Vol. 43—No. 227
11-24-78
PAGES
54919-55232

federal register

FRIDAY, NOVEMBER 24, 1978

highlights

SUNSHINE ACT MEETINGS 55055

AGRICULTURAL ENERGY NEEDS
USDA proposes certification procedures for essential uses of natural gas; comments by 1-8-79; hearings on 12-11, 12-14, and 12-18-78 54938

LABOR STANDARDS FOR CONSTRUCTION PROJECTS
Commerce/EDA amends regulations concerning equal employment opportunity; effective 11-24-78 54924

AUTOMOTIVE PROPULSION RESEARCH AND DEVELOPMENT
DOE establishes procedures and standards for review and certification of grants, contracts and cooperative agreements; effective 11-20-78 (Part V of this issue) 55228

OCCUPATIONAL EXPOSURE TO PESTICIDES DURING THE MANUFACTURING PROCESS
Labor/OSHA requests comments and information, by 1-8-79 54955

SMALL BUSINESS
SBA adopts rules concerning IRS qualification of limited partnership for tax purposes; effective 11-24-78 54924

PRESCRIPTION DRUGS
FTC withdraws proposal on disclosure of retail prices 54951

ENERGY CONSERVATION
HUD announces intent to develop energy conservation standards for new buildings receiving Federal financial assistance; comments by 12-15-78; meetings on 11-30, 12-5, and 12-8-78 54951

ELECTRIC UTILITY STEAM GENERATING UNITS
EPA extends comment period to 12-15-78 and changes hearing dates to 12-12-78 through 12-14-78 54959

FEDERAL PROCUREMENT
OMB announces availability of draft regulation regarding responsible prospective contractors, qualified products, and first article testing and approval; comments by 1-24-78 54962

TRAINING IN THE PRACTICE OF DENTISTRY
HEW/PHS establishes requirements for grants for residency training; effective 11-24-78 54929

IRISH POTATOES—1978 CROP
USDA/FSQS establishes terms and conditions of a diversion program; effective 11-20-78 54921

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 1) 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

FOOTWEAR FROM INDIA

Treasury/Customs issues notice of preliminary countervailing duty determination; effective 11-24-78 55028

CANNED TOMATOES

HEW/FDA extends mandatory date for compliance with standards of identity to January 1, 1980; effective 11-24-78 54925

FOOD ADDITIVES

HEW/FDA provides for use of allyl methacrylate in certain acrylic plastics intended for repeated food-contact use; effective 11-24-78 54927

HEW/FDA approves use of certain poly-oxyalkylene glycols and glycol ethers as components of lubricants with incidental food contact; effective 11-24-78 54927

HEW/FDA modifies nomenclature of a substance used in flume water for washing sugar beets; effective 11-24-78 54926

AGRICULTURAL CONSERVATION PROGRAM—1979

USDA/ASCS proposes to establish policies, guidelines, and procedures, comments by 12-26-78 54966

CARCINOGENICITY REPORTS

HEW/NIH announces availability of bioassay results for Dibenzo-P-Dioxin and Dl-Menthol (2 documents) 54995

PRIVACY ACT

HUD/Secy issues annual publication of systems of records (Part II of this issue) 55102

EMPLOYEE BENEFIT PLANS

Labor/PWBP and Treasury/IRS propose exemption from taxes and other restrictions for certain securities transactions; comments by 12-21-78; hearing on 1-3-79 55005

SAVINGS AND LOAN HOLDING COMPANIES

FHLBB announces hearings and solicits comments on forms and procedures, hearing on 1-10-79, comments by 1-10-79.. 54942

MEETINGS—

DOE/Conservation and Solar Applications: Food Industry Advisory Committee, 12-13-78 54984

HEW: Secretary's Advisory Committee on the Rights and Responsibilities of Women, 12-11 and 12-12-78 54998

Interior/RB: Colorado River Basin Salinity Control Advisory Council; 12-19-78 54004

National Commission for Manpower Policy, 12-8-78 55018

NASA: Space Systems and Technology Advisory Committee; Ad Hoc Advisory Subcommittee on Power Technology for Future Synchronous Satellites and Platforms, 12-13 and 12-14-78 55017

NFAH: Humanities Panel Advisory Committee, 12-14, 12-15, 12-18, and 12-20-78 55018

NRC: Region II State Liaison Officers', 11-30 and 12-1-78 55020

State: Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, 12-12, 12-13, and 12-14-78 55026

AID: Joint Committee for Agricultural Development of the Board for International Food and Agricultural Development, Regional Work Groups, 12-11, 12-12, and 12-21-78 55025

Treasury/IRS: Commissioner's Advisory Group, 12-14 and 12-15-78 55030

USDA/FS: National forest system land and resource management planning, 11-27-78 54958

CHANGED MEETINGS—

HEW/OE: National Advisory Council on the Education of Disadvantaged Children, 12-8 and 12-9-78 54996

SEPARATE PARTS OF THIS ISSUE

Part II, HUD/Secy 55102
Part III, Labor/ESA 55126
Part IV, SBA 55220
Part V, DOE 55228

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 Effective November 23, 1978

Interior/BLM—Revocation of Public Land Order No. 4416 for Idaho 49982; 10-26-78

Rules Going Into Effect Today

Labor/OSHA—Selected general industry safety and health standards; revocation. 49726; 10-24-78
Selected special industry safety and health standards; revocation 49751; 10-24-78
ICC—Piggyback traffic statistics; rail, motor, water, and freight forwarder forms revisions 46851; 10-11-78

List of Public Laws

All public laws from the second session of the 95th Congress have been received and assigned law numbers by the Office of the Federal Register. The last listing appeared in the issue of November 15, 1978.

A complete listing for the full session will be published on or before December 1, 1978.

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Meetings:
International Food and Agricultural Development Board 55025

AGRICULTURAL MARKETING SERVICE

Rules

Lemons grown in Calif. and Ariz 54934
Milk marketing orders:
Paducah, Ky 54920

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Notices

Rural environmental programs, National:
Conservation 1979; policies, guidelines, and procedures... 54966

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Food Safety and Quality Service; Forest Service.

Proposed Rules

Natural gas, essential agricultural uses; inquiry 54938

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Plant quarantine, domestic:
Sugarcane smut 54919

Proposed Rules

Quarantine notices, domestic:
Fire ant, imported 54936

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices

Meetings:
Humanities Panel 55018

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
Air Sunshine 54968
Frederiction Flying Club, Inc 54973
New Orleans-West service in vestigaion 54976
Seagreen Air Transport Ltd ... 54977
Southern Airways, Inc 54980
U.S.-Italy fare revisions 54972
Yellow Bird Air 54970

COAST GUARD

Rules

Drawbridge operations:
Florida 54929

Proposed Rules

Drawbridge operations:
New Jersey 54957

COMMERCE DEPARTMENT

See Economic Development Administration; Industry and Trade Administration; National Oceanic and Atmospheric Administration.

CONSUMER PRODUCT SAFETY COMMISSION

Proposed Rules

Nitrobenzene, products containing; information submission; correction 54944

CUSTOMS SERVICE

Rules

Merchandise lost, damaged, abandoned, or exported; relief form duties; correction 54925

Notices

Countervailing duty petitions and preliminary determinations:
Footwear from India 55028
Textiles and textile products from Argentina et al.; correction 55028
Trade name recordation applications:
Fort Incorporated 55029

ECONOMIC DEVELOPMENT ADMINISTRATION

Rules

Financial assistance requirements:
Labor standards for construction projects 54924

EDUCATION OFFICE

Notices

Information collection and data acquisition activity, description; inquiry 54996
Meetings:
Education of Disadvantaged Children National Advisory Council; location change 54996

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions Ala., Ariz., D.C., Fla., Ga., Hawaii, Idaho, Ill., Iowa, La., Minn., Nev., N.Y., Ohio, Pa., Tenn., Tex., Va 55126

ENERGY DEPARTMENT

See also Federal Energy Regulatory Commission.

Rules

Automotive propulsion research and development; review and certification of grants, etc 55228

Notices

Meetings:
Food Industry Advisory Committee 54984

ENVIRONMENTAL PROTECTION AGENCY

Proposed Rules

Air pollution; standards of performance for new stationary sources:
Electric utility steam generating units; extension of time 54959
Air quality control regions; criteria and control techniques:
Attainment status designations; extension of time 54960

Notices

Food additive petitions:
Baygon 54989
Bendiocarb 54989

FARM CREDIT ADMINISTRATION

Notices

Regulatory agenda; semiannual; correction 54989

FEDERAL AVIATION ADMINISTRATION

Rules

Transition area 54925

Proposed Rules

VOR Federal airways 54943

FEDERAL CONTRACT COMPLIANCE PROGRAMS OFFICE

Notices

Contracts sanctions:
Hahn & Clay Machine & Boiler Works, Inc.; reinstated 55009

FEDERAL ENERGY REGULATORY COMMISSION

Notices

Hearings, etc.:
Alabama Power Co 54984
Algonquin LNG, Inc., et al 54984
Cities Service Gas Co 54984
Michigan Wisconsin Pipe Line Co. (2 documents)..... 54985, 54986
Pacific Power & Light Co..... 54986
Piedmont Natural Gas Co. et al 54986
Sterling Production Co 54987
Sun Oil Co..... 54987
Transcontinental Gas Pipe Line Corp 54988
Transwestern Pipeline Co 54988
Utah Power & Light Co..... 54989

FEDERAL HOME LOAN BANK BOARD

Proposed Rules

Savings and Loan Holding Companies Forms and Procedures; public hearings and solicitation of comments 54942

FEDERAL MARITIME COMMISSION

Proposed Rules

Practice and procedure:
Proceedings; prompt adjudication, etc 54960

FEDERAL PROCUREMENT POLICY OFFICE

Proposed Rules

Federal acquisition:
Responsible contractors, qualified products and first article testing and approval, inquiry 54962

FEDERAL RAILROAD ADMINISTRATION

Notices

Loan guarantee obligations:
Chicago & North Western Transportation Co 55026

FEDERAL RESERVE SYSTEM

Rules

Truth-in-lending:
Credit life and disability insurance programs, premiums disclosure; official staff interpretation; correction 54924
Preservation of claims and defenses, New York law and Fair Credit Billing Act; official staff interpretations; correction 54924

FEDERAL TRADE COMMISSION

Proposed Rules

Consent orders:
Art Instruction School et al.; correction 54944
Ford Motor Co. et al 54944
International Brotherhood of Teamsters (Local 959); extension of time 54944
Consumers' claims and defenses, preservation; staff report, availability 54950
Drugs, prescription; retail price disclosure; withdrawal 54951

FISH AND WILDLIFE SERVICE

Rules

Fishing:
Arapaho National Wildlife Refuge, Colo 54933
Browns Park National Wildlife Refuge, Colo 54934
Ouray National Wildlife Refuge, Utah 54934
Pathfinder National Wildlife Refuge, Wyo 54933

Proposed Rules

Public access, entry, use, and recreation:
Merritt Island National Wildlife Refuge, Fla 54956

FOOD AND DRUG ADMINISTRATION

Rules

Food additives:
Allyl methacrylate 54927
Chemicals used in flume water for washing sugar beets 54926
Poly-oxyalkylene glycols and glycol ethers; lubricants with incidental food contact 54927
Tomatoes, canned; identity and quality standards; extension of compliance date .. 54925

Notices

Color additives:
Citrus Red No. 2, FD&C Blue No. 1, Orange B, FD&C Yellow No. 5, FD&C Red No. 3, FD&C Red No. 40; petition denied 54990
Human drugs:
Phenformin hydrochloride; approval withdrawn 54995

FOOD SAFETY AND QUALITY SERVICE

Rules

Potatoes, (Irish); livestock feed diversion program 54921

FOREST SERVICE

Proposed Rules

Planning; National Forest System land and resource management; extension of time 54958
Planning; National Forest System land and resource management; meeting 54958

GENERAL ACCOUNTING OFFICE

Notices

Regulatory reports review; proposals, approvals, etc. (FCC, NRC) 54989

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Food and Drug Administration; Museum Services Institute; National Institutes of Health; Public Health Service.

Notices

Meetings:
Women, Rights and Responsibilities, Secretary's Advisory Committee 54998

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Proposed Rules

Energy conservation; standards for new residential and commercial buildings; public hearing 54951

Notices

Privacy Act; systems of records; annual publication 55102

INDIAN AFFAIRS BUREAU

Notices

Irrigation projects, operation and maintenance charges:
Fort Hall Project, Idaho 54998

INDUSTRY AND TRADE ADMINISTRATION

Notices

Scientific articles; duty free entry:
Colgate University 54982
Lenox Hill Hospital et al 54982
National Cancer Institute 54983
L.A. County Harbor General Hospital 54983

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Reclamation Bureau.

INTERNAL REVENUE SERVICE

Notices

Employee benefit plans:
Prohibitions on transactions; exemption proceedings, applications, hearings, etc 55005
Meetings:
Commissioner's Advisory Group 55030

INTERSTATE COMMERCE COMMISSION

Notices

Motor carriers:
Operating rights applications, etc 55051
Permanent authority applications 55030
Property broker special licensing; applications 55054
Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications 55041

JUSTICE DEPARTMENT

Rules

Organization, functions, and authority delegations:
Associate Attorney General et al.; establishment, etc. of major functions within Offices, Boards, Divisions, or Bureaus 54929

LABOR DEPARTMENT

See also Employment Standards Administration; Federal Contract Compliance Programs Office; Mine Safety and Health Administration; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office.

Notices

Adjustment assistance:
Allegro Fashions 55014
Allivine Knitting Mills, Inc., et al 55012
Baldt, Inc., et al 55013

Bestform Foundations et al 55012
Brook Manufacturing Co., Inc 55014
Honey Bee Sportswear 55015
Kris, Inc 55015
Lawrence Manufacturing Co .. 55015
Louisville and Nashville Railroad Co 55016
Rockwell International 55016
Weld, Inc 55017

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:
Colorado 55000
Montana 55001
New Mexico (4 documents) 55003, 55004
Wyoming (5 documents) 55000, 55004
Opening of public lands:
Nevada (8 documents) ... 55001-55003
Withdrawal and reservation of lands, proposed, etc.:
Utah 55001

MANAGEMENT AND BUDGET OFFICE

See also Federal Procurement Policy Office.

Notices

Clearance of reports; list of requests 55024

MANPOWER POLICY NATIONAL COMMISSION

Notices

Meetings 55018

MINE SAFETY AND HEALTH ADMINISTRATION

Notices

Petitions for mandatory safety standard modification:
Brown Badgett Coal Co., Inc .. 55008
Union Carbide Corp 55009
Woods Fuel Coal Co 55009

MUSEUM SERVICES INSTITUTE

Rules

Museum services program; correction 54933

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Meetings:
NASA Advisory Council 55017

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Motor vehicle safety standards:
Headlamps; correction 54933

Notices

Motor vehicle safety standards; exemption petitions, etc:
Paccar Inc 55027
Pinetree Service Corp 55027
Motorized bicycles (Mopeds), safety aspects; inquiry; extension of time 55026

NATIONAL INSTITUTES OF HEALTH

Notices

Carcinogenesis bioassay reports; availability:
Dibenzo-p-dioxin 54995
Dl-menthol 54995

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Proposed Rules

Fishery conservation and management:
Foreign fishing; tanner crab off Alaska 54964
Foreign fishing; trawl fisheries of Wash., Oreg., and Calif.; hearings 54963

NATIONAL TRANSPORTATION SAFETY BOARD

Notices

Safety recommendations and accident reports; availability, responses, etc 55021

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
Alabama Power Co 55018
Commonwealth Edison Co 55018
Houston Lighting & Power Co. et al 55018
Power Authority of State of New York 55018
Meetings:
State Liaison Officers, Region II; location change 55020
Regulatory guides; issuance and availability 55020
Topical report; issuance and availability 55020

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Proposed Rules

Health and safety standards:
Pesticides; exposure to; inquiry 54955

PENSION AND WELFARE BENEFIT PROGRAMS OFFICE

Notices

Employee benefit plans:
Prohibitions on transactions; exemption proceedings, applications, hearings, etc 55005

PUBLIC HEALTH SERVICE

Rules

Grants:
Dentistry, residency training .. 54929

RECLAMATION BUREAU

Notices

Meetings:
Colorado River Basin Salinity Control Advisory Council 54004

SMALL BUSINESS ADMINISTRATION

Rules

Small business investment companies:
Partnerships, limited; IRS qualification 54924

Notices

Applications, etc.:
Rice Country Capital, Inc 55025
Authority delegations:
Field Officers, program activities 55220
Disaster areas:
Louisiana 55025

STATE DEPARTMENT

See also Agency for International Development.

Rules

Visas, nonimmigrant documentary waivers 54928

Notices

Meetings:
Shipping Coordinating Committee 55026

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Federal Railroad Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See Customs Service; Internal Revenue Service.

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.

7 CFR

331 54919
910 54934
1099 54920
2880 54921

PROPOSED RULES:

301 54936
2900 54938

10 CFR

473 55228

12 CFR

226 (2 documents) 54924

PROPOSED RULES:

Ch. V 54942

13 CFR

107 54924
309 54924

14 CFR

71 54925

PROPOSED RULES:

71 54943

16 CFR

PROPOSED RULES:

Ch. II 54944
13 (3 documents) 54944

16 CFR—Continued

PROPOSED RULES—Continued

433 54950
447 54951

19 CFR

158 54925

21 CFR

155 54925
173 54926
177 54927
178 54927

22 CFR

41 54928

24 CFR

PROPOSED RULES:

Ch. XX 54951

28 CFR

0 54929

29 CFR

PROPOSED RULES:

1910 54955

33 CFR

117 54929

PROPOSED RULES:

117 54957

36 CFR

PROPOSED RULES:

219 (2 documents) 54958

40 CFR

PROPOSED RULES:

60 54959
81 54960

42 CFR

57 54929

45 CFR

64 54933

46 CFR

PROPOSED RULES:

502 54960

48 CFR

PROPOSED RULES:

9 54962

49 CFR

571 54933

50 CFR

33 (4 documents) 54933, 54934

PROPOSED RULES:

26 54963
611 (2 documents) 54963, 54964

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING NOVEMBER

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 November.

