OH, RI, VT, and WV and points in PA on and west of U.S. Hwy 15, for 180 days. Supporting shipper: California Canners & Growers, 1300 Ferry Building, San Francisco, CA 94106. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, Harrisburg, PA 17108.

MC 56244 (Sub-59TA), filed August 25, 1978. Applicant: KUHN TRANSPORTATION CO., INC., P.O. Box 98, RD No. 2, Gardners, PA 17324. Representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs, and materials, equipment and supplies*, used or useful in the conduct of retail food establishments (except commodities in bulk) from Chicago, IL, and Columbus, OH, and points in their commercial zones, to Mechanicsburg, PA, and points in its commercial zone, for the account of Food Service Specialists, Inc., for 180 days. Supporting shipper: Food Service Specialists, Inc., P.O. Box 1145, Mechanicsburg, PA 17055. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, Harrisburg, PA 17108.

MC 64189 (Sub-9TA), filed August 29, 1978. Applicant: FRANCIS J. GORRELL, d.b.a. Topliff Truck Line,

746 North Santa Fe, Salina, KS 67401. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Interstate Commerce Commission, and classes A and B explosives, and commodities in bulk, in tank vehicles, Salina, KS, on the one hand, and Smith Center, Kensington, Agra, Gretna, Athol, Lebanon, Phillipsburg, Stuttgart, Prairieview, Bellaire, and Norton, on the other, for 180 days. Applicant states it does not intend to tack, but intends to interline at Salina and Norton, KS. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately eight statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 256 Federal Building and U.S. Courthouse, 444 Southeast Quincy, Topeka, KS 66683.

MC 90870 (Sub-9TA), filed August 29, 1978. Applicant: RIECHMANN ENTERPRISES, INC., Route 2, Box 137, Alhambra, IL 62001. Representative: Cecil L. Goettsch, Attorney, 1100 Des Moines Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles;* (2) *materials, equipment and supplies* used in the manufacture and processing of iron and steel articles, (1) from Union, MO to points in IL, IN, IA, KY, MI, OH, and WI; and (2) from points in IL, IN, IA, KY, MI, OH and WI to Union, MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 dyas of operating authority. Supporting shipper(s): Chris Allen, General Manager, Sales, Maverick Tube Corp., 311 North Lindbergh Street, St. Louis, MO 63141. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 93840 (Sub-39TA), filed August 25, 1978. Applicant: GLESS BROS., INC., 534 Geneseo Street, P.O. Box 216, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbel Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, form the facilities of Land O'Lakes Agricultural Services division at or near Mason City, IA to points in the States of MN, WI, ND, SD, and NE, for 180 days. Supporting shipper: Land O'Lakes, Agricultural Services Division, 2827 Eight Avenue South Fort Dodge, IA 50501. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 95084 (Sub-123TA), filed August 1, 1978, and published in the FEDERAL REGISTER issue of October 2, 1978, and republished as corrected this issue. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building components and agricultural building accessories* (1) from points in Dallas County, IA and Ankeny, IA to points in IL, IN, MI, MN, MO, OH, and WI; (2) from Norton, KS and Raymond, SD to points in Dallas County, IA and Ankeny, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ploytek Manufacturing, Inc., P.O. Box 178, Granger, IA 50109, Swine-Cycle, Inc., 613 East Magazine Road, Ankeny, IA 50021. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309. The purpose of this republication is to include Minnesota (MN) in the destination territority.

MC 107496 (Sub-1158TA), filed August 25, 1978. Applicant: RUAN TRANSPORT CORP., 666 Grand Avenue, 3200 Ruan Center, Des Moines, IA 50309. Representative: E. Check, 666 Grand Avenue, 3200 Ruan Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground aluminum scrap*, in bulk from Henrietta, MO to Channelview, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. By-Products Corp., P.O. Box 11430, Kansas City, Mo 64112. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 108393 (Sub-139TA), filed August 29, 1978. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Honsdale, IL 60521. Representative: Thomas B. Hill (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of home applicances, between findlay, OH and Chariton, IA, under a continuing contract or contracts with Whirlpool Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Whirlpool Corporation, Carl R. Anderson, director of Transportation, Administrative Center, Benton Harbor, MI 49011. Sent protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 108676 (Sub-129TA), filed August 29, 1978. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products and accessories* used in the installation thereof from Bristol, TN to points in KY, VA, WV, NC, and SC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippper: Ross Prestressed Concrete, Inc., P.O. Box 6300, Knoxville, TN 37914. Send protest to: Glenda Kuss, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 109064 (Sub-36TA), filed July 25, 1978, and published in the FEDERAL REGISTER issue of October 2, 1978 as MC-109064-TA, and republished as corrected this issue. Applicant: TEX-O-KAN TRASPORTATION CO., INC., 3301 East Loop 820 South, Box 8367, Forth Worth, TX 76112. Representative: Thomas F. Sedberry, 1102 Perry-Brooks Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and accessories* used in the installation of such articles, from Houston County, TX, to points in OK, LA, and AR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vulcraft Division/Nuclear Corp., of America, Box 186, Grapeland, TX 75844. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102. The purpose of this republication is to show MC 109064 (Sub-36TA) in lieu of MC-109064-TA as previously indicated.

MC 113843 (Sub-258TA), filed August 29, 1978. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316

Summer Street, Boston, MA 02210. Representative: Lawrence T. Sheils, 316 Summer Street, Boston, MA 02210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerated meat products*, in vehicles equipped with mechanical refrigeration, from Baltimore, MD to Lawrence, Methuen, Billerica, South Easton, Chelsea, Brockton, Andover, MA, Waterbury, CT and Nashua, NH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Royal Quality Foods, Inc., Baltimore, MD 21223. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 114569 (Sub-233TA), filed July 7, 1978, and published in the FEDERAL REGISTER issue of September 7, 1978, and republished as corrected this issue. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins, P.O. Box 418, New Kingstown, PA 17072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* from Lyons, NE to St. Louis, MO, and it's commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Premier Boneless Meats, Inc., Lyons, NE. Send protests to: Charles E. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869 Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108. The purpose of this republication is to show the complete scope of the application as previously indicated.

MC 115322 (Sub-146TA), filed August 29, 1978, applicant: REDWING REFRIGERATED, INC., 9831 South Orange Avenue, P.O. Box 10177, Taft, FL 32809. Representative: L. W. Fincher, P.O. Box 426, Tampa, FL 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Foodstuffs*, except in bulk from Buffalo, NY to DE, MD, PA, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Freezer Queen Foods Inc., 975 Fuhrmann Boulevard, Buffalo, NY 14203. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 115904 (Sub-120TA), filed August 25, 1978. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, Registered Practitioner, P.O. Box 162, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Bannock, Jerome and Twin Falls Counties, ID to Los Angeles, CA and points in the commerical zone thereof, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Applicant does not intend to tack or interline authority. Supporting shipper: Doug Erb Enterprises, 529 9th Street, Buhl, ID 83316. Send protests to: Barney L. Hardin, District Supervisor, ICC, Suite 110, 1471 Shoreline Drive, Boise, ID 83706.

MC 118696 (Sub-19TA), filed August 29, 1978. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46324. Representative: David I. Harfeld, 39 S. LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Microfoam*, in high cube vans, from the plant site of E. I. duPont de Nemours & Co. at or near Wurtland, KY, to points in IL, IN, MI, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: P. J. Keehan, Freight Transportation Manager, E. I. duPont de Nemours & Co., 1007 Market Street, Wilmington, DE 19898. Send protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 119789 (Sub-515TA), filed August 29, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. BOX 226188, Dallas, TX 75266. Representative: Lewis Coffey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, from the facilities of Peppertree Beef Co. at or near Denver, CO to points in AL, CT, DE, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Peppertree Beef Co., 5300 Franklin Street, Denver, CO 80216. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 119974 (Sub-77TA), filed August 25, 1978. Applicant: L.C.L. TRANSIT CO., P.O. Box 949, Advance Street, Green Bay, WI 54304. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising matter* from Miller Brewing Co., Milwaukee, WI to points in IL, IN, IA, MI, MN, MO an OH. (2) *Empty malt beverage containers, malt beverage pallets, dunnage, damaged, refused and rejected shipments of malt beverages* from IL, IN, IA, MI, MN, MO and OH to Miller Brewing Co., Milwaukee, WI, for 180 days. Supporting shipper: Miller Brewing Co., 3939 W. Highland Boulevard, Milwaukee, WI 53208 (Edward P. Geurts). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 123407 (Sub-496), filed August 29, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: H.E. Miller, Jr. (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from the facilities of the United States Steel Corp. at McDonald, Cleveland and Lorain, OH, to points in MN, ND, SD, OK, TX, and WI, for 180 days. Supporting shipper: United States Steel Corp., 600 Grant Street, Room 568, Pittsburgh, PA 15230. Send protests to: Lois Stahl, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, Room 1386, 219 South Dearborn Street, Chicago, IL 60604.

MC 123407 (Sub-497TA), filed August 29, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl covered paneling*, from Elkhart, IN, to points in CO, IA, KS, MN, MO, NE, OH, PA, SD and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Decor, Inc., 23789 Cooper Drive, Elkhart, IN 46514. Send protests to: Lois Stahl, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, Room 1386, 219 South Dearborn Street, Chicago, IL 60604.

MC 124078 (Sub-854TA), filed August 29, 1978. Applicant: SCHWERMAN TRUCKING CO., P.O. Box 1601, 611 South 28 Street, Milwaukee, WI 53215. Representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Dry barium carbonate and strontium carbonate,* in bulk, in tank vehicles from Cartersville, GA to Circleville, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chemical Products Corp., P.O. Box 449, Cartersville, GA 30120. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 124896 (Sub-66TA), filed August 25, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485 Thorne & Ralston Street, Wilson, NC 27893. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* for Chelsea Milling Co., Inc. from Chelsea, MI to points in AL, CT, DE, FL, GA, MD, MA, MS, NJ, NY, NC, PA, RI, SC, TN and VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mr. Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building 310 New Bern Ave., P.O. Box 26896, Raleigh, NC 27611.

MC 125777 (Sub-230TA). Applicant: Jack Gray Transport, Inc., 4600 East 15th Avenue, Gary, In 46403. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Ferro Alloys,* in dump vehicles, from Toledo, OH to points in MI, OH, and PA, for 180 days. Supporting shipper: Derby & Co., Inc., 400 Holiday Drive, Pittsburgh, PA 15220. Send protests to: Lois Stahl, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 126719 (Sub-6TA), filed August 25, 1978. Applicant: CARON TRANSPORT, LTD., P.O. Box 3464, Station D, Edmonton, AB, Canada. Representative: Charles A. Murray, Jr., Attorney at Law, 207A Behner Building, 2822 Third Avenue North, Billings, MT 59101. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Hydrochloric (Muriatic) acid* in bulk, in tank vehicles, from all ports of entry on the United States-Canada Boundary line between Sweetgrass, MT, and Portal, ND to points in MT, ND and WY, under a continuing contract or contracts with Saskatoon Chemicals, Hooker Chemicals, Dow Chemical of Canada Ltd., Prairie Industrial Chemicals Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: D. Ostryznik, Saskatoon Chemicals Div. of Prince Albert Pulp Co., Ltd., P.O. Box 1586, Saskatoon, SK Canada, I.P. Frederiksen, Hooker Chemicals, Div. of Canadian Occidental Petroleums Ltd., 100 Amherst Avenue, North Vancouver, BC, Canada, R.T. Cooper, Dow Chemical of Canada Ltd., P.O. Box 759, Fort Saskatchewan, AB, Canada, James W. Yuel, Prairie Industrial Chemicals Ltd., P.O. Box 7205, 1602 Ontario Avenue, Saskatoon, SK, Canada. Send protests to: District Supervisor Paul J. Labane, ICC, 2602 First Avenue, North Billings, MT 59101.

MC 127303 (Sub-48TA), filed August 29, 1978. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: Dwight L. Loerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from LaCrosse, WI to Hannibal and Mexico, MO, and empty containers on return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Med Park Distributing, 120 Broadway, Hannibal, MO 63401. Send protests to: Lois Stahl, Interstate Commerce Commission, Everett McKinley Dirksen Building, Room 1386, 219 South Dearborn Street, Chicago, IL 60604.

MC 129809 (Sub-12TA), filed July 24, 1978, and published in the FEDERAL REGISTER issue of October 2, 1978 as MC 129908 (Sub-12TA), and republished as corrected this issue. Applicant: A & H, INC., a Wisconsin corporation, P.O. Box 346, Footville, WI 53537. Representative: Charles W. Beinhauer, Suite 4959, One World Trade Center, New York, NY 10048. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* excluding commodities in bulk, in vehicles equipped with mechanical refrigeration from the facilities utilized by Universal Foods in the New York, NY commercial zone and Lancaster, PA; to points to OH, PA, and IN, under a continuing contract or contracts with Universal Foods Corporation, for 180 days. Restricted to traffic originating at the named origins and destined to points in the named destination states. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Universal Foods Corporation, 433 East Michigan Avenue, Milwaukee, WI 53201. Send protests to: District Supervisor Ronald A. Morken, Interstate Commerce Commission, 212 East Washington Avenue, Room 317, Madison, WI 53703. The purpose of this republication is to show MC 129809 (Sub-12TA) in lieu of MC 129908 (Sub-12TA) as previously indicated.

MC 134286 (Sub-67TA), filed July 5, 1978, and published in the FEDERAL REGISTER issue of September 7, 1978, and republished as corrected this issue. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Charles M. Williams, Suite 350, Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic film, plastic articles and corrugated boxes,* (except in bulk), *and materials, equipment, and supplies* used in the manufacture and distribution of the above commodities (except commodities in bulk), in vehicles equipped with mechanical refrigeration devices, from the plantsites and storage facilities of Resinite Department, Borden Chemical, Division of Borden, Inc., at or near North Andover, MA, to points in ME, VT, NH, RI, CT, NY, NJ, PA, MD, DE, VA, WV, OH, KY, IN, MI, IL, WI, IA, MO, KS, CO, WY, MT, MN, ND, SD, NE, and DC, and to Dallas, TX; Carson, CA; and Griffin, GA, and points in their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Resinite Department, Borden Chemical Division of Borden, Inc., W. T. "Tom" Willcox, Manager, Distribution & Materials, 1 Clark Street, North Andover, MA 01845. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102. The purpose of this republication is to add the states of Minnesota (MN), North Dakota (ND), South Dakota, (SD), and Nebraska (NE) to the territorial description as previously omitted.

MC 135152 (Sub-25TA), filed July 12, 1978, and published in the FEDERAL REGISTER issue of September 15, 1978, and republished as corrected this issue. Applicant: CASKET DISTRIBUTORS, INC., P.O. Box 327, R.R. No. 2, Harrison-Brookville Road, West Harrison, IN 45030. Representative: J. D. Campbell (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Toys, games and children's vehicles,* from the facilities of Louis Marx & Co., at Girard, PA; Columbus, OH; Glendale, WV, to all points in the United States east of MT, WY, CO, and NM; and (2) *Materi-*

als, equipment and supplies, used in the manufacture of games, and toys, from El Paso, TX, to the facilities of Louis Marx & Co., at Glendale, WV, Girard, PA, and Columbus, OH, for 180 days. Supporting shipper: Louis Marx & Co., Inc., 633 Hope Street, Stamford, CT 06904. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204. The purpose of this republication is to add Colorado (CO) to part (1) of the territorial description.

MC 135197 (Sub-14TA), filed August 29, 1978. Applicant: LEESER TRANSPORTATION, INC., P.O. Box 545, Palmyra, MO 63461. Representative: Robert Leeser, P.O. Box 545, Palmyra, MO 63461. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients,* in bulk, in tank vehicles, from plant site of American Cyanamid Co. at South River, (Marion County), MO to plant site of American Cyanamid Co. at Willow Island, (Pleasants County), WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 138313 (Sub-43TA), filed August 29, 1978. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street SW., Great Falls, MT 59404. Repesentative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* from international ports of entry on the Unites States-Canada boundary line in ID, MT and ND to ND, SD, WY, MT and ID, restricted against the transportation of commidities in bulk; restricted to traffic originating in foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cascade Imperial Mills, Ltd., Norman G. Patterson, 1205 Richards Street, Vancouver, BC, Canada. Send protests to: Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 138366 (Sub-3TA), filed August 25, 1978. Applicant: DOUGLAS RUCKDASCHEL, d.b.a. RUCKDASCHEL TRUCKING, R.R. No. 1, P.O. Box 9, Postville IA 52162. Representative Jack H. Blanshan, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles,* distributed by meatpacking houses as described in section A and C of Appendix I to the report in Descriptions in Motor Carier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides) from the facilities of Hygrade Food Products Corp. at Postville, IA to points in IN, MO, MN, NE, OH, PA, NJ, and NY, restricted to the transportation of traffic originating at the named origin and destined to the named destinations, for 180 days. Supporting shipper: Hygrade Food Products, 26300 North Western Highway, Southfield, MI 48075. Send Protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 138882 (Sub-69TA), filed April 27, 1978, and published in the FEDERAL REGISTER issue of July 5, 1978, and republished as corrected this issue. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Glandstone, NJ 07934. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Wheel weights, materials, equipment and supplies,* used in the manufacture and sale of wheel weights, (except commodities in bulk), between the facilities of Bada Company, Inc., division of Hennessey Industries Co., Bowling Green, KY, on the one hand, and, on the other, points in the United States (except AK and HI); and (2) *Tire changers, jacks, tire balancers, materials, equipment and supplies,* used in the manufacture and sale of tire changers, jacks and tire balancers, (except commodities in bulk), between the facilities of Coats Co., Inc., division of Hennessey Industries Co., Nashville, TN, on the one hand, and, on the other, Augusta, Savannah, Macon, Lithonia, GA; Kokomo, Indianapolis, Paoli, Morristown, Mishawaka, IN; Cedar Falls, Davenport, Ames, Rock Valley, Monare, Webster City, Marion, IA; Livonia, Detroit, Warren, Adrian, Taylor, Lansing, MI; Omaha, NE; Dayton Loveland, Youngstown, Akron, Findlay, Shelby, Warren, Toledo, OH; Dickson, TN; Beaver Dam, Milwaukee, Combined Locks, WI; Ormand Beach, Tampa, Auburndale, Miami, Daytona Beach, Orlando, FL; Franklin Park, Rockford, Effingham, Alington Heights, IL; Lenexa, Kansas City, St. Louis, MO; Kenner, LA; Lewiston, ME; Glen Burnie, MD; Quincy, Springfield, MA; Manchester, NH; Bound Brook, Cliffside Park, Newark, Piscataway, West Paterson, NJ; Emmaws, Freeland, Wilkes-Barre, Harrisburg, Tamaqua, Pittsburgh, Imperial, Glenside, PA; Pawtucket, Cranston, RI; Houston, Richardson, San Antonio, Fort Worth, Lubbock, Paris, Tyler, McAllen, TX; Little Rock, AR; Oklahoma City, OK; Tempe, AZ; San Leandro, Westminster, San Diego, Upland, Sunnyvale, Redwood City, Oakland, Sacramento, Fresno, San Francisco, Riverside, CA; Albuquerque, NM; Portland, OR; Salt Lake City, UT; Seattle, Spokane, Tacoma, WA; Lenexa, KS; Minneapolis, MN; Garden City, Long Island, Freeport, Buffalo, Tonawanda, Syracuse, Rochester, NY; Birmingham, AL; Rocky Mount, Charlotte, Winston-Salem, Ayden, NC; Spartenburg, Summerville, SC, restricted to shipments having origin and destination at the above facilities, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hennessey Industries, Inc., LaVergne, TN 37086. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203. The purpose of this republication is to show the complete scope of the application as previously indicated.

MC 138882 (Sub-149TA), filed August 29, 1978. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Aluminum ingots and zinc alloy ingots* for remelting purposes, from the facilities of Aluminum Smelting and Refining Co., Inc., and/or Certified Alloys Co. located at Maple Heights, OH; Clinton, IA; Evansville, IN, and Waukesha, WI to points in MI, IN, IL, WI, NY, PA, NJ, TN, KY, AL, MD, MO, WV, and (2) *scrap aluminum,* from points in MI, IN, IL, WI, NY, PA, NJ, TN, KY, AL, MD, MO, and WV, to the facilities of Aluminum Smelting and Refining Co. located at Maple Heights, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Aluminum Smelting & Refining Co., Inc., 5463 Dunham Road, Maple Heights, OH 44137. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 140118 (Sub-5TA), filed August 29, 1978. Applicant: S.T.L. TRANSPORT, INC., P.O. Box 9776, 1000 Jefferson Road, Rochester, NY 14623. Representative: S. Michael Richards and Raymond A. Richards, 44 North Avenue, P.O. Box 225, Webster, NY

14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, rolls and boardstock*, from Hampton, NH to Newark, NY, under a continuing contract or contracts with Fold-Pak Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fold-Pak Corp., P.O. Box 269, Newark, NY 14513. Send protests to: Interstate Commerce Commission, U.S. Courthouse & Federal Building, 100 South Clinton Street, Room 1259, Syracuse, NY 13260.

MC 140162 (Sub-2TA), filed August 25, 1978. Applicant: SCHNEIDER MOTORWAYS, INC., R.R. No. 1, Postville, IA 52162. Representative: Jack H. Blanshan, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles* distributed by meatpacking houses as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides) from the facilities of Hygrade Food Products Corp. at Postville, IA to points in IN, MI, MN, NE, OH, PA, NJ, and NY, restricted to the transportation of traffic originating at the named origin and destined to the named destinations, for 180 days. Supporting shipper: Hygrade Food Products Corp., 26300 Northwestern Hwy, Southfield, MI 48075. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 140943 (Sub-2TA), filed June 22, 1978, and published in the FEDERAL REGISTER issue of August 22, 1978, and republished as corrected this issue. Applicant: CHEYENNE ROAD TRANSPORT, LTD., P.O. Box 968, Cochrane, AB, Canada. Representative: Grant J. Merritt, 415 Peavey Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from ports of entry on the International Boundary line between the United States and Canada west of MN-ON, (except AK), to points in MN, IA, IL, KS, OK, TX, CO, UT, WY, MT, NE, AR, WI, OH, IN, MO, ND, SD and MI, restricted to the transportation of traffic originating in the Provinces of BC, and AB, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101. The purpose of this republication is to indicate the destination State of Michigan (MI).

MC 143389 (Sub-2TA), filed August 25,, 1978. Applicant: MERCHANTS DUTCH EXPRESS, INC., Post Office Box 2525, 700 Pine Street, Monroe, LA 72107. Representative: Bruce E. Mitchell, Serby & Mitchell, P.C., Fifth floor, Lenox Towers I, 3390 Peachtree Road, Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of *such merchandise as is dealt in by retail discount stores* between points in KY, TN, GA, FL, AL, MS, LA, AR, TX, OK, MO, IN, IL, OH, KS under contract with Howard Bros. Discount Stores, Inc. of Monroe, LA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Howard Bros. Discount Stores, Inc., 3030 Aurora Street, Monroe, LA 71201. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201, under a continuing contract or contracts with Howard Bros. Discount Stores, Inc.

MC 143619 (Sub-6TA), filed August 25, 1978. Applicant: PALS BROS. TRUCKING, INC., R.F.D., Alexander, IA 50430. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transportation: *Dry feed grade urea* from the Port Neal industrial complex in Woodbury County, IA, to the facilities of Cargill, Inc. at Fort Worth and Giddings, TN, under continuing contract or contracts with Cargill, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill, Inc. Nutrena Feed Division, Box 9300, Minneapolis, MN 55440. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309, under a continuing contract or contracts with Cargill, Inc.

MC 144027 (Sub-4TA), filed August 29, 1978. Applicant: WARD CARTAGE & WAREHOUSING, INC., Route No. 4, Glasgow, KY 42141. Representative: Walter Harwood, Attorney, P.O. Box 15214, Nashville, TN 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transportation: *Cigars, cigarettes, plug, snuff, cigarette making kits, manufactured tobacco and related articles*, from Louisville, KY, and points in its commercial zone, to Chicago, IL, and points in its commercial zone, via Interstate Hwy 65, and return over the same route, serving no intermediate points, for 180 days. Supporting shipper: Mr. James M. Warner, Manager-Rates, Brown & Williamson Tobacco Corp., 1600 West Hill Street, Louisville, KY 40232. Send protests to: Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

MC 144964TA, filed June 22, 1978, and published in the FEDERAL REGISTER issue of August 18, 1978, and republished as corrected this issue. Applicant: ESSEX EXPRESS, INC., 1200 Hammondville Road, Pompano Beach, FL 33060. Representative: Clifton Peter Rose, Patton, Boggs & Blow, 1200 17th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportation: *Dried macaroni, spaghetti, vermicelli and noodles in cartons*, from C. F. Mueller Co., Jersey City, NJ, to distributors' warehouses in Jackonsville, Hialeah, Lakeland, Miami, Ocala, Orlanda, Pompano Beach, and Tampa, FL, for 180 days. Supporting shipper: C. F. Mueller Co., 180 Baldwin Avenue, Jersey City, NJ 07306. Send protests to: George M. Parker, District Supervisor, Monterey Buiding, Suite 101, 8410 Northwest 53d Terrace, Miami, FL 33166. The purpose of this republication is to show the complete scope of the application.

MC 145011 (Sub-1TA), filed June 29, 1978, and published in the FEDERAL REGISTER issue of September 15, 1978, and republished as corrected this issue. Applicant: R. F. WESTBURY, 1617 Willis Road, Richmond, VA 23224. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet and drug preparations, medicines, prescriptions, and ingredients thereof; chemicals, animal, fish and poultry feed, animal, fish and poultry feed ingredients, cleaning compounds, displays, glassware, light bulbs, paper and paper articles, pet products, pharmaceutical products, pesticides, plastic or rubber articles, shampoo, soap, and toys*, and (2) *materials, supplies and equipment* used in the manufacture, sale or distribution of articles in (1) above (except in bulk in tank vehicles), under a continuing contract or contracts with A. H. Robins Co., Elkins-Sinn, Inc., Miller-Morton Co., Chap Stick Co., for 180 days. Appli-

cant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: A. H. Robins Co., Elkins-Sinn, Inc., Miller-Morton Co., Chap Stick Co., Alfred W. Kenney, Director of Transportation, 700 Darbytown Road, Richmond, VA 23231. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10-502, Federal Building, 400 North Eighth Street, Richmond, VA 23240. The purpose of this republication is to include territorial scope as previously omitted.

MC 145152 (Sub-3TA), filed August 29, 1978. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment and parts*, as defined by the Commission in Descriptions in Motor Carrier Certificates, 61 MCC 283, Appendix VIII, and materials used in the manufacture thereof (except commodities in bulk), from the facilities of Gibson-Metalux Corp., at or near Americus, GA, to points in the United States (except AK, AR, AZ, CA, CO, GA, FL, ID, NM, NV, OR, UT, WA, HI), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gibson-Metalux Corp., P.O. Box 1207, Americus, GA 31709. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145175 (Sub-1TA), filed August 29, 1978. Applicant: FRED M. CHARLES, SR., Rural Route 2, Mitchell, NE 69357. Representative: Lavern R. Holdeman, Peterson, Bowman, Larsen & Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, in primary and secondary movements, from the facilities of Winterer Modulars, Inc., at or near Scottsbluff, NE, to points in the State of WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Winterer Modulars, Inc., Gerald A. Wilcox, Manager, 807 West 27th Street, Scottsbluff, NE 69261. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, 285 Federal Building, 100 Centennial Mall North, Lincoln, NE 68508.

MC 145212TA, filed June 30, 1978, and published in the FEDERAL REGISTER issue of September 15, 1978, and republished as corrected this issue. Applicant: KENNETH R. MEADOWS, d.b.a. KWIKI ENTERPRISES AND KWIKI KABS, 493 Central Avenue, Dover, NH 03820. Representative: Alvin E. Taylor, 426 Middle Street, Portsmouth, NH03801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, alcoholic beverages, bulk commodities injurious to other lading, dangerous explosives, commodities requiring special equipment, commodities of unusual value or commodities requiring refrigeration), between points in NH, ME, and MA, for 180 days. Supporting shipper: Northern Heel, Inc., 6 Grove Street, Dover, NH 03820. (Attn: Barry Sansoucie, President) Moore Business Forms, Inc., Machinery Division, 121 Broadway, Dover, NH 03820. (Attn: Reginald H. Fogg, Specialist Buyer) Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3, 6 Loudon Road, Concord, NH 03301. The purpose of this republication is to add another supporting shipper to the application as previously omitted.

MC 145288 (Sub-1TA), filed August 29, 1978. Applicant: SPECIALIZED HAULING CORP., P.O. Box 488, Barre, VT 05641. Representative: John P. Monte, P.O. Box 568, Barre, VT 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Utility poles*, between points in ME and points in VT; and from points in VT to towns in NH bordering the NH-VT borders, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southern Wood Piedmont Co., P.O. Box 5445, Spartanburg, SC 29304. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, VT 05602.

MC 145321 TA, filed August 29, 1978. Applicant: RAY L. AND CHERYLE RICHTER d.b.a. Wood-Ply Materials Trading and Transport Co., 3110 Southwest Iowa, Portland, OR 97258. Representative: Nick I. Goyak, Attorney-at-Law, One Southwest Columbia, No. 555, Portland, OR 97258. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, veneer, and shakes* to points from points in Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Kane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler, and Yamhill Counties, OR, and Benton, Chelan, Clallam, Clark, Columbia, Cowlitz, Franklin, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Klickitat, Lewis, Mason, Okanogan, Pacific, Pend Oreille, Pierce, San Juan, Skamania, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Walla Walla, Whatcom, and Yakima Counties, WA, to points in Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler, and Yamhill Counties, OR, and Benton, Chelan, Clallam, Clark, Columbia, Cowlitz, Franklin, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Klickitat, Lewis, Mason, Okanogan, Pacific, Pend Oreille, Pierce, San Juan, Skamania, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Walla Walla, Whatcom, and Yakima Counties, WA, for 180 days, under a continuing contract or contracts with Alpine Veneers, Inc., Northern Yards, Inc., Sunrise Forest Products Co. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Alpine Veneers, Inc., 1210 Yeon Building, Portland, OR 97204; Northern Yards, Inc., 7400 Southwest Landmark Lane, Portland, OR 97223; Sunrise Forest Products Co., 6443 Southwest Beaverton Hwy, Portland, OR. Send protests to: A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 Southwest Yamhill Street, Portland, OR 97204.

MC 145330 TA, filed August 29, 1978. Applicant: GILMER ALLISON d.b.a. Allison Trucking, Route 3, Box 123-A, Lawndale, NC 28090. Representative: W. C. Mauldin, 417 Old Post Road, Cherryville, NC 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bone meal, meat meal, fish meal, crab meal, glutton meal, soybean meal*, in bulk or in bags between points in MD, VA, NC, SC, and GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately five statements of support attached to the application which may be examined at the interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Terrel Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 145331 TA, filed August 29, 1978. Applicant: JOHNSTON BROTHERS

TRANSPORT, INC., P.O. Box 1029, Glenwood Springs, CO 81601. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages*, from Los Angeles, Irvine, and Van Nuys, CA; Secaucus, NJ; and Milwaukee, WI, and points in their commercial zones to Steamboat Springs, Grand Junction, Denver, and Glenwood Springs, CO, and points in their commercial zones, and (2) *Empty alcoholic beverage containers* from the destinations in part (1) above to the origins in part (1) above, under a continuing contract or contracts with Johnston Brothers Distribution Co. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Johnston Brothers Distribution Co., Box 1029, Glenwood Springs, CO 81601. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 145334TA, filed August 29, 1978. Applicant: SNODGRASS WELDING SERVICE, 700 Shaver Street, Bossier City, LA 71111. Representative: Mr. Milton Barnes, 412 Hamilton Road, Bossier City, LA 71111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment such as air compressors, water filters, pump parts, pipe connections, chemicals in sacks, and miscellaneous equipment parts.* No tank vehicles, no passengers or baggage to be transported, from Bossier City, LA, to Houma, LA; Bossier City, LA, to Hattiesburg, MS; Bossier City, LA, to Laredo, TX; Bossier City, LA, to Tulsa, OK; Bossier City, LA to Little Rock, AR; Tulsa, OK, for 180 days. Supporting shipper: Dowell Division of Dow Chemical, U.S.A., P.O. Box 5478, Bossier City, LA 71111. Send protests to: Connie A. Gulllory, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

PASSENGER CARRIER

MC 144237 (Sub-1TA), filed August 29,, 1978. Applicant: EUGENE T. FALBO, d.b.a. MOUNTAIN VIEW TOURWAYS, R.D. No. 6, Box 401, Latrobe, PA 15650. Representative: John A. Pillar, Attorney-at-Law, 205 Ross Street, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip special and charter operations beginning and ending in Latrobe and Greensburg, PA, and extending to points in the United States east of the Mississippi River, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately five statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

By the Commission.

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

[FR Doc. 78-29960 Filed 10-19-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1, 2
Consumer Product Safety Commission	3
Equal Employment Opportunity Commission	4
Federal Communications Commission	5
Federal Election Commission	6
Federal Energy Regulatory Commission	7
Federal Home Loan Bank Board	8
Federal Home Loan Mortgage Corporation	9
Federal Maritime Commission	10, 11
Federal Mine Safety and Health Review Commisssion	12
Federal Reserve System (Board of Governors)	13
Interstate Commerce Commission	14
Securities and Exchange Commission	15, 16

[6320-01-M]

[M-170, Oct. 13, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 1:30 p.m., October 20, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

2. Docket 29977, Cayman Airways Ltd.: Motion to amend Order 77-10-120 for blanket statement of authorization to operate off-route charters (Memo 6347-E, BIA).

3. Docket 32689, Tradewinds Airways Ltd.: Application for foreign air carrier permit to engage in charter foreign air transportation between the United Kingdom and the United States (Memo 8224, BIA, OGC).

5. Docket 33243, Application of Air Panama International, S.A. to modify the restriction on its Route 2 authority to allow stopover traffic between Los Angeles and Mexico City (Memo 8238, BIA, OGC).

4. Docket 32840, Application of Brooker-Wheaton Aviation Ltd. for an initial foreign air carrier permit to operate charters between Canada and the United States using small aircraft (Memo 8230, BIA, OGC).

6. Dockets 28366 and 32710, scoping orders on Reconsideration in *Denver-Alaska Service Investigation* and *San Francisco-Reno-Albuquerque-Texas Service Investigation* (Memo 8193, 8193-A, OGC, BALJ).

7. Docket 30635, *Arizona Service Investigation* (Memo 8158-B, OGC).

8. Dockets 25546 and 28266, *Mackey Certification Proceeding*—Motion of Rich to withdraw its motion to postpone effectiveness of certificate granted to it by Order 78-7-107 (Memo 7984-A, OGC).

9. Amending the rules of practice in economic proceedings to prohibit petitions seeking to amend scope orders and to establish a 30-day period for motions to consolidate with earlier applications (Memo 8237, OGC, BALJ, BIA, BPDA, BCP).

10. Dockets 33237, 32286, 32129, 32309, 32303, 33372, 33375, 33373, 33392, 33391, 33390, 33383, 33386, 33388, 33385, 33389, 33394, 33425, 33432, *California-Arizona Low Fare Route Proceeding*—Petitions for reconsideration; motions for consolidation and other relief (Memo 8065-B, OGC).

11. Docket 30356, *Transcontinental Low-Fare Route Proceeding*, (instructions to staff) for information, memo dated September 26, 1978.

12. Docket 30254 (*In the Matter of the Flying Tiger Line, Inc., Wayne M. Hoffman, Robert W. Prescott, Joseph J. Healy, Charles I. Hopkins, Rudolph J. Valenta, and Anna C. Chennault, Enforcement Proceeding*), discretionary review on Board initiative of supplemental initial decision explaining basis for earlier initial decision's approval of settlement of alleged accounting and reporting violations (Memo 7986-B, OGC).

13. Docket 33112, *Texas International-National Airlines Case and Enforcement Investigation*, Order disposing of the voting trust issues (OGC).

14. Docket 31013, Petition for reconsideration of Order 78-3-63, which approved an Air Traffic Conference of America resolution allowing intrastate carriers to participate in area settlement plan provided certain practices are optional rather than mandatory (Memo 7750-B, BPDA, OGC, BCP).

15. Docket 30452, Application for prior approval of the Universal Air Travel Plan (UATP)-1976, Agreements CAB 26433 and 26433-A1, under section 412 of the act. UATP is a joint venture among some 200 air carriers and foreign air carriers establishing a commonly accepted credit card (Memo 8236, BPDA, OGC, BALJ).

16. Docket 32390, CAB Agreements 27262, 27263, 27311, 27504 and 27505; Agreements between Continental and Air California, Continental and Air Florida, Aloha and Air California, and Braniff and Southwest providing reciprocal free and reduced-rate transportation (Memo 8231, BPDA, OGC).

17. Rulemaking to amend part 223 (Memo 8232, BPDA, OGC).

18. Revised transatlantic fares proposed by TWA, National, Air France, Sabena, Lufthansa and SAS. The proposals include increases in most normal and promotional fares (Memo 8240, BPDA, BIA).

19. Docket 33348, Final rule requiring U.S. carriers operating internationally and foreign route air carriers that have not complied with the tariff filing requirements of part 250 on oversales and denied boarding to include statement to that effect in any advertisement it places in any publication or on radio or television in the United States, its territories or possessions (Memo 8164-A, BPDA, OGC, BIA, BCP).

20. Docket 33151, Braniff's exemption request for Harford/Springfield-New York/Newark nonstop authority (Memo 8217, BPDA).

21. Docket 32319, Piedmont's motion for hearing or, in the alternative, request for an order to show cause, on its application for Tampa entry (Memo 8223, BPDA, OGC).

22. Docket 33172, Motion of Allegheny Airlines, Inc., for the issuance of a show cause order to amend its certificate for Route 97 so as to redesignate the intermediate point "Liberty-Monticello" the Intermediate Point "Catskills/Sullivan County" (Memo 8227, BPDA).

23. Docket 33179, Allegheny's petition for show-cause order for nonstop Cincinnati-Pittsburgh Authority Memo 8228, BPDA)

24. Dockets 32594, 32842, American's motion for an expedited hearing on its certificate application for Route 4 (Salt Lake City-St. Louis Nonstop Authority); Eastern's answer supporting American's motion and requesting the same authority; Airwest's certificate application Route 76 (St. Louis-Salt Lake City Nonstop Authority (Memo 8239, BPDA OGC).

25. Docket 31593, Wien's motion for show cause or other expedited procedures on its application for amendment of its certificate to add a new segment between the coterminal points Anchorage and Fairbanks, Alaska and the terminal point Chicago, Illinois (Midway) (Memo 8234, BPDA, OGC).

26. Dockets 33567, 33550, 33558 and 33634, Pan Am request for suspension of service to points in Europe and Hawaii; applications of United, Braniff, Hawaii, and Aeroamerica for exemptions to serve Seattle/Portland-Honolulu (BPDA).

27. Docket 31128, 31244, and 32791, Service to Fort Myers (Memo 8233, BPDA, OGC).

28. Docket 27426, Application of Air New England, Inc. (ANE), and Delta Air Lines, Inc., for approval of a refinancing agreements. ANE wishes to consolidate its $3.2 million debt to Delta which it incurred in two separate transactions in 1974 (Memo 5123-A, BPDA, BCP).

29. Dockets 31129, and 32910, Commuter Airlines' exemptions to operate large aircraft (Memo 8152-A, BPDA, OGC, BCP).

30. Revision of record retention requirements (Memo 8197-a, BAS, BPDA, BCP, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the secretary, 202-673-5068.

[S-2109-78 Filed 10-18-78; 9:11 am]

[6320-01-M]

2

[M-171, Oct. 16, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., October 23, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: The city of Philadelphia to make a presentation regarding its problems and prospects.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Taylor, the Secretary, 202-673-5068.

[S-2110-78 Filed 10-18-78; 9:11 am]

[6355-01-M]

3

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: October 26, 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

Open to the public

1. *Recommendation to accept corrective action plan: Collier-Keyworth, car seat/stroller, ID 78-29.* The staff has recommended that the Commission accept and monitor the corrective action plan which Collier-Keyworth has implemented to deal with a defect associated with a conversion kit which converts a car seat into a stroller. Collier-Keyworth has issued a joint press release with CPSC, and has begun a recall and repair program.

2. *Recommendation to accept corrective action plan: Parkway Fabricators, scuba regulator, ID 78-41.* The staff has recommended that the Commission accept the corrective action plan which Parkway has implemented to deal with hazards associated with certain scuba regulators it imports. Parkway has issued a joint press release with CPSC, and has begun a recall and repair program.

3. *Recommendation to accept corrective action plan: Black & Decker Manufacturing Co., cord adapter, ID 78-102.* The staff has recommended that the Commission accept the corrective action plan which Black & Decker has implemented to deal with possible shock hazards associated with cord adapters for electric hedge trimmers it manufactures. Black & Decker is notifying consumers, and is replacing the adapter at no cost.

4. *Recommendation to accept corrective action plan: U.S. Suzuki Motor Corp., off-road motorcycles, ID 78-57.* The staff has recommended that the Commission accept and monitor the corrective action plan Suzuki has implemented to deal with a possible steering hazard in two models of off-road motorcycles. Suzuki is notifying dealers and customers and will repair the defect at no cost.

5. *Memorandum of Understanding with HUD: Consumer products sold in mobile homes.* The Commission will consider a draft memorandum of understanding with the Department of Housing and Urban Development, prepared by CPSC and HUD staff, which would minimize duplicative or conflicting reporting requirements concerning consumer products also deemed to be mobile home components. If both HUD and CPSC approve the draft, the Commission will propose changes to its substantial product hazard reporting ("section 15") regulations.

Agenda approved October 17, 1978.

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-2103-78 Filed 10-18-78; 9:11 am]

[6570-06-M]

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, October 24, 1978.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the public:

1. Miscellaneous amendments to the Commission's Compliance Manual.
2. Amendment of Commission's Procedural Regulations at 1601.13 to correct omission.
3. Report on Commission operations by the Executive Director.

Closed to the public:

1. Proposed withdrawal of a Commissioner's charge.
2. Litigation Authorization; General Counsel Recommendations: Matters closed to the public under the Commission's regulations at 29 CFR 1612.13.

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretarial, at 202-634-6748.

This notice issued October 17, 1978.

[S-2115-78 Filed 10-18-78; 12:42 pm]

[6712-01-M]

5

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, October 24, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Review of delegations of authority to bureau and offices.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this matter may be obtained from the FCC Public Information Office, telephone 202-632-7260.

Issued: October 17, 1978.

[S-2116-78 Filed 10-18-78; 3:21 pm]

[6715-01-M]

6

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, October 25, 1978, at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audit reports, compliance, personnel.

* * *

DATE AND TIME: Thursday, October 26, 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 1978-75, AO 1978-80, AO 1978-76.
Proposed amendment for part II, section D-3 of the nonfiler procedures.
Computer contract procurement.
Earmarked contributions.
Appropriations and budget.
Presidential campaign disclosure form.
Pending legislation.
Pending litigation.
Liaison with other Federal agencies.

Classification actions.
Routine administrative matters.

Portions of the meeting closed to the public:

Any matters not concluded on October 25, 1978.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-2117-78 Filed 10-18-78; 3:33 pm]

[6740-02-M]

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 47649, published October 16, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., October 18, 1978.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No. and Company

CAG-25. CP74-160, et al., Pacific Indonesia LNG Co., et al.

KENNETH F. PLUMB,
Secretary.

[S-2114-78 Filed 10-18-78; 11:43 am]

[6720-01-M]

8

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., October 25, 1978.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Franklin O. Bolling, 202-377-6677.

MATTERS TO BE CONSIDERED:

Consideration of exceptions to restrictions on real property transactions with affiliated persons.
Consideration of deregulation of RSU application procedure.
Preliminary application for conversion into a Federal Mutual Association—Fayetteville Savings & Loan Association, Fayetteville, Ark.
Limited facility application—Talman Federal Savings & Loan Association, Oaklawn, Ill.
Application for permission to organize a new Federal association—Manuel Blanco-Massol, et al., Catano, P.R.
Change of office location application—Highland Federal Savings & Loan Association of Cincinnati, Cincinnati, Ohio.
Change of name application—Jeannette Federal Savings & Loan Association, Jeannette, Pa.
Agency office application—United Federal Savings & Loan Association, Dothan, Ala.
Application for amendment of charter-change of name—First Federal Savings & Loan Association of Tullahoma, Tullahoma, Tenn.
Limited facility application—Commercial Federal Savings & Loan Association, Omaha, Nebr.
Extension of time application—Laguna Federal Savings & Loan Association, Laguna Beach, Calif.
Application for bank membership—Northfield Savings Bank, Northfield, Vt.
Concurrent consideration of branch office applications—(1) Biscayne Federal Savings & Loan Association, Miami, Fla; and (2) First Federal Savings & Loan Association of the Palm Beaches, West Palm Beach, Fla.
Agency office application—United Federal Savings & Loan Association, Sarasota, Fla.
Agency office application—First Federal Savings & Loan Association of Broward County, Fort Lauderdale, Fla.
Consideration of modification of resolution—First Federal Savings & Loan Association of Flint, Flint, Mich.
Branch office application—First Federal Savings & Loan Association of Fort Smith, Fort Smith, Ark.
Withdrawal from bank membership—Quincy Co-operative Bank, Quincy, Mass.
Merger, maintenance of branch offices, cancellation of membership and insurance and transfer of stock applications—Tri-County Savings & Loan Association, Hudson, Wis., into First Federal Savings & Loan Association of Eau Claire, Eau Claire, Wis.
Application for modification of condition for insurance of accounts—Amigo Savings & Loan Association, Brownsville, Tex.

No. 189, October 17, 1978.

RONALD A. SNIDER,
Assistant Secretary.

[S-2106-78 Filed 10-18-78; 9:11 am]

[6720-02-M]

9

FEDERAL HOME LOAN MORTGAGE CORPORATION.

TIME AND DATE: 2:30 p.m., October 26, 1978.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Henry Judy, 202-789-4734.

MATTERS TO BE CONSIDERED:

Consideration or republication of record systems under the Privacy Act.
Consideration of book entry regulations.

No. 190, October 17, 1978.

RONALD A. SNIDER,
Assistant Secretary.

[S-2107-78 Filed 10-18-78; 9:11 am]

[6730-01-M]

10

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 47359, October 13, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., October 18, 1978.

CHANGES IN THE MEETING: Addition of the following item to the closed session:

1. Enforcement claim against certain carriers.

[S-2104-78 Filed 10-18-78; 9:11 am]

[6730-01-M]

11

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., October 25, 1978.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Report on notation items disposed of during September 1978.
2. Report of the Secretary on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during September 1978.
3. Report of the Secretary on applications for admission to practice approved during September 1978, pursuant to delegated authority.
4. Assignment of informal dockets by the Secretary during September 1978, pursuant to delegated authority.
5. Agreement No. 8240-13: Modification of the Atlantic and Gulf-Singapore, Malaya and Thailand Conference Agreement providing for appointment of collection agents.
6. Docket No. 78-26: Trimodal Inc.—Independent Ocean Freight Forwarder Application and possible violations of sections 16, first paragraph, 18(b)(1), 18(b)(3), and 44—Request for settlement.
7. Docket No. 77-25: Agreement No. 7540-28, modification of the Leeward and Windward Islands and Guianas Conference Agreement—Decision on holding of oral argument and discussion of the record.
8. Docket No. 73-3: *Maritime Service Corporation* v. *Acme Fast Freight of Puerto Rico, et al.*—Petition for reconsideration.
9. Docket No. 74-45: Agreement No. 8005-7 between members of the New York Terminal Conference (NYTC)—Petitions for reconsideration.
10. Docket No. 78-33: Actions to adjust or meet conditions unfavorable to shipping in

the United States/Ecuador Trade—Discussion of the record.

11. Docket No. 74-5: Agreement No. 10066—Cooperative Working Arrangement—Discussion of the record.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-2105-78 10-18-78; 9:11 am]

[6735-01-M]

12

OCTOBER 17, 1978.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., October 24, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C. 20006.

STATUS: This meeting will be open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following cases remanded from the Court of Appeals for the District of Columbia Circuit Court:

1. Cowin and Co., Inc., Docket No. IBMA 75-57 (*United Mine Workers of America* v. *Thomas S. Kleppe, Cowin and Company, Inc., Intervenor*, No. 76-1980, D.C. Cir. May 26, 1978).

2. Republic Steel Corp., Docket No. IBMA 76-28 (*Republic Steel Corporation* v. *Interior Board of Mine Operations Appeals*, No. 76-1041, D.C. Cir. February 22, 1978).

The following proceedings will be considered and acted upon by the Commission:

3. Pittsburgh and Midway Coal Co., Docket No. IBMA 76-57.

4. Christopher Coal Co., Docket No. IBMA 77-7.

The following proceedings will be considered and acted upon by the Commission. Motions to withdraw pleadings have been filed in these cases:

5. Kaiser Steel Corp., Docket No. IBMA 76-107.

6. *Ronnie R. Ross* v. *Maurice S. Childers, Mining Enforcement and Safety Administration, Marcell Chamness and Cecil Andrus*, Docket No. IBMA 77-63.

The Commission will consider and act upon a motion to set a briefing schedule in the following proceeding:

7. Consolidation Coal Co., Docket No. IBMA 77-18.

The Commission will consider and act upon a petition for discretionary review in the following proceeding:

8. Cowin and Co., Inc., Docket Nos. 76-210-P, 76-211-P, 76-212-P, 76-213-P.

The following item will be considered by the Commission and carried over to the next regularly scheduled meetings:

9. Propose rules of procedure.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Philip Paschall, 202-653-5648.

JEROME R. WALDIE,
Chairman, Federal Mine Safety and Health Review Commission.

[S-2108-78 Filed 10-18-78; 9:11 am]

[6210-10-M]

13

FEDERAL RESERVE SYSTEM (Board of Governors).

TIME AND DATE: 10 a.m., Wednesday, October 25, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

SUMMARY AGENDA

Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed revisions in the Condition and Income Reports required of Edge corporations and the foreign branches and foreign subsidiaries of U.S. commercial banks.

DISCUSSION AGENDA

1. Proposed revised amendments to Regulation H (membership of State banking Institutions in the Federal Reserve System) to require that State member banks that effect certain securities transactions for customers provide confirmation and maintain certain records with respect to such transactions. (Proposed earlier for public comment; Docket No. R-0142.)

2. Request by the Commodity Futures Trading Commission for Board comment on a proposal to trade a futures contract based on the Dow Jones Industrial Average.

3. Proposed data collection for the monitoring of savings deposits subject to automatic transfer.

4. Any agenda items carried forward from a previously announced meeting.

NOTE.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

[S-2111-78 Filed 10-18-78; 11:34 am]

[7035-01-M]

14

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, October 25, 1978.

PLACE: Hearing Room "C", Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C. 20423.

STATUS: Open Special Conference.

MATTERS TO BE CONSIDERED:

1. Staff briefing on the Milwaukee Road—Levels of service, prospects for winter, status of merger negotiations, and status of employee layoffs.

2. Discussion of pending Southern Motor Carriers Rate Conference general increase case.

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-2118-78 Filed 10-18-78; 3:53 pm]

[8010-01-M]

15

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 47651, October 16, 1978.

STATUS: Open meeting and closed meeting.

DATE AND TIME: Thursday, October 19, 1978.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

The following additional item will be considered by the Commission at an open meeting scheduled for Thursday, October 19, 1978, at 10 a.m.:

Consideration of proposed amendments to the joint industry plan declared effective by the Commission pursuant to Rule 17a-15 under the Securities Exchange Act of 1934 governing the consolidated transaction reporting system. For further information, please contact Stephen L. Parker, at 202-755-8949.

The following item will not be considered by the Commission at the open meeting scheduled for Thursday, October 19, 1978, at 10 a.m.:

Consideration of an objection by the U.S. Trust Co. to the mailing to holders of the 6½ percent Convertible Subordinated Debentures due 1996 of the Chase Manhattan Mortagage and Realty Trust of a proposed

communication from three of the holders. The grounds of the objection is that the mailing of such statement is not in the best interest of the debentures. For further information, please contact Norman Schou at 202-755-1240.

The following items will be considered by the Commission at a closed meeting scheduled for Thursday, October 19, 1978, immediately following the open meeting:

Subpoena enforcement action.
Other litigation matters.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a), (8), (9) (i) and (10).

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined that Commission business required consideration of these matters and that no earlier notice thereof was possible.

OCTOBER 16, 1978.

[S-2112-78 Filed 10-18-78; 11:43 a.m.]

[8010-01-M]

16

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of October 23, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, October 24, 1978, at 10 a.m. An open meeting will be held on Wednesday, October 25, 1978, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b (c) (4) (8) (9) (A) and (10) and 17 CFR 200.402(a) (8) (9) (i) and (10).

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, October 24, 1978, at 10 a.m., will be:

Access to investigative files by Federal, State or self-regulatory authorities.
Freedom of Information Act appeals.
Institution of administrative proceedings of an enforcement nature.
Institution of injuctive action.
Personnel security action.
Settlement of injunctive action.
Subpena enforcement action.

The subject matter of the open meeting scheduled for Wednesday, October 25, 1978, at 10 a.m., will be:

1. Consideration of a request by Power Designs, Inc., that the Commission review the Division of Corporation Finance's denial pursuant to delegated authority of a request by Power Designs, Inc., for an extension of time within which to file its annual report on Form 10-K for the period ended June 30, 1978. For further information, please contact Spencer Browne at 202-376-2976.

2. Consideration of a request that the Commission adopt Rule 17f-4 under the Investment Company Act of 1940 that would (1) designate the Federal Reserve/Treasury book-entry system as a permitted depository for securities owned by registered management investment companies, and (2) state the conditions under which deposits thereof may be made in the book-entry system or in clearing agencies which act as securities depositories. For futher information, please contact Stanley B. Judd at 202-755-0213.

3. Consideration of a request by Highland Investment Corp. for an exemption from the Investment Advisers Act of 1940. For further information, please contact Michael S. Lichtenthal at 202-755-9034.

4. Consideration of whether or not to approve proposed rules submitted by the Securities Investor Protection Corp. setting forth requirements for the closeout or completion of open contractual commitments. For further information, please contact Linda Kurjan at 202-376-7470.

5. Consideration of whether (1) to release withheld portions of two memoranda concerning the disposition to be made in the matter of the Freedom of Information request of W. B. Shellhorn (these memoranda were requested under the Freedom of Information Act by Brad Ragan, Inc., and certain individuals), and (2) to affirm the Freedom of Information Officer's decision to release certain investigative transcripts to Mr. Shellhorn, in light of objections to disclosures made by Brad Ragan, Inc. and certain individuals, on the ground that they believe this material is exempt under 5 U.S.C. 552(b)(4), 6, 7(A), 7(B), and 7(C). For further information, please contact Linda Schneider at 202-755-1339.

6. Consideration of a Freedom of Information Act appeal of Robert Adamson of Securities Week for mailing lists of SEC Docket, SEC News Digest and SEC Releases which were denied to him by the Freedom of Information Act officer relying on exemption 6 of the Freedom of Information Act. For further information, please contact Judy Chesser at 202-376-8085.

FOR FURTHER INFORMATION PLEASE CONTACT:

Michael P. Rogan at 202-755-1638.

OCTOBER 16, 1978.

[S-2113-78 Filed 10-18-78; 11:43 am]

FRIDAY, OCTOBER 20, 1978
PART II



DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

federal register

[4510-27-M]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Ohio: OH78-2133.

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.

Arkansas:
AR78-4063, June 16, 1978.
AR78-4064; AR78-4067; AR78-4068, June 23, 1978.
Georgia:
GA78-1077, September 8, 1978.
Michigan:
MI78-2078, September 29, 1978.
Oklahoma:
OK78-4054; OK78-4055; OK78-4056; OK78-4057; June 9, 1978.
OK78-4058; OK78-4059; OK78-4062; June 16, 1978.
Pennsylvania: PA78-3070, September 29, 1978.
Tennessee: TN78-1058; TN78-1060, July 7, 1978.
Texas:
TX78-4038, April 14, 1978.
TX78-4078; TX78-4079, August 11, 1978.
TX78-4081, August 18, 1978.
TX78-4082; TX78-4083; TX78-4084; TX78-4085, August 25, 1978.
TX78-4095; TX78-4096, September 22, 1978.
Washington: WA78-5105, June 30, 1978.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois:
IL78-2017 (IL78-2092); IL78-2019 (IL78-2105); IL78-2020 (IL78-2094); IL78-2021 (IL78-2106); IL78-2022 (IL78-2107); IL78-2024 (IL78-2109); IL78-2026 (IL78-2111); IL78-2027 (IL78-2112); IL78-2034 (IL78-2120); IL78-2035 (IL78-2122); IL78-2037 (IL78-2124); IL78-2038 (IL78-2125); IL78-2018 (IL78-2093), March 17, 1978.
Indiana: IN76-2046 (IN78-2132), April 16, 1976.
New York: NY77-3076 (NY78-3077), June 6, 1977.
Pennsylvania: PA75-3070 (PA78-3078), July 18, 1975.
Tennessee:
TN77-1133 (TN78-1090), October 7, 1977.
TN77-1048 (TN78-1091), May 19, 1978.
Texas: TX78-4041 (TX78-4114), April 14, 1977.
Wisconsin:
WI77-2102 (WI78-2104), July 5, 1977.
WI77-2103 (WI78-2129), July 15, 1977.
WI77-2105 (WI78-2110); WI77-2106 (WI78-2114); WI77-2109 (WI78-2115); WI77-2110 (WI78-2121); July 22, 1977.
WI77-2126 (WI78-2108), August 26, 1977.
WI77-2130 (WI78-2116), September 23, 1977.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

None.

Signed at Washington, D.C., this 13th day of October 1978.

DOROTHY P. COME,
Assistant Administrator, Wage and Hour Division.