1 CFR

Ch. 1 50845
462 52457

3 CFR

EXECUTIVE ORDERS:

11157 (Amended by EO 12094) .. 51379
11562 (Amended by EO 12098) .. 53411
11846 (Amended by EO 12102) .. 54197
11945 (See EO 12098) 53411
12054 (Amended by EO 12090) .. 50997
12059 (Amended by EO 12097) .. 52455
12061 (Amended by EO 12091) .. 51373
12071 (Amended by EO 12100) .. 54193
12076 (Amended by EO 12099) .. 54191
12084 (Amended by EO 12097) .. 52455
12090 50997
12091 51373
12092 51375
12093 51377
12094 51379
12097 52455
12098 53411
12099 54191
12100 54193
12101 54195
12102 54197

MEMORANDUMS:

October 30, 1978 50995

PROCLAMATIONS:

4608 53701

4 CFR

331 52693

5 CFR

213 .... 51381-51383, 51753, 53703, 53704
300 51753
713 52694
890 ..... 52459, 52460

PROPOSED RULES:

334 53761

6 CFR

PROPOSED RULES:

705 51938

7 CFR

6 ..... 50999, 54900
26 52019
271 54199
273 54199
282 54215
331 54919
634 50845
722 54216
905 ..... 52197, 53027, 54217, 54617
906 ..... 50866, 51000
907 54618
910 ..... 52462, 53705, 54934
944 52197
946 52199
966 52199
971 53704
989 50866

7 CFR—Continued

1004 53413
1030 51383
1099 54920
1207 51000
1464 54218
1822 51385
1900 52462
1933 52462
1980 53413
2852 51753
2880 54921

PROPOSED RULES:

225 51806
273 54253
301 54936
401 52722
416 52723
651 53443
906 54254
917 52728
981 51405
1062 54642
1099 51405
1135 52496
1435 51026
1496 51406
1804 52496
1933 54652
2900 54938

8 CFR

214 54618

9 CFR

73 52466
92 53706
97 ..... 52466, 53706
307 ..... 51386, 51754
350 51386
351 51386
354 51386
355 51386
362 51386
381 ..... 51386, 51754

10 CFR

Ch. II 53414
Ch. III 53414
20 ..... 52202, 54081
21 52202
40 52202
51 53027
73 52202
205 51755
300 51956
473 55228
515 54912

PROPOSED RULES:

40 54255
50 54255
70 54255
75 54255
150 54255
205 53256
211 ..... 52104, 52186, 54081, 54652
212 ..... 52186, 54256

10 CFR—Continued

PROPOSED RULES—Continued

435 54512
500 53974
501 53974
502 53974
503 53974
505 53974
580 54660
1040 53658

12 CFR

201 ..... 50867, 53707, 53708
204 52202
205 53708
226 ..... 52695, 52696, 54924
250 53414
262 52203
265 52203
329 54081
526 53415
545 ..... 53415, 54622
563 53415
564 53415
701 54220

PROPOSED RULES:

Ch. V 54942
12 50917
208 50914
302 ..... 53042, 54665
344 51638
526 52254
545 52254
552 ..... 53762, 54664
563b 54664
701 ..... 51407, 54100

13 CFR

107 54924
309 54924

PROPOSED RULES:

120 53765
308 52432

14 CFR

11 52203
23 52495
25 ..... 52495, 54082
39 ..... 51001, 51004, 52207-52213, 53415-53417, 54082
71 ..... 51005-51010, 53418, 53419, 54925
73 ..... 51010, 51011, 52214, 52467
75 51012
97 53419
121 52205
127 52206
133 52206
137 52206
139 52206
221 52697
241 53647
242 53649
249 53649
250 53028
291 53628

14 CFR—Continued

302 52021
384 54622
385 ..... 53649, 54623
1208 52214

PROPOSED RULES:

39 54100
47 54101
71 ..... 51026, 51029, 52496, 53446-53449, 54943
73 52496
75 51030
91 54101
213 54665
221 54102
298 52182
302 54102
380 53450
399 54102

15 CFR

16 51615
371 52215
376 52215
399 52215
806 54623

PROPOSED RULES:

15 53765
90 51806

16 CFR

2 51757
3 51757
13 ..... 51013, 52216, 52467
1202 53709
1701 53711

PROPOSED RULES:

Ch. II 54944
13 ..... 51031, 53450, 53767, 54944
433 54950
440 54103
447 54951
455 52729
460 51038
1205 51038

17 CFR

32 ..... 52467, 54220
201 52216
211 ..... 50868, 52217, 54228
230 ..... 52022, 54229
231 ..... 52022, 53246
239 54229
241 ..... 52697, 53246
270 50869
271 52022

PROPOSED RULES:

1 53450
30 52729
230 53251
240 ..... 53251, 54256
250 53251
260 53251

18 CFR

1 52219

PROPOSED RULES:

2 53270
154 53770
157 53270

18 CFR—Continued

PROPOSED RULES—Continued

270 53270
271 53270
273 53270
274 53270
275 53270
276 53270
284 53270
703 54262
707 54262

19 CFR

4 54234
153 52022
158 ..... 53713, 54925
159 ..... 52485, 53421-53425

PROPOSED RULES:

4 53453
6 53453
10 53453
11 53461
111 53461
123 53453
133 53461
148 53461
162 ..... 53453, 53461
171 53453

20 CFR

404 ..... 53713, 54083, 54087
416 54235

PROPOSED RULES:

404 ..... 51410, 52936, 54666
416 51410

21 CFR

5 51758
73 54235
81 ..... 54235, 54236
105 52690
155 54925
173 ..... 54237, 54926
177 54927
178 54927
184 54238
520 52700
540 52700
558 ..... 52701, 53716, 54240
561 54088
809 52701
820 52701

PROPOSED RULES:

10 51966
12 51966
13 51966
14 51966
15 51966
16 ..... 51966, 52731
54 52731
71 52731
170 52731
171 52731
180 52731
310 ..... 52731, 52732
312 52731
314 52731
320 52731
330 52731
350 51806
358 51546
361 52731

21 CFR—Continued

PROPOSED RULES—Continued

430 52731
431 52731
510 52731
511 52731
514 52731
570 52731
571 52731
601 52731
630 52731
1003 52731
1010 52731

22 CFR

41 54928
42 51013

PROPOSED RULES:

51 51410

23 CFR

480 54074
635 53717

PROPOSED RULES:

170 51040
173 51040
420 51040
620 51040

24 CFR

1914 ..... 50874, 51013
1915 50879
1917 .. 50879-50903, 51386, 51617-51628

PROPOSED RULES:

Ch.XX 54951
1917 51411-51427

25 CFR

20 52227
36 52023

PROPOSED RULES:

231 51806

26 CFR

1 ..... 51387, 54089
6 ..... 52027, 54090
54 53718
141 53718
601 53029

PROPOSED RULES:

1 ..... 50920, 51428, 52734, 53045, 54103, 54265
7 50920
55 54103

27 CFR

4 54264

PROPOSED RULES:

4 54266
5 54266
7 54266
194 51808
197 51808
201 51808
250 51808
251 51808
252 51808

28 CFR

0 54929
45 52702

PROPOSED RULES:

16 51816
301 52498

29 CFR

Ch. XVI 53426
1910 ..... 51760, 52952, 54354
1953 51761
1956 51389

PROPOSED RULES:

56 53771
1202 52032
1206 54267
1404 ..... 52500, 53466
1910 54955
2200 53774
2201 53774
2520 54268
2700 53045
2701 53470

30 CFR

41 51761
55 54065
56 54066
57 54067
75 54241
250 50903

PROPOSED RULES:

46 53774
715 ..... 50921, 52734
717 52734

31 CFR

129 51629
500 51763
515 51762

PROPOSED RULES:

500 53016
515 53021
520 53023

32 CFR

Ch. I 51391
361 52228
362 52230
832 ..... 51763, 51765
862 54625

PROPOSED RULES:

Ch. I 52032

33 CFR

1 54186
6 53427
117 ..... 52235, 54929
121 53427
125 53427
165 53427
223 52236

PROPOSED RULES:

117 ..... 53472, 54957
183 53471
207 53045
209 54269

36 CFR

PROPOSED RULES:

219 54958

37 CFR

201 54247
301 53719

38 CFR

3 51015
21 52486
36 ..... 51015, 53728

PROPOSED RULES:

2 54104
21 ..... 54104, 54666

39 CFR

111 ..... 51016, 51017
257 53428

40 CFR

52 ..... 51393, 51767-51780, 52029, 52237, 52239, 52702, 53031, 53035, 53439, 54247
55 54248
62 ..... 51393, 52241
65 ..... 51782, 51783, 52030, 52031, 52241, 52242, 52704-52706, 53037, 54273-54278, 54627
86 52914
162 52031
180 ..... 50904, 51018, 52486, 54090
600 52914
750 50905

PROPOSED RULES:

52 ..... 51817, 52033, 52747, 53472, 54269
60 54959
65 ..... 50921, 51042, 52255, 52500, 52748-52753, 53473, 54273-54278
81 54960

41 CFR

Ch. 101 54632
1-1 53729
1-9 53440
3-1 54250
3-3 54250
5A-1 51395
5A-2 51396
5A-3 51397
5A-6 51398
5A-7 51398
5A-16 51398
5A-19 51398
5A-72 51399
5A-73 51399
5A-76 51399
5B-2 53440
5B-3 50907
60-1 51400
60-2 51400
60-4 51401
60-30 51401
60-40 51401
60-50 51401
60-60 51401
60-250 51402
60-741 51402

PROPOSED RULES:

Ch. I 52032
101-17 52502
101-26 51429
101-29 52503
101-38 51429
101-40 51817

42 CFR

50 52146
51b 52707
56a 51532
57 ..... 52487, 54929
71 53039
441 52071

PROPOSED RULES:

405 ..... 51822, 52256
419 52256
456 50922

43 CFR

PROPOSED RULES:

2540 51043
2740 51043
9180 51043

45 CFR

46 ..... 51559, 53652
64 45933
95 53039
116d 52676
205 52174
220 52174
222 52174
228 52174
282 53730
801 51784
1068 52438
1350 51785
1602 51785
1609 51788
1620 51789

PROPOSED RULES:

46 53950
114 51431
115 51431
139 53781
144 52128
175 52128
176 52128
160b 51431
160i 51432
161j 53046
169 51260
186 51432
187 51432
188 51432
205 54105
224 53778
1069 53474
1321 53782

46 CFR

197 53678
308 54090
390 51636

PROPOSED RULES:

Ch. IV 53046
25 52261
32 53474
34 52261
76 52261
95 52261
108 52261
151 53474
162 52261
181 52261
193 52261
276 51045
502 54960

47 CFR

Ch. II 53440
0 ..... 51791, 52243, 52244, 54096
1 ..... 53733, 54096
15 54097
21 ..... 52245, 52246
23 52245
25 52245
73 ..... 51790, 53733, 53742, 54097
74 51790
76 ..... 51791, 53742
78 52245
81 52246
83 ..... 51790, 52492
87 52245
89 54788
90 54788
91 ..... 51018, 53040, 54788
93 54788

PROPOSED RULES:

0 54106
1 53474
2 51649
5 54106
15 ..... 51650, 51652
21 54106
23 54106
25 54106
42 52263
43 52263
68 54666

47 CFR—Continued

PROPOSED RULES—Continued

73 ..... 51655, 53475, 54106, 54109, 54110, 54111, 54279
74 54106
78 54106
81 ..... 51047, 51048, 54106
87 54106
89 54106
91 54106
93 54106
94 54106
95 ..... 51048, 54106
97 ..... 51048, 54106
99 54106

48 CFR

PROPOSED RULES:

9 54962
28 51432

49 CFR

99 54251
106 51020
107 51020
171 51020
172 51020
173 51020
174 51020
175 51020
177 51020
178 51020

49 CFR—Continued

225 51020
395 52246
501 51022
571 ..... 52246, 52493, 53440, 54933
1033 .. 50907, 51023-51025, 51402, 54098
1034 51404
1056 51805
1100 50908

PROPOSED RULES:

195 52504
571 ..... 51657, 51677, 52264, 52268
572 53478
576 53479
1201 51052

50 CFR

32 51025
33 ..... 54098, 54639, 54933, 54934
222 54639
227 54639
611 ..... 51637, 52709, 54636
651 ..... 52252, 53040
652 ..... 54252, 54638
672 52709

PROPOSED RULES:

23 50928
26 54963
260 53047
611 ..... 50928, 51053, 52034, 54964
671 52034

FEDERAL REGISTER PAGES AND DATES—NOVEMBER

Pages	*Date*
50845-50994	Nov. 1
50995-51372	2
51373-51594	3
51595-51751	6
51753-52017	7
52019-52196	8
52197-52454	9
52455-52692	13
52693-53025	14
53027-53410	15
53411-53699	16
53701-54079	17
54081-54189	20
54191-54716	21
54717-54918	22
54919-55232	24

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.

[3410-34-M]

Title 7—Agriculture

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

PART 331—EMERGENCY PLANT PEST REGULATIONS GOVERNING INTERSTATE MOVEMENT OF CERTAIN PRODUCTS AND ARTICLES

Sugarcane Smut

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: Sugarcane smut, an infectious fungal disease affecting sugarcane, has been discovered in the State of Florida. In order to prevent the further spread of sugarcane smut into other areas of the United States, emergency regulations are promulgated to regulate the interstate movement of sugarcane plants (including parts of sugarcane and true seed) and used sugarcane processing and harvesting equipment from Glades, Hendry, Martin, and Palm Beach Counties in Florida.

EFFECTIVE DATE: Friday, November 24, 1978.

FOR FURTHER INFORMATION CONTACT:

E. E. Crooks, 301-436-8249.

SUPPLEMENTARY INFORMATION: Sugarcane smut is a destructive plant disease which attacks sugarcane. Sugarcane smut is caused by a highly contagious fungus, *Ustilago scitaminea* Syd., which infects planted cuttings as well as the buds of standing cane. Heavy infection can cause complete loss of crops. Smut-infected plants result not only in fewer canes but also in reduced sugar content. The recent outbreak of the sugarcane smut in Florida is the first time the disease has been found in the continental United States. The smut fungus was found in sugarcane planted for research near Clewiston, Florida, and in nearby commercial fields. Sugarcane smut attacks sugarcane in most areas where the crop is grown in the Eastern Hemisphere, South America, the West Indies, Central America, and Hawaii. Smut spores are spread by wind, water, contaminated soil, plant material, and man. The Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, cooperated with State Agencies in conducting biometric surveys in Florida, Louisiana, and Texas. Survey results in Louisiana and Texas were negative, and except for the initial finds in Florida, no further spread was found in that State. Regulatory action is being taken by the Florida Department of Agriculture and the United States Department of Agriculture to prevent the artificial spread of the disease to other sugarcane producing areas. Regulations affect Glades, Hendry, Martin, and Palm Beach Counties in Florida.

Based on the above information, Mr. James Lee, Deputy Administrator of Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, has determined that, in order to contain the further spread of sugarcane smut to other areas of the United States, emergency regulations restricting the interstate movement of regulated articles from regulated counties within Florida must be promulgated immediately. The emergency exists because there is a possibility that those articles listed as regulated articles can carry the smut spores to unaffected areas of the United States unless they have been treated or have not been exposed to the disease.

Therefore, Chapter III, Title 7 of the Code of Federal regulations, is hereby amended by adding to Part 331 a new section 331.6 and a subpart heading preceding said section as follows:

Subpart—Sugarcane Smut

§ 331.6 Notice of existence of emergency and regulations related thereto.

(a) *Definitions.* For the purposes of the regulations in this subpart, the following terms shall be construed, respectively, to mean:

Certificate. A document issued by the inspector to allow the movement of regulated articles to any destination.

Deputy Administrator. The Deputy Administrator of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

Inspector. An employee of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator to enforce the provisions of the regulations in this subpart.

Limited Permit. A document issued by the inspector to allow the interstate movement of regulated articles to a specified destination.

Treatment. Procedures prescribed by the Deputy Administrator to destroy infections of sugarcane smut as specified in paragraph (b) of this section.

(b) Infections of the sugarcane smut, *Ustilago scitaminea* Syd., a dangerous plant disease not widely prevalent or distributed within and throughout the United States, exists in the State of Florida in Glades, Hendry, and Palm Beach Counties, and because of proximity of the disease, there is reason to believe it exists in Martin County. Therefore, as an emergency measure to prevent the interstate dissemination of sugarcane smut, the following rules are adopted. The products and articles listed in paragraph (c) of this section shall not be moved interstate to noninfected areas from any place in Glades, Hendry, Martin, and Palm Beach Counties, Florida, unless—

(1) Such products and articles have been subjected to treatment as follows to destroy sugarcane smut under the direction of an inspector and the products and articles are accompanied by a certificate:

Seedpieces (Pieces of Cane):

Immerse in hot water at 52°C (126.5°F.) for 45 minutes.

Note: Some varieties of sugarcane may be injured.

True Seed (Fuzz):

Immerse in 0.525% sodium hypochlorite solution for 30 minutes. (Dilute 1 part Chlorox or similar material containing 5.25% sodium hypochlorite with 9 parts water by volume). Air dry at least 48 hours.

Sugarcane Harvesting and Processing Equipment:

Remove all debris and soil from the equipment with high pressure water or steam; or

(2) Such products and articles are accompanied by a certificate and origi-

nate from an area within a regulated county that has been inspected by the inspector and the area has been found to be free from sugarcane smut; or

(3) Such products and articles are moved, under a limited permit, to a destination where the movement will not result in the spread of sugarcane smut and will not violate any other applicable Federal domestic quarantine, as determined by the Deputy Administrator and destination State officials.

(c) The following products and articles are subject to the emergency measures imposed under this section:

(1) Sugarcane plants, whole or in part, including true seed;

(2) Used sugarcane processing and harvesting equipment;

(3) Any other products, articles, or means of conveyance, of any character whatsoever, not covered by subparagraphs (1) and (2) of this paragraph, when it is determined by an inspector that they present a risk of spread of sugarcane smut and the person in possession thereof has actual notice that the products, articles or means of conveyance is subject to the restrictions of this section.

(Sec. 105, 71 Stat. 32, sec. 106, 71 Stat. 33, sec. 107, 71 Stat. 34 (7 U.S.C. 150aa-150jj); 37 FR 28464, 28477, as amended; 38 FR 19141.)