[4510-27-C]

NEW DECISION

STATE: Ohio COUNTIES: *See Below
DECISION NO.: OH78-7133 DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and garden type apartments up to and including 4 stories

*Adams, Brown, and Highland

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 5.77				
BRICKLAYERS	7.14				
CARPENTERS	5.69				
CEMENT MASONS	5.53				
DRYWALL FINISHERS	6.88				
DRYWALL HANGERS	6.34				
ELECTRICIANS	6.02				
LABORERS:					
Laborers	4.00				
Mason Tenders	5.00				
PAINTERS	5.00				
PLUMBERS	5.95				
ROOFERS	5.07				
SHEET METAL WORKERS	5.33				
SOFT FLOOR LAYERS	5.00				
TRUCK DRIVERS	4.50				
POWER EQUIPMENT OPERATORS:					
Backhoe	5.00				
Bulldozer	5.00				
Front End Loader	5.00				

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION NO. AR78-4063 - Mod. #2 (43 FR 26232 - June 16, 1978) Union and Ouachita Counties, Arkansas					
CHANGE:					
PLUMBERS & PIPEFITTERS	$10.90	.75	.45		.05
DECISION NO. AR78-4064 - Mod. #2 (43 FR 27341 - June 23, 1978) Pulaski County, Arkansas					
CHANGE:					
ELECTRICIANS					
Electricians	11.00	.50	3%+.35		1/4%
Cable splicers	11.125	.50	3%+.35		1/4%
LINE CONSTRUCTION:					
Linemen	11.95		3%		3/8%
Cable splicers	12.075		3%		3/8%
Operator	11.95		3%		3/8%
PAINTERS:					
Painters, paperhangers and steam cleaners, sheet rock finishers and wall covers hangers	8.50		.40		.02
Spray gun operators and sand blasterers	9.10		.40		.02
All skelton steel and all work on stages, structural steel over 30 feet High	8.75		.40		.02
DECISION NO. AR78-4067 - Mod. #2 (43 FR 27342 - June 23, 1978) Garland, Hot Springs and Clark Counties, Arkansas					
CHANGE:					
BRICKLAYERS-Stonemasons	9.05		.25		
LINE CONSTRUCTION:					
Linemen	11.20		3%		1/2%
Cable splicers	11.325		3%		1/2%
DECISION NO. AR78-4068 - Mod. #2 (43 FR 27344 - June 23, 1978) Sebastian, Crawford & Washington Counties, Arkansas					
CHANGE:					
ELECTRICIANS:					
Electricians	11.00	.35	3%+5.5%		1/4%
Cable splicers	11.25	.35	3%+5.5%		1/4%
PLUMBERS & PIPEFITTERS	10.26	.45	.55		.04

DECISION #GA78-1077 - Mod. #2
(43 FR 40174 - September 8, 1978)
Clayton, DeKalb, & Fulton Counties, Georgia

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Glaziers	$ 9.20	.70	.43	.75	.11
Laborers:					
Group 1	6.40	.25	.33		.05
Group 2	6.62	.25	.33		.05
Group 3	6.90	.25	.33		.05
Group 4	7.15	.25	.33		.05
Group 5	7.47	.25	.33		.05
Group 6 (25¢ above rate for classification under which employed)					
Marble, Tile, & Terrazzo Finishers	6.65				
Plumbers & Pipefitters	11.15	.65	.50		.11

DECISION MI78-2078 - MOD. #1
(43 FR 45125 September 29, 1978)
Macomb, Monroe, Oakland, Washtenaw & Wayne Counties, Michigan

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers:					
Remainder of Counties, & the Remainder of Washtenaw Co.	$12.95	1.51	1.48		.07
Cement Masons:					
Remainder of Counties & North of Hwy. #151 in Monroe Co.	12.35	.95	11%		.02
Laborers - Building, Heavy & Residential					
Monroe County:					
Construction Laborer & Carpenter Helper	10.07	.65	.35	.90	.04
Mortar Mixer, Mason & Plaster Tender, Carpenter Helper, Cement Mason Helper, Tool Operator & Caisson Worker	10.27	.65	.35	.90	.04
Painters:					
Remainder of Counties:					
Brush	11.35	.92	1.15	1.10	50.00 P/Y
Spray to 40' Height	11.85	.92	1.15	1.10	50.00 P/Y
Sprinkler Fitters:					
Remainder of Counties	13.805	.75+.50	1.05		.10
Truck Drivers:					
Building, Heavy & Residential					
Pole Trailer; Low Boys; Straddle Carrier; Double - Bottoms & Special Load Permits	10.60	b29.50	b31.00		
Semi-Drivers	10.50	b29.50	b31.00		
All other Truck Drivers	10.35	b29.50	b31.00		

DECISION MI78-2078 - MOD. #1 (CONT'D)

MICH-1-PRO-1-2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
BUILDING, HEAVY & RESIDENTIAL CONSTRUCTION					
CLASS A	$12.74	.90	1.25	11%	.05
CLASS B	12.51	.90	1.25	11%	.05
CLASS C	12.20	.90	1.25	11%	.05
CLASS D	12.08	.90	1.25	11%	.05
CLASS E	11.70	.90	1.25	11%	.05
CLASS F	10.32	.90	1.25	11%	.05
CLASS G	9.44	.90	1.25	11%	

CLASS A - Crane with boom & jib or leads 220' or longer

CLASS B - Crane with boom & jib or leads 140' or longer

CLASS C - Crane with boom & jib or leads 120' or longer

CLASS D - Regular Crane Operator

CLASS E - Regular Engineer

CLASS F - Engineer when operating compressor or Welding Machine

CLASS G - Fireman or Oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. OK78-4054 - Mod. #4 (43 FR 25268 - June 9, 1978) Oklahoma, Cleveland, Caddo, Grady, Canadian, Kingfisher, Lincoln, Logan, McClain, Seminole, and Pottawatomie Counties, Oklahoma					
CHANGE:					
LATHERS	$10.50				.01
DECISION NO. OK78-4055 - Mod. #3 (43 FR 25270 - June 9, 1978) Tulsa, Creek, Craig, Ottawa, Delaware, Mayes and Rogers Counties, Oklahoma					
CHANGE:					
Terrazzo workers	10.56		.30		
Terrazzo workers & tile layers finishers	8.72				
Terrazzo workers floor machine operator	8.84				
Terrazzo workers base machine operator	9.06				
Tile layers	10.56		.30		
DECISION NO. OK78-4056 - Mod. #2 (43 FR 25273 - June 9, 1978) Muskogee, Adair, Cherokee and Okmulgee Counties, Oklahoma					
CHANGE:					
SHEET METAL WORKERS	11.03	.50	.66		.10
BRICKLAYERS	10.70	.60	.40		.05
DECISION NO. OK78-4057 - Mod. #2 (43 FR 25275 - June 9, 1978) Latimer, LeFlore, Haskell, Sequoyah and Pushmataha Counties Oklahoma					
CHANGE:					
SHEET METAL WORKERS	11.03	.50	.66		.10
BRICKLAYERS	10.70	.60	.40		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. OK78-4058 - Mod. #2 (43 FR 26258 - June 16, 1978) McIntosh County, Oklahoma					
CHANGE:					
SHEET METAL WORKERS	$11.03	.50	.66		.10
TERRAZZO WORKERS	10.56		.30		
Terrazzo workers finishers	8.72				
Terrazzo workers floor machine operators	8.84				
Terrazzo workers base machine op.	9.06				
Tile layers	10.56		.30		
DECISION NO. OK78-4059 - Mod. #2 (43 FR 26258 - June 16, 1978) Wagoner County, Oklahoma					
CHANGE:					
SHEET METAL WORKERS	11.03	.50	.66		.10
DECISION NO. OK78-4062 - Mod. #2 43 FR 26265 - June 16, 1978) Pittsburg County, Oklahoma					
CHANGE:					
SHEET METAL WORKERS	11.03	.50	.66		.10
TILE SETTERS	10.56		.30		
TERRAZZO WORKERS	10.56		.30		
TILE & TERRAZZO WORKERS HELPERS TO READ "Tile & Terrazzo finishers"	8.72				

DECISION #PA78-3070 - Mod. # 1 (43 FR 45162 - Sept. 29, 1978) Lancaster County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers:					
General Laborers	$6.85	.50	.57		
Operator of Jackhammer	7.05	.50	.57		
Wagon drill	7.15	.50	.57		
Handling of all materials	7.00	.50	.57		
Laborers assisting tile	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		
Sheet metal workers	10.47	1.40	1.18		.13
DECISION NO. TN78-1058 - Mod. #3 (43 FR 29464 - July 7, 1978) Hamilton, Marion, Polk, and Rhea Counties, Tennessee					
CHANGE:					
Asbestos workers	$10.50	.45	.70		.02
Ironworkers	9.76	.55	.50		1%
Roofers:					
Composition, damp & waterproofers	9.40		.10		.05
Kettlemen	8.90		.10		.05
Slate & tile	9.60		.10		.05
DECISION NO. TN78-1060 - Mod. #1 (43 FR 29467 - July 7, 1978) Davidson County, Tennessee					
CHANGE:					
Asbestos workers	$11.55	.55	.65		.05
Electricians	10.20	.55	3% + .25		¼ of 1%

DECISION #TX78-4038 - Mod. #3 (43 FR 16129 - April 14, 1978) Harrison County, Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Sheet metal workers	$10.425	.50	.60		.105
DECISION #TX78-4078 - Mod. #4 (43 FR 35881 - August 11, 1978) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
Change:					
Marble, tile & terrazzo workers: Collin, Dallas, Denton, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos.	9.40		.30		
Omit:					
Sheet metal workers:					
Zone 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Cos.	10.275	.45	.66		.055
Zone 2 - Denton, Hood, Johnson & Tarrant Cos.	10.425	.60	.33		.055
Zone 3 - Palo Pinto & Wise Cos.	10.58				.07
Add:					
Sheet metal workers:					
Zone 1 - Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Rockwall, Tarrant & Wise Cos.	10.425	.50	.66		.105
Zone 2 - Palo Pinto Co.	10.58				.07
DECISION #TX78-4079 - Mod. #4 (43 FR 35884 - August 11, 1978) Bee, Kleberg & Nueces Cos., Texas					
Change:					
Line Construction:					
Linemen	10.93	.60	3%		1/2%
Cable splicers	11.055	.60	3%		1/2%
Groundmen (1st year)	5.47	.60	3%		1/2%
Groundmen	6.01	.60	3%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX78-4081 - Mod. #1 (43 FR 36651 - August 18, 1978) Bexar County, Texas					
Change:					
Line Construction:					
Lineman	$11.32	.60	3%		1/2%
Cable splicer	11.57	.60	3%		1/2%
Groundman (1st year)	5.66	.60	3%		1/2%
Groundman	6.23	.60	3%		1/2%
DECISION #TX78-4082 - Mod. #2 (43 FR 38278 - August 25, 1978) Brazos County, Texas					
Change:					
Line Construction:					
Lineman & cable splicer	11.77	.60	3%		1/2%
Groundman (1st 6 months)	4.12	.60	3%		1/2%
Groundman (2nd 6 months)	4.94	.60	3%		1/2%
Groundman	6.83	.60	3%		1/2%
Marble masons	10.49	.63	.20		
Painters:					
Group 1	10.595	.565	.45	.40	.04
Group 2	10.97	.565	.45	.40	.04
Group 3	10.72	.565	.45	.40	.04
Group 4	11.22	.565	.45	.40	.04
Terrazzo workers	10.49	.63	.20		
Tile setters	10.49	.63	.20		
DECISION #TX78-4083 - Mod. #3 (43 FR 38279 - August 25, 1978) El Paso County, Texas					
Change:					
Asbestos workers	8.61	.57	1.30		.03
Plumbers & steamfitters	9.09	.59	.44		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX78-4084 - Mod. #3 (43 FR 38281 - August 25, 1978) Galveston & Harris Cos., Texas					
Change:					
Line Construction:					
Lineman & cable splicer	$11.77	.60	3%		1/2%
Groundmen (1st 6 months)	4.12	.60	3%		1/2%
Groundmen (2nd 6 months)	4.94	.60	3%		1/2%
Marble masons - Harris Co.	10.49	.63	.20		
Painters (Remainder of Harris Co.):					
Group 1	10.595	.565	.45	.40	.04
Group 2	10.97	.565	.45	.40	.04
Group 3	10.72	.565	.45	.40	.04
Group 4	11.22	.565	.45	.40	.04
Terrazzo workers - Harris Co.	10.49	.63	.20		
Tile setters - Harris Co.	10.49	.63	.20		
DECISION #TX78-4085 - Mod. #2 (43 FR 38283 - August 25, 1978) Travis County, Texas					
Change:					
Line Construction:					
Linemen	11.14	.60	3%		1/2%
Groundmen	6.13	.60	3%		1/2%
Groundmen (1st year)	5.57	.60	3%		1/2%
DECISION #TX78-4095 - Mod. #1 (43 FR 43241 - September 22, 1978) Ector & Midland Counties, Texas					
Change:					
Painters:					
Brush	8.24				
Spray & sandblasters	8.99				
DECISION #TX78-4096 - Mod. #2 (43 FR 43242 - September 22, 1978) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
Change:					
Building Construction:					
Carpenters:					
Zone 2 - Carpenters	9.58				
Millwrights	10.10				

DECISION NO. WA78-5105 - Mod. #3 (43 FR 28734 - June 30, 1978) Statewide Washington	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
OMIT:					
Sheet Metal Workers (As contained in Mod. #2)					
Adams (N.E. part), Ferry, Lincoln (E.½), Pend Oreille, Spokane, and Stevens Counties	$10.52	.40	.60		
Adams (S.E. part), Benton, Columbia, Franklin, Walla Walla Counties	10.04	.40	.80	1.21	
Adams (S.W.part), Chelan, Douglas, Grant, Lincoln (W½), and Okanogan Counties	11.00	.40	.90	.60	
King and Snohomish Counties	11.14	.63	1.00		.05
ADD:					
Soft Floor Layers:					
Adams (N.E.part), Ferry, Lincoln (E½), Pend Oreille, Spokane, and Stevens Counties	10.52	.40	.60		
Adams (S.E. part), Benton, Columbia, Franklin, and Walla Walla Counties	10.04	.40	.80	1.21	
Adams (S.W. part), Chelan, Douglas, Grant, Lincoln (W½), and Okanogan Counties	11.00	.40	.90	.60	
King and Snohomish Counties	11.14	.63	1.00		.05

STATE: Illinois COUNTIES: Adams, Brown & Pike
DECISION NUMBER: IL78-2092 DATE: Date of Pulication
Supersedes Decision No.: IL78-2017, dated March 17, 1978 in 43 FR 11371
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.63	.80	.97		
BOILERMAKERS	11.45	.95	1.20		.03
BRICKLAYERS:					
Bricklayers, Stonemasons, Marble Setters, Terrazzo Workers, Tile Setters, Pointers, Caulkers & Cleaners	11.65		.20		
CARPENTERS:					
Adams County:					
Carpenters & Soft Floor Layers	10.50	.65	.35		.02
Millwrights & Piledrivermen	10.75	.65	.35		.02
Brown County & Pike County:					
Carpenters & Soft Floor Layers	10.40	.55	.25		.02
Millwrights	10.65	.55	.25		.02
Piledrivermen	10.90	.55	.25		.02
CEMENT MASONS	9.85		1.00		
ELECTRICIANS:					
Electricians	11.15	.50	3%+.75		1%
ELEVATOR CONSTRUCTORS:					
Constructors	11.34	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.025
Helpers (Prob.)	50%JR				
GLAZIERS	10.39	.45	.50		
IRONWORKERS:					
Brown County, Pike County & the S. E. corner of Adams County	11.75	.55	.90		.08
Remainder of Adams County	11.50	.55	.90		.06
LATHERS:					
Brown & Pike Counties	12.30				
PAINTERS:					
Adams County:					
Brush	8.80				
Sand & Water Blasting; Spray & Steamcleaning	9.80				
Pike County:					
Commercial	11.05	.55	.35		
Industrial	11.30	.55	.35		

DECISION NO. IL78-2092

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	$10.20		1.00		.01
PLUMBERS & STEAMFITTERS:					
Adams & Brown Counties	12.05	.35	.40		.05
Pike County	12.43	.35	.88		.07
ROOFERS	9.90				
SHEET METAL WORKERS:					
Adams & Pike Counties	10.11	.45	.44		.10
Brown County	11.86	3%+.50	.78		.07
SPRINKLER FITTERS	12.10	.75	1.05		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTES:

a. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

b. 7 Paid Holidays: A through G

DECISION NO. IL78-2092

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Adams County	9.34	.50	.60		
Unskilled	$ 9.54	.50	.60		.035
Semi-skilled	9.69	.50	.60		.035
Skilled					.035
Brown and Pike Counties					
Unskilled	9.39	.60	.45		.035
Semi-skilled	9.59	.60	.45		.035
Skilled	9.74	.60	.45		.035

CLASSIFICATIONS

UNSKILLED: Allsewer workers plus depth pay, Asphalt Plant Laborers, Bankmen on Floating Plant, Batch Dumpers, Carpenters, Tenders, Cleaning Lumber, Cofferdam workers plus depth pay, Deck Hand, Dredge Hand and Shore Laborers, Dispatchers; Driving of stakes, Stringlines for all machinery, Fencing Laborers, Firemen or Salamander Tenders, Fireproofing Laborers, Fire Shop Laborers; Flagman, Form Handlers, Gravel Box Men, Dumpmen and Spotters, Janitors, Laborers with De-watering systems, Landscapers, Laying of Sod, Material Checkers, Material Handlers, Pit Men, Plaster Installers, Planting of Trees, Removal of Trees, Rip Rap Men, Rod and Chairmen, Scaffold Workers, Tool Cribmen, Track Laborers, Unloading explosives, Unloading and carrying Lath, Unloading and carrying or re-bars, Wrecking, Dismantling Building, Wallmen and Housemovers, Wrecking Laborers, Wreter or Scale Tickets.

SEMI-SKILLED: Asphalt Workers with machine, Asphalt Raker, and Layers, Cement Handlers, Cement Silica, Clay, Fly Ash, Lime and Plasters, Handler (Bulk or Bag) Chain Saw, Chloride Handlers, Concrete Workers (wet); Grade Checker, Handling or material treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing, Kettle and Tar Men, Mason Tenders, Mortar Mixer Operators, Motorized Buggies or Motorized Union used for wet concrete to handling of building materials, On concrete paving, placing, cutting and typing or Reinforcing, Signal man on Crane Tank cleaning helpers in free air, Vibrator Operators

SKILLED: Air Tamping Hammerman, Caisson workers plus depth, Concrete Burning Machine Operator, Concrete Saw Operator, Corming Machine Operator, Gunnite Nozzlemen, Jackhammer and drill Operators, Laborers handling masterplante or similar materials, Laborers Tending Masons with hot material or where foreign material are used, Laster Beam Operator, Layout Man/or Tile Layer Leadman on sewer work Foreman, Multiple Concrete Duct - Leadman, Plasterer Tenders, Ready Mix Scalemen, Portable or temporary plant, Screenman on Asphalt Paver, Steel Form Setters - street and highway, Welders, Cutters, Burners, and Torchmen

DECISION NO IL78-2092

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
CLASS I	$ 11.90	.55	.65		.05
CLASS II	10.45	.55	.65		.05
CLASS III	9.35	.55	.65		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, clam shell, C.M.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth auger or boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournavull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO. IL78-2092

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment shen used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks hauling 16 tons or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois
COUNTIES: Champaign & Vermillion
DECISION NUMBER: IL78-2093
DATE: Date of Publication
Supersedes Decision No.: IL78-2018, dated March 17, 1978, in 43 FR 11373
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.15	.50	1.20		.01
BOILERMAKERS	11.45	.95	1.00		.03
BRICKLAYERS:					
Champaign County:					
Bricklayers; Stonemasons	11.70	.45	.50		.05
Marble, Tile, Terrazzo Workers	12.55	-	.50		
Vermillion County:					
Bricklayers; Stonemasons	11.70	.45	.50		.05
Marble, Terrazzo Workers; Tile Setters	12.55		.50		
CARPENTERS:					
Champaign County:					
Carpenters & Soft Floor Layers	11.665	.45	1.00		.13
Millwrights & Piledrivermen	12.165	.45	1.00		.13
Vermillion County:					
North of Rossville					
Carpenters; Soft Floor Layers; Millwrights & Piledrivermen	11.88	.65	.80		.01
Remainder of County					
Carpenters & Soft Floor Layers	11.665	.75	.80		.05
Millwrights & Piledrivermen	12.165	.75	.80		.05
CEMENT MASONS & PLASTERERS:					
Champaign County:					
Cement Masons	12.575	.45	.25		.025
Plasterers	11.915	.45			.025
Vermillion County:					
Cement Masons & Plasterers	11.35		1.00		
ELECTRICIANS:					
Champaign County	12.45	.50	3%+.40		.3%
Vermillion County	12.27	.50	3%+.50		.25%
ELEVATOR CONSTRUCTORS:					
Constructors	11.34	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.025
Helpers (Prob.)	50%JR				
GLAZIERS:					
Champaign County	10.39	.45	.50		
IRONWORKERS	11.55	.65	1.00		.08
LATHERS	11.49	.45	.40		.01

DECISION NO. IL78-2093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Champaign County:					
Brush	$ 11.57	.65	.40		.04
Open and Erected Steel	12.57	.65	.40		.04
Vermillion County:					
Brush	11.80				
Spray	12.80				
PLUMBERS & STEAMFITTERS:					
Champaign County	12.15	.35	1.15		.12
Vermillion County	11.52	.35	1.05		.25
ROOFERS:					
Champaign County:					
Roofers	12.39	.70	.45		.03
Vermillion County	11.55				.16
SHEET METAL WORKERS	11.94	3%+.60	.67		
SPRINKLER FITTERS	12.10	.75	1.05		.08
WELDERS: receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Thanksgiving Day; G-Christmas Day

FOOTNOTES:
a. 7 Paid Holidays: A through G

b. Employer contibutes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

DECISION NO. IL78-2093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Champaign County:					
Unskilled	10.75	.30	.30		.035
Semi-skilled	10.95	.30	.30		.035
Skilled	11.10	.30	.30		.035
Vermillion County:					
Unskilled	10.30	.45	.60		.035
Semi-skilled	10.50	.45	.60		.035
Skilled	10.65	.45	.60		.035

UNSKILLED - All sewer workers plus depth pay, Asphlat plant laborers, Bankmen on floating plant, Barch dumpers, Carpenters tenders, Cleaning lumber, Cofferdam workers plus depth pay, Deck hand, Dredge hand and shore laborer, Dispatchers, Driving of stakes, Stringlines for all machinery, Fencing laborers, Firemen or Salamander tenders; Fireproofing laborers; Fire shop laborers; Flagmen; Form handlers, Gravel box men, Dumpmen and Spotters; Janitors, Laborers with de-watering systems; Landscapers, Laying of sod, Material checkers, Material handlers, Pit men, Plaster installers, Planting of trees, Removal of trees, Rip rap men, Rod and chairemen, Scaffold workers, Tool cribmen, Tractor laborers, Unloading explosives, Unloading and carrying Lath, Unlaoding and carrying re-bars, wrecking, dismanteling building, Wallmen and housemovers, Wrecking laborers, Writer or scale tickets

SEMI-SKILLED - Asphalt workers with machine, asphalt raker and layers, Cement handlers, cement silica, clay, Fly ash, line and plasters handler (bulk or bay) Chain saw; Chloride handlers, concrete workers (wet); Grade checker; Handling of materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing; Kettle and Tar men; Mason tenders; Mortar mixer operators; Motorized buggies or motorized unit used for wet concrete or handling of building materials, On concrete paving, placing, Cutting and Typing or Reinforcing, Signal man on crane tank cleaning, Tunnel helpers in free, air, Vibrator operators

SKILLED: - Air tamping hammerman, Caisson workers plus depth, Concrete burning machine operator, Concrete saw operator, corming machine operator, Gunnite nozzle men, Jackhammer and drill operators, Laborers handling masterplate or similar materials, Laborers tending masons with hot material or where foreign material are used, Laser beam operator, Layout man and/or tile Layer leadman on sewer work lutemen, Multiple concrete duct - Leadman, Placterer tenders, ready mix scalemen, portable or temporary plant, Screenman on asphalt pavers, Steel form setters - street and highway, Welders, cutters, burners and torchmen

DECISION NO. IL78- 2093

ILI-1-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	11.60	.55	.75		.13
CLASS II	11.55	.55	.75		.13
CLASS III	11.35	.55	.75		.13
CLASS IV	7.35	.55	.75		.13

CLASS I - Master Mechanic

CLASS II - Utility Operator

CLASS III - Power cranes, Draglines, Electric overhead cranes, Shovels, Gradall, Mehcanics, Repair and Maintenance of all equipment, Tractor highlift shovel, Forklifts, Tournamixer, 2 drums machine or 2 cage hoist, Cableways, Tower machines, Motor Patrol, Boom tractor, Boom or winch truck, Truck Crane, Tournapull, Tractor operating scoops, Bulldozer, Push Tractor, Finishing machine on asphalt, Large rollers & rollers on asphalt, Geavel Macadam & brick surface, Ross carrier or similar machine, Asphalt Plant Engineer or Pug Mill, Two (2) air compressors, Hetherington paver operator, farm tractor with ½ yard bucket and/or backhoe attachment, Trench machine cutting over 24" Dredging equipment, Central mix plant engineer, concrete spreader, Air compressors 200 cu. ft. or over, Standard or Dinkey locomotives, Scoopmobiles, Euclid loader, Soil cement machine, Mixers 14S capacity or less, trench Machine cutting 24" & under, backfiller, Elevating machine, Power Blade, asphalt Plant Engineer, Well drilling machines, Paint Machine, Pipe cleaning machine, Pipe wrapping machine, Pipe bending machine, Apsco paver, Boring machine, w/o winch, Head equipment, Greasers, Barger Green Loaders, Formless paver, farm Tractor with less than half-yard bucket and other attachments except backhow, Well point System

CLASS IV - Power Sub-Grader, Bull Float, Porm grader, finishing machine, Pavement breaker, Rock Crushers, One drum machine, air compressor less than 20 cu. ft. capacity, Concrete pump, Gunnite machine, Air tuggers, Truck crane drivers, House Elevators when used for temporary heat, Samll rollers on earth, Engine tendefs, Fireman on pain pots, Fireman, Wagon Drill Flexaplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Asphalt plants, Distributor operator on trucks, Tampers, Power Broom, Post Hole Digger, Self propelled concrete saw, Striping machine (Motor driven), Form tamper, seaman tiller, Bulk cement Plant Equipment Greaser

DECISION NO. IL78-2093

ILL-82-TD-1-2-3

IRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

GROUP I - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including pulled by separate units, truck drirer helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tolls, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II - 2 or 3 axle Trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III - 2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-xzle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois

COUNTIES: Dupage, Grundy, Kane, Kendall, Lake, McHenry and Will

DECISION NUMBER: IL78-2094

DATE: Date of Publication

Supersedes Decision No.: IL78-2020, dated March 17, 1978, in 43 FR 11379

DESCRIPTION OF WORK: Building Construction (including Residential Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 13.01	.91	.99		.05
BOILERMAKERS	13.05	1.05+.40	1.00	5%	.03
BRICKLAYERS & STONEMASONS:					
DuPage County:					
North of Butterfield Road;					
Argonne Vicinity (National Accl. Lab.) Aec Plant	11.71	.90	.85		.05
South of Butterfield Road from East to West	11.71	.90	.85		.05
Northern Kane, bounded on the south by St. Charles, Campton & Virgil Twps; West by the DeKalb County line East by Cook County line, McHenry County	12.03	.85	.60		
Southern Kane County & Kendall Counties	12.03	.75	.70		
Lake County	11.71	.90	.85		.05
Will and Grundy Counties	12.16	.90	.45		
Cement Masons:					
Southern Kane, Kendall Cos.	12.10	.75	.80		
Lake County	11.75	.85	1.05		
MARBLE, TILE & TERRAZZO WORKERS:					
Kane, Dupage, Lake & Will Cos.:					
Marble Setters	12.73	.80			
Terrazzo Workers	8.95	.30	.30		
Tile Setters	10.85	.425	.45625		
Tile Setters' Finishers	9.55	D.325	D3.40		
CARPENTERS:					
Carpenters, Soft Floor Layers, Millwrights and Piledrivermen					
Dupage and Lake Counties	10.50	.98	1.00		.08
Kane, Kendall & McHenry Cos.	11.74	.75	1.00		
Will County:					
Building	11.88	.85	1.00		
Residential	11.81	.85	1.00		
Grundy County	12.145	.75	.85		.04
CEMENT MASONS:					
Dupage County	10.90	.68	.70		.06
Southern Kane & Kendall Cos.	12.10	.75	.80		
Lake County	11.75	.85	1.05		
Will and Grundy Counties	11.02	.65	1.28		.05
Remainder of Kane County	12.15	.70	.80		

DECISION NO. IL78-2094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ELECTRICIANS:					
Dupage County	13.20	5%	11%	8%	.5%
McHenry Co. & Norhtern half of Kane County	13.95	5%	11%		.5 of 1%
Kendall Co. & Nothern half of Kane County	13.80	5%	11%		½ of 1%
Will & Grundy Cos.: Building	13.93	.88	3%+.70		.2 of 1%
Residential	10.31	.88	3%+.60		.2 of 1%
Lake County	13.54	.65	3%+1.00		¼ of 1%
GLAZIERS:					
Dupage, Kane, Kendall, Lake and Will Counties	11.09	.48	.89		.01
ELEVATOR CONSTRUCTORS:					
Dupage, Lake and Will Counties					
Constructors	12.455	.745	.56		.025
Helpers	70%JR	.745	.56		.025
Helpers (Prob.)	50%JR				
IRONWORKERS:					
Kane, County; Kendall (Northern ½ Co., including Bristol & Yorkville Co; McHenry (S.E. ½ of Co., including Huntley) Co. & the remainder of Dupage Co.	13.65	.75	.525		.08
Will & Grundy Cos.; Dupage (Argonne) Co; & Southern half of Kendall Co.	11.07	2.65	.525		.02
N. W. ½ of McHenry County	12.00	.65	.975		10
Lake Co.; McHenry, (Heborn, Woodstock & east thereof) Co.	12.30	1.24	1.87		.10
LATHERS: Dupage & Lake Cos.	11.52	.58	.645		.04
Kane Co. & eastern ½ of McHenry Co.	11.05	.65	.50	.01	
Will and Grundy Counties	11.20		.65		
Western ½ of McHenry County	9.84	.40	.35		
LINE CONSTRUCTION: Dupage Co.:					
Linemen	12.83	.45	3%		.50%
Equipment Operator	10.92	.45	3%		.50%
Groundman Truck Driver	8.70	.45	3%		.50%
Groundman	8.41	.45	3%		.50%
PAINTERS: Dupage; Kane, Kendall, McHenry Counties					
Brush, Spray & Taper	9.34	.60	.70		.06
Lake County:					
Brush, Paperhangers & Tapers	10.20	.575	.65		.013

DECISION NO. IL78-2094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PAINTERS: (CONT'D)					
Will and Grundy Counties:					
Residential and Commercial	10.45	.76	.55		.04
PLASTERERS: Dupage County	10.46	.75	.50		
Southern Kane & Kendall Cos.	11.62	.75	.50		
Lake County	10.935	.85	1.05		
Will and Grundy Counties	10.87	.875	.92		.045
Remainder of Kane County	11.80	.70	.77		
PLUMBERS, PIPEFITTERS & STEAMFITTERS:					
Dupage County: (Argonne-AEC Plant)					
Plumbers	12.50	.75	.82		.10
Pipefitters	12.90	.80	1.00		.02
Dupage County: (Remainder of Co.)					
Plumbers and Pipefitters:					
Wheaton and N. Dupage County	12.00	.60	.86		.07
Naperville and S. Dupage Co.	11.90	.65	.90		.05
Kane County:					
Plumbers; Steamfitters and Pipefitters:					
Elgin and Vicinity	11.72	.80	.60	1.00	.05
Aurora and Vicinity	13.06	.55	.29	.25	.02
Kendall (Cities of Oswego and Plano) County	13.06	.55	.29	.25	.02
Kendall (City of Yorkville) County; and Grundy (W. of Rt. #47) County	12.78	.55	.60		.09
Lake and McHenry Counties:					
Plumbers	12.10	.90	.92		.25
Steamfitters and Pipefitters	12.90	.80	1.00		.02
Will (City limits of Joliet) County; and Grundy (E. of Rt. #47) County:					
Plumbers and Pipefitters	12.90	.85	.87		.10
Remainder of Will County:					
Plumbers	12.50	.75	.82		.10
Pipefitters	12.90	.80	1.00		.02
ROOFERS:					
Dupage and Lake Counties:					
Composition and Waterproof	12.30	1.16	.90		.03
Slate and Tile	12.09	1.16	.75		.02

DECISION NO. IL78-2094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (CONT'D)					
Kane; Kendall, McHenry (Southern part including Cities of McHenry, Woodstock & Crystal Lake) County	12.58	.85	.70		.02
Will and Grundy Counties	11.89	.86	.80		
Remaidner of McHenry Counties	12.20	.55			
SPRINKLERFITTERS:					
Dupage County	12.50	.95	1.05		.15
Lake County:					
Within 20 mile radius of Chicago City Hall	12.50	.95	1.05		.15
Kane, Will, Grundy, McHenry, Kendall and Remainder of Lake County	12.10	.75	1.05		.08
SHEET METAL WORKERS:					
Dupage County	12.15	.55	.60	.20	.12
Kane, Kendall and McHenry Cos.	11.65	.50	.55	1.00	.06
Lake County	12.35	.90	.73	.50	.06
Will and Grundy Counties	12.97	.70	.83		.08
TRUCK DRIVERS:					
2-3 Axle Trucks	10.65	c 29.00	c33.00		
4 Axle Trucks	10.80	c 29.00	c33.00		
5 Axle Trucks	11.00	c 29.00	c33.00		
6 Axle Trucks	11.20	c 29.00	c33.00		
GLAZIERS	11.09	.48	.89		.01
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. IL78-2094

PAID HOLIDAYS: (*WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTES:

a. 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 rate to vacation pay credit for employee who has worked in business less than 5 years.
b. 7 Paid Holidays; A through G
c. Per week per employee
d. Per Day

DECISION NO IL78-2094

ILL-4-LAB-1

LABORERS: Kane, Kendall & McHenry	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class 1 - Laborers	9.20	.57	1.10		
Class 2 - Power Vibrator	9.30	.57	1.10		
Class 3 - Mortar Men, Torchmen (on Demolition Only)	9.35	.57	1.10		
Class 4 - Power Tampers	9.40	.57	1.10		
Class 5 - Chain saw Men, Swinging State & Boatswin Chairs, Cement Gun Nozzlemen, Hod carriers, Plasterer Tenders, tunnelmen, Tree Surgeons (Toppers)	9.45	.57	1.10		
Class 6 - Tile Layers & Bottom Men	9.55	.57	1.10		
Class 7 - Caisson Laborers & Dynamiters	9.70	.57	1.10		

DECISION NO. IL78-2094

I11-9-LAB-1-2-3

LABORERS: DUPAGE, GRUNDY, AND WILL COS.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
CLASS A - common Laborers, Plasterer, Laborers, Pumps or Dewatering & other Unclassified Laborers	9.20	.57	1.10		
CLASS 2 - Cement Gun Laborers	9.275	.57	1.10		
CLASS 3 - Scaffold Laborers & Chimney Laborers over 40'	9.30	.57	1.10		
CLASS 4 - Windlass & Cement Gun Nozzle Laborers - Gunnite	9.30	.57	1.10		
CLASS 5 - Stone Handler & Derrickmen	9.40	.57	1.10		
CLASS 6 - Jackhammermen	9.425	.57	1.10		
CLASS 7 - Concrete Vibrator, Plumbers' Labor & Chain Saw Operator	9.45	.57	1.10		
CLASS 8 - Firebrick & Boiler Setters' Laborers	9.52	.57	1.10		
CLASS 9 - Chimney Laborers on Firebrick, Caisson Diggers & Well Point System Men	9.55	.57	1.10		
CLASS 10 - Boiler Setters Plastic Laborers	9.65	.57	1.10		
CLASS 11 - Jackhammer On Firebrick Only	9.755	.57	1.10		

DECISION NO. IL78-2094

ILL-49-LAB-1

LABORERS: LAKE COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1 Building & Plasters Laborers; General Laborers (Wrecking & Demolition) Fireproofing & Fire Shop Laborers	$ 8.55	.57	1.10		
CLASS 2 Cement Gun Laborers & Hose	8.625	.57	1.10		
CLASS 3 Chimney Laborers (Over 40'); Scaffold Laborers; Wall Men or Wreckers	8.65	.57	1.10		
CLASS 4 Stone Derrickmen & Handlers	8.75	.57	1.10		
CLASS 5 Jackhammer Men (Tampers & Vibrators) Power Driven Concrete Saws	8.775	.57	1.10		
CLASS 6 Caisson Diggers, Well Point System; Chimney Laborers (on Firebrick)	8.90	.57	1.10		

DECISION NO. IL78-2094

ILL-12-PEO-1

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	12.55	1.00	1.00	.50	.05
CLASS II	11.25	1.00	1.00	.50	.05
CLASS III	10.10	1.00	1.00	.50	.05
CLASS IV	8.85	1.00	1.00	.50	.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt plant, asphalt spreader, auto-grad, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe front end-loader machine compressor & throttle valve, concrete breaker (truck mounted), conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2¼ yd. & over, hoists, one, two & three drum hoists, two & three drum hoists, two tugger one floor, hydraulic boom truck, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger pre-stress machine, pump cretes dual ram (requiring frequent Lubrication & water), pumpcretes, squeeze cretes - screw type pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoopes - tractor drawn, slip form paver, straddle buggies, tournapull, tractor with boom & side boom, trenchingmachines

CLASS II - Boilers, bulldozers, broom all power propelled, concrete mixer (2 bag & over), Conveyor portable, forklift truck greaser engineer, highlift shovels or front end loaders under 2¼ yd., hoists, automatic, hoists,a ll elevators, hoists, tugger single drum, rollers, all steam generators, stone crushers, tractors, all winch trucks with "A" frame

CLASS III - Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 ft.), Air compressor - large over 1¾), combination - small equipment opr., generators under & over 50 KW, heaters, mechanical pumps over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machine (2 through 5), winches, 4 small electric drill winches

CLASS IV - Oilers

SUPERSEDEAS DECISION

STATE: Illinois COUNTY: Cook
DECISION NUMBER: IL78-2105 DATE: Date of Publication
Supersedes Decision No.: IL78-2019, dated March 17, 1978, in 43 FR 11376
DESCRIPTION OF WORK: Building (Including Residential), Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.01	.91	.99		.05
BOILERMAKERS	13.05	1.05+.40	1.00	5%	.03
BRICKLAYERS & STONEMASONS	11.71	.90	.85		.05
CARPENTERS:					
Building, Heavy & Highway Carpenters & Soft Floor Layers	11.50	.98	1.08		.08
Millwrights & Piledrivermen	11.50	.98	1.08		.08
CEMENT MASONS:					
Building	11.25	1.25	1.15		.05
Heavy &Highway	10.05	.82	.85		.05
ELECTRICIANS	12.25	8.90%	12.30%	6.53%	.84%
ELEVATOR CONSTRUCTORS:					
Constructors	12.455	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.025
Helpers (Prob.)	50%JR				
GLAZIERS	11.09	.48	.89		.01
IRONWORKERS:					
Structural & Reinforcing	12.30	1.24	1.22		.10
Ornamental	12.80	.75	.905		.10
Riggers & Machinery Movers	9.90	.75	1.725	1.30	.15
Red Book Fence Erector	9.07	.75	.905		.10
LATHERS	11.02	.58	.445		.04
LINE CONSTRUCTION:					
Linemen	12.46	7.25%	6.5%	7.5%	.25%
Groundmen	9.45	7.25%	6.5%	7.5%	.25%
MARBLE SETTERS	12.73	.80			
MARBLE SETTERS' FINISHERS & POLISHER	9.00	.62		.33	
PAINTERS:					
Brush, Decorators, Paperhangers & Tapers	10.20	.575	.65		.013
PLASTERERS	10.87	.875	.92		.045
PIPEFITTERS	12.90	.80	1.00		.02
PLUMBERS	12.50	.75	.82		.10
POINTERS, CAULKERS & CLEANERS	11.60	1.10	.90		

DECISION NO. IL78-2105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Composition & Waterproofers	12.30	1.16	.90		.03
Slate & Tile	12.07	1.15	.75		.02
SHEET METAL WORKERS	12.35	.90	.73	.50	.06
SPRINKLER FITTERS	12.50	.95	1.05		.15
SURVEY CREW:					
Layout Technician	11.30	.80	.25		
Instrument Man	9.30	.80	.25		
Rodman	7.71	.80	.25		
TERRAZZO WORKERS	8.95	.30	.30		
TILE SETTERS	10.85	.425	.45625		
TILE SETTERS' FINISHERS	8.10	d2.45	d3.40		
TRUCK DRIVERS:					
Building & Residential					
2-3 Axle Trucks	10.15	c29.00	c33.00		
4 Axle Trucks	10.40	c29.00	c33.00		
5 Axle Trucks	10.60	c29.00	c33.00		
6 Axle Trucks	10.80	c29.00	c33.00		
Heavy and Highway					
2-3 Axle Trucks	10.05	.80	.85		
4 Axle Trucks	10.30	.80	.85		
5 Axle Trucks	10.50	.80	.85		
6 Axle Trucks	10.70	.80	.85		

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving Day; G-Christmas Day

FOONOTES:
a. 7 Paid Holidays A through G
b. Employer contributes 8% of regular houlry rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
c. Per week per employee
d. Per Day

DECISION NO. IL78-2105

ILL-9-LAB-1-2-3

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I					
Common Laborers, Plasterer Laborers, Pumps for DeWatering & other Unclassified Laborers	$ 9.20	.57	1.10		
CLASS 2					
Cement Gun Laborers	9.275	.57	1.10		
CLASS 3					
Scaffold Laborers & Chimney Laborers over 40'	9.30	.57	1.10		
CLASS 4					
Windlass & Cement Gun Nozzle Laborers - Gunnite	9.30	.57	1.10		
CLASS 5					
Stone Handlers & Derrickmen	9.40	.57	1.10		
CLASS 6					
Jackhammermen	9.425	.57	1.10		
CLASS 7					
Concrete Vibrator, Plumbers' Laborer & Chain Saw Operator	9.45	.57	1.10		
CLASS 8					
Firebrick & Boiler Setters' Laborers	9.52	.57	1.10		
CLASS 9					
Chimney Laborers on Firebrick, Caisson Diggers & Well Point System Men	9.55	.57	1.10		
CLASS 10					
Boiler Setter Plastic Laborers	9.65	.57	1.10		
CLASS 11					
Jackhammer on Firebrick Only	9.755	.57	1.10		

DECISION NO. IL78- 2105

WRECKING LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
General Laborers	$ 7.82	.57	1.10		
Wallmen, Wreckers, Burners, Air Hammermen	8.47	.57	1.10		
Smokestack or High Man	8.82	.57	1.10		
Landscape work: Highway Construction only					
Landscape Plantsmen	5.63			e	
Maintenance Men	5.32			e	
Truck Driver - Tractor Trailer (3 Axle of more) and Equipment Operator	6.11			e	
Truck Driver - 2 Axle	5.69			e	

FOOTNOTE:

e. Six paid holidays; New Year's Day; Memorial Day; July Fourth Labor Day; Thanksgiving Day; Christmas Day

DECISION NO. IL78-2105 ILL-12-PEO-1

POWER EQUIPENT OPERATORS: BUILDING & RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	12.55	1.00	1.00	.50	.05
CLASS II	11.25	1.00	1.00	.50	.05
CLASS III	10.10	1.00	1.00	.50	.05
CLASS IV	8.85	1.00	1.00	.50	.05

CLASS I - Asphalt plant, asphalt spreader, auto-grad, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe breaker (truckmounted), conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2¼ yd. & over, hoists, one, two & three drum, hoists, two & three, drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), pumpcretes, squeeze cretes, - screw types pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoopes - tractor drawn, slipform paver, straddle buggies, tournapull, tractor with boom & side boom, trenching machines

CLASS II - Boiler, bulldozers, broom all power propelled, concrete mixer (2 bag & over), conveyor portable, forklift truck greaser engineer, highlift shovels or front endloaders under 2¼ yd., hoists, automatic, hoists, all elevator, hoists, tugger single drum, roller, all, steam generators, stone crushers, tractor, all winch trucks with "A" frame

CLASS III - Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 Ft.), Air compressor - large over 150, combination - small equipment opr., generators under & over 50 KW heaters, mechanical pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

CLASS IV -Oilers

DECISION NO. IL78-2105 ILL-10-PEO-2-3

POWER EQUIPMENT OPERATORS: SEWER, HEAVY & HIGHWAY CONST.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	12.20	1.00	1.00	.50	.05
CLASS II	11.65	1.00	1.00	.50	.05
CLASS III	10.90	1.00	1.00	.50	.05
CLASS IV	9.80	1.00	1.00	.50	.05
CLASS V	8.80	1.00	1.00	.50	.05

CLASS I - Asphlat plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, ciasson rigs, central redimix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, Linden, Peco & machines of alike nature, derricks, traveling, dredges, euclid loader, elevating type, gradall, & mechanics of a like nature, derricks, all derrick boats, derricks, traveling, dredges, euclid loader,elevating type gradall, and mechines of a like nature, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drill crane type, slip form paver, straddle buggies, tractor w/boom tractaire w/attachments, trenchingmachine, undergound boring &/or mining machine under 5 ft., wheel exactor widener (Apsco)

CLASS II - Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mxier or paver 7S Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor patrol auto patrol, form grader, pull grader, subgtader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes; Squeeze cretes; srew type pumps Cypsum bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc., compactor, etc. tug boats

DECISION NO. IL78-2105

POWER EQUIPMENT OPERATORS (CONT'D)

CLASS III - Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tender, compressor throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boiler, forklift trucks, greaser engineer, grouting machine hoists, automatic, hoists, all elevators, hoists, tugger, single drum, jeep diggers, pipe power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch truck with "A" frame, work boats, tamper, form motor driven

CLASS IV - Air Compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pmps, all, pumps well points, tractaire, welding machines (2 through 6)

CLASS V - Oilers

STATE: Illinois COUNTIES: Fulton, Hancock, McDonough & Schuyler

DECISION NUMBER: IL78-2106 DATE: Date of Publication

Supersedes Decision No.: IL78-2021, dated March 17, 1978 in 43 FR 11384

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Fulton & Schuyler Counties	12.63	.80	.97		
Hancock & McDonough Counties	11.55	.40	.60		.10
BOILERMAKERS	11.45	.95	1.00		.03
BRICKLAYERS:					
Schuyler County					
Bricklayers, Stonemasons, Plasterers, Marble-Tile-Terrazzo Workers, Cement Blocklayers, Pointers-Caulkers-Cleaners	10.80	.50	.52		.02
Marble & Tile Setters' Finishers	10.90				
Fulton County					
Bricklayers, Stonemasons, Cement Blocklayers, Cleaners-Pointers & Caulkers	11.70	.70	1.00		.01
Marble-Tile-Terrazzo Workers	11.45	.70	1.00		.01
Marble & Tile Setters' Finishers	11.00	.60	.25		
Hancock & McDonough Counties					
Bricklayers, Stonemasons, Cement Block Layers, Marble-Tile & Terrazzo Workers	12.30				
Marble & Tile Setters' Finishers	11.00	.60	.25		
CARPENTERS:					
Schuyler County					
Carpenters & Soft Floor Layers	10.40	.55	.25		.02
Millwrights	10.65	.55	.25		.02
Piledrivermen	10.90	.55	.25		.02
Fulton County					
Carpenters & Soft Floor Layers	12.01	.40	.40		.05
Millwrights & Piledrivermen	12.51	.40	.50		.05
McDonough Co. & Eastern 1/3 of Hancock Co.					
Carpenters & Soft Floor Layers	12.01	.40	.50		.05
Millwrights & Piledrivermen	12.51	.40	.50		.05
Remainder of Hancock County					
Carpenters & Soft Floor Layers	10.70	.75	.90		.04
Millwrights & Piledrivermen	11.40	.75	.40		.04

DECISION NO. IL78-2106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS & PLASTERERS:					
Hancock, McDonough & Schuyler Counties					
Cement Masons	12.35				
Hancock & McDonough Counties					
Plasterers	12.10				
Fulton County					
Cement Masons	11.30	.80	.90		.05
Plasterers	11.20	.80	.90		.03
ELECTRICIANS:					
Hancock & Schuyler Cos., Twps. of Lamoine, Bethel, Industry & Eldorado in McDonough County	11.15	.50	3%+.75		.1%
Twps. of Cass, Deerfield, Ellisville, Harris, Lee, Union, Young & Hickory in Fulton Co., & the Northern 2/3 of McDonough County	12.06	.50	3%+.75		3/4%
Remainder of Fulton County	12.32	.50	3%+.75		1%
IRONWORKERS:					
Hancock & McDonough Cos., the Western ½ of Schuyler County	11.50	.55	1.05		
Eastern ½ of Schuyler Co.	11.50	.55	.90		
The Southern Tip of Fulton Co., incl. Marbletown, Astoria, Summum, & Remainder of Fulton Co.	11.75	.55	1.05		.08
LABORERS:					
Hancock & McDonough Counties					
Unskilled	10.07	.45	.60		.035
Semi-Skilled	10.27	.45	.60		.035
Skilled	10.47	.45	.60		.035
Schuyler County					
Unskilled	9.39	.60	.45		.035
Semi-Skilled	9.59	.60	.45		.035
Skilled	9.74	.60	.45		.035
Fulton County					
Projects Under $375,000					
Unskilled	10.15	.60	.60		.035
Semi-Skilled	10.35	.60	.60		.035
Skilled	10.55	.60	.60		.035

DECISION NO. IL78-2106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Projects in Excess of $375,000					
Unskilled	$ 10.55	.60	.60		.035
Semi-Skilled	10.75	.60	.60		.035
Skilled	10.95	.60	.60		.035
PAINTERS:					
Fulton & Schuyler Cos.					
Brush	11.30	.55	.30		.03
Structural Steel & Spray	11.95	.55	.30		.03
Hancock & McDonough Cos.					
Brush	10.75				
Structural Steel & Spray	11.25				
PLUMBERS & STEAMFITTERS:					
Fulton & McDonough Counties	12.32	.35	.35	4%	
Hancock & Schuyler Counties	12.05	.35	.40		.05
ROOFERS:					
Schuyler County					
Composition	11.78				
Slate-Tile & Precast Slab	12.93	.70			
Fulton Co., & Eastern ½ of McDonough Co., excluding Macomb					
Slate-Tile-Comopsition-Damp & Waterproof	12.00	.70	.40		.025
Hancock Co., & Western ½ of McDonough including Macomb					
Slate-Tile-Damp & Waterproof	10.20				
SHEET METAL WORKERS:					
Fulton & McDonough Counties	11.83	.54	.99		.10
Hancock County	10.11	.45	.44		.10
Schuyler County	11.86	3%+.50	.78		.07
SPRINKLER FITTERS	12.10	.75	1.05		.08
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO IL78-2106

SCHUYLER COUNTY

POWER EQUIPMENT OPERATORS:

ILL-5-PEO-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 11.90	.55	.65		.05
CLASS II	10.45	.55	.65		.05
CLASS III	9.35	.55	.65		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.N.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augeror boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS. WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO. IL78-2106

POWER EQUIPMENT OPERATORS
REMAINDER OF COUNTIES

ILL-6-PEO-1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	12.22	.45	.80		.05
GROUP 2	12.02	.45	.80		.05
GROUP 3	11.645	.45	.80		.05
GROUP 4	11.37	.45	.80		.05
GROUP 5	10.46	.45	.80		.05

POWER EQUIPMENT OPERATORS:

GROUP 1 - Cranes, escalated rate on crane, derricks, booms, $.01 per hour, per foot, after 80 feet or boom including jib, overhead cranes, gradall, cherry pickers (and similar types, over 15 ton lifting capacity) require oiler, mechanics, central concrete mixing plant operator, road pavers (27E-dual drum-tri batchers), blacktop plant operators and plant engineers, 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, koehring scoopers, draglines, backhoe, hoptics-crane-type that require oilers, derrick boats, pile drivers and skid rigs, clamshells, locomotive cranes, dredge (all types), motor patrol, power blades dumore-elevating and similar types tower cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes, caisson rigs (require oilers) dozer, tourna-dozer, work boats, ross carrier and helicopter

GROUP 2 - Trench machine, pumpcrete-belt-wqueeze cretes-screw-type pumps and gysum bulker and pump, dinkeys, power launches, tournapulls (all), multiple unit earth movers, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine euclid loader, forklifts, formless finishing machine, jeeps w/ditching machine, or other attachments, tuneluger, rock crushers, automatic cement gravel batching plants, mobile drills (soil testing and similar types), (require oilers), flaherty spreader or similar types (require oilers), heavy equipment greaser (top greaser on spread), gurries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators Chicago boom, boring machine and pipe jacking machine, hydro boom, statting engineer on pipeline, C.M.I. and similar types (require oiler) Straw blower, hydro seeder and F.W.D. and similar types

DECISION NO. IL78-2106

POWER EQUIPMENT OPERATORS (Cont'd)

Group 3: Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barber greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bags to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

Group 4: Air compressor, all air and steam valves, power subgrader, oil distributor, straight tractor, trac-air without attachments, curb machines, truck crane oilers, and truck type hoptoe oilers

Group 5: Herman Nelson heater, Dravo, Warner, Silent glo, and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser on spreed, roller, 5 tons and under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp. or over, mixer (3) bag and under (standard capacity), bulk cement plant, crawler crane and skid rig oilers

DECISION NO. IL78- 2106

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.125	.60	a31.00		
GROUP II	10.525	.60	a31.00		
GROUP III	10.725	.60	a31.00		

TRUCK DRIVERS

GROUP I - Drivers on 2 axle truck hauling less than 9 tons, air compressor and welding machine including those pulled by separate units truck driver helpers, warehousemen, mechanics helpers, greasers & tiremen, pick-up trucks when hauling materials, tolls, or men to and from and on the jobs site; Fork lifts up to 6,000lbs., capacity.

GROUP II - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used tranportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4 axle combination units; ticket writers

GROUP III - 2,3 or 4 axle truck hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatcher

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois
COUNTIES: Ford, Iroquios & Kankakee
DECISION NUMBER: IL78-2107
DATE: Date of Publication
Supersedes Decision No.: IL78-2022, dated March 17, 1978 in 43 FR 11087
DESCRIPTION OF WORK: Building Construction, (excluding single family himes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 13.01	.91	.99		.05
BOILERMAKERS:					
Kankakee County	13.05	1.05+.40	1.00	5%	.03
Ford & Iroquois Counties	11.45	.95	1.00		.03
BRICKLAYERS, STONEMASONS, MARBLE SETTERS, TERRAZZO WORKERS, TILE SETTERS, POINTERS, CAULKERS & CLEANERS:					
Kankakee County:					
Bricklayers, Stonemasons, Marble Setters, Terrazzo Workers, Tile Setters, Pointers, Caulkers & Cleaners, Cement Masons	11.70	.80	.75		
South of Roberts in Ford County:	11.70				
Bricklayers & Stonemasons	11.70	.45	.50		.05
Marble-Tile & Terrazzo Workers	12.55		.50		
Remainder of Ford County:					
Bricklayers & Stonemasons	11.70	.80	.75		
Marble Setters	11.45	.70	1.00		.01
Iroquois County:					
Bricklayers & Stonemasons	11.70	.80	.75		
Marble-Tile & Terrazzo Workers	11.45	.70	1.00		.01
CARPENTERS:					
Ford County:					
Carpenters & Soft Floor Layers	11.665	.45	1.00		.13
Millwrights & Piledrivermen	12.165	.45	1.00		.13
Iroquois & Kankakee Counties:					
Carpenters, Millwrights, Soft Floor Layers & Piledrivermen	11.88	.65	.70		.01
CEMENT MASONS:					
Ford County	12.575	.45	.25		.025
Iroquois County	11.70	.80	.75		
ELECTRICIANS:					
Twps. of Fountain Creek, Love Joy & Praitie Green in Iroquois County	12.27	.50	3%+.50		.25%
Area S. of Roberts Twps in Ford County, Twps of Artesia, Pigron Grove & Loda in Iroquois County	12.45	.50	3%+.40		.3%

DECISION NO. IL78-2107

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
Kankakee County & Remainder of Ford & Iroquios Counties	12.42	.80	3%+.70		.2 of 1%
ELEVATOR CONSTRUCTORS:					
Kankakee County:					
Constructors	12.455	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.025
Helpers (Prob.)	50%JR				
GLAZIERS:					
Piper City & North therof in Ford County & Area East of Cabery in Kankakee County	9.65			.65	
Remainder of Kankakee County	11.89	.48	.89		.01
Remainder of Ford County	11.53	.55	.55		.01
IRONWORKERS:					
Ford County	11.55	.65	1.00		.08
Iroquios & Kankakee Counties	12.50	.75	.75		.05
LATHERS:					
Ford County	11.49	.45	.40		.01
PAINTERS					
Ford County:					
Brush & Roller	11.20	.55			.06
Paperhanging	11.45	.55			.06
Structural Steel	11.70	.55			.06
Iroquois & Kankakee Counties:					
Brush & Roller	10.85	.55	.50		
Spray	10.90	.45	.50		
PLASTERERS:					
Ford County	11.915	.45			.025
Iroquois & Kankakee Counties	11.50	.80	.75		
PLUMBERS & STEAMFITTERS:					
Ford County	12.15	.35	1.15		.12
Iroquois & Kankakee Counties	12.68	.35	1.00		.08
ROOFERS:					
Ford County	12.39	.70	.45		.03
Iroquois County	11.55				
Kankakee County:					
Roofers	12.30	.65			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Ford County	11.94	3%+.60	.67		.16
Iroquois & Kankakee Counties	12.97	.70	.89		.08
SPRINKLER FITTERS	12.10	.75	1.05		.08
TRUCKDRIVERS:					
Kankakee County; Remainder of Iroquois County & Northern ½ of Ford Co.					
2-3 Axle Trucks	10.525	b29.50	b31.00		
4 Axle Trucks	10.725	b29.50	b31.00		
5 Axle Trucks	10.925	b29.50	b31.00		
6 Axle Trucks	11.075	b29.50	b31.00		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTES:
a. 6 paid holidays: A through G
b. Per week - Per Employee

DECISION NO. IL78-2107

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Unskilled	$10.07	.45	.60		.035
Semi-skilled	10.27	.45	.60		.035
Skilled	11.60	.45	.60		.035

UNSKILLED: Common Laborer; carpenter tenders; tool cribmen firemen or salamander tenders; flagmen; gravel bo men; dumpmen & spotters; form handlers; material patchers; landscapers; unloading explosives; laying of sod; planting of trees; asphalt plant laborers; wrecking laborers; writer of scale tickest; fire shop laborers; fireproofing laborers; janitors; wrecking-dismantling buildings; wallmen & [illegible]; driving of stakes; [illegible] machinery

SEMI-SKILLED: Handling of materials treated with oil, creosote, asphalt or any foreign material, track laborers; cement handlers; chloride handlers; the unloading and laborers w/steel workers 7 rebars; concrete workers (wet); tunnel helpers in free air; batch dumpers; mason & plasterer tenders & material wheelers kettlemen & tarmen; tank cleaners; plastic instrllers; scaffold workers; motorized buggies or motorized unit used for wet concrete or handling of building materials laborers w/dewatering systems; all sewer workers plus depth; rod & chainmen with land surveyors; vibrator operators; mortar mixer operator; cement silica; clay, fly ash, lime & plasters; handlers (bulk or bag); cofferdam workers plus depth; (on concrete paving) placing, cutting & trying or reinforcing; deck hand; dredge hand & shore laborers; bankmen on floating plant; asphalt workers w/machine; asphalt raker; grade checker

SKILLED: Dynamite man or blasters; caisson workers plus depth; gunnite; nozzle men leadman on sewer work; welder; cutters; burners; torchmen; chain saw operator; jackhammer & drill operators; layout man; steel form setters (street & highway); air tamping hammerman; signal man on crane, conctete saw operator; screenman on asphalt pavers; laborers tending masons w/hot materials are used: multiple concrete duct-leadmen; curb asphalt machine operator; ready-mix scalemen; portable or temporary plant; laborers handling masterplate or similar materials; laser beam operator; coring machine operator

DECISION NO. IL78-2107

ILL-1PEO-1-2-3

POWER EQUIPMENT OPERATORS: FORD & IROQUOIS COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	11.60	.55	.75		.13
CLASS II	11.55	.55	.75		.13
CLASS III	11.35	.55	.75		.13
CLASS IV	7.35		.75		.13

POWER EQUIPMENT OPERATORS:

CLASS I: Master Mechanic

CLASS II: Utility Operator

CLASS III: Power cranes, Draglines, Electric overhead cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all equipment, Tractor highlift shovel, Forklifts, Tournamixer, 2 drums machine or 2 cage hoist, Cableways, Tower machines, Motor Patrol, Boom tractor, Boom or winch truck, Truck Crane, Tournapull, Tractor operating scoops, Bulldozer, Push Tractor, Finishing machine on Asphalt, Large rollers & rollers on asphalt, Gravel Macadam & Brick surface, Ross carrier or similar machine, Asphalt Plant Engineer or Pug Mill, Two (2) air compressors, Hetherington paver operator, Farm tractor with ½ yard bucket and/or backhoe attachment, Trench machines cutting over 24", Dredging equipment, Central mix plant engineer, concrete spreader, Air compressors 200cu. ft. or over, Standard or Dinkey locomotives, Scoopmobiles, Euclid loader, Soil cement machine, Mixers 14S capacity or less, Trench Machine cutting 24" & under, Backfiller, Elevating machine, Power Blade, Asphalt Plant Engineer, Well drilling Machines, Paint Machine, Pipe Cleaning Machine, Pipe wraping machine, Pipe Bending Machine, Apsco paver, Boring Machine, w/o winch, Head equipment, Greasers, Barber Green Loaders, Formless paver, Farm Tractor with less than half-yard bucket and other attachments except backhoe, Well Point System

CLASS IV: Power Sub-Grader, Bull Float, Form Grader, Finishing machine, Pavement breaker, Rock Crushers, One drum machine, air compressor less than 20 cu. ft. capacity, Concrete pump, Gunnite machine, Air Tuggers, Truck crane drivers, House Elevators when used for temporary heat, Small rollers on earth, Engine tenders, Fireman on pain pots, Fireman, Wagon Drill, Flexaplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Asphalt plants, Distrbutor operator on trucks, Tampers, Power Broom, Post Hole Digger, Self Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser

DECISION NO. IL78-2107

ILL-12-PEO-1

POWER EQUIPMENT OPERATORS: KANKAKEE COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	12.55	1.00	1.00	.50	.05
CLASS II	11.25	1.00	1.00	.50	.05
CLASS III	10.10	1.00	1.00	.50	.05
CLASS IV	8.85	1.00	1.00	.50	.05

POWER EQUIPMENT OPERATORS:

CLASS I: Asphalt plant, asphalt spreader, auto-grad, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), conveyor, concrete paver- concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2¼ yd. & over, hoists, one, two & three drum, hoists, two & three, drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), pumpcretes, squeeze cretes - screw types pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoopes - tractor drawn, slip form paver, straddle buggies, tournapull, tractor with boom & side boom, trenching machines

CLASS II: Boilers, bulldozers, broom all power propelled, concrete mixer (2 bag & over), conveyor portable, forklift truck greaser engineer, highlift shovels or front endloaders under 2¼ yd., hoists, automatic, hoists, all elevators, hoists, tugger single drum, rollers, all, steam generators, stone crushers, tractors, all, winch trucks with "A" frame

CLASS III: Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 ft.), Air compressor - large over 150, combination - small equipment opr., generators under & over 50 KW, heaters, mechanical, pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

CLASS IV: Oilers

DECISION NO. IL78-2107

ILL-82-TD-1-2-3

TRUCK DRIVERS - S.E. CORNER OF IROQUOIS CO., & S. ½ OF FORD CO.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks haulijg less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois

COUNTIES: Bureau, LaSalle, Livingston, Marshall, Putnam and Woodford

DECISION NUMBER: IL78-2109

DATE: Date of Publication

Supersedes Deicsion NO. IL78-2024, dated March 17, 1978, in 43 FR 11391

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WOKRERS	13.01	.91	.99		.05
BOILERMAKERS	11.45	.95	1.00		.03
BRICKLAYERS AND STONEMASONS:					
LaSalle county					
Peru and Vicinity	11.70	.65	1.00		
Streator and Vicinity	11.75	.70	.50		
Ottawa and Vicinity	11.80	.75	1.00		
Woodford & Marshall Counties	11.70	.70	1.00		.01
Livingston County	11.55	.85	.50		
CARPENTERS:					
LaSalle, Marshall, Bureau Cos. The Northern half of Putnam County and Northwestern corner of Livingston County					
Carpenters; Piledrivermen and Soft Floor Layers	11.68	.75	.70		.03
Millwrights	11.93	.75	.60		.03
Remainder of Livingston County					
Carpenters; soft Floor Layers	12.01	.40	.50		.05
Millwrights and Piledrivermen	12.51	.40	.50		.05
Woodford County					
Carpenters and Soft Floor Layers	12.01	.40	.50		.05
Millwrights & Piledrivermen	12.51	.40	.50		.05
CEMENT MASONS:					
LaSalle, Bureau, Putnam Cos. and the Northern part of Livingston County	11.85		1.00		
Southern part of Livingston County and that portion East of Roanoke in Woodford Co.	12.53	.55			
Marshall County & the Remainder of Woodford county	11.30	.80	.90		.05
ELECTRICIANS:					
Northern half and Central Southern part of LaSalle Co. Walnut; Ohio, LaMoille, Clarion, Bureau, Dover, Berlin and Westville Townships in Bureau county	13.93	.80	3%+.70		.2 of 1%

DECISION NO. IL78-2109

ELECTRICIANS: (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Vicinity of LaSalle - S. W. part of County; Remainder of Putnam County; Arispe, Concord, Fairfield, Gold, Greenville, Hall, Indiantown, Leepertown, Macon, Manilus, Milo, Mineral, Neponset, Princeton, Sibly, Wheatland, and Waynet Townships, in Bureau County	12.30	.50	3%+.30		.25%
Area West of Bell Plain and Roberts Townships in Marshall County; Area West to but not including Linn, Kansas, Palestone, Roanoke, Cazenovia and Metamora Townships in Woodford County	12.32	.50	3%+.75		1%
Livingston County; Vicinity of Streator - S. E. part of County South of Eden in LaSalle County; Magnolia Township in Putnam County; Area East of Cazenovia and Metamora Townships, including Linn, Clayton, Minak, Roanoke, Green & Panola Townships in Woodford County; Remainder of Marshall County	12.45	.50	3%+.40		.3%
El Paso, Kansas and Palstine Townships S. E. corner of Woodford County	11.95	.50	3%+.55		.002
IRONWORKERS:					
LaSalle, Bureau, Putnam and the Remainder of Marshall County	13.19	.65	.375		.02
Woodford County; and the S. W. corner of Marshall County	11.975	.65	.925		
Livingston County	11.975	.65	.925		
LATHERS:					
S. W. half of Marshall County	11.92	.40	.40		.01

DECISION NO. IL78-2109

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Livingston County:					
Brush	9.00				
Structural Steel	9.50				
Vicinity of Ottawa, Streator and Marseilles in LaSalle Co.					
Brush	9.00	.55	.50		
Spray	10.00	.55	.50		
Putnam County and the Vicinity of LaSalle, Mendota, Oglesby, Utica and Peru in LaSalle Co.					
Brush	8.50	.55	.45		
Spray and Taping	9.50	.55	.45		
Woodford and Marshall Counties:					
Brush	11.30	.55	.30		.03
Spray	11.95	.55	.30		.03
Bureau County:					
Brush and Roller	10.27	.55	.85		.18
Spray	10.77	.55	.85		.18
PLASTERERS:					
Vicinity of LaSalle and Peru in LaSalle County	11.70	.65	1.00		
Vicinity of Ottawa, Earlville, Seneca and Marseilles - LaSalle County	11.80	.75	1.00		
Vicinity of Streator; LaSalle County and Northern part of Livingston County	11.75	.70	.50		
Portion East of Roanoke in Woodford County & the Southern part of Livingston County	13.05				.01
Marshall County & the Remainder of Woodford County	11.20	.80	.90		.03
Putnam and Bureau Counties	12.25	.70	.40		
PLUMBERS AND STEAMFITTERS:					
LaSalle, Putnam and Bureau Cos. and North of Pontiac in Livingston County	12.78	.55	.60		.09
City of Pontiac and South thereof Livingston County	12.55	.70	1.15		.15
Illinois State Prison (Pontiac) in Livingston county	12.68	.35	1.00		.08

DECISION NO. IL78-2109

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
LaSalle, Bureau, Putnam, Livingston and N. E. half of Marshall County	11.38	.40	.60		
Woodford County and S. E. half of Marshall County	12.00	.70	.40		.025
SHEET METAL WORKERS:					
Woodford County	11.83	.65	.99		.10
LaSalle, Bureau, Marshall, Putnam and Southern part of Livingston County	11.24	.65+B	.99		.12
Northern portion of Livingston County	12.97	.70	.89		.08
SPRINKLER FITTERS	12.10	.75	1.05		.08
TRUCK DRIVERS:					
Remainder of Woodford and Livingston Counties					
2-3 Axle Trucks	10.65	a29.00	a33.00		
4 Axle Trucks	10.80	a29.00	a33.00		
5 Axle Trucks	11.60	a29.00	a33.00		
6 Axle Trucks	11.20	a29.00	a33.00		
WELDERS: - Receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE:

a. Per week per employee
B. 3% of gross earnings to SASMI

DECISION NO. IL78-2109

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Unskilled	10.07	.45	.60		.035
Semi-skilled	10.27	.45	.60		.035
Skilled	10.47	.45	.60		.035

UNSKILLED: Common Laborer; Carpenter Tenders; Tool Cribmen; Fireman or Salamander Tenders; Flagmen;; ravel Box Men; Dumpmen and Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Material Checkers; Dispatchers; Landscapers; Unloading explosives; Laying of sod; Panting of trees; Asphalt Plant Laborers; Wrecking Laborers; Writer or scale tickets; Fire shop Laborers; Fireproofing Laborers; Janitors; Wrecking-dismantling buildings; Wallmen and Housemovers; Driving of Stakes; Stringlines for all Machinery

SEMI-SKILLED: Handling of Materials treated with oil, creosote, asphalt or any foreign material, track Laborers; Cement Handlers; Chloride Handlers; the unloading and Laborers w/steel workers and rebard; Concrete Workers (wet); Tunnel Helpers in free air; Batch Dumpers; Mason and Plasterer Tenders and material wheelers; Kettlemen and Tarmen; Tank Cleaners; Plastic Installers; Scaffold Workers; Motorized buggies or motorized unit used for wet concrete or handling of building materials; Laborers w/dewatering systems; All sewer workers plus depth; Rod and Chainmen with land surveyors; Vibrator Operators; Mortar Mixer Operator; Cement Silica, Clay, Fly Ash, Lime and Plasters; Handlers (bulk or bag); Cofferdam Workers plu depth; (on concrete paving); Placing, Cutting and trying or Reinforcing; Deck Hand; Dredge hand or Shore Laborers; Bankmen on floating plant; Asphalt Workers w/machine; Asphalt Raker; Grade Checker

SKILLED: Dynamite Man or Blasters; caisson workers plus depth; Gunnite Nozzle Men; Leadmen on sewer work; Welders; Cutters; Burners; Torchmen; Chain Saw Operator; Jackhammer and Drill Operators; Layout man; wteel Form Setters (street and highway); Air Tamping Hammerman; Signalman on crane, Concrete Saw Operator; Screenman on Asphalt Pavers; Laborers tneding Masons w/hot materials are used; Multiple Concrete Duct-Leadmen; Lutemen; Curb Asphalt Machine Operator; Ready-mix Scalemen; Portable or temporary plant; Laborers handling master plate or similar materials; Laser Beam Operator; Coring Machine Operator

DECISION NO. IL78-2109

ILL-12-PEO-1

POWER EQUIPMENT OPERATORS: Bureau (e. of Rt. #26); LaSalle; Livingston; Putnam (e. of Illinois River)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	12.55	1.00	1.00	.50	.05
CLASS II	11.25	1.00	1.00	.50	.05
CLASS III	10.10	1.00	1.00	.50	.05
CLASS IV	8.85	1.00	1.00	.50	.05

CLASS I - Asphalt plant, asphalt spreader, auto-grade, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson tugs, central ready-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2½ yd. & over, hoists, one, two & three drum, hoists, two & three, drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all) mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), pumpcretes, squeeze cretes - screw types pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoopes - tractor drawn, slip form paver, straddle buggies, tournapull, tractor with boom & side, trenching machines

CLASS II - Boilers, bulldozers, broom all power propelled, concrete mixer (2 bag & over), conveyor portable, forklift truck greaser engineer, highlift shovels or front endloaders under 2½ yd., hoists, automatic, hoists, all elevators, hoists, tugger single drum, rollers, all steam generators, stone crushers, tractors, all winch trucks with "A" frame

CLASS III - Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 ft.), Air compressor - large over 150, combination - small equipment opr., generators under & over 50 KW, heaters, mechanical pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

CLASS IV - Oilers

DECISION NO. IL78- 2109

ILL-6-PEO-1

POWER EQUIPMENT OPERATORS: Bureau (w. of Rt. #26); Marshall; Putnam (W. of Illinois River); & Woodford Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	12.22	.45	.80		.05
GROUP 2	12.02	.45	.80		.05
GROUP 3	11.645	.45	.80		.05
GROUP 4	11.37	.45	.80		.05
GROUP 5	10.76	.45	.80		.05

GROUP 1 - Cranes, escalated rate on crane, derricks, booms, $.01 per hour, per foot, after 80 feet or boom including jib, overhead cranes, gradall, cherry pickers (and similar types, over 15 ton lifting capacity (require oiler), mechanics, central concrete mixing plant operator, road pavers (27e-dual drum-tri batchers), blacktop plant operators and plant engineers, 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, kohring scoopers, draglines, backhoe, loptoes-crane-type that require oilers, derrick boats, pile drivers and skid rigs, clamshells, locomotives, cranes, dredge (all types), motor patrol, power blades dumore-elevating and similar types tower cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes caisson rigs (require oilers) dozer, tourna-dozer, work boats, ross carrier and helicopter

GROUP 2 - Trench machine, pumpcrete-belt-crete-squeeze cretes-screw-type pumps and gypsum bulker and pump, dinkey, power launches, tournapulls (all), multiple unit, earth mover, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine euclid loader, forklifts, formless finishing machine jeeps w/ditching machine, or other attachments, tuneluger, rock crushers, automatic cement and gravel batching plants, mobile drills (soil testing and similar types), require oiler), flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), gurries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators Chicago boom, boring machine and pipe jacking, machine, hydro boom, starting engineer on pipeline, C.M.I. and similar types (require oiler) straw blower, hydro seedeer and F.W.D. and similar types

DECISION NO. IL78-2109

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 3 - Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling roller, center stripper, cement finishing machines, barger greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bags to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

GROUP 4 - Air compressor, dl air and steam falves, power subgrader, oil distributor, straight tractor, trac-air without attachments, surb machines, truck crane oilers, and truck type hoptoe oilers

GROUP 5 - Herman Nelson heater, Dravo, Warner, Silent flo, and similar types, one engineer will opera 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser on spread, roller, 5 tons and under on erth or gravel, form grader, pump 1 Or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp. or over, mixer (3) bag and umder (standard capacity), bulk cement plant, crawler crane and skid rig oilers

DECISION NO. IL78- 2109

TRUCK DIRVERS: Bureau, LaSalle, Marshall & Putnam Cos., Woodford Co: (NW Corner) Livingston Co: (SW Corner)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

GROUP I - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity

GROUP II - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III - 2,3, or 4 axle trucks hauling 16 tons or more, drivers on oil distributors, water pulls, mehcanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week per employee

STATE: Illinois

COUNTIES: Logan, Mason, and Menard

DECISION NUMBER: IL78-2111

DATE: Date of Publication

Supersedes Decision No. IL78-2026, dated March 17, 1978 in 43 FR 11395

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

DECISION NO. IL78- 2111

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.63	.80	.97		
BOILERMAKERS:					
Menard County	11.45	.90	1.20		.03
Logan and Mason	11.45	.95	1.00		.03
BRICKLAYERS:					
Logan and Mason Counties					
Bricklayers, Stonemason, Cement Blocklayers, Caulkers, Pointers, Cleaners and Plasterers	11.90				
Marble-Tile and Terrazzo Workers	11.65				
Marble-Tile Finishers	10.90				
Menard County					
Bricklayers, Stonemasons, Marble-Tile and Terrazzo Workers, Pointers, Caulkers and Cleaners	10.75	.50	1.00		.02
Plasterers	12.41	.65	1.00		.01
Marble and Tile Finishers	10.90				
CARPENTERS:					
Logan County					
Carpenters and Soft Floor Layers	12.01	.40	.50		.05
Millwrights and Piledrivermen	12.51	.40	.50		.05
Menard County					
Carpenters and Soft Floor Layers	11.45	.55	.55		.06
Millwrights and Piledrivermen	11.95	.55	.55		.06
Mason County					
Carpenters and Soft Floor Layers	12.01	.40	.50		.05
Millwrights and Piledrivermen	12.51	.40	.50		.05
CEMENT MASONS:					
Logan County	11.45				
Menard County	9.98	.35	.35		.02
Mason County	11.30	.80	.90		.05
ELECTRICIANS:					
Logan and Menard Counties; the Townhsips of Bath, Crane Creek, Kilbourne, Lynchburg, Mason City and Salt Creek in Mason County	12.37	.50	3%+.60		.1 of 1%
Remainder of Mason County	12.32	.50	3%+.75		1%
GLAZIERS	10.39	.45	.50		
IRONWORKERS	11.75	.55	1.05		.08
LABORERS:					
Logan County and Northern half of Menard County					
Unskilled	10.10	.45	.40		.035
Semi-Skilled	10.30	.45	.40		.035
Skilled	10.45	.45	.40		.035
Southern half of Menard County					
Unskilled	10.55	.45	.45		.035
Semi-killed	10.75	.45	.45		.035
Skilled	10.90	.45	.45		.035
Mason County					
Unskilled	9.39	.60	.45		.035
Semi-Skilled	9.59	.60	.45		.035
Skilled	9.74	.60	.45		.035
LATHERS	12.30				
PAINTERS:					
Logan and Menard Counties					
Brush and Roller	10.15	.55	.50		
Spray	10.65	.55	.50		
Mason County					
Brush	11.30	.55	.30		.03
Spray	11.95	.55	.30		.03
PLUMBERS and PIPEFITTERS	12.43	.35	.88		.07
ROOFERS	12.93	.70	-		
SHEET METAL WORKERS	11.86	3%+.50	.78		.07
SPRINKLER FITTERS	12.10	.75	1.05		.08
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. IL78-2111

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS: LOGAN & MENARD COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	11.90	.55	.65		.05
CLASS II	10.45	.55	.65		.05
CLASS III	9.35	.55	.65		.05

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt paver, Asphalt rollers on bituminous concrete, athey loaders, backfiller, crane type, backhoes, cableways, cherry pickers, claim shell, C.N.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick baots, draglines, earth augeror boring machines, levating graders engineers on dredge, gravel processing machines, high lifts or fork lifts, hoist w/two drums or two or more loadlines locomotive (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operator power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozer, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot roller (self propelled) shovels, skimmer scoops, test hole drilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type form lifts or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnel luggers, wheel type end laoders, winch cat, scoops, all or turnapull.

CLASS - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 rum & 1 load line, mud jacks, post hole diggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressor, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size or type) truck crane oiler & driver 1 (man), water pumps*, welding machines (300 amp. or over)* welding machines

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS. WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTIERS OR WINTIN 300 FT.

DECISION NO. IL78-2111

POWER EQUIPMENT OPERATORS MASON COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	12.22	.45	.80		.05
GROUP 2	12.02	.45	.80		.05
GROUP 3	11.645	.45	.80		.05
GROUP 4	11.37	.45	.80		.05
GROUP 5	10.76	.45	.80		.05

GROUP 1 - Cranes, escalated rate on crane, derricks, booms, $.01 per hour, per foot, after 80 feet or boom including jib, overhead cranes, gredall, cherry pickers (and similar types, over 15 tons lifting capacity (require oiler), mechanics, central concrete mixing plant operator, road pavers (27E-dual drum tri-batchers), blacktop plant operators and plant engineers. 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, koehring scoopers, draglines, badkhoe, hoptoes-cranes-type that require oilers, derrick boats, pile drivers and skid rigs, clamshells, locomotive cranes, dredge (all types), motor patrol, power blades dumore-elevating and similar types tower cranes (crawler mobile) and stationary, -rane-type backfiller, drott yumbo and similar type considered as cranes, caisson rigs (require oilers) dozer, tourna-dozer, work boats, ross carrier and helicopter

GROUP 2 - Trench machine, pumpcrete-belt crete-squeese crete-screw-type pumps and gysum bulker and pump, dinkeys, power launches, tournapulls (all), multiple unit, earth mover, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine, euclid loader, forklifts, formless finishing machine, jeeps w/ditching machine, or other attachments, tuneluger, rock crushers, automatic cement and gravel batching plants, mobile drills (soil testing and similar types), require oiler), flaherty spreader or similar types (require oiler), heavy equipment greaers (top greaser on spread), gurries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators Chicago boom, boring machine and pipe jacking, machine, hydro boom, starting engineer on pipeline, C.M.I and similar types (require oilers) straw blower, hydro seeder and F.W.D. and similar types

DECISION NO. IL78- 2111

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 3 - Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barger greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck mechanical bull floats, mixer over 3 bags to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

GROUP 4 - Air compressor, all air and steam valves, power subgrader, oil distributor, straight tractor, trac-air withour attachments, curb machines, truck crane oilers, ad trucktype hoptoe oilers

GROUP 5 - Herman Nelson heater, Dravo, Warner, Silent glo, and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistnat heavy equipment greaser on spreed, roller, 5 tons and under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp. or over, mixer (3) bag and under (stnadard capacity), bulk cement plant, crawler crane and skid rig oilers

DECISION NO. IL78-2111

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

TRUCK DRIVERS

GROUP I - Drivers on 2 axle truckd hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or ment to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity

GROUP II - 2 or 3 axle truck hauling more than 9 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units. ticket writers

GROUP III - 2,3 or 4 axle truck hauling 16 tons or more, drivers on oil distributors, water pulls, mechanic & working foremen; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois COUNTY: McLean
DECISION NUMBER: IL78-2112 DATE: Date of Publication
Supersedes Decision No. IL78-2027 dated March 17, 1978, in 43 FR 11398
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.01	.91	.99		.05
BOILERMAKERS	11.45	.95	1.00		.03
BRICKLAYERS:					
Bricklayers, Stonemasons, Marble, Tile, Terrazzo Workers	11.50	.70	.80		
CARPENTERS:					
Carpenters and Soft Floor Layers	12.01	.40	.50		.05
Millwrights and Piledrivermen	12.51	.40	.50		.05
CEMENT MASONS:	12.53	.55			
ELECTRICIANS:					
Cropsey, Anchor, Cheney Grove and Bell Flower Townships	12.45	.50	3%+.40		.3%
Remainder of County	11.95	.50	3%+.55		.002
ELEVATOR CONSTRUCTORS:					
Constructors	11.34	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.025
Helpers (Prob.)	50%JR				
GLAZIERS	11.53	.55	.55		.01
IRONWORKERS:					
Eastern Part of County	11.55	.65	1.00		.08
Western Part of County	11.975	.65	.925		
LABORERS:					
Unskilled	9.97	.55	.60		.035
Semi-Skilled	10.17	.55	.60		.035
Skilled	10.37	.55	.60		.035
LATHERS	11.92	.40	.40		.01
PAINTERS:					
Brush	11.20	.55			.06
Structural Steel and Spray	11.70	.55			.06
PLASTERERS	13.05				.01
PLUMBERS and STEAMFITTERS	12.55	.70	1.15		.15
ROOFERS:					
Composition, slate, tile and Asbestos Damp and Waterproof	11.00		.45		
SHEET METAL WORKERS	11.83	.65	.99		.10
SPRINKLER FITTERS	12.10	.75	1.05		.08
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental					

DECISION NO. IL78-2112

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTES:
a. 7 Paid Holidays: A through G

b. Employer contributes 8% of Regular Hourly Rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of Regular Hourly Rate to Vacation Pay Credit for employee who has worked in Business less than 5 years.

DECISION NO. IL78 -2112

ILL-6-PEO-1

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	12.22	.45	.80		.05
GROUP 2	12.02	.45	.80		.05
GROUP 3	11.645	.45	.80		.05
GROUP 4	11.37	.45	.80		.05
GROUP 5	10.76	.45	.80		.05

GROUP 1 - Cranes, escalated rate on crane, derricks, booms, $.01 per hour, per foot, after 80 feet or boom including jib, overhead cranes, gradall, cherry pickers (and similar types, over 15 ton lifting capacity (require oiler), mechanics, central concrete mixing plant operator, road pavers (27e-dual drum-tri batchers), blacktop plant operators and plant engineers, 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, kohring scoopers, draglines, backhoe, loptoes-crane-type that require oilers, derrick boats, pile drivers and skid rigs, clamshells, locomotives, cranes, dredge (all types), motor patrol, power blades dumore-elevating and similar types tower cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes caisson rigs (require oilers) dozer, tourna-dozer, work boats, ross carrier and helicopter

GROUP 2 - Trench machine, pumperete-belt-crete-squeeze cretes-screw-type pumps and gypsum bulker and pump, dinkey, power launches, tournapulls (all), multiple unit, earth mover, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine euclid loader, forklifts, form-less finishing machine jeeps w/ditching machine, or other attachments, tune-luger, rock crushers, automatic cement and gravel batching plants, mobile drills (soil testing and similar types), require oiler), flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), gurries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators Chicago boom, boring machine and pipe jacking, machine, hydro boom, starting engineer on pipeline, C.M.I. and similar types (require oiler) straw blower, hydro seedeer and F.W.D. and similar types

DECISION NO. IL78-2112

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 3 - Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling roller, center stripper, cement finishing machines, barger greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bags to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

GROUP 4 - Air compressor, dl air and steam falves, power subgrader, oil distributor, straight tractor, trac-air without attachments, surb machines, truck crane oilers, and truck type hoptoe oilers

GROUP 5 - Herman Nelson heater, Dravo, Warner, Silent flo, and similar types, one engineer will opera 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser on spread, roller, 5 tons and under on arth or gravel, form grader, pump 1 Or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp. or over, mixer (3) bag and under (standard capacity), bulk cement plant, crawler crane and skid rig oilers

DECISION NO. IL78-2112 ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units;

GROUP III: - 2,3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: Cass, Morgan and Scott

DECISION NUMBER: IL78-2120 DATE: Date of Publication

Supersedes Decision No. IL78-2034, dated March 17, 1978, in 43 FR 11410

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	12.63	.80	.67		
BOILERMAKERS	11.45	.95	1.20		.03
BRICKLAYERS:					
Morgan and Scott Counties:					
Bricklayers, Stonemasons, Plasterers, Marble-Tile and Terrazzo Workers, Cement Block Layers-Pointers-Caulkers and Cleaners	10.80	.50	.52		.02
Cass County:					
Bricklayers	10.80	.50	.52		.02
CARPENTERS:					
Carpenters and Soft Floor Layers	10.40	.55	.25		.02
Millwrights	10.65	.55	.25		.02
Piledrivermen	10.90	.55	.25		.02
CEMENT MASONS AND PLASTERERS:					
Morgan and Scott Counties:					
Cement Masons	10.555	.50	.52		.02
Cass County:					
Cement Masons	9.98	.35	.35		.02
Plasterers	12.41	.65	1.00		.01
ELECTRICIANS	12.37	.50	3%+60		.1 of 1%
ELEVATOR CONSTRUCTORS:					
Morgan and Scott Counties:					
Contructors	11.34	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.02
Helpers (Prob.)	50%JR				
GLAZIERS:					
Morgan and Scott Counties	10.39	.45	.50		
IRONWORKERS	11.75	.55	1.05		.08
LABORERS:					
Unskilled	9.39	.60	.45		.035
Semi-Skilled	9.59	.60	.45		.035
Skilled	9.74	.60	.45		.035
LATHERS	12.30				
PAINTERS:					
Brush and Roller	10.15	.55	.50		
Spray	10.65	.55	.50		
PLUMBERS AND STEAMFITTERS	12.43	.35	.88		.07

DECISION NO. IL78-2120

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Composition	12.93	.70			
Slate-Tile-Precast Slab	12.93	.70			
SHEET METAL WORKERS	11.86	.50+c	.78		.05
SPRINKLER FITTERS	12.10	.75	1.05		.08
WELDER: Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)

A-New Year's Day; B-Memorial Dau; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Day After Thanksgiving; G-Christmas Day

FOOTNOTES:

a. Seven Paid Holidays

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in the business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay Credit for employees who has worked in the business less than 5 years.

c. 3% of gross earnings to SASMI.

DECISION NO IL78-2120

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$11.90	.55	.60		.05
CLASS II	10.45	.55	.60		.05
CLASS III	9.35	.55	.60		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.N.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augeror boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS. WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO. IL78-2120

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

TRUCK DRIVERS

GROUP I - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, ruck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II - 2 or 3 axle truck hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III - 2,3 or 4 axle truck hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES:

a. Per week Per employee

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: Peoria and Tazewell
DECISION NUMBER: IL78-2122 DATE: Date of Publication
Supersedes Decision No. IL78-2035, dated March 17, 1978 in 43 FR 11412
DESCRIPTION OF WORK: Building (including Residential) and Dredging Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	13.01	.91	.99		.05
BOILERMAKERS	11.45	.95	1.00		.03
BRICKLAYERS AND STONEMASONS	11.70	.70	1.00		.01
CARPENTERS:					
Residential					
Peoria County:					
Chillicothe & Vicinity	10.78	.75	.70		.03
Tazewell County & Remainder of Peoria County	12.01	.40	.50		.05
Commerical					
Peoria County:					
Chillicothe & Vicinity:					
Carpenters, Piledrivermen & Soft Floor Layers	11.68	.75	.70		.03
Millwrights	11.93	.75	.70		.03
Tazewell County & Remainder of Peoria County:					
Carpenters & Soft Floor Layers	12.01	.40	.50		.05
Millwrights & Piledrivermen	12.51	.40	.50		.05
CEMENT MASONS	11.30	.80	.90		.05
ELECTRICIANS	12.32	.50	3%+.75		1%
ELEVATOR CONSTRUCTORS:					
Constructors	11.195	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.025
Helpers (Prob.)	50%JR				
GLAZIERS	10.73	.55	.45		
IRONWORKERS	11.975	.65	.925		
LATHERS	11.92	.40	.40		.01
MARBLE-TILE & TERRAZZO WORKERS	11.45	.70	1.00		.01
MARBLE & TILE FINISHERS	11.00	.60	.25		
TERRAZZO FINISHERS:					
Terrazzo Finishers & Floor Machine Operator	11.13	.60	.25		
Base Machine Operator	11.38	.60	.25		

DECISION NO. IL78- 2122

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush	11.30	.55	.30		.03
Structural Steel & Spray	11.95	.55	.30		.03
PLASTERERS	11.20	.80	.90		.03
PLUMBERS & STEAMFITTERS:					
Peoria County & North of Highway #98 in Tazewell Co.	12.70	.51	1.05		.15
Remainder of Tazewell County	12.70	.51	1.02		.11
ROOFERS	12.00	.70	.40		.025
SHEET METAL WORKERS	11.83	.65	.99		.10
SPRINKLER FITTERS	12.10	.75	1.05		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTES:

A. Six Paid Holidays; A through G

b. Employer contributes 8% of regular hourly rate to vacation pay credit for employer who has worked in business less than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays, A through F plus Washington's Birthday and Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular schedule work days immediately preceding and following the holiday.

DECISION NO. IL78- 2122

ILL-28-LAB-1

LABORERS: PEORIA COUNTY & THE CITY OF EAST PEORIA (TAZEWELL COUNTY)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	10.65	.50	.60		.035
CLASS 2	10.775	.50	.60		.035
CLASS 3	10.90	.50	.60		.035
CLASS 4	10.825	.50	.60		.035
CLASS 5	10.025	.50	.60		.035
CLASS 6	10.775	.50	.60		.035
CLASS 7	10.90	.50	.60		.035

CLASS 1 - Bricklayers tenders, Common Laborers, carpenter tenders, cement mason tenders, concrete form dismantler, Stone & tile derrickmen, Tool Crib men, Window washers, Wrecking & dismantling Old Buildings, wall men & house movers, Curing concrete

CLASS 2 - Cement men & sack shakers, concrete saw, drill operator, jackhammer, Kettlemen & carriers, men handling hot stuff, singalling & spotting of buckets on rig or rig men paving breaker, plasterers tenders, air tampec chain saw,

CLASS 3 - Gunnite pumpmen, sandblasting pump men, tile layers or laterial sewer, Unloading & handling of creosote materials.

CLASS 4 - Power wheel barrow or buggies

CLASS 5 - Cutting & Acetylene torch, gunnite nozzle men, sandblasting nozzle men, woodblock setters

CLASS 6 - Concrete form disnatler in composite crew with carpenters, compactor rammer type, setting up and using laser beam equipment

CLASS 7 - Setting up and using concrete burning bars, underpinning & shoring of existing buildings.

DECISION NO. IL78- 2122

ILL-34-LAB-1

LABORERS: REMAINDER OF TAZEWELL COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
UNSKILLED	10.55	.60	.60		.035
SEMI-SKILLED	10.75	.60	.60		.035
SKILLED	10.95	.60	.60		.035

UNSKILLED:
Carpenter Tender, Tool Cribmen, Cleaning & Oiling of Machinery, Firemen or Salamander Tenders, Flagmen, Gravel Box Men, Form Handlers, Material Handlers, Fencing Laborers, Cleaning Lumber, Pit Men, Material Checkers, Dispatchers, Landscapers, Unloading Explosives, Laying of Sod, Planting of Trees, Removal of Trees, Pile Driver Helpers, Asphalt Plant Helpers, Wrecking Laborers, Fireproofing Laborers, Surveyors & Instrument Men Helpers, Janitors, Driving of Stakes, String Lines for all Machinery, Unloading & Laborers w/Steel Workers & Re-Bars, Mason Tenders, Scaffold Workers, Laborers with De-Watering Systems, Plaster Tenders

SEMI-SKILLED:
Handling of materials treated w/oil, crosote & asphalt, Track Laborers, Cement Handlers, Concrete Workers (Wet), Cloride Handlers, Tunnel Helpers in Free Air, Batch Dumpers, Kettle & Tar Men, Tank Cleaners, Plastic Installers, Motorized Buggies, Sewer Workers, Vibrator Operators, Mortar Mixer Operators, Cement Silica, Clay, Fly Ash, Lime & Plaster Handlers (Bulk or Bag), Cofferdam Workers, Concrete Paving, Placing, Cutting & Tying of R inforcing, Deck Hand, Dredge Hand & Shore Laborers, Bank Men on Floating Plant, Asphalt Workers & Layers w/ Machine, Grade Checker, Dumpmen, Spotter where grade is to be established, Power Tools, Chain Saw Operators, Jackhammer & Drill Operators, Air Tamping Hammermen, Tree Topping, Signalling & Spotting of Rigs & Equipment.

SKILLED:
Caisson Workers plus depth, Gunnite Nozzle Men, Leadman on Sewer Work, Welders, Cutters, Burners & Torchmen, Layout Man and/or Tile Layer, Steel Form Setters-Street & Highway, Concrete Saw Operator, Screenman on Asphalt Pavers, Front end man on Chip Spreader, Laborers tending Masons w/hot materials or foreign materials are used, Multiple Concrete Duct-Leadman, Luteman, Curb Asphalt Machine Operator, Ready-Mix Scalemen, Permanent, Portable or Temporary Plant, Laser Beam Operator, Concrete Burning Machine & Coring Machine Operators, Underpinning and Shoring or Buildings, Dynamite Shooter.

DECISION NO. IL78- 2122

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	12.22	.45	.80		.05
GROUP 2	12.02	.45	.80		.05
GROUP 3	11.645	.45	.80		.05
GROUP 4	11.37	.45	.80		.05
GROUP 5	10.76	.45	.80		.05

GROUP 1 - Cranes, escalated rate on crane, derricks, booms, $.01 per hour, per foot, after 80 feet or boom including jib overhead cranes, gradall, cherry pickers (and similar types, over 15 ton lifting capacity (require oiler), mechanic, central concrete mixing plant operator, road pavers (27E-dual drum-tri batchers), blacktop plant opeators and plant engineers, 3 drum joist, derricks, hydro cranes, shovels skimmer scoops, koehring scoopers, draglines, backhoe, hoptoes-crane-type that require oiler, derrick boats, pile drivers and skid rigs, clamshells, locomotive cranes, dredge (all types). motor patrol, power blades dumore-elevating and similar types tower cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes, caisson rigs (require oilers) dozer, tourna-dozer, work boats, ross carrier and helicopter

GROUP 2 - Trench machine pumpcrete-belt crete-squeeze cretes-screw-type pumps and gypsum bulker and pump, dinkeys, power launches, tournapulls (all), multiple unit, earth movers, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine, euclid loader, forklifts, formless finishing machine, jeeps w/ditching machine, or other attachments, tuneluger, rock crushers, automatic cement and gravel batching plants, mobile drills (soil and similar types), require oiler), flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), gurries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators chicago boom, boring machine and pipe jacking, machine, hydro boom, starting engineer on pipeline, C.M.I. and similar types (require oiler) straw blower, hydro seeder and P.W.D and similar types

DECISION NO. IL78-2122

POWER EQUIPMENT OPERATOR (CONT'D)

GROUP 3 - Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barger greene or similar laoders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bags to 27E, tractor pullign power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

GROUP 4 - air compressor, all air and steam valves, power subgrader, oil distributor, straight tractor, trac-are without attachments, curb machine, truck cranes oiler, and truck type hoptoe oilers

GROUP 5 - Herman Nelson heater, Dravo, Warner, Silent glo, & similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser on spreed, roller, 5 tons and under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp. or over, mixer (3) bag and under (standard capacity) bulk cement plant, crawler crane and skid rig oilers

DECISION NO. IL78-2122

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

GROUP I - Drivers on axle trucks hauling less than 9 tons, air compressors and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; fork lifts up to 6,000 lbs. capacity

GROUP II - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch truck, hydrolifts trucks, or similar equipment when used for transportation purposes; fork lifts over 6,000 lb. capacity; winch truck; 4-axle combination units; ticket writers

GROUP III - 2,3 or 4 axle truck hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES:
a. Per Week Per Employee

DREDGING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	12.22	.45	.80		.05
GROUP 2	12.02	.45	.80		.05
GROUP 3	11.645	.45	.80		.05
GROUP 4	11.37	.45	.80		.05
GROUP 5	10.76	.45	.80		.05

GROUP 1 - Operators on hydraulic dipper or clamshell dredges, Engineers and Repairmen, Operators on work boats
GROUP 2 - Power Winches 1-2-3 Drums
GROUP 3 - Security Engineer
GROUP 4 - Cranemen on dipper dredges, operators on launches or power boats
GROUP 5 - Firemen & Oilers

SUPERSEDEAS DECISION

STATE: Illinois COUNTY: Sangamon
DECISION NUMBER: IL78-2124 DATE: Date of Publication
Supersedes Decision No. IL78-2037, dated March 17, 1978 in 43 FR 11421
DESCRIPTION OF WORK: Building (Including Residential), Construction.

DECISION NO IL78-2124

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.63	.80	.97		
BOILERMAKERS	11.45	.95	1.20		.03
BRICKLAYERS:					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers, Pointers, Caulkers & Cleaners	10.75	.50	1.00		.02
CARPENTERS:					
Residential					
Housing - 1 & 2 Family Dwellings	8.70	.55	.45		.06
Building					
Carpenters & Soft Floor Layers	11.45	.55	.55		.06
Millwrights & Piledrivermen	11.95	.55	.55		.06
CEMENT MASONS	9.98	.35	.35		.02
ELECTRICIANS:					
Building	12.37	.50	3%+.60		.1 of 1%
Residential	8.10	.50	3%+.40		.5 of 1%
ELEVATOR CONSTRUCTORS:					
Constructors	11.34	.745	.56	a+b	.025
Helpers	70%JR	.745	.56	a+b	.025
Helpers (Prob.)	50%JR				
GLAZIERS	10.39	.45	.50		
IRONWORKERS	11.75	.55	1.05		.08
LATHERS	12.30				
PAINTERS:					
Brush & Roller	10.15	.55	.50		
Spray	10.65	.55	.50		
PLASTERERS	12.41	.65	1.00		.01
PLUMBERS & STEAMFITTERS	12.43	.35	.88		.07
ROOFERS:					
Composition	12.93	.70			
Slate-Tile & Precast Slab	12.93	.70			
SHEET METAL WORKERS					
Building	11.86	.50+D	.78		.05
Residential	7.71	.50+D	.78		.05
SPRINKLER FITTERS,	12.10	.75	1.05		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; F-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTE:

a. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in bsuiness more than 5 years and 6% of regular hourly rate for employee who has worked in business more than 5 years.

b. 7 paid Holidays: A through G

c. Nine paid holidays, A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work day immediately preceding anf following the holiday

d. 3% of gross earning to SASMI

DECISION NO. IL78-2124

ILL-27-LAB-1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
UNSKILLED	$10.55	.45	.45		.035
SEMI-SKILLED	10.75	.45	.45		.035
SKILLED	10.90	.45	.45		.035

LABORERS:

UNSKILLED All Sewer Workers plus Depth Pay, Asphalt Plant Laborers, Bankmen on Floating Plant, Batch Dumpers, Carpenter Tenders, Cleaning Lumber, Cofferdam Workers plus depth pay, Deck Hand, Dredge Hand & Shore Laborer, Dispatchers, Driving of Stakes, Stringlines for all machinery, Fencing Laborers, Firemen or Salamander Tenders, Fireproofing Fire Shop Laborers, Flagmen, Form Handlers, Gravel Box Men, Dumpmen & Spotters, Janitors, Laborers w/de-watering systems, Landscapers, Laying of Sod, Material Checkers, Material Handlers, Pit Men, Plastic Installers, Planting of Trees, Removal of Trees, Rip-Rap Men, Rod & Chairmen, Scaffold Workers, Tool Cribmen, Track Laborers, Unloading Explosives, Unloading & Carrying Lath; Unloading & Carrying of Re-Bars, Wrecking, Dismantling Buildings, Wallmen & Housemovers, Wrecking Laborers, Writer of Scale Tickets

SEMI-SKILLED Asphalt Workers with Machine, Asphalt Raker & Layers, Cement Handlers, Cement Silica, Fly Ash, Line & Plasters, Handlers (Bulk or Bag); Chain Saw, Chloride Handlers, Concrete Workers (wet), Grade Checker; Handling of materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing, Kettle Tar Men, on Concrete Paving, Placing, Cutting & Typing of Reinforcing, Signal Man on Crane, Tank Cleaners, Tunnel Helpers in Free Air.

SKILLED Air Tamping Hammerman, Caisson Workers plus depth pay, Concrete Burning Machine Operator Concrete Saw Operator, Coring Machine Operator, Curb Asphalt Machine Operator, Gunnite Nozzle Men, Jackhammer & Drill Operators, Laborers handling Masterplate or similar materials, Laborers tenders Masons with hot material or where foreign materials are used for wet concrete or handling of Building Materials, Multiple Concrete Duct - Leadman; Plasterer Tenders, Ready Mix Scaleman, Portable or Temporary Plant, Screenman on Asphalt Pavers, Steel Form Setters (Street & Highway), Vibrator Operators, Cutters, Burners & Torchmen.

DECISION NO. IL78-2124

ILL-5-PEO-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
CLASS I	$11.90	.55	.65		.05
CLASS II	10.45	.55	.65		.05
CLASS III	9.35	.55	.65		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, clain shell, C.M.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augeror boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelmnn on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

PAGE 5

DECISION NO IL78-2124

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportaion purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: *See bleow
DECISION NUMPER: IL78-2125 DATE: Date of Publication
Supersedes Decision No.: IL78-2038, dated March 17, 1978 in 43 FR 11423
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

*Counties: Alexander, Franklin, Gallitin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Saline, Union, White & Williamson

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS:					
Alexander, Jackson, Jefferson, Marion, Perry & Unions Cos.,	$12.63	.80	.97		
REMAINDER OF Counties	11.30	.45	.60		.03
BOILERMAKERS	11.45	.95	1.20		.03
BRICKLAYERS & STONEMASONS:					
Marion County:					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers, Cement Blocklayers, Pointers, Cleaners & Caulkers	10.70	.35	.50		
Remainder of Counties:					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers, Cement Blocklayers, Pointers, Caulkers & Cleaners	9.95	.55	.40		
CARPENTERS:					
Marion County:					
Carpenters, Piledrivermen & Soft Floor Layers	10.06	.50	.50		.03
Millwrights	10.41	.50	.50		.03
Hamilton, Jefferson & White Counties:					
Carpenters, Piledrivermen & Soft Floor Layers	10.11	.45	.50		.02
Millwrights	10.46	.45	.50		.02
Remainder of Counties:					
Carpenters, Piledrivermen, Millwrights & Soft Floor Layers	10.25	.50	.50		.05
CEMENT MASONS & PLASTERERS:					
Marion County:					
Centrailia & Vicinity					
Cement Masons	10.75				.01
Plasterers	10.85				.01
Franklin, Hamilton, Jefferson & Williamson Counties	10.70				
Saline, Gallatin, Hardin, Pope, Johnson, Massac & White Cos.	10.70				

DECISION NO. IL78-2125

CEMENT MASONS & PLASTERERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Alexander, Jackson, Perry, Pulaski & Union Counties	$ 9.65	.30			
ELECTRICIANS	12.50	.40	13%		1%
IRONWORKERS:					
Marion & Perry Cos: Jefferson (Mt. Vernon & All Area West thereof) County	11.35	.55	.90		
Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Union & Williamson Counties	10.75	.55	.75		.05
LABORERS:					
Marion County:					
Central & Vicinity					
Laborers	7.75		.30		.035
Salem & Vicinity					
Unskilled	6.80		.30		.035
Skilled	7.05		.30		.035
Pataka & Sandoula & Vicinity					
Laborers	8.60	.40	.30		.035
Hamilton, Jefferson & White Counties	8.60	.40	.30		.035
Remainder of Counties	8.30	.40	.30		.035
PAINTERS:					
Marion County:					
Centrailia & Vicinity					
Brush & Structural Steel	8.10				
Roller	8.35				
Spray	9.10				
Salem, Flora, Clay & Vicinity					
Brush	8.00				
Roller, Spray	9.25				
Structural Steel	10.00				
Union County:					
Commercial	8.75				
Industrial	9.25				
White County:					
Brush & roller	9.65	.65	.30		
Spray	10.65	.65	.30		
Jefferson & Hamilton Counties:					
Brush and Roller	6.80				
Structural Steel & Spray	9.00				
Massac County					
Brush and Roller	7.60	.40			
Spray	10.45	.40			

DECISION NUMBER IL78-2125

PAINTERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Jackson & Perry Counties:					
Commercial	$ 9.00				
Industrial	10.90				
Franklin & Williamson Counties:					
Commercial	9.45				
Industrial	10.20				
Gallatin, Hardin, Pope, Saline Counties:					
Brush	6.90				
Struc, Steel & Drywall	7.15				
Spray	7.25				
Alexander, Johnson, Pulaski Counties:					
Commercial	7.89				
Industrial	10.91				
PLUMBERS & STEAMFITTERS:					
Marion County	13.00	1.20	1.40		.15
White County:					
- Crossville, Phillipstown, Emma & Mauine	13.575	.50	.90		.06
Remainder of County	13.45	.50	.90		.06
Alexander, Hardin, Massac, Jackson, Johnson, Perry, Pope, Pulaski & Union Counties	12.70	.30	.90		.08
Franklin, Hamilton, Jefferson, Saline, Williamson, & Gallatin Counties	12.55	.50	.55		.08
ROOFERS:					
Gallatin, Hardin & White Cos.					
Composition	10.63	.60	.50		
Slate & Tile	10.88	.60	.50		
Remainder of Counties	8.75	.60			
SHEET METAL WORKERS	11.23	.45	.20	6%	.02
SPRINKLER FITTERS	12.10	.75	1.05		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

DECISION NO. IL78-2125

POWER EQUIPMENT OPERATORS REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class 1	$11.30	.40	.60		.035
Class 2	10.35	.40	.60		.035
Class 3	10.10	.40	.60		.035
Class 4	9.80	.40	.60		.035
Class 5	9.10	.40	.60		.035
Class 6	10.35	.40	.60		.035
Class 7	10.10	.40	.60		.035
Class 8	9.60	.40	.60		.035
Class 9	9.00	.40	.60		.035
Class 10	9.00	.40	.60		.035
RIVER WORK and LEVEE WORK ON MISSISSIPPI and OHIO RIVERS					
Class 11	11.40	.40	.60		.035
Class 12	9.50	.40	.60		.035

POWER EQUIPMENT OPERATORS:

Class 1: Apsco or equal spreading machine; Backhoe; Backfiller; Boom or winch cat; Bituminous mixplace machine; Backsmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truck crane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pump; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; Rubbertired; Flex-plane; Gradall; Hi-lift; handblade, power; Hoists; Tugger type; Hoist, (2 drum) or over one; Guy-derrick; Hyster mechanic; Motor patrol; Mixer 21 cu. ft. or over; Push cat; Pulls and scrapers; Pumps; 2 well points; P&H pulverizer or pulverizer equal to pugmill; Rubber-tired farm type tractor with bulldozer or hi-lift (Over 1/2 yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine; or ditching machine; Wood chipper with tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greader.

Class 2: Roller, self-propelled; Power subgrader; Elevator operator

Class 3: Rubber-tired farm type tractor w/bull dozer or hi-lift (½ yd. or less)

Class 4: Pump, one well point; All tract type tractors, pulling any type roller or disc.

Class 5: Oiler; All wheel type tractors, Oiler on 30 Hp ditches and over; Oiler; Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity and more.

POWER EQUIPMENT OPERATORS (CONT'D)

Class 6: Air compressor w/valve driving piling air compressors, two (220 cu. ft. capacity or over); Air track drills, air track drill w/compressor; Automatic bins scales w/compressor or generator; pipeline boring machine; Bulk cement plant w/separate compressor bulk float power operator; Concrete saws, (two); Hydra-lift (single motor); Straw mulcher blower w/spout

Class 7: Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or without dump; Conveyors, two; Chip spreader, self-propelled concrete saw, on self-propelled; Form grader, Heater, (motor driven); Hoist; 1 drum; Truck crane oiler; Vibrator, Self-propelled.

Class 8: Air track drill (one); Belt drag machine, Power boom; Mechanical; Plasterers applicator; Tract-air

Class 9: Air compressor (220 cu. ft. capacity or over), one; Air compressor under (220 cu. ft,); two; Automatic bins; Bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or switchmen; Form tamper, self-propelled; Light plants (two); Welding machine (two); Pumps (two); or combination or 2 pumps; Light plants, welding machines,air compressor (under 200 cu. ft.); Mud jacks or wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or pump; Pipeline track jack

Class 10: Air compressor, under 220 cu. ft. capacity (one); Conveyor (one); Conveyor operator on self-propelled chip spreader; Heater (one); Motor drive; Light plant (one) pump (one); Welding machine (one) Ulmac or equal spreader.

RIVER WORK and LEVEE WORK on MISSISSIPPI and OHIO RIVERS

Class 11: Crane, shovel, dragline 4 yards or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic or 4 yards machine or over, Engine man on dredge, Levee man on dredge.

Class 12: Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge.

JEFFERSON, PERRY, & MARION COUNTIES

III-2-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$11.52	.87	1.51		.05
GROUP II	1 9	.87	1.51		.05
GROUP III	9.54	.87	1.51		.05
GROUP IV	9.44	.87	1.51		.05
GROUP V	9.19	.87	1.51		.05
GROUP VI					
a.	13.67	.87	1.51		.05
b.	13.97	.87	1.51		.05
c.	11.29	.87	1.51		.05
d.	11.79	.87	1.51		.05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers. plant opers., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanics, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or firemen is not required) Hydrualic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas , concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boad oprs., 25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders winch cats, boom tractors, and pipe wrapping or painting machines, Drills, (other than derrick type) 1-drum hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (Stright tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boat oprs., (under 25', conveyors 1', distribution pors., on trucks, siphons or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air compressor (1), water pumps regardless or size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V Oilers

GROUP VI
a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs pressure
c. Oilers operating under air pressure
d. Oilers operating in air over 10 lbs pressure

DECISION NO. IL78-2125

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.125	.65	a31.00		
GROUP II	10.525	.65	a31.00		
GROUP III	10.725	.65	a31.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3, or 4 axle trucks hauling 16 tons or more, drivers on oil distributores, water pulls, mechanic & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Indiana COUNTY: Vanderburgh
DECISION NO.: IN78-2132 DATE: Date of Publication
Supersedes Decision No. IN76-2046, dated April 16, 1976, in 41 FR 16302
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 8.70				
CARPENTERS	6.76				
CEMENT MASONS	8.06				
DRYWALL FINISHERS	7.00				
DRYWALL HANGERS	6.50				
ELECTRICIANS	5.00				
INSULATION INSTALLERS	5.04				
LABORERS	4.88				
PAINTERS	8.60				
PLUMBERS	8.45				
SHEET METAL WORKERS	6.00				
TRUCK DRIVERS, Single Axle	8.05	27.50a	28.00a		
POWER EQUIPMENT OPERATORS: Grader	10.30	.50	.60		

FOOTNOTE:
a. per week per employee

SUPERSEDEAS DECISION

STATE: New York COUNTY: Westchester
DECISION NO.: NY78-3077 DATE: Date of Publication
Supersedes Decision No. NY77-3076 dated June 6, 1977 in 42 FR 28801.
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	$14.09	.82	1.64		
Boilermakers	13.19	5%	15%	7%	.02
Bricklayers, Cement Masons, Plasterers, Pointers, Caulkers, Cleaners and Stone Masons	11.50	1.00	2.00	a+b	.07
Carpenters	9.88	1.40	1.15	1.07	.085
Electricians	12.00	6%+c	9⅓%	10%	.02+⅓%
Elevator Constructors	11.52	.495	.32+d	e+f	
Elevator Constructors Helpers	8.64	.495	.32+d	e+f	
Glaziers	11.20	.66	1.66	.67	.01
Ironworkers:					
Ornamental	10.33	1.48	2.55	.78	.09
Structural	11.75	1.30	3.00	1.60+g	.06
Reinforcing	10.79	1.325	1.985	.75+h	.03
Laborers, Building:					
Unskilled	8.05	1.15	1.05	.75+i	
Equipment Operators, Drillers, Swinger Operators on Conveyor Belt, Pavement breakers, Plastering, Accoustic Pumps, Barco and all Air Tampers, Vibrator Operators, Power Buggies, Fork Lifts, Power Jacks and All Pneumatic Equipment	8.70	1.15	1.05	.75+i	
Lathers:					
Metal	10.79	1.325	1.985	.75+h	.03
Nail On	12.00				.01
Leadburners	10.75	.40	.25	j	.01
Marble Setters:					
Cutters and Setters	10.00	1.13	1.19	k	
Carvers	10.15	1.13	1.19	k	
Finishers and Crane Operators	8.28	1.13	1.19	k	
Millwrights, Soft Floor Layers	11.80	1.50	1.78	.85	.04
Painters:					
Brush	9.15	.60	1.03	.40	
Spray	10.15	.60	1.03	.40	
Tapers	9.60	.60	1.03	.40	
Swing Stage, Boatswain, Chair, Ladder or Rolling Scaffold 30 ft. or more, all Iron and steel	10.45	.60	1.03	.40	

DECISION NO. NY78-3077

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Piledrivers and Dockbuilders	$11.70	1.50	1.78	.91	.04
Plumbers	11.21	1.79	1.06	1.12	.28
Roofers	9.65	1.79	2.65	.65	
Sheet Metal Workers	10.97	1.645	2.28	1.04	.12
Sprinkler Fitters	12.31	.75	1.05		.08
Steamfitters	11.00	12%	10%+L	11%	
Terrazzo Workers	11.18	1.21	1.50		
Terrazzo Finisher	9.84	1.21	1.50		
Terrazzo Finisher Machine Operator	9.99	1.21	1.50		
Tile Layers	10.60	1.15	.75		
Tile Finisher	9.31	.68	.77	.50	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. NY78-3077

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTES:

a. Holidays: Columbus Day, Presidential Election Day 1 hour off with pay.

b. Holidays: (Highway Construction Only) A thru P, Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Election Day and Veteran's Day.

c. Employer contributes $7.50 per day to Security Benefit Fund.

d. Employer contributes $8.00 per day to Annuity Fund.

e. Holidays: A through P; Lincoln's Birthday, Washington's Birthday, Columbus Day, Armistice Day and Election Day.

f. Employer contributes 6.4% of basic hourly rate for 5 years or more of service of 4% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

g. Holidays: New Years Eve and Christmas Eve, providing the employee works a full half day preceeding the holiday, he shall receive a full day's pay.

h. Work on Christmas and New Year's Eve will terminate at noon, but employees will receive a full day's pay.

i. One hour voting time with pay on Election Day.

j. Holidays: A through P; Washington's Birthday, Good Friday, Christmas Eve, providing employee has worked 30 full days during the 90 calendar days prior to the holiday and the regularly schedule work days immediately preceding and following the holiday.

k. One half days pay for Labor Day.

l. Employer contributes $7.70 per day to Annuity Fund.

DECISION NO. NY78-3077	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
Street Lighting Systems, installation of Signal Cable Systems, Overhead and Underground when installed on streets and right of way:					
Linemen	9.28	5⅛%+a	7⅛%	10%	.02
Compressor	7.68	5⅛%+a	7⅛%	10%	.02
Lamp Changer	7.16	5⅛%+a	7⅛%	10%	.02
Utility Outside Work:					
Linemen	10.71	6%+b	9⅛%	10%	.02
Compressor	8.67	6%+b	9⅛%	10%	.02
Boring Machine	9.32	6%+b	9⅛%	10%	.02
Dynamite Man	9.53	6%+b	9⅛%	10%	.02
Groundman	7.28	6%+b	9⅛%	10%	.02
Driver Groundman	8.14	6%+b	9⅛%	10%	.02
New Construction of Steel Towers, Substations, All Railroad Work Underground:					
Linemen and Cable Splicers	13.26	6%+b	9⅛%	10%	.02
Equipment Operators	12.20	6%+b	9⅛%	10%	.02
Heavy Driver groundman	9.68	6%+b	9⅛%	10%	.02
Driver Groundman	10.21	6%+b	9⅛%	10%	.02
Groundman	9.68	6%+b	9⅛%	10%	.02
Dynamite and Transit Men	11.80	6%+b	9⅛%	10%	.02
Mechanic	11.54	6%+b	9⅛%	10%	.02

FOOTNOTES:

a. Employer contributes $3.00 per hour to Supplementary Unemployment Benefit Fund.

b. Employer contributes $7.00 per hour to Supplementary Unemployment Benefit Fund.

DECISION NO. NY78-3077 HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
Blasters, blaster (quarry master)	$ 9.60	9%	9%	a+.82	
Joy drillers, wagon drillers, air track drillers, concrete form aligner, concrete form and curb form highway (steel), and deck winches on scows, jumbo driller	9.05	9%	9%	a+.82	
Asphalt curb machine operator, jeeper operator, pavement breaker operator, rock scalers, power saw operator, bit grinder or grinders. barco rammer operator, air tamper and all type powered tampers not covered by any other classification, steel kings, power buggy operator, jack hammer drillers, all type pneumatic tool and gasoline drillers, concrete saw or saws, asphalt screeder on barbergreen, form pin puller railroad spike puller, pumps and their operation, and pneumatic tools and service of air power, gunniting	8.95	9%	9%	a+.82	
General concrete laborers or anything pertaining to concrete which means any men handling aggregate or concrete materials and carpenters tender and steel handling, pipe layers, puddlers, asphalt worker, fine grade men between forms, epoxy and waterproofing	8.80	9%	9%	a+.82	
Joy driller's helper, wagon driller helper, air track driller helper, common laborers, signal men and pitman, truck spotters, powdermen, landscape and nursery men, and dump men	8.70	9%	9%	a+.82	
Wrecking:					
Blasters	9.70	9%	9%	a+.82	

DECISION NO. NY78-3077

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers: (CONT'D)					
Wrecking:					
Barmen, and burner	$ 9.20	9%	9%	a+.82	
Barmen helpers and laborers	9.05	9%	9%	a+.82	
Shaft and Tunnel in Free Air:					
Blasters	9.85	9%	9%	a+.82	
Concrete setters	10.05	9%	9%	a+.82	
Form setters	9.55	9%	9%	a+.82	
Miners, drill runners air, tuggers, chippers, pneumatic tools and source of air-power pumps and their operations and vibrator operators	9.55	9%	9%	a+.82	
Puddlers	9.30	9%	9%	a+.82	
Chuck tenders, nippers, concrete laborers, tunnel sewer and water pipe reliners and Boring	9.20	9%	9%	a+.82	
Laborers	8.95	9%	9%	a+.82	
Powder carriers, signalmen	8.90	9%	9%	a+.82	
Brakemen	8.85	9%	9%	a+.82	
Outside laborers	8.80	9%	9%	a+.82	
Vibrator	9.35	9%	9%	a+.82	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; F-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; November Election Day; Veterans' Day; and Good Friday, provided employee works (2) two or more days in the calendar week in which the holiday falls.

DECISION NO. NY78-3077

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS, BUILDING:					
GROUP I	$14.105	6%+1.00	10%+b	a	1½%
GROUP II	13.19	6%+1.00	10%+b	a	1½%
GROUP III	13.0475	6%+1.00	10%+b	a	1½%
GROUP IV	12.905	6%+1.00	10%+b	a	1½%
GROUP V	11.7625	6%+1.00	10%+b	a	1½%
GROUP VI					
A	15.08	6%+1.00	10%+b	a	1½%
B	14.6175	6%+1.00	10%+b	a	1½%
C	9.9925	6%+1.00	10%+b	a	1½%
D	13.6175	6%+1.00	10%+b	a	1½%
E	12.3325	6%+1.00	10%+b	a	1½%
F	13.19	6%+1.00	10%+b	a	1½%
G	18.3325	6%+1.00	10%+b	a	1½%
H	11.7625	6%+1.00	10%+b	a	1½%
I	18.0475	6%+1.00	10%+b	a	1½%
J	16.105	6%+1.00	10%+b	a	1½%
K	17.105	6%+1.00	10%+b	a	1½%
L	14.605	6%+1.00	10%+b	a	1½%
M	15.105	6%+1.00	10%+b	a	1½%
GROUP VII	14.3325	6%+1.00	10%+b	a	1½%

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION

GROUP I
Backhoe Oliver 88, Fordson, dynahoe, dual purpose & similar machine, Barber Green loader-euclid loader or similar type, cherry picker (cableway), compressor (steel erection), conway or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scrapers over 20 yds. struck), mucking machines, pavement breaker (air ram), paver (concrete), pulsemeter, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-½ yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame

DECISION NO. NY78-3077 b

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION (CONT'D)

GROUP II
Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scraper-20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller

GROUP III
Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-½ yds., & under, lighting unit (portable & generator), locomotive (all sizes), mixer concrete-21E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection excavation), well drilling machine, well point system

GROUP IV
Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hooper-sand-stone-cement, mixer-concrete-under 21E, Muching grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump-plasterer roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cuting machine, sweeper, syphon pump air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine

GROUP V
Concrete saw, mechanic's helper, oiler (fuel truck), oiler (grease truck), paint compressor, welder's helper

GROUP VI
A. Master mechanic
B. Helicopter hoist op.
C. Oiler, asphalt paver, utility man
D. Welder - certified
E. SEcond engineer on cranes 30 ton and over
F. Cable splicer
G. Helicopter pilot
H. Helicopter signalman
I. Engineer, all tower cranes, all climbing cranes and all cranes of 100 ton and regardless of how the same is rigged (except for pile rigs)

DECISION NO. NY78-3077

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION (CONT'D)

GROUP VI (CONT'D)
J. Cranes (crawlers or truck) 100 ft. but less than 149 ft
K. Cranes (crawlers or truck) 149 ft. and over
L. Loaders op. (over 5 yd. capacity)
M. Shovel op. (over 4 yd. capacity)

GROUP VII
Concrete-portable hoist, crane & hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overheadcrane, power house plant, telephies, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer-concrete (crane, derrick, mine hoist), hoist engineer material

FOOTNOTES:
a. Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, November Election Day, Veteran's Day, Thanksgiving Day and X-Mas Day.

b. Employer contributes $2.00 per day to an Annuity Fund.