Due to the possibility that sugarcane smut could be spread artificially to noninfected areas of the United States, an emergency situation exists requiring immediate action to control this infectious disease. Therefore, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that further notice and public participation regarding this regulation are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making said regulation effective on or before December 26, 1978.

Done at Washington, D.C., this 20th day of November 1978.

THOMAS G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc. 78-33054 Filed 11-22-78; 8:45 am]

[3410-02-M]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 99]

PART 1099—MILK IN THE PADUCAH, KY., MARKETING AREA

Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends for November 1978 through March 1979 order provisions that limit the quantity of producer milk that may be diverted to a plant for manufacturing uses to 15 percent of a handler's receipts at milk bottling plants. The suspension will result in a 25 percent limit on such diversions during those months. The action was requested by a cooperative association to assure the efficient disposition of milk that is not needed for fluid use, and to maintain pool status for dairy farmers regularly associated with the Paducah market.

EFFECTIVE DATE: November 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4829.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Proposed Suspension—Issued October 31, 1978; published November 3, 1978 (43 FR 51405).

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Paducah, Ky., marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 51405) concerning a proposed suspension of certain provisions of the order. Interested persons had an opportunity to comment in writing on the proposed suspension. Only the proponent of the suspension filed comments concerning the suspension.

After considering all relevant material, including the proposal in the notice, the comments received, and other available information, it is found and determined that for the months of November 1978 through March 1979 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1099.13(c) (2) and (3), the words "in any of the months of April through August and 15 percent in other months."

STATEMENT OF CONSIDERATION

The suspension makes ineffective for the period November 1978 through March 1979 the provisions that limit diversions to nonpool plants to a quantity equal to 15 percent of the handler's milk that is physically received at pool plants. A 25 percent limit on such diversions that otherwise applies during the months of April through August would apply during the suspension period.

Action to suspend the 15 percent limit on diversions was requested by Dairymen, Inc., in order to facilitate the economical disposition of reserve milk supplies. The cooperative maintained that under current conditions in the market efficient disposition of reserve supplies cannot be achieved under the 15 percent diversion limit.

There are only two distributing plants fully regulated under the Paducah order, and they process mostly class I milk. The volumes of milk required by these plants vary widely on a day-to-day basis, which in turn requires a relatively large reserve supply of milk. When the milk is not required for use in a distributing plant, it is moved to nonpool plants for manufacturing. The most efficient way to move such reserve supplies to nonpool plants is by diversion, that is, direct from the farm to the nonpool plants. However, under the 15 percent limit provided in the order, not all of the cooperative's current supply of reserve milk can be handled by diversion.

Under the current situation, the cooperative must receive some of its reserve milk supply at a pool distributing plant in order to keep the milk pooled. The milk is then reloaded and moved to nonpool plants for surplus disposition. This is a costly and ineffecient means of temporarily maintaining pool status for member producers long associated with the Paducah market.

On the basis of the data, views and arguments filed, it is concluded that without the suspension the cooperative would be forced to continue uneconomic handling and transportation practices in order to maintain through March 1979 the benefits of pooling for some of its producers. The suspension will facilitate the efficient disposition of reserve supplies during this period.

It is hereby found and determined that 30 days' notice of the effective date thereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing

conditions in the marketing area in that the most efficient method of handling milk not needed for the fluid market is by direct movement from producers' farms to manufacturing outlets. This suspension allows such economical movements of milk while the dairy farmers involved retain producer status;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given to interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No views were received in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective November 24, 1978.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of November 1978 through March 1979.

Signed at Washington, D.C., on November 20, 1978.

JERRY C. HILL,
Deputy Assistant Secretary.

[FR Doc. 78-33052 Filed 11-22-78; 8:45 am]

[3410-37-M]

CHAPTER I—FOOD SAFETY AND QUALITY SERVICE (FRUIT AND VEGETABLE QUALITY DIVISION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

PART 2880—FRESH IRISH POTATOES

Subpart—Fresh Irish Potatoes—Livestock Feed Diversion Program

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth the terms and conditions of a potato diversion program for 1978 crop potatoes. This rule sets out the provisions of eligibility for payments, the need for approval of diversion by USDA, the rate of payment to producers, and other conditions of participation. This rule is necessary to inform eligible producers of this new program's requirements.

EFFECTIVE DATE: November 20, 1978.

FOR FURTHER INFORMATION CONTACT:

D. A. Thibeault, Chief, Commodity Procurement Branch, Fruit and Vegetable Quality Division, FSQS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-2781.

SUPPLEMENTARY INFORMATION: Severe drought and other unfavorable growing conditions in parts of Aroostook and Penobscot counties, Maine, have produced some low quality potatoes containing deep growth cracks. Producers of these potatoes are already on the brink of economic disaster and can be expected to market these split potatoes at the best prices obtainable. Action must be taken to reduce the price-depressing effect which these sales would have on the market value of the potatoes produced in other parts of Maine as well as other growing areas. Accordingly, payments are being offered to eligible Aroostook and Penobscot county producers to encourage the diversion of such potatotes for use as livestock feed. These payments will compensate those producers for the lower prices obtained from the sales of potatoes for use as livestock feed.

The program will be offered in two periods. The payments will be higher during the first period than during the second period in order to obtain early diversion of sufficient potatoes to have an immediate market strengthening effect.

In this connection, in view of the fact that diversion is to be accomplished by using the potatoes for livestock feed, and since spreading in the field for dehydration by freezing and thawing is one of the principal methods which may be utilized, and since this must be done before snowfall, it is necessary to begin the program immediately. Moreover, in order to obtain maximum utilization of fresh potatoes as feed for livestock, the program must start before livestock producers obtain alternate sources of feed.

Immediate action is necessary to avoid the price-depressing impact which sales of these low-grade potatoes are having on the market value of potatoes. Accordingly, Sydney J. Butler, Acting Administrator, FSQS, has determined that this document represents an emergency situation requiring immediate program action without a notice and comment period, that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest, and in accordance with the provisions of Executive Order 12044 (43 FR 12661, March 24, 1978), that it is not possible to publish these regulations in proposed form and allow 60 days for public comment.

FINAL RULE

Accordingly, 7 CFR Chapter II is amended by adding a new Part 2880 to read as follows:

PART 2880—FRESH IRISH POTATOES

Subpart—Fresh Irish Potatoes—Livestock Feed Diversion Program

Sec.

2880.1 General statement.
2880.2 Administration.
2880.3 Area.
2880.4 Period of program.
2880.5 Rate of payment.
2880.6 Eligibility for payment.
2880.7 Application and approval for participation.
2880.8 Performance bond.
2880.9 Period of diversion.
2880.10 Definition of diversion.
2880.11 Diversion specifications.
2880.12 Inspection and certificate of diversion.
2880.13 Methods of feeding.
2880.14 Claim for payment.
2880.15 Compliance with program provisions.
2880.16 Inspection of premises.
2880.17 Records and accounts.
2880.18 Set-off.
2880.19 Joint payment or assignment.
2880.20 Officials not to benefit.
2880.21 Amendment and termination.

AUTHORITY: Sections 2880.1 to 2880.21 issued under sec. 32, 49 Stat. 774, as amended; 7 U.S.C. 612c.

Subpart—Fresh Irish Potatoes—Livestock Feed Diversion Program

§ 2880.1 General statement.

In order to encourage the domestic consumption of fresh Irish potatoes by diverting them from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Pub. L. 320, 74th Congress, as amended, offers to make payment for the diversion for use as livestock feed of 1978 crop potaotes produced and stored in certain Maine townships designated in § 2880.3, subject to the terms and conditions set forth in this subpart. Information relating to this program and forms prescribed for use hereunder may be obtained from the following:

Fruit and Vegetable Quality Division, Food Safety and Quality Service, United States Department of Agriculture, Washington, D.C. 20250.

State of Maine Agricultural Stabilization and Conservation Committee.

Aroostook County Maine Agricultural Stabilization and Conservation Committee.

§ 2880.2 Administration.

The program provided for in this subpart will be administered under the general direction and supervision of the Director, Fruit and Vegetable Quality Division, Food Safety and Quality Service, and in the field will be carried out by the Agricultural Stabilization and Conservation Service through the Maine Agricultural Stabilization and Conservation State Committee and the Aroostook County Agricultural Stabilization and Conservation County Committee, hereinafter

referred to as the State and County Committees. The State Committee will authorize one or more employees to act as representatives of the United States Department of Agriculture, hereinafter referred to as USDA, to approve applications for participation. The State and County Committees or their authorized representatives do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 2880.3 Area.

This program will be effective in the following Maine townships of Aroostook and Penobscot Counties:

AROOSTOOK COUNTY

Van Buren, Cyr, Hamlin, Frenchville, St. Agatha, New Canada, Grand Isle, Fort Kent, Winterville, Eagle Lake, Wallagrass, St. John, St. Francis, Silver Ridge, Township XVII, Range V, Madawaska, Moro, Merrill, Smyrna, Dyer Brook, Oakfield, Crystal, Island Falls, Sherman, Hersey, and Benedicta.

PENOBSCOT COUNTY

Patten and Stacyville.

Information with respect to the areas designated may be obtained from the offices listed in § 2880.1.

§ 2880.4 Period of program.

This program will be effective from the date of this announcement and continue for sixty days.

§ 2880.5 Rate of payment.

The rate of payment per 100 pounds of potatoes which meet the requirements of Specification A as defined in § 2880.11 and which are diverted as prescribed in § 2880.10 will be two dollars and 20 cents per hundredweight from the inception of the program through a period of 30 days; and one dollar and seventy cents thereafter to termination of the program. No payment will be made for any fractional part of 100 pounds and such quantities shall be disregarded.

§ 2880.6 Eligibility for payment.

Payments will be made under this program to any individual, partnership, association, or corporation located in the continental United States, (a) who executes and files an application for participation on the prescribed form, (b) who files a performance bond as provided in § 2880.8, (c) whose application is approved, (d) who diverts fresh Irish potatoes produced and stored within the State of Maine townships listed in Section 2880.3 specified in the approved application, directly or through any other person or persons, (e) who files a claim as provided in § 2880.14, and (f) who complies with all other terms and conditions contained in this subpart. The Director may prescribe and publish further conditions of eligibility when deemed desirable to assure that growers are the primary recipients of program benefits.

§ 2880.7 Application and approval for participation.

Persons desiring to participate in this program must submit a written application on Form ASCS-117 "Application for Participation in Fresh Irish Potato Livestock Feed Diversion Program". Each applicant must submit a performance bond as provided in § 2880.8. Applications and bonds should be submitted to the Aroostook, Maine County ASCS Office. Applications will be considered in the order received and in accordance with the availability of funds. Applicants will be notified of the approval or nonapproval of their application. Approved applications may be modified or amended with the consent of the applicant and the duly authorized representative of the State Committee: *Provided*, That such modification or amendment shall not be in conflict with the provisions of this subpart or any amendment or supplements hereto. An approved applicant is hereinafter referred to as "the diverter".

§ 2880.8 Performance bond.

Each applicant shall submit with his first application for participation a performance bond as further assurance that the potatoes diverted pursuant to this program will be used exclusively for feeding to livestock by methods prescribed in § 2880.13. The bond shall be executed on Form ASCS-119, "Performance Bond", by the principal and two individual sureties, all of whom shall agree to indemnify USDA for any losses, claims, or payments made by USDA with respect to any quantity of such potatoes not used for livestock feed. USDA may disapprove any bond if for any reason any surety does not in the opinion of USDA afford USDA full protection and security.

§ 2880.9 Period of diversion.

The potatoes in connection with which payments are to be made must be diverted (a) after the date of approval of the diverter's application, (b) within the time period specified in the approved application, and (c) in any event on or before the termination date of the program.

§ 2880.10 Definition of diversion.

Diversion of potatoes for use as livestock feed as used herein means the initial processing of potatoes for feeding to livestock by cutting, chopping, slicing, gouging, crushing, or cooking to the degree that the general appearance of the lot as a whole has been damaged to such an extent that, in the opinion of the inspector, the potatoes are readily and obviously identifiable as having been initially processed and rendered unsuitable to enter into normal channels of trade and commerce as potatoes. However, when the diverter is the feeder, ensiling or freezing can be methods of diversion.

§ 2880.11 Diversion specifications.

Potatoes in connection with which payments will be made must meet the requirements of "Specification A", which is hereby defined as meaning "Field Run" or "Cellar Run" potatoes which are equal to or better than the quality requirements of the Maine Processing Grade, specified in circular 46, promulgated by the Maine Commissioner of Agriculture, dated November 1, 1971. For those potatoes which fail to meet the requirements of the Maine Processing Grade, payments will be based on the percentage of the potatoes meeting the grade requirements. Notwithstanding the above, after consultation with industry representatives, the Director may exclude from meeting the requirements of Specification A any additional grades and sizes which otherwise would meet the requirements of Specification A. Any such exclusion will be set forth in the application form for diversion authorization in the particular area to which it is applicable.

§ 2880.12 Inspection and certificate of diversion.

Prior to diversion, the potatoes shall be inspected by an inspector authorized or licensed by the Secretary of Agriculture to inspect and certify the class, quality, and condition of fresh Irish potaotes. The diverter shall be responsible for requesting and arranging for inspection so that the inspector can be present to determine the proportion of potatoes in each lot which meet the quality requirements of Specification A. The inspector shall also verify the quantity of potatoes being diverted and that such potatoes have been diverted as defined in § 2880.10. The diverter shall furnish such scale tickets, weighing facilities, or volume measurements as determined by the inspector to be necessary for ascertaining the net weight of the potatoes being diverted. The cost of inspecting, verifying the quantity, certifying that diversion has been performed, and issuing certificates thereof shall be borne by the diverter. Certificates shall be prepared on Form ASCS-118, "Invoice and Certificates of Inspection and Diversion."

§ 2880.13 Methods of feeding.

Following the initial processing as specified in § 2880.10, the potatoes

must be fed to livestock by one or more of the following methods:

(a) Feeding in barns or feed lots directly from troughs, bunkers, bins, or other suitable feeding receptacle;

(b) Spreading on pasture land where livestock are grazing, but the rate of spreading during any seven-day period shall not exceed 500 pounds of potatoes per head of cattle or horses or 250 pounds per head of sheep or swine; or

(c) Utilizing the potatoes for livestock feed after dehydration through a process of alternate freezing and thawing. In addition to other program requirements, the following special terms and conditions will be applicable to such method:

(1) The potatoes must be spread on pasture consisting of sod or other grassland and the land must be fenced. The potatoes may not be spread on land set aside under the Feed Grain Program, the Wheat Program, or under a Water Bank Program agreement. The land on which the potatoes are spread may not be plowed or otherwise cultivated until it is determined by USDA that adequate pasturing by livestock has taken place.

(2) The potatoes may be spread no deeper than 4 inches at any point.

(3) Diversion payments will be computed at the rate in effect at the time of initial processing but payment to diverters by USDA will not be made until it is determined by USDA that adequate pasturing by livestock has taken place.

§ 2880.14 Claim for payment.

In order to obtain payment the diverter must submit a properly executed "Invoice and Certificates of Inspection and Diversion", Form ASCS-118, and a certification of receipt by the ultimate feeder to the State ASCS Office which approved his application. All such claims shall be filed not later than one calendar month after the termination date specified in the applicable approved application.

§ 2880.15 Compliance with program provisions.

If USDA determines that any quantity of potatoes diverted under this program was not used exclusively for livestock feed purposes, whether such failure was caused directly by the diverter or by any other person or persons, the diverter shall not be entitled to diversion payments in connection with such potatoes, shall refund to USDA any payment made in connection with such potatoes, and shall be liable to USDA for any other damages incurred as a result of such failure to use the potatoes exclusively for livestock feed purposes. USDA may deny any diverter the right to participate in this program or the right to receive payments in connection with any diversion previously made under this program, or both, if USDA determines that: (a) The diverter has failed to use or caused to be used any quantity of potatoes diverted under this program exclusively for livestock feed purposes, whether such failure was caused directly by the diverter or by any other person or persons, (b) the diverter has not acted in good faith in connection with any transaction under this program, or (c) the diverter has failed to discharge fully any obligation assumed by him under this program. Persons making any misrepresentation of facts in connection with this program for the purpose of defrauding USDA will be subject to the applicable civil and criminal provisions of the United States Code.

§ 2880.16 Inspection of premises.

The diverter or livestock feeder shall permit authorized representatives of USDA at any reasonable time to have access to his premises to inspect and examine such potatoes as are being diverted or stored for diversion, and to inspect and examine the diverter's facilities for diverting potatoes in order to determine to what extent there is or has been compliance with the provisions of this program.

§ 2880.17 Records and accounts.

If the diverter sells or otherwise disposes of potatoes diverted pursuant to this program to any other person or persons for use as livestock feed or if the diverter acquires potatoes for diversion from producers, the diverter shall keep accurate records and accounts showing the details relative to the diversion and disposition of such potatoes. The diverter shall permit authorized representatives of USDA and the General Accounting Office at any reasonable time to inspect, examine, and make copies of such records and accounts in order to determine to what extent there is or has been compliance with the provisions of this program. Such records and accounts shall be retained by the diverter for three years after date of last payment to him under the program or for two years after date of audit of records by USDA as provided herein, whichever is the later.

§ 2880.18 Set-off.

If the diverter is indebted to USDA or to any other agency of the United States, set-off may be made against any amount due the diverter hereunder. Setting off shall not deprive the diverter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 2880.19 Joint payment or assignment.

The diverter may name a joint payee on the claim for payment or may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law 811, 76th Congress, as amended (31 U.S.C. 203, 41 U.S.C. 15), the proceeds of any claim to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment with the authorized representative of USDA who approved the application, together with a true copy of the instrument of assignment, in accordance with the instructions on Form CSS-66 or ASCS-66 "Notice of Assignment", which form must be used in giving notice of assignment to USDA. The "Instrument of Assignment" may be executed on Form CSS-347 or the assignee may use his own form of assignment. The CSS forms may be obtained from the State ASCS Office or the Washington office shown in § 2880.1.

§ 2880.20 Officials not to benefit.

No member of or delegate to Congress or Resident Commissioner, shall be entitled to any share or part of any contract resulting from this program or to any benefits that may arise therefrom, but this provision shall not be considered to extend to such a contract if made with a corporation for its general benefit or to any such person acting in his capacity as a farmer.

§ 2880.21 Amendment and termination.

This subpart may be amended or terminated at any time but the amendment or termination shall not be effective earlier than the date of filing with the Office of the Federal Register. No amendment or termination shall be applicable to any potatoes diverted before the effective time of such amendment or termination.

An impact analysis has been prepared and is available from D. A. Thibeault.

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: November 20, 1978.

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

[FR Doc. 78-33055 Filed 11-22-78; 8:45 am]

[1505-01-M]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. Z; FC-0157]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

Correction

In FR Doc. 78-31944 appearing at page 52695 in the issue for Tuesday, November 14, 1978, the effective date now given as "November 14, 1978" should have been given as "December 14, 1978".

[1505-01-M]

[Reg. Z., FC-0158]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

Correction

In FR Doc. 78-31945 appearing at page 52696 in the issue for Tuesday, November 14, 1978, the effective date now given as "November 14, 1978" should have read "December 14, 1978".

[8025-01-M]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Revision 5, Amendment 15]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

IRS Qualification of Limited Partnership SBIC's

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This rule adopts a proposed regulation, published on July 13, 1978 (43 FR 30067), to require a limited partnership SBIC to furnish a ruling from the Internal Revenue Service that it qualifies as a partnership for tax purposes, prior to the extension of any leverage by SBA. If, however, the delay while obtaining an IRS ruling would cause a hardship to the SBIC, SBA may extend leverage pending receipt of the ruling.

EFFECTIVE DATE: The amendment will be effective on November 24, 1978.

FOR FUTHER INFORMATION CONTACT:

Peter F. McNeish, Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, 202-653-6584.

SUPPLEMENTARY INFORMATION: Only two comments were received. One comment suggested that SBA not establish rigid standards. The other comment suggested amplification of the terms "hardship" and "interim" as used in the proposed rule. We believe that an SBIC would undergo a hardship if the IRS delay would, in effect, disable the SBIC. This would occur when the SBIC is not receiving a cash flow on its investments while its private capital is insufficient, by itself, to support a proper investment program. An interim period would last as long as the IRS delayed its ruling. We do not believe these administrative interpretations need be inserted in the regulation. Accordingly, we believe no changes to the regulation are required.

Accordingly, the proposed rule is adopted as published in proposed form.

Pursuant to the authority in Section 308 of the Small Business Investment Act of 1958, as amended, 15 U.S.C. 687, Part 107 of Chapter I, Title 13 of the Code of Federal Regulations is amended by adding at the end of § 107.201(a)(1) a new sentence to read as follows:

§ 107.201 Funds to licensee.

(a) * * *

(1) * * * Prior to the extension of any Leverage, an Unincorporated Licensee must furnish SBA with a ruling by the Internal Revenue Service that it qualifies as a partnership for tax purposes, *Provided, however,* That where a delay in obtaining an IRS ruling would cause a hardship to the SBIC, SBA may, pending receipt of such a ruling, make leverage funds available to the SBIC under interim financial arrangements which, is SBA's judgment, are satisfactory to protect SBA's creditor or guarantor position from an adverse IRS determination.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: November 16, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-32980 Filed 11-22-78; 8:45 am]

[3510-24-M]

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

Amendment of Labor Standards for Construction Projects

AGENCY: Economic Development Administration (EDA), Department of Commerce.

ACTION: Final rule.

SUMMARY: The Economic Development Adminstration is amending its regulations relating to Labor standards—construction of projects by deleting certain provisions containing an obsolete reference to a rescinded executive order and a provision relating to equal employment opportunity which is more appropriately codified in the nondiscrimination regulations. The change results from a joint EDA-HUD (Department of Housing and Urban Development) program to eliminate unnecessary differences between the two agencies' regulations. The intended effect of this amendment is to conform this regulation to the EDA-HUD agreement.

EFFECTIVE DATE: November 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Dan Weiss, U.S. Department of Commerce, Room 7001, Washington, D.C. 20230, 202-377-4689.

SUPPLEMENTARY INFORMATION: On page 41408 of the September 18, 1978, FEDERAL REGISTER, EDA published a proposed amendment to 13 CFR 309.6. Section 309.6 lists labor standards which apply to EDA-assisted construction projects. The proposed amendment was to delete subsections (d) and (e).

Subsection (d) applied Executive Order 11588 on wage and price stabilization to contractors and subcontractors on EDA projects. This executive order has been rescinded; therefore, subsection (d) no longer served a useful purpose.

Subsection (e) notified contractors and subcontrators of their duty to comply with Executive Order 11246, which concerns equal employment opportunity. This notice also is contained, more appropriately, in EDA's nondiscrimination regulations, 13 CFR Part 311. Therefore, the deletion of subsection (e) did not affect the enforcement of these requirements.

Interested persons were given thirty days in which to submit comments on the proposed regulation. No comments have been received and the proposed amendment is hereby adopted without change, as set forth below.

Dated: November 16, 1978.

ROBERT T. HALL,
Assistant Secretary for Economic Development.

[FR Doc. 78-33046 Filed 11-22-78; 8:45 am]

[4910-13-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket Number 77-CE-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW POINT ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area—Kaiser, Mo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to alter the 700-foot transition area at Kaiser, Mo., to provide additional controlled airspace for aircraft executing new instrument procedures to the Lee C. Fine Memorial Airport, Kaiser, Mo., and to the Linn Creek-Grand Glaize Memorial Airport, Osage Beach, Mo., which are based on the Sunshine, Mo., VOR.

EFFECTIVE DATE: February 22, 1979.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, Telephone 816-374-3408.

SUPPLEMENTARY INFORMATION: New VOR instrument approach procedures to the Lee C. Fine Memorial Airport, Kaiser, Mo., and to the Linn Creek-Grand Glaize Memorial Airport, Osage Beach, Mo., have been established on an existing navigational aid, the Sunshine, Mo., VOR. The establishment of new instrument approach procedures based on the navigational aid entails the alteration of the transition area at Kaiser, Mo., at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure additonal adequate controlled airspace for aircraft executing these new instrument approach procedures.

DISCUSSION OF COMMENTS

On pages 9620 and 9621 of the FEDERAL REGISTER dated March 9, 1978, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Kaiser, Mo. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440) is amended, effective 0901 G.m.t., February 22, 1979, by altering the following transition area:

KAISER, MO.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Linn Creek-Grand Glaize Memorial Airport (latitude 38°06'38"N, longitude 92°40'50"W) within a 9-mile radius of the Lee C. Fine Memorial Airport (latitude 38°05'44"N, longitude 92°32'56"W) within 3 miles each side of the 213° radial of the Sunshine VOR extending from the 9-mile radius area to 8 miles southwest of the VOR, and within 4.5 miles each side of the 133° radial of the Sunshine VOR extending from the 7-mile radius area to 9 miles southeast of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

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

Issued in Kansas City, Missouri, on November 13, 1978.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 78-32829 Filed 11-22-78; 8:45 am]

[1505-01-M]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 78-448]

PART 158—RELIEF FROM DUTIES ON MERCHANDISE LOST, DAMAGED, ABANDONED, OR EXPORTED

Granting Allowance for Losses to Imported Merchandise Caused by Natural Force or Leakage

Correction

In FR Doc. 78-32392 in the issue of Friday, November 17, 1978, on page 53713, the signature and title at the end of the document should have read: LEONARD LEHMAN, *Acting Commissioner of Customs.*

[4110-03-M]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 76N-0152]

PART 155—CANNED VEGETABLES

Canned Tomatoes; Extension of Compliance Date of Final Regulation Amending Standards of Identity and Quality

AGENCY: Food and Drug Administration.

ACTION: Extension of compliance date of final rule.

SUMMARY: This document extends the mandatory compliance date of the final regulation amending the standards of indentity and quality for canned tomatoes. The extension will allow processors of canned tomatoes sufficient time to make the labeling changes required by the final regulation.

DATES: This extension is effective on November 24, 1978. Compliance with the final regulation may have begun August 16, 1976, and all products initially introduced into interstate commerce on or after January 1, 1980, shall fully comply.

FOR FURTHER INFORMATION CONTACT:

F. Leo Kauffman, Bureau of Foods (HFF-414), Food and Drug Adminis-

tration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration issued a final regulation in the FEDERAL REGISTER of June 16, 1976 (41 FR 24342) to amend the standards of identity and quality for canned tomatoes (21 CFR 155.190 (a) and (b), formerly 21 CFR 53.40 and 53.41, respectively, before recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). In the FEDERAL REGISTER of July 14, 1978 (43 FR 30272), the agency confirmed July 1, 1979, as the mandatory effective date for compliance with the June 16, 1976, final regulation.

The Canners League of California has requested an extension of the July 1, 1979, mandatory compliance date to January 1, 1980. It asserted that the extra time is needed because the final disposition of the standards was not known until the July 14, 1978, publication of the final regulation and confirmation of effective date.

The Commissioner of Food and Drugs agrees that the compliance date of July 1, 1979, may not allow processors sufficient time to make the labeling changes required by the final regulation. Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to him (21 CFR 5.1), the Commissioner extends the mandatory compliance date of the June 16, 1976, final regulation (as amended in the FEDERAL REGISTER of July 14, 1978 (43 FR 30272)) amending the standards of identity and quality for canned tomatoes to January 1, 1980. This extension is granted with the understanding that all new labels ordered after November 24, 1978, will comply with the final regulation and that no further extensions will be granted.

Effective date. This extension is effective November 24, 1978.

Dated: November 15, 1978.

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

[FR Doc. 78-32735 Filed 11-22-78; 8:45 am]

[4110-03-M]

[Docket No. 76F-0463]

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

Specific Usage Additives: Chemicals Used in Washing or To Assist in the Lye Peeling of Fruits and Vegetables

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document modifies the nomenclature of a substance used in flume water for washing sugar beets. The change is based on an objection to a published regulation.

EFFECTIVE DATE: Effective November 24, 1978; objections by December 26, 1978.

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

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In response to a petition (FAP 5A3079) filed by Bismark Enterprise, 10003 Pecos Street, Denver, Colo. 80221, a regulation was published in the FEDERAL REGISTER of June 10, 1977 (42 FR 29856) amending § 173.315 (21 CFR 173.315) of the food additive regulations to provide for the use of certain substances in flume water used to wash sugar beets.

On July 7, 1977, Union Carbide Corp., Tarrytown, N.Y. 10591, filed an objection to the terminology used to identify one of the substances regulated by the June 10, 1977 regulation—namely, a surfactant, "*alpha*-alkyl(C_{10}-C_{18})-*omega*-hydroxypoly (oxyethylene); average number of moles of ethylene oxide is 9." Union Carbide Corp. objected, stating that the term used is broad and permits the alkyl alcohol used as the base for the ethoxylate to be either primary or secondary, whereas Union Carbide Corp. believes the petitioner used a secondary alcohol ethoxylate exclusively in its work. Union Carbide Corp. also believes toxicology information on secondary alcohol ethoxylates is more extensive than information on primary alcohol ethoxylates and is of the opinion that the surfactant should be identified as "α-alkyl-*omega*-hydroxypoly (oxyethylene) produced by condensation of 1 mole of C_{11}-C_{15} straight chain randomly substituted secondary alcohols with an average of 9 moles of ethylene oxide."

ICI Americas, Inc., Wilmington, Del. 19897, by letter dated November 22, 1977, questioned the need for the more specific identification of the surfactant put forth by Union Carbide and any implication that primary alcohol ethoxylates are not safe whereas the secondary ethoxylates are safe.

The petitioner, Bismark Enterprise, is not the manufacturer of the product that was regulated in the June 10, 1977 regulation. The petitioner markets a product formulated by another company and that product is made from substances supplied by several other companies. The name of the surfactant used in the regulation is the name given in the petition by the basic manufacturer of the surfactant. But further identification of the surfactant by the basic manufacturer indicates that the nomenclature put forth by Union Carbide is more descriptive of the substance used by the petitioner.

The Commissioner of Food and Drugs concludes that the surfactant should be identified in the regulation by a more specific chemical name than that used in the June 10, 1977 regulation and that additional data would be needed to substantiate the safe use of primary alcohol ethoxylates as direct food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1), the list of substances in § 173.315(a)(3) is amended by revising the item "*alpha*-alkyl-(C_{10}-C_{18})-*omega*-hydroxypoly (oxyethylene)" to read as follows:

§ 173.315 Chemicals used in washing or to assist in the lye peeling of fruits and vegetables.

(a) * * *

(3) * * *

Substance	Limitations
α-Alkyl-*omega*-hydroxypoly-(oxyethylene) produced by condensation of 1 mole of C_{11}-C_{15} straight chain randomly substituted secondary alcohols with an average of 9 moles of ethylene oxide.	Not to exceed 3 ppm.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before December 26, 1978 submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written ob-

jections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be come effective November 26, 1978.

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

Dated: November 15, 1978.

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

[FR Doc. 78-32981 Filed 11-22-78; 8:45 am]

[4110-03-M]

[Docket No. 77F-0406]

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

Allyl Methacrylate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the food additive regulations to provide for the use of allyl methacrylate as a minor monomer in acrylic and modified acrylic plastics, semirigid and rigid, intended for repeated use in contact with food. The Rohm & Haas Co. petitioned for the amendment.

DATES: Effective November 24, 1978; objections by December 26, 1978.

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

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Department of Health, Education, and Welfare, 200 C Street SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of January 6, 1978 (43 FR 1132) announced that a food additive petition (FAP 6B3172) had been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing that the food additive regulations be amended to provide for use of allyl methacrylate in acrylic and modified acrylic plastics, semirigid and rigid, intended for repeated food-contact use.

The Commissioner of Food and Drugs has evaluated data in the petition and other relevant material and concludes that § 177.1010 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 177 is amended in § 177.1010(a)(3)(ii) by alphabetically inserting a new item in the list of substances to read as follows:

§ 177.1010 Acrylic and modified acrylic plastics, semirigid and rigid.

* * * * *

(a) * * *
(3) * * *
(ii) * * *

Allyl methacrylate [Chemical Abstracts Service Registry No. 96-05-9]

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before December 26, 1978, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective November 24, 1978.

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

Dated: November 15, 1978.

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

[FR Doc. 78-32738 Filed 11-22-78; 8:45 am]

[4110-03-M]

[Docket No. 77F-0305]

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

Lubricants With Incidental Food Contact

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the food additive regulations to provide for the use of certain poly-oxyalkylene glycols and glycol ethers as components of lubricants with incidental food contact. Union Carbide Corp. filed a petition requesting such use.

DATES: Effective November 24, 1978; objections by December 26, 1978.

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

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs announced in the FEDERAL REGISTER of October 18, 1977 (42 FR 55644) that a food additive petition (FAP 6B3225) had been filed by Union Carbide Corp., Tarrytown, NY 10591, proposing that § 178.3570 *Lubricants with incidental food contact* (21 CFR 178.3570) be amended to provide for the use of α-butyl-*omega*-hydroxypoly(oxypropylene), α-butyl-*omega* - hydroxypoly (oxyethylene)

poly(oxypropylene), and α-hydro-*omega* - hydroxypoly (oxyethylene) poly(oxypropylene) as components of lubricants with incidental food contact.

The Commissioner has evaluated data in the petition and other relevant material and concludes that § 178.3570 should be amended as set forth in this document.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 178 is amended in § 178.3570(a)(3) by alphabetically inserting three new items in the list of substances to read as follows:

§ 178.3570 Lubricants with incidental food contact.

* * * * * *

(a) * * *

(3) * * *

Substances	*Limitations*
* * *	* * *
α-Butyl-*omega*-hydroxypoly (oxyethylene) poly(oxypropylene) produced by random condensation of a 1:1 mixture by weight of ethylene oxide and propylene oxide with butanol; minimum molecular weight 1,500; Chemical Abstracts Service Registry No. 9038-95-3.	Addition to food not to exceed 10 parts per million.
α-Butyl-*omega*-hydroxypoly (oxypropylene) minimum molecular weight 1,500; Chemical Abstracts Service Registry No. 9003-13-8.	Addition to food not to exceed 10 parts per million.
α-Hydro-*omega*-hydroxypoly (oxyethylene) poly(oxypropylene) produced by random condensation of mixtures of ethylene oxide and propylene oxide containing 25 to 75 percent by weight of ethylene oxide; minimum molecular weight 1,500; Chemical Abstracts Service Registry No. 9003-11-6.	Addition to food not to exceed 10 parts per million.
* * *	* * *

* * * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before December 26, 1978, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective November 24, 1978.

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

Dated: November 15, 1978.

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

[FR Doc. 78-32737 Filed 11-22-78; 8:45 a.m.]

[4710-06-M]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

SUBCHAPTER E—VISAS

[Departmental Regulation 108.761]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: In January 1978 the Immigration and Naturalization Service commenced preclearance operations (inspection of passengers destined to the United States prior to embarkation upon a vessel or aircraft) at Freeport, The Bahamas. Officers of the Service at Freeport perform a function identical to that which has been performed for many years at Nassau, The Bahamas. Accordingly, the Departments of State and Justice have agreed that the waiver of the nonimmigrant visa and passport requirements now extended to Bahamian nationals and British subjects having residence in the Bahamas, who are precleared at Nassau, should also be extended to such aliens who are precleared at Freeport.

EFFECTIVE DATE: November 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Cornelius D. Scully, Chief, Regulations and Legislation Division, Bureau of Consular Affairs, Department of State, Washington, D.C. 20520, 202-632-1900.

SUPPLEMENTARY INFORMATION: In view of the procedures already established in Nassau, the Departments of State and Justice find that compliance with the provisions of the Administrative Procedure Act (5 U.S.C. 553) as to notice of proposed rulemaking and delayed effective date is unnecessary. The new regulation is consistent with established Service procedures and will further facilitate travel to the United States for those aliens who qualify for preclearance in Freeport, The Bahamas. In light of the foregoing, 22 CFR 41.6(a) is amended at set forth below.

Paragraph (a) of § 41.6 is amended by revising the third sentence as follows:

§ 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.