Construction, Alteration, Repair of Sanitary Sewers, Storm Sewers, Combined Storm and Sanitary Sewers, drainage related thereto, on or off Streets or Highways (except drainage systems or Storm sewers that are part of overall road, street and highway construction, or heavy construction or building construction), temporary pipe fittings, sinking of well points related to sewer construction and drainage, telephone cable and conduit (except trans-water and trans-state or trans-county cables and conduits), pipelines (except trans-water and trans-state pipelines or transportation pipelines) and electrical lines above or below the surface of the ground (except on or in connection with the construction of roads, buildings, highways, bridges and/or tunnels).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I-A	$11.80	6⅓%+a	9⅓%	b	1⅓%
GROUP I-B	11.675	6⅓%+a	9⅓%	b	1⅓%
GROUP II	11.00	6⅓%+a	9⅓%	b	1⅓%
GROUP III-A	10.875	6⅓%+a	9⅓%	b	1⅓%
GROUP III-B	10.75	6⅓%+a	9⅓%	b	1⅓%
GROUP IV-A	10.75	6⅓%+a	9⅓%	b	1⅓%
GROUP IV-B	10.625	6⅓%+a	9⅓%	b	1⅓%
GROUP V-A	9.75	6⅓%+a	9⅓%	b	1⅓%
GROUP V-B	9.625	6⅓%+a	9⅓%	b	1⅓%
GROUP VI-A MISCELLANEOUS					
CLASS I	13.00	6⅓%+a	9⅓%	b	1⅓%
CLASS II	12.25	6⅓%+a	9⅓%	b	1⅓%
CLASS III	15.25	6⅓%+a	9⅓%	b	1⅓%
CLASS IV	12.00	6⅓%+a	9⅓%	b	1⅓%
CLASS V	15.50	6⅓%+a	9⅓%	b	1⅓%
CLASS VI	9.75	6⅓%+a	9⅓%	b	1⅓%
CLASS VII	10.835	6⅓%+a	9⅓%	b	1⅓%
GROUP VI-B MISCELLANEOUS					
CLASS I	9.625	6⅓%+a	9⅓%	b	1⅓%
CLASS II	8.80	6⅓%+a	9⅓%	b	1⅓%
GROUP VII	13.80	6⅓%+a	9⅓%	b	1⅓%
GROUP VIII	14.80	6⅓%+a	9⅓%	b	1⅓%
GROUP IX	11.375	6⅓%+a	9⅓%	b	1⅓%
GROUP X	12.80	6⅓%+a	9⅓%	b	1⅓%

CLASSIFICATION DEFINITIONS

GROUP I-A - Auger, auto grader, backhoe oilver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader - euclid loader or similar type machine, central mix plant operator, cherry picker (Cableway), compactor with blade, concrete portable hoist, S.M.I. or similar, conway or similar mucking machines, crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, letourneau or tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete) power house plant, pulsemeter, push button (buzz box) elevator, road mix machines, ross carrier and similar machines, shovels (tunnels), side boom, spreader (asphalt) scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" frame

GROUP I-B - Compressor (steel erection)

CLASSIFICATION DEFINITIONS (CONT'D)

GROUP II - Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 or over, maintenance engineer, mechanic (outside) all types, welder, scraper - 20 yards struck and under, vibrator roller, etc., roller 4 ton and over

GROUP III- A - Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor plant, concrete pump, conveyor belt machine - irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader - 1½ yards and under, locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete - 21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, well drilling machine, well point system

GROUP III-B - Compressor, lighting unit (portable & generator), Welding machine (steel erection excavation)

GROUP IV-A - Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, curb cutter machine, farm tractor (all types), finishing machine - concrete, material hopper - sand - stone - cement, mulching grass spreader, roller under 4 ton, spreading & fine grading machine, steel cutting machine, sweeper, turbo jet burner or similar equipment, fine grading machine

GROUP IV-B - Compressor to 125 cu. ft., dust collector, mixer - concrete under 21E, heater - all types, pump 4 inches and over, pump station (water & sewer), pump - gypsum, etc., pump - plaster, steam jenny, syphon pump - air - steam, tar joint machine, vibrator (1 to 5)

GROUP V-A - Concrete saw, oiler (fuel or grease truck)

GROUP V-B - Oiler, stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4", roller motorizer (walk behind)

GROUP VI-A MISCELLANEOUS:

CLASS I - Master mechanic, Asst. master mechanic

CLASS II - Helicopter hoist operator

DECISON NO. NY78-3077

CLASSIFICATION DEFINITIONS (CONT'D)

CLASS III - Engineer, tower crane, 3900 Monitowac or over or similar (rail, truck or crawler mounted)

CLASS IV - Hoist engineer - steel sub-structure, engineer - pile driver

CLASS V - Helicopter pilot

CLASS VI - Helicopter pilot

CLASS VII - Jersey spreader, pavement breaker (air ram), Post hole digger

GROUP VI-B MISCELLANEOUS:

CLASS I - Safety man 60 ton crane & over

CLASS II - Oiler asphalt paver and utility man

GROUP VII - Operators of crane (crawlers or truck) 100 ft. but less than 149 ft.

GROUP VIII - Operators of crane (crawlers or truck) 149 ft. and over

GROUP IX - Loader Operators: Over 5 cu. yd. capacity

GROUP X - Shovel Operator over 4 cu. yd. capacity

Footnotes

a. Employer contributes $1.20 per hour to Supplemental Unemployment Benefit Fund.

b. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, November Election Day, Veteran's Day, Thanksgiving Day and Christmas Day.

DECISION NO. NY78-3077	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY					
GROUP I	$11.75	6%+1.00	9⅓%+.25	a	2%
GROUP II	10.96	6%+1.00	9⅓%+.25	a	2%
GROUP III	10.825	6%+1.00	9⅓%+.25	a	2%
GROUP IV	10.70	6%+1.00	9⅓%+.25	a	2%
GROUP V	9.70	6%+1.00	9⅓%+.25	a	2%
GROUP VI	11.95	6%+1.00	9⅓%+.25	a	2%
GROUP VII	11.325	6%+1.00	9⅓%+.25	a	2%
GROUP VIII	9.70	6%+1.00	9⅓%+.25	a	2%
GROUP IX	11.625	6%+1.00	9⅓%+.25	a	2%
GROUP X	10.70	6%+1.00	9⅓%+.25	a	2%
GROUP XI	10.575	6%+1.00	9⅓%+.25	a	2%
GROUP XII					
A	10.7875	6%+1.00	9⅓%+.25	a	2%
B	9.575	6%+1.00	9⅓%+.25	a	2%
C	8.75	6%+1.00	9⅓%+.25	a	2%
D	15.45	6%+1.00	9⅓%+.25	a	2%
E	12.20	6%+1.00	9⅓%+.25	a	2%
F	15.20	6%+1.00	9⅓%+.25	a	2%
G	12.95	6%+1.00	9⅓%+.25	a	

POWER EQUIPMENT OPERATORS - HEAVY AND HIGHWAY

GROUP I

Auger, auto grader, backhoe Oliver 88, Pordson, dynahoe, dual purpose and similar machines, barber green loader-euclid loader or similar type, central mix plant operator, cherry picker (cableway), compactor with blade, concrete portable hoist, C.M.I. or similar Conway or similar mucking machines, crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, LeTourneau or Tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsometer, push button (buzz box) elevator, road mix machines, Ross carrier and similar machines, shovel (tunnels), side boom, spreader (Asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" Frame

DECISION NO. NY78-3077

POWER EQUIPMENT OPERATORS - HEAVY AND HIGHWAY (CONT'D)

GROUP II
Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 and over, maintenance engineer, mechanic (outside) all types, welder, scrapers 20 yards struck and under, shop foreman, vibratory roller, etc., roller 4 ton and over

GROUP III
Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor plant, concrete pump, conveyor belt machine-irrespective of motor size, firemen, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1½ yds. and under, locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete-21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, well drilling machine, well point system

GROUP IV
Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, curb cutter machine, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, mulching grass spreader, roller under 4 ton, shop mechanic (not employed on job site), spreading & fine grading machine, steel cutting machine, sweeper, syphon pump-air-steam, tar joint machine, Turbo jet burner or similar equipment, fine grading machine

GROUP V
Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck)

GROUP VI
Hoist engineer-steel, sub-struct., engineer-pile driver

GROUP VII
Welder-certified crawlers or truck: 100 ft. but less than 149 ft. $2.00 per hour additional crawlers or truck: 149 ft. and over $3.00 per hour additional loader operators: Over 5 cu. yd. capacity $.50 per hour additional shovel operators: Over 4 cu. yd. capacity $1.00 per hour additional

DECISION NO. NY78-3077

POWER EQUIPMENT OPERATORS - HEAVY AND HIGHWAY (CONT'D)

GROUP VIII
Stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4" roller motorized (walk behind, welder's helper

GROUP IX
Compressor (steel erection)

GROUP X
Compressor, lighting unit (portable and generator), welding machine (steel erection excavation)

GROUP XI
Compressor to 125 cu. ft., dust collector, mixer-concrete under 21E, heater-all types, pump 4" and over, pump station (water and sewer), pump-gypsum, etc., pump-plasterer, steam jenny syphon pump-air-steam, tar-joint machine, vibrator (1 to 5)

GROUP XII
A. Jersey spreader, pavement breaker (air ram), post hole digger
B. Safety man 60 ton crane & over, helicopter signalman
C. Oiler asphalt paver, utility man
D. Helicopter pilot
E. Helicopter hoist operator
F. Engineer, tower crane, 3900 monitowac or over or similar (rail, truck, or crawler mounted
G. Master mechanic

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; November Election Day and Veteran's Day.

DECISION NO. NY78-3077

TRUCK DRIVERS: HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	9.86	1.10	.85	a+b	
GROUP II	9.98	1.10	.85	a+b	
GROUP III	10.11	1.10	.85	a+b	
GROUP IV	10.23	1.10	.85	a+b	
GROUP V	10.86	1.10	.85	a+b	
GROUP VI	10.61	1.10	.85	a+b	
GROUP VII	10.31	1.10	.85	a+b	
GROUP VIII	9.81	1.10	.85	a+b	
GROUP IX	10.06	1.10	.85	a+b	
GROUP X	9.61	1.10	.85	a+b	
GROUP XI	11.36	1.10	.85	a+b	
GROUP XII	11.73	1.10	.85	a+b	

TRUCK DRIVERS - HEAVY CONSTRUCTION

GROUP I
Straight jobs, A-Frame (inside cab), winch (inside cab), tow, dynamite, seeding, mulching, agitator, water, post hole diggers, mortar mixing, suburbans, oil distributors, pick-up, hopper men & crusher op., concrete mixer, lift (in garage, yards and on job site)

GROUP II
Tractor trailers (all types), 3 axle trucks (physically load and unload), mixer men, high pressure boiler in asphalt and batch plants

GROUP III
Tractor trailers (carrying equipment), weighmasters

DECISON NO. NY78-3077

TRUCK DRIVERS - HEAVY CONSTRUCTION (CONT'D)

GROUP IV	Euclid
GROUP V	Euclids, athey wagons, trailer wagons, belly dumps (All over 40 tons)
GROUP VI	Athey wagons, trailer wagons, belly dumps (Under 40 tons)
GROUP VII	Dual purpose grease & fuel trucks, fuel trucks, tire trucks
GROUP VIII	Welding trucks on pipelines
GROUP IX	Welders, Maintenance Men, Mechanics
GROUP X	Yardmen
GROUP XI	Darts (up to 100 tons)
GROUP XII	RXS

PAID HOLIDAYS:
A-New Year's Day; B-Memorial day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Election Day, Veteran's Day (provided employee works one day of the work week in which the holiday occurs).

b. One week vacation after 90 days of employment in calendar year, plus one additional day for each additional 18 days of employment, not exceeding 10 days in any one calendar year; two weeks after 130 days of employment in a calendar year, However, an employee with 5 years of seniority service shall receive 2 weeks' paid vacation provided he works 90 days in a calendar year; three weeks and one day after 16 years of seniority service - plus 1 additional day for each year up to 19 years of seniority service; four weeks after 20 years of seniority service.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Allegheny
DECISION NO.: PA78-3078 DATE: Date of Publication
Supersedes Decision No. PA75-3070, dated July 18, 1975, in 40 FR 30433.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$11.90	.75	1.60		
Carpenters	11.15	6%	8%	6%	.4%
Cement Masons	11.32	.68	1.81		
Drywall Taper/Finishers	7.40				
Electricians	12.10	.40	3% +.30	.60	.10
Laborers	5.61				
Painters	6.05				
Plasterers	6.42				
Plumbers	11.80	.92	1.26		.07
Roofers	7.21				
Sheet Metal Workers	9.32	.65	.85		.02
Soft Floor Layers	7.87				
Tile Setters	11.50	.60	1.40		
Truck Drivers	4.92				
Power Equipment Operators:					
Backhoe	11.975	.95	1.00		.09
Hi-Lift	11.975	.95	1.00		.09

SUPERSEDEAS DECISION

STATE: TENNESSEE COUNTIES: *SEE BELOW
DECISION NUMBER: TN78-1090 DATE: DATE OF PUBLICATION
Supersedes Decision No. TN77-1133, dated October 7, 1977, in 42 FR 54739.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION (does not include single family homes and garden type apartments up to and including 4 stories).

*COUNTIES: ALL OF KNOX & MONROE, AND THAT PORTION OF ANDERSON & ROANE WHICH COMPRISE THE OAK RIDGE ENERGY RESEARCH & DEVELOPMENT ADMINISTRATION SITE.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.50	.45	.70		.02
BOILERMAKERS	9.95	1.05	1.05		.02
BRICKLAYERS, STONE MASONS, MARBLE MASONS, TILE SETTERS, & TERRAZZO WORKERS	10.62				
CARPENTERS & SOFT FLOOR LAYERS	8.94		.50		.02
CEMENT MASONS	8.28				
ELECTRICIANS:					
Knox & Monroe Counties:					
Wiremen	9.71	.50	3% + .50		½ of 1%
Cable splicers	10.11	.50	3% + .50		½ of 1%
Anderson & Roane Counties:					
Wiremen	9.76	.50	3% + .40		
Cable splicers	10.26	.50	3% + .40		
ELEVATOR CONSTRUCTORS:					
Mechanics	8.805	.745	.56	6%+a+b	.025
Helpers	6.16	.745	.56	6%+a+b	.025
GLAZIERS	7.79	.10	.25	.13	
IRONWORKERS:					
Reinforcing	8.86	.50	.50		.02
Structural, Ornamental, & Fence Erectors	9.00	.50	.50		.02
LABORERS:					
Construction laborers	5.14	.15	.15		.01
Mortar mixers, plasterer tenders	5.29	.15	.15		.01
Hod carriers, power buggies, yearner, potman, grademen, snake men, form setters & strippers, pipelayers, asphalt rakers, jackhammer operators, air tool operators, vibrator operators, chain saw operators, barco tamp operators, & all power driven tool operators	5.29	.15	.15		.01
Acetlyene burner	5.32	.15	.15		.01
Wagon drill operator	5.44	.15	.15		.01
Concrete gun operator, nozzleman	5.84	.15	.15		.01
Powderman	5.64	.15	.15		.01

DECISION NO. TN78-1090

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$ 9.24		.20		.01
LINE CONSTRUCTION:					
Knox & Monroe Counties:					
Linemen & heavy equipment operators	9.71	.50	3% + .50		of 1%
Truck driver with winch	8.20	.50	3% + .50		of 1%
Truck driver without winch	7.76	.50	3% + .50		of 1%
Groundmen	7.86	.50	3% + .50		of 1%
Cable splicers	10.11	.50	3% + .50		of 1%
Anderson & Roane Counties:					
Linemen & Equipment operators	9.76	.50	3% + .40		of 1%
Groundmen	8.68	.50	3% + .40		of 1%
Cable splicers	10.26	.50	3% + .40		of 1%
MILLWRIGHTS	9.62		.50		.02
PAINTERS	8.70		.35		.03
PILEDRIVERMEN	9.19		.50		.02
PLASTERERS	9.45				
PLUMBERS & PIPEFITTERS:					
Knox County	9.95	.40	.70	.35	.05
Remaining Counties	10.25	.40	.70	.35	.05
ROOFERS - Composition, slate & tile	8.18		.25		
SHEET METAL WORKERS:					
Knox County	10.23	.61	.77		.04
Remaining Counties	10.73	.61	.77		.04
SPRINKLER FITTERS	10.80	.75	1.05		.08
TRUCK DRIVERS:					
Trucks up to 3 tons, including 4-yard dump trucks (struck measure), & pick-up trucks	5.10	.25	.35		
Material checkers & batch plant scale operators	5.16	.25	.35		
Trucks 3 to 5 tons, including 6-yard dump trucks (struck measure)	5.34	.25	.35		
Trucks 5 tons & over, dump trucks over 6-yards (struck measure), ready-mix concrete trucks, tank trucks, floats, low-boys, winch trucks, semi-trailers, any truck pulling or towing equipment	5.45	.25	.35		

DECISION NO. TN78-1090

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$ 8.71	.35	.35		.05
GROUP B	8.09	.35	.35		.05
GROUP C	6.75	.35	.35		.05
GROUP D	6.19	.35	.35		.05

GROUP A: Backhoes; cableways; ross carrier; clamshells; cranes; derricks; draglines; turnapulls; pans; scrapers; scoops; head tower machines; end-loaders; locomotives (over 20 tons); shovels; dozers; fork-lifts (over 8' lift); core drills; foundation drills; graders; mechanics; welders; winch truck with A-Frame; skimmer scoops; locomotive cranes; overhead cranes; skid rigs; piledrivers; side boom tractors; euclid loaders; derrick boat; dredge boats; hoist (any size handling steel or stone); engines used in connection with hoists material; mucking-machines; cherrypickers; tower cranes; skylift; gradall.

GROUP B: Tractors; farm type tractors (with attachments); central compressor plants; elevators (used for hoisting building materials); central mixing plants; hoist; (not handling steel or stone); pump-crete machine; concrete pumps; backfillers (other than cranes); tracmobile; crushing plant; elevating graders; earth augers; forklifts; (8' lift or under); paving machines (Blacktop/concrete); boat operator or engineer (30 tons or over); blacktop rollers; switchman; locomotive (under 20 tons); maintainers.

GROUP C: Asphalt plant; barber-green type loader; engine tender (other than steam) mixers (over 2 bags, not to include central plants); pumps (not more than 3); scrifiers; spreader box (bituminous); asphalt mixers; portable compressors (not more than 3); roller; sub-grader machine; tractors (farm type without attachments); cable head tower engineman; dredge booster pump; boat operator or engineers (under 30 tons); finishing machine; fireman & oiler (Combination); motor crane oiler & driver; welding machines (not more than 3); heaters (stationary or portable, not more than 5); compressors (portable, not more than 3); greaser or fuel truck.

GROUP D: Air compressor (1 portable); fireman; portable crushers; welding machine (1); conveyors; pump (1); oiler; heater (1).

WELDERS - Rate for craft.

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 4% of the basic hourly rate of employees with 5 years or more service, or 2% of the basic hourly rate of employees with 6 months to 5 years service as Vacation Pay Credit.

SUPERSEDEAS DECISION

STATE: TENNESSEE COUNTY: SHELBY
DECISION NUMBER: TN78-1091 DATE: DATE OF PUBLICATION
Supersedes Decision No. TN78-1048, dated May 19, 1978, in 43 FR 21827.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION (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	$11.50	.55	.75		.05
BOILERMAKERS	9.95	1.05	1.05		.02
BRICKLAYERS & STONE MASONS	10.90	.50	.30		.10
CARPENTERS, PILEDRIVERMEN, & SOFT FLOOR LAYERS	9.80	.60	.50		.065
CEMENT MASONS	9.725	.50	.65		.15
ELECTRICIANS:					
Wiremen & Electronic technicians	10.93	.75	3% + .50		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	10.07	.745	.56	4%+a+b	.025
Helpers	7.05	.745	.56	4%+a+b	.025
GLAZIERS	9.00	.75	.40		
IRONWORKERS	9.60	.65	.70		.125
LATHERS	9.30	.25			
LINE CONSTRUCTION:					
Linemen	10.93	.75	3% + .50		½ of 1%
Cable splicers	11.03	.75	3% + .50		½ of 1%
Special equipment operators	8.20	.75	3% + .50		½ of 1%
Groundmen	5.465	.75	3% + .50		½ of 1%
MARBLE MASONS, TERRAZZO WORKERS, TILE SETTERS	8.91	.53	.36		.05
MILLWRIGHTS	10.25	.65	.40		.12
PAINTERS:					
Commercial	9.40	.50	.45		.075
Industrial, spray, & sandblast	9.65	.50	.45		.075
PIPEFITTERS & AIR CONDITIONING MECHANICS	12.47	.55	.30		
PLASTERERS	10.25				.01
PLUMBERS	11.52	.75	.30		
ROOFERS	9.70		.25		.03
SHEET METAL WORKERS	11.32	3% + .65	.25	.55	.04
SPRINKLER FITTERS	10.80	.75	1.05		.08
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION No. TN78-1091

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$ 6.975	.30	.35		.05
GROUP B	7.075	.30	.35		.05
GROUP C	7.125	.30	.35		.05
GROUP D	7.325	.30	.35		.05
GROUP E	7.525	.30	.35		.05
GROUP F	7.65	.35	.35		.05

GROUP A: General and common laborers, concrete laborers, track laborer walkers, cement finisher helper, plumbers helpers, carpenters tenders, asphalt rakers, tampers, form strippers, roofing helpers.

GROUP B: Well driller helpers, storm and sanitary pipe layers, mat weavers, motor buggie operators.

GROUP C: Chain saw operator, jackhammer, vibrator and electric hammer and all air tool and pneumatic tools.

GROUP D: Deep hole men

GROUP E: Powderman, tool room attendant, torchman on demolition and salvage, sand hog (free air).

GROUP F: Hod carriers, mason tenders and plasterers tenders.

DECISION No. TN78-1091

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$ 9.725	.50	.50		.10
CLASS B	9.295	.50	.50		.10
CLASS C	8.595	.50	.50		.10
CLASS D	8.195	.50	.50		.10

CLASS A - Shovels, backhoes, draglines, cranes, gantrys, gradall, winch with boom, motor patrol, trenching machine (18" & over), pile driver, tug boat operator, mechanics (heavy), central mixing plant, locomotive engineer, strattle carriers, core drills (over 3"), tower cranes, hydro cranes, austin western and similar type cranes, drilling of piling, tugger, earth freezing equipment, 3 drum hoist, side boom, dredge operator (engineer), hopto, pump crete, mucking machines, cableways, central compressor plant, derrick boat, concrete pump, welders (men from the craft), helicopter operator, well point system, sweeper, bulldozers, pans, scrapers, fork lift, & front end loader.

CLASS B - Trenching machines (18" and smaller), tandem rollers, pavers, mobile mixers (rubber tired, mobile, mixed on job), back filler, blade graders, dinkey operator over 10 tons, elevating graders, winches (operated from trucks or tractors, without booms and powered by other than the truck), distributors, bituminous surfaces, 1 and 2 drum hoist, grout pumps, motor boat, switchman, earth compactors (motorized - Buffalo-Springfield type).

CLASS C - Locomotive fireman (on boilers 100 h.p. and over), air compressor (stationary), earth drills, scale operators, tractors (40 h.p. and less), motor crane driver and oiler, pumps (larger than 4"), dinkey operators (10 tons and less), oilers on gantrys, & greasers.

CLASS D - Air compressor operator, mechanic helper, locomotive fireman, welding machine operator, deck hand, & elevator operators

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 4% of the basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Lubbock
DECISION NO.: TX78-4114 DATE: Date of Publication
Supersedes Decision No. TX78-4041, dated April 14, 1978, in 43 FR 16133.
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	9.82		.30		.03
CARPENTERS	9.20	.48	.50		.01
CEMENT MASONS	7.80				
ELECTRICIANS:					
Electricians	10.35	.60	3%		1/10%
Cable splicers	10.60	.60	3%		1/10%
IRONWORKERS:					
Structural; Ornamental; Reinforcing	9.13	.55	1.00		.10
All ironworkers on jobs 30 miles or more from the city of Lubbock	9.255	.55	1.00		.10
LABORERS:					
GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading & unloading materials, wrecking buildings & all structures & all construction laborers except those named below	5.525	.275	.27		
GROUP 2 - Air tool op. (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete & clay & all non-metallic pipe); handling, laying & cleaning purpcrete pipe	5.80	.275	.27		
GROUP 3 - Mortar mixers, mason tenders, plasterer tenders, cement finisher tender, lather tenders	5.725	.275	.27		
GROUP 4 - Wagon drill	5.875	.275	.27		
GROUP 5 - Blasters & powder men	6.125	.275	.27		
LATHERS	6.75	.20			.01
LINE CONSTRUCTION:					
Linemen	10.35	.60	3%		1/10%
Operators	80%JR	.60	3%		1/10%
Groundmen (more than 1 year experience)	55%JR	.60	3%		1/10%
Groundmen (less than 1 year experience)	50%JR	.60	3%		1/10%
Flat bed truck operator	70%JR	.60	3%		1/10%
PAINTERS:					
Brush	8.24				
Spray; Sandblasters	8.99				
PLASTERERS	7.00				
PLUMBERS & STEAMFITTERS	9.95	.50	.45		.04
ROOFERS	3.50				
SHEET METAL WORKERS	10.54	.50	.55		.11
TRUCK DRIVERS	3.00				

DECISION NO. TX78-4114

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 7.20	.30	.50		.10
GROUP 2	8.10	.30	.50		.10
GROUP 3	8.50	.30	.50		.10

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and power on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and power on rear); All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Backhoe; Drilling Machines (all types); Scoopmobiles; Hoist, two drums or more; Fork Lifts (over 25 feet); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixer, 14 cubic feet or over; Blade Graders, self-propelled; Cableways; Cranes-power operated (to 100 ft. of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Non-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractorvators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: Statewide
DECISION NUMBER: WI78-2104 DATE: Date of Publication
Supersedes Decision Number WI77-2102 dated July 5,1978 in 42 FR 36781
DESCRIPTION OF WORK: Highway and Airport Runway and Taxiway Construction (does not include bridges over navigable waters; tunnels; buildings in highway rest areas; and railroad construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS and STONEMASONS:					
Zone 1 - Barron, Buffalo, Burnett, Chippewa, Dunn, Eau Claire, Pepin, Pierce, Polk, Rusk, St. Croix and Sawyer Counties	$ 9.75	.65	.25		.04
Zone 2 - Brown, Calumet, Door, Florence, Fond Du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Oconto Outagamie, Shawano, Waupaca, Washara, and Winnebago Counties	9.40	.65	.40	.55	
Zone 3 - Green, Lafayette and Rock Counties	10.13	.65	.30	.25	
Zone 4 - Crawford, Jackson, Juneau, La Crosse, Vernon, Trempealeau and Monroe Cos.	9.70	.40	.25		
Zone 5 - Walworth County	11.25	.60	.60	.50	
Zone 6 - Dane, Grant, Iowa and Richland Counties	9.29	.65	.69	.50	
Zone 7 - Milwaukee, Ozaukee, Washington and Waukesha Cos.	10.61	1.07	.90	.56	
Zone 8 - Columbia and Sauk Cos.	10.10	.65	.30		
Zone 9 - Kenosha and Racine Cos.	11.25	.60	.60	.50	
Zone 10 - Sheboygan County	9.40	.65	.40	.55	
Zone 11 - Ashland, Bayfield, Douglas and Iron Counties	10.51	.75	.45		
Zone 12 - Dodge and Jefferson Counties	9.85	.55	.25	.40	
Zone 13 - Adams, Clark, Forest, Langlade, Lincoln, Marathon, Menominee, Oneida, Portage, Price, Taylor, Vilas and Wood Counties	10.05	.65	.30		
CARPENTERS and PILEDRIVERMEN:					
Zone 1 - Ashland County					
Carpenters	9.44	.50	.35	.15	
Piledrivermen	9.64	.50	.35	.15	

DECISION NO. WI78-2104

CARPENTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Zone 2 - Barron, Burnett, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk Rusk, St. Croix, Sawyer, and Taylor Counties					
Carpenters	$10.22	.50	.60		.05
Piledrivermen	10.62	.50	.60		.05
Zone 3 - Brown, Calumet, Door Fond Du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Waupaca & Waushara & Winnbago Cos.					
Carpenters	9.92	.50	.60		.05
Piledrivermen	10.32	.50	.60		.05
Zone 4 - Green, Jefferson & Rock Counties					
Carpenters	10.90	.50	.60		.10
Piledrivermen	11.05	.50	.60		.10
Zone 5 - Kenosha County					
Carpenters	11.00	.40	.85		.05
Piledrivermen	11.08	.40	.85		.05
Zone 6 - Jackson, La Crosse, Monroe, Trempealeau & Vernon Counties					
Carpenters	9.92	.50	.60		.05
Piledrivermen	10.32	.50	.60		.05
Zone 7 - Adams, Columbia, Crawford, Dane, Dodge, Grant, Iowa, Juneau, La Fayette, Richland & Sauk Counties					
Carpenters	10.27	.50	.60		.05
Piledrivermen	10.67	.50	.60		.05
Zone 8 - Florence & Iron Cos.					
Carpenters	10.69	.60	.70		.05
Piledrivermen	10.69	.60	.70		.05
Zone 9 - Milwaukee, Ozaukee, Washington & Waukesha Cos.					
Carpenters	10.37	.80	.80	.51	
Piledrivermen	10.91	.80	.80	.51	
Zone 10 - Racine County					
Carpenters	10.80	.60	.85		.05
Piledrivermen	10.88	.60	.85		.05

DECISION NO. WI78-2104

CARPENTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Zone 11 - Sheboygan County					
Carpenters	$10.20	.75	.30		
Piledrivermen	11.24	.75	.30		
Zone 12 - Bayfield & Douglas Counties					
Carpenters	9.45	.30	.40	.50	
Piledrivermen	9.45	.30	.40	.50	
Zone 13 - Walworth County					
Carpenters	10.90	.50	.60		.10
Piledrivermen	11.05	.50	.60		.10
Zone 14 - Forest, Langlade, Lincoln, Marathon, Oneida Portage, Price, Vilas, & Wood Counties					
Carpenters	9.82	.50	.60		.05
Piledrivermen	10.32	.50	.60		.05
CEMENT MASONS:					
Zone 1 - Ashland, Bayfield, Douglas & Iron Counties	10.51	.75	.45		
Zone 2 - Barron, Burnett, Chippewa, Dunn, Polk, Rusk, St. Croix, Sawyer & Washburn Counties	9.75	.65	.25		.04
Zone 3 - Adams, Clark, Forest, Langlade, Lincoln, Marathon, Menominee, Oneida, Protage, Price, Taylor, Vilas & Wood Counties	9.55	.65	.30		
Zone 4 - Buffalo, Eau Claire, Pepin & Pirece Counties	9.75	.65	.25		
Zone 5 - Brown, Calumet, Door, Florence, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Oconto, Outagamie, Shawano, & Waupaca Counties	9.45	.65	.40		
Zone 6 - Crawford, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau and Vernon Counties	9.18	.45	.25		
Zone 7 - Waushara, Winnebago, Sheboygan and Fond Du Lac Counties	9.45	.65	.40		

DECISION NO. WI78-2104

CEMENT MASONS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 8 - Dodge & Jefferson Cos.	$ 9.35	.55	.25	.55	
Zone 9 - Columbia & Sauk Cos.	9.85	.65	.40		
Zone 10 - Milwaukee, Ozaukee, Washington & Waukesha Cos.	9.83	1.00	.50	.57	
Zone 11 - Dane, Green, Iowa, Lafayette & Rock Counties	9.50	.65	.65		
Zone 12 - Grant County	9.93				
Zone 13 - Walworth County	9.96	.60	.60	.50	
Zone 14 - Racine & Kenosha Cos.	10.09	.60	.85	.50	
ELECTRICIANS:					
Zone 1 - Calumet, Outagamie, Waupaca, Waushara & Winnebago Counties	11.83	.60	3%		
Zone 2 - Barron, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk Price, Rusk & St. Croix, & Taylor Counties	11.62	5%	3%		
Zone 3 - Brown, Door, Kewaunee, & Shawano Counties	10.93	.60	3%		1/8%
Zone 4 - Florence & Forest Cos.	11.74	.50	3%		.5%
Zone 5 - Kenosha County	12.07	.51	3%	.25	3/4%
Zone 6 - Crawford, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau & Vernon Counties	11.25	.55	3%		
Zone 7 - Walworth County	11.35	.50	3%	7%	½%
Zone 8 - Columbia, Dane, Dodge, Green Lake, Iowa, Marquette, & Sauk Counties	11.13	.74	3%	8%	
Zone 9 - Sheboygan County	9.83	.92	3%+.35	10%	½%
Zone 10 - Ashland, Bayfield, Burnett, Douglas, Iron, Sawyer & Washburn Cos.	10.80	4%	3%	11%	3%

DECISION NO. WI78-2104

ELECTRICIANS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 11 - Adams, Langlade, Lincoln, Marathon, Menominee, Oneida, Portage, Vilas & Wood Cos.	$10.20	.45	3%	8%	1/8%
Zone 12 - Found Du Lac County	9.83	.92	3%+.35	10%	½%
Zone 13 - Green, Jefferson, Lafayette & Rock Counties	11.35	.50	3%	7%	½%
Zone 14 - Milwaukee, Ozaukee, Washington & Waukesha Cos.	11.13	.92	3%+.35	10%	½%
Zone 15 - Racine Co.	12.27	.55	3%		
Zone 16 - Manitowoc, Marinette & Oconto Counties	10.93	.60	3%		1/8%
IRONWORKERS:					
Zone 1 - Barron, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk St. Croix & Trempealeau Counties	10.85	.75	.60		.02
Zone 2 - Ashland, Bayfield, Burnett, Douglas, Forest, Iron, Lincoln, Oneida, Price, Rusk, Sawyer, Taylor, Vilas & Washburn Counties	11.10	.40	.60	.10	
Zone 3 - Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, LaCrosse, Lafayette, Langlade, Marquette, Marathon, Menominee, Monroe, Portage, Richland, Sauk, Shawano, Waupaca, Vernon, Waushara, & Wood Counties	11.52	.65	.375		.055
Zone 4 - Brown, Calumet, Door, Florence, Fond Du Lac, Kenosha, Kewaunee, Manitowoc, Marinette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Sheboygan, Walworth, Washington & Waukesha & Winnebago Cos.	10.66	1.10	.80	1.15	.15
Zone 5 - Rock County	12.50	.65	.375		.10

DECISION NO. WI78-2104

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen	$ 9.97	.45	7%		
Heavy Equipment Operator	8.97	.45	7%		
Light Equipment Operator	7.98	.45	7%		
Truck Drivers & Heavy Groundman	6.98	.45	7%		
Truck Drivers & Light Groundman	6.48	.45	7%		
Groundman	5.48	.45	7%		
PAINTERS:					
Zone 1 - Forest, Langlade, Lincoln, Marathon, Menominee, Oneida, Price & Taylor Cos.					
Brush	9.50				
Spray	10.00				
Zone 2 - Barron, Buffalo, Burnett, Chippewa, Dunn, Eau Claire, Pepin, Pierce, Polk, Rusk, St. Croix, Sawyer, Trempealeau, & Washburn Cos.					
Brush	9.05				
Spray	9.30				
Steel	9.30				
Zone 3 - Brown, Door, Kewaunee, & Oconto Counties					
Brush	9.88	.80			
Spray	9.88	.80			
Zone 4 - Florence County					
Brush	8.00			.75	
Spray	8.75			.75	
Zone 5 - Kenosha & Walworth Cos.					
Brush	9.775	.50	.60		
Spray	10.025	.50	.60		
Zone 6 - Adams, Clark, Crawford, Jackson, Juneau, La Crosse, Monroe, Portage, Vernon & Wood Counties					
Brush	8.70		.45		
Spray	9.12		.45		
Zone 7 - Columbiana, Dane, Dodge, Grant, Green, Iowa, Lafayette Richland, Rock & Sauk Cos.					
Brush	9.79	.70	.30	.30	
Spray	10.04	.70	.30	.30	

DECISION NO. WI78-2104

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Zone 8 - Calumet & Manitowoc Counties					
Brush	$ 9.10				
Spray	9.10				
Zone 9 - Marinette County					
Brush	5.45				
Spray	6.10				
Zone 10 - Jefferson, Milwaukee, Ozaukee, Washington & Waukesha Counties					
Brush	10.55	.96	.80	.50	
Spray & Steel	10.55	.96	.80	.50	
Zone 11 - Fond Du Lac, Green Lake, Marquette, Outagamie, Shawano, Waushara, Waupaca, & Winnebago Counties					
Brush & Steel	9.45	.70	.10		
Spray	9.45	.70	.10		
Zone 12 - Racine County					
Brush	9.90	.60	.80		
Spray	10.50	.60	.80		
Zone 13 - Sheboygan County					
Brush, Steel & Spray	7.25	.50	.30	.30	
Zone 15 - Ashland, Bayfield, Douglas, Iron & Vilas Counties					
Brush & Steel	10.68	.40	.40		.09
Spray	10.68	.40	.40		.09
LABORERS:					
Zone 1 - Milwaukee, Ozaukee, Washington and Waukesha Counties					
Group 1	8.61	.85	.90	.25	.02
Group 2	8.71	.85	.90	.25	.02
Group 3	8.76	.85	.90	.25	.02
Group 4	8.81	.85	.90	.25	.02
Group 5	8.86	.85	.90	.25	.02
Group 6	8.91	.85	.90	.25	.02
Group 7	9.26	.85	.90	.25	.02

DECISION NO. WI78-2104

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Zone 2 - Racine County					
Group 1	$ 8.16	.60	.85	.50	.02
Group 2	8.26	.60	.85	.50	.02
Group 3	8.31	.60	.85	.50	.02
Group 4	8.36	.60	.85	.50	.02
Group 5	8.41	.60	.85	.50	.02
Group 6	8.46	.60	.85	.50	.02
Group 7	8.81	.60	.85	.50	.02
Zone 3 - Kenosha County					
Group 1	8.16	.60	.70	.50	.02
Group 2	8.26	.60	.70	.50	.02
Group 3	8.31	.60	.70	.50	.02
Group 4	8.36	.60	.70	.50	.02
Group 5	8.41	.60	.70	.50	.02
Group 6	8.46	.60	.70	.50	.02
Group 7	8.81	.60	.70	.50	.02
Zone 4 - Dane County					
Group 1	8.51	.45	.40		.02
Group 2	8.56	.45	.40		.02
Group 3	8.61	.45	.40		.02
Group 4	8.66	.45	.40		.02
Group 5	8.71	.45	.40		.02
Zone 5 - Remainder of State					
Group 1	8.23	.45	.40		.02
Group 2	8.28	.45	.40		.02
Group 3	8.33	.45	.40		.02
Group 4	8.38	.45	.40		.02
Group 5	8.43	.45	.40		.02

DECISION NO. WI78-2104

LABORERS: (Cont'd)

Classifications for Zones 1, 2 and 3 RESPECTIVELY

Group 1: Bituminous workers (shoveler, loader, utility man), Demolition and wrecking laborer, Guard rail builder, Reinforcing steel setter (pavement), Stone handler, Tree trimmer, Landscaper, Multiplate culvert sssembler, Conduit layer, Unskilled laborer

Group 2: Bituminous worker (dumper, ironer, smoother, tamper), Batch truck dumper, Cement handler, Concrete handler

Group 3: Chain Saw Operator, demolition burning torch laborer, Joint sawyer and filler (pavement), Vibrator or tamper operator (mechanical, hand operated)

Group 4: Air tool operator (hand operated)

Group 5: Form setter (curb, walk & pavement), Strike offman

Group 6: Bituminous Worker (raker and luteman)

Group 7: Powderman, blaster

LABORERS (Cont'd)

Classifications for ZONES 4 and 5 RESPECTIVELY

Group 1: Bituminous Workers (dumper, ironer, smoother, tamper, shoveler, loader, utility man), Strike off man, Joint sawer or filler (pavement), Concrete handler, demolition & wrecking laborer, Guard rail builder, Reinforcing steel setter (pavement); Stone handler, Landscaper, Multiplate culvert assembler, Conduit layer, Unskilled labor

Group 2: Form setter (curb, walk, & pavement), Tree trimmer

Group 3: Air tool operator, vibrator or tamper operator, Batch truck dumper, Cement handler

Group 4: Bituminous worker (raker, luteman), Chain saw operator, Demolition burning torch laborer

Group 5: Powderman, blaster

DECISION NO. WI78-2104

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$10.92	.85	.65		.10
Group 2	10.66	.85	.65		.10
Group 3	10.57	.85	.65		.10
Group 4	10.49	.85	.65		.10
Group 5	10.41	.85	.65		.10
Group 6	10.37	.85	.65		.10
Group 7	10.28	.85	.65		.10
Group 8	10.16	.85	.65		.10
TRUCK DRIVERS					
Zone 1 - Milwaukee, Ozaukee, Washington & Waukesha Counties					
Group 1	8.80	$30.50a	$31.00a	.35	
Group 2	8.95	30.50a	31.00a	.35	
Zone 2 - Kenosha & Racine Cos.					
Group 1	8.80	136.04b	31.00a	.35	
Group 2	8.95	136.04b	31.00a	.35	
Zone 3 - Remainder of State					
Group 1	8.80	132.16b	31.00a	.35	
Group 2	8.95	132.16b	31.00a	.35	

FOOTNOTE:

a. Per week peremployee on payroll 30 days or longer

b. Per month per employee on payroll 30 days or longer.

DECISION NO. WI78-2104

POWER EQUIPMENT OPERATORS

CLASSIFICATIONS:

Group 1: Bituminous paver or plant, Concrete breaker (truck mounted heavy), Crane, Derrick, dragline, Dredge, Piledriver, Power shovel, Material hoist, Mixer or paver 21 cu. ft. or over, Roller over 5 ton, Self-propelled stabilizing mixer, Trenching machine, Tractor (side boom, heavy), Concrete pavement spreader (heavy duty) Rubber tires, Hydraulic back hoe, Asphalt Plane engineer; Automatic slip form concrete paver, Automatic concrete subgrader, Batch mixer, portable, Caisson rigs, Central Mixer concrete, Dredge engineer, Concrete batch plantengineer, Central mix plant concrete, Percussion or rotary drill machine, Grader or motor patrol, Loading machine (conveyor), Mechanic or welder (heavy duty equipment), Tractor (scraper, dozer, push, loader), Tugger, End Loader, Asphalt Heater and planer, Boatman, Bump cutter and grooving machine, Shoulder widener, Winches and "A" frames, Tube finisher

Group 2: Concrete mixer less than 21 cu. ft., Concrete pump, sTeel roller, 5 tons or less

Group 3: Screed (bituminous paver), Shoulderingmachine, Self-propelled chip spreader

Group 4: Concrete breaker and Tamper (light), Concrete spreader, Finishing machine, Mechanical float, Curing machine, Power subgrader, Joint sawer (multiple blade), Launch, Roller (pneumatic tired) Self-propelled tractor (mounted or towed compactors and light equipment), Light rubber tired tractor - end loader, fork-lift, Belting machine, Burlap machine, Jeep digger, Mulcher, Texturing machine

Group 5: Fireman, Evironmental burner

Group 6: Air compressor, Drilling or boring machine (mechanical heavy), Greaser (heavy equipemnt) Lead-man, Tank car heaters, Stump chipper, Curb machine, Concrete proportioning plant, Generators, Mud Jacks

Group 7: Crusher or screening plant, Automatic belt conveyor and surge bin, pneumatic tired roller farm tractor towed, Pug mill

Group 8: Oiler, Pump over 3" Surge bin, Drilling machine helper

TRUCK DRIVERS

Group 1: Truck drivers, 2 Axle - Mechanics helper, truck

Group 2: TRuck Driver, 3 or more axle trucks - euclid or Dumpster type hauling units - Mechanic, truck

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: Statewide
DECISION NUMBER: WI78-2108 DATE: Date of Publication
Supersedes Decision No. WI77-2126 dated August 26, 1977 in 43 FR 43364
DESCRIPTION OF WORK: Heavy, Sewer, Tunnel & Water Construction

BRICKLAYERS & STONEMASONS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - BARRON, BUFFALO, CHIPPEWA, DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK, ST. CROIX, & SAWYER COUNTIES, BURNETTE County South of Hwy. 70 including the City of Grantburgh the Northern ½ of TREMPEALEAU County, and the Southern ½ of WASHBURN County	$ 9.75	.65	.25		.04
ZONE 2 - BROWN, CALUMET, DOOR, FLORENCE, FOND DU LAC, GREEN LAKE, KEWAUNEE, MANITOWOC, MARINETTE, MARQUETTE, OCONTO, OUTAGAMIE, SHEBOYGAN, WAPAUCA, WASHARA, & WINNEBAGO Counties and all of SHAWANO County except the North West panhandle	9.40	.65	.40	.55	
ZONE 3 - GREEN, LAFAYETTE & ROCK Counties	10.13	.65	.30	.25	
ZONE 4 - CRAWFORD, JACKSON, JUNEAU, LA CROSSE & VERNON Counties and the remainder of TREMPEALEAU County	9.70	.40	.25		
ZONE 5 - WALWORTH County	11.25	.60	.60	.50	
ZONE 6 - DANE, GRANT, IOWA & RICHLAND COUNTIES	9.29	.65	.60	.50	
ZONE 7 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA COUNTIES	10.61	1.07	.90	.56	
ZONE 8 - COLUMBIA & SAUK Counties	10.10	.65	.30		
ZONE 9 - KENOSHA & RACINE Counties	11.25	.60	.60	.50	
ZONE 10 - ASHLAND, BAYFIELD, DOUGLAS & IRON Counties and the remainder of BURNETT & WASHBURN Counties	10.06	.45	.45		
ZONE 11 - DODGE & JEFFERSON COUNTIES	9.85	.55	.25	.40	
ZONE 12 - ADAMS, CLARK, FOREST, LANGLADE, LINCOLN, MARATHON, MENOMINEE, ONEIDA, PORTAGE, PRICE, TAYLOR, VILAS & WOOD Counties and the remainder of SHAWANO County	10.05	.65	.30		

DECISION NO. WI78-2108

CARPENTERS & PILEDRIVERMEN	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - ASHLAND & IRON Counties and the East ½ of BAYFIELD CO.					
Carpenters	$ 9.44	.50	.35	.15	
Piledrivermen	9.64	.50	.35	.15	
ZONE 2 - BARRON, BURNETT, CHIPPEWA DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK, SAWYER & WASHBURN Counties the North ½ of BUFFALO, JACKSON & TREMPEALEAU Counties, CLARK County, West of Hwy. 73 & TAYLOR Co. West of Hwy. 73 & North of Hwy. 64 to Hwy 13 to PRICE County line					
Carpenters	10.22	.50	.60		.05
Piledrivermen	10.62	.50	.60		.05
ZONE 3 - BROWN, CALUMET, DOOR, POND DU LAC, GREEN LAKE, KEWAUNEE, MANITOWOC, MARQUETTE, MENOMINEE, OCONTO, OUTGAMIE, SHAWANO, WAUPACA, & WAUSHARA Counties & the South ½ of MARINETTE County					
Carpenters	9.92	.50	.60		.05
Piledrivermen	10.32	.50	.60		.05
ZONE 4 - GREEN & ROCK Counties & JEFFERSON County South of Hwy 30					
Carpenters	10.90	.50	.60		.05
Piledrivermen	11.05	.50	.60		.05
ZONE 5 - KENOSHA County					
Carpenters	11.00	.40	.85		.05
Piledrivermen	11.08	.40	.85		.05
ZONE 6 - LA CROSSE, MONROE & VERNON Counties, the remainder of BUFFALO, JACKSON & TREMPEALEAU Counties & in JUNEAU County, West of County tract 80 & South of Hwy. 21					
Carpenters	9.92	.50	.60		.05
Piledrivermen	10.32	.50	.60		.05

DECISION NO. WI78-2108

CARPENTERS & PILEDRIVERMEN CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 7 - CRAWFORD, COLUMBIANA, DANE, DODGE, GRANT, IOWA, LAFAYETTE, RICHLAND & SAUK Counties and the remainder of ADAMS, JEFFERSON AND JUNEAU Counties					
Carpenters	$ 10.27	.50	.60		.05
Piledrivermen	10.67	.50	.60		.05
ZONE 8 - FLORENCE County & the remainder of MARINETTE County					
Carpenters	10.69	.60	.70		.01
Piledrivermen	10.69	.60	.70		.01
ZONE 9 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
Carpenters	10.37	.80	.80	.51	
Piledrivermen	10.91	.80	.80	.51	
ZONE 10 - RACINE County East of Highway 75					
Carpenters	10.80	.60	.85		.05
Piledrivermen	10.88	.60	.85		.05
ZONE 11 - SHEBOYGAN County					
Carpenters	10.20	.75	.30		
Piledrivermen	11.24	.75	.30		
ZONE 12 - DOUGLAS County & the West ½ of BAYFIELD County					
Carpenters	9.45	.30	.40	.50	
Piledrivermen	9.45	.30	.40	.50	
ZONE 13 - WALWORTH County and RACINE County West of Hwy. 75					
Carpenters	10.90	.50	.60		.10
Piledrivermen	11.05	.50	.60		.10
ZONE 14 - FOREST, LANGLADE, LINCOLN, MARATHON, ONEIDA, PORTAGE, PRICE, VILAS & WOOD Counties and the remainder of ADAMS, CLARK, JUNEAU & TAYLOR Counties					
Carpenters	9.92	.50	.60		.05
Piledrivermen	10.32	.50	.60		.05

DECISION NO. WI78-2108

CEMENT MASONS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 -ASHLAND, BAYFIELD, DOUGLAS & IRON Counties & the North ½ of BURNETTE & WASHBURN Counties	9.69	.75	.45		
ZONE 2 - BARRON, CHIPPEWA, DUNN, POLK, RUSH, ST. CROIX, & SAWYER Counties and the remainder of BURNETTE & WASHBURN Counties	9.75	.65	.25		.04
ZONE 3 - ADAMS, CLARK, FOREST, LANGLADE, LINCOLN, MARATHON, MENOMINEE, ONEIDA, PORTAGE, PRICE, TAYLOR, VILAS & WOOD Counties and the Northwest panhandle of SHAWANO County	9.55	.65	.30		
ZONE 4 - EAU CLAIRE, PEPIN & PIERCE Counties & the North ½ of BUFFALO, JACKSON & TREMPEALEAU Counties	10.23	.75	.40		.04
ZONE 5 - BROWN, CALUMET, DOOR, FLORENCE, FOND DU LAC, GREEN LAKE, KEWAUNEE, MANITOWOC, MARINETTE, MARQUETTE, OCONTO, OUTAGAMIE, SHEBOYGAN, WAUPACA, WAUSHARA & WINNEBAGO Counties and the remainder of SHAWANO County	9.45	.65	.40		.02
ZONE 6 - CRAWFORD, JUNEAU, LA CROSSE, MONROE, RICHLAND & VERNON Counties & the Remainder of BUFFALO, JACKSON & TREMPEALEAU Counties	9.18	.45	.25		
ZONE 7 - DODGE & JEFFERSON Cos.	10.20	.75	.40		
ZONE 8 - COLUMBIA & SAUK Counties	9.85	.65	.40		
ZONE 9 - MILWAUKEE, OZAUKEE, WASHINGTON & WASKESHA Counties	10.55	1.15	.90	.51	
ZONE 10 - DANE, GREEN, IOWA, LAYFAYETTE & ROCK Counties	10.00	.80	.75		
ZONE 11 - GRANT County	9.93				
ZONE 12 - WALWORTH County	9.96	.60	.60	.50	
ZONE 13 - KENOSHA & RACINE COS.	10.09	.60	.85	.50	

DECISION NO. WI78-2108

ELECTRICIANS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - OUTAGAMIE, WAUPACA, WASHARA & WINNEBAGO Counties; All of CALUMET County except the Township of New Halstein; Berlin St. Marie and Seneca Townships in GREEN LAKE County, and Crystal Lake, Neshkoro, Newton and Springfield Townships in MARQUETTE County	$11.83	.60	3%		
ZONE 2 - BARRON, CHIPPEWA, CLARK, DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK & TAYLOR Cos. in BUFFALO Co. that portion North of Glencoe, Milton & Waumandee Twps, In BURNETTE Co., that portion South of Lincoln, Meenon, Rusk, Sand Lake and West Marchland Twps., in JACKSON County that portion North of Adams, Allison & Springfield Twps., All of PIERCE County except Eisenstein, Tifield and Lake Twps, All ST. CROIX County except Hudson, St. Joseph, Somerset & Troy Twps., In SAWYER County the Twps. of Edgewater, Meadowrock, Metor & Weigor & South thereof, In TREMPEALEAU Co. the Twps of Burnside, Lincoln & Pigeon North thereof &; in WASHBURN CO. The Twps of Buck wood, Evergreen, Madge & Spooner & South thereof	11.62	5%	3%		
ZONE 3 - BROWN, DOOR AND KEWAUNEE Counties; in OCONTO County, that portion South of How, Leno, Mable Valley, Oconto & Spruce Twps.; & in Shawano County that portion South of Aniwa & Hutchins Twps. also Manitowoc County	11.73	.60	3%		½%

DECISION NO. WI78-2108

ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 4 - FLORENCE & FOREST Cos. and that portion of MARINETTE County North of Ambest Athelstane & Silver Cliff Twps.	$11.74	.50	3%		.5%
ZONE 5 - KENOSHA County	12.07	.51	3%	.25	3/4%
ZONE 6 - CRAWFORD, GRANT, JUNEAU, LA CROSSE, MONROE, RICHLAND & VERNON Cos. & the remainder of BUFFALO, JACKSON & TREMPEALEAU Counties	11.25	.55	3%		
ZONE 7 - WALWORTH County	11.35	.50	3%	7%	½%
ZONE 8 - COLUMBIA, DANE, DODGE, IOWA & SAUK Counties & the remainder of GREEN LAKE & MARQUETTE Counties	11.13	.74	3%	8%	½%
ZONE 9 - SHEBOYGAN County the remainder of CALUMET County and Schleswig Township in MANITOWOC County	9.83	.92	3%+.35	10%	½%
ZONE 10 - ASHLAND, BAYFIELD, DOUGLAS & IRON & the remainder of BURNETT, PRICE, SAWYER & WASHBURN COUNTIES	10.80	4%	3%	11%	3%
ZONE 11 - ADAMS, LANGLADE, LINCOLN, MARATHON, ONEIDA, PORTAGE & VILAS Cos.; the remainder of SHAWANO Co. & all of MENOMINEE West of a line six miles West of Oconto County line & WOOD CO.	10.20	.45	3%	8%	1/8%
ZONE 12 - FOND DU LAC County	9.83	.92	3%+.35	10%	½%
ZONE 13 - GREEN, JEFFERSON LA FAYETEE, & ROCK Counties	11.35	.50	3%	7%	½%
ZONE 14 - RACINE County	12.27	.55	3%		
ZONE 15 - MILWAUKEE, OZAUKEE, WASHINGTON & WASKESHA Cos.	11.13	.92	3%+.35	10%	½%
ZONE 16 - The remainder of MARINETTE, MENOMINEE & OCONTO Counties	11.73	.60	3%		½%

PAGE 7

DECISION NO. WI78-2108

IRONWORKERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
ZONE 1 - BARRON, BUFFALO, CHIPPEWA, DUNN, EAU CLAIR, PEPIN PIERCE, POLK, ST. CROIX & TREMPEALEAU Counties; the South-West ¼ of BURNETT, RUSK & TAYLOR Counties; & the N. W. ¼ of CLARK & JACKSON Counties	10.85	.75	.60		.02
ZONE 2 - ASHLAND, BAYFIELD, DOUGLAS, IRON, LINCOLN, ONEIDA, PRICE, SAWYER, VILAS, WASHBURN Counties; the remainder of BURNETT, RUSK & TAYLOR COUNTIES THE N. W. ¼ of FOREST COUNTIES AND THE N. W. 1/3 of FLORENCE County	11.10	.40	.60	.10	
ZONE 3 - ADAMS, COLUMBIA, CRAWFORD, DANE, GRANT, GREEN LAKE, IOWA, JUNEAU, LA CROSSE, LAFAYETTE, LANGLADE, MARATHON, MARQUETTE, MENOMINEE, MONROE, PORTAGE, RICHLAND, SAUK, VERNON, WAUPACA, WAUSHARA, WINNEBAGO, & WOODS Counties; the remainder of CLARK FOREST, & JACKSON Counties; the West 2/3 of DODGE & SHAWANO Counties the West ½ of FOND DU LAC Co. all of GREEN County except the South-East corner; all of JEFFERSON County except the extreme Eastern portion; the West 1/3 of OUTAGAMIE County; the Townships of Edgerton, Evansville, Milton & Polesville in ROCK County & the North-West dorner of WALWORTH County including the town of Whitewater	11.52	.65	.375		.055

PAGE 8

DECISION NO. WI78-2108

IRONWORKERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 4 - BROWN, CALUMET, DOOR, KENOSHA, KEWAUNEE, MANITOWOC, MARINETTE, MILWAUKEE, OZAUKEE, RACINE, SHEBOYGAN, WASHINGTON, & WAUKESHA Counties; the remainder of DODGE, FLORENCE, FOND DU LAC, JEFFERSON, OCONTO, OUTAGAMIE & SHAWANO Cos.; & the East ½ of WALWORTH	10.66	1.10	.80	1.15	.15
ZONE 5 - The remainder of GREEN, ROCK & WALWORTH Counties	12.60	.65	.375		.10
LINE CONSTRUCTION					
Lineman	9.97	.45	7%		
Heavy Equipment Operator	8.97	.45	7%		
Light Equipment Operator	7.98	.45	7%		
Truck Drivers & Heavy Groundman	6.98	.45	7%		
Light Groundman & Truck Driver	6.48	.45	7%		
Groundman	5.48	.45	7%		
PAINTERS:					
ZONE 1 - LANGLADE, LINCOLN, MENOMINEE, ONEIDA & PRICE COUNTIES The West 3/4 of FOREST County; In MARATHON Co. West of Hwy. 97 & South to Hwy. 153 & TAYLOR County North of Hwy. 64					
Brush	9.50				
Spray	10.00				
ZONE 2 - BARRON, BUFFALO, BURNETTE, CHIPPEWA, DUNN, EAU CLAIRE, PEPIN, PRICE, POLK, RUSK, ST. CROIX, SAWYER, TREMPEALEAU & WASHBURN Counties					
Brush	9.05				
Spray	9.30				
Steel	9.30				

DECISION NO. WI78-2108

PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 3 - BROWN, DOOR, KEWAUNEE, & OCONTO Counties					
Brush	9.88	.80			
Spray	9.88	.80			
ZONE 4 - FLORENCE Co. & the Northern ½ of MARINETTE Co.					
Brush	8.00				
Steel	8.75				
ZONE 5 - KENOSHA & WALWORTH CO.					
Brush	9.775	.50	.60		
Spray	10.025	.50	.60		
ZONE 6 - ADAMS, CLARK, CRAWFORD, JACKSON, JUNEAU, LA CROSSE, MONROE, PORTAGE, VERNON & WOOD Counties; & the remainder of MARATHON & TAYLOR COUNTIES					
Brush	8.70		.45		
Spray	9.12		.45		
ZONE 7 - COLUMBIA, DANE, DODGE, GRANT, GREEN, IOWA, LAFAYETTE RICHLAND, ROCK & SAUK Counties					
Brush	9.29	.70	.30	.30	
Spray	10.04	.70	.30	.30	
ZONE 8 - MANITOWOC County & the South ½ of Calumet County					
Brush	9.10				
Spray and Steel	9.10				
ZONE 9 - The remainder of MARINETTE & FOREST Counties					
Brush	5.45				
Spray	6.10				
ZONE 10 - JEFFERSON, MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
Brush	10.55	.[illegible]	.80	.50	
Steel and Spray	10.55	.[illegible]	.80	.50	

DECISION NO. WI78-2108

PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 11 - POND DU LAC, GREEN LAKE, MARQUETTE, OUTAGAMIE, SHAWANO, WAUSHARA, WAUPACA & WINNEBAGO Counties & the remainder of CALUMET COUNTY					
Brush & Steel	9.45	.70	.10		
Spray	9.95	.70	.10		
ZONE 12 - RACINE County					
Brush	9.35	.60	.80		
Spray	9.95	.60	.80		
ZONE 13 - SHEBOYGAN County					
Brush & Steel	7.25	.40	.30	.30	
Spray	7.75	.40	.30	.30	
ZONE 14 - ASHLAND, BAYFIELD, DOUGLAS, IRON & VILAS Counties					
Brush	10.68	.40	.40		.09
Spray & Steel	10.68	.40	.40		.09
LABORERS					
ZONE 1 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
OPEN CUT					
GROUP 1 - Yard & landscape laborer	9.65	1.05	.90	.51	
GROUP 2 - Paving laborer	9.70	1.05	.90	.51	
GROUP 3 - General laborer on surface, pipe layer tender, top man behind machine, kettle man, top man	9.82	1.05	.90	.51	
GROUP 4 - Gunnite man on top, scaffold man, mud mixer	9.87	1.05	.90	.51	
GROUP 5 - Mucker, form stripper, bottom digger miscellanious bottom man, welder on surface	10.04	1.05	.90	.51	
GROUP 6 - Concrete manhole builder, caisson worker, miner pipelayers, caulker, joint man, pipe yarner, timber man, concrete brusher, bracer in trench behind machine, bracer in tight sheeting, concrete formsetter, shoveler, concrete buster, jack hammer on rock driller	10.43	1.05	.90	.51	

DECISION NO. WI78-2108

LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 7 - Blaster	$10.59	1.05	.90	.51	
TUNNEL-FREE AIR					
GROUP 8 - Tower man, general laborer on surface	9.82	1.05	.90	.51	
GROUP 9 - Saw man, top man	9.87	1.05	.90	.51	
GROUP 10 - Form stripper, car pusher	10.04	1.05	.90	.51	
GROUP 11 - Mucker, mucking machine, dinkey, welder on surface	10.14	1.05	.90	.51	
GROUP 12 - Concrete manhole builder, concrete buster, jack hammer op., rock driller, caisson workers, caulker, joint man, pipe yarner, bracerman, on gunnite, timber man, concrete brusher	10.43	1.05	.90	.51	
GROUP 13 - Miner, mining machine welder in tunnel	10.53	1.05	.90	.51	
GROUP 14 - Blaster	10.59	1.05	.90	.51	
TUNNEL COMPRESSED AIR					
GROUP 15 - Welder on surface	10.81	1.05	.90	.51	
GROUP 16 - Lock tender on surface	10.45	1.05	.90	.51	
GROUP 17 -Form stripper, car pusher	10.54	1.05	.90	.51	
GROUP 18 - Mucker, mucking machine, dinkey	10.64	1.05	.90	.51	
GROUP 19 - Lock tender in tunnel concrete buster, jack hammer, rock driller, caisson worker, pipe layer, caulker, joint man, pipe yarner, braceman, nozzle man on gunnite, timber man, concrete brusher	10.81	1.05	.90	.51	
GROUP 20 - Miner, Mining machine welder in tunnel	10.91	1.05	.90	.51	
GROUP 21 - Blaster	10.98	1.05	.90	.51	

DECISION NO. WI78-2108

LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 2 - DANE COUNTY					
GROUP 1 - Laborer, wellpoint installation, wire mesh & reinforcement, concrete worker, form stripper, strike-off worker	$ 9.00	.40	.35		.02
GROUP 2 - Machine & equipment op. shoeing, formsetting, patch-finisher, bottomman, jointsmen, gunnite man, manhole builder, welder, torchman, blaster, caulker, bracer, bull float, conduit worker, all power driven tools, mucker, car pusher, raker, luteman	9.20	.40	.35		.02
GROUP 3 - Pilelayer, miner, laser operator	9.55	.40	.35		.02
ZONE 3 - KENOSHA COUNTY					
GROUP 1 - Topman	8.20	.50	.70	.70	
GROUP 2 - Bracer, builder, caulker, pipelayer, bottomman, air or electric tool operator	8.55	.50	.70	.70	
GROUP 3 - Blaster, cement manhole builder	8.90	.50	.70	.70	
ZONE 4 - RACINE COUNTY					
GROUP 1 - Topman	8.15	.60	.85	.50	
GROUP 2 - Bracer Builder, caulker, pipelayer, bottomman, air or electric tool operator	8.50	.60	.85	.50	
GROUP 3 - Blaster, cement manhole builder	8.85	.60	.85	.50	

SION NO. WI78-2108

RERS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
5 - Remainder of State					
P 1 - Laborers, wellpoint tallation wire mesh & rein-cement, concrete worker, form ipper, strike-off worker	$ 8.50	.40	.35		.02
P 2 - Machine & Equipment , sheeting, form setting, ch finsiher, bottomman, nt sawer, gunnite man, man-e builder, welder, torchman, ster, caulker, bracer, bull-at, conduit worker, all er driven tools, mucker, pusher raker, luteman	8.70	.40	.35		.02
P 3 - Pipelayer, miner, laser rator	9.05	.40	.35		.02

DECISION NO. WI78-2108

POWER EQUIPMENT OPERATORS
Heavy, Tunnel & Sewer Construction

Area 1 - Kenosha, Milwaukee, Ozaukee, Racine, Washington & Waukesha Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.90		.10
GROUP II	10.42	.75	.90		.10
GROUP III	10.12	.75	.90		.10
GROUP IV	10.02	.75	.90		.10
GROUP V	9.81	.75	.90		.10
GROUP VI	9.57	.75	.90		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, skid rigs, derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p.), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, tractor, Bulldozer, End-loader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type), Assistant engineer, "A" frame and winch trucks, concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, safety Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3" Augers (vertical and horizontal), combination small equipment operator, Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

ISION NO. WI78-2108

ER EQUIPMENT OPERATORS
ry, Tunnel & sewer
struction

a 2 - Remainder of
unties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
P I	10.67	.75	.70		.10
P II	10.42	.75	.70		.10
P III	10.12	.75	.70		.10
P IV	10.02	.75	.70		.10
P V	9.81	.75	.70		.10
P VI	9.57	.75	.70		.10

P I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, sson rigs, Pile driver, skid rigs, derrick operator and traveling ne (Bridge type), Concrete paver (over 27E), Concrete spreader and tributor

P II - Material hoists, Tractor or truck mounted hydraulic backhoe ctor or truck mounted hydraulic crane (5 tons or under), Manhoist, ctor (over 40 h.p.), Bulldozer (over h.p.), Endloader (over 40 h.p.), clift (25' and over), Motor patrol, Scraper operator, Sideboom, ddle carrier, Mechanic and welder, Bituminous plant and paver rator, Roller (over 5 tons), Rotary drill operator and blaster, cher (wheel type or chain type having over 8-inch bucket)

P III - Concrete and grout pumps, Backfiller, Concrete auto breaker ge), Concrete finishing machine (Road type), Roller (rubber tire), rete batch hopper, Concrete conveyor systems, Concrete mixers (14S wer), Screw type pumps, and gypsum pumps, tractor, Bulldozer, End- er (under 40 h.p.), Pumps (well points), Trencher (chain type having et 8-inch and under), Industrial locomotives, roller (under 5 tons) firemen (pile drivers and derricks)

IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors ng type), Assistant engineer, "A" frame and winch trucks, concrete breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), p chipper (large), Boats, safety Work, Barges and launch)

V - Shouldering machine operator, Screed operator, Farm or industrial tor mounted equipment, Post hole diggers, Stone crushers and Screening ts, Firemen (asphalt plants), air compressor (300 CFM or over)

VI - Generators over 15 KW, Pumps over 3" Augers (vertical and zontal), combination small equipment operator, Air, electric Hydraulic s (slip form), Compressors (under 300 CFM); Welding machines, Heaters hanical), Prestress machines, Bobcats, Generators (under 150 KW), stors (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' under)

SUPERSEDEAS DECISION

STATE: Wisconsin — COUNTIES: Ashland, Bayfield and Douglas

DECISION NUMBER: WI78-2110 — DATE: Date of Publication

Supersedes Decision No. WI77-2105 dated July 22 1977 in 42 FR 37766

DESCRIPTION OF WORK: Building (including residential) Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.65	.40	.25		
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS	10.51	.75	.45		
CARPENTERS: Ashland County	9.44	.50	.35	.15	
Bayfield & Douglas Cos	9.45	.30	.40	.50	
(Residential) Bayfield & Douglas Cos.	5.82	.50	.40		.05
(Residential) Ashland	5.92	.50	.30		.03
CEMENT MASONS: Douglas County	9.69	.75	.45		
Ashland & Bayfield Counties	9.69	.75	.45		
ELECTRICIANS	11.47	4%	5%	11%	1%
Residential	7.00	.35	3%		1%
ELEVATOR CONSTRUCTORS:					
Constructors	9.99	.545	.35	a&b	
Helpers	6.99	.545	.35	a&b	
Helpers (Prob.)	4.995				
IRONWORKERS	11.10	.40	.60	.10	.02
LATHERS	10.55	.30	.45		
LINE CONSTRUCTION:					
Linemen	9.97	.45	7%		
Heavy Equipment Operator	8.97	.45	7%		
Light Equipment Operator	7.98	.45	7%		
Heavy Groundman - Truck Driver	6.98	.45	7%		
Light Groundman - Truck Driver	6.48	.45	7%		
Groundman	5.48	.45	7%		
MILLWRIGHTS & PILEDRIVERMEN:					
Ashland County	9.64	.50	.35	.15	
Bayfield & Douglas Counties					
Millwrights	9.45	.30	.40	.50	
Piledrivermen	9.45	.30	.40	.50	
PAINTERS:					
Brush	10.08	.40	.40		.09
Spray	10.68	.40	.40		.09
PLASTERERS	10.20	.30		.45	
PLUMBERS	10.41	.30	.75	1.00	.05
ROOFERS	10.08	.40	.25	1.00	
SHEET METAL WORKERS	10.35	.40	.44	1.00	
SOFT FLOOR LAYERS	9.44	.50	.35	.15	
SPRINKLER FITTERS	12.10	.75	1.05		.08
TERRAZZO WORKERS	10.51	.75	.45		
TILE SETTERS	10.51	.75	.45		

Welders receive rate prescribed for craft performing operation to which welding is incidental.

DECISION NO. WI78-2110

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years

c. Holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, regularly scheduled work days immdiately preceding and following the holiday.

DECISION NO. WI78-2110 WISC. 18 - LAB G

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
GENERAL LABOR:					
Handling of material for carpenters, craftsmen, cleaning forms, rough, grading, digging shallow trenching, tool checkers, general labor around building & construction work	8.50	.30	.35		
CONCRETE WORK:					
Concrete, bituminous concrete aggregates for walls, footings foundations, floors, any other const. Mixing, handling, conveying, pouring, vibrating, gunniting, etc. Operating motorized wheelbarrows, buggies or machines of similar character, the hooking on, signaling dumpling & unhooking of bucket when concrete or aggregates are conveyed by crane, derrick or similar method. Placing of concrete or aggregates, Assembly, uncoupling cleaning, etc. of equipment used in mixing or conveying concrete, aggregates or mortar, all vibrating, grinding, spreading, flowing, puddling, leveling and strike-off of concrete or aggregates by floating, rodding or screening, Loading, unloading, etc., of prestressed or pre-cast concrete, slabs, wall, etc. Mixing, handling, conveying, placing & spreading of grout, cutting of concrete or aggregate	8.50	.30	.35		
Jackhammer, concrete busters, air spades, sheeting drivers, air hammers, jumping jack tamper	8.75	.30	.35		
Vibrators, mason tenders, tile & terrazzo helpers demolition & wrecking laborers, Lanscaping	8.50	.30	.35		

DECISION NO.WI78-2110

WISC. 18 LAB G

LABORERS: CONCRETE WORK: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Steel burners & steel form setters, mixing by hand for two or more bricklayers, hod carriers & plaster laborers	8.75	.30	.35		
Mixing by hand for one bricklayer, operator of power machinery used in cleaning brick roofing helper & Kettlemen, jack men on slip forms, underpinning, lagging, bracing, propping, shoring and all basement work etc.	8.50	.30	.35		
Miners, shafts, tunnels, underground sewers, drilling & blasting & compressed air work under ground or in compression chamber	8.85	.30	.35		
SEWER WORK:					
Pipelayers, cement manhole builder	8.75	.30	.35		
Bottom man and bracrers, caulker & joint man, swamper on a pipe gang, buffing machine man	8.65	.30	.35		
Kettlemen, top man	8.50	.30	.35		
DYNAMITE MAN	8.95	.30	.35		
Handling creosoted lumber, pileing square timber & like material where covered with creosote applying bit, or creosote on wood, steel or cement	8.75	.30	.35		
Work on towers or scaffolds 25 ft. or more above gground	8.75	.30	.35		
BITUMINOUS WORKER:					
Dumper, ironer, smoother, shoveler, loader,utility man Raker, luteman	8.65	.30	.35		
STEEL WORK:					
Handling of all rods, mesh & material for use in reinforcing concrete const. hoisting rods, mesh & other materials except when a derrick or outrigger operated by other than hand is used	8.50	.30	.35		

DECISION NO. WI78-2110

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.70		.10
GROUP II	10.42	.75	.70		.10
GROUP III	10.12	.75	.70		.10
GROUP IV	10.02	.75	.70		.10
GROUP V	9.81	.75	.70		.10
GROUP VI	9.57	.75	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic Backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, Tractor, Bulldozer, Endloader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type),Asssistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), combination small equipment operator; Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric),Oiler and greaser, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

SUPERSEDEAS DECISION

STATE: Wisconsin

COUNTIES: Barron, Dunn, Polk & St. Croix Counties

DECISION NUMBER: WI78-2114

DATE: Date of Publication

Supersedes Decision No. WI77-2106 dated, July 22, 1977 in 42 FR 37769

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

49-Wisconsin B

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.32	.51	.65		.02
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS	10.23	.75	.40		.04
CARPENTERS:					
Carpenters	10.22	.50	.60		.05
Millwrights & Piledrivermen	10.62	.50	.60		.05
CEMENT MASONS	10.23	.75	.40		.04
ELECTRICIANS: (Hudson, St Joseph & Troy Twps. in St. Croix Co.	10.65	5 3/4%	4%	11½%	1%
ELECTRICIANS (Remainder of Area)	11.62	5%	3%		½%
ELEVATOR CONSTRUCTORS:					
Constructors	10.87	.745	.35	a or b	.02
Helpers	7.61	.745	.35	a or b	.02
Helpers (Prob.)	50%JR				
IRONWORKERS: Structural, Ornamental and Reinforcing	10.85	.75	.60		.02
LABORERS:					
Laborers, common	8.38	.45	.40		.02
Mortar mixer & plasterer laborer air, gas & electric equipment, vibrator operator, Kettlemen, dumpmen & pittmen, Burner on wrecking, Scaffold builder & washing walls on swinging scaffold, Gunnite man & nozzle men, puddlers (when concrete pumps & when working behind paving machine, Cement dumper dumper	8.53	.45	.40		.02
Jackhammer	8.63	.45	.40		.02
LATHERS	10.00				
LINE CONSTRUCTION:					
Linemen	9.97	.45	7%		
Heavy Equipment Operator	8.97	.45	7%		
Light Equipment Operator	7.98	.45	7%		
Heavy Groundmen - Truck Driver	6.98	.45	7%		
Light Groundmen - Truck Driver	6.48	.45	7%		
Groundmen	5.48	.45	7%		

DECISION NO. WI78-2114

49 - Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush	8.80			5%	
Structural Steel	9.05			5%	
Sandblaster & Spray	9.30			5%	
Swing Stage	9.30			5%	
PLASTERERS	10.60				
PLUMBERS & STEAM FITTERS	10.07	.45	.65	1.00	
ROOFERS	10.07			3%+.10	
SHEET METAL WORKERS	10.82	.75	.55		.03
TRUCK DRIVERS:					
Two axle	8.05	c	d	.20	
3 or more axles	8.15	c	d	.20	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day;

FOOTNOTES:

A. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

b. Holidays A through F

c. $14.25 per week for each employee.

d. $13.00 per week for each employee

DECISION NO. WI78-2114

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.70		.10
GROUP II	10.42	.75	.70		.10
GROUP III	10.12	.75	.70		.10
GROUP IV	10.02	.75	.70		.10
GROUP V	9.81	.75	.70		.10
GROUP VI	9.57	.75	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic Backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, Tractor, Bulldozer, End-loader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type),Asssistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), combination small equipment operator; Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric),Oiler and greaser, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

SUPERSEDEAS DECISION

STATE: Wisconsin

COUNTIES: Brown, Door, Kewaunee & Oconto

DECISION NUMBER: WI78-2115

DATE: Date of Publication

Supersedes Decision No. WI77-2109 dated, July 22, 1977, in 42 FR 37771

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

5 - Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	10.81	.70	.50	.65	.05
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS & MARBLE SETTERS & STONEMASONS	9.95	.65	.40		.02
CARPENTERS	9.92	.60	.60		.05
CEMENT MASONS	9.45	.65	.40		.02
ELECTRICIANS	11.73	.60	3%		3%
ELEVATOR CONSTRUCTORS:					
Constructors	10.765	.745	.35	a&b	.02
Helpers	7.535	.745	.35	a&b	.02
Helpers (Prob.)	50% JR				
IRONWORKERS:					
Structural, Ornamental & Reinforcing	10.66	1.10	.80	1.15	.15
LATHERS	9.69	.75		.75+.17	
MILLWRIGHTS & PILEDRIVERMEN	10.32	.50	.60		.05
PAINTERS:					
Brush	9.50	.80		.50	
Structural Steel	9.88	.80		.50	
Spray & Swing Stage	9.88	.80		.50	
PLASTERERS	9.95	.65	.40		.02
PLUMBERS & STEAMFITTERS	11.05	.75	.90		.05
ROOFERS: Composition	9.88			.50	
SHEET METAL WORKERS	9.87	.60	.44	1.10	.02
SOFT FLOOR LAYERS	9.92	.50	.60		.05
TERRAZZO WORKERS & TILE SETTERS	9.95	.65	.40		.02
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

ISION NO. WI78-2115 5 - Wisconsin

) HOLIDAYS:
>w Year's Day B-Memorial Day; D-Independence Day; D-Labor Day;
ıanksgiving Day; F-Christmas Day.

NOTES:

Holidays, a through F

Employer contributes 8% regularly hourly rate tO vacaion 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 employer who has worked in businesss less than 5 years

.05 holiday pay.

DECISION NO. WI78-2115 WISCONSIN 15 - LAB

BUILDING CONSTRUCTION

LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	8.35	.45	.40		.02
CLASS II	8.40	.45	.40		.02
CLASS III	8.55	.45	.40		.02

-- CLASS I - Construction laborers, form stripper, form oiler, form cleaner, dump men, pit men, building wrecker, plumbers laborer, motorized buggy operator, concrete laborer, air spade and chipping hammer, drag tender and signal man, concrete pumps and nozzle man, bituminous worker

CLASS II - Plasterer tender, hod carrier, dry cement handler, kettlemen, vibrator operator, slacking line, tile setter helpers, core drill operator

CLASS III - Jackhammer operator,driller gunite men, burner on wrecking, air operated concrete breaker, sheeting driver, power tamper, fork lift operator, jumping jack, terrazzo grinder, mortar and plaster mixer, creosote worker, bob cat operator, sand blaster, welder, mud jack operator, precast erector bituminous raker and luteman

DECISION NO. WI78-2115

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.70		.10
GROUP II	10.42	.75	.70		.10
GROUP III	10.12	.75	.70		.10
GROUP IV	10.02	.75	.70		.10
GROUP V	9.81	.75	.70		.10
GROUP VI	9.57	.75	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (Bridge type), Concrete paver (over 27S), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic Backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, Tractor, Bulldozer, Endloader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type),Asssistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), combination small equipment operator; Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric),Oiler and greaser, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTIES: Calumet, Fond Du Lac, Manitowoc, Outagamie & Sheboygan Cos

DECISION NUMBER: WI78-2116 DATE: Date of Publication

Supersedes Decision No. WI77-2130 dated, September 23, 1977 in 42 FR 48597

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.81	.70	.50	.65	.05
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS	9.95	.65	.40		.02
CARPENTERS:					
All Counties but SHEBOYGAN Co.	9.92	.50	.60		.05
Sheboygan Co. Only	10.20	.75	.30		
Millwrights & Piledrivermen:					
All Counties but SHEBOYGAN Co.	10.32	.50	.60		.05
SHEBOYGAN Co. Only	11.24	.75	.30		
CEMENT MASONS	9.45	.65	.40		.02
ELECTRICIANS:					
CALUMET & OUTAGAMIE Cos.	11.83	.60	3%		
MANITOWOC Co.	10.93	.60	3%		1/8%
FOND DU LAC & SHEBOYGAN Cos.	9.83	.92	3%+.35	10%	½%
ELEVATOR CONSTRUCTORS:					
OUTAGAMIE CO.					
Constructors	10.76	.745	.35	a&b	.02
Helpers	7.535	.745	.35	a&b	.02
Helpers (Prob.)	50%JR				
Remainder of Counties					
Constructors	11.715	.745	.35	a&b	.02
Helpers	8.20	.745	.35	a&b	.02
Helpers (Prob.)	50%JR				
GLAZIERS	10.44	.92	.70		
IRONWORKERS:					
Western Part of FOND DU LAC Co. and OUTGAMIE Co.	11.27	.75	.525		.055
Remainder of the Area	10.96	1.20	.90	1.19	.15
LABORERS:					
General laborer; Bldg. Wrecker; Form Stripper	8.35	.45	.40		.02
Plaster Tender, Hod Carrier, Mason Tender, Vibrator oper.	8.40	.45	.40		.02
Jackhammeroperators, driller, Gunnite men, Mortar and plaster mixer, Fork lift operator	8.55	.45	.40		.02

DECISION NO. WI78-2116

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$ 9.69	.75		.75+.17	
PAINTERS:					
FOND DU LAC, OUTAGAMIE, & Northwest Corner of CALUMET Cos.					
Brush, Paperhangers, and Structural Ateel	9.45	.70	.10		
Spray and Sandblasting	9.95	.70	.10		
MANITOTOC And the Remainder of CALUMET Cos.					
Brush	8.60				
Spray and Roller	9.10				
SHEBOYGAN County					
Brush	7.25	.40	.30	.30	
Drywall Finishing	7.35	.40	.30	.30	
Spray	7.75	.40	.30	.30	
PLASTERERS	9.95	.65	.40		.02
PLUMBERS & STEAMFITTERS:					
OUTOGAMIE Co. and the Northwestern corner of CALUMET Co.	9.94	.82	1.00	.80	.04
MANITOWOC Co. and the north eastern part of CALUMET Co.	11.05	.75	.90		.05
FOND DU LAC, SHEBOYGAN & The Remainderof CALUMET Cos.	10.68	.80	1.10	.80	.01
ROOFERS:					
CALUMET & MANITOWOC Cos.	9.80	.25	.05		
FOND DU LAC Co.	9.25	1.00	.50		
OUTAGAMIE Co.	8.03	.65	.50		
SHEBOYGAN Co.	6.75	.40			
SHEET METAL WORKERS:					
OUTAGAMIE co.	9.87	.60	.44	1.10	.02
Remainder of Counties	9.96	.55	.72	1.20	.04
TERRAZZO WORKERS & TILE SETTERS	9.95	.65	.40		.02
Welders receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. WI78-2116

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOONTOTES:

A. Six paid holidays

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.

DECISION NO. WI78-2116

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
GROUP I	10.02	.70	.70		.10
GROUP II	9.77	.70	.70		.10
GROUP III	9.47	.70	.70		.10
GROUP IV	9.37	.70	.70		.10
GROUP V	9.16	.70	.70		.10
GROUP VI	8.92	.70	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, skid rigs, derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p.), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, tractor, Bulldozer, Endloader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type), Assistant engineer, "A" frame and winch trucks, concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, safety Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3" Augers (vertical and horizontal), combination small equipment operator, Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM), Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTIES: Columbia, Dane, Iowa & Sauk
DECISION NUMBER: WI78-2121 DATE: Date of Publication
Supersedes Decision No. WI77-2110 dated July 22, 1977 in 42 FR 37773
DESCRIPTION OF WORK: Building Construction and residential construction in Dane County only.

13 - Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.15	.70	.80	1.00	.04
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS	10.34	.75	.70		
BRICKLAYERS: (Columbia & Sauk Counties)	10.34	.75	.70		
CARPENTERS	10.27	.50	.60		.05
Residential	6.07	.50	.15		.05
CEMENT MASONS (Columbia & Sauk Counties)	10.50	.75	.40		
CEMENT MASONS (Dane & Iowa Cos.)	10.00	.80	.75		
ELECTRICIANS	11.04	.84	3%	8%	.75%
Residential	6.14	.84	3%	8%	.75%
ELEVATOR CONSTRUCTORS:					
Constuctors	10.69	.745	.35	a&b	.02
Helpers	7.48	.745	.35	a&b	.02
Helpers (Prob.)	50%JR				
GLAZIERS	9.85	.55	.50	.45	.01
IRONWORKERS: Structural, ornamental & reinforcing	11.27	.75	.525		.055
LATHERS	9.65	.45	.20	.50	.01
LINE CONSTRUCTION:					
Linemen	9.97	.45	7%		
Heavy Equipment Operator	8.97	.45	7%		
Light Equipment Operator	7.98	.45	7%		
Heavy Groundman - Truck Drivers	6.98	.45	7%		
Light Groundman - Truck Drivers	6.48	.45	7%		
Groundman	5.48	.45	7%		
MILLWRIGHTS & PILEDRIVERMEN	10.67	.50	.60		.05
PAINTERS:					
Brush	9.86	.70	.30	.30	
Spray	10.26	.70	.30	.30	
Structural Steel (brush)	10.01	.70	.30	.30	
Swing Stage	10.11	.70	.30	.30	
Sandblaster	9.86	.70	.30	.30	
PLASTERERS (Columbia & Sauk Cos.)	10.50	.75	.40		
PLASTERERS	10.10	.75	.80		
PLUMBERS	10.86	.60	1.00	.85	.3%
SOFT FLOOR LAYERS	10.27	.50	.60		.05
SPRINKLER FITTERS	12.10	.75	1.05		.08
SHEET METAL WORKERS	11.69	.90	.50		
TERRAZZO WORKERS	10.30	.75	.40		
TILE SETTERS	10.05	.75	.40		

TISION NO. WI78-2121

ders receive rate prescribed for craft performing operation which welding is incidental.

D HOLIDAYS:
ew Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; hanksgiving Day; F-Christmas Day

TNOTES:

Holidays: AthroughF.

Employer contributes 8% of regular hourly rate to Vaction Pay Credit for employee who has worked in business mroe 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.

Holidays, A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.

Wisconsin 14 - Lab A

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ILDING, SEWER, WATER, XCAVATING AND INCIDENTAL AVING					
borers, Building; neumatic tool op., air hammer, jackhammer, concrete buster, sheeting driver, air spade	9.23	.40	.35		.02
ibrator, air tamper & mortar mixer	9.13	.40	.35		.02
eneral laborer, concrete work, form stripeers, mason tenders, building wreckers	8.98	.40	.35		.02

DECISION NO. WI78-2121

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.70		.10
GROUP II	10.42	.75	.70		.10
GROUP III	10.12	.75	.70		.10
GROUP IV	10.02	.75	.70		.10
GROUP V	9.81	.75	.70		.10
GROUP VI	9.57	.75	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic Backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and pavet operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, Tractor, Bulldozer, End-loader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type),Asssistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), combination small equipment operator; Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric),Oiler and greaser, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

SUPERSEDEAS DECISION

STATE: Wisconsin
COUNTIES: Chippowa, Eau Claire & Pepin
DECISION NUMBER: WI78-2129
DATE: Date of Publication
Supersedes Decision No. WI77-2103 dated July 15, 1977 in 42 FR 36779
DESCRIPTION OF WORK: Building Construction including Residential

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.32	.51	.65		.02
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	10.23	.75	.40		.04
CARPENTERS	10.22	.50	.60		.05
Residential	5.92	.50	.30		.05
CEMENT MASONS (Eau Claire & Pepin Counties)	10.23	.75	.40		.04
Chippewa County	10.23	.75	.40		.04
ELECTRICIANS	11.62	5%	3%		
Electricians (Residential) Twps. of Hallie, Seymour, Union Washington, Lafayette, Tilden, Wheaton, Eagle Point and Cities of Chippewa Falls, Eau Claire & Altoona. Inside these Cities or Twps	6.57	.58	3%		½of1%
Outside the above areas	5.73	.58	3%		½of1%
Electricians, wiremen					
ELEVATOR CONSTRUCTORS:					
Constructors	10.87	.745	.35	a&b	.02
Constructors' Helpers	7.61	.745	.35	a&b	.02
Constructors' Helpers (Prób.)	50%JR				
IRONWORKERS:					
Structural, Ornamental & Reinforcing	10.85	.75	.60		.02
LABORERS:					
Laborers, common	8.38	.45	.40		.02
Mason tender					.02
Mortar mixer & plaster laborer, air, gas, electric equipment, & vibrator operator, kettlemen dumpmen & pitmen, burner on wrecking, scaffold builder & washing walls on swinging Scaffold	8.53	.45	.40		.02
Gunnite man & nozzle men, puddlers (when concrete pumps & when working behind paving machine), cement dumper, scaffold builder, kettlemen, burner on wrecker, dumpman & pitman	8.53	.45	.40		.02
Jackhammer	8.63	.45	.40		.02

DECISION NO. WI78-2129

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$10.60				
LINE CONSTRUCTION:					
Linemen	9.97	.45	7%		
Heavy Equipment Operator	8.97	.45	7%		
Light Equipment Operator	7.98	.45	7%		
Heavy Groundman - Truck Drivers	6.98	.45	7%		
Light Groundman - Truck Drivers	6.48	.45	7%		
Groundman	5.48	.45	7%		
MILLWRIGHTS & PILEDRIVERMEN	10.62	.50	.60		.05
PAINTERS:					
Brush	8.80			.5%	
Structural steel & iron painting	9.05			.5%	
Spray & Sandblaster	9.30			.5%	
PLUMBERS AND STEAMFITTERS	10.07	.45	.65	1.00	
PLUMBERS (Residential)	8.87	.45	.65	1.00	
ROOFERS: Composition	10.07			3%+.10	
Kettlemen	9.68			3%+.10	
SHEET METAL WORKERS	10.82	.75	.55		.03
(Residential)	6.63	.62	.55		.03
TRUCK DRIVERS:					
Two axles	8.05	d	e		
Three or more axles	8.15	d	e		

PAID HOLIDAYS:
A-New year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 8% of regular hourly rate toVacation 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.
b. Holidays: A through F.
c. Holidays: A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays
d. $14.25 per week for each employee
e. $13.00 per week for each employee

PAGE 3

DECISION NO. WI78-2129

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.70		.10
GROUP II	10.42	.75	.70		.10
GROUP III	10.12	.75	.70		.10
GROUP IV	10.02	.75	.70		.10
GROUP V	9.81	.75	.70		.10
GROUP VI	9.57	.75	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic Backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, Tractor, Bulldozer, Endloader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type),Asssistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), combination small equipment operator; Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric),Oiler and greaser, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

[FR Doc. 78-29349 Filed 10-19-78; 8:45 am]

Federal Register

FRIDAY, OCTOBER 20, 1978
PART III



SMALL BUSINESS ADMINISTRATION

FLOODPLAIN MANAGEMENT AND WETLANDS PROTECTION

Implementation of Executive Orders 11988 and 11990

PREVIOUSLY PUBLISHED DOCUMENTS

Listed below are other documents on implementation of Executive Orders 11988 and 11990 previously published in the FEDERAL REGISTER:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.
Interior Department, Bureau of Land Management	Sept. 28	44798
Commerce Department, Office of the Secretary	Sept. 29	45284
Transportation Department, Office of the Secretary	Sept. 29	45285
Nuclear Regulatory Commission	Oct. 6	46499
Interior Department, Heritage Conservation and Recreation Service	Oct. 13	47449

[8025-01-M]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 1, Amendment 2 to Amendment 1]

PART 116—POLICIES OF GENERAL APPLICATION

Subpart D—Flood Plain Management and Wetlands Protection

AGENCY: Small Business Administration.

ACTION: Change in the effective date of the interim rule.

SUMMARY: On May 24, 1978, SBA published an interim rule on implementation of Executive Orders 11988 (Flood Plain Management) and 11990 (Wetlands Protection) with an effective date, as extended, of September 24, 1978. SBA has written a final rule based on comments received. The Council of Environmental Quality has told SBA the final rule should not be published until the CEQ has completed its review and discussed it with SBA.

DATES: The effective date of the interim rule is extended to such time as the final rule is published in approximately 90 days.

FOR FURTHER INFORMATION CONTACT:

Richard L. Wray, Financial Analyst, Small Business Administration, 202-653-6470.

SUPPLEMENTARY INFORMATION: The subject Executive Orders provided for the Water Resources Council to prepare guidelines that each agency would follow when implementing the orders. The guidelines require clearance of all rules by the Water Resource Council, Council on Environmental Quality and Federal Insurance Administration. Because this review of the final rule has not been completed it cannot be published.

Dated: September 27, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-29581 Filed 10-19-78; 8:45 am]

Federal Register

FRIDAY, OCTOBER 20, 1978
PART IV



DEPARTMENT OF LABOR

Office of Federal Contract Compliance Program

■

COMPLIANCE RESPONSIBILITY FOR EQUAL EMPLOYMENT OPPORTUNITY

Consolidation of Functions Pursuant to Executive Order 12086

[4510-27-M]

Title 41—Public Contract and Property Management

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

COMPLIANCE RESPONSIBILITY FOR EQUAL EMPLOYMENT OPPORTUNITY

Final Rule

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Final rule.

SUMMARY: On October 5, 1978, President Carter signed Executive Order 12086 (43 FR 46501), which amended Executive Order 11246, as amended. Executive Order 12086 consolidates into the Department of Labor, effective October 8, 1978, the compliance responsibility for equal employment opportunity programs previously assigned to 11 compliance agencies. This rule makes the necessary changes to the regulations to reflect the consolidated functions authorized under Executive Order 12086.

EFFECTIVE DATE: October 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Edward E. Mitchell, Director, Division of Program Policy, Office of Federal Contract Compliance Programs, Room C-3324, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-9426.

SUPPLEMENTARY INFORMATION: On October 5, 1978, President Carter signed Executive Order 12086 which consolidates the contract compliance program under Executive Order 11246, as amended, into the Department of Labor. Accordingly, certain regulations which implement the Executive order and regulations which implement section 503 of the Rehabilitation Act of 1973, and section 402 of the Vietnam Era Veterans Readjustment Assistance Act are being republished today in the FEDERAL REGISTER to reflect the consolidation. Essentially, this has been effected simply by deleting the definition of "Compliance Agency" and references to "Contract Compliance Officer" (e.g., in 41 CFR 60-1.3 and 60-1.20(b) respectively).

Because the limited changes made in the regulations to reflect the consolidation are not substantive, the regulations are not being published for public comment. The regulations involved are parts 60-1, 60-2, 60-4, 60-20, 60-30, 60-40, 60-50, 60-60, 60-250, 60-741 of Chapter 60, Title 41, Code of Federal Regulations.

An effort was made to add verbiage only where necessary. In some instances, however, it was necessary to replace deleted material with new verbiage in order to make the regulations intelligible. See, for example, 41 CFR 60-1.24(c)(4).

In addition, the Standard Compliance Review Report which is published as an attachment to revised order No. 14 (41 CFR Part 60-60) has been deleted from the regulations. The Standard Compliance Review Report is not being abolished, however. OFCCP will continue to use parts of the Standard Compliance Review Report in conducting compliance reviews until it is incorporated into the Compliance Manual or otherwise published. A number of references to regulations contained in the Standard Compliance Review Report are obsolete and it was feared that republication would be confusing. Moreover, this Report is a guide to compliance officers for conducting compliance reviews and republication in the regulations is not necessary.

The regulations are designed simply to eliminate confusion which could result if the public is not informed of new procedures and places resulting from the consolidation. Publication for comment therefore is not required. Because these amendments merely reflect technical and clarifying changes, they are not considered significant or major under Executive Order 12044, Improving Government Regulations (43 FR 12661, Mar. 24, 1978), and therefore it is not necessary for the Department to follow the procedures set forth therein, including those for public participation and regulatory analyses.

In consideration of the foregoing, 41 CFR Chapter 60 is amended by republishing parts 60-1, 60-2, 60-4, 60-30, 60-40, 60-60, 60-250, and 60-741 as set forth below.

RAY MARSHALL,
Secretary of Labor.

DONALD ELISBURG,
Assistant Secretary, Employment Standards Administration.

WELDON J. ROUGEAU,
Director, Office of Federal Contract Compliance Programs.

OCTOBER 16, 1978.

PART 60-1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

Subpart A—Preliminary Matters; Equal Opportunity Clause; Compliance Reports

Sec.

60-1.1 Purpose and application.
60-1.2 Administrative responsibility.
60-1.3 Definitions.
60-1.4 Equal opportunity clause.
60-1.5 Exemptions.
60-1.6 [Reserved]
60-1.7 Reports and other required information.
60-1.8 Segregated facilities.
60-1.9 Compliance by labor unions and by recruiting and training agencies.
60-1.10 Foreign government practices.

Subpart B—General Enforcement; Compliance Review and Complaint Procedure

60-1.20 Compliance reviews.
60-1.21 Filing complaints.
60-1.22 Where to file.
60-1.23 Contents of complaint.
60-1.24 Processing of matters.
60-1.25 Assumption of jurisdiction by or referrals to the Director.
60-1.26 Enforcement proceedings.
60-1.27 Sanctions and penalties.
60-1.28 Show cause notices.
60-1.29 Preaward notices.
60-1.30 Contract ineligibility list.
60-1.31 Reinstatement of ineligible prime contractors and subcontractors.
60-1.32 Intimidation and interference.

Subpart C—Ancillary Matters

60-1.40 Affirmative action compliance programs.
60-1.41 Solicitations or advertisements for employees.
60-1.42 Notices to be posted.
60-1.43 Access to records and site of employment.
60-1.44 Rulings and interpretations.
60-1.45 Existing contracts and subcontracts.
60-1.46 Delegation of authority by the Director.
60-1.47 Effective date.

AUTHORITY: Sec. 201, E.O. 11246 (30 FR 12319), as amended by E.O. 12086.

Subpart A—Preliminary Matters; Equal Opportunity Clause; Compliance Reports

§ 60-1.1 Purpose and application.

The purpose of the regulations in this part is to achieve the aims of parts II, III, and IV of Executive Order 11246 for the promotion and insuring of equal opportunity for all persons, without regard to race, color, religion, sex, or national origin, employed or seeking employment with Government contractors or with contractors performing under federally assisted construction contracts. The regulations in this part apply to all contracting agencies of the Government and to contractors and subcontractors who perform under Govern-

ment contracts, to the extent set forth in this part. The regulations in this part also apply to all agencies of the Government administering programs involving Federal financial assistance which may include a construction contract, and to all contractors and subcontractors performing under construction contracts which are related to any such programs. The procedures set forth in the regulations in this part govern all disputes relative to a contractor's compliance with his obligations under the equal opportunity clause regardless of whether or not his contract contains a "Disputes" clause. Failure of a contractor or applicant to comply with any provision of the regulations in this part shall be grounds for the imposition of any or all of the sanctions authorized by the order. The regulations in this part do not apply to any action taken to effect compliance with respect to employment practices subject to title VI of the Civil Rights Act of 1964. The rights and remedies of the Government hereunder are not exclusive and do not affect rights and remedies provided elsewhere by law, regulation, or contract; neither do the regulations limit the exercise by the Secretary or Government agencies of powers not herein specifically set forth, but granted to them by the order.

§ 60-1.2 Administrative responsibility.

The Director has been delegated authority and assigned responsibility for carrying out the responsibilities assigned to the Secretary under the Executive order. All correspondence regarding the order should be directed to the Director, Office of Federal Contract Compliance Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

§ 60-1.3 Definitions.

"Administering agency" means any department, agency and establishment in the executive branch of the Government, including any wholly owned Government corporation, which administers a program involving federally assisted construction contracts.

"Administrative law judge" means an administrative law judge appointed as provided in 5 U.S.C. 3105 and subpart B of part 930 of title 5 of the Code of Federal Regulations (see 37 FR 16787) and qualified to preside at hearings under 5 U.S.C. 557.

"Agency" means any contracting or any administering agency of the Government.

"Applicant" means an applicant for Federal assistance involving a construction contract, or other participant in a program involving a construction contract as determined by regulation of an administering agency. The term also includes such persons after they become recipients of such Federal assistance.

"Construction work" means the construction, rehabilitation, alteration, conversion, extension, demolition or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction.

"Contract" means any Government contract or any federally assisted construction contract.

"Contracting agency" means any department, agency, establishment, or instrumentality in the executive branch of the Government, including any wholly owned Government corporation, which enters into contracts.

"Contractor" means, unless otherwise indicated, a prime contractor or subcontractor.

"Director" means the Director, Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor or any person to whom he delegates authority under the regulations in this chapter.

"Equal opportunity clause" means the contract provisions set forth in § 60-1.4 (a) or (b), as appropriate.

"Federally assisted construction contract" means any agreement or modification thereof between any applicant and a person for construction work which is paid for in whole or in part with funds obtained from the Government or borrowed on the credit of the Government pursuant to any Federal program involving a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, or any application or modification thereof approved by the Government for a grant, contract, loan, insurance, or guarantee under which the applicant itself participates in the construction work.

"Government" means the government of the United States of America.

"Government contract" means any agreement or modification thereof between any contracting agency and any person for the furnishing of supplies or services or for the use of real or personal property, including lease arrangements. The term "services", as used in this section includes, but is not limited to the following services: Utility, construction, transportation, research, insurance, and fund depository. The term "Government contract" does not include (1) agreements in which the parties stand in the relationship of employer and employee, and (2) federally assisted construction contracts.

"Minority group" as used herein shall include, where appropriate, female employees and perspective female employees.

"Modification" means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

"Order," "Executive Order," or "Executive Order 11246" means parts II, III, and IV of the Executive Order 11246 dated September 24, 1965 (30 FR 12319), any Executive order amending such order, and any other Executive order superseding such order.

"Person" means any natural person, corporation, partnership, unincorporated association, State or local government, and any agency, instrumentality, or subdivision of such a government.

"Prime contractor" means any person holding a contract and, for the purposes of Subpart B of this part, any person who has held a contract subject to the order.

"Recruiting and training agency" means any person who refers workers to any contractor or subcontractor or who provides for employment by any contractor or subcontractor.

"Rules, regulations, and relevant orders of the Secretary of Labor" used in paragraph (4) of the equal opportunity clause means rules, regulations, and relevant orders of the Secretary of Labor or his designee issued pursuant to the order.

"Secretary" means the Secretary of Labor, U.S. Department of Labor.

"Site of construction" means the general physical location of any building, highway, or other change or improvement to real property which is undergoing construction, rehabilitation, alteration, conversion, extension, demolition, or repair and any temporary location or facility at which a contractor, subcontractor, or other participating party meets a demand or performs a function relating to the contract or subcontract.

"Subcontract" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(1) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is necessary to the performance of any one or more contracts; or

(2) Under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

"Subcontractor" means any person holding a subcontract and, for the purposes of Subpart B of this part, any person who has held a subcontract subject to the order. The term "First-

tier subcontractor" refers to a subcontractor holding a subcontract with a prime contractor.

"United States" as used herein shall include the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Panama Canal Zone, and the possessions of the United States.

§ 60-1.4 Equal opportunity clause.

(a) *Government contracts.* Except as otherwise provided, each contracting agency shall include the following equal opportunity clause contained in section 202 of the order in each of its Government contracts (and modifications thereof if not included in the original contract):

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) the contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) the contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(b) *Federally assisted construction contracts.* (1) Except as otherwise provided, each administering agency shall require the inclusion of the following language as a condition of any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of the equal opportunity clause:

The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contrator will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: *Provided,* That if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and rele-

vant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

(c) *Subcontracts.*

Each nonexempt prime contractor or subcontractor shall include the equal opportunity clause in each of its nonexempt subcontracts.

(d) *Incorporation by reference.* The equal opportunity clause may be incorporated by reference in all Government contracts and subcontracts, including Government bills of lading, transportation requests, contracts for deposit of Government funds, and contracts for issuing and paying U.S. savings bonds and notes, and such other contracts and subcontracts as the Director may designate.

(e) *Incorporation by operation of the Order.* By operation of the Order, the equal opportunity clause shall be considered to be a part of every contract and subcontract required by the Order and the regulations in this part to include such a clause whether or not it is physically incorporated in such contracts and whether or not the contract between the agency and the contractor is written.

(f) *Adaptation of language.* Such necessary changes in language may be made in the equal opportunity clause as shall be appropriate to identify properly the parties and their undertakings.

§ 60-1.5 Exemptions.

(a) *General*—(1) *Transactions of $10,000 or under.* Contracts and subcontracts not exceeding $10,000, other than Government bills of lading, and other than contracts and subcontracts with depositories of Federal funds in any amount and with financial institutions which are issuing and paying agents for U.S. savings bonds and savings notes, are exempt from the requirements of the equal opportunity clause. In determining the applicability of this exemption to any federally assisted construction contract, or subcontract thereunder, the amount of such contract or subcontract rather than the amount of the Federal financial assistance shall govern. No agency, contractor, or subcontractor shall procure supplies or services in a manner so as to avoid applicability of the equal opportunity clause: *Provided*, that where a contractor has contracts or subcontracts with the Government in any 12-month period which have an aggregate total value (or can reasonably be expected to have an aggregate total value) exceeding $10,000, the $10,000 or under exemption does not apply, and the contracts are subject to the order and the regulations issued pursuant thereto regardless of whether any single contract exceeds $10,000.

(2) *Contracts and subcontracts for indefinite quantities.* With respect to contracts and subcontracts for indefinite quantities (including, but not limited to, open end contracts, requirement-type contracts, Federal Supply Schedule contracts, "call-type" contracts, and purchase notice agreements, the equal opportunity clause shall be included unless the purchaser has reason to believe that the amount to be ordered in any year under such contract will not exceed $10,000. The applicability of the equal opportunity clause shall be determined by the purchaser at the time of award for the first year, and annually thereafter for succeeding years, if any. Notwithstanding the above, the equal opportunity clause shall be applied to such contract whenever the amount of a single order exceeds $10,000. Once the equal opportunity clause is determined to be applicable, the contract shall continue to be subject to such clause for its duration, regardless of the amounts ordered, or reasonably expected to be ordered in any year.

(3) *Work outside the United States.* Contracts and subcontracts are exempt from the requirements of the equal opportunity clause with regard to work performed outside the United States by employees who were not recruited within the United States.

(4) *Contracts with State or local governments.* The requirements of the equal opportunity clause in any contract or subcontract with a State or local government (or any agency, instrumentality or subdivision thereof) shall not be applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract or subcontract. In addition, any agency, instrumentality or subdivision of such government, except for educational institutions and medical facilities, are exempt from the requirements of filing the annual compliance report provided for by § 60-1.7(a)(1) and maintaining a written affirmative action compliance program prescribed by § 60-1.40 and part 60-2 of this chapter.

(5) *Contracts with certain educational institutions.* It shall not be a violation of the equal opportunity clause for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion. The primary thrust of this provision is directed at religiously oriented church-related colleges and universities and should be so interpreted.

(6) *Work on or near Indian reservations.* It shall not be a violation of the equal opportunity clause for a construction or nonconstruction contractor to extend a publicly announced preference in employment to Indians living on or near an Indian reservation in connection with employment opportunities on or near an Indian reservation. The use of the word "near" would include all that area where a person seeking employment could reasonably be expected to commute to and from in the course of a work day. Contractors or subcontractors extending such a preference shall not, however, discriminate among Indians on the basis of religion, sex, or tribal affiliation, and the use of such a preference shall not excuse a contractor from complying with the other requirements contained in this chapter.

(b) *Specific contracts and facilities*—(1) *Specific contracts.* The Director may exempt an agency or any person from requiring the inclusion of any or all of the equal opportunity clause in any specific contract or subcontract when he deems that special circumstances in the national interest so require. The Director may also exempt groups or categories of contracts or subcontracts of the same type where he finds it impracticable to act upon each request individually or where group exemptions will contribute to convenience in the administration of the order.

(2) *Facilities not connected with contracts.* The Director may exempt

from the requirements of the equal opportunity clause any of a prime contractor's or subcontractor's facilities which he finds to be in all respects separate and distinct from activities of the prime contractor or subcontractor related to the performance of the contract or subcontract, provided that he also finds that such an exemption will not interfere with or impede the effectuation of the order.

(c) *National security.* Any requirement set forth in these regulations in this part shall not apply to any contract or subcontract whenever the head of an agency determines that such contract or subcontract is essential to the national security and that its award without complying with such requirement is necessary to the national security. Upon making such a determination, the head of the agency will notify the Director in writing within 30 days.

(d) *Withdrawal of exemption.* When any contract or subcontract is of a class exempted under this section, the Director may withdraw the exemption for a specific contract or subcontract or group of contracts or subcontracts when in his judgment such action is necessary or appropriate to achieve the purposes of the order. Such withdrawal shall not apply to contracts or subcontracts awarded prior to the withdrawal, except that in procurements entered into by formal advertising, or the various forms of restricted formal advertising, such withdrawal shall not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of the bids.

§ 60-1.6 [Reserved]

§ 60-1.7 Reports and other required information.

(a) *Requirements for prime contractors and subcontractors.* (1) Each prime contractor and subcontractor shall file annually, on or before the 31st day of March, complete and accurate reports on Standard Form 100 (EEO-1) promulgated jointly by the Office of Federal Contract Compliance Programs, the Equal Employment Opportunity Commission and Plans for Progress or such form as may hereafter be promulgated in its place if such prime contractor or subcontractor (i) is not exempt from the provisions of these regulations in accordance with § 60-1.5; (ii) has 50 or more employees; (iii) is a prime contractor or first tier subcontractor; and (iv) has a contract, subcontract or purchase order amounting to $50,000 or more or serves as a depository of Government funds in any amount, or is a financial institution which is an issuing and paying agent for U.S. savings bonds and savings notes: *Provided,* That any subcontractor below the first tier which performs construction work at the site of construction shall be required to file such a report if it meets requirements of paragraphs (a)(1) (i), (ii), and (iv) of this section.

(2) Each person required by § 60-1.7(a)(1) to submit reports shall file such a report with the contracting or administering agency within 30 days after the award to him of a contract or subcontract, unless such person has submitted such a report within 12 months preceding the date of the award. Subsequent reports shall be submitted annually in accordance with § 60-1.7(a)(1), or at such other intervals as the Director may require. The Director may extend the time for filing any report.

(3) The Director or the applicant, on their own motions, may require a contractor to keep employment or other records and to furnish, in the form requested, within reasonable limits, such information as the Director or the applicant deems necessary for the administration of the order.

(4) Failure to file timely, complete and accurate reports as required constitutes noncompliance with the prime contractor's or subcontractor's obligations under the equal opportunity clause and is ground for the imposition by the Director, an applicant, prime contractor or subcontractor, of any sanctions as authorized by the order and the regulations in this part.

(b) *Requirements for bidders or prospective contractors (1) Certification of compliance with Part 60-2: Affirmative Action Programs.* Each agency shall require each bidder or prospective prime contractor and proposed subcontractor, where appropriate, to state in the bid or in writing at the outset of negotiations for the contract: (i) Whether it has developed and has on file at each establishment affirmative action programs pursuant to Part 60-2 of this chapter; (ii) whether it has participated in any previous contract or subcontract subject to the equal opportunity clause; (iii) whether it has filed with the Joint Reporting Committee, the Director or the Equal Employment Opportunity Commission all reports due under the applicable filing requirements.

(2) *Additional information.* A bidder or prospective prime contractor or proposed subcontractor shall be required to submit such information as the Director requests prior to the award of the contract or subcontract. When a determination has been made to award the contract or subcontract to a specific contractor, such contractor shall be required, prior to award, or after the award, or both, to furnish such other information as the applicant or the Director requests.

(c) *Use of reports.* Reports filed pursuant to this section shall be used only in connection with the administration of the order, the Civil Rights Act of 1964, or in furtherance of the purposes of the order and said Act.

§ 60-1.8. Segregated facilities.

(a) *General.* In order to comply with his obligations under the equal opportunity clause, a prime contractor or subcontractor must insure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, or national origin cannot result. He may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. His obligation extends further to insuring that his employees are not assigned to perform their services at any location, under his control, where the facilities are segregated. This obligation extends to all contracts containing the equal opportunity clause regardless of the amount of the contract. The term "facilities" as used in this section means waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, wash rooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees.

(b) *Certification by prime contractors and subcontractors.* Prior to the award of any nonexempt Government contract of subcontract or federally assisted construction contract or subcontract, each agency or applicant shall require the prospective prime contractor and each prime contractor and subcontractor shall require each subcontractor to submit a certification, in the form approved by the Director, that the prospective prime contractor or subcontractor does not and will not maintain any facilities he provides for his employees in a segregated manner, or permit his employees to perform their services at any location, under his control, where segregated facilities are maintained; and that he will obtain a similar certification in the form approved by the Director, prior to the award of any nonexempt subcontract.

§ 60-1.9 Compliance by labor unions and by recruiting and training agencies.

(a) Whenever compliance with the equal opportunity clause may necessitate a revision of a collective bargaining agreement the labor union or unions which are parties to such an agreement shall be given an adequate opportunity to present their views to the director.

(b) The Director shall use his best efforts, directly and through agencies,

contractors, subcontractors, applicants, State and local officials, public and private agencies, and all other available instrumentalities, to cause any labor union, recruiting and training agency or other representative of workers who are or may be engaged in work under contracts and subcontracts to cooperate with, and to comply in the implementation of, the purposes of the order.

(c) In order to effectuate the purposes of paragraph (a) of this section, the Director may hold hearings, public or private, with respect to the practices and policies of any such labor union or recruiting and training agency.

(d) The Director may notify any Federal, State, or local agency of his conclusions and recommendations with respect to any such labor organization or recruiting and training agency which in his judgment has failed to cooperate with himself, agencies, prime contractors, subcontractors, or applicants in carrying out the purposes of the order. The Director also may notify the Equal Employment Opportunity Commission, the Department of Justice, or other appropriate Federal agencies whenever he has reason to believe that the practices of any such labor organization or agency violates title VII of the Civil Rights Act of 1964 or other provisions of Federal law.

§ 60-1.10 Foreign government practices.

Contractors shall not discriminate on the basis of race, color, religion, sex, or national origin when hiring or making employee assignments for work to be performed in the United States or abroad. Contractors are exempted from this obligation only when hiring persons outside the United States for work to be performed outside the United States (see 41 CFR 60-1.5(a)(3)). Therefore, a contractor hiring workers in the United States for either Federal or nonfederally connected work shall be in violation of Executive Order 11246, as amended, by refusing to employ or assign any person because of race, color, religion, sex, or national origin regardless of the policies of the country where the work is to be performed or for whom the work will be performed. Should any contractor be unable to acquire a visa of entry for any employee or potential employee to a country in which or with which it is doing business, and which refusal it believes is due to the race, color, religion, sex, or national origin of the employee or potential employee, the contractor must immediately notify the Department of State and the Director of such refusal.

Subpart B—General Enforcement; Compliance Review and Complaint Procedure

§ 60-1.20 Compliance reviews.

(a) The purpose of a compliance review is to determine if the prime contractor or subcontractor maintains nondiscriminatory hiring and employment practices and is taking affirmative action to insure that applicants are employed and that employees are placed, trained, upgraded, promoted, and otherwise treated during employment without regard to race, color, religion, sex, or national origin. It shall consist of a comprehensive analysis and evaluation of each aspect of the aforementioned practices, policies, and conditions resulting therefrom. Where necessary, recommendations for appropriate sanctions shall be made.

(b) Where deficiencies are found to exist, reasonable efforts shall be made to secure compliance through conciliation and persuasion. Before the contractor can be found to be in compliance with the order, it must make a specific commitment, in writing, to correct any such deficiencies. The commitment must include the precise action to be taken and dates for completion. The time period allotted shall be no longer than the minimum period necessary to effect such changes. Upon approval, the contractor may be considered in compliance, on condition that the commitments are faithfully kept. The contractor shall be notified that making such commitments does not preclude future determinations of noncompliance based on a finding that the commitments are not sufficient to achieve compliance.

(c) [Reserved]

(d) Each agency shall include in the invitation for bids for each formally advertised nonconstruction contract or state at the outset of negotiations for each negotiated contract, that if the award, when let, should exceed the amount of $1 million or more, the prospective contractor and his known first-tier subcontractors with subcontracts of $1 million or more will be subject to a compliance review before the award of the contract. No such contract shall be awarded unless a preaward compliance review of the prospective contractor and his known first-tier $1 million subcontractors has been conducted by the compliance agency within 12 months prior to the award. The awarding agency will notify OFCCP and request appropriate action and findings in accordance with this subsection. OFCCP will provide awarding agencies with written reports of compliance within 30 days following the request. In order to qualify for the award of a contract, a contractor and such first-tier subcontractors must be found to be in compliance pursuant to paragraph (b) of this section, and with part 60-2 of these regulations.

§ 60-1.21 Filing complaints.

Complaints shall be filed within 180 days of the alleged violation unless the time for filing is extended by the agency or the Director for good cause shown.

§ 60-1.22 Where to file.

Complaints may be filed with the OFCCP, 200 Constitution Avenue, NW., Washington, D.C. 20210, or with any OFCCP regional or area office.

§ 60-1.23 Contents of complaint.

(a) The complaint shall include the name, address, and telephone number of the complainant, the name and address of the contractor or subcontractor committing the alleged discrimination, a description of the acts considered to be discriminatory, and any other pertinent information which will assist in the investigation and resolution of the complaint. The complaint shall be signed by the complainant or his/her authorized representative. Complaints alleging class-type violations which do not identify the alleged discriminatee or discriminatees will be accepted, provided the other requirements of this paragraph are met.

(b) If a complaint contains incomplete information, OFCCP shall seek the needed information from the complainant. In the event such information is not furnished to the Director within 60 days of the date of such request, the case may be closed.

§ 60-1.24 Processing of matters.

(a) *Complaints.* OFCCP may refer appropriate complaints to the Equal Employment Opportunity Commission (EEOC) for processing under Title VII of the Civil Rights Act of 1964, as amended, rather than processing under E.O. 11246 and the regulations in this chapter. Upon referring complaints to the EEOC, OFCCP shall promptly notify complainant(s) and the contractor of such referral.

(b) *Complaint investigations.* In conducting complaint investigations, OFCCP shall, as a minimum, conduct a thorough evaluation of the allegations of the complaint and shall be responsible for developing a complete case record. The case record should contain the name, address, and telephone number of each person interviewed, the interview statements, copies, transcripts, or summaries (where appropriate) of pertinent documents, a reference to at least one covered contract, and a narrative report of the investigation with references to exhibits and other evidence which relate to the alleged violations.

(c)(1) [Reserved]

(2) If any complaint investigation or compliance review indicates a violation of the equal opportunity clause, the matter should be resolved by informal means whenever possible. Such informal means may include the holding of a compliance conference.

(3) Where any complaint investigation or compliance review indicates a violation of the equal opportunity clause and the matter has not been resolved by informal means, the Director shall proceed in accordance with § 60-1.26.

(4) When a prime contractor or subcontractor, without a hearing, shall have complied with the recommendations or orders of the Director and believes such recommendations or orders to be erroneous, he shall, upon filing a request therefor within ten days of such compliance, be afforded an opportunity for a hearing and review of the alleged erroneous action.

(5) For reasonable cause shown, the Director may reconsider or cause to be reconsidered any matter on his/her own motion or pursuant to a request.

(d) *Reports to the Director.* (1) With the exception of complaints which have been referred to EEOC, within 60 days from receipt of a complaint or within such additional time as may be allowed by the Director for good cause shown, the complaint shall be processed and the case record developed containing the following information:

(i) Name and address of the complainant;

(ii) Brief summary of findings, including a statement regarding the contractor's compliance or noncompliance with the requirements of the equal opportunity clause;

(iii) A statement of the disposition of the case, including any corrective action taken and any sanctions or penalties imposed or, whenever appropriate, the recommended corrective action and sanctions or penalties.

(2) A written report of every preaward compliance review required by this regulation or otherwise required by the Director, shall be developed and maintained.

(3) A written report of every other compliance review or any other matter processed involving an apparent violation of the equal opportunity clause shall be made. Such report shall contain a brief summary of the findings, including a statement of conclusions regarding the contractor's compliance or noncompliance with the requirements of the order, and a statement of the disposition of the case, including any corrective action taken or recommended and any sanctions or penalties imposed or recommended.

§ 60-1.25 Assumption of jurisdiction by or referrals to the Director.

The Director may inquire into the status of any matter pending before an agency. Where he considers it necessary or appropriate to the achievement of the purposes of the order, he may assume jurisdiction over the matter and proceed as provided herein. Whenever the Director assumes jurisdiction over any matter, or an agency refers any matter he may conduct, or have conducted, such investigations, hold such hearings, make such findings, issue such recommendations and directives, order such sanctions and penalties, and take such other action as may be necessary or appropriate to achieve the purposes of the order. The Director shall promptly notify the agency of any corrective action to be taken or any sanctions to be taken or any sanction to be imposed by the agency. The agency shall take such action, and report the results thereof to the Director within the time specified.

§ 60-1.26 Enforcement proceedings.