* * * * *

(a) *Canadian nationals, and aliens having common nationality with nationals of Canada or with British subjects in Bermuda, Bahamian nationals or British subjects resident in The Bahamas, Cayman Islands, and Turks and Caicos Islands.* * * *

A Bahamian national or a British subject who has his residence in The Bahamas shall require a passport and a visa for admission to the United States except that a visa shall not be required of such an alien who, prior to or at the time of embarkation for the United States on a vessel or aircraft, satisfies the examining United States Immigration officer at either Freeport or Nassau, The Bahamas that he is clearly and beyond a doubt entitled to admission in all other respects. * * *

* * * * * *

(Sec. 101, 84 Stat. 116; 8 U.S.C. 1101)

Dated: September 28, 1978.

BARBARA M. WATSON,
Assistant Secretary for Consular Affairs.

Dated: October 23, 1978.

LEONEL J. CASTILLO,
Commissioner, Immigration and Naturalization Service.

[FR Doc. 78-32976 Filed 11-22-78; 8:45 am]

[4410-01-M]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 808-78]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Procedures for Reorganization of Organizational Units Within the Department

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order revises the Department of Justice regulations relating to the establishment, transfer, reorganization or termination of major functions within Offices, Boards, Divisions, or Bureaus. The revision delegates the Attorney General's authority to approve organizational changes which do not affect the overall structure of the Department to the Associate Attorney General and the Deputy Attorney General, if the changes affect functions within their areas of responsibility.

EFFECTIVE DATE: November 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Kevin D. Rooney, Assistant Attorney General for Administration, Department of Justice, Washington, D.C. 20530, 202-633-3101.

By virtue of the authority vested in me by 28 U.S.C. 509 and 510 and 5 U.S.C. 301; Part O of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. Section 0.190 of Subpart BB is revised to read as follows:

§ 0.190 Changes within organizational units.

The head of each Office, Board, Division or Bureau may from time to time propose the establishment, transfer, reorganization or termination of major functions within his organizational unit as he may deem necessary or appropriate. In each instance, the head of the Office, Board, Division or Bureau shall submit the proposed change in writing to the Assistant Attorney General for Administration. The Assistant Attorney General for Administration shall evaluate the proposal and submit the proposed change along with his recommendation to the Deputy Attorney General (if the proposed change affects functions within the Deputy Attorney General's area of responsibility) or to the Associate Attorney General (if the proposed change affects functions within the Associate Attorney General's area of responsibility) or both, for approval, which approval shall be final in the case of changes which do not affect the overall structure of the Department. Proposed changes which are determined by the Deputy Attorney General or the Associate Attorney General to affect the overall structure of the Department's organization shall be forwarded by the Deputy Attorney General or the Associate Attorney General to the Attorney General for final approval prior to implementation, and shall be effectuated by issuance of an Attorney General's order, in accordance with Subpart AA of this part.

2. Section 0.191 and its captions are revised to read as follows:

§ 0.191 Changes which affect the overall structure of the Department.

Changes to the overall structure of the Department include: The establishment, merger or abolishment of Offices, Boards, Divisions, and Bureaus; changes in reporting lines of Offices, Boards, Divisions and Bureaus to the Department; and transfers of major functions between or among Offices, Boards, Divisions and Bureaus.

Dated: November 14, 1978.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 78-33018 Filed 11-22-78; 8:45 am]

[4910-14-M]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 78-139]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Old Tampa Bay, Fla.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the regulations for the Courtney Campbell Causeway bridge, State Road 60, across Old Tampa Bay, mile 8.2, betweeen Tampa and Clearwater, because the drawbridge has been replaced by a high-level fixed bridge. Notice and public procedure have been omitted from this action due to the removal of the bridge concerned.

EFFECTIVE DATE: November 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

DRAFTING INFORMATION: The principal persons involved in drafting this revocation of regulations are Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Mary Ann McCabe, Project Attorney, Office of the Chief Counsel.

§ 117.464 [Revoked]

In consideration of the above facts, part 117 of title 33 of the Code of Federal Regulations is amended by revoking § 117.464.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5).)

Dated: November 16, 1978.

J. B. HAYES,
Admiral, U.S. Coast Guard Commandant.

[FR Doc. 78-33048 Filed 11-22-78; 8:45 am]

[4110-83-M]]

Title 42—Public Health

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

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

Grants for Residency Training in the General Practice of Dentistry

AGENCY: Public Health Service, HEW.

ACTION: Final regulations.

SUMMARY: These regulations set forth requirements for grants to schools of dentistry and to accredited postgraduate dental training institutions for projects to plan, develop, and operate approved residency training programs in general dentistry and to assist participating residents who plan to practice in general dentistry.

EFFECTIVE DATE: November 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Richard Weaver, Education Development Branch, Division of Dentistry, Bureau of Health Manpower, Room 3-30, Health Resources Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, 301-436-6510.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of April 28, 1978, (43 FR 18217) the Assistant Secretary for Health, Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposed to amend Subpart L, "Grants for Residency Training in the General Practice of Dentistry", of 42 CFR Part 57. These regulations were proposed to implement section 786(b) of the Public Health Service Act, as added by the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484).

Interested persons were invited to participate in the rulemaking process by submitting comments on or before May 30, 1978. Seven comments on the proposed regulations were received during the comment period. The comments, the Department's response to the comments, and the revisions made in the regulations are indicated below. For clarity, the comments and responses have been arranged according to the section of the regulations to which they pertain.

Section 57.1102—Definitions. Several comments addressed the definition of "approved residency training program" or "program", pointing out that the definition required a program to have received full approval by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs, even if the proposed project is to plan or develop a program.

The Department recognizes that an accreditation classification of "approval" may be impossible to obtain for a program which is to be planned or developed. Therefore, the definition has been revised to include the accreditation classifications of "accreditation eligible," "provisional approval," and "conditional approval," to apply to projects to plan or develop residency training programs.

Another comment suggested that paragraph (4) in the definition of "practice of general dentistry" be changed from "Coordinates dental treatment provided by various dental practitioners" to "Coordinates dental treatment provided by dental specialists and by dental auxiliary personnel, including dental hygienists, dental assistants, and expanded function dental auxiliaries."

The Department agrees that the use of dental auxiliaries should be emphasized, and has changed the definition accordingly.

Section 57.1104—Application. One comment addressed the requirement that an applicant who requests funds for stipend support of residents must provide evidence showing that income available from other sources, including income from the residents' services, would be insufficient to pay their salaries. This comment pointed out that the application requirement should not include income from residents' services because it could not be readily identified through budgeting and accounting procedures.

The Department cannot accept this comment. It is necessary to include income from residents' services in the application to enable the Department to know whether available income will suffice to pay residents' salaries, and the Department believes that this income can be identified through the use of appropriate budget and accounting procedures.

Section 57.1105—Project requirements. One comment recommended that proposed § 57.1105(d), requiring each project to have at least two residents enrolled in the training program, be deleted, on the basis that it may be unrealistic for smaller programs with budget restraints to sustain more than one resident.

It is the Department's position that a project with only one resident is educationally weak due to the lack of opportunity for collegial learning. In addition, a project with only one resident is not cost-effective in terms of the required development and presentation of instructional activities. For these reasons, this requirement (§ 57.1105(b) in the final regulations) has been retained.

Another comment expressed strong support for proposed §§ 57.1105(e) and (f) which requires, respectively, the coordination of medical and dental care of patients if the training site provides medical care, and the coordination of training experiences for residents in primary care medical residency programs and general practice residency programs in dentistry, if the grantee conducts a primary care medical residency program. This comment suggested that the Department go further, and *require* that grantees offer joint training experience with primary care medical residents.

The Department believes that the language of proposed § 57.1105(f) (§ 57.1105(d) in the final regulation) would encourage the development of joint experiences while not excluding from the program those institutions which could not provide this experience due to lack of a primary care medical residency program. Therefore, this provision has not been modified.

Another comment suggested an additional project requirement providing that grantees must provide sufficient dental auxiliary personnel (e.g. dental hygienists, dental assistants, and expanded function dental auxiliaries) to assure that general practice residents receive adequate instruction in the utilization of dental auxiliaries.

Although the Department encourages the use of dental auxiliary personnel in programs and the instruction in the use of this personnel, the Department does not believe that grantees should be *required* to provide instruction in the use of auxiliary personnel for the following reasons. The Department recognizes that many dentists entering general practice residency programs already have had instruction in the use of auxiliary personnel through programs in the undergraduate curriculum, so that this instruction in the residency program would be a duplication of effort. Also, many institutions lack the physical or financial resources to offer adequate instruction in this area. Thus, the Department has not added the suggested provision.

Section 57.1106—Evaluation. One comment suggested that the evaluation criteria include specific criteria to evaluate the effectiveness of programs. The recommended criteria included the ratio of full-and part-time faculty to residents, the expected ratio of residents-to-patients, and the expected percentage of residents who intend to remain in the general practice of dentistry.

The Department is reluctant to unilaterally impose ratios such as those suggested and believes that evaluation in terms of these ratios would be arbitrary. In addition, since all residents receiving stipend support must sign a statement of intent to work in the general practice of dentistry, and there is no other basis for determining the expected percentage of residents who intend to work in the field, the Department believes that there is little utility in basing evaluation on this percentage. For these reasons, the Department is not including this recommendation in the final regulations.

In addition, the Department has made many minor editorial and technical changes in the proposed regulations for clarity.

Accordingly, a new subpart L is added to 42 CFR Part 57 and is adopted as set forth below.

Dated: October 16, 1978.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: November 16, 1978.

HALE CHAMPION,
Acting Secretary.

Subpart L—Grants for Residency Training in the General Practice of Dentistry

57.1101 To what projects do these regulations apply?
57.1102 Definitions.
57.1103 What entities are eligible to apply for a grant?
57.1104 How must an entity apply for a grant?
57.1105 What requirements must a project meet?
57.1106 What are the criteria for deciding which applications are to be funded?
57.1107 How will grant awards be made?
57.1108 How will grant payments be made?
57.1109 Purposes for which grant funds may be spent.
57.1110 What nondiscrimination requirements apply to grantees?
57.1111 How must grantees account for grant funds received?
57.1112 Applicability of 45 CFR Part 74.
57.1113 What recordkeeping, audit, and inspection requirements apply to grantees?
57.1114 What additional conditions apply to grantees?

AUTHORITY: Sec. 215 of the Public Health Service Act, 58 Stat. 690 as amended, 63 Stat. 35 (42 U.S.C. 216); Sec. 786(b) of the Public Health Service Act, 90 Stat. 2315 (42 U.S.C. 235g-6(b)).

§ 57.1101 To what projects do these regulations apply?

These regulations apply to the award of grants under section 786(b) of the Public Health Service Act to schools of dentistry and to accredited postgraduate dental training institutions to meet the cost of projects to: (a) Plan, develop and operate an approved residency training program in the general practice of dentistry; and (b) provide financial assistance (in the form of traineeships and fellowships) to residents participating in a program who are in need of financial assistance and who plan to practice general dentistry.

§ 57.1102 Definitions.

As used in this subpart:

"Accredited postgraduate dental training institution" means a public or private nonprofit institution which operates a postgraduate dental training program that has received an accreditation classification of "accreditation eligible," "provisional approval," "conditional approval," or "approval," by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs.

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

"Approved residency training program" or "program" means a general practice residency program in dentistry which has received an accreditation classification of "accreditation eligible," "provisional approval," "conditional approval," or "approval" by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs.

"Budget period" means an interval of time into which the project period is divided for budgetary purposes, as specified in the grant award document.

"Nonprofit school" means a school owned or operated by one or more corporations or associations no part of the net earnings of which inures or may lawfully inure, to the benefit of any private shareholder or individual.

"Practice of general dentistry" means a practice of dentistry in which the dentist:

(1) Serves as a patient's first contact with the dental care system and provides the means of timely entry into that system;

(2) Evaluates the patient's general medical status and relates this to anticipated dental treatment;

(3) Assumes continuing responsibility for the patient's dental care and provides a comprehensive range of services which will minimize the need for patient referral;

(4) Coordinates dental treatment provided by dental specialists and by dental auxiliary personnel, including dental hygienists, dental assistants, and expanded function dental auxiliaries, as defined in 42 CFR Part 57, Subpart HH.

"Project period" means the total time for which support for a project has been approved, including any extensions thereof.

"School of dentistry" means a public or private nonprofit school which provides training leading to a degree of doctor of dentistry or an equivalent degree and which is accredited as provided in section 772(b) of the Act.

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

"State" means in addition to the several States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

§ 57.1103 What entities are eligible to apply for a grant?

Any school of dentistry or accredited postgraduate dental training institution located in a State may apply for a grant.

§ 57.1104 How must an entity apply for a grant?

(a) To apply for a grant, each entity must submit an application in the form and at the time that the Secretary requires.[1]

(b) The application must be signed by an individual authorized to act for the applicant and to assume, on behalf of the applicant, the obligations imposed by the terms and conditions of any award including the regulations of this subpart.

(c) In addition to other pertinent information that the Secretary may require, an application for a grant under this subpart must contain: (1) a full and adequate description of the proposed project and of the manner in which the applicant intends to conduct the project and carry out the requirements of this subpart, in particular the requirements of § 57.1105, and (2) a budget justification for the funds requested. If the applicant requests funds for stipend support of residents the applicant must provide evidence showing that income available from other sources, including income derived from services of the residents in the program, will be insufficient to pay their salaries and that grant funds will not be used to supplant other available funds.

§ 57.1105 What requirements must a project meet?

A project supported under this subpart must meet the following requirements:

(a) The project staff must plan, develop, and/or operate an approved residency program in the general practice of dentistry.

(b) Each project must have at least two residents enrolled in the training program.

(c) If the training site provides medical care, then the medical and dental care of patients must be coordinated.

(d) If a primary care medical residency program is conducted by the applicant, then joint training experiences must be provided. For purposes of this paragraph, primary care means internal medicine, family medicine, or pediatrics.

(e) Each resident who receives stipend support must sign a statement of intent to work in the practice of general dentistry.

(f) The training program, the performance of each resident, and the quality of patient care must be evaluated.

§ 57.1106 What are the criteria for deciding which applications are to be funded?

The Secretary, after consultation with the National Advisory Council on Health Professions Education established by section 702 of the Act, will approve or disapprove applications filed in accordance with § 57.1104, taking into consideration, among other pertinent factors:

[1] Applications and instructions may be obtained from the Grants Management Officer, Bureau of Health Manpower, Health Resources Administration, 3700 East-West Highway, Hyattsville, Md. 20782.

(a) The potential effectiveness of the proposed project in carrying out the training purposes of section 786(b) of the Act;

(b) The degree to which the proposed project adequately provides for meeting the project requirements set forth in § 57.1105;

(c) The administrative and managerial capability of the applicant to carry out the proposed project in a cost-effective manner;

(d) The qualifications of proposed staff and faculty; and

(e) The potential of the project to continue on a self-sustaining basis after the period of grant support.

§ 57.1107 How will grant awards be made?

(a) *General.* (1) Within the limit of funds available, the Secretary will award grants to those applicants whose approved projects will, in his or her judgment, best promote the purposes of section 786(b) of the Act, as determined in accordance with § 57.1106.

(2) All grant awards will be in writing and will specify the amount of funds granted and the period for which these funds will be available for obligation by the grantee. The initial period of support for any grant period for any grant under this subpart may not exceed three years.

(3) Neither the approval of any project nor the award of any grant commits or obligates the United States in any way to make additional supplemental, continuation or other awards with respect to any approved project or any portion of an approved project. For continuation support, grantees must make separate application at the time and in the form which the Secretary may prescribe.

(4) The Secretary may make a grant award for an additional budget period for any previously approved project on the basis of an application and those progress and accounting records which may be required. If the Secretary finds that the project's activities during the current budget period justify continued support for an additional budget period, and the Secretary decides to continue support, the amount of the grant award will be determined in accordance with paragraph (b) of this section.

(b) *Determination of grant amount.* The Secretary will determine the amount of any award under this subpart on the basis of his or her estimate of the sum necessary for the direct costs of the project plus an additional amount for indirect costs, if any, which the Secretary will calculate either (1) on the basis of his or her estimate of the actual indirect costs of the project, or (2) on the basis of a percentage of all, or a portion of the estimated direct costs of the project when there are reasonable assurances that the use of the percentage will not exceed the approximate actual indirect costs. This award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the Secretary has determined the amount properly expended by the grantee for provisional items. In addition, determining the amount of stipend support to be made available, the amount of any stipend must be limited to that portion of the annual amount normally paid to other residents by the applicant which the Secretary determines, on the basis of the documentation required in the application, cannot reasonably be paid from other available funds, including the incomes derived from the residents' services.

§ 57.1108 How will grant payments be made?

The Secretary will, from time to time, make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement.

§ 57.1109 Purposes for which grant funds may be spent.

(a) Any funds granted under this subpart, as well as other funds required as a condition of the grant to be used in the performance of the approved project may be expended solely for carrying out the approved project in accordance with section 786(b) of the Act, the regulations of this subpart, and the terms and conditions of the award.

(b) Any unobligated grant funds remaining in the grant account at the close of a budget period may be carried forward and be available for obligation during subsequent budget periods of the project period. The amount of a subsequent award will take into consideration the amount remaining in the grant account. At the end of the last budget period of the project period, any unobligated grant funds remaining in the grant account must be refunded to the Federal Government.

(c) Grants funds may not be used for sectarian instruction or for any other religious purpose.

§ 57.1110 What nondiscrimination requirements apply to grantees?

(a) Recipients of grants under this subpart are advised that in addition to the terms and conditions of these regulations the following laws and regulations are applicable to the administration of these grant awards:

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

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

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

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

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

§ 57.1111 How must grantees account for grant funds received?

(a) *Accounting for grant award payments.* The grantee must record all payments made by the Secretary in accounting records separate from the records of all other funds, including funds derived from other grant awards. The grantee must account for the sum total of all amounts paid by presenting or otherwise making available, evidence satisfactory to the Secretary of funds spent for costs meeting the requirements of this subpart.

(b) *Grant closeout.*

(1) *Date of final accounting.* A grantee must submit, with respect to each grant under this subpart, a full account, in accordance with this subpart, as of the date of the termination of grant support.

The secretary may require other special and periodic accounting.

(2) *Final settlement.* The grantee must pay to the Federal Government as final settlement with respect to each grant under this subpart the total sum of (i) any amount not accounted for under paragraphs (a) and (b) of this section; and (ii) any other amounts due in accordance with 45 CFR Part 74 and the terms and conditions of the grant award. This total sum constitutes a debt owed by the grantee to the Federal Government and is recoverable from the grantee or its successors or assigns by set off or other lawful action.