(a) *General.* Violations of the Order, equal opportunity clause, the regulations in this chapter, or of applicable construction industry equal employment opportunity requirements, may result in the institution of administrative or judicial enforcement proceedings to enforce the Order and to seek appropriate relief. Violations may be found based upon, inter alia, any of the following: (i) The results of a complaint investigation; (ii) analysis of an affirmative action program; (iii) the results of an on-site review of the contractor's compliance with the Order and its implementing regulations; (iv) a contractor's refusal to submit an affirmative action program; (v) a contractor's refusal to allow an on-site compliance review to be conducted; (vi) a contractor's refusal to supply records or other information as required by these regulations or applicable construction industry requirements; or (vii) any substantial or material violation or the threat of a substantial or material violation of the contractual provisions of the Order, or of the rules or regulations issued pursuant thereto.

(2) If the investigation of a complaint, or a compliance review, results in a determination that the Order, equal opportunity clause or regulations issued pursuant thereto, have been violated, and the violations have not been corrected in accordance with the conciliation procedures in this chapter, OFCCP may institute an administrative enforcement proceeding to enjoin the violations, to seek appropriate relief (which may include affected class and back pay relief), and to impose appropriate sanctions, or any of the above. However, if the contractor refuses to submit an affirmative action program, or refuses to supply records or other requested information, or refuses to allow the compliance agency access to its premises for an on-site review; and if conciliation efforts under this chapter are unsuccessful, OFCCP, notwithstanding the requirements of this chapter, may go directly to administrative enforcement proceedings to enjoin the violations, to seek appropriate relief, and to impose appropriate sanctions, or any of the above. Whenever the Director has reason to believe that there is substantial or material violation or the threat of substantial or material violation of the contractual provisions of the Order or of the rules, regulations or orders issued pursuant thereto, he/she may refer the matter to the Solicitor of Labor to institute administrative enforcement proceedings as set forth in this section or refer the matter to the Department of Justice to enforce the contractual provisions of the Order, to seek injunctive relief (including relief against noncontractors, including labor unions, who seek to thwart implementation of the Order and regulations) and to seek such additional relief, including back pay, as may be appropriate. There are no procedural prerequisites to a referral to the Department of Justice by the Director, and such referrals may be accomplished without proceeding through the conciliation procedures in this chapter, and a referral may be made at any stage in the procedures under this chapter: *Provided,* That no order for debarment from further contracts or subcontracts pursuant to section 209(a)(6) of the Order shall be made without affording the contractor an opportunity for a hearing, either administrative or judicial.

(b) [Reserved]

(c) *Administrative enforcement proceedings.* Administrative enforcement proceedings shall be conducted under the control and supervision of the Solicitor of Labor and under the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246 contained in Part 60-30 of this chapter.

(d) *Decision following administrative proceeding.* If it is determined after a hearing (or after the contractor waives a hearing) that the contractor is violating the Order or the regulations issued thereunder, the Secretary (in accordance with 41 CFR 60-30.30(a)) shall issue an Administrative Order enjoining the violations and requiring the contractor to provide whatever remedies are appropriate, and imposing whatever sanctions are appropriate, or any of the above. In any event, failure to comply with the Administrative Order shall result in

the imposition of the sanctions contained in section 209 (a)(5) or (a)(6) of the Executive Order.

(e) *Referrals to the Department of Justice* (1) Whenever a matter has been referred to the Department of Justice for consideration of judicial proceedings pursuant to § 60-1.26(a)(2) of these regulations, the Attorney General may bring a civil action in the appropriate district court of the United States requesting a temporary restraining order, preliminary or permanent injunction, and an order for such additional equitable relief, including back pay, deemed necessary or appropriate to ensure the full enjoyment of the rights secured by the Order, or any of the above.

(2) The Attorney General is authorized to conduct such investigation of the facts as he may deem necessary or appropriate to carry out his responsibilities under these regulations.

(3) Prior to the institution of any judicial proceedings, the Attorney General, on behalf of the Director, is authorized to make reasonable efforts to secure compliance with the contract provisions of the Order. He may do so by providing the contractor and any other respondent with reasonable notice of his findings, his intent to file suit, and the actions he believes necessary to obtain compliance with the contract provisions of the Order without contested litigation, and by offering the contractor and any other respondent a reasonable opportunity for conference and conciliation, in an effort to obtain such compliance without contested litigation.

(4) As defined in these regulations, the Attorney General shall mean the Attorney General, the Assistant Attorney General for Civil Rights, or any other person authorized by regulations or practice to act for the Attorney General with respect to the enforcement of equal employment opportunity laws, orders and regulations generally, or in a particular matter or case.

(5) The Director or his/her designee, and representatives of the Attorney General may consult from time to time to determine what investigations should be conducted to determine whether contractors or groups of contractors or other persons may be engaged in patterns or practices in violation of the Executive Order or these regulations, or of resistance to or interference with the full enjoyment of any of the rights secured by them, warranting judicial proceedings.

(f) *Initiation of lawsuits by the Attorney General without referral from the Director.* In addition to initiating lawsuits upon referral under 41 CFR 60-1.26, the Attorney General may, subject to approval by the Director, initiate independent investigations of contractors which he/she has reason to believe may be in violation of the Order or the rules and regulations issued pursuant thereto. If, upon completion of such an investigation, the Attorney General determines that the contractor has in fact violated the Order or the rules and regulations issued thereunder, he shall make reasonable efforts to secure compliance with the contract provisions of the Order. He may do so by providing the contractor and any other respondent with reasonable notice of the Department's findings, its intent to file suit, and the actions that the Attorney General believes are necessary to obtain compliance with the contract provisions of the Order without contested litigation, and by offering the contractor and any other respondent a reasonable opportunity for conference and conciliation in an effort to obtain such compliance without contested litigation. If these efforts are unsuccessful, the Attorney General may, upon approval by the Director, bring a civil action in the appropriate district court of the United States requesting a temporary restraining order, preliminary or permanent injunction, and an order for such additional equitable relief, including back pay, deemed necessary or appropriate to ensure the full enjoyment of the rights secured by the Order or any of the above.

(g) To the extent applicable, this section and Part 60-30 of this chapter shall govern proceedings resulting from the Director's determination under § 60-2.2(b) that there are substantial issues of law or fact as to the contractor/bidder's responsibility.

§ 60-1.27 Sanctions and penalties.

The sanctions described in subsections (1), (5), and (6) of section 209(a) of the order may be exercised only by or with the approval of the Director. Referral of any matter arising under the order to the Department of Justice or to the Equal Employment Opportunity Commission shall be made by the Director.

§ 60-1.28 Show cause notices.

When the director has reasonable cause to believe that a contractor has violated the equal opportunity clause he may issue a notice requiring the contractor to show cause, within 30 days, why monitoring, enforcement proceedings or other appropriate action to ensure compliance should not be instituted.

§ 60-1.29 Preaward notices.

(a) *Preaward compliance reviews.* Upon the request of the Director, agencies shall not enter into contracts or approve the entry into contracts or subcontracts with any bidder, prospective prime contractor, or proposed subcontractor named by the Director until a preaward compliance review has been conducted and the Director or his designee has approved a determination that the bidder, prospective prime contractor or proposed subcontractor will be able to comply with the provisions of the equal opportunity clause.

(b) *Other special preaward procedures.* Upon the request of the Director, agencies shall not enter into contracts or approve the entry into subcontracts with any bidder; prospective prime contractor or proposed subcontractor specified by the Director until the agency has complied with the directions contained in the request.

§ 60-1.30 Contract ineligibility list.

The Director shall distribute periodically a list to all executive departments and agencies giving the names of prime contractors and subcontractors who have been declared ineligible under the regulations in this part and the order.

§ 60-1.31 Reinstatement of ineligible prime contractors and subcontractors.

Any prime contractor or subcontractor declared ineligible for further contracts or subcontracts under the order may request reinstatement in a letter directed to the Director. In connection with the reinstatement proceedings, the prime contractor or subcontractor shall be required to show that it has established and will carry out employment policies and practices in compliance with the equal opportunity clause.

§ 60-1.32 Intimidation and interference.

The sanctions and penalties contained in Subpart D of the order may be exercised by the Director against any prime contractor, subcontractor or applicant who fails to take all necessary steps to ensure that no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the administration of the order or any other Federal, State, or local laws requiring equal employment opportunity.

Subpart C—Ancillary Matters

§ 60-1.40 Affirmative action compliance programs.

(a) *Requirements of programs.* Each contractor who has 50 or more employees and (1) has a contract of $50,000 or more; or (2) has Government bills of lading which in any 12-month period, total or can reasonably be expected to total $50,000 or more;

or (3) serves as a depository of Government funds in any amount; or (4) is a financial institution which is an issuing and paying agent for U.S. savings bonds and savings notes in any amount, and each prime contractor and subcontractor shall require each subcontractor who has 50 or more employees and (i) has a subcontract of $50,000 or more; or (ii) has Government bills of lading which in any 12-month period, total or can reasonably be expected to total $50,000 or more; or (iii) serves as a depository of Government funds in any amount; or (iv) is a financial institution which is an issuing and paying agent for U.S. savings bonds and savings notes in any amount, to develop a written affirmative action compliance program for each of its establishments. A necessary prerequisite to the development of a satisfactory affirmative action program is the identification and analysis of problem areas inherent in minority employment and an evaluation of opportunities for utilization of minority group personnel. The contractor's program shall provide in detail for specific steps to guarantee equal employment opportunity keyed to the problems and needs of members of minority groups, including, when there are deficiencies, the development of specific goals and time tables for the prompt achievement of full and equal employment opportunity. Each contractor shall include in its affirmative action compliance program a table of job classifications. This table should include but need not be limited to job titles, principal duties (and auxiliary duties, if any), rates of pay, and where more than one rate of pay applied (because of length of time in the job or other factors), the applicable rates. The affirmative action compliance program shall be signed by an executive official of the contractor.

(b) *Utilization evaluation.* The evaluation of utilization of minority group personnel shall include the following:

(1) An analysis of minority group representation in all job categories.

(2) An analysis of hiring practices for the past year, including recruitment sources and testing, to determine whether equal employment opportunity is being afforded in all job categories.

(3) An analysis of upgrading, transfer and promotion for the past year to determine whether equal employment opportunity is being afforded.

(c) *Maintenance of programs.* Within 120 days from the commencement of the contract, each contractor shall maintain a copy of separate affirmative action compliance programs for each establishment, including evaluations of utilization of minority group personnel and the job classification tables, at each local office responsible for the personnel matters of such establishment. An affirmative action compliance program shall be part of the manpower and training plans for each new establishment and shall be developed and made available prior to the staffing of such establishment. A report of the results of such program shall be compiled annually and the program shall be updated at that time. This information shall be made available to representatives of the Director upon request and the contractor's affirmative action program and the result it produces shall be evaluated as part of compliance review activities.

§ 60-1.41 Solicitations or advertisements for employees.

In solicitations or advertisements for employees placed by or on behalf of a prime contractor or subcontractor, the requirements of paragraph (2) of the equal opportunity clause shall be satisfied whenever the prime contractor or subcontractor complies with any of the following:

(a) States expressly in the solicitations or advertising that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin;

(b) Uses display or other advertising, and the advertising includes an appropriate insignia prescribed by the Director. The use of the insignia is considered subject to the provisions of 18 U.S.C. 701;

(c) Uses a single advertisement, and the advertisement is grouped with other advertisements under a caption which clearly states that all employers in the group assure all qualified applicants equal consideration for employment without regard to race, color, religion, sex, or national origin;

(d) Uses a single advertisement in which appears in clearly distinguishable type the phrase "an equal opportunity employer."

§ 60-1.42 Notices to be posted.

(a) Unless alternative notices are prescribed by the Director, the notices which prime contractors and subcontractors are required to post by paragraphs (1) and (3) of the equal opportunity clause will contain the following language and will be provided by the contracting or administering agencies:

EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW—DISCRIMINATION IS PROHIBITED BY THE CIVIL RIGHTS ACT OF 1964 AND BY EXECUTIVE ORDER NO. 11246

Title VII of the Civil Rights Act of 1964—*Administered by:*

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Prohibits discrimination because of Race, Color, Religion, Sex, or National Origin by Employers with 75 or more employees, by Labor Organizations with a hiring hall of 75 or more members, by Employment Agencies, and by Joint Labor-Management Committees for Apprenticeship or Training. After July 1, 1967, employers and labor organizations with 50 or more employees or members will be covered; after July 1, 1968, those with 25 or more will be covered.

ANY PERSON

Who believes he or she has been discriminated against

SHOULD CONTACT

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

2401 E Street NW, Washington, D.C. 20506

Executive Order No. 11246—*Administered by:*

THE OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

Prohibits discrimination because of Race, Color, Religion, Sex, or National Origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

By all Federal Government Contractors and Subcontractors, and by Contractors Performing Work Under a Federal Assisted Construction Contract, regardless of the number of employees in either case.

ANY PERSON

Who believes he or she has been discriminated against

SHOULD CONTACT

THE OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

U.S. Department of Labor Washington, D.C. 20210

(b) The requirements of paragraph (3) of the equal opportunity clause will be satisfied whenever the prime contractor or subcontractor posts copies of the notification prescribed by or pursuant to paragraph (a) of this section in conspicuous places available to employees, applicants for employment, and representatives of each labor union or other organization representing his employees with which he has a collective-bargaining agreement or other contract or understanding.

§ 60-1.43 Access to records and site of employment.

Each prime contractor and subcontractor shall permit access during normal business hours to its premises for the purpose of conducting on-site compliance reviews and inspecting and copying such books, records, accounts, and other material as may be relevant to the matter under investigation and pertinent to compliance with the Order, and the rules and regulations promulgated pursuant thereto by the agency, or the Director. Information

obtained in this manner shall be used only in connection with the administration of the Order, the administration of the Civil Rights Act of 1964 (as amended) and in furtherance of the purposes of the Order and that Act. (See 41 CFR Part 60-60, Contractor Evaluation Procedures for Nonconstruction Contractors; 41 CFR Part 60-40, Examination and Copying of OFCCP Documents.)

(Sec. 201, E.O. 11246, 30 FR 12319, and E.O. 11375, 32 FR 14303)

§ 60-1.44 Rulings and interpretations.

Rulings under or interpretations of the order or the regulations contained in this part shall be made by the Secretary or his designee.

§ 60-1.45 Existing contracts and subcontracts.

All contracts and subcontracts in effect prior to October 24, 1965, which are not subsequently modified shall be administered in accordance with the nondiscrimination provisions of any prior applicable Executive orders. Any contract or subcontract modified on or after October 24, 1965, shall be subject to Executive Order 11246. Complaints received by and violations coming to the attention of agencies regarding contracts and subcontracts which were subject to Executive Orders 10925 and 11114 shall be processed as if they were complaints regarding violations of this order.

§ 60-1.46 Delegation of authority by the Director.

The Director is authorized to redelegate the authority given to him by the regulations in this part. The authority redelegated by the Director pursuant to the regulations in this part shall be exercised under his general direction and control.

§ 60-1.47 Effective date.

The regulations contained in this part shall become effective July 1, 1968, for all contracts, the solicitations, invitations for bids, or requests for proposals which were sent by the Government or an applicant on or after said effective date, and for all negotiated contracts which have not been executed as of said effective date. Notwithstanding the foregoing, the regulations in this part shall become effective as to all contracts executed on and after the 120th day following said effective date. Subject to any prior approval of the Secretary, any agency may defer the effective date of the regulations in this part, for such period of time as the Secretary finds to be reasonably necessary. Contracts executed prior to the effective date of the regulations in this part shall be governed by the regulations promulgated by the former President's Committee on Equal Employment Opportunity which appear at 28 FR 9812, September 2, 1963, and at 28 FR 11305, October 23, 1963, the temporary regulations which appear at 30 FR 13441, October 22, 1965, and the orders at 31 FR 6881, May 10, 1966, and 32 FR 7439, May 19, 1967.

PART 60-2—AFFIRMATIVE ACTION PROGRAMS

Subpart A—General

Sec.

60-2.1 Title, purpose and scope.
60-2.2 Agency action.

Subpart B—Required Contents of Affirmative Action Programs

60-2.10 Purpose of affirmative action program.
60-2.11 Required utilization analysis.
60-2.12 Establishment of goals and timetables.
60-2.13 Additional required ingredients of affirmative action programs.
60-2.14 Compliance status.

Subpart C—Methods of Implementing the Requirements of Subpart B

60-2.20 Development or reaffirmation of the equal employment opportunity policy.
60-2.21 Dissemination of the policy.
60-2.22 Responsibility for implementation.
60-2.23 Identification of problem areas by organizational units and job groups.
60-2.24 Development and execution of programs.
60-2.25 Internal audit and reporting systems.
60-2.26 Support of action programs.

Subpart D—Miscellaneous

60-2.30 Use of goals.
60-2.31 Preemption.
60-2.32 Supersedure.

AUTHORITY: 5 U.S.C. 553(a)(3)(B); 29 CFR 2.7; section 201, E.O. 11246, 30 FR 12319, and E.O. 11375, 32 FR 14303, as amended by E.O. 12086.

Subpart A—General

§ 60-2.1 Title, purpose and scope.

(a) This part shall also be known as "Revised Order No. 4," and shall cover nonconstruction contractors. Section 60-1.40 of this chapter, affirmative action compliance programs, requires that within 120 days from the commencement of a contract each prime contractor or subcontractor with 50 or more employees and (1) a contract of $50,000 or more; or (2) Government bills of lading which, in any 12-month period, total or can reasonably be expected to total $50,000 or more; or (3) who serves as a depository of Government funds in any amount; or (4) who is a financial institution which is an issuing and paying agent for U.S. savings bonds and savings notes in any amount, develop a written affirmative action compliance program for each of its establishments. A review of compliance surveys indicates that many contractors do not have affirmative action programs on file at the time an establishment is visited by a compliance investigator. This part details the review procedure and the results of a contractor's failure to develop and maintain an affirmative action program and then sets forth detailed guidelines to be used by contractors and the Government in developing and judging these programs as well as the good faith effort required to transform the programs from paper commitments to equal employment opportunity. Subparts B and C of this part are concerned with affirmative action plans only.

(b) Relief, including back pay where appropriate, for members of an affected class who by virtue of past discrimination continue to suffer the present effects of that discrimination, shall be provided in the conciliation agreement entered into pursuant to § 60-60.6 of this title. An "affected class" problem must be remedied in order for a contractor to be considered in compliance. Section 60-2.2 herein pertaining to an acceptable affirmative action program is also applicable to the failure to remedy discrimination against members of an "affected class."

§ 60-2.2 Agency action.

(a) Any contractor required by § 60-1.40 of this chapter to develop an affirmative action program at each of his establishments who has not complied fully with that section is not in compliance with Executive Order 11246, as amended (30 FR 12319). Until such programs are developed and found to be acceptable in accordance with the standards and guidelines set forth in §§ 60-2.10 through 60-2.32, the contractor is unable to comply with the employment opportunity clause. An affirmative action plan shall be deemed to have been accepted by the Government at the time the appropriate OFCCP field, area, regional, or national office has accepted such plan unless within 45 days thereafter the Director has disapproved such plan.

(b) If, in determining such contractor's responsibility for an award of a contract it comes to the contracting officer's attention, through sources within his agency or through the Office of Federal Contract Compliance Programs or other Government agencies, that the contractor has no affirmative action program at each of his establishments, or has substantially deviated from such an approved affirmative action program, or has failed to develop or implement an affirmative action program which complies with the regulations in this chapter, the

contracting officer shall declare the contractor-bidder nonresponsible and so notify the contractor, the Director, and the compliance agency unless he can otherwise affirmatively determine that the contractor is able to comply with his equal employment obligations. Any contractor-bidder which has been declared nonresponsible in accordance with the provisions of this section may request the Director to determine that the responsibility of the contractor-bidder raises substantial issues of law or fact to the extent that a hearing is required. Such request shall set forth the basis upon which the contractor-bidder seeks such a determination. If the Director, in his/her sole discretion, determines that substantial issues of law or fact exist, an administrative or judicial proceeding may be commenced in accordance with the regulations contained in § 601.26; or the Director may require the investigation or compliance review be developed further or additional conciliation be conducted: *Provided*, That during any pre-award conferences, every effort shall be made through the processes of conciliation, mediation, and persuasion to develop an acceptable affirmative action program meeting the standards and guidelines set forth in §§ 60-2.10 through 60-2.32 so that, in the performance of his contract, the contractor is able to meet his equal employment obligations in accordance with the equal opportunity clause and applicable rules, regulations, and orders.

(c)(1) Immediately upon finding that a contractor has no affirmative action program, or has deviated substantially from an approved affirmative action program, or has failed to develop or implement an affirmative action program which complies with the requirements of the regulations in this chapter, that fact shall be recorded in the investigation file. Whenever administrative enforcement is contemplated, the notice to the contractor shall be issued giving him 30 days to show cause why enforcement proceedings under section 209(a) of Executive Order 11246, as amended, should not be instituted. The notice to show cause should contain:

(i) An itemization of the sections of the Executive order and of the regulations with which the contractor has been found in apparent violation, and a summary of the conditions, practices, facts, or circumstances which give rise to each apparent violation;

(ii) The corrective actions necessary to achieve compliance or, as may be appropriate, the concepts and principles of an acceptable remedy and/or the corrective action results anticipated;

(iii) A request for a written response to the findings, including commitments to corrective action or the presentation of opposing facts and evidence; and

(iv) A suggested dated for the conciliation conference.

(2) If the contractor fails to show good cause for his failure or fails to remedy that failure by developing and implementing an acceptable affirmative action program within 30 days, the case file shall be processed for enforcement proceedings pursuant to § 60-1.26 of this chapter. If an administrative complaint is filed, the contractor shall have 20 days to request a hearing. If a request for hearing has not been received within 20 days from the filing of the administrative complaint, the matter shall proceed in accordance with Part 60-30 of this chapter.

(3) During the "show cause" period of 30 days, every effort will be made through conciliation, mediation, and persuasion to resolve the deficiencies which led to the determination of nonresponsibility. If satisfactory adjustments designed to bring the contractor into compliance are not concluded, the case shall be processed for enforcement proceedings pursuant to § 60-1.26 of this chapter.

(d) During the "show cause" period and formal proceedings, each contracting agency must continue to determine the contractor's responsibility in considering whether or not to award a new or additional contract.

Subpart B—Required Contents of Affirmative Action Programs

§ 60-2.10 Purpose of affirmative action program.

An affirmative action program is a set of specific and result-oriented procedures to which a contractor commits himself to apply every good faith effort. The objective of those procedures plus such efforts is equal employment opportunity. Procedures without effort to make them work are meaningless; and effort, undirected by specific and meaningful procedures, is inadequate. An acceptable affirmative action program must include an analysis of areas within which the contractor is deficient in the utilization of minority groups and women, and further, goals and timetables to which the contractor's good faith efforts must be directed to correct the deficiencies and, thus to achieve prompt and full utilization of minorities and women, at all levels and in all segments of his work force where deficiencies exist.

§ 60-2.11 Required utilization analysis.

Based upon the Government's experience with compliance reviews under the Executive order programs and the contractor reporting system, minority groups are most likely to be underutilized in departments and jobs within departments that fall within the following Employer's Information Report (EEO-1) designations; officials and managers, professionals, technicians, sales workers, office and clerical and craftsmen (skilled). As categorized by the EEO-1 designations, women are likely to be underutilized in departments and jobs within departments as follows: Officials and managers, professionals, technicians, sales workers (except over-the-counter sales in certain retail establishments), craftsmen (skilled and semi-skilled). Therefore, the contractor shall direct special attention to such jobs in his analysis and goal setting for minorities and women. Affirmative action programs must contain the following information:

(a) Workforce analysis which is defined as a listing of each job title as appears in applicable collective bargaining agreements or payroll records (not job group) ranked from the lowest paid to the highest paid within each department or other similar organizational unit including departmental or unit supervision. If there are separate work units or lines of progression within a department a separate list must be provided for each such work unit, or line, including unit supervisors. For lines of progression there must be indicated the order of jobs in the line through which an employee could move to the top of the line. Where there are no formal progression lines or usual promotional sequences, job titles should be listed by department, job families, or disciplines, in order of wage rates or salary ranges. For each job title, the total number of incumbents, the total number of male and female incumbents, and the total number of male and female incumbents in each of the following groups must be given: Blacks, Spanish-surnamed Americans, American Indians, and Orientals. The wage rate or salary range for each job title must be given. All job titles, including all managerial job titles, must be listed.

(b) An analysis of all major job groups at the facility, with explanation if minorities or women are currently being underutilized in any one or more job groups ("job groups" herein meaning one or a group of jobs having similar content, wage rates and opportunities). "Underutilization" is defined as having fewer minorities or women in a particular job group than would reasonably be expected by their availability. In making the utilization analysis, the contractor shall conduct such analysis separately for minorities and women.

(1) In determining whether minorities are being underutilized in any job group, the contractor will consider at least all of the following factors:

(i) The minority population of the labor area surrounding the facility;

(ii) The size of the minority unemployment force in the labor area surrounding the facility;

(iii) The percentage of the minority work force as compared with the total work force in the immediate labor area;

(iv) The general availability of minorities having requisite skills in the immediate labor area;

(v) The availability of minorities having requisite skills in an area in which the contractor can reasonably recruit;

(vi) The availability of promotable and transferable minorities within the contractor's organization;

(vii) The existence of training institutions capable of training persons in the requisite skills; and

(viii) The degree of training which the contractor is reasonably able to undertake as a means of making all job classes available to minorities.

(2) In determining whether women are being underutilized in any job group, the contractor will consider at least all of the following factors:

(i) The size of the female unemployment force in the labor area surrounding the facility;

(ii) The percentage of the female workforce as compared with the total workforce in the immediate labor area;

(iii) The general availability of women having requisite skills in the immediate labor area;

(iv) The availability of women having requisite skills in an area in which the contractor can reasonably recruit;

(v) The availability of women seeking employment in the labor or recruitment area of the contractor;

(vi) The availability of promotable and transferable female employees within the contractor's organization;

(vii) The existence of training institutions capable of training persons in the requisite skills; and

(viii) The degree of training which the contractor is reasonably able to undertake as a means of making all job classes available to women.

§ 60-2.12 Establishment of goals and timetables.

(a) The goals and timetables developed by the contractor should be attainable in terms of the contractor's analysis of his deficiencies and his entire affirmative action program. Thus, in establishing the size of his goals and the length of his timetables, the contractor should consider the results which could reasonably be expected from his putting forth every good faith effort to make his overall affirmative action program work. In determining levels of goals, the contractor should consider at least the factors listed in § 60-2.11.

(b) Involve personnel relations staff, department and division heads, and local and unit managers in the goal-setting process.

(c) Goals should be significant, measurable, and attainable.

(d) Goals should be specific for planned results, with timetables for completion.

(e) Goals may not be rigid and inflexible quotas which must be met, but must be targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work.

(f) In establishing timetables to meet goals and commitments, the contractor will consider the anticipated expansion, contraction, and turnover of and in the work force.

(g) Goals, timetables, and affirmative action commitments must be designed to correct any identifiable deficiencies.

(h) Where deficiencies exist and where numbers or percentages are relevant in developing corrective action, the contractor shall establish and set forth specific goals and timetables separately for minorities and women.

(i) Such goals and timetables, with supporting data and the analysis thereof shall be a part of the contractor's written affirmative action program and shall be maintained at each establishment of the contractor.

(j) A contractor or subcontractor extending a publicly announced preference for Indians as authorized in 41 CFR 60-1.5(a)(6) may reflect in its goals and timetables the permissive employment preference for Indians living on or near an Indian reservation.

(k) Where the contractor has not established a goal, his written affirmative action program must specifically analyze each of the factors listed in § 60-2.11 and must detail his reason for a lack of a goal.

(l) In the event it comes to the attention of the compliance agency or the Office of Federal Contract Compliance Programs that there is a substantial disparity in the utilization of a particular minority group or men or women of a particular minority group, OFCCP may require separate goals and timetables for such minority group and may further require, where appropriate, such goals and timetables by sex for such group for such job classifications and organizational units specified by the OFCCP.

(m) Support data for the required analysis and program shall be compiled and maintained as part of the contractor's affirmative action program. This data will include but not be limited to progression line charts, seniority rosters, applicant flow data, and applicant rejection ratios indicating minority and sex status.

(n) Copies of affirmative action programs and/or copies of support data shall be made available to the Office of Federal Contract Compliance Programs, request, for such purposes as may be appropriate to the fulfillment of its responsibilities under Executive Order 11246, as amended.

§ 60-2.13 Additional required ingredients of affirmative action programs.

Effective affirmative action programs shall contain, but not necessarily be limited to, the following ingredients:

(a) Development or reaffirmation of the contractor's equal employment opportunity policy in all personnel actions.

(b) Formal internal and external dissemination of the contractor's policy.

(c) Establishment of responsibilities for implementation of the contractor's affirmative action program.

(d) Identification of problem areas (deficiencies) by organizational units and job group.

(e) Establishment of goals and objectives by organizational units and job groups, including timetables for completion.

(f) Development and execution of action-oriented programs designed to eliminate problems and further designed to attain established goals and objectives.

(g) Design and implementation of internal audit and reporting systems to measure effectiveness of the total program.

(h) Compliance of personnel policies and practices with the Sex Discrimination Guidelines (41 CFR Part 60-20).

(i) Active support of local and national community action programs and community service programs, designed to improve the employment opportunities of minorities and women.

(j) Consideration of minorities and women not currently in the work force having requisite skills who can be recruited through affirmative action measures.

§ 60-2.14 Compliance status.

No contractor's compliance status shall be judged alone by whether or not he reaches his goals and meets his timetables. Rather, each contractor's compliance posture shall be reviewed and determined by reviewing the contents of his program, the extent of his adherence to this program, and his good faith efforts to make his program work toward the realization of the program's goals within the timetables set for completion. There follows an outline of examples of procedures that contractors and Federal agencies should use as a guideline for establish-

ing, implementing, and judging an acceptable affirmative action program.

Subpart C—Methods of Implementing the Requirements of Subpart B

§ 60-2.20 Development or reaffirmation of the equal employment opportunity policy.

(a) The contractor's policy statement should indicate the chief executive officers' attitude on the subject matter, assign overall responsibility and provide for a reporting and monitoring procedure. Specific items to be mentioned should include, but not be limited to:

(1) Recruit, hire, train, and promote persons in all job titles, without regard to race, color, religion, sex, or national origin, except where sex is a bona fide occupational qualification. (The term "bona fide occupational qualification" has been construed very narrowly under the Civil Rights Act of 1964. Under Executive Order 11246 as amended and this part, this term will be construed in the same manner.)

(2) Base decisions on employment so as to further the principle of equal employment opportunity.

(3) Insure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities.

(4) Insure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, company sponsored training, education, tuition assistance, social and recreation programs, will be administered without regard to race, color, religion, sex, or national origin.

§ 60-2.21 Dissemination of the policy.

(a) The contractor should disseminate his policy internally as follows:

(1) Include it in contractor's policy manual.

(2) Publicize it in company newspaper, magazine, annual report, and other media.

(3) Conduct special meetings with executive, management, and supervisory personnel to explain intent of policy and individual responsibility for effective implementation, making clear the chief executive officer's attitude.

(4) Schedule special meetings with all other employees to discuss policy and explain individual employee responsibilities.

(5) Discuss the policy thoroughly in both employee orientation and management training programs.

(6) Meet with union officials to inform them of policy, and request their cooperation.

(7) Include nondiscrimination clauses in all union agreements, and review all contractual provisions to insure they are nondiscriminatory.

(8) Publish articles covering EEO programs, progress reports, promotions, etc., of minority and female employees, in company publications.

(9) Post the policy on company bulletin boards.

(10) When employees are featured in product or consumer advertising, employee handbooks or similar publications both minority and nonminority, men and women should be pictured.

(11) Communicate to employees the existence of the contractors affirmative action program and make available such elements of his program as will enable such employees to know of and avail themselves of its benefits.

(b) The contractor should disseminate his policy externally as follows:

(1) Inform all recruiting sources verbally and in writing of company policy, stipulating that these sources actively recruit and refer minorities and women for all positions listed.

(2) Incorporate the equal opportunity clause in all purchase orders, leases, contracts, etc., covered by Executive Order 11246, as amended, and its implementing regulations.

(3) Notify minority and women's organizations, community agencies, community leaders, secondary schools, and colleges, of company policy, preferably in writing.

(4) Communicate to prospective employees the existence of the contractor's affirmative action program and make available such elements of his program as will enable such prospective employees to know of and avail themselves of its benefits.

(5) When employees are pictured in consumer or help wanted advertising, both minorities and nonminority men and women should be shown.

(6) Send written notification of company policy to all subcontractors, vendors, and suppliers requesting appropriate action on their part.

§ 60-2.22 Responsibility for implementation.

(a) An executive of the contractor should be appointed as director or manager of company equal opportunity programs. Depending upon the size and geographical alinement of the company, this may be his or her sole responsibility. He or she should be given the necessary top management support and staffing to executive the assignment. His or her identity should appear on all internal and external communications on the company's equal opportunity programs. His or her responsibilities should include, but not necessarily be limited to:

(1) Developing policy statements, affirmative action programs, internal and external communication techniques.

(2) Assisting in the identification of problem areas.

(3) Assisting line management in arriving at solutions to problems.

(4) Designing and implementing audit and reporting systems that will:

(i) Measure effectiveness of the contractor's programs.

(ii) Indicate need for remedial action.

(iii) Determine the degree to which the contractor's goals and objectives have been attained.

(5) Serve as liaison between the contractor and enforcement agencies.

(6) Serve as liaison between the contractor and minority organizations, women's organizations and community action groups concerned with employment opportunities of minorities and women.

(7) Keep management informed of latest developments in the entire equal opportunity area.

(b) Line responsibilities should include, but not be limited to the following:

(1) Assistance in the identification of problem areas and establishment of local and unit goals and objectives.

(2) Active involvement with local minority organizations, women's organizations, community action groups and community service programs.

(3) Periodic audit of training programs, hiring and promotion patterns to remove impediments to the attainment of goals and objectives.

(4) Regular discussions with local managers, supervisors, and employees to be certain the contractor's policies are being followed.

(5) Review of the qualifications of all employees to insure that minorities and women are given full opportunities for transfers and promotions.

(6) Career counseling for all employees.

(7) Periodic audit to insure that each location is in compliance in area such as:

(i) Posters are properly displayed.

(ii) All facilities, including company housing, which the contractor maintains for the use and benefit of his employees, are in fact desegregated, both in policy and use. If the contractor provides facilities such as dormitories, locker rooms and rest rooms, they must be comparable for both sexes.

(iii) Minority and female employees are afforded a full opportunity and are encouraged to participate in all company sponsored educational, training, recreational, and social activities.

(8) Supervisors should be made to understand that their work performance is being evaluated on the basis of their equal employment opportunity efforts and results, as well as other criteria.

(9) It shall be a responsibility of supervisors to take actions to prevent

harassment of employees placed through affirmative action efforts.

§ 60-2.23 Identification of problem areas by organizational units and job groups.

(a) An in-depth analysis of the following should be made, paying particular attention to trainees and those categories listed in § 60-2.11(b).

(1) Composition of the work force by minority group status and sex.

(2) Composition of applicant flow by minority group status and sex.

(3) The total selection process including position descriptions, position titles, worker specifications, application forms, interview procedures, test administration, test validity, referral procedures, final selection process, and similar factors.

(4) Transfer and promotion practices.

(5) Facilities, company sponsored recreation and social events, and special programs such as educational assistance.

(6) Seniority practices and seniority provisions of union contracts.

(7) Apprenticeship programs.

(8) All company training programs, formal and informal.

(9) Work force attitude.

(10) Technical phases of compliance, such as poster and notification to labor unions, retention of applications, notification to subcontractors, etc.

(b) If any of the following items are found in the analysis, special corrective action should be appropriate.

(1) An "underutilization" of minorities or women in specific job groups.

(2) Lateral and/or vertical movement of minority or female employees occurring at a lesser rate (compared to work force mix) than that of nonminority or male employees.

(3) The selection process eliminates a significantly higher percentage of minorities or women than nonminorities or men.

(4) Application and related preemployment forms not in compliance with Federal legislation.

(5) Position descriptions inaccurate in relation to actual functions and duties.

(6) Formal or scored selection procedures not validated as required by the OFCCP Uniform Guidelines on Employee Selection Procedures.

(7) Test forms not validated by location, work performance and inclusion of minorities and women in sample.

(8) Referral ratio of minorities or women to the hiring supervisor or manager indicates a significantly higher percentage are being rejected as compared to nonminority and male applicants.

(9) Minorities or women are excluded from or are not participating in company sponsored activities or programs.

(10) De facto segregation still exists at some facilities.

(11) Seniority provisions contribute to overt or inadvertent discrimination, i.e., a disparity by minority group status or sex exists between length of service and types of job held.

(12) Nonsupport of company policy by managers, supervisors or employees.

(13) Minorities or women underutilized or significantly underrepresented in training or career improvement programs.

(14) No formal techniques established for evaluating effectiveness of EEO programs.

(15) Lack of access to suitable housing inhibits recruitment efforts and employment of qualified minorities.

(16) Lack of suitable transportation (public or private) to the work place inhibits minority employment.

(17) Labor unions and subcontractors not notified of their responsibilities.

(18) Purchase orders do not contain EEO clause.

(19) Posters not on display.

§ 60-2.24 Development and execution of programs.

(a) The contractor should conduct detailed analyses of position descriptions to insure that they accurately reflect position functions, and are consistent for the same position from one location to another.

(b) The contractor should validate worker specifications by division, department, location or other organizational unit and by job title using job performance criteria. Special attention should be given to academic, experience and skill requirements to insure that the requirements in themselves do not constitute inadvertent discrimination. Specifications should be consistent for the same job title in all locations and should be free from bias as regards to race, color, religion, sex or national origin, except were sex is a bona fide occupational qualification. Where requirements screen out a disproportionate number of minorities or women, such requirements should be professionally validated to job performance.

(c) Approved position descriptions and worker specifications, when used by the contractor, should be made available to all members of management involved in the recruiting, screening, selection, and promotion process. Copies should also be distributed to all recruiting sources.

(d) The contractor should evaluate the total selection process to insure freedom from bias and, thus, aid the attainment of goals and objectives.

(1) All personnel involved in the recruiting, screening, selection, promotion, disciplinary, and related processes should be carefully selected and trained to insure elimination of bias in all personnel actions.

(2) The contractor shall observe the requirements of the OFCCP Uniform Guidelines on Employee Selection Procedures.

(3) Selection techniques other than tests may also be improperly used so as to have the effect of discriminating against minority groups and women. Such techniques include but are not restricted to, unscored interviews, unscored or casual application forms, arrest records, credit checks, considerations of marital status or dependency or minor children. Where there exist data suggesting that such unfair discrimination or exclusion of minorities or women exists, the contractor should analyze his unscored procedures and eliminate them if they are not objectively valid.

(e) Suggested techniques to improve recruitment and increase the flow of minority or female applicants follow:

(1) Certain organizations such as the Urban League, Job Corps, Equal Opportunity Programs, Inc., Concentrated Employment programs, Neighborhood Youth Corps, Secondary Schools, Colleges, and City Colleges with high minority enrollment, the State Employment Service, specialized employment agencies, Aspira, LULAC, SER, the G.I. Forum, the Commonwealth of Puerto Rico are normally prepared to refer minority applicants. Organizations prepared to refer women with specific skills are: National Organization for Women, Welfare Rights organizations, Women's Equity Action League, Talent Bank from Business and Professional Women (including 26 women's organizations), Professional Women's Caucus, Intercollegiate Association of University Women, Negro Women's sororities and service groups such as Delta Sigma Theta, Alpha Kappa Alpha, and Zeta Phi Beta; National Council of Negro Women, American Association of University Women, YWCA, and sectarian groups such as Jewish Women's Groups, Catholic Women's Groups and Protestant Women's Groups, and women's colleges. In addition, community leaders as individuas shall be added to recruiting sources.

(2) Formal briefing sessions should be held, preferably on company premises, with representatives from these recruiting sources. Plant tours, presentations by minority and female emplyees, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the company's selection process, and recruiting literature should be an integral part of the briefings. Formal arrangements should be made for referral of appli-

cants, followup with sources, and feedback on disposition of applicants.

(3) Minority and female employees, using procedures similar to subparagraph (2) of this paragraph, should be actively encouraged to refer applicants.

(4) A special effort should be made to include minorities and women on the Personnel Relations staff.

(5) Minority and female employees should be made available for participation in Career Days, Youth Motivation Programs, and related activities in their communities.

(6) Active participation in "Job Fairs" is desirable. Company representative so participating should be given authority to make on-the-spot commitments.

(7) Active recruiting programs should be carried out at secondary schools, junior colleges, and colleges with predominant minority or female enrollments.

(8) Recruiting efforts at all schools should incorporate special efforts to reach minorities and women.

(9) Special employment programs should be undertaken whenever possible. Some possible programs are:

(i) Technical and nontechnical co-op programs with predominately Negro and women's colleges.

(ii) "After school" and/or work-study jobs for minority youths, male and females.

(iii) Summer jobs for underprivileged youth, male and female.

(iv) Summer work-study programs for male and female faculty members of the predominantly minority schools and colleges.

(v) Motivation, training and employment programs for the hardcore unemployed, male and female.

(10) When recruiting brochures pictorially present work situations, the minority and female members of the work force should be included, especially when such brochures are used in school and career programs.

(11) Help wanted advertising should be expanded to include the minority news media and women's interest media on a regular basis.

(f) The contractor should insure that minority and female employees are given equal opportunity for promotion. Suggestions for achieving this result include:

(1) Post or otherwise announce promotional opportunities.

(2) Make an inventory of current minority and female employees to determine academic, skill and experience level of individual employees.

(3) Initiate necessary remedial, job training and workstudy programs.

(4) Develop and implement formal employee evaluation programs.

(5) Make certain "worker specifications" have been validated on job performance related criteria. (Neither minority nor female employees should be required to possess higher qualifications than those of the lowest qualified incumbent.)

(6) When apparently qualified minority or female employees are passed over for upgrading, require supervisory personnel to submit written justification.

(7) Establish formal career counseling programs to include attitude development, education aid, job rotation, buddy system and similar programs.

(8) Review seniority practices and seniority clauses in union contracts to insure such practices or clauses are nondiscriminatory and do not have a discriminatory effect.

(g) Make certain facilities and company-sponsored social and recreation activities are desegregated. Actively encourage all employees to participate.

(h) Encourage child care, housing and transportation programs appropriately designed to improve the employment opportunities for minorities and women.

§ 60-2.25 Internal audit and reporting systems.

(a) The contractor should monitor records of referrals, placements, transfers, promotions and terminations at all levels to insure nondiscriminatory policy is carried out.

(b) The contractor should require formal reports from unit managers on a schedule basis as to degree to which corporate or unit goals are attained and timetables met.

(c) The contractor should review report results with all levels of management.

(d) The contractor should advise top management of program effectiveness and submit recommendations to improve unsatisfactory performance.

§ 60-2.26 Support of action programs.

(a) The contractor should appoint key members of management to serve on merit employment councils, community relations boards and similar organizations.

(b) The contractor should encourage minority and female employees to participate actively in National Alliance of Businessmen programs for youth motivation.

(c) The contractor should support vocational guidance institutes, vestibule training programs and similar activities.

(d) The contractor should assist secondary schools and colleges in programs designed to enable minority and female graduates of these institutions to compete in the open employment market on a more equitable basis.

(e) The contractor should publicize achievements of minority and female employees in local and minority news media.

(f) The contractor should support programs developed by such organizations as National Alliance of Businessmen, the Urban Coalition and other organizations concerned with employment opportunities for minority or women.

Subpart D—Miscellaneous

§ 60-2.30 Use of goals.

The purpose of a contractor's establishment and use of goals is to insure that he meet his affirmative action obligation. It is not intended and should not be used to discriminate against any applicant or employee because of race, color, religion, sex, or national origin.

§ 60-2.31 Preemption.

To the extent that any State or local laws, regulations or ordinances, including those which grant special benefits to persons on account of sex, are in conflict with Executive Order 11246, as amended, or with the requirements of this part, we will regard them as preempted under the Executive order.

§ 60-2.32 Supersedure.

All orders, instructions, regulations, and memoranda of the Secretary of Labor, other officials of the Department of Labor and contracting agencies are hereby superseded to the extent that they are inconsistent herewith, including a previous "Order No. 4" from this office dated January 30, 1970. Nothing in this part is intended to amend 41 CFR Part 60-3 or 41 CFR 60-20.

PART 60-4—CONSTRUCTION CONTRACTORS—AFFIRMATIVE ACTION REQUIREMENTS

Sec.

60-4.1 Scope and application.
60-4.2 Solicitations.
60-4.3 Equal opportunity clauses.
60-4.4 Affirmative action requirements.
60-4.5 Hometown plans
60-4.6 Goals and timetables.
60-4.7 Effect on other regulations.
60-4.8 Show cause notice.
60-4.9 Incorporation by operation of the Order.

AUTHORITY: Secs. 201, 202, 205, 211, 301, 302, and 303 of E.O. 11246, as amended, 30 FR 12319; 32 FR 14303, as amended by E.O. 12086.

§ 60-4.1 Scope and application.

This part applies to all contractors and subcontractors which hold any Federal or federally assisted construction contract in excess of $10,000. The regulations in this part are applicable to all of a construction contractor's or subcontractor's construction employees who are engaged in on site con-

truction including those construction employees who work on a non-Federal or nonfederally assisted construction site. This part also established procedures which all Federal contracting officers and all applicants, as applicable, shall follow in soliciting for and awarding Federal or federally assisted construction contracts. Procedures also are established which administering agencies shall follow in making any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of Executive Order 11246, as amended.

In addition, this part applies to construction work performed by construction contractors and subcontractors for Federal nonconstruction contractors and subcontractors if the construction work is necessary in whole or in part to the performance of a nonconstruction contract or subcontract.

§ 60–4.2 Solicitations.

(a) All Federal contracting officers and all applicants shall include the notice set forth in paragraph (d) of this section and the Standard Federal Equal Employment Opportunity Construction Contract Specifications set forth in § 60–4.3 of this part in all solicitations for offers and bids on all Federal and federally assisted construction contracts or subcontracts to be performed in geographical areas designated by the Director pursuant to § 60–4.6 of the part. Administering agencies shall require the inclusion of the notice set forth in paragraph (d) of this section and the specifications set forth in § 60–4.3 of this part as a condition of any grant, contract, subcontract, loan insurance or guarantee involving federally assisted construction covered by this part 60–4.

(b) All nonconstruction contractors covered by Executive Order 11246 and the implementing regulations shall include the notice in paragraph (d) of this section in all construction agreements which are necessary in whole or in part to the performance of the covered nonconstruction contract.

(c) Contracting officers, applicants and nonconstruction contractors shall given written notice to the Director within 10 working days of award of a contract subject to these provisions. The notification shall include the name, address and telephone number of the contractor; employer identification number; dollar amount of the contract, estimated starting and completion dates of the contract; the contract number; and geographical area in which the contract is to be performed.

(d) The following notice shall be included in, and shall be a part of, all solicitations for offers and bids on all Federal and federally assisted construction contracts or subcontracts in excess of $10,000 to be performed in geographical areas designed by the Director pursuant to § 60–4.6 of this part (see 41 CFR 60–4.2(a)):

NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE ORDER 11246)

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein.

2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Timetables	Goals for minority participation for each trade	Goals for female participation in each trade
	Insert goals for each year.	Insert goals for each year.

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60–4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60–4.3(a), and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60–4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of $10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor; employer identification number; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the contract is to be performed.

4. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" is (insert description of the geographical areas where the contract is to be performed giving the state, county and city, if any).

§ 60–4.3 Equal opportunity clauses.

(a) The equal opportunity clause published at 41 CFR 60–1.4(a) of this chapter is required to be included in, and is part of, all nonexempt Federal contracts and subcontracts, including construction contracts and subcontracts. The equal opportunity clause published at 41 CFR 60–1.4(b) is required to be included in, and is a part of, all nonexempt federally assisted construction contracts and subcontracts. In addition to the clauses described above, all Federal contracting officers, all applicants and all nonconstruction contractors, as applicable, shall include the specifications set forth in this section in all Federal and federally assisted construction contracts in excess of $10,000 to be performed in geographical areas designated by the Director pursuant to § 60–4.6 of this part and in construction subcontracts in excess of $10,000 necessary in whole or in part to the performance of nonconstruction Federal contracts and subcontracts covered under the Executive order.

STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION CONTRACT SPECIFICATIONS (EXECUTIVE ORDER 11246)

1. As used in these specifications:

a. "Covered area" means the geographical area described in the solicitation from which this contract resulted;

b. "Director" means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority;

c. "Employer identification number" means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941.

d. "Minority" includes:

(i) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);

(ii) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);

(iii) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and

(iv) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

2. Whenever the Contractor, or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of $10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.

3. If the Contractor is participating (pursuant to 41 CFR 60–4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered are either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those

trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors or Subcontractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractor's failure to take good faith efforts to achieve the Plan goals and timetables.

4. The Contractor shall implement the specific affirmative action standards provided in paragraphs 7a through p of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each contruction trade in which it has employees in the covered area. The Contractor is expected to make substantially uniform progress toward its goals in each craft during the period specified.

5. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.

6. In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U.S. Department of Labor.

7. The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:

a. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.

b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.

c. Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the Contractor, this shall be documented in the file with the reason therefor, along with whatever additional actions the Contractor may have taken.

d. Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.

e. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these programs to the sources compiled under 7b above.

f. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newpaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.

g. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with onsite supervisory personnel such as Superintendents, General Foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.

h. Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.

i. Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.

j. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a Contractor's work force.

k. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.

l. Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.

m. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the Contractor's obligations under these specifications are being carried out.

n. Ensure that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.

o. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.

p. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.

8. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (7a through p). The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which the contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under 7a through p of these Specifications provided that the contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation to comply, however, is the Contractor's and failure of such a group to fulfill an obligation shall not be a defense for the Contractor's noncompliance.

9. A single goal for minorities and a separate single goal for women have been established. The Contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the

Contractor has achieved its goals for women generally, the Contractor may be in violation of the Executive Order if a specific minority group of women is underutilized).

10. The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex, or national origin.

11. The Contractor shall not enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.

12. The Contractor shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.

13. The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of these specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR 60-4.8.

14. The Contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.

15. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

(b) The notice set forth in 41 CFR 60-4.2 and the specifications set forth in 41 CFR 60-4.3 replace the New Form for Federal Equal Employment Opportunity Bid Conditions for Federal and Federally Assisted Construction published at 41 FR 32482 and commonly known as the Model Federal EEO Bid Conditions, and the New Form shall not be used after the regulations in 41 CFR Part 60-4 become effective.

§ 60-4.4 Affirmative action requirements.

(a) To implement the affirmative action requirements of Executive Order 11246 in the construction industry, the Office of Federal Contract Compliance Programs previously has approved affirmative action programs commonly referred to as "Hometown Plans," has promulgated affirmative action plans referred to as "Imposed Plans" and has approved "Special Bid Conditions" for high impact projects constructed in areas not covered by a Hometown or an Imposed Plan. All solicitations for construction contracts made after the effective date of the regulations in this part shall include the notice specified in § 60-4.2 of this part and the specifications in § 60-4.3 of this part in lieu of the Hometown and Imposed Plans including the Philadelphia Plan and Special Bid Conditions. Until the Director has issued an order pursuant to § 60-4.6 of this part establishing goals and timetables for minorities in the appropriate geographical areas or for a project covered by Special Bid Conditions, the goals and timetables for minorities to be inserted in the Notice required by 41 CFR 60-4.2 shall be the goals and timetables contained in the Hometown Plan, Imposed Plan or Special Bid Conditions presently covering the respective geographical area or project involved.

(b) Signatories to a Hometown Plan (including heavy highway affirmative action plans) shall have 45 days from the effective date of the regulations in this part to submit under such a Plan (for the director's approval) goals and timetables for women and to include female representation on the Hometown Plan Administrative Committee. Such goals for female representation shall be at least as high as the goals established for female representation in the notice issued pursuant to 41 CFR 60-4.6. Failure of the signatories, within the 45-day period, to include female representation and to submit goals for women or a new plan, as appropriate, shall result in an automatic termination of the Office of Federal Contract Compliance Program's approval of the Hometown Plan. At any time the Office of Federal Contract Compliance Programs terminates or withdraws its approval of a Hometown Plan, or when the plan expires and another plan is not approved, the contractors signatory to the plan shall be covered automatically by the specifications set forth in § 60-4.3 of this part and by the goals and timetables established for that geographical area pursuant to § 60-4.6 of this part.

§ 60-4.5 Hometown plans.

(a) A contractor participating, either individually or through an association, in an approved Hometown Plan (including heavy highway affirmative action plans) shall comply with its affirmative action obligations under Executive Order 11246 by complying with its obligations under the plan: *Provided*, That each contractor or subcontractor participating in an approved plan is individually required to comply with the equal opportunity clause set forth in 41 CFR 60-1.4; to make a good faith effort to achieve the goals for each trade participating in the plan in which it has employees; and that the overall good performance by other contractors or subcontractors toward a goal in an approved plan does not excuse any covered contractor's or subcontractor's failure to take good faith efforts to achieve the plan's goals and timetables. If a contractor is not participating in an approved Hometown Plan it shall comply with the specifications set forth in § 60-4.3 of this part and with the goals and timetables for the appropriate area as listed in the notice required by 41 CFR 60-4.2 with regard to that trade. For the purposes of this part 60-4, a contractor is not participating in a Hometown Plan for a particular trade if it:

(1) Ceases to be signatory to a Hometown Plan covering that trade;

(2) Is signatory to a Hometown Plan for that trade but is not party to a collective bargaining agreement for that trade;

(3) Is signatory to a Hometown Plan for that trade but is party to a collective bargaining agreement with labor organizations which are not or cease to be signatories to the same Hometown Plan for that trade;

(4) Is signatory to a Hometown Plan for that trade but is party to a collective bargaining agreement with a labor organization for that trade but the two have not jointly executed a specific commitment to minority and female goals and timetables and incorporated the commitment in the Hometown Plan for that trade;

(5) is participating in a Hometown Plan for that trade which is no longer acceptable to the Office of Federal Contract Compliance Programs;

(6) Is signatory to a Hometown Plan for that trade but is party to a collective bargaining agreement with labor a organization for that trade and the labor organization and the contractor have failed to make a good faith effort to comply with their obligations under the Hometown Plan for that trade.

(b) Contractors participating in Hometown Plans must be able to demonstrate their participation and document their compliance with the provision of the Hometown Plan.

§ 60-4.6 Goals and timetables.

The director, from time to time, shall issue goals and timetables for minority and female utilization which

shall be based on appropriate workforce, demographic or other relevant data and which shall cover construction projects, or construction contracts performed in specific geographical areas. The goals shall be applicable to each construction trade in a covered contractor's or subcontractor's entire workforce which is working in the area covered by the goals and timetables, shall be published as notices in the FEDERAL REGISTER, and shall be inserted by the contracting officers and applicants, as applicable, in the notice required by 41 CFR 60-4.2.

§ 60-4.7 Effect on other regulations.

The regulations in this part are in addition to the regulations contained in this chapter which apply to construction contractors and subcontractors generally. See particularly, 41 CFR 60-1.4 (a), (b), (c), (d), and (e); 60-1.5; 60-1.7; 60-1.8; 60-1.26; 60-1.29; 60-1.30; 60-1.32; 60-1.41; 60-1.42; 60-1.43; and 41 CFR part 60-3; part 60-20; part 60-30; part 60-40; and part 60-50.

§ 60-4.8 Show cause notice.

If an investigation or compliance review reveals that a construction contractor or subcontractor has violated the Executive order, any contract clause, specifications or the regulations in this chapter and if administrative enforcement is contemplated, the director shall issue to the contractor or subcontractor a notice to show cause which shall contain the items specified in (i)-(iv) of 41 CFR 60-2.2(c)(1). If the contractor does not show good cause within 30 days, or in the alternative, fails to enter an acceptable conciliation agreement which includes where appropriate, make up goals and timetables, back pay, and seniority relief for affected class members, the OFCCP shall follow the procedure in 41 CFR 60-1.26(b): *Provided*, That where a conciliation agreement has been violated, no show cause notice is required prior to the initiation of enforcement proceeings.

§ 60-4.9 Incorporation by operation of the order.

By operation of the order, the equal opportunity clause contained in § 60-1.4, the Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246) contained in § 60-4.2, and the Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246) contained in § 60-4.3 shall be deemed to be a part of every solicitation or of every contract and subcontract, as appropriate, required by the order and the regulations in this chapter to include such clauses whether or not they are physically incorporated in such solicitation or contract and whether or not the contract is written.

PART 60—20 SEX DISCRIMINATION GUIDELINES

Sec.
60-20.1 Title and purpose.
60-20.2 Recruitment and advertisement.
60-20.3 Job policies and practices.
60-20.4 Seniority system.
60-20.5 Discriminatory wages.
60-20.6 Affirmative actions.

AUTHORITY. Sec. 201, E.O. 11246, 30 FR 12319, and E.O. 11375, 32 FR 14303, as amended by E.O. 12086.

§ 60-20.1 Title and purpose.

The purpose of the provisions in this part is to set forth the interpretations and guidelines of the Office of Federal Contract Compliance Programs regarding the implementation of Executive Order 11246, as amended for the promotion and insuring of equal opportunities for all persons employed or seeking employment with Government contractors and subcontractors or with contractors and subcontractors performing under federally assisted construction contracts, without regard to sex. Experience has indicated that special problems related to the implementation of the Executive Order require a definitive treatment beyond the terms of the order itself. These interpretations are to be read in connection with existing regulations, set forth in Part 60-1 of this chapter.

§ 60-20.2 Recruitment and advertisement.

(a) Employers engaged in recruiting activity must recruit employees of both sexes for all jobs unless sex is a bona fide occupation qualification.

(b) Advertisement in newspapers and other media for employment must not express a sex preference unless sex is a bona fide occupational qualification for the job. The placement of an advertisement in columns headed "Male" or "Female" will be considered an expression of a preference, limitation, specification, or discrimination based on sex.

§ 60-20.3 Job policies and practices.

(a) Written personnel policies relating to this subject area must expressly indicate that there shall be no discrimination against employees on account of sex. If the employer deals with a bargaining representative for his employees and there is a written agreement on conditions of employment, such agreement shall not be inconsistent with these guidelines.

(b) Employees of both sexes shall have an equal opportunity to any available job that he or she is qualified to perform, unless sex is a bona fide occupational qualification.

NOTE: In most Government contract work there are only limited instances where valid reasons can be expected to exist which would justify the exclusion of all men or all women from any given job.

(c) The employer must not make any distinction based upon sex in employment opportunities, wages, hours, or other conditions of employment. In the area of employer contributions for insurance, pensions, welfare programs and other similar "fringe benefits" the employer will not be considered to have violated these guidelines if his contributions are the same for men and women or if the resulting benefits are equal.

(d) Any distinction between married and unmarried persons of one sex that is not made between married and unmarried persons of the opposite sex will be considered to be a distinction made on the basis of sex. Similarly, an employer must not deny employment to women with young children unless it has the same exclusionary policies for men; or terminate an employee of one sex in a particular job classification upon reaching a certain age unless the same rule is applicable to members of the opposite sex.

(e) The employer's policies and practices must assure appropriate physical facilities to both sexes. The employer may not refuse to hire men or women, or deny men or women a particular job because there are no restroom or associated facilities, unless the employer is able to show that the construction of the facilities would be unreasonable for such reasons as excessive expense or lack of space.

(f)(1) An employer must not deny a female employee the right to any job that she is qualified to perform in reliance upon a State "protective" law. For example, such laws include those which prohibit women from performing in certain types of occupations (e.g., a bartender or a core-maker); from working at jobs requiring more than a certain number of hours; and from working at jobs that require lifting or carrying more than designated weights.

(2) Such legislation was intended to be beneficial, but, instead, has been found to result in restricting employment opportunities for men and/or women. Accordingly, it cannot be used as a basis for denying employment or for establishing sex as a bona fide occupational qualification for the job.

(g)(1) Women shall not be penalized in their conditions of employment because they require time away from work on account of childbearing. When, under the employer's leave policy the female employee would qualify for leave, then childbearing must be considered by the employer to be a justification for leave of absence for female employees for a reasonable period of time. For example, if the female employee meets the equally ap-

plied minimum length of service requirements for leave time, she must be granted a reasonable leave on account of childbearing. The conditions applicable to her leave (other than the length thereof) and to her return to employment, shall be in accordance with the employer's leave policy.

(2) If the employer has no leave policy, childbearing must be considered by the employer to be a justification for a leave of absence for a female employee for a reasonable period of time. Following childbirth, and upon signifying her intent to return within a reasonable time, such female employee shall be reinstated to her original job or to a position of like status and pay, without loss of service credits.

(h) The employer must not specify any differences for male and female employees on the basis of sex in either mandatory or optional retirement age.

(i) Nothing in these guidelines shall be interpreted to mean that differences in capabilities for job assignments do not exist among individuals and that such distinctions may not be recognized by the employer in making specific assignments. The purpose of these guidelines is to insure that such distinctions are not based upon sex.

§ 60-20.4 Seniority system.

Where they exist, seniority lines and lists must not be based solely upon sex. Where such a separation has existed, the employer must eliminate this distinction.

§ 60-20.5 Discriminatory wages.

(a) The employer's wages schedules must not be related to or based on the sex of the employees.

NOTE. The more obvious cases of discrimination exist where employees of different sexes are paid different wages on jobs which require substantially equal skill, effort and responsibility and are performed under similar working conditions.

(b) The employer may not discriminatorily restrict one sex to certain job classifications. In such a situation, the employer must take steps to make jobs available to all qualified employees in all classifications without regard to sex. (Example: An electrical manufacturing company may have a production division with three functional units: One (assembly) all female; another (wiring), all male; and a third (circuit boards), also all male. The highest wage attainable in the assembly unit is considerably less than that in the circuit board and wiring units. In such a case the employer must take steps to provide qualified female employees opportunity for placement in job openings in the other two units.)

(c) To avoid overlapping and conflicting administration the Director will consult with the Administrator of the Wage and Hour Administration before issuing an opinion on any matter covered by both the Equal Pay Act and Executive Order 11246, as amended.

§ 60-20.6 Affirmative action.

(a) The employer shall take affirmative action to recruit women to apply for those jobs where they have been previously excluded.

NOTE. This can be done by various methods. Examples include: (1) Including in itineraries of recruiting trips women's colleges where graduates with skills desired by the employer can be found, and female students of coeducational institutions and (2) designing advertisements to indicate that women will be considered equally with men for jobs.

(b) Women have not been typically found in significant numbers in management. In many companies management trainee programs are one of the ladders to management positions. Traditionally, few, if any, women have been admitted into these programs. An important element of affirmative action shall be a commitment to include women candidates in such programs.

(c) Distinctions based on sex may not be made in other training programs. Both sexes should have equal access to all training programs and affirmative action programs should require a demonstration by the employer that such access has been provided.

PART 60-30—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS TO ENFORCE EQUAL OPPORTUNITY UNDER EXECUTIVE ORDER 11246

GENERAL PROVISIONS

Sec.
60-30.1 Applicability of rules.
60-30.2 Waiver, modification.
60-30.3 Computation of time.
60-30.4 Form, filing, service of pleadings and papers.

PREHEARING PROCEDURES

60-30.5 Administrative complaint.
60-30.6 Answer.
60-30.7 Notice of prehearing conference.
60-30.8 Motions; disposition of motions.
60-30.9 Interrogatories, and admissions as to facts and documents.
60-30.10 Production of documents and things and entry upon land for inspection and other purposes.
60-30.11 Depositions upon oral examination.
60-30.12 Prehearing conferences.
60-30.13 Consent findings and order.

HEARINGS AND RELATED MATTERS

60-30.14 Designation of Administrative Law Judges.
60-30.15 Authority and responsibilities of Administrative Law Judges.
60-30.16 Appearances.
60-30.17 Appearance of witnesses.
60-30.18 Evidence; testimony.
60-30.19 Objections; exceptions; offer of proof.
60-30.20 Ex Parte communications.
60-30.21 Oral argument.
60-30.22 Official transcript.
60-30.23 Summary judgment.
60-30.24 Participation by interested persons.

POST HEARING PROCEDURES

60-30.25 Proposed findings of fact and conclusions of law.
60-30.26 Record for recommended decision.
60-30.27 Recommended decision.
60-30.28 Exceptions to recommended decisions.
60-30.29 Record.
60-30.30 Final Administrative Order.

AUTHORITY: Secs. 201, 205, 208, 209, 301, 302(b) and 303(a) of the Executive Order 11246, as amended, 30 FR 12319; 32 FR 14303; § 60-1.26 of Part 60-1 of this chapter (41 CFR Part 60-1), as amended by E.O. 12086.

GENERAL PROVISIONS

§ 60-30.1 Applicability of rules.

This part provides the rules of practice for all administrative proceedings, instituted by the OFCCP including but not limited to proceedings instituted against construction contractors or subcontractors, which relate to the enforcement of equal opportunity under Executive Order 11246, as amended. In the absence of a specific provision, procedures shall be in accordance with the Federal Rules of Civil Procedure.

§ 60-30.2 Waiver modification.

Upon notice to all parties, the Administrative Law Judge may, with respect to matters pending before him modify or waive any rule herein upon a determination that no party will be prejudiced and that the ends of justice will be served thereby.

§ 60-30.3 Computation of time.

In computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed by the Federal Government in which event it includes the next business day.

§ 60-30.4 Form, filing, service of pleadings and papers.

(a) *Form.* The original of all pleadings and papers in a proceeding conducted under the regulations in this part shall be filed with the Adminstrative Law Judge assigned to the case or with the Chief Administrative Law Judge if the case has not been assigned. Every pleading and paper filed in the proceeding shall contain a caption setting forth the name of the agency instituting the proceeding, the title of the action, the case file

number assigned by the Administrative Law Judge, and a designation of the pleading or paper (e.g., complaint, motion to dismiss, etc.). The pleading or paper's shall be signed and shall contain the address and telephone number of the person representing the party or the person on whose behalf the pleading or paper was filed. Unless otherwise ordered for good cause by the Administrative Law Judge regarding specific papers and pleadings in a specific case, all such papers and pleadings are public documents.

(b) *Service.* Service upon any party shall be made by the party filing the pleading or document by delivering a copy or mailing a copy to the party's last known address. When a party is represented by an attorney, the service shall by upon the attorney.

(c) *Proof of service.* A certificate of the person serving the pleading or other document by personal delivery or by mailing, setting forth the manner of services shall be proof of the service.

PREHEARING PROCEDURES

§ 60-30.5 Administrative complaint.

(a) *Issuance.* The Solicitor of Labor, upon referral from the Office of Federal Contract Compliance Programs, shall institute enforcement proceedings by issuing a complaint and causing the complaint to be served upon the contractor which shall be designated in the complaint as the defendant. The Department of Labor, OFCCP, shall be designated as the plaintiff.

(b) *Contents.* The complaint shall contain a concise jurisdictional statement, and a clear and concise statement sufficient to put the defendant on notice of the acts or practices it is alleged to have committed in violation of the Order, the regulations, or its contractual obligations. The complaint shall also contain a prayer regarding the relief being sought, a statement of whatever sanctions the Government will seek to impose and the name and address of the attorney who will represent the Government.

(c) *Amendment.* The complaint may be amended once as a matter of course before an answer is filed, and the defendant may amend its answer once as a matter of course not later than 10 days after the filing of the original answer. Other amendments of the complaint or of the answer to the complaint shall be made only by leave of the Administrative Law Judge or by written consent of the adverse party; and leave shall be freely given where justice so requires. An amended complaint shall be answered within 14 days of its service, or within the time for filing an answer to the original complaint, whichever period is longer. An amended answer shall be responded to within 14 days of its service.

§ 60-30.6 Answer.

(a) *Filing and service.* Within 20 days after the service of the complaint, the defendant shall file an answer with the Chief Administrative Law Judge if the case has not been assigned to an Administrative Law Judge. The answer shall be signed by the defendant or its attorney, and served on the Government in accordance with § 60-30.4(b).

(b) *Contents; failure to file.* The answer shall (1) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, explain, or deny, each of the allegations of the complaint unless the defendant is without knowledge, in which case the answer shall so state; or (2) state that the defendant admits all the allegations of the complaint. The answer may contain a waiver of hearing; and if not, a separate paragraph in the answer shall request a hearing. The answer shall contain the name and address of the defendant, or of the attorney representing the defendant. Failure to file an answer or to plead specifically to any allegation of the complaint shall constitute an admission of such allegation.

(c) *Procedure, upon admission of facts.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission, the Administrative Law Judge, without further hearing, may prepare his decision in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint. The parties shall be given an opportunity to file exceptions to his decision and to file briefs in support of the exceptions.

§ 60-30.7 Notice of prehearing conference.

The Administrative Law Judge shall respond to defendant's request for a hearing within 15 days and shall serve a notice of prehearing conference on the parties. The notice shall contain the time and place of the conference.

§ 60-30.8 Motions; disposition of motions.

(a) *Motions.* Motions shall state the relief sought, the authority relied upon and the facts alleged, and shall be filed with the Administrative Law Judge. If made before or after the hearing itself, the motions shall be in writing. If made at the hearing, motions may be stated orally; but the Administrative Law Judge may require that they be reduced to writing and filed and served on all parties in the same manner as a formal motion. Unless otherwise ordered by the Administrative Law Judge, written motions shall be accompanied by a supporting memorandum. Within 10 days after a written motion is served, or such other time period as may be fixed, any party may file a response to a motion.

(b) *Disposition of motions.* The Administrative Law Judge may not grant a written motion prior to expiration of the time for filing responses thereto, except upon consent of the parties or following a hearing, but may overrule or deny such motion without awaiting response: *Provided,* That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions.

§ 60-30.9 Interrogatories, and admissions as to facts and documents.

(a) *Interrogatories.* Not later than 25 days prior to the date of the hearing, except for good cause shown, or not later than 14 days prior to such earlier date as the Administrative Law Judge may order, any party may serve upon an opposing party written interrogatories. Each interrogatory shall be answered separately and fully in writing under oath, unless objected to. Answers are to be signed by the person making them and objections by the attorney or by whoever is representing the party. Answers and objections shall be filed and served within 25 days of service of the interrogatory.

(b) *Admissions.* Not later than 14 days prior to the date of the hearing, except for good cause shown, or not later than 14 days prior to such earlier date as the Administrative Law Judge may order, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in and exhibited with the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within 25 days after service, the party to whom the request is directed serves upon the requesting party a sworn statement either (1) denying specifically the matter as to which an admission is requested, or (2) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

(c) *Objections or failures to respond.* The party submitting the interrogatory or request may move for an order with respect to any objection or other failure to respond.

§ 60-30.10 Production of documents and things and entry upon land for inspection and other purposes.

(a) After commencement of the action, any party may serve on any other party a request to produce and/or permit the party, or someone acting on his behalf, to inspect and copy any

unprivileged documents, phonorecords, and other compilations, including computer tapes and printouts which contain or may lead to relevant information and which are in the possession, custody, or control of the party upon whom the request is served. If necessary, translation of data compilations shall be done by the party furnishing the information.

(b) After commencement of the action, any party may serve on any other party a request to permit entry upon designated property which may be relevant to the issues in the proceeding and, which is in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object or area.

(c) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time and place for making the inspection and performing the related acts.

(d) The party upon whom the request is served shall respond within 25 days after the service of the request. The response shall state, with respect to each item, that inspection and related activities will be permitted as requested, unless there are objections, in which case the reasons for each objection shall be stated. The party submitting the request may move for an order with respect to any objection or to other failure to respond.

§ 60-30.11 Depositions upon oral examination.

(a) *Depositions; notice of examination.* After commencement of the action, any party may take the testimony of any person, including a party, having personal or expert knowledge of the matters in issue, by deposition upon oral examination. A party desiring to take a deposition shall give reasonable notice in writing to every other party to the proceeding, and may use an administrative subpoena. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. The notice shall also set forth the categories of documents the witness is to bring with him to the deposition, if any. A copy of the notice shall be furnished to the person to be examined unless his name is unknown.

(b) *Production of witnesses; obligation of parties; objections.* It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Unless the parties agree otherwise, depositions shall be held within the county in which the witness resides or works. The party or prospective witness may file with the Administrative Law Judge an objection within 5 days after notice of production of such witness is served, stating with particularity the reasons why the party cannot or ought not to produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness. All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(c) *Before whom taken; scope of examination; failure to answer.* Depositions may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the deposition is held. At the time and place specified in the notice, each party to examine and cross-examine the witness under oath upon any matter which is relevant to the subject matter of the proceeding, or which is reasonably calculated to lead to the production of relevant and otherwise admissible evidence. All objections to questions, except as to the form thereof, and all objections to evidence are reserved until the hearing. A refusal or failure on the part of any person under the control of a party to answer a question shall operate to create a presumption that the answer, if given, would be unfavorable to the controlling party, unless the question is subsequently ruled improper by the Administrative Law Judge or the Administrative Law Judge rules that there was valid justification for the witness' failure or refusal to answer the question: *Provided,* That the examining party shall note on the record during the deposition the question which the deponent has failed, or refused to answer, and state his intention to invoke the presumption if no answer is forthcoming.

(d) *Subscription; certification; filing.* The testimony shall be reduced to typewriting, either by the officer taking the deposition or under his direction, and shall be submitted to the witness for examination and signing. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be noted in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver the original copy of the transcript, together with his certificate, in person or by mail to the Administrative Law Judge. Copies of the transcript and certificate shall be furnished to all persons desiring them, upon payment of reasonable charges, unless distribution is restricted by order of the Administrative Law Judge for good cause shown.

(e) *Rulings on admissibility; use of deposition.* Subject to the provisions of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying. Any part or all of a deposition, so far as admissible in the discretion of the Administrative Law Judge, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice, in accordance with the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(2) The deposition of a party or of any one who at the time of taking the deposition was an officer, director, or managing agent, or was designated to testify on behalf of a public or private corporation, partnership, association, or governmental agency which is a party may be used by the adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the hearing examiner finds: (i) That the witness is dead; or (ii) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or (iii) that the party offering the deposition has been unable to procure the attendance of the witness by subpena; or (iv) upon application and notice, that such exceptional circumstances exist as to make it desirable to allow the deposition to be used.

(4) If only part of a deposition is introduced in evidence by a party, any party may introduce any other parts by way of rebuttal and otherwise.

(f) *Stipulations.* If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

§ 60-30.12 Prehearing conferences.

(a) Upon his own motion or the motion of the parties, the Administrative Law Judge may direct the parties or their counsel to meet with him for a conference to consider:

(1) Simplification of the issues;

(2) Necessity or desirability of amendments to pleadings for purposes of clarification, simplification, or limitation;

(3) Stipulations, admissions of fact and of contents and authenticity of documents;

(4) Limitation of number of witnesses;

(5) Scheduling dates for the exchange of witness lists and of proposed exhibits;

(6) Such other matters as may tend to expedite the disposition of the proceedings.

(b) The record shall show the matters disposed of by order and by agreement in such pretrial conferences. The subsequent course of the proceeding shall be controlled by such action.

§ 60-30.13 Consent findings and order.

(a) *General.* At any time after the issuance of a complaint and prior to or during the reception of evidence in any proceeding, the parties may jointly move to defer the receipt of any evidence for a reasonable time to permit negotiation of an agreement containing consent findings and an order disposing of the whole or any part of the proceeding. The allowance of such deferment and the duration thereof shall be in the discretion of the Administrative Law Judge after consideration of the nature of the proceeding, the requirments of the public interest, the representations of the parties, and the probability of an agreement being reached which will result in a just disposition of the issues involved.

(b) *Content.* Any agreement containing consent findings and an order disposing of a proceeding shall also provide:

(1) That the order shall have the same force and effect as an order made after full hearing;

(2) That the entire record on which any order may be based shall consist solely of the complaint and the agreement;

(3) That any further procedural steps are waived; and

(4) That any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement is waived.

(c) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) Submit the proposed agreement to the Administrative Law Judge for his consideration; or that agreement cannot be reached.

(2) Inform the Administrative Law Judge that

(d) *Disposition.* In the event an agreement containing consent findings and an order is submitted within the time allowed, the Administrative Law Judge, within 30 days, shall accept such agreement by issuing his decision based upon the agreed findings, and his decision shall consititute the final Administrative order.

HEARINGS AND RELATED MATTERS

§ 60-30.14 Designation of Administrative Law Judges.

Hearings shall be held before an Administrative Law Judge of the Department of Labor who shall be designated by the Chief Administrative Law Judge of the Department of Labor. After commencement of the proceeding but prior to the designation of an Administrative Law Judge, pleadings and paper shall be filed with the Chief Administrative Law Judge.

§ 60-30.15 Authority and responsibilities of Administrative Law Judges.

The Administrative Law Judge shall propose findings and conclusions to the compliance agency or to the Secretary on the basis of the record. In order to do so, he shall have the duty to conduct a fair hearing, to take all necesssary action to avoid delay, and to maintain order. He shall have all powers necessary to those ends, including, but not limited to, the power to:

(a) Hold confernces to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding by consent of the parties or upon his own motion;

(b) Require parties to state their position with respect to the various issues in the proceeding;

(c) Require parties to produce for examination those relevant witnesses and documents under their control; and require parties to answer interrogatories and requests for admissions in full;

(d) Administer oaths;

(e) Rule on motions, and other procedural items or matters pending before him;

(f) Regulate the course of the hearing and conduct of participants therein;

(g) Examine and cross-examine witnesses, and introduce into the record documentary or other evidence;

(h) Receive, rule on, exclude, or limit evidence and limit lines of questioning or testimony which are irrelevant, immaterial, or unduly repetitious;

(i) Fix time limits for submission of written documents in matters before him and extend any time limits established by this part upon a determination that no party will be prejudiced and that the ends of justice will be served thereby;

(j) Impose appropriate sanctions against any party or person failing to obey an order under these rules which may include:

(1) Refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting it from introducing designated matters in evidence;

(2) Excluding all testimony of an unresponsive or evasive witness, or determining that the answer of such witness, if given, would be unfavorable to the party having control over him; and

(3) Expelling any party or person from further participation in the hearing;

(k) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice;

(l) Recommend whether the respondent is in current violation of the order, regulations, or its contractual obligations, as well as the nature of the relief necessary to insure the full enjoyment of the rights secured by the order;

(m) Issue subpenas; and

(n) Take any action authorized by these rules.

§ 60-30.16 Appearances.

(a) *Representation.* The parties or other persons or organizations participating pursuant to this part 60-30 have the right to be represented by counsel.

(b) *Failure to appear.* In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the Administrative Law Judge. Failure to appear at the hearing shall not be deemed to be a waiver of the right to be served with a copy of the Administrative Law Judge's recommended decision and to file exceptions to it.

§ 60-30.17 Appearance of witnesses.

(a) A party wishing to procure the appearance at the hearing of any person having personal or expert knowledge of the matters in issue shall serve on the prospective witness a notice, which may be accomplished by an administrative subpena, setting forth the time, date, and place at which he is to appear for the purpose of giving testimony. The notice shall also set forth the categories of documents the witness is to bring with him to the hearing, if any. A copy of the notice shall be filed with the Administrative Law Judge and additional copies shall be served upon the opposing parties.

(b) It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over

such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Due regard shall be given to the convenience of witnesses in scheduling their testimony so that they will be detained no longer than reasonably necessary.

(c) The party or prospective witness may file an objection within 5 days after notice of production of such witness is served stating with particularity the reasons why the party cannot produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness.

§ 60-30.18 Evidence; testimony.

Formal rules of evidence shall not apply, but rules or principles designed to assure production of the most probative evidence available shall be applied. Testimony shall be given orally by witnesses at the hearing. A witness shall be available for cross-examination, and, at the descretion of the Adminsitrative Law Judge, may be cross-examined without regard to the scope of direct examination as to any matter which is relevant and material to the proceeding. The Administrative Law Judge may exclude evidence which is immaterial, irrelevant, or unduly repetitious.

§ 60-30.19 Objections; exceptions; offer of proof.

(a) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made on the record may be relied upon subsequently in the proceedings.

(b) *Exceptions.* Formal exception to an adverse ruling is not required. Rulings by the Administrative Law Judge shall not be appealed prior to the transfer of the case to the Secretary, but shall be considered by the compliance agency or the Secretary upon filing exceptions to the Administrative Law Judge's recommendations and conclusions.

(c) *Offer of proof.* An offer of proof made in connection with an objection taken to any ruling excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 60-30.20 Ex parte communications.

The Administrative Law Judge shall not consult any person, or party, on any fact in issue unless upon notice and opportunity for all parties to participate. No employee or agent of the Federal Government engaged in the investigation and prosecution of this case shall participate or advise in the rendering of the recommended or final decision in the case, except as witness or counsel in the proceeding.

§ 60-30.21 Oral argument.

Any party shall be entitled upon request to a reasonable period between the close of evidence and termination of the hearing for oral argument. Oral arguments shall be included in the official transcript of the hearing.

§ 60-30.22 Official transcript.

The official transcripts of testimony taken, together with any exhibits, briefs, or memorandums of law, shall be filed with the Administrative Law Judge. Transcripts of testimony may be obtained from the official reporter by the parties and the public as provided in section 11(a) of the Federal Advisory Committee Act (86 Stat. 770). Upon notice to all parties, the Administrative Law Judge may authorize such corrections to the transcript as are necessary to reflect accurately the testimony.

§ 60-30.23 Summary judgment.

(a) *For the Government.* At any time after the expiration of 20 days from the commencement of the action, or after service of a motion for summary judgment by the respondent, the Government may move with or without supporting affidavits for a summary judgment upon all claims or any part.

(b) *For defendant.* The defendant may, at any time after commencement of the action, move with or without supporting affidavits for summary judgment in its favor as to all claims or any part.

(c) *Other parties.* Any other party to a formal proceedings under this part may support or oppose motions for summary judgment made by the Government or respondent, in accordance with this section, but may not move for a summary judgment in his own behalf.

(d) *Statement of uncontested facts.* All motions for summary judgment shall be accompanied by a "Statement of Uncontested Facts" in which the moving party sets forth all alleged uncontested material facts which shall provide the basis for its motion. At least 5 days prior to the time fixed for hearing on the motion, any party contending that any material fact regarding the matter covered by the motion is in dispute, shall file a "Statement of Disputed Facts." Failure to file a "Statement of Disputed Facts" shall be deemed as an admission to the "Statement of Uncontested Facts."

(e) *Motion and proceedings.* The motion shall be served upon all parties at least 15 days before the time fixed for the hearing on the motion. The adverse party or parties may serve opposing affidavits prior to the day of hearing. The judgment sought shall be rendered forthwith if the complaint and answer, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. Summary judgment rendered for or against the Government or the respondent shall constitute the findings and recommendations on the issues involved. Hearings on motions made under this section shall be scheduled by the Administrative Law Judge.

(f) *Case not fully adjudicated on motion.* If on motion under this section judgment is not rendered upon the whole case or for all the relief asked and a final hearing is necessary, the Administrative Law Judge at the hearing of the motion, by examining the notice and answer and the evidence before him and by interrogating counsel, shall, if practicable, ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. He shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which relief is not in controversy, and directing such further proceedings as are just. At the hearing on the merits, the facts so specified shall be deemed established, and the final hearing shall be conducted accordingly.

§ 60-30.24 Participation by interested persons.

(a)(1) To the extent that proceedings hereunder involve employment of persons covered by a collective bargaining agreement, and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party.

(2) Other persons or organizations shall have the right to participate as parties if the final Administrative Order could adversely affect them or the class they represent, and such participation may contribute materially to the proper disposition of the proceedings.

(3) Any person or organization wishing to participate as a party under this paragraph shall file with the Administrative Law Judge and serve on all parties a petition within 25 days after the commencement of the action or at

such other time as ordered by the Administrative Law Judge, so long as it does not disrupt the proceeding. Such petition shall concisely state: (i) Petitioner's interest in the proceedings; (ii) who will appear for petitioner; (iii) the issues on which petitioner wishes to participate; and (iv) whether petitioner intends to present witnesses.

(4) The Administrative Law Judge shall determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interest, the Administrative Law Judge may request all such petitioners to designate a single representative to represent all such petitioners: *Provided,* That the representative of a labor organization qualifying to participate under paragraph (a)(1) of the section must be permitted to participate in the proceedings. The Administrative Law Judge shall give each petitioner written notice of the decision on his petition; and if the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae. The Administrative Law Judge shall give written notice to each party of each petition granted.

(b)(1) Any other interested person or organization wishing to participate as amicus curiae shall file a petition before the commencement of the final hearing with the Administrative Law Judge. Such petition shall concisely state: (i) The petitioner's interest in the hearing; (ii) who will represent the petitioner; and (iii) the issues on which petitioner intends to present argument. The Administrative Law Judge may grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, and that such participation may contribute materially to the proper disposition of the issues. An amicus curiae is not a party but may participate as provided in this paragraph.

(2) An amicus curiae may present a brief oral statement at the hearing at the point in the proceeding specified by the Administrative Law Judge. He may submit a written statement of position to the Administrative Law Judge prior to the beginning of a hearing and shall serve a copy on each party. He may also submit a brief or written statement at such time as the parties submit briefs and exceptions, and he shall serve a copy on each party.

POST-HEARING PROCEDURES

§ 60-30.25 Proposed findings of fact and conclusions of law.

Within 20 days after receipt of the transcript of the testimony, each party and amicus may file a brief. Such briefs shall be served simultaneously on all parties and amici, and a certificate of service shall be furnished to the Administrative Law Judge. Requests for additional time in which to file a brief shall be made in writing, and copies shall be served simultaneously on the other parties. Requests for extensions shall be received not later than 3 days before the date such briefs are due. No reply brief may be filed except by special permission of the Administrative Law Judge.

§ 60-30.26 Record for recommended decision.

The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, including briefs, but excepting the correspondence section of the docket, shall constitute the record for decision.

§ 60-30.27 Recommended decision.

Within a reasonable time after the filing of briefs, the Administrative Law Judge shall recommend findings, conclusions, and a decision. These recommendations shall be certified, together with the record for recommended decision to the Secretary of Labor for a final Administrative Order. The recommended findings, conclusions, and decision shall be served on all parties and amici to the proceeding.

§ 60-30.28 Exceptions to recommended decisions.

Within 14 days after receipt of the recommended findings, conclusions, and decision, any party may submit exceptions to said recommendation. These exceptions may be responded to by other parties within 14 days of their receipt by said parties. All exceptions and responses shall be filed with the Secretary. Service of such briefs or exceptions and responses shall be made simultaneously on all parties to the proceeding. Requests to the Secretary for additional time in which to file exceptions and responses shall be in writing and copies shall be served simultaneously on other parties. Requests for extensions must be received no later than 3 days before the exceptions are due.

§ 60-30.29 Record.

After expiration of the time for filing briefs and exceptions, the Secretary shall make a final decision, which shall be the final Administrative Order, on the basis of the record. The record shall consist of the record for recommended decision, the rulings and recommended decision of the Administrative Law Judge and the exceptions and briefs filed subsequent to the Administrative Law Judge's decision.

§ 60-30.30 Final Administrative Order.

After expiration of the time for filing, the Secretary shall make a final Administrative Order which shall be served on all parties. If the Secretary concludes that the defendant has violated the Executive Order, the equal opportunity clause, or the regulations, an Administrative Order shall be issued enjoining the violations, and requiring the contractor to provide whatever remedies are appropriate, and imposing whatever sanctions are appropriate, or any of the above. In any event, failure to comply with the Administrative Order shall result in the immediate cancellation, termination and suspension of the respondent's contracts and/or debarment of the respondent from further contracts.

PART 60-40—EXAMINATION AND COPYING OF OFCCP DOCUMENTS

Subpart A—General

Sec.

60-40.1 Purpose and scope.
60-40.2 Information available on request.
60-40.3 Information exempt from compulsory disclosure and which may be withheld.
60-40.4 Information disclosure of which is prohibited by law.

Subpart B—Procedures for Disclosure

60-40.5 Applicability of procedures.
60-40.6 To whom to direct requests.
60-40.7 Partial disclosure.
60-40.8 Facilities and procedures for disclosure.

AUTHORITY: Executive Order 11246, as amended by Executive Order 11375; 5 U.S.C. 552, as amended by E.O. 12086.

Subpart A—General

§ 60-40.1 Purpose and scope.

This part contains the general rules of the OFCCP providing for public access to information from records of the OFCCP or its various compliance agencies. These regulations implement 5 U.S.C. 552, the Freedom of Information Act and supplement the policy and regulations of the Department of labor, 29 CFR Part 70. It is the policy of the OFCCP to disclose information to the public and to cooperate with other public agencies as well as private parties seeking to eliminate discrimination in employment. This part sets forth generally the categories of records accessible to the public, the types of records subject to prohibitions or restrictions on disclosure, and the places at which and the procedures whereby members of the public may obtain access to and inspect and copy information from records in the custody of the OFCCP.

§ 60-40.2 Information available on request.

(a) Upon the request of any person for identifiable records obtained or generated pursuant to Executive Order 11246 (as amended) such records shall be made available for inspection and copying, notwithstanding the applicability of the exemption from mandatory disclosure set forth in 5 U.S.C. 552 subsection (b), if it is determined that the requested inspection or copying furthers the public interest and does not impede any of the functions of the OFCCP, except in the case of records disclosure of which is prohibited by law.

(b) Consistent with the above, all contract compliance documents within the custody of the OFCCP shall be disclosed upon request unless specifically prohibited by law or as limited elsewhere herein. The types of documents which if in the custody of the OFCCP must be disclosed include, but are not limited to, the following:

(1) Affirmative action plans, whether or not reviewed and finally accepted by the OFCCP except as limited in 41 CFR 60-40.3(a)(1).

(2) Imposed plans and hometown plans, pending or approved.

(3) Text of final conciliation agreements.

(4) Validation studies of tests or other preemployment selection methods.

(5) Dates and times of scheduled compliance reviews.

§ 60-40.3 Information exempt from compulsory disclosure and which may be withheld.

(a) The following documents or parts thereof are exempt from mandatory disclosure by the OFCCP, and should be withheld if it is determined that the requested inspection or copying does not further the public interest and might impede the discharge of any of the functions of the OFCCP.

(1) Those portions of affirmative action plans such as goals and timetables which would be confidential commercial or financial information because they indicate, and only to the extent that they indicate, that a contractor plans major shifts or changes in his personnel requirements and he has not made this information available to the public. A determination to withhold this type of information should be made only after receiving verification and a satisfactory explanation from the contractor that the information should be withheld.

(2) Those portions of affirmative action plans which constitute information on staffing patterns and pay scales but only to the extent that their release would injure the business or financial position of the contractor, would constitute a release of confidential financial information of an employee or would constitute an unwarranted invasion of the privacy of an employee.

(3) The names of individual complainants.

(4) The assignments to particular contractors of named compliance officers if such disclosure would subject the named compliance officers to undue harassment or would affect the efficient enforcement of the Executive order.

(5) Compliance investigation files including the standard compliance review report and related documents, during the course of the review to which they pertain or while enforcement action against the contractor is in progress or contemplated within a reasonable time. Therefore, these reports and related files shall not be disclosed only to the extent that information contained therein constitutes trade secrets and confidential commercial or financial information, interagency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the agency, personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, data which would be exempt from mandatory disclosure pursuant to the "informants privilege" or such information the disclosure of which is prohibited by statute.

(6) Copies of preemployment selection tests used by contractors.

(b) Other records may be withheld consistent with the Freedom of Information Act on a case-by-case basis, with the prior approval of the Director, OFCCP.

§ 60-40.4 Information disclosure of which is prohibited by law.

The Standard Form 100 (EEO-1) which is submitted by contractors to the OFCCP or a Joint Reporting Committee servicing both the OFCCP and the EEOC shall be disclosed pending further instructions from the Director. The statutory prohibition on disclosure set forth in section 709(e) of the Civil Rights Act of 1964 is limited by the terms of that section to information obtained pursuant to the authority of title VII of that Act and its disclosure by employees of the EEOC.

Subpart B—Procedures for Disclosure

§ 60-40.5 Applicability of procedures.

Requests for the inspection and copy of information from records in the custody of the OFCCP which are identifiable and available under the provisions of Subpart A of this part shall be made and acted upon as provided in the following sections of this subpart. Officers and employees of the OFCCP are authorized by the Director to continue to furnish to the public, informally and without compliance with these procedures, information and copies from its records which prior to the enactment of the Freedom of Information Act (5 U.S.C. 552) were customarily furnished in the regular performance of their duties.

§ 60-40.6 To whom to direct requests.

A request for contract compliance records or information shall be directed to the National OFCCP or appropriate OFCCP Regional or Area Office. If the person making the request does not know in which office the record is located, he may direct his request to the Director, Office of Federal Contract Compliance Programs, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, for appropriate handling.

§ 60-40.7 Partial disclosure.

If a requested record contains some materials which are protected from disclosure and other materials which are not so protected, identifying details or protected matters shall be deleted wherever analysis indicates that such deletions are feasible. Whenever such deletions are made, the remainder of the records may be disclosed.

§ 60-40.8 Facilities and procedures for disclosure.

(a) [Reserved.]

(b) Procedures relating to the avaliability of records shall be governed by the Department of Labor regulations, 29 CFR 70.35 to 29 CFR 70.64.

(c) [Reserved.]

(d) [Reserved.]

PART 60-50—GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION OR NATIONAL ORIGIN

Sec.

60-50.1 Purpose and scope.
60-50.2 Equal employment policy.
60-50.3 Accommodations to religious observance and practice.
60-50.4 Enforcement.
60-50.5 Nondiscrimination.

AUTHORITY: Sec. 201, E.O. 11246, 30 FR 12319, and E.O. 11375, 32 FR 14303.

SOURCE: 38 FR 1933, Jan. 19, 1973, unless otherwise noted.

§ 60-50.1 Purpose and scope.

(a) The purpose of the provisions in this part is to set forth the interpretations and guidelines of the Office of Federal Contract Compliance Programs regarding the implementation of Executive Order 11246, as amended, for promoting and insuring equal employment opportunities for all persons employed or seeking employment with Government contractors and subcon-

tractors or with contractors and subcontractors performing under federally assisted construction contracts, without regard to religion or national origin.

(b) Members of various religious and ethnic groups, primarily but not exclusively of Eastern, Middle, and Southern European ancestry, such as Jews, Catholics, Italians, Greeks, and Slavic groups, continue to be excluded from executive, middle-management, and other job levels because of discrimination based upon their religion and/or national origin. These guidelines are intended to remedy such unfair treatment.

(c) These guidelines are also intended to clarify the obligations of employers with respect to accommodating to the religious observances and practices of employees and prospective employees.

(d) The employment problems of blacks, Spanish-surnamed Americans, orientals, and American Indians are treated under Part 60-2 of this chapter and under other regulations and procedures implementing the requirements of Executive Order 11246, as amended. Accordingly, the remedial provisions of § 60-50.2(b) shall not be applicable to the employment problems of these groups.

(e) Nothing contained in this Part 60-50 is intended to supersede or otherwise limit the exemption set forth in § 60-1.5(a)(5) of this chapter for contracts with certain educational institutions.

[38 FR 1933, Jan. 19, 1973; 38 FR 3511, Feb. 7, 1973, as amended at 40 FR 13218, Mar. 25, 1975]

§ 60-50.2 Equal employment policy.

(a) *General requirements.* Under the equal opportunity clause contained in section 202 of Executive Order 11246, as amended, employers are prohibited from discriminating against employees or applicants for employment because of religion or national origin, and must take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their religion or national origin. Such action includes, but is not limited to the following: Employment, upgrading, demotion, or transfer: Recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b) *Outreach and positive recruitment.* Employers shall review their employment practices to determine whether members of the various religious and/or ethnic groups are receiving fair consideration for job opportunities. Special attention shall be directed toward executive and middle-management levels, where employment problems relating to religion and national origin are most likely to occur. Based upon the findings of such reviews, employers shall undertake appropriate outreach and positive recruitment activities, such as those listed below, in order to remedy existing deficiencies. It is not contemplated that employers necessarily will undertake all of the listed activities. The scope of the employer's efforts shall depend upon all the circumstances, including the nature and extent of the employer's deficiencies and the employer's size and resources.

(1) Internal communication of the employer's obligation to provide equal employment opportunity without regard to religion or national origin in such a manner as to foster understanding, acceptance, and support among the employer's executive, management, supervisory, and all other employees and to encourage such persons to take the necessary action to aid the employer in meeting this obligation.

(2) Development of reasonable internal procedures to insure that the employer's obligation to provide equal employment opportunity without regard to religion or national origin is being fully implemented.

(3) Periodically informing all employees of the employer's commitment to equal employment opportunity for all persons, without regard to religion or national origin.

(4) Enlisting the assistance and support of all recruitment sources (including employment agencies, college placement directors, and business associates) for the employer's commitment to provide equal employment opportunity without regard to religion or national origin.

(5) Reviewing employment records to determine the availability of promotable and transferable members of various religious and ethnic groups.

(6) Establishment of meaningful contacts with religious and ethnic organizations and leaders for such purposes as advice, education, technical assistance, and referral of potential employees.

(7) Engaging in significant recruitment activities at educational institutions with substantial enrollments of students from various religious and ethnic groups.

(8) Use of the religious and ethnic media for institutional and employment advertising.

§ 60-50.3 Accommodations to religious observance and practice.

An employer must accommodate to the religious observances and practices of an employee or prospective employee unless the employer demonstrates that it is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business. As part of this obligation, an employer must make reasonable accommodations to the religious observances and practices of an employee or prospective employee who regularly observes Friday evening and Saturday, or some other day of the week, as his Sabbath and/or who observes certain religious holidays during the year and who is conscientiously opposed to performing work or engaging in similar activity on such days, when such accommodations can be made without undue hardship on the conduct of the employer's business. In determining the extent of an employer's obligations under this section, at least the following factors shall be considered: (a) Business necessity, (b) financial costs and expenses, and (c) resulting personnel problems.

§ 60-50.4 Enforcement.

The provisions of this part are subject to the general enforcement, compliance review, and complaint procedures set forth in Subpart B of Part 60-1 of this chapter.

§ 60-50.5 Nondiscrimination.

The provisions of this part are not intended and shall not be used to discriminate against any qualified employee or applicant for employment because of race, color, religion, sex, or national origin.

PART 60-60—CONTRACTOR EVALUATION PROCEDURES FOR CONTRACTORS FOR SUPPLIES AND SERVICES

Subpart A—General

Sec.
60-60.1 Purpose and scope.
60-60.2 Background.

Subpart B—Procedures for Contractor Evaluation

60-60.3 Agency actions.

Subpart C—Disclosure and Review of Contractor Data

60-60.4 Confidentiality and relevancy of information.
60-60.5 Employee interviews.
60-60.6 Exit conference.
60-60.7 Time schedule for completion.
60-60.8 Supersedure.
60-60.9 Attachments.

AUTHORITY: 5 U.S.C. 553(a)(3)(B), 29 CFR 2.7; sec. 201, E.O. 11246, 30 FR 12319, and E.O. 11375, 32 FR 14303, as amended by E.O. 12086.

Subpart A—General

§ 60-60.1 Purpose and scope.

This part shall be known as "Revised Order No. 14" and is intended to establish standardized contractor evaluation procedures for conducting compliance reviews of contractors for supplies and services subject to the Equal Employment Opportunity Requirements of 41 CFR 60-1.40 and 41 CFR Part 60-2 (Revised Order No. 4) for the development of written affirmative action programs.

§ 60-60.2 Background.

(a) Each prime contractor or subcontractor with 50 or more employees and a contract of $50,000 or more is required to develop a written affirmative action program for each of its establishments (§ 60-1.40 of this chapter). If a contractor fails to submit an affirmative action program and supporting documents, including the workforce analysis within 30 days of a request therefor, the enforcement procedures specified in OFCC Order No. 4 (§ 60-2.2(c) of this chapter) shall be applicable.

(b) Required affirmative action programs must contain a utilization analysis and goals and timetables as required in §§ 60-2.11 and 60-2.12 of this chapter.

Subpart B—Procedures for Contractor Evaluation

§ 60-60.3 Agency actions.

Basic steps. A contractor evaluation should proceed as follows: (1) A desk audit of the contractor's affirmative action program with special attention directed to the included workforce analysis, using the format set forth in the Standard Compliance Review Report, (2) an on-site review of those matters which still are not fully or satisfactorily addressed in the affirmative action program and workforce analysis, using the format set forth in the Standard Compliance Review Report and (3) where necessary, an off-site analysis of information supplied by the contractor during or pursuant to the on-site review. (The standard compliance review report will be published on or before the effective date of this part.) Contractors may reach agreement with OFCCP on nationwide AAP formats or on frequency of updating statistics.

(a) *Desk Audit.* Using its approved methods of priority selection, OFCCP shall routinely request from among the Federal contractors within their jurisdiction affirmative action programs and supporting documentation, including the workforce analysis and support data for audit. As used throughout this part, the term "Affirmative Action Program (AAP) and supporting documentation" means the Required Contents of Affirmative Action Programs, as set forth in Subpart B of 41 CFR Part 60-2 and Methods of Implementing the Requirements of Subpart B, set forth in Subpart C of 41 CFR Part 60-2. "Workforce analysis" is defined as a listing of each job title as appears in applicable collective bargaining agreements or payroll records (not job groups) ranked from the lowest paid to the highest paid within each department or other similar organizational unit including departmental or unit supervision. If there are separate work units or lines of progression within a department a separate list must be provided for each such work unit, or line, including unit supervisors. For lines of progression there must be indicated the order of jobs in the line through which an employee could move to the top of the line. Where there are no formal progression lines or usual promotional sequences, job titles should be listed by department, job families, or disciplines, in order of wage rates or salary ranges. For each job title, the total number of incumbents, the total number of male and female incumbents, and the total number of male and female incumbents in each of the following groups must be given: Blacks, Spanish-surnamed Americans, American Indians, and Orientals. The wage rate or salary range for each job title must be given. All job titles, including all managerial job titles, must be listed.

(1) *Exceptions to the desk audit requirements.* For preaward reviews and for complaint investigations, the desk audit need not be carried out or an abbreviated desk audit may be performed and an immediate on-site review performed. Special reports that meet the criteria in paragraph (b)(1) of this section may be requested from contractors, as required, for submission to the OFCCP for complaint investigations and follow-up reviews performed within 1 year of a full compliance review. The Director may approve other special compliance reviews when the circumstances require an immediate on-site review.

(b) *On-site review.* If upon selection of an AAP and included workforce analysis for desk audit, the OFCCP finds that the material submitted does not demonstrate a reasonable effort by the contractor to meet all the requirements of Subparts B and C of Order No. 4 (Part 60-2 of this chapter) the on-site review need not be carried out and the enforcement procedures specified in Order 4 shall be applicable. Otherwise following a desk audit of the affirmative action program and supporting documentation the OFCCP will schedule an on-site review of the establishment, provided, that an on-site review need not be carried out when OFCCP can determine that the contractor's affirmative action program is acceptable. This determination must be based on the current desk audit and an on-site review conducted within the preceding 24 months and also must include an affirmative determination that the circumstances of the previous on-site review have not substantially changed.

(1) OFCCP is to request from those contractors scheduled for on-site reviews that information necessary to perform the review be made available on-site. Specifically, this includes (i) information necessary to conduct an indepth analysis of apparent deficiencies in the contractors utilization of women or minorities, (ii) information required for a complete and thorough understanding of data contained in or offered as support for the affirmative action program, and (iii) information concerning matters relevant to a determination of compliance with the requirements of Executive Order 11246 (as amended), but not adequately addressed in the affirmative action program. However, the contractor should be requested to furnish only the specific items of information which the compliance officer determines are:

(*a*) Necessary for conducting the review and completing the standard compliance review report, and

(*b*) Not contained in or able to be derived from the material submitted by the contractor.

(2) In order to pursue certain issues uncovered in the compliance review, it may be necessary for the compliance officer to request certain additional information on-site even though such data have not been previously identified. Such additonal information must also meet the above criteria.

(c) *Off-site analysis.* Where necessary, the compliance officer may take information made available during the on-site review off-site for further analysis. An off-site analysis should be conducted where issues have arisen concerning deficiencies or an apparent violation which, in the judgment of the compliance officer, should be more thoroughly analyzed off-site before a determination of compliance is made.

Subpart C—Disclosure and Review of Contractor Data

§ 60-60.4 Confidentiality and relevancy of information.

(a) *Desk audit data.* If the contractor is concerned with the confidentiality of such information as lists of employees, employee names, reasons for termination and pay data then alphabetic or numeric coding or the use of an index of pay and pay ranges are acceptable for desk audit purposes.

(b) *On-site data.* The contractor must provide full access to all relevant data on-site as required by § 60-1.43 of this chapter.

(c) *Data required for off-site analysis.* The contractor must provide all data determined by the compliance officer to be necessary for off-site analysis pursuant to § 60-60.3(c) above. Such data may only be coded if the contractor makes the code available to the compliance officer. If the contractor believes that particular information which is to be taken off-site is not relevant to compliance with the Executive Order, the contractor may request a ruling by the OFCCP Area Director. The OFCCP Area Director shall issue a ruling within 10 days. The contractor may appeal that ruling to the OFCCP Assistant Regional Administrator within 10 days. The Assistant Regional Administrator shall issue a final ruling within 10 days. Pending a final ruling, the information in question must be made available to the compliance officer off-site, but shall be considered a part of the investigatory file and subject to the provisions of paragraph (d) of this section. The agency shall take all necessary precautions to safeguard all confidentiality of such information until a final determination is made. Such information may not be copied and access to the information shall be limited to the compliance officer and personnel involved in the determination of relevancy. Data determined to be not relevant to the investigation will be returned to the contractor immediately.

(d) *Public access to information.* information obtained from a contractor under Subpart B will be subject to the public inspection and copying provisions of the Freedom of Information Act, 5 U.S.C. 552. Contractors should identify any information which they believe is not subject to disclosure under 5 U.S.C. 552, and should specify the reasons why such information is not disclosable. The OFCCP Assistant Regional Administrator will consider the contractors claim and make a determination, within 10 days, as to whether the material in question is exempt from disclosure. The OFCCP Assistant Regional Administrator will inform the contractor of such a determination. The contractor may appeal that ruling to the Director of OFCC within 10 days. The Director of OFCC shall make a final determination within 10 days of the filing of the appeal. However, during the conduct of a compliance review or while enforcement action against the contractor is in progress or contemplated within a reasonable time, all information obtained from a contractor under Subpart B except information disclosable under §§ 60-40.2 and 60-40.3 of this chapter is to be considered part of an investigatory file compiled for law enforcement purposes within the meaning of 5 U.S.C. 552(b)(7), and such information obtained from a contractor under Subpart B shall be treated as exempt from mandatory disclosure under the Freedom of Information Act during the compliance review.

(e) *Examination and copying of documents.* Nothing contained herein is intended to supersede or otherwise limit the provisions contained in Part 60-40 of this chapter for public access to information from records of the OFCC or its various compliance agencies.

§ 60-60.5 Employee interviews.

The compliance officer should contact, where appropriate, a reasonable number of employees for interviews as part of the on-site review of the contractors' employment practices. The number, scope and manner of conducting such interviews should be discussed in advance with the contractor.

§ 60-60.6 Exit conference.

(a) Upon completion of the on-site review (and off-site analysis, if one is undertaken) the compliance officer should schedule an exit conference with contractor officials to review the findings of the review. This exit conference should itemize the apparent violations that lend themselves to immediate correction, and solicit the contractor's agreement to take adequate corrective action by specified dates. The contractor's commitments should be contained in a written conciliation agreement signed at the exit conference. However, in cases where the apparent deficiencies require further analysis subsequent to the on-site review, the compliance officer will advise the contractor of the areas of concern, secure the data necessary to his ultimate compliance determination, complete the review later by notifying the contractor in writing of all apparent violations found, and obtain the contractor's commitments in a written conciliation agreement to correct such deficiencies.

(b) The contractor may at any time avail himself of the provisions of § 60-1.24(c)(4) of this chapter which provides as follows:

When a prime contractor or subcontractor, without a hearing, shall have complied with the recommendations or orders of the Director and believes such recommendations or orders to be erroneous, he shall, upon filing a request therefor within 10 days of such compliance, be afforded an opportunity for a hearing and review of the alleged erroneous action.

§ 60-60.7 Time schedule for completion.

(a) With the exception of extensions of time granted by the Director of OFCC for good cause shown, within 60 days from the date the affirmative action program including the workforce analysis is received, the contractor must have been found in compliance and notified of that fact, or must have been issued a 30-day show cause notice as required under the rules and regulations pursuant to the Executive Order.

(b) During this period the compliance officer shall:

(1) Complete the desk audit.

(2) Schedule the on-site review.

(3) Complete the on-site review.

(4) Complete the off-site analysis, if conducted.

(5) Give notice of compliance or issue show cause notice.

(c) Failure to give the contractor a notice of compliance or issue a show cause notice within the time period set forth in paragraph (a) shall not be deemed a finding of compliance or acceptance of the contractor's affirmative action program.

§ 60-60.8 Supersedure.

The requirements of this part 60-60 supersede the prior version of Revised Order No. 14 published at 38 FR 13376, May 21, 1973.

§ 60-60.9 Attachments.

The following formats are set out in full as they give detailed information as to procedures and requirements of value to contractors:

PART 60-250—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

Sec.

60-250.1 Purpose and application.
60-250.2 Definitions
60-250.3 Coverage and waivers.
60-250.4 Affirmative action clause.
60-250.5 Applicability of the affirmative action program requirement.
60-250.6 Affirmative action policy, practices and procedures.
60-250.7 Determination of disability.
60-250.8 [Reserved]
60-250.9 Labor unions and recruiting and training agencies.

Subpart B—General Enforcement and Complaint Procedure

60-250.20 Subcontracts.
60-250.21 Adaptation of language.
60-250.22 Incorporation by reference.
60-250.23 Incorporation by operation of the Act and agency regulations.
60-250.24 Duties of agencies.
60-250.25 Evaluations by the Director.
60-250.26 Complaint procedures.
60-250.27 Noncompliance with the affirmative action clause.

60-250.28 Actions for noncompliance.
60-250.29 Formal hearings.
60-250.30 Notification of agencies.
60-250.31 Contractor ineligibility list.
60-250.32 Disputed matters related to the affirmative action program.
60-250.33 Responsibilities of State employment services.

Subpart C—Ancillary Matters

60-250.50 Reinstatement of ineligible contractors and subcontractors.
60-250.51 Intimidation and interference.
60-250.52 Recordkeeping.
60-250.53 Access to records of employment.
60-250.54 Rulings and interpretations.

Appendix A.
Appendix B.

AUTHORITY: Sec. 503(a), Pub. L. 92-540, 86 Stat. 1097 (38 U.S.C. 2012), as amended by Sec. 402, Pub. L. 93-508, 88 Stat. 1593 (38 U.S.C. 2012), as amended by E.O. 12086.

Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

§ 60-250.1 Purpose and application.

The purpose of the regulations in this part is to assure compliance with section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, which requires government contractors and subcontractors to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era. The regulations in this part apply to all government contracts and subcontracts for the furnishing of supplies or services or for the use of real or personal property (including construction) for $10,000 or more.

§ 60-250.2 Definitions.

"Act" means the Vietnam Era Veterans Readjustment Assistance Act of 1974, Pub. L. 93-508, as it amends 38 U.S.C. 2012, the Vietnam Era Veterans Readjustment Assistance Act of 1972.

"Affirmative action clause" means the contract provisions set forth in § 60-250.4.

"Agency" means any contracting agency of the government.

"Assistant Secretary" means the Assistant Secretary of Labor for Employment Standards or his or her designee.

"Construction" means the construction, rehabilitation, alteration, conversion, extension, demolition, or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction.

"Contract" means any government contract.

"Contracting agency" means any department, agency, establishment or instrumentality of the United States, including any wholly owned Government corporation, which enters into contracts.

"Contractor" means, unless otherwise indicated, a prime contractor or subcontractor.

"Director" means the Director of the Office of Federal Contract Compliance Programs of the United States Department of Labor.

"Disabled veteran" means a person entitled to disability compensation under laws administered by the Veterans Administration for disability rated at 30 per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

"Government" means the Government of the United States of America.

"Government contract" means any agreement or modification thereof between any contracting agency and any person for the furnishing of supplies or services or for the use of real or personal property including lease arrangements. The term "services", as used in this section includes, but is not limited to the following services: Utility, construction, transportation, research, insurance, and fund depository, irrespective of whether the government is the purchaser or seller. The term "government contract" does not include (1) agreements in which the parties stand in the relationship of employer and employee, and (2) federally assisted contracts.

"Modification" means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

"Person" means any natural person, corporation, partnership, or joint venture, unincorporated association, State or local government, and any agency, instrumentality, or subdivision of such a government.

"Prime contractor" means any person holding a contract, and, for the purposes of subpart B of this part, includes any person who has held a contract subject to the act.

"Qualified disabled veteran" means a disabled veteran as defined in § 60-250.2 who is capable of performing a particular job, with reasonable accommodation to his or her disability.

"Recruiting and training agency" means any person who refers workers to any contractor or subcontractor, or who provides or supervises apprenticeship or training for employment by any contractor or subcontractor.

"Rules, regulations, and relevant orders of the Secretary of Labor" as used in paragraph (i) of the affirmative action clause means rules, regulations, and relevant orders of the Secretary of Labor or his or her designee issued pursuant to the act.

"Secretary" means the Secretary of Labor, U.S. Department of Labor.

"Subcontract" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(1) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements which, in whole or in part, is necessary to the performance of any one or more contracts; or

(2) Under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

"Subcontractor" means any person holding a subcontract and, for the purpose of subpart B of this part, any person who has held a subcontract subject to the act.

"United States" as used herein shall include the several States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, the Panama Canal Zone, American Samoa and the Trust Territory of the Pacific Islands.

"Veteran of the Vietnam era" means a person (1) who (i) served on active duty for a period of more than 180 days, any part of which occurred between August 5, 1964 and May 7, 1975, and was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed between August 5, 1964 and May 7, 1975, and (2) who was so discharged or released within 48 months preceding the alleged violation of the act, the affirmative action clause, and/or the regulations issued pursuant to the act.

§ 60-250.3 Coverage and waivers.

(a) *General.* (1) Transactions for less than $10,000. Contracts and subcontracts for less than $10,000 are not covered by the act. No agency, contractor or subcontractor shall procure supplies or services in less than usual quantities to avoid the applicability of the affirmative action clause.

(2) Contracts and subcontracts for indefinite quantities. With respect to indefinite delivery-type contracts and subcontracts (including, but not limited to, open-end contracts, requirement-type contracts, Federal Supply Schedule contracts, "call-type" contracts, and purchase notice agreements), the affirmative action clause shall be included unless the contracting agency has reason to believe that the amount to be ordered in any year under such contract will be less than $10,000. The applicability of the affirmative action clause shall be determined at the time of award for the first year, and annually thereafter for succeeding years, if any. Notwithstanding the above, the affirmative

action clause shall be applied to such contract whenever the amount of a single order is $10,000 or more. Once the affirmative action clause is determined to be applicable, the contract shall continue to be subject to such clause for its duration, regardless of the amounts ordered, or reasonably expected to be ordered in any year.

(3) Work outside the United States. The requirements of the affirmative action clause are waived with respect to contracts and subcontracts with regard to work performed outside the United States by employees who were not recruited within the United States.

(4) Contracts with State or local governments. The requirements of the affirmative action clause in any contract or subcontract with a State or local government (or any agency, instrumentality or subdivision thereof) shall not be applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract or subcontract.

(5) Facilities not connected with contracts. The Director may waive the requirements of the affirmative action clause with respect to any of a prime contractor's or subcontractor's facilities which he or she finds to be in all respects separate and distinct from activities of the prime contractor or subcontractor related to the performance of the contract or subcontract, provided that he or she also finds that such a waiver will not interfere with or impede the effectuation of the act. Such waivers shall be considered only upon the request of the contractor or subcontractor.

(b) *Waivers.* (1) *Specific contracts and classes of contracts.* The head of an agency, with the concurrence of the Director, may waive the application to any contract or subcontract of any part of or all the affirmative action clause when he or she deems that special circumstances in the national interest so require. The agency head, with the concurrence of the Director, may also grant such waivers to groups or categories of contracts or subcontracts of the same type where it is (i) in the national interest, (ii) found impracticable to act upon each request individually, and (iii) where such waiver will substantially contribute to convenience in administration of the act.

(2) *National security.* Any requirement set forth in the regulations in this Part shall not apply to any contract or subcontract whenever, the head of the contracting agency determines that such contract or subcontract is essential to the national security and that it award without complying with such requirements is necessary to the national security. Upon making such a determination, the head of the agency will notify the Director in writing within 30 days.

(c) *Withdrawal of waiver.* When a waiver has been granted for any class of contracts or subcontracts under this section other than contracts granted waivers under paragraph (b)(2) of this section, the Director may withdraw the waiver for a specific contract or subcontract or group of contracts or subcontracts to be awarded, when in his or her judgment such action is necessary or appropriate to achieve the purposes of the act. The withdrawal shall not apply to contracts or subcontracts awarded prior to the withdrawal, except that in procurements entered into by formal advertising, or the various forms of restricted formal advertising, such withdrawal shall not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of the bids.

§ 60-250.4 Affirmative action clause.

Each agency and each contractor and subcontractor shall include the following affirmative action clause in each of its covered government contracts or subcontracts (and modifications, renewals, or extensions thereof if not included in the original contract):

AFFIRMATIVE ACTION FOR DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

(a) The contractor will not discriminate against any employee or applicant for employment because he or she is a disabled veteran or veteran of the Vietnam era in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified disabled veterans and veterans of the Vietnam era without discrimination based upon their disability or veterans status in all employment practices such as the following: Employment upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The contractor agrees that all suitable employment openings of the contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the contractor other than the one wherein the contract is being performed but excluding those of independently operated corporated affiliates, shall be listed at an appropriate local office of the State employment service system wherein the opening occurs. The contractor further agrees to provide such reports to such local office regarding employment openings and hires as may be required.

State and local government agencies holding Federal contracts of $10,000 or more shall also list all their suitable openings with the appropriate office of the State employment service, but are not required to provide those reports set forth in paragraphs (d) and (e).

(c) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and nonveterans. The listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the contractor from any requirements in Executive Orders or regulations regarding nondiscrimination in employment.

(d) The reports required by paragraph (b) of this clause shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the contractor has more than one hiring location in a State, with the central office of that State employment service. Such reports shall indicate for each hiring location (1) the number of individuals hired during the reporting period, (2) the number of nondisabled veterans of the Vietnam era hired, (3) the number of disabled veterans of the Vietnam era hired, and (4) the total number of disabled veterans hired. The reports should include covered veterans hired for on-the-job training under 38 U.S.C. 1787. The contractor shall submit a report within 30 days after the end of each reporting period wherein any performance is made on this contract identifying data for each hiring location. The contractor shall maintain at each hiring location copies of the reports submitted until the expiration of one year after final payment under the contract, during which time these reports and related documentation shall be made available, upon request, for examination by any authorized representatives of the contracting officer or of the Secretary of Labor. Documentation would include personnel records respecting job openings, recruitment and placement.

(e) Whenever the contractor becomes contractually bound to the listing provisions of this clause, it shall advise the employment service system in each State where it has establishments of the name and location of each hiring location in the State. As long as the contractor is contractually bound to these provisions and has so advised the State system, there is no need to advise the State system of subsequent contracts. The contractor may advise the State system when it is no longer bound by this contract clause.

(f) This clause does not apply to the listing of employment openings which occur and are filled outside of the 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(g) The provisions of paragraphs (b), (c), (d), and (e) of this clause do not apply to openings which the contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of his own organization or employer-union arrangement for that opening.

(h) As used in this clause: (1) "All suitable employment openings" includes, but is not limited to, openings which occur in the following job categories: Production and nonproduction; plant and office; laborers and

mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings as are compensated on a salary basis of less than $25,000 per year. This term includes full-time employment, temporary employment of more than 3 days' duration, and part-time employment. It does not include openings which the contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement nor openings in an educational institution which are restricted to students of that institution. Under the most compelling circumstances an employment opening may not be suitable for listing, including such situations where the needs of the Government cannot reasonably be otherwise supplied, where listing would be contrary to national security, or where the requirement of listing would otherwise not be for the best interest of the Government.

(2) "Appropriate office of the State employment service system" means the local office of the Federal-State national system of public employment offices with assigned responsibility for serving the area where the employment opening is to be filled, including the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(3) "Openings which the contractor proposes to fill from within his own organization" means employment openings for which no consideration will be given to persons outside the contractor's organization (including any affiliates, subsidiaries, and the parent companies) and includes any openings which the contractor proposes to fill from regularly established "recall" lists.

(4) "Openings which the contractor proposes to fill pursuant to a customary and traditional employer-union hiring arrangement" means employment openings which the contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the contractor and representatives of his employees.

(i) The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the act.

(j) In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the act.

(k) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notice shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era for employment, and the rights of applicants and employees.

(l) The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of the Vietnam Era Veterans Readjustment Assistance Act, and is committed to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam Era.

(m) The contractor will include the provisions of this clause in every subcontract or purchase order of $10,000 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

§ 60-250.5 Applicability of the affirmative action program requirement.

(a) Within 120 days of the commencement of a contract every Government contractor or subcontractor holding a contract of $50,000 or more and having 50 or more employees shall prepare and maintain an affirmative action program at each establishment which shall set forth the contractor's policies, practices and procedures in accordance with § 60-250.6 of this part. This program may be integrated into or kept separate from other affirmative action programs of the contractor. Contractors presently holding Government contracts shall update their affirmative action programs within 120 days of the effective date of this part.

(b) The affirmative action program shall be reviewed and updated annually. If there are any significant changes in procedures, rights or benefits as a result of the annual updating, those changes shall be communicated to employees and applicants for employment.