§ 57.1112 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, apply to all grants under this subpart.

§ 57.1113 What recordkeeping, audit, and inspection requirements apply to grantees?

Each grantee must, in addition to the requirements of 45 CFR Part 74, meet the requirements of section 705 of the Act, concerning recordkeeping, audit, and inspection.

§ 57.1114 What additional conditions apply to grantees?

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his or her judgment these conditions are necessary to assure or protect the advancement of the approved activity, the interest of the public health, or the conservation of grant funds.

[FR Doc. 78-33013 Filed 11-22-78; 8:45 am]

[1505-01-M]

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 64—MUSEUM SERVICES PROGRAM

Final Rules

Correction

In FR Doc. 78-27284, appearing on page 45166 in the issue of Friday, September 29, 1978, on page 45170, beginning in the 2nd column, §§ 64.15 through 64.20 were inadvertently duplicated.

[4910-59-M]

Title 49—Transportation

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

[Docket No. 78-5; Notice 4]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Correction.

SUMMARY: This notice corrects two typographical errors in the notice of the final rule published on July 27, 1978, amending Federal Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, to establish an alternate performance standard for most motor vehicle headlamps (43 FR 32416). The errors were pointed out by General Motors Corp. One error is an incorrect numerical reference to paragraph S4.2.2, and occurs in the sentence of the notice (paragraph 7) which introduces the addition of that paragraph. The sentence "A new paragraph S4.1.2 is added to read" * * * should have stated "A new paragraph S4.2.2 is added to read * * *". The other error is an incorrect denotation of a type of headlamp unit specified in Table III of the amended standard itself. In Table III under "Headlamps", line 2 of the first paragraph states "or 2 white 5¾-inch Type 2 headlamps", but should have stated "or 2 white 5¾-inch Type 1 headlamps" * * *."

FOR FURTHER INFORMATION CONTACT:

Bill Eason, Office of Rulemaking, National Highway Safety Traffic Administration, Washington, D.C., 202-426-2720.

Accordingly, Title 49, Code of Federal Regulations, § 571.108 is amended to read:

TABLE III—REQUIRED MOTOR VEHICLE LIGHTING EQUIPMENT

Headlamps	
	or 2 white 5¾-inch Type 1 headlamps

The lawyer and program official principally responsible for this rule are Z. Taylor Vinson and Bill Eason, respectively.

(Secs. 103, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407); delegation of authority at 49 CFR 1.50.)

Issued on November 14, 1978.

MICHAEL M. FINKELSTEIN,
Associate Administrator for Rulemaking.

[FR Doc. 78-32668 Filed 11-23-78; 8:45 am]

[4310-55-M]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Opening of Arapaho National Wildlife Refuge, Colo., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Arapaho National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: January 1 through May 31 and August 1 through December 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Eugene C. Patten, Refuge Manager, Arapaho National Wildlife Refuge, P.O. Box 457, Walden, Colo. 80480, telephone 303-723-4717.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Arapaho National Wildlife Refuge, Colo. only on the areas designated by signs as being open to fishing. These areas are delineated on maps available at the refuge headquarters and from the office of Area Manager, 1426 Federal Building, 125 South State Street, Salt Lake City, Utah 84138. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

(Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 451, 1270, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a, 16 U.S.C. 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.)

EUGENE C. PATTEN,
Refuge Manager.

NOVEMBER 15, 1978.

[FR Doc. 78-33000 Filed 11-22-78; 8:45 am]

[4310-55-M]

PART 33—SPORT FISHING

Opening of Pathfinder National Wildlife Refuge, Wyo., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Pathfinder National Wildlife Refuge is compatible with the objectives for which the area was estab-

lished, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: January 1 through December 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Eugene C. Patten, Refuge Manager, Arapaho National Wildlife Refuge, P.O. Box 457, Walden, Colo. 80480, telephone 303-723-4717.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on all areas of the Pathfinder National Wildlife Refuge, Wyo. These areas comprising 16,807 acres are delineated on maps available at the refuge headquarters and from the office of Area Manager, 1426 Federal Building, 125 South State Street, Salt Lake City, Utah 84138. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

(Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 451, 1270, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a, 16 U.S.C. 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.)

EUGENE C. PATTEN,
Refuge Manager.

NOVEMBER 15, 1978.

[FR Doc. 78-33001 Filed 11-22-78; 8:45 am]

[4310-55-M]

PART 33—SPORT FISHING

Opening of Ouray National Wildlife Refuge, Utah, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Ouray National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: January 1 through December 31, 1979, inclusive.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Ouray National Wildlife Refuge, 447 East Main Street, Suite 4, Vernal, Utah 84078, telephone, 801-789-0351.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

Sport fishing on the Ouray National Wildlife Refuge, Utah, is permitted in the Green River only. The Green River comprises 360 acres within the refuge. Information may be obtained from the refuge office and from the office of the Area Manager, U.S. Fish and Wildlife Service, 1426 Federal Building, 125 South State Street, Salt Lake City, Utah 84138. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

(Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 451, 1270, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a, 16 U.S.C. 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.)

HERBERT G. TROESTER,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

NOVEMBER 17, 1978.

[FR Doc. 78-32998 Filed 11-22-78; 8:45 am]

[4310-55-M]

PART 33—SPORT FISHING

Opening of Browns Park National Wildlife Refuge, Colo., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Browns Park National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: January 1 through February 28, 1979, inclusive, and June 16 through December 31, 1979, inclusive.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Browns Park National Wildlife Refuge, Greystone Route, Maybell, Colo., 81640, telephone, 303-365-3695.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

Sport fishing is permitted on the Browns Park National Wildlife Refuge, Colo., only on the areas designated by signs as being open to fishing. These open areas, Beaver Creek and the Green River, comprise 1,000 acres. Information may be obtained from the refuge office and from the office of the Area Manager, U.S. Fish and Wildlife Service, 1426 Federal Building, 125 South State Street, Salt Lake City, Utah 84138. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

(Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 451, 1270, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a, 16 U.S.C. 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.)

JAMES A. CREASY,
Refuge Manager, Browns Park National Wildlife Refuge, Maybell, Colo.

NOVEMBER 17, 1978.

[FR Doc. 78-32999 Filed 11-22-78; 8:45 am]

[3410-02-M]

Title 7—Agriculture

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

[Lemon Reg. 174; Lemon Reg. 173, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period November 26-December 2, 1978, and increases the quantity of such lemons that may be so shipped during the period November 19-25. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective November 26, 1978, and the amendment is effective for the period November 19-25, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

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

The committee met on November 20, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons has improved over the last several weeks.

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 and amendment are 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, and the amendment relieves restrictions on the handling of lemons. 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.

§ 910.474 Lemon Regulation 174.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period November 26, 1978, through December 2, 1978, is established at 225,000 cartons.

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

§ 910.473 [Amended]

2. Paragraph (a) of § 910.473 Lemon Regulation 173 (43 FR 53705) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period November 19, 1978, through November 25, 1978, is established at 210,000 cartons."

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

Dated: November 22, 1978.

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

[FR Doc. 78-33241 Filed 11-22-78; 12:13 pm]

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.

[3410-34-M]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[7 CFR Part 301]

DOMESTIC QUARANTINE NOTICES

Imported Fire Ant; Miscellaneous Amendments to Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposal would amend the supplemental regulations which designate generally infested regulated areas and suppressive regulated areas subject to the Imported Fire Ant Quarantine. It would add areas in Georgia and Mississippi to the list of generally infested regulated areas. These additions appear to be necessary in order to prevent the spread of the imported fire ant.

DATE: Comments must be received on or before January 23, 1979.

ADDRESS: Submit written data, views, or arguments to: E. E. Crooks, Regulatory Support Staff, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs, U.S. Department of Agriculture, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT:

E. E. Crooks, (301) 436-8249.

SUPPLEMENTARY INFORMATION: All written submissions made pursuant to this notice will be made available for public inspection in Room 633, Federal Building, Hyattsville, MD 20782, during regular hours of business, unless the person makes the submission to the Regulatory Support Staff, Plant Protection and Quarantine Programs, and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in the support of the request, the material will be held confidential; otherwise, notice will be given of the denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

The imported fire ant (*Solenopsis* spp.) is an insect that interferes with farming operations, can cause damage to certain crops, and is a pest of livestock and pets, as well as of people, in rural and urban areas. Areas would be designated as generally infested regulated areas or suppressive regulated areas in the nine States quarantined for imported fire ant. Those designations relate to specified restrictions on the movement of certain articles in order to prevent the spread of the imported fire ant. Regulated areas where eradication of infestation is undertaken as an objective are designated as suppressive areas.

Surveys conducted by the United States Department of Agriculture and State agencies have established that the imported fire ant has spread, or is likely to spread, to certain areas beyond the outer perimeter of current designated generally infested areas. Therefore, in order to prevent the spread of imported fire ant, generally infested areas would be added to or extended in the following counties: Burke, Candler, Columbia, Emanual, Glascock, Haralson, Jefferson, Jenkins, McDuffie, Morgan, Oconee, Paulding, Richmond, Rockdale, Warren, and Walton in Georgia; Leflore, Prentiss, and Yalobusha in Mississippi.

Accordingly, the list of regulated areas in the States of Georgia and Mississippi specifically designated as generally infested areas and suppressive areas by § 301.81-2a of the Imported Fire Ant Quarantine regulations (7 CFR 301.81-2a) would be amended to read as set forth below:

§ 301.81-2a Regulated areas; suppressive and generally infested areas.

The civil divisions and parts of civil divisions described below are designated as imported fire ant regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

* * * * *

GEORGIA

(1) *Generally infested areas.*

Appling County. The entire county.
Atkinson County. The entire county.
Bacon County. The entire county.
Baker County. The entire county.
Baldwin County. The entire county.
Barrow County. That portion of the county in Georgia Militia District 316 south of U.S. Highway 29, excluding the corporate city limits of Auburn and Carl, Georgia.
Ben Hill County. The entire county.
Berrien County. The entire county.
Bibb County. The entire county.
Bleckley County. The entire county.
Brantley County. The entire county.
Brooks County. The entire county.
Bryan County. The entire county.
Bulloch County. The entire county.
Burke County. The entire county.
Butts County. The entire county.
Calhoun County. The entire county.
Camden County. The entire county.
Candler County. The entire county.
Carroll County. The entire county.
Charlton County. The entire county.
Chatham County. The entire county.
Chattahoochee County. The entire county.
Clarke County. That portion of the county in Georgia Militia District 1467 outside the corporate city limits of Athens, Georgia.
Clay County. The entire county.
Clayton County. The entire county.
Clinch County. The entire county.
Cobb County. That portion of the county lying within Georgia Militia Districts 1319, 1897, 1891, 895, 1395, 1900, 992, 1292, 1679, 897, 1568, and that portion of Georgia Militia District 898 lying within the corporate city limits of Marietta, Georgia.
Coffee County. The entire county.
Colquitt County. The entire county.
Columbia County. The entire county.
Cook County. The entire county.
Coweta County. The entire county.
Crawford County. The entire county.
Crisp County. The entire county.
Decatur County. The entire county.
De Kalb County. The entire county.
Dodge County. The entire county.
Dooly County. The entire county.
Dougherty County. The entire county.
Douglas County.
Early County. The entire county.
Echols County. The entire county.
Effingham County. The entire county.

Emanuel County. The entire county.
Evans County. The entire county.
Fayette County. The entire county.
Forsyth County. That portion of the county lying within Georgia Militia Districts 879, 1276, and 795.
Fulton County. The entire county.
Glascock County. The entire county.
Glynn County. The entire county.
Grady County. The entire county.
Greene County. That portion of the county lying within Georgia Militia Districts 142, 143, 145, 160, 161, 162, and 163.
Gwinnett County. The entire county.
Hancock County. The entire county.
Haralson County. The entire county.
Harris County. The entire county.
Heard County. The entire county.
Henry County. The entire county.
Houston County. The entire county.
Irwin County. The entire county.
Jasper County. The entire county.
Jeff Davis County. The entire county.
Jefferson County. The entire county.
Jenkins County. The entire county.
Johnson County. The entire county.
Jones County. The entire county.
Lamar County. The entire county.
Lanier County. The entire county.
Laurens County. The entire county.
Lee County. The entire county.
Liberty County. The entire county.
Long County. The entire county.
Lowndes County. The entire county.
Macon County. The entire county.
Marion County. The entire county.
McDuffie County. The entire county.
McIntosh County. The entire county.
Meriwether County. The entire county.
Miller County. The entire county.
Mitchell County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Morgan County. The entire county.
Muscogee County. The entire county.
Newton County. The entire county.
Oconee County. The entire county.
Paulding County. That portion of the county lying within Georgia Militia District 951.
Peach County. The entire county.
Pierce County. The entire county.
Pike County. The entire county.
Polk County. That portion of the county lying within Georgia Militia Districts 1075, 1079, 1223, 1469, and 1570.
Pulaski County. The entire county.
Putnam County. The entire county.
Quitman County. The entire county.
Randolph County. The entire county.
Richmond County. The entire county.
Rockdale County. The entire county.
Schley County. The entire county.
Screven County. The entire county.
Seminole County. The entire county.
Spalding County. The entire county.
Stewart County. The entire county.
Sumter County. The entire county.
Talbot County. The entire county.
Tattnall County. The entire county.
Taylor County. The entire county.
Telfair County. The entire county.
Terrell County. The entire county.
Thomas County. The entire county.
Tift County. The entire county.
Toombs County. The entire county.
Treutlen County. The entire county.
Troup County. The entire county.
Turner County. The entire county.
Twiggs County. The entire county.
Upson County. The entire county.
Walton County. The entire county.
Ware County. The entire county.
Warren County. The entire county.
Washington County. The entire county.
Wayne County. The entire county.
Webster County. The entire county.
Wheeler County. The entire county.
Wilcox County. The entire county.
Wilkinson County. The entire county.
Worth County. The entire county.
(2) *Suppressive areas.* None.

MISSISSIPPI

(1) *Generally infested areas.*
Adams County. The entire county.
Amite County. The entire county.
Attala County. The entire county.
Bolivar County. T. 20 N., R. 6, 7, and 8 W.; T. 21 N., R. 5, 6, and 7 W., and S1/2, T. 22 N., R. 6 W.
Carroll County. That portion of the county lying south of the north line of T. 18 N., and the portion of the county lying east of the west line of R. 4 E.
Calhoun County. The entire county.
Chickasaw County. The entire county.
Choctaw County. The entire county.
Claiborne County. The entire county.
Clarke County. The entire county.
Clay County. The entire county.
Copiah County. The entire county.
Covington County. The entire county.
Forrest County. The entire county.
Franklin County. The entire county.
George County. The entire county.
Greene County. The entire county.
Grenada County. N1/2, T. 21 N., R. 4 E.; S1/2, T. 22 N., R. 4 E., and that portion of the county lying east of the west line of R. 5 E.
Hancock County. The entire county.
Harrison County. The entire county.
Hinds County. The entire county.
Holmes County. The entire county.
Humphreys County. The entire county.
Issaquena County. The entire county.
Itawamba County. The entire county.
Jackson County. The entire county.
Jasper County. The entire county.
Jefferson County. The entire county.
Jefferson Davis County. The entire county.
Jones County. The entire county.
Kemper County. The entire county.
Lafayette County. That portion of the county lying south of the north line of T. 10 S.; T. 9 S., R. 1, 2, and E1/2, R. 3 W., T. 8 S., R. 1 W.; T. 7 S., R. 1 W., and SE1/4, T. 6 S., R. 3 W.
Lamar County. The entire county.
Lauderdale County. The entire county.
Lawrence County. The entire county.
Leake County. The entire county.
Lee County. The entire county.
Leflore County. That portion of T. 16 N., R. 2 W., lying in the county; S1/2, T. 17 N., R. 2 W.; N1/2, T. 19 N., R. 2 W.; T. 19 N., R. 1 E.; S1/2 T. 20 N., R. 1 E.; E1/3 T. 19 N., R. 2 E.; and Secs. 19, 20, 29, 30, 31, 32, T. 20 N., R. 2 E.
Lincoln County. The entire county.
Lowndes County. The entire county.
Madison County. The entire county.
Marion County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Neshoba County. The entire county.
Newton County. The entire county.
Noxubee County. The entire county.
Oktibbeha County. The entire county.
Pearl River County. The entire county.
Perry County. The entire county.
Pike County. The entire county.
Pontotoc County. The entire county.
Prentiss County. The entire county.
Rankin County. The entire county.
Scott County. The entire county.
Sharkey County. The entire county.
Simpson County. The entire county.
Smith County. The entire county.
Stone County. The entire county.
Sunflower County. T. 17 N., R. 4 W.; that portion of T. 17 N., R. 3 W., lying in the county; T. 18 N., R. 3 W.; T. 19 N., R. 5 W.; and T. 20 N., R. 5 W.
Tippah County. That portion of the county lying south of the north line of T. 4 S., and that portion of T., 3 S., R. 5 E., lying in the county.
Tishomingo County. That portion of the county lying south of the north line of T. 5 S.
Union County. The entire county.
Walthall County. The entire county.
Warren County. The entire county.
Washington County. The entire county.
Wayne County. The entire county.
Webster County. The entire county.
Wilkinson County. The entire county.
Winston County. The entire county.
Yalobusha County. All of Tps. 10, 11, and 12 S., lying in the county; and all

of Tps. 23, 24, and 25 N., Rs. 5, 6, and 7 E., lying in the county.

Yazoo County. The entire county.

(2) *Suppressive areas.* None.

This proposal has been reviewed under the USDA criteria established to implement E. O. 12044, "Improving Government Regulations". While this action has not been designated "significant" under those criteria, a Draft Impact Analysis Statement has been prepared and is available from PPQ, APHIS, Room 633, Federal Building, Hyattsville, MD 20782.

Done at Washington, D.C., this 20th day of November, 1978.

THOMAS G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc. 78-33053 Filed 11-22-78; 8:45 am]

[3410-34-M]

Office of the Secretary

[7 CFR Part 2900]

ESSENTIAL AGRICULTURAL USES OF NATURAL GAS

Proposed Rulemaking and Public Hearings

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of Proposed Rulemaking and Public Hearings.

SUMMARY: Section 401(c) of the Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621, November 9, 1978) provides that the Secretary of Agriculture shall certify to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) the natural gas requirements of essential agricultural uses for full food and fiber production. The certification by the Secretary is proposed to be made as hereafter described.

Opportunity is provided for presentation of oral and written views for purposes of Section 401 of the NGPA, related to the determination and certification by the Secretary of Agriculture of essential agricultural uses of natural gas and of the amounts of natural gas (volumes or percentages of use) required for such essential agricultural uses.

DATES: Written comments shall be received by c.o.b. Monday, January 8, 1979. The normal 60-day comment period has been reduced to 45 days to meet the rule issuance requirements of Section 401 of the NGPA. Oral and written comments may be made at public hearings to be held on December 11, 1978, at Washington, D.C.; December 14, 1978, at Sacramento, California; and December 18, 1978, at Chicago, Illinois, beginning at 9:30 each day.

ADDRESSES: Public hearing locations are Freer Gallery (auditorium) in Washington, D.C.; Senator Hotel, 12th and L Streets, in Sacramento; Holiday Inn O'Hare/Kennedy, River Road and Kennedy Expressway, in Chicago.

Written comments and requests to speak at a public hearing should be directed to Dr. Weldon Barton, Director, Office of Energy, U.S. Department of Agriculture, Room 226-E, Administration Building, 12th and Independence Avenue SW., Washington, D.C. 20250.

FOR FURTHER INFORMATION, CONTACT:

Weldon Barton, Director, Office of Energy, U.S. Department of Agriculture, Room 226-E, Administration Building, 12th and Independence Avenue SW., Washington, D.C. 20250; Telephone Number (202) 447-2455.

SUPPLEMENTARY INFORMATION: Natural gas supply curtailment plans of interstate pipeline companies are subject to regulation by the Federal Energy Regulatory Commission (FERC) under the Natural Gas Act (15 U.S.C. 717). The Department of Energy (DOE) establishes curtailment priorities for interstate pipelines under the Natural Gas Act, the DOE Organization Act and the Natural Gas Policy Act of 1978. The recently enacted Natural Gas Policy Act of 1978 has modified in certain respects such FERC and DOE curtailment regulation. Section 401(c) of the NGPA requires the Secretary of Agriculture to determine the essential agricultural uses of natural gas, and to certify to the Secretary of Energy and FERC the natural gas requirements, expressed either as volumes or percentages of use, of persons, or classes thereof, for essential agricultural uses in order to meet the requirements of full food and fiber production.

Not later than 120 days after the date of enactment of the NGPA, the Secretary of Energy must prescribe and make effective a rule that, to the maximum extent practicable, no curtailment plan of an interstate pipeline may provide for curtailment of deliveries of natural gas for any essential agricultural use below the requirements as certified by the Secretary of Agriculture, unless such curtailment is necessary in order to meet the requirments of high-priority users (defined in Section 401(f)(2), NGPA), or unless the FERC in consultation with the Secretary of Agriculture, determines, by rule or order, that use of a fuel (other than natural gas) is economically practicable and reasonably available (401(b), NGPA).

For certification to the Secretary of Energy and the FERC, the determination and certification by the Secretary of Agriculture are proposed to be made as hereinafter described, and public comment thereon is requested.

I. BACKGROUND

Natural gas is a crucial energy source in the food and fiber system. It is a major feedstock and fuel in the manufacture of nitrogen and other fertilizers and pesticides; it powers irrigation pumping and dries crops such as corn, rice, peanuts and hay; and it is the principal fuel for food processing. In certain processes, the clean burning characteristics of natural gas permit direct contact with foodstuffs without imparting any of the undesirable residues that are attendant with petroleum fuels. Natural gas also provides much of the energy for space heating in food warehouses and retail stores. From input supply to cooking in the home, natural gas is a major fuel used in the food system.

Natural gas is similarly important in fiber production and processing. For instance, it is extensively used in manufacturing fertilizer for cotton production, pumping irrigation water for millions of acres of cotton, and conditioning cotton for ginning and compressing. Natural gas is also used in processing fiber crops throughout the textile industry and in the transformation of raw wood into lumber, pulp, plywood and paper products.

The production and processing of food and fiber commodities is a continuous process. Agricultural activities are biological in nature and involve the growing of plants and animals and the conversion of these perishable commodities into products to feed, clothe and shelter mankind. Once an agricultural activity is started, it must be carried through to completion; or significant losses can occur. Consider, for example, the production of milk. Once a cow starts producing milk, she continues to produce through about a 305-day period. This product must be quickly cooled and then processed for use by humans. It is pasteurized, fortified, modified as to fat content, and packaged. If not all is needed as fresh milk, some is processed further into dried skim milk products and butter, evaporated milk, or cheese and whey products. The processing must take place shortly after production, or bacteria can cause the milk to spoil.

Natural gas is also used in the manufacture and sealing of sanitary food containers. Milk carton blanks, for example, are shipped flat from the paper manufacturer to the dairy. As needed, they are creased, formed, filled and sealed. The sealing is performed under an open natural gas or LP gas flame. Temperature is critical to proper seal-

ing. Otherwise, containers leak, and products are no longer in a sanitary environment.

The curtailment of natural gas in the food system is especially burdensome on food industries and, ultimately, on food supplies. During the winter of 1976-77, certain dairy processing plants faced curtailment of interstate gas supplies. One dairy processing plant was within hours of closing, and the 3,000 dairy farmers who produced milk for the plant were in danger of having to dump their milk because there was no place to store it safely. Natural gas supply was restored in time to avert this closure.

During the winter of 1976-77, several million broiler chickens died in Arkansas because the interstate supply of natural gas was curtailed to feed mills, and feed supplies were exhausted. Broiler processing plants were curtailed with less than 4-hours' notice. Birds had been trucked to the plants for processing, where they froze to death on the trucks.

Disruption of natural gas supplies to the food and fiber sector also results in increased prices to consumers across a broad range of purchases and contributes substantially to inflationary pressures in the general economy. The curtailment priority in Section 401 is designed to avoid such detrimental effects on farmers, agricultural suppliers, processors and marketers, consumers, and the Nation's economy.

II. Criteria for the Certification of Essential Agricultural Uses Necessary for Full Food and Fiber Production

The NGPA provides for an end-product category of usage and a curtailment priority for essential agricultural uses of natural gas which are necessary for full food and fiber production. Section 401 prescribes that, notwithstanding any other provision of law, except where an economically practicable and reasonably available alternative fuel is determined, and to the maximum extent practicable, no interstate pipeline may provide for curtailment of deliveries of natural gas below the requirements for essential agricultural usage as certified by the Secretary of Agriculture, unless such curtailment is necessary to meet the requirements of high-priority users.

Section 401(b) prescribes that FERC, in consultation with the Secretary of Agriculture, shall make determinations regarding alternative fuels for certified essential agricultural uses that are deemed to be economically practicable and reasonably available. The Conference Report accompanying the NGPA states, regarding Section 401(b) that "The conferees intend that the authority to restrict curtailment priority by determining that alternative fuels are economically practicable and reasonably available be utilized only in cases where it is clean that both tests are met. One of the reasons for imposing such a requirement is to prevent unnecessary increases in the cost of food in this country. The Commission determination that an alternative fuel is 'economically practicable' shall not include a requirement to switch to high cost alternatives. That is not what the conferees consider to be 'economically practicable'."

The Conference Report further states, with reference to Section 401, that the Secretary of Agriculture is authorized to certify the natural gas requirements for agricultural uses in order to meet the requirements of full food and fiber production based upon the definition of "agricultural use" contained in this section. The statute defines essential agricultural use to mean "* * * any use of natural gas—

(a) For agricultural production, natural fiber production, natural fiber processing, food processing, food quality maintenance, irrigation pumping, crop drying; or

(b) As a process fuel or feedstock in the production of fertilizer, agricultural chemicals, animal feed, or food,

which the Secretary of Agriculture determines is necessary for full food and fiber production."

These and related provisions of the statute and legislative history indicate the intent of Congress that the Secretary of Agriculture determine, and certify natural gas requirements for, a comprehensive set of essential uses of natural gas necessary for full food and fiber production, taking into consideration the perishable nature of many food and fiber commodities and the impact of future food and fiber price increases on consumers and the general economy.

The following is a discussion of the basic criteria proposed by the Secretary of Agriculture in this rule-making for the determination of, and certification of natural gas requirements for, essential agricultural uses, and of aspects of those criteria on which public comment is particularly desired.

1. *The establishment is the basic unit to be certified*—Section 401(c) prescribes that the Secretary of Agriculture shall certify natural gas requirements "* * * of persons (or classes thereof) * * *". This rule proposes to certify in terms of classes of users, namely, classes of establishments that are delineated in the Standard Industrial Classification (SIC) Codes. The rule proposes to include those classes of establishments, based upon the SIC codes, that are carrying out essential agricultural functions necessary for full food and fiber production.

It is recognized that classes of establishments in the SIC codes are imperfect categories for precise delineation of agricultural uses. Individual classes of establishments often include both agricultural and non-agricultural activities, and a specific establishment may be involved in both agricultural and non-agricultural production.

Comment and information is desired on how to identify that portion of a class of establishments, or an individual establishment, devoted to full food and fiber production.

Comment is particularly desired on ways to refine the SIC Code system to render it more useful to the specific requirements of this rule-making.

2. *Coverage is broadly inclusive of the agricultural sector*—Title IV of the NGPA establishes essential agricultural uses as an integral part of a comprehensive natural gas curtailment policy. The statute provides that protection from curtailment is to extend across the entire food and natural fiber system. It expressly prescribes the major food and fiber system activities to be covered, from certain inputs through processing and food quality maintenance.

This rule proposes a relatively broad scope of coverage, based upon the statutory mandate. It covers all food and natural fiber production.

Natural fibers include cotton, flax, bagasse, hemp, and other fibrous crops, animal fibers such as wool, fur and pelts, and wood fibers from forest products.

Ornamental and horticultural crops are classed as fibers if they are not edible. They undergo a biological process identical to any other cropping operation. Often both food and nonfood commodities are grown in the same operation, with the proportion varying both seasonally and annually. A continuous supply of heat is essential for proper growth and maintenance. Natural gas is the heat source in many greenhouses. Curtailments can result in loss of flower blooms and death of plants.

The rule provides that perishable commodities be processed and handled to the extent that they are converted into storable and salable products. For food products, this includes certain sanitary food containers.

Alcoholic beverages have been included only where necessary to protect the agricultural products through processing. Thus, it is proposed to include wines, brandy and brandy spirits, because perishable crops such as grapes, apples, apricots, peaches and pears are used in the manufacture of these products. Alcoholic beverages based on grain, which can be safely stored, are not included.

Natural fibers for making fabrics are processed through the stage whereby raw material is changed into cloth which is dyed and heat treated. Wood

pulp fibers for manufacture of sanitary food containers are proposed for inclusion through pulping and reprocessing into certain final end products as food containers. Other wood products are protected through the point where the product is changed into a stable form which is amenable to storage or sale.

Section 401(f)(1)(A) defines essential agricultural use to include only "natural" fiber production and processing, but natural and synthetic fibers are comingled in many processing establishments and operations. Comment is desired on where and how a practicable differentiation can be made between natural and synthetic fibers, so that to the extent practicable, only natural fibers might be included in the essential agricultural use curtailment priority.

The statute cited "food quality maintenance" as a specific function to be covered. This rule protects food quality by covering production, processing and preparation of end use products. It also covers the food storage and warehousing functions of wholesale and retail trade establishments, to the extent that these functions are not covered under the "high-priority" category of end users (commercial establishment using less than 50 mcf on a peak day).

Some inputs not specifically identified in the statute are deemed essential for continued full food and fiber production. The proposed rule includes such vital inputs for food as sanitary food containers—cans, bottles, cartons, etc. These items appear to be required for meeting the intent of the phrase "food quality maintenance," and without them the food system would be impaired. However, the proposed rule does not include a variety of second-order or indirect inputs. For example, many materials involved in food packaging are small components of large, diverse industries. The same holds true for some farm chemical inputs. Comment is desired on how to identify essential inputs presently not included and how to extend non-curtailment protection to include them.

3. *No discrimination as to types of use*—Pursuant to the statutory directive that essential agricultural uses *per se* be accorded special end-product priority and that "high cost" alternatives to natural gas be avoided in the case of essential agricultural uses, the rule as proposed does not apply any other use distinctions in order to determine the necessity of natural gas usage for full food and fiber production.

4. *Full current requirements determined essential*—Section 401(c) prescribes that the Secretary of Agricultural shall certify natural gas requirements "* * * (expressed either as volumes or percentages of use) * * *". This rule proposes to certify such requirements in terms of percentage of use, specifically, 100 percent of current requirements. To assure that the food and fiber system operates with minimum constraint due to curtailment of interstate gas supplies, the volumes certified as essential must be sufficient for operations necessary for full food and fiber production. The requirements which are in excess of maximum contracts will receive protection against curtailment only to the extent contract revisions allow increased deliveries.

This proposed rule contemplates a current, rather than an historical base period, method for determining requirements of natural gas for essential agricultural uses. Due to the vagaries of weather whereby energy demands unpredictably vary from season to season and year to year, the historical base period concept tends to be impractical for agriculture. This method allows the curtailment priority to apply to actual current requirements rather than to past usage. This is particularly applicable in the case of users with technical multifuel capabilities who would be required to switch to high-priced alternative fossil fuels if the curtailment priority was based upon historical base period usage.

The establishments to which the requirements relate would be only those in existence at the time of issuance of the rule. Requirements for new establishments or additions to existing establishments would be considered periodically in connection with modification of the proposed rule as provided in Section 401(a) of the NGPA.

Comment is desired on how such a current method of determining natural gas requirements for essential agricultural uses can be carried out.

5. *Rule must be equitable and practicable*—An overriding consideraton is that this rule must be equitable and practicable to implement. Data requirements must not be overly burdensome to the individuals covered. Similarly, the certification to the Secretary of Energy and FERC must be in such a form and substance that it can be implemented on a generalized basis without undue delay and cost.

Accordingly, comment and information is desired toward the objective of rendering this rule practicable and equitable to the maximum extent, consistent with the basic substantive objectives of Section 401 of the NGPA and of the proposed rule.

Based upon the statute and the above criteria, we are publishing in the proposed rule a "Proposed Set of Essential Agricultural Uses," identified as § 2900.3. Comment is invited on the substantive uses to be certified, the criteria proposed for determining the uses to be certified, and the procedure for determining the amounts of natural gas required by certifed users. Comment is requested concerning classes of users of natural gas that might be deemed to be essential agricultural uses that are necessary for full food and fiber production, regardless of whether such classes of users are included or excluded from the proposed set. Uses included in the proposed rule might be removed, and uses not included in the proposed rule might be added, depending upon the public comment and justification received.

Comment is especially desired on how the classes of users can be more precisely circumscribed based upon the SIC codes, and how the code classification *per se* (at whatever level of aggregation) can be usefully adapted and refined to render it as useful as possible to satisfy the specific requirements of this rulemaking.

Section 401(a) of the NGPA provides for amendment by the Secretary of Energy, from time to time, of the rule relating to essential agricultural uses and amounts of natural gas required for full food and fiber production. For the Secretary of Energy to exercise this option so that the rule may remain current and effective, it is imperative that the Secretary of Agriculture maintain the certification on a current basis. Therefore, the proposed rule provides a procedure for requests to the Secretary of Agriculture for modifications in the certification to account for new or expanded agricultural establishments with natural gas use requirements, and for periodic certifications by the Secretary of Agriculture based upon such requests. Comment is invited on that procedure, including how the procedure would relate to new and existing contracts.

Under section 401(b) of the NGPA the curtailment priority for essential agricultural uses may be disallowed by FERC if, in consultation with the Secretary of Agriculture, FERC determines, by rule or order, that use of an alternative fuel to natural gas is both economically practicable and reasonably available. Comment is desired on how that procedure relates to the present rulemaking, including how the rule proposed here can assist in accomplishing such alternative fuel determinations to prevent avoidable delays in implementing section 401 of the NGPA.

COMMENT PROCEDURES

You are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this Notice.

A. WRITTEN COMMENTS

Written comments should be submitted to the address indicated in the "ADDRESS" section of this Notice and should be identified on the outside with the designation *Certification of Essential Agricultural Uses: Written comments.* Five copies should be submitted. All comments received by 4:30 p.m. January 8, 1979, and all relevant information, will be considered before final action is taken on the proposed regulations. All written comments received will be available for public inspection and photocopying in Room 5173 South Building, U. S. Department of Agriculture, 12th and Independence Avenue, SW., between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Information or data believed to be confidential must be so identified and submitted in writing, one copy only. The Secretary reserves the right to determine the confidential status of the information or data and to treat it accordingly.

B. PUBLIC HEARINGS

Requesting Opportunity for Oral Statement. The times and places for the hearings are indicated in the "DATES" and "ADDRESSES" sections of this Notice. Material not presented orally may be submitted for the record.

A request to make an oral presentation at a hearing should be received not later than 2 days before the hearing and in no case later then c.o.b. Tuesday, December 12, by Weldon Barton at the aforementioned address and should be indentified on the outside with the designation *Certification of Essential Agriculture Uses: Public Hearings.* Persons making such requests should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a telephone number where he or she may be contacted through the day before the hearing. Fifteen copies of the presentation should be provided to the presiding officer at the hearing.

Conduct of the Hearings. USDA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons who have asked to be heard.

The hearings will be conducted under the auspices of the Office of Energy, USDA, and a USDA official will preside at each of the hearings. These will not be judicial or evidentiary-type hearings. Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

Transcripts of the hearings will be made, and the entire record of the hearings, including the transcripts, will be retained and made available for inspection at the USDA, Room 5173 South Building, 12th and Independence Avenue, SW., Washington, D.C. between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

IMPACT ANALYSES

The Department of Agriculture has prepared a preliminary "Regulatory Impact Analysis of the Proposed Rule to certify Essential Agricultural Uses" which when finalized is intended to meet the requirements of Executive Order 12044 (42 FR 12661, March 24, 1978). A copy of this preliminary document is available for public review and copy in room 5173 South Building, 12th and Independence Avenue, SW., Washington, D.C. 20250.

The Secretary of Agriculture has determined that the impact of this proposed rule would not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not required.

The proposed determination and certification would be contained in the following proposed rule and codified as new chapter XXIX, Part 2900 of Title 7, Code of Federal Regulations. The proposed new chapter XXIX reads as follows:

CHAPTER XXIX—OFFICE OF ENERGY

PART 2900—ESSENTIAL AGRICULTURAL USES—NATURAL GAS POLICY ACT

Sec.

2900.1 General.
2900.2 Definitions.
2900.3 Proposed Set of Essential Agricultural Uses.
2900.4 Natural Gas Requirements.
2900.5 Modifications.

AUTHORITY: Pub. L. 95-621, November 9, 1978.

§ 2900.1 General.

Section 401(c) of the Natural Gas Policy Act of 1978 (NGPA) requires the Secretary of Agriculture to determine the essential agricultural uses of natural gas, and to certify to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) the natural gas requirements, expressed either as volumes or percentages of use, of persons, or classes thereof, for essential agricultural uses in order to meet requirements of full food and fiber production. This rule covers establishments performing functions classed as essential agricultural uses whose natural gas supplies are distributed through the interstate pipeline system even though such establishments may receive such has directly from an interstate pipeline or local distribution company.

§ 2900.2 Definitions.

(a) "Full food and fiber production" means the entire output of food and fiber produced for the domestic market and for export, for building of reserves, and crops for soil building or conservation. This term also includes the processing of food and fiber into stable and storable products, and the maintenance of food quality after processing.

(b) "Establishment" means an economic unit, generally at a single physical location where business it conducted or where services or industrial operations are performed (for example, a factory, mill, store, mine, farm, sales office, or warehouse).

NOTE.—This is the same definition as is used in the Standard Industrial Classification Manual, 1972 edition.

(c) "Essential Agricultural Use Establishment" means any establishment covered by the classes of establishments under § 2900.3, which has an identifiable portion of its function, activities that are devoted to full food and fiber production and where natural gas deliveries are provided under contract or an appropriate tariff provision.

(d) "Current Natural Gas Requirement" means the volumes of natural gas required by an essential agricultural use establishment to perform the activities devoted to full food and fiber production.

§ 2900.3 Proposed set of essential agricultural uses.

For purposes of Section 401(c) of the NGPA the following industry classes are certified as essential agricultural uses in order to meet the requirements of full food and fiber production.

PROPOSED SET OF ESSENTIAL AGRICULTURAL USES

Industry SIC No. and Industry Description

FOOD AND NATURAL FIBER PRODUCTION

DIRECT

01 Agricultural Production—Crops
02 Agricultural Production—Livestock Excluding 0272—Horses and Other Equines and Nonfood Portions of 0279—Animal Specialties, Not Elsewhere Classified
0723 Crop Preparation Services for Market, Except Cotton Ginning (see fiber processing)
08 Forestry
4971 Irrigation Systems

FERTILIZER AND CHEMICAL INPUTS

1474 Potash, soda, and Borate Materials (agricultural related only)
1475 Phosphate Rock (agricultural related only)
287 Agricultural Chemicals
3274 Lime (agricultural related only)

FOOD AND NATURAL FIBER PROCESSING FOOD

20 Food and Kindred Products, Excluding 2067—Chewing Gum; 2082—Malt Beverages; 2083—Malt; and 2085—Distilled, Rectified, and Blended Liquors
2654 Sanitary Food Containers
3221 Glass Containers (food related only)
3411 Metal Cans (food related only)

NATURAL FIBER

0724 Cotton Ginning
22 Textile Mills
2421 Saw Mills and Planing
2611 Pulp Mills
2823 Cellulosic Man-Made Fibers (rayon from wood fiber)
3111 Leather Tanning and Finishing

FOOD QUALITY MAINTENANCE

4221 Farm Product Warehousing and Storage
4222 Refrigerated Warehousing
514 Groceries and Related Products

§ 2900.4 Natural gas requirements.

For purposes of Section 401(c), NGPA, the natural gas requirements for the essential agricultural uses listed in § 2900.3 are certified to be 100 percent of current natural gas requirements of existing essential agricultural use establishments.

§ 2900.5 Modifications.

Determinations of, and certifications of natural gas requirements for, essential agricultural uses may be modified by the Secretary of Agriculture from time to time in connection with amendments of the rule by the Secretary of Energy as provided in Section 401(a) of the NGPA. Requests for such modifications may be addressed to the Secretary of Agriculture who will review them at least annually. Such requests may propose additional classifications or deletions of essential agricultural uses, or may be based upon revised requirements for new establishments or additions to existing establishments.

Dated: November 20, 1978.

BOB BERGLAND,
Secretary of Agriculture.

[FR Doc. 78-33081 Filed 11-21-78; 9:44 am]

[6720-01-M]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Chapter V]

[No. 78-641]

SAVINGS AND LOAN HOLDING COMPANIES

Forms and Procedures; Announcement of Informal Public Hearings and Solicitation of Written Views and Comments

NOVEMBER 17, 1978.

AGENCY: Federal Home Loan Bank Board ("Bank Board"), as operating head of the Federal Savings and Loan Insurance Corporation.

ACTION: Announcement of informal public hearings and solicitation of written views and comments.

SUMMARY: On February 14, 1968 the Savings and Loan Holding Company Act ("Act" at 12 U.S.C. § 1730a) became effective. Shortly after the passage of the Act the Regulations for Savings and Loan Holding Companies ("Regulations" at 12 CFR Part 583 *et seq.*) were promulgated and various forms and procedures were adopted.

The present holding company regulatory program has been in operation for some ten years without major revision or review. Accordingly, the Bank Board has determined that a review of this program is in the public interest and should be undertaken. As one element of its review, the Bank Board feels that it is appropriate to elicit the views and comments of all interested parties on the Act and the Regulations as well as related forms, applications, and procedures.

DATES: The public hearings will begin at 9:00 a.m. EST, January 10, 1979. Unless the hearing is extended or re-scheduled in accordance with the procedures below, the hearing will end at 5:30 p.m. EST, January 10, 1979.

ADDRESSES: Hearings—Bank Board Building, Second Floor Amphitheatre, 1700 G Street NW., Washington, D.C.

Written communications should be directed to the Bank Board, Office of the General Counsel, 1700 G Street NW., Washington, D.C. 20552. Please legend all communications: "Holding Company Project, Attn: William M. Herrick."

FOR FURTHER INFORMATION CONTACT:

William M. Herrick, Attorney, Bank Board, Office of the General Counsel, Washington, D.C.; phone: 202-377-6417.

SUPPLEMENTARY INFORMATION:

ISSUES

The Bank Board specifically invites interested parties to comment on the following issues:

How should the terms "company" and "savings and loan holding company" be defined and interpreted?

Should different classes of "companies" (*e.g.* ESOTS, trusts, syndicates as opposed to traditional corporations) be subject to differing regulatory constraints?

How should "control", as used in the Act and Regulations, be defined and interpreted?

Are the "control" benchmarks in the Act and Regulations consistent with economic reality and regulatory needs?

Should "voting shares", as that phrase is used in the Act and Regulations, include depositor and other membership shares?

Do the Act and Regulations adequately and appropriately control dividends, fees, and other transactions between a subsidiary insured institution and its affiliates, as defined in the Act and Regulations?

Are restrictions on "investment" in "voting shares" of otherwise unaffiliated insured institutions, holding companies, and other entities in conformity with regulatory needs?

Is the application of the provisions of Section 545.9-1 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545), which regulates service corporations of Federal associations, to subsidiary service corporations in holding company system in conformity with regulatory needs and goals?

Do the Act and Regulations appropriately control interlocking management and director relationships with otherwise unaffiliated entities and the service of convicted persons in holding company managements?

Is regulation of the issuance of debt securities by holding companies and their non-savings and loan subsidiaries consistent with economic reality and regulatory needs?

Should the Act impose restrictions on the acquisition of insured institutions and holding companies by non-U.S. companies or other specified classes of applicants?

Are the Act's standards for approval of various types of acquisitions adequate to fulfill regulatory needs?

Do the Act and Regulations afford applicants and other interested parties—especially in "takeover" situations—an adequate opportunity to be heard?

Do existing limitations on the activities of multiple savings and loan holding companies appropriately serve regulatory needs?

Should the certain activities be added to (or deleted from) the "laundry list" of "related activities" by statue or regulation?

Is the test for "diversified status" consistent with economic reality and regulatory needs?

Do the Act and Regulations as presently structured and interpreted appropriately address questions of community responsiveness, corporate opportunity, corporate governance, *etc.*?

Are modifications needed with respect to forms, reports, application processing, or other policies and procedures which have been adopted pursuant to the Act?

The aforementioned issues should not be considered exclusive, and comments on other related questions will be welcomed.

PROCEDURES

The procedures with respect to the conduct of the public hearings and the solicitation of written views and comments will be:

Each person or representative of a group who wishes to submit written views or comments may do so. Written material will be sent to the Bank Board, Office of the General Counsel (address above) and must be received by 5:30 p.m. EST, January 10, 1979.

Written views and comments may be submitted without participation in the public hearing; submission of views and comments does not bar participation in the public hearing.

Each person or representative of a group who wishes to make a presentation must make a request to do so in writing. A written copy of a statement or a summary of points to be covered must accompany the request. Requests and accompanying material will be

sent to the Bank Board, Office of the General Counsel (address above) and must be received by 5:30 p.m. EST, December 22, 1978.

Written views and comments, statements, and summaries of points to be covered will be available for public inspection at the Bank Board, Office of the General Counsel (address above) when received.

Participants will be notified by January 3, 1979 of their order of appearance. A list of participants, and their order of appearance, will be available for public inspection at the Bank Board, Office of the General Counsel (address above) after this date.

The presiding Hearing Officer will have complete charge of the hearings and authority to do all things necessary and proper for the orderly conduct of the hearings. The Hearing Officer may exclude testimony, data and material which is deemed improper, irrelevant or repetitive.

Normally, a maximum of 15 minutes will be allowed for individuals and 30 minutes for group representatives. To the extent possible, groups having substantially similar positions are encouraged to select just one representative.

Hearing participants will not be permitted to examine or cross-examine other participants, although the Hearing Officer may question participants for the purpose of obtaining a fuller exposition of their views.

There shall be no provision for briefs or for oral argument at the conclusion of the hearings.

The foregoing rules may be relaxed by the Hearing Officer, if in his or her judgment such relaxation would aid the Bank Board in reaching a decision on the merits of proposals. If deemed necessary, the Hearing Officer may also extend the hearings or schedule additional hearings.

The hearing proceedings shall be transcribed. All interested parties may, after the close of the hearings and as soon as the transcript of the hearings has been prepared, obtain copies of the transcript through the procedure set out in Part 505 of the General Regulations of the Bank Board (12 CFR Part 505).

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

FR Doc 78 33125 Filed 11 22-78; 8:45 am]

[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 78-RM-23]

VOR FEDERAL AIRWAYS

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign V-160 airway from Denver, Colo., to Sidney, Nebr., via the INT of Denver 046° and Sidney 201° magnetic radials and to change the segment of V-263 which extends between Hugo, Colo., and Gill, Colo., to extend from Hugo to Denver via the Int of Hugo 325° and Denver 082° magnetic radials. These airway changes would improve the air traffic flow by being alined via arrival and departure routes in the vicinity of Denver.

DATES: Comments must be received on or before December 18, 1978.

ADDRESS: Send comments on the proposal in triplicate to: Director, FAA Rocky Mountain Region, Attention: Chief, Air Traffic Division, Docket No. 78-RM-23, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

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

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communication should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communications received on or before December 18, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would realign V-160 between Denver and Sidney via an intersection approximately 22 miles northwest of Akron, Colo. This amendment would also change a segment of V-263 to extend from Hugo to Denver via its present intersection with V-4 rather than continuing northwestward to Gill, Colo. these two airway changes would improve the traffic flow in the Denver area by converting seldom used route segments to connect with normal arrival and departure routes thereby becoming more useful.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 307, 39753) as follows:

Under V-160 "to Sidney, Nebr." is deleted and "INT Denver 058° and Sidney, Nebr., 201° radials; to Sidney." is substituted therefor.

Under V-263 "Gill, Colo." is deleted and "INT Hugo 337° and Denver, Colo., 094° radials to Denver." is substituted therefor.

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

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

Issued in Washington, D.C., on November 17, 1978.

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

[FR Doc. 78-32830 Filed 11-22-78; 8:45 am]

[6355-01-M]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR CH. II]

CONSUMER PRODUCTS CONTAINING NITROBENZENE

General Order for Submission of Information; Correction

AGENCY: Consumer Product Safety Commission.

ACTION: Correction of general order.

SUMMARY: This document makes corrections to the Consumer Product Safety Commission's general order concerning consumer products containing nitrobenzene. The general order, which was published in the June 5, 1978, FEDERAL REGISTER (43 FR 24325) requires manufacturers of consumer products containing nitrobenzene to furnish the Commission with information concerning the brand names of products containing nitrobenzene, the concentration of nitrobenzene in the product, the package sizes of consumer products containing nitrobenzene, the functions or purposes of nitrobenzene in the product and the functions of or uses for the product. The general order incorrectly listed two substances, C.I. Solvent Black 5 and nigrosine spirit soluble B as synonyms for nitrobenzene.

FOR FURTHER INFORMATION CONTACT:

Dorothy Canter, Directorate for Engineering and Sciences, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6477.

SUPPLEMENTARY INFORMATION: In FR Doc. 78-15418, appearing at page 24325 in the issue of Monday, June 5, 1978, the general order issued by the Consumer Product Safety Commission incorrectly listed C.I. Solvent Black 5 and nigrosine spirit soluble B as synonyms for notrobenzene in the last sentence of the next to last paragraph of section D(3) describing the Scope of the Order on page 24326. Therefore, this sentence should read as follows:

"This order applies only to consumer products containing nitrobenzene, also known as essence of mirbane, essence of myrbane, mirbane oil, nitrobenzol, oil of mirbane, and oil of myrbane."

(15 U.S.C. 2076(b)(1), 15 U.S.C. 2054.)

Dated: November 19, 1978.

SHELDON D. BUTTS,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 78-32979 Filed 11-22-78; 8:45 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 762 3049]

ART INSTRUCTION SCHOOL, ET AL.

Consent Agreement With Analysis to Aid Public Comment; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects a Commission document previously published in the FEDERAL REGISTER on Thursday, November 2, 1978. A portion of the Analysis of Proposed Consent Order To Aid Public Comment has been deleted.

DATE: The correction is effective November 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Alice S. Perlin, Chicago Regional Office, Federal Trade Commission, 55 East Monroe Street, Suite 1437, Chicago, Ill. 60603. 312-353-4423.

SUPPLEMENTARY INFORMATION: In FR Doc. 78-31047, appearing in FEDERAL REGISTER issue for Thursday, November 2, 1978, 43 FR 51031, in the Analysis of Proposed Consent Order To Aid Public Comment, under "II. The Proposed Order" at 43 FR 51038, a portion of the first paragraph has been deleted. Therefore, the paragraph should read as follows:

"The proposed order prohibits respondents from engaging in the above listed allegations."

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-33015 Filed 11-22-78; 8:45 am]

[6750-01-M]

[16 CFR Part 13]

[File No. 781 0013]

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN, AND HELPERS OF AMERICA, LOCAL UNION 959

Consent Agreement and Analysis to Aid Public Comment; Extension of Time

AGENCY: Federal Trade Commission.

ACTION: Comment period extended for 30 days.

SUMMARY: The time period for filing comments on the consent agreement has been extended for 30 days to December 15, 1978.

DATE: Comments now due December 15, 1978.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

William C. Erxleben, Director, Seattle Regional Office, Federal Trade Commission, 28th Floor, Federal Building, 915 Second Avenue, Seattle, Wash. 98174. 206-442-4655.

SUPPLEMENTARY INFORMATION: The consent agreement and analysis to aid public comment were published in the FEDERAL REGISTER on Wednesday, July 19, 1978, 43 FR 31022. The comment period was previously extended by notice published in the FEDERAL REGISTER on September 19, 1978, 43 FR 42017.

On November 14, 1978, the Commission received several National Labor Relations Board decisions dealing with the impact of the Supreme Court's decision in *Connell Co.* v. *Plumbers & Steamfitters*, 421 U.S. 616. Interested persons may wish to comment on the consent agreement after having reviewed those decisions. This extension is necessary to permit the filing of such comments. Accordingly, notice is hereby given that the Commission has extended the comment period for an additional 30 days to and including December 15, 1978.

By direction of the Commission, dated November 15, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-33016 Filed 11-22-78; 8:45 am]

[6750-01-M]

[16 CFR Part 13]

[Docket No. 9073]

FORD MOTOR CO., ET AL.

Consent Agreement with Analysis Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

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 Dearborn, Mich. Manufacturer of motor vehicles, and the Ford Motor Credit Co. to incorporate into specified documents a system for determining and accounting for all surpluses realized on repossessed vehicles resold by its dealers and to institute training programs designed to familiarize employees and dealers with their obligations in handling repossessions. Following such training, Ford would be

required to conduct a series of field audits to verify that dealers are calculating and paying surpluses correctly, and to submit timely compliance reports to the Commission. The companies would be additionally required to inform dealers of their obligations to pay surpluses on past and future repossessions, and to advise customers of their surplus and/or redemption rights, in the manner set forth in the order.

DATE: Comments must be received on or before January 23, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580

FOR FURTHER INFORMATION CONTACT:

William C. Erxleben, Director, Seattle Regional Office, Federal Trade Commission, 28th Floor, Federal Building, 915 Second Avenue, Seattle, Wash. 98174, 206-442-4655.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and §3.25(f) of the Commission's rules of practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record, together with material submitted to the Commission that is not exempt from public disclosure under the Freedom of Information Act, for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with §4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[Docket No. 9073]

FORD MOTOR CO. ET AL.

AGREEMENT CONTAINING CONSENT ORDER

In the matter of Ford Motor Company, Ford Motor Credit Company, and Francis Ford, Inc., corporations.

This agreement, by and between (1) Ford Motor Company and Ford Motor Credit Company, corporations, respondents in a proceeding initiated by the Federal Trade Commission, by their duly authorized officers and their counsel and (2) counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rules governing consent order procedures. Francis Ford, Inc