(c) The full affirmative action program shall be available for inspection to any employee or applicant for employment upon request. The location and hours during which the program may be obtained shall be posted at each facility.

(d) The contractor shall invite all disabled veterans and veterans of the Vietnam era who wish to benefit under the affirmative action program to identify themselves to the contractor. The invitation shall state that the information is voluntarily provided, that it will be kept confidential, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with the Act and regulations in this part. If an applicant or employee so identifies himself or herself, the contractor should also seek the advice of the applicant or employee regarding proper placement and appropriate accommodation (an acceptable form for such an invitation is set forth in appendix A attached). Nothing in this section shall preclude an employee from informing a contractor at a future time of his or her desire to benefit from this program. Nothing in this section shall relieve a contractor from liability for discrimination under the act.

§ 60-250.6 Affirmative action policy, practices and procedures.

(a) *General requirements.* Under the affirmative action obligation imposed by the Vietnam Era Veterans Readjustment Assistance Act of 1974, contractors are required to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era at all levels of employment, including the executive level. Such action shall apply to all employment practices, including, but not limited to, the following: hiring, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and on-the-job training programs under 38 U.S.C. 1787.

(b) *Proper consideration of qualifications.* Contractors shall reveiw their personnel processes to determine whether their present procedures assure careful, thorough and systematic consideration of the job qualifications of known disabled veteran applicants and Vietnam era veteran applicants for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available. In determining the qualifications of a covered veteran, the contractor shall consider only that portion of the military record, including discharge papers, relevant to the specific job qualifications for which the veteran is being considered. To the extent that it is necessary to modify their personnel procedures, contractors shall include the development of new procedures for this purpose in their affirmative action program required under this part. These procedures must be designed so as to facilitate a review of the implementation of this requirement by the contractor or the Government. (The appendix attached is an example of an appropriate set of procedures. The procedures in appendix B are not required and contractors may develop other procedures which are appropriate to their circumstances.)

(c) *Physical and mental qualifications.* (1) The contractor shall provide in its affirmative action program, and shall adhere to, a schedule for the review of all physical or mental job qualification requirements to insure that, to the extent qualification requirements tend to screen out qualified disabled veterans, they are job related and are consistent with business necessity and the safe performance of the job.

(2) Whenever a contractor applies physical or mental job qualification requirements in the selection of applicants or employees for employment or other change in employment status such as promotion, demotion, or tran-

ing, to the extent that qualification requirements tend to screen out qualified disabled veterans, the requirements shall be related to the specific job or jobs for which the individual is being considered and shall be consistent with business necessity and the safe performance of the job. The contractor shall have the burden to demonstrate that it has complied with the requirements of this paragraph.

(3) Nothing in this section shall prohibit a contractor from conducting a comprehensive medical examination prior to employment provided that the results of such an examination shall be used only in accordance with the requirements of this section. Whenever a contractor inquires into an applicant's or employee's physical or mental condition or conducts a medical examination prior to employment or change in employment status information obtained in response to such inquiries or examination shall be kept confidential except that:

(i) Supervisors and managers may be informed regarding restrictions on the work or duties of disabled veterans and regarding accommodations; and

(ii) First aid and safety personnel may be informed, where and to the extent appropriate, if the condition might require emergency treatment; and

(iii) Government officials investigating compliance with the act shall be informed.

(d) *Accommodation to physical and mental limitations of employees.* A contractor must make a reasonable accommodation to the physical and mental limitations of a disabled veteran unless the contractor can demonstrate that such an accommodation would impose an undue hardship on the conduct of the contractor's business. In determining the extent of a contractor's accommodation obligations, the following factors among others may be considered: (1) Business necessity and (2) financial costs and expenses.

(e) *Compensation.* In offering employment or promotions to disabled veterans, and veterans of the Vietnam era, the contractor may not reduce the amount of compensation offered because of any disability income, pension or other benefit the applicant or employee receives from another source.

(f) *Outreach, positive recruitment, and external dissemination of policy.* Contractors shall review their employment practices to determine whether their personnel programs provide the required affirmative action for employment and advancement of qualified disabled veterans and veterans of the Vietnam era. Based upon the findings of such reviews, contractors shall undertake appropriate outreach and positive recruitment activities, such as those listed below. It is not contemplated that contractors will necessarily undertake all the listed activities or that their activities will be limited to those listed. The scope of a contractor's efforts shall depend upon all the circumstances, including the contractor's size and resources and the extent to which existing employment practices are adequate.

(1) The contractor should develop internal communication of its obligation to engage in affirmative action efforts to employ qualified disabled veterans and veterans of the Vietnam era in such a manner as to foster understanding, acceptance and support among the contractor's executive, management, supervisory and all other employeess and to encourage such persons to take the necessary action to aid the contractor in meeting this obligation.

(2) The contractor should develop reasonable internal procedures to ensure that its obligation to engage in affirmative action to employ and promote qualified disabled veterans and veterans of the Vietnam era is being fully implemented.

(3) The contractor should periodically inform all employees and prospective employees of its commitment to engage in affirmative action to increase employment opportunities for qualified disabled veterans and veterans of the Vietnam era.

(4) The contractor should enlist the assistance and support of all recruiting sources including as follows:

(i) The local Veterans Employment Representative or his or her designee in the State Employment Service Office nearest each establishment where hiring takes place to recruit job ready veterans and to develop on-the-job training opportunities for covered veterans wherever feasible; (ii) The Veterans Administration Regional Office nearest each establishment to develop on-the-job training opportunities for covered veterans, and to recruit job ready veterans;

(iii) The office of the National Alliance of Businessmen nearest each establishment where hiring takes place in order to cooperate in the Jobs for Veterans' Program;

(iv) The veterans' counselors and coordinators ("Vet-Reps" and "VCIPS") on college campuses for the recruitment of covered veterans;

(v) The service officers of the national veterans groups active in the area of each establishment where hiring takes place for the recruitment of covered veterans; and

(vi) Local veterans' groups and veterans' service centers in the area of each establishment where employment services are performed near major cities, for the recruitment of covered veterans.

(5) The contractor should establish meaningful contacts with appropriate veterans' service organizations which service disabled veterans or veterans of the Vietnam era, for such purposes as advice, technical assistance and referral of potential employees. Technical assistance from the resources listed in this paragraph may consist of advice on proper placement, recruitment, training and accommodations contractors may undertake, but no such resource providng technical assistance shall have the authority to approve or disapprove the acceptability of affirmative action programs.

(6) The contractor should review employment records to determine the availability of promotable and transferrable qualified known disabled veterans and veterans of the Vietnam era presently employed, and to the determine whether their present and potential skills are being fully utilized or developed.

(7) The contractor should send written notification of company policy to all subcontractors, vendors and suppliers, requesting appropriate action on their part.

(8) The contractor should consider all qualified disabled veterans and veterans of the Vietnam era not currently in the workforce having requisite skills who can be recruited through affirmative action measures.

(g) *Internal dissemination of policy.* A strong outreach program will be ineffective without adequate internal support from supervisory and management personnel and other employees. In order to assure greater employee cooperation and participation in the contractor's efforts, the contractor should adopt, implement and disseminate this policy internally as follows:

(1) Include it in the contractor's policy manual.

(2) Publicize it in the company newspaper, magazine, annual report and other media.

(3) Conduct special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the chief executive officer's attitude.

(4) Schedule special meetings with all employees to discuss policy and explain individual employee responsibilities.

(5) Discuss the policy thoroughly in both employee orientation and management training programs.

(6) Meet with union officials to inform them of the contractor's policy, and request their cooperation.

(7) Include nondiscrimination clauses in all union agreements, and review all contractual provisions to insure they are nondiscriminatory.

(8) Include articles on accomplishments of disabled veterans and veterans of the Vietnam era in company publications.

(9) Post the policy on company bulletin boards, including a statement that employees and applicants are protected from coercion, intimidation, interference or discrimination for filing a complaint or assisting in an investigation under the Act.

(h) *Responsibility for implementation.* An executive of the contractor should be designated as director or manager of company affirmative action activities under these regulations. His or her identity should appear on all internal and external communications regarding the company's affirmative action programs. This executive should be given necessary top management support and staff to manage the implementation of this program, including the following activities:

(1) Develop policy statements, affirmative action programs, and internal and external communication techniques. The latter techniques should include regular discussions with local managers, supervisors and employees to be certain the contractor's policies are being followed. In addition, supervisors should be advised that:

(i) Their work performance is being evaluated on the basis of their affirmative action efforts and results, as well as other criteria.

(ii) The contractor is obligated to prevent harassment of employees placed through affirmative action efforts, as set forth in § 60-250.51.

(2) Identify problem areas in conjunction with line management and known disabled veterans, in the implementation of the affirmative action programs, and develop solutions. This is particularly important for the accommodations requirements.

(3) Design and implement audit and reporting systems that will:

(i) Measure effectiveness of the contractor's programs.

(ii) Indicate need for remedial action.

(iii) Determine the degree to which the contractor's objectives have been attained.

(iv) Determine whether known disabled veterans and veterans of the Vietnam era have had the opportunity to participate in all company sponsored educational, training, recreational and social activities.

(v) Insure that each location is in compliance with the Act and the regulations in this Part.

(4) Serve as liaison between the contractor and enforcement agencies.

(5) Serve as liaison between the contractor and organizations of and for disabled veterans and veterans of the Vietnam era, and arrange for the active involvement by company representatives in the community service programs of local organizations of and for disabled veterans and veterans of the Vietnam era.

(6) Keep management informed of the latest developments in the entire affirmative action area.

(7) Arrange for career counseling for known disabled veterans and veterans of the Vietnam era.

(i) *Development and execution of affirmative action programs.* (1) Job qualification requirements reviewed pursuant to paragraph (c) of this section should be made available to all members of management involved in the recruitment, screening, selection, and promotion process.

(2) The contractor should evaluate the total selection process including training and promotion to insure freedom from stereotyping disabled veterans and veterans of the Vietnam era in a manner which limits their access to all jobs for which they are qualified.

(3) All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes should be carefully selected and trained to insure that the commitments in its affirmative action program are implemented.

(4) Formal briefing sessions should be held, preferably on company premises, with representatives from recruiting sources. Plant tours, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the company's selection process, and recruiting literature should be an integral part of the briefings. Formal arrangements should be made for referral of applicants, follow up with sources, and feedback on disposition of applicants.

(5) A special effort should be made to include qualified disabled veterans or veterans of the Vietnam era on the personnel relations staff.

(6) Active participation in veterans "job fairs" is desirable.

(7) Recruiting efforts at all educational institutions should incorporate special efforts to reach disabled veterans and veterans of the Vietnam era.

(8) An effort should be made to participate in workstudy programs with Veterans' Administration rehabilitation facilities which specialize in training or educating disabled veterans.

(9) The contractor should use all available resources to continue or establish federally-assisted apprenticeship and on-the-job training programs under 38 U.S.C. 1787.

§ 60-250.7 Determination of disability.

Any disabled veteran filing an administrative complaint with the Veterans Employment Service under this part shall submit documentation from the Veterans Administration or military service from which the person was discharged or released which indicates his or her disability. Such documentation shall be updated within 1 year prior to filing the complaint.

§ 60-250.8 [Reserved]

§ 60-250.9 Labor unions and recruiting and training agencies.

(a) Whenever performance in accordance with the affirmative action clause or any matter contained in the regulations in this Part may necessitate a revision of a collective bargaining agreement, the labor union or unions which are parties to such agreements shall be given an adequate opportunity to present their views to the Director.

(b) The Director shall use his or her best efforts, directly or through contractors, subcontractors, local officials, the Veterans Administration, veterans' organizations and all other available instrumentalities, to cause any labor union, recruiting and training agency or other representative of workers who are or may be engaged in work under contracts and subcontracts to cooperate with, and to assist in, the implementation of the purposes of the Act.

Subpart B—General Enforcement and Complaint Procedure

§ 60-250.20 Subcontracts.

Each nonexempt prime contractor and subcontractor shall include the affirmative action clause prescribed in § 60-250.4 in each of their nonexempt subcontracts. The clause may be incorporated by reference in accordance with § 60-250.22.

§ 60-250.21 Adaptation of language.

Such necessary changes in language may be made to the affirmative action clause (see § 60-250.4) as shall be appropriate to identify properly the parties and their undertakings.

§ 60-250.22 Incorporation by reference.

The affirmative action clause and the regulations contained in this part may be incorporated by reference in all contracts and subcontracts.

§ 60-250.23 Incorporation by operation of the Act and agency regulations.

By operation of the Act, the affirmative action clause shall be considered to be a part of every contract and subcontract required by the Act and the regulations in this part to include such a clause, whether or not it is physically incorporated in such contracts and whether or not there is a written contract between the agency and the contractor.

§ 60-250.24 Duties of agencies.

(a) *General responsibility.* Each agency shall cooperate with the Director in the performance of his or her responsibilities under the Act. Such cooperation shall include the responsibility to insure that contractors are fully cognizant of their obligations under the Act and this part, to provide the Director with any information which comes to its attention that the contractor is not in compliance with the Act or this part, and to take such actions for noncompliance as set forth in § 60-250.28 as may be ordered by the Director.

(b) Reserved.

§ 60-250.25 Evaluations by the Director.

The Director shall be primarily responsible for undertaking such investigations of complaints and other matters as well as evaluations of contractor and agency performance as may be necessary to assure that the purposes of the Vietnam Veteran's Readadjustment Assistance Act, as amended are being effectively carried out.

§ 60-250.26 Complaint procedures.

(a) *Place and time for filing.* Any applicant for employment with a contractor or any employee of a contractor may, personally or by an authorized representative, file a written complaint with the Veteran's Employment Service of the Department of Labor through the Local Veteran's Employment Representative (LVER) or his designee at the local State employment office, alleging a violation of the Act or the regulations in this part. Local Veteran's Employment Representatives (LVERs) will assist veterans in preparing complaints and will promptly refer such complaints to the Director. The LVERs will keep a record of all complaints received and forwarded. LVERs will be informed of the progress and results of the veterans' complaint investigations. The State employment services shall cooperate with the Director in the investigation of any complaint. Such complaint is to be filed not later than 180 days from the date of the alleged violation unless the time for filing is extended by the Director for good cause shown.

(b) *Referral to contractor.* When a complaint is filed by an employee of a contractor and the contractor has an applicable internal review procedure, the complaint shall be referred to the contractor for processing under that procedure. The complaint and all actions taken thereunder shall be kept confidential by the contractor. If there has not been a resolution of the complaint under that procedure satisfactory to the complainant within 60 days of the referral, the LVER will refer the complaint to the Department of Labor which will proceed as provided in this section.

(c) *Contents of complaints.* Complaints must be signed by the complainants or their authorized representatives and must contain the following information: (1) Name and address (including telephone number) of the complainant, (2) name and address of the contractor or subcontractor who committed the alleged violation, (3) a description of the act or acts considered to be a violation, (4) a copy of the veteran's form DD-214, and, where applicable, VAL-5 or similar VA certification indicating the percent of disability, updated within 1 year prior to the date the complaint is filed, and (5) other pertinent information available which will assist in the investigation and resolution of the complaint, including the name of any known Federal agency with which the employer has contracted.

(d) *Incomplete information.* Where a complaint contains incomplete information, the Director shall seek the needed information from the complainant. If the information is not furnished to the agency or the Director within 60 days of the date of such request, the case may be closed.

(e) *Investigations.* The Department of Labor shall institute a prompt investigation of each complaint, and shall be responsible for developing a complete case record. A complete case record consists of the following: (1) Name and address of each person interviewed, (2) a summary of his or her statement, (3) copies or summaries of pertinent documents, (4) a narrative summary of the evidence disclosed in the investigation as it related to each charge, and (5) recommended findings and resolution.

(f) [Reserved]

(g) *Resolution of matters.* (1) If the complaint investigation shows no violation of the Act or regulations in this part, or if the Director decides not to initiate administrative or legal proceedings against the contractor, the complainant shall be so notified. Within 30 days, the complainant may request review by the Director of such a finding or decision.

(2) Where an investigation indicates that the contractor has not complied with the requirements of the Act or this part, efforts shall be made to secure compliance through conciliation and persuasion within a reasonable time. Before the contractor or subcontractor can be found to be in compliance, it must make a specific commitment, in writing, to take corrective action to meet the requirements of the Act and this part. The commitment must indicate the precise action to be taken and dates for completion. The time period allowed should be no longer than the minimum period necessary to effect such changes. Upon approval of such commitment by the Director, the contractor may be considered in compliance on condition that the commitments are kept.

(3) Where the complaint investigation indicates a violation of the Act or regulations in this part (and the complaint has not been resolved by informal means), the Director shall afford the contractor an opportuinty for a hearing in accordance with § 60-250.29.

§ 60-250.27 Noncompliance with the affirmative action clause.

Noncompliance with the prime contractor's or subcontractor's obligations under the affirmative action clause is a ground for taking appropriate action for noncompliance as set forth in § 60-250.28 by the Director, prime contractor, or subcontractor.

§ 60-250.28 Actions for noncompliance.

(a) *General.* In every case where any complaint investigation indicates the existence of a violation of the affirmative action clause or these regulations, the matter should be resolved by informal means, including conciliation, and persuasion, whenever possible. This will also include establishing a corrective action program in accordance with § 60-250.26(g)(2). Where the apparent violation is not resolved by informal means, the Director shall proceed in accordance with the enforcement procedures contained in this part.

(b) *Judicial enforcement.* In addition to the administrative remedies set forth herein, the Director may, within the limitations of applicable law, seek appropriate judicial action to enforce the contractual provisions set forth in § 60-250.4 including appropriate injunctive relief.

(c) *Withholding progress payments.* With the prior approval of the Director so much of the accrued payment due on the contract or any other contract between the Government prime contractor and the Federal Government may be withheld as necessary to correct any violations of the provisions of the affirmative action clause.

(d) *Termination.* A contract or subcontract may be canceled or terminated, in whole or in part, for failure to comply with the provisions of the affirmative action clause.

(e) *Debarment.* A prime contractor or subcontractor or a prospective contractor or subcontractor may be debarred from receiving future contracts for failure to comply with the provisions of the affirmative action clause.

§ 60-250.29 Formal hearings.

(a) *Hearing opportunity.* An opportunity for a formal hearing shall be afforded to a prime contractor or a sub-

contractor or a prospective prime contractor or subcontractor by the Director in any of the following circumstances:

(1) An apparent violation of the affirmative action clause by a contractor or subcontractor, as shown by any investigation, is not resolved by informal means and a hearing is requested; or

(2) The Director proposes to cancel or terminate the contract or withhold progress payments, or cause the contract to be canceled or terminated or progress payments to be withheld, in whole or in part, on a contract or contracts, or to require cancellation or termination of a contract or subcontract or withholding of progress payments; or

(3) The Director proposes to declare a prime contractor or subcontractor ineligible for further contracts or subcontracts under the Act.

(b) *Hearing practice and procedure.* (1) All hearings conducted under section 402 of the Vieterans' Era Veternas' Readjustment Assistance Act of 1974 and the regulations in this part shall be governed by the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246 contained in 41 CFR Part 60-30 except that complaints shall be issued by the Associate Solicitor, Division of Labor Relations and Civil Rights, Office of the Solicitor, rather than by the Solicitor of Labor.

(2) For the purposes of hearings pursuant to this Part 60-250, references in 41 CFR Part 60-30 to "Executive Order 11246" shall mean section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974; to "Equal opportunity clause" shall mean the affirmative action clause published at 41 CFR 60-250.4; and to "regulations" shall mean the regulations contained in this part 60-250.

(3) The Administrative Law Judge's recommended findings, conclusions and decision shall be certified to the Assistant Secretary, Employment Standards Administration rather than to the Secretary (see 41 CFR 60-30.27). Accordingly, exceptions to the recommended decision (41 CFR 60-30.28) shall be filed with the Assistant Secretary, Employment Standards Administration, and the final Administrative Order contemplated by 41 CFR 60-30.30 shall be issued by the Assistant Secretary Employment Standards Administration. Except for these changes in procedure, all the other provisions of the rules of practice cited in this 41 CFR 60-741.29(b) shall remain in full force and effect.

§ 60-250.30 Notification of agencies.

The Director shall notify the heads of all agencies of any action for noncompliance taken against any contractor after such actions have been taken. No agency may issue a waiver under § 60-250.3(b)(1) to any contractor subject to such action without prior approval of the Director.

§ 60-250.31 Contractor ineligibility list.

The Director shall distribute periodically a list to all executive departments and agencies giving the names of prime contractors and subcontractors who have been declared ineligible under the regulations in this part and the Act.

§ 60-250.32 Disputed matters related to the affirmative action program.

The procedures set forth in the regulations in this part govern all disputes relative to a contractor's compliance with the affirmative action clause and the requirements of this part. Any disputes relating to issues other than compliance, including contract costs arising out of the contractor's efforts to comply, shall be determined by the disputes clause of the contract.

§ 60-250.33 Responsibilities of State employment services.

(a) Any job openings listed pursuant to § 60-250.3 which requires contractors to list their job openings with State employment services offices, shall be utilized by State employment security agencies to refer qualified disabled veterans and veterans of the Vietnam era.

(b) The local offices of the Federal-State employment service shall give priority in referral to disabled veterans and veterans of the Vietnam era to such employment openings listed by contractors and subcontractors pursuant to this part.

(c) The local employment office staff will contract employers to solicit job orders. The State employment service will make available information pertinent to a determination of whether the contractor is in compliance with the mandatory listing and reporting requirements of the affirmative action clause.

Subpart C—Ancillary Matters

§ 60-250.50 Reinstatement of ineligible contractors and subcontractors.

Any prime contractor or subcontractor debarred from further contracts or subcontracts under the Act may request reinstatement in a letter directed to the Director. In connection with the reinstatement proceedings, the prime contractor or subcontractor shall be required to show that it has established and will carry out employment policies and practices in compliance with the affirmative action clause.

§60-250.51 Intimidation and interference.

The sanctions and penalties contained in this regulation may be exercised by the Director against any prime contractor or subcontractor, who fails to take all necessary steps to ensure that no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the administration of the Act.

§ 60-250.52 Recordkeeping.

(a) Each contractor and subcontractor shall maintain for a period not less than 1 year records regarding complaints and actions taken thereunder, and such employment or other records as required by the Director or by this part and shall furnish such information in the form required by the Director or as the Director deems necessary for the administration of the Act and regulations issued under this part.

(b) Failure to maintain complete and accurate records as required under this section or failure to update annually the affirmative action program as required by § 60-250.5(b) constitutes noncompliance with the contractor's or subcontractor's obligations under the affirmative action clause and is a ground for the imposition of appropriate sanctions.

§ 60-250.53 Access to records of employment.

Each prime contractor and subcontractor shall permit access during normal business hours to its places of business, books, records and accounts pertinent to compliance with the Act, and all rules and regulations promulgated pursuant thereto for the purposes of complaint investigations, and investigations of performance under the affirmative action clause of the contract or subcontract. Information obtained in this manner shall be used only in connection with the administration of the Act.

§ 60-250.54 Rulings and interpretations.

Rulings under or interpretations of the Act and the regulations contained in this Part 60-250 shall be made by the Secretary or his or her designee.

Appendix A

This employer is a government contractor subject to Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 which requires government contractors to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era. If you are a disabled veteran covered by this program and would like to be considered under the affirmative action program, please tell us. This information is voluntary

and refusal to provide it will not subject you to discharge or disciplinary treatment. Information obtained concerning individuals shall be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of disabled veterans, and regarding necessary accommodations, and (ii) first aid personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment. In order to assure proper placement of all employees, we do request that you answer the following question: If you have a disability which might affect your performance or create a hazard to yourself or others in connection with the job for which you are applying, please state the following: (1) The skills and procedures you use or intend to use to perform the job notwithstanding the disability and (2) the accommodations we could make which would enable you to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job or other accommodations.

APPENDIX B

The following is a set of procedures which contractors may use to meet the requirements of § 60-250.6(b).

(1) The application or personnel form of each known covered veteran should be annotated to identify each vacancy for which he or she was considered, and the form should be quickly retrievable for review by the agency, the Department of Labor and the contractor's personnel officials for use in investigations and internal compliance activities.

(2) The personnel or application records of each known covered veteran should include (i) the identification of each promotion for which he or she was considered, and (ii) the identification of each training program for which he or she was considered.

(3) In each case where a covered veteran is rejected for employment, promotion or training, a statement of the reasons should be appended to the personnel file or application form. This statement should include a comparison of the qualifications of the covered veteran and the person(s) selected, as well as a description of the accommodations considered. This statement should be available to the applicant or employee concerned upon request.

(4) Where applicants or employees are selected for hire, promotion or training and the contractor undertakes any accommodation which makes it possible for him or her to place a covered veteran on the job, the application form or personnel record should contain a description of that accommodation.

PART 60-741—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR HANDICAPPED WORKERS

Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

Sec.

60-741.1 Purpose and application.
60-741.2 Definitions
60-741.3 Coverage and waivers.
60-741.4 Affirmative action clause.
60-741.5 Applicability of the affirmative action program requirement.
60-741.6 Affirmative action policy, practices and procedures.
60-741.7 Determination of handicap.
60-741.8 Listing of employment openings.
60-741.9 Labor unions and recruiting and training agencies.

Subpart B—General Enforcement and Complaint Procedure

60-741.20 Subcontracts.
60-741.21 Adaptation of language.
60-741.22 Incorporation by reference.
60-741.23 Incorporation by operation of the Act and agency regulations.
60-741.24 Duties of agencies.
60-741.25 Evaluations by the Director.
60-741.26 Complaint procedures.
60-741.27 Noncompliance with the affirmative action clause.
60-741.28 Actions for noncompliance.
60-741.29 Formal hearings.
60-741.30 Notification of agencies.
60-741.31 Contractor ineligibility list.
60-741.32 Disputed matters related to the affirmative action program.

Subpart C—Ancillary Matters

60-741.50 Reinstatement of ineligible contractors and subcontractors.
60-741.51 Intimidation and interference.
60-741.52 Recordkeeping.
60-741.53 Access to records of employment.
60-741.54 Rulings and interpretations.

Appendix A—Guidelines on the application of the definition "Handicapped Individual".
Appendix B
Appendix C

AUTHORITY. Sec. 503, Pub. L. 93-1112, 87 Stat. 393 (20 U.S.C. 793), as amended by sec. 111, Pub. L. 93-516, 88 Stat. 1619 (29 U.S.C. 706) and Executive Order 11758, as amended by E.O. 12086.

Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

§ 60-741.1 Purpose and application.

The purpose of the regulations in this Part is to assure compliance with section 503 of the Rehibilitation Act of 1973, which requires government contractors and subcontractors to take affirmative action to employ and advance in employment qualified handicapped individuals. The regulations in this Part apply to all government contracts and subcontracts for the furnishing of supplies or services or for the use of real or personal property (including construction) for $2,500 or more. Compliance of a contractor with the provisions of this Part will not necessarily determine its compliance with the requirements of section 504 of the Rehabilitation Act of 1973 and compliance with section 504 will not necessarily determine compliance with section 503 and the regulations in this Part.

§ 60-741.2 Definitions.

"Act" means the Rehabilitation Act of 1973, Pub. L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516.

"Affirmative action clause" means the contract provisions set forth in § 60-741.4.

"Agency" means any contracting agency of the government.

"Assistant Secretary" means the Assistant Secretary of Labor for Employment Standards or his or her designee.

"Construction" means the construction, rehabilitation, alteration, conversion, extension, demolition, or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction.

"Contract" means any government contract.

"Contracting agency" means any department, agency, establishment or instrumentality of the United States, including any wholly owned government corporation, which enters into contracts.

"Contractor" means, unless otherwise indicated, a prime contractor or subcontractor.

"Director" means the Director of the Office of Federal Contract Compliance Programs of the United States Department of Labor.

"Government" means the government of the United States of America.

"Government contract" means any agreement or modification thereof between any contracting agency and any person for the furnishing of supplies or services or for the use of real or personal property including lease arrangements. The term "services", as used in this section includes, but is not limited to the following services: Utility, construction, transportation, research, insurance, and fund depository, irrespective of whether the government is the purchaser or seller. The term "government contract" does not include (1) agreements in which the parties stand in the relationship of employer and employee, and (2) federally-assisted contracts.

"Handicapped individual" means any person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such impairment, or (3) is regarded as having such an impairment. For purposes of this Part, a handicapped individual is "substantially limited" if he or she is likely to experience difficulty in securing, retaining or advancing in employment because of a handicap. (See appendix A attached for guidelines on the applications of this definition.)

"Modification" means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

"Person" means any natural person, corporation, partnership or joint venture, unincorporated association, State or local government, and any agency, instrumentality, or subdivision of such a government.

"Prime contractor" means any person holding a contract, and, for the purposes of subpart B of this part, includes any person who has held a contract subject to the Act.

"Qualified handicapped individual" means a handicapped individual as defined in § 60-741.2 who is capable of performing a particular job, with reasonable accommodation to his or her handicap.

"Recruiting and training agency" means any person who refers workers to any contractor or subcontractor, or who provides or supervises apprenticeship or training for employment by any contractor or subcontractor.

"Rules, regulations, and relevant orders of the Secretary of Labor" as used in paragraph (b) of the affirmative action clause means rules, regulations, and relevant orders of the Secretary of Labor or his or her designee issued pursuant to the Act.

"Secretary" means the Secretary of Labor, U.S. Department of Labor.

"Subcontract" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(1) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is necessary to the performance of any one or more contracts; or

(2) Under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

"Subcontractor" means any person holding a subcontract and, for the purpose of subpart B of this part, any person who has held a subcontract subject to the Act.

"United States" as used herein shall include the several States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, the Panama Canal Zone, American Samoa and the Trust Territory of the Pacific Islands.

§ 60-741.3 Coverage and waivers.

(a) *General.* (1) Transactions for less than $2,500. Contracts and subcontracts for less than $2,500 are not covered by the Act. No agency, contractor or subcontractor shall procure supplies or services in less than usual quantities to avoid the applicability of the affirmative action clause.

(2) Contracts and subcontracts for indefinite quantities. With respect to indefinite delivery-type contracts and subcontracts (including, but not limited to, open-end contracts, requirement-type contracts, Federal Supply Schedule contracts, "call-type" contracts, and purchase notice agreements), the affirmative action clause shall be included unless the contracting agency has reason to believe that the amount to be ordered in any year under such contract will be less than $2,500. The applicability of the affirmative action clause shall be determined at the time of award for the first year, and annually thereafter for succeeding years, if any. Notwithstanding the above, the affirmative action clause shall be applied to such contract whenever the amount of a single order is $2,500 or more. Once the affirmative action clause is determined to be applicable, the contract shall continue to be subject to such clause for its duration, regardless of the amounts ordered, or reasonably expected to be ordered in any year.

(3) Work outside the United States. The requirements of the affirmative action clause are waived with respect to contracts and subcontracts with regard to work performed outside the United States by employees who were not recruited within the United States.

(4) Contracts with State or local governments. The requirements of the affirmative action clause in any contract or subcontract with a State or local government (or any agency, instrumentality or subdivision thereof) shall not be applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract or subcontract.

(5) Facilities not connected with contracts. The Director may waive the requirements of the affirmative action clause with respect to any of a prime contractor's or subcontractor's facilities which he or she finds to be in all respects separate and distinct from activities of the prime contractor or subcontractor related to the performance of the contract or subcontract, provided that he or she also finds that such a waiver will not interfere with or impede the effectuation of the Act. Such waivers shall be considered only upon the request of the contractor or subcontractor.

(b) *Waivers.* (1) Specific contracts and classes of contracts. The head of an agency, with the concurrence of the Director, may waive the application to any contract or subcontract of any part of or all the affirmative action clause when he or she deems that special circumstances in the national interest so require. The agency head, with the concurrence of the Director, may also grant such waivers to groups or categories of contracts or subcontracts of the same type where it is (i) in the national interest, (ii) found impracticable to act upon each request individually, and (iii) where such waiver will substantially contribute to convenience in administration of section 503 of the Act.

(2) National security. Any requirement set forth in the regulations in this Part shall not apply to any contract or subcontract whenever the head of the contracting agency determines that such contract or subcontract is essential to the national security and that its award without complying with such requirements is necessary to the national security. Upon making such a determination the head of the agency will notify the Director in writing within 30 days.

(c) *Withdrawal of waiver.* When a waiver has been granted for any class of contracts or subcontracts under this section other than contracts granted waivers under paragraph (b)(2) of this section, the Director may withdraw the waiver for a specific contract or subcontract or group of contracts or subcontracts to be awarded, when in his or her judgment such action is necessary or appropriate to achieve the purposes of the Act. The withdrawal shall not apply to contracts or subcontracts awarded prior to the withdrawal, except that in procurements entered into by formal advertising, or the various forms of restricted formal advertising, such withdrawal shall not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of the bids.

§ 60-741.4 Affirmative action clause.

Each agency and each contractor and subcontractor shall include the following affirmative action clause in each of its covered government contracts or subcontracts (and modifications, renewals, or extensions thereof if not included in the original contract).

AFFIRMATIVE ACTION FOR HANDICAPPED WORKERS

(a) The contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: Employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(c) In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(d) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

(e) The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of section 503 of the Rehabilitation Act of 1973, and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

(f) The contractor will include the provisions of this clause in every subcontract or purchase order of $2,500 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to section 503 of the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

§ 60-741.5 Applicability of the affirmative action program requirement.

(a) Within 120 days of the commencement of a contract every government contractor or subcontractor holding a contract of $50,000 or more and having 50 or more employees shall prepare and maintain an affirmative action program at each establishment which shall set forth the contractor's policies, practices and procedures in accordance with § 60-741.6 of this Part. This program may be integrated into or kept separate from other affirmative action programs of the contractor. Contractors presently holding government contracts shall update their affirmative action programs within 120 days of the effective date of this Part.

(b) The affirmative action program shall be reviewed and updated annually. If there are any significant changes in procedures, rights or benefits as a result of the annual updating, those changes shall be communicated to employees and applicants for employment.

(c) (1) The contractor shall invite all applicants and employees who believe themselves covered by the Act and who wish to benefit under the affirmative action program to identify themselves to the contractor. The invitation shall state that the information is voluntarily provided, that it will be kept confidential, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with the Act and the regulations in this Part. If an applicant or employee so identifies himself or herself the contractor should also seek the advice of the applicant or employee regarding proper placement and appropriate acommodation. (An acceptable form for such an invitation is set forth in Appendix B attached.)

(2) Nothing in this section shall preclude an employee from informing a contractor at any future time of his or her desire to benefit under the program.

(3) Nothing in this section shall relieve a contractor of its obligation to take affirmative action with respect to those applicants or employees of whose handicap the contractor has actual knowledge: *Provided*, That the contractor is not obligated to search the medical files of any applicant or employee to determine the existence of a handicap.

(4) Nothing in this section shall relieve a contractor from liability for discrimination under the Act.

(d) The full affirmative action program shall be available for inspection to any employee or applicant for employment upon request. The location and hours during which the program may be obtained shall be posted at each facility.

§ 60-741.6 Affirmative action policy, practices, and procedures.

(a) *General requirements.* Under the affirmative action obligation imposed by section 503 of the Rehabilitation Act of 1973, contractors are required to take affirmative action to employ and advance in employment qualified handicapped individuals at all levels of employment, including the executive level. Such action shall apply to all employment practices, including, but not limited to, the following: Hiring, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) *Proper consideration of qualifications.* Contractors shall review their personnel processes to determine whether their present procedures assure careful, thorough and systematic consideration of the job qualifications of known handicapped applicants and employees for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available. To the extent that it is necessary to modify their personnel procedures, contractors shall include the development of new procedures for this purpose in their affirmative action program required under this part. These procedures must be designed so as to facilitate a review of the implementation of this requirement by the contractor or the Government. (Appendix C attached is an example of an appropriate set of procedures. The procedures in Appendix C are not required and contractors may develop other procedures which are appropriate to their circumstances.)

(c) *Physical and mental qualifications.* (1) The contractor shall provide in its affirmative action program, and shall adhere to, a schedule for the review of all physical or mental job qualification requirements to insure that, to the extent qualification requirements tend to screen out qualified handicapped individuals, they are job related and are consistent with business necessity and the safe performance of the job.

(2) Whenever a contractor applies physical or mental job qualification requirements in the selection of applicants or employees for employment or other change in employment status such as promotion, demotion or training, to the extent that qualification requirements tend to screen out qualified handicapped individuals, the requirements shall be related to the specific job or jobs for which the individual is being considered and shall be consistent with business necessity and the safe performance of the job. The contractor shall have the burden to demonstrate that it has complied with the requirements of this paragraph.

(3) Nothing in this section shall prohibit a contractor from conducting a comprehensive medical examination prior to employment provided that the results of such an examination shall be used only in accordance with the requirements of this section. Whenever a contractor inquires into an applicant's or employee's physical or mental condition or conducts a medical examination prior to employment or change in employment status information obtained in response to such inquiries or examination shall be kept confidential except that:

(i) Supervisors and managers may be informed regarding restrictions on the work or duties of handicapped individuals and regarding accommodations; and

(ii) First aid and safety personnel may be informed, where and to the extent appropriate, if the condition might require emergency treatment; and

(iii) Government officials investigating compliance with the Act shall be informed.

(d) *Accommodation to physical and mental limitations of employees.* A contractor must make a reasonable accommodation to the physical and mental limitations of an employee or

applicant unless the contractor can demonstrate that such an accommodation would impose an undue hardship on the conduct of the contractor's business. In determining the extent of a contractor's accommodation obligations, the following factors among others may be considered: (1) business necessity and (2) financial cost and expenses.

(e) *Compensation.* In offering employment or promotions to handicapped individuals, the contractor may not reduce the amount of compensation offered because of any disability income, pension or other benefit the applicant or employee receives from another source.

(f) *Outreach, positive recruitment, and external dissemination of policy.* Contractors shall review their employment practices to determine whether their personnel programs provide the required affirmative action for employment and advancement of qualified handicapped individuals. based upon the findings of such reviews, contractor shall undertake appropriate outreach and positive recruitment activities, such as those listed below. It is not contemplated that contractors will necessarily undertake all the listed activities or that their activities will be limited to those listed. The scope of a contractor's efforts shall depend upon all the circumstances, including the contractor's size and resources and the extent to which existing employment practice are adequate.

(1) The contractor should develop internal communication of its obligation to engage in affirmative action efforts to employ qualified handicapped individuals in such a manner as to foster understanding, acceptance and support among the contractor's executive, management, supervisory and all other employees and to encourage such persons to take the necessary action to aid the contractor in meeting this obligation.

(2) The contractor should develop reasonable internal procedures to ensure that its obligation to engage in affirmative action to employ and promote qualified handicapped individuals is being fully implemented.

(3) The contractor should periodically inform all employees and prospective employees of its commitment to engage in affirmative action to increase employment opportunities for qualified handicapped individuals.

(4) The contractor should enlist the assistance and support of recruiting sources (including State employment security agencies, State vocational rehabilitation agencies or facilities, sheltered workshops, college placement officers, State education agencies, labor organizations and organizations of or for handicapped individuals) for the contractor's commitment to provide meaningful employment opportunities to qualified handicapped individuals. (A list of numerous national organizations serving the handicapped, many of which have State or local affiliates, is found in the "Directory of Organizations Interested in the Handicapped" published by the Committee for the Handicapped People-to-People Program, Washington, D.C.)

(5) The contractor should engage in recruitment activities at educational institutions which participate in training of the handicapped, such as schools for the blind, deaf, or retarded.

(6) The contractor should establish meaningful contracts with appropriate social service agencies, organizations of and for handicapped individuals, vocational rehabilitation agencies or facilities, for such purposes as advice, technical assistance and referral of potential employees. Technical assistance from the resources described in this paragraph may consist of advice on proper placement, recruitment, training and accommodations contractors may undertake, but no such resource providing technical assistance shall have the authority to approve or disapprove the acceptability of affirmative action programs.

(7) The contractor should review employment records to determine the availability of promotable and transferable qualified known handicapped individuals presently employed, and to determine whether their present and potential skills are being fully utilized or developed.

(8) The contractor should include handicapped workers when employees are pictured in consumer, promotional or help wanted advertising.

(9) The contractor should send written notification of company policy to all subcontractors, vendors and suppliers, requesting appropriate action on their part.

(10) The contractor should take positive steps to attract qualified handicapped persons not currently in the work force who have requisite skills and can be recruited through affirmative action measures. These persons may be located through the local chapters of organizations of and for handicapped individuals described in paragraph (f)(4).

(g) *Internal dissemination of policy.* A strong outreach program will be ineffective without adequate internal support from supervisory and management personnel and other employees, who may have had limited contact with handicapped persons in the past. In order to assure greater employee cooperation and participation in the contractor's efforts, the contractor should adopt, implement and disseminate this policy internally as follows:

(1) Include it in the contractor's policy manual.

(2) Publicize it in the company newspaper, magazine, annual report and other media.

(3) Conduct special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the chief executive officer's attitude.

(4) Schedule special meetings with all employees to discuss policy and explain individual employee responsibilities.

(5) Discuss the policy thoroughly in both employee orientation and management training programs.

(6) Meet with union officials to inform them of the contractor's policy, and request their cooperation.

(7) Include nondiscrimination clauses in all union agreements, and review all contractual provisions to ensure they are nondiscriminatory.

(8) Include articles on accomplishments of handicapped workers in company publications.

(9) Post the policy on company bulletin boards, including a statement that employees and applicants are protected from coercion, intimidation, interference or discrimination for filing a complaint or assisting in an investigation under the Act.

(10) When employees are featured in employee handbooks or similar publications for employees, include handicapped employees.

(h) *Responsibility for implementation.* An executive of the contractor should be designated as director or manager of company affirmative action activities under these regulations. His or her identity should appear on all internal and external communications regarding the company's affirmative action programs. This executive should be given necessary top management support and staff to manage the implementation of this program, including the following activities:

(1) Develop policy statements, affirmative action programs, and internal and external communication techniques. The latter techniques should include regular discussions with local managers, supervisors and employees to be certain the contractor's policies are being followed. In addition, supervisors should be advised that:

(i) Their work performance is being evaluated on the basis of their affirmative action efforts and results, as well as other criteria.

(ii) The contractor is obligated to prevent harassment of employees placed through affirmative action efforts, as set forth in § 60-741.51.

(2) Identify problem areas in conjunction with line management and

known handicapped employees, in the implementation of the affirmative action programs, and develop solutions. This is particularly important for the accommodations requirements.

(3) Design and implement audit and reporting systems that will:

(i) Measure effectiveness of the contractor's programs.

(ii) Indicate need for remedial action.

(iii) Determine the degree to which the contractor's objectives have been attained.

(iv) Determine whether known handicapped employees have had the opportunity to participate in all company sponsored educational training, recreational and social activities.

(v) Ensure that each location is in compliance with the Act and the regulations in this Part.

(4) Serve as liaison between the contractor and OFCCP.

(5) Serve as liaison between the contractor and organizations of and for handicapped persons, and arrange for the active involvement by company representatives in the community service programs of local organizations of and for the handicapped.

(6) Keep management informed of the latest developments in the entire affirmative action area.

(7) Arrange for career counseling for known handicapped employees.

(i) *Development and execution of affirmative action programs.* (1) Job qualification requirements reviewed pursuant to paragraph (c) of this section should be made available to all members of management involved in the recruitment, screening, selection, and promotion process.

(2) The contractor should evaluate the total selection process including training and promotion to ensure freedom from stereotyping handicapped persons in a manner which limits their access to all jobs for which they are qualified.

(3) All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes should be carefully selected and trained to ensure that the commitments in its affirmative action program are implemented.

(4) Formal briefing sessions should be held, preferably on company premises, with representatives from recruiting sources. Plant tours, clear and concise explanations of current and future job openings, position, descriptions, worker specifications, explanations of the company's selection process, and recruiting literature should be an integral part of the briefings. Formal arrangements should be made for referral of applicants, follow up with sources, and feedback on disposition of applicants.

(5) A special effort should be made to include qualified handicapped persons on the personnel relations staff.

(6) Handicapped employees should be made available for participation in career days, youth motivation programs, and related activities in their communities.

(7) Recruiting efforts at all schools should incorporate special efforts to reach handicapped students.

(8) An effort should be made to participate in workstudy programs with rehabilitation facilities and schools which specialize in training or educating handicapped individuals,

(9) The contractor should use all available resources to continue or establish on the job training programs.

(j) *Sheltered workshops.* Contracts with sheltered workshops do not constitute affirmative action in lieu of employment and advancement of qualified handicapped individuals in the contractor's own workforce. Contracts with sheltered workshops may be included within an affirmative action program if the sheltered workshop trains employees for the contractor and the contractor is obligated to hire trainees at full compensation when such trainees become qualified as "qualified handicapped individual" as defined in § 60-741.2.

§ 60-741.7 Determination of handicap.

(a) Any handicapped individual filing a complaint with the Director under this part shall submit with his or her complaint a signed statement specifying the handicapping impairment or situation (see § 60-741.2 definition of "handicapped individual"). If the Director determines that further documentation is necessary, he or she may require the complainant to provide additional information.

(b) Any contractor requiring a determination of an applicant's or employee's handicap may require the applicant or employee to provide medical documentation of the impairment or, in the alternative, may require the applicant or employee to undergo a medical examination at the contractor's expense.

(c) Any determination of handicap required pursuant to paragraph (b) of this section must meet the requirements of § 60-741.5(c) and must be for the purpose of affirmative action and proper job placement. Information obtained therefrom shall not be used to exclude or otherwise limit the employment opportunities of qualified handicapped individuals.

(d) All medical documentation required under this section shall be based upon the American Medical Association Guides to the Evaluation of Permanent Impairment, provided that the guides shall be used only to determine the existence of impairment without regard to the degree of impairment.

§ 60-741.8 Listing of employment openings.

Contractors should request State employment security agencies to refer qualified handicapped individuals for consideration under their affirmative action programs.

§ 60-741.9 Labor unions and recruiting and training agencies.

(a) Whenever performance in accordance with the affirmative action clause or any matter contained in the regulations in this part may necessitate a revision of a collective bargaining agreement, the labor union or unions which are parties to such agreements shall be given an adequate opportunity to present their views to the Director.

(b) The Director shall use his or her best efforts, directly or through contractors, subcontractors, local officials, vocational rehabilitation facilities, and all other available instrumentalities, to cause any labor union, recruiting and training agency or other representative of workers who are or may be engaged in work under contracts and subcontracts to cooperate with, and to assist in, the implementation of the purposes of the Act.

Subpart B—General Enforcement and Complaint Procedure

§ 60-741.20 Subcontracts.

Each nonexempt prime contractor and subcontractor shall include the affirmative action clause prescribed in § 60-741.4 in each of their nonexempt subcontracts. The clause may be incorporated by reference in accordance with § 60-741.22.

§ 60-741.21 Adaptation of language.

Such necessary changes in language may be made to the affirmative action clause (see § 60-741.4) as shall be appropriate to identify properly the parties and their undertakings.

§ 60-741.22 Incorporation by reference.

The affirmative action clause and the regulations contained in this part may be incorporated by reference in all contracts and subcontracts.

§ 60-741.23 Incorporation by operation of the Act and agency regulations.

By operation of the Act, the affirmative action clause shall be considered to be a part of every contract and subcontract required by the Act and the regulations in this part to include such a clause, whether or not it is physically incorporated in such contracts and whether or not there is a written contract between the agency and the contractor.

§ 60-741.24 Duties of agencies.

(a) General responsibility. Each agency shall cooperate with the Director in the performance of his or her responsibilities under the Act. Such cooperation shall include the responsibility to insure that contractors are fully cognizant of their obligations under the Act and this part, to provide the Director with any information which comes to its attention that the contractor is not in compliance with the Act or this part, and to take such actions for noncompliance as set forth in § 60-741.28 as may be ordered by the Director.

(b) Reserved.

§ 60-741.25 Evaluations by the Director.

The Director shall be primarily responsible for undertaking such investigations of complaints and other matters as well as evaluations of contractor and agency performance as may be necessary to assure that the purposes of section 503 of the Rehabilitation Act of 1973 are being effectively carried out.

§ 60-741.26 Complaint procedures.

(a) *Place and time of filing.* Any applicant for employment with a contractor or any employee of a contractor may, personally or by an authorized representative, file a written complaint with the Director alleging a violation of the Act or the regulations in this part. Such complaint must be filed within 180 days from the date of the alleged violation, unless the time for filing is extended by the Director for good cause shown.

(b) *Referral to contractor.* When a complaint if filed by an employee of a contractor and the contractor has an applicable internal review procedure, the complaint shall be referred to the contractor for processing under that procedure. The complaint and all actions taken thereunder shall be kept confidential by the contractor. If there has not been a resolution of the complaint under that procedure satisfactory to the complainant within 60 days of the referral, the Department of Labor will proceed as provided in this section.

(c) *Contents of complaints.* Complaints must be signed by the complainants or their authorized representatives and must contain the following information: (1) Name and address (including telephone number) of the complainant, (2) name and address of the contractor or subcontractor who committed the alleged violation, (3) a description of the act or acts considered to be a violation, (4) a signed statement that the individual is handicapped or has a history of a handicap or other documentation of impairment or was regarded by the contractor as having an impairment, and (5) other pertinent information available which will assist in the investigation and resolution of the complaint, including the name of any known Federal agency with which the employer has contracted.

(d) *Incomplete information.* Where a complaint contains incomplete information, the Director shall seek the needed information from the complainant. If the information is not furnished to the Director within 60 days of the date of such request, the case may be closed.

(e) *Investigations.* The Department of Labor shall institute a prompt investigation of each complaint, and shall be responsible for developing a complete case record. A complete case record consists of the following: (1) Name and address of each person interviewed, (2) a summary of his or her statement, (3) copies or summaries of pertinent documents, (4) a narrative summary of the evidence disclosed in the investigation as it related to each charge, and (5) recommended findings and resolution.

(f) Reserved

(g) *Resolution of matters.* (1) If the complaint investigation shows no violation of the Act or regulations in this part, or if the Director decides not to initiate administrative or legal proceedings against the contractor, the complainant shall be so notified. Within 30 days, the complainant may request review by the Director of such a finding or decision.

(2) Where an investigation indicates that the contractor has not complied with the requirements of the Act or this part, efforts shall be made to secure compliance through concillation and persuasion within a reasonable time. Before the contractor or subcontractor can be found to be in compliance, it must make a specific commitment, in writing, to take corrective action to meet the requirements of the Act and this part. The commitment must indicate the precise action to be taken and dates for completion. The time period allowed should be no longer than the minimum period necessary to effect such changes. Upon approval of such commitment by the Director, the contractor may be considered in compliance on condition that the commitments are kept.

(3) Where the complaint investigation indicates a violation of the Act or regulations in this part (and the complaint has not been resolved by informal means), the Director shall afford the contractor an opportunity for a hearing in accordance with § 60-741.29.

§ 60-741.27 Noncompliance with the affirmative action clause.

Noncompliance with the prime contractor's or subcontractor's obligations under the affirmative action clause is a ground for taking appropriate action for noncompliance as set forth in § 60-741.28 by the Director, prime contractor, or subcontractor.

§ 60-741.28 Actions for noncompliance.

(a) *General.* In every case where any complaint investigation indicates the existence of a violation of the affirmative action clause or these regulations, the matter should be resolved by informal means, including conciliation, and persuasion, whenever possible. This will also include establishing a corrective action program in accordance with § 60-741.26(g)(2). Where the apparent violation is not resolved by informal means, the Director shall proceed in accordance with the enforcement procedures contained in this part.

(b) *Judicial enforcement.* In addition to the administrative remedies set forth herein, the Director may, within the limitations of applicable law, seek appropriate judicial action to enforce the contractual provisions set forth in § 60-741.4 including appropriate injunctive relief.

(c) *Withholding progress payments.* With the prior approval of the Director so much of the accrued payment due on the contract or any other contract between the government prime contractor and the Federal Government may be withheld as necessary to correct any violations of the provisions of the affirmative action clause.

(d) *Termination.* A contract or subcontract may be canceled or terminated, in whole or in part, for failure to comply with the provisions of the affirmative action clause.

(e) *Debarment.* A prime contractor or subcontractor or a prospective contractor or subcontractor may be debarred from receiving future contracts for failure to comply with the provisions of the affirmative action clause.

§ 60-741.29 Formal hearings.

(a) *Hearing opportunity.* An opportunity for a formal hearing shall be afforded to a prime contractor or a subcontractor or a prospective prime contractor or subcontractor by the Director in any of the following circumstances:

(1) An apparent violation of the affirmative action clause by a contractor or subcontractor, as shown by any investigation, is not resolved by informal means and a hearing is requested; or

(2) The Director proposes to cancel or terminate the contract or withhold progress payments, or cause the contract to be canceled or terminated or progress payments to be withheld, in whole or in part, on a contract or contracts, or to require cancellation or termination of a contract or subcon-

tract or withholding of progress payments; or

(3) The Director proposes to declare a prime contractor or subcontractor ineligible for further contracts or subcontracts under the Act.

(b) *Hearing practice and procedure.* (1) All hearings conducted under section 503 of the Rehabilitation Act of 1973, as amended, and the regulations in this Part shall be governed by the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246 contained in 41 CFR Part 60-30 except that complaints shall be issued by the Associate Solicitor, Division of Labor Relations and Civil Rights, Office of the Solicitor, rather than by the Solicitor of Labor.

(2) For the purposes of hearings pursuant to this Part 60-741, references in 41 CFR Part 60-30 to "Executive Order 11246" shall mean section 503 of the Rehabilitation Act of 1973, as amended; to "equal opportunity clause" shall mean the affirmative action clause published at 41 CFR 60-741.4; and to "regulations" shall mean the regulations contained in this Part 60-741.

(3) The Administrative Law Judge's recommended findings, conclusions and decision shall be certified to the Assistant Secretary, Employment Standards Administration rather than to the Secretary (see 41 CFR 60-30.27). Accordingly, exceptions to the recommended decision (41 CFR 60-30.28) shall be filed with the Assistant Secretary, Employment Standards Administration, and the final Administrative Order contemplated by 41 CFR 60-30.30 shall be issued by the Assistant Secretary, Employment Standards Administration. Except for these changes in procedure, all the other provisions of the rules of practice cited in this 41 CFR 60-741.29(b) shall remain in full force and effect.

§ 60-741.30 Notification of agencies.

The Director shall notify the heads of all agencies of any action for noncompliance taken against any contractor after such actions have been taken. No agency may issue a waiver under § 60-741.3(b)(1) to any contractor subject to such action without prior approval of the Director.

§ 60-741.31 Contractor ineligibility list.

The Director shall distribute periodically a list to all executive departments and agencies giving the names of prime contractors and subcontractors who have been declared ineligible under the regulations in this Part and the Act.

§ 60-741.32 Disputed matters related to the affirmative action program.

The procedures set forth in the regulations in this Part govern all disputes relative to a contractor's compliance with the affirmative action clause and the requirements of this Part. Any disputes relating to issues other than compliance, including contract costs arising out of the contractor's efforts to comply, shall be determined by the disputes clause of the contract.

Subpart C—Ancillary Matters

§ 60-741.50 Reinstatement of ineligible contractors and subcontractors.

Any prime contractor or subcontractor debarred from further contracts or subcontracts under the Act may request reinstatement in a letter directed to the Director. In connection with the reinstatement proceedings, the prime contractor or subcontractor shall be required to show that it has established and will carry out employment policies and practices in compliance with the affirmative action clause.

§ 60-741.51 Intimidation and interference.

The sanctions and penalties contained in this regulation may be exercised by the Director against any prime contractor or subcontractor, who fails to take all necessary steps to insure that no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the administration of the Act.

§ 60-741.52 Recordkeeping.

(a) Each contractor and subcontractor shall maintain for a period not less than 1 year records regarding complaints and actions taken thereunder, and such employment or other records as required by the Director or by this Part and shall furnish such information in the form required by the Director or as the Director deems necessary for the adminstration of the Act and regulations issued under this Part.

(b) Failure to maintain complete and accurate records as required under this section or failure to update annually the affirmative action program as required by § 60-741.5(b) constitutes noncompliance with the contractor's or subcontractor's obligatons under the affirmative action clause and is a ground for the imposition of appropriate sanctions.

§ 60-741.53 Access to records of employment.

Each prime contractor and subcontractor shall permit access during normal business hours to its places of business, books, records and accounts pertinent to compliance with the Act, and all rules and regulations promulgated pursuant thereto for the purposes of complaint investigations, and investigations of performance under the affirmative action clause of the contract or subcontract. Information obtained in this manner shall be used only in connection with the administration of the Act.

§ 60-741.54 Rulings and interpretations.

Rulings under or interpretations of the Act and the regulations contained in this Part 741 shall be made by the Secretary or his or her designee.

Appendix A—Guidelines on the Application of the Definition "Handicapped Individual"

The Rehabilitation Act of 1973, as amended, defines a handicapped individual for the purposes of the program as any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such an impairment.

"Life activities" may be considered to include communication, ambulation, selfcare, socialization, education, vocational training, employment, transportation, adapting to housing, etc. For the purpose of section 503 of the Act, primary attention is given to those life activities that affect employability.

The phrase *"substantially limits"* means the degree that the impairment affects employability. A handicapped individual who is likely to experience difficulty in securing, retaining or advancing in employment would be considered substantially limited.

"Has a record of such an impairment" means that an individual may be completely recovered from a previous physical or mental impairment. It is included because the attitude of employers, supervisors, and coworkers toward that previous impairment may result in an individual experiencing difficulty in securing, retaining, or advancing in employment. The mentally restored, those who have had heart attacks or cancer often experience such difficulty. Also, this part of the definition would include individuals who may have been erroneously classified and may experience discrimination based on this misclassification. This group may include persons such as those who have been misclassified as mentally retarded or mentally restored.

"Is regarded as having such an impairment" refers to those individuals who are perceived as having a handicap, whether an impairment exists or not, but who, because of attitudes or for any other reason, are regarded as handicapped by employers, or supervisors who have an effect on the individual securing, retaining or advancing in employment.

Appendix B

1. This employer is a government contractor subject to section 503 of the Rehabilita-

tion Act of 1973, which requires government contractors to take affirmative action to employ and advance in employment qualified handicapped individuals. If you have such a handicap and would like to be considered under the affirmative action program, please tell us. Submission of this information is voluntary and refusal to provide it will not subject you to discharge or disciplinary treatment. Information obtained concerning individuals shall be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of handicapped individuals, and regarding necessary accommodations, (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment, and (iii) government officials investigating compliance with the Act shall be informed.

2. If you are handicapped, we would like to include you under the affirmative action program. It would assist us if you tell us about (1) any special methods, skills and procedures which qualify you for positions that you might not otherwise be able to do because of your handicap, so that you will be considered for any positions of that kind, and (2) the accommodations which we could make which would enable you to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job, or other accommodations.

APPENDIX C

The following is a set of procedures which contractors may use to meet the requirements of § 60-741.6(b).

(1) The application or personnel form of each known handicapped applicant should be annotated to identify each vacancy for which the applicant was considered, and the form should be quickly retrievable for review by the agency, the Department of Labor and the contractor's personnel officials for use in investigations and internal compliance activities.

(2) The personnel or application records of each known handicapped employee should include (i) the identification of each promotion for which the handicapped employee was considered, and (ii) the identification of each training program for which the handicapped employee was considered.

(3) In each case where a handicapped employee or applicant is rejected for employment, promotion or training, a statement of the reason should be appended to the personnel file or application form. This statement should include a comparison of the qualifications of the handicapped applicant or employee and the persons selected, as well as a description of the accommodations considered. This statement should be available to the applicant or employee concerned upon request.

(4) Where applicants or employees are selected for hire, promotion or training and the contractor undertakes any accommodation which makes it possible for him or her to place a handicapped individual on the job, the application form or personnel record should contain a description of that accommodation.

[FR Doc. 78-29750 Filed 10-19-78; 8:45 am]

Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are now available:

HERBERT HOOVER

1929	$13.30	1931	$14.00
1930	$16.60	1932–33	$17.25

HARRY S. TRUMAN

1945	$11.75	1949	$11.80
1946	$10.80	1950	$13.85
1947	$11.15	1951	$12.65
1948	$15.95	1952–53	$18.45

DWIGHT D. EISENHOWER

1953	$14.60	1957	$14.50
1954	$17.20	1958	$14.70
1955	$14.50	1959	$14.95
1956	$17.30	1960–61	$16.85

JOHN F. KENNEDY

1961	$14.35	1962	$15.55
		1963	$15.35

LYNDON B. JOHNSON

1963–64 (Book I)	$15.00	1966 (Book II)	$14.35
1963–64 (Book II)	$15.25	1967 (Book I)	$12.85
1965 (Book I)	$12.25	1967 (Book II)	$11.60
1965 (Book II)	$12.35	1968–69 (Book I)	$14.05
1966 (Book I)	$13.30	1968–69 (Book II)	$12.80

RICHARD NIXON

1969	$17.15	1972	$18.55
1970	$18.30	1973	$16.50
1971	$18.85	1974	$12.30

GERALD R. FORD

1974	$16.00	1975 (Book I)	$13.50
		1975 (Book II)	$13.75

JIMMY CARTER

1977 (Book I)	$16.00	1977 (Book II)	$15.25

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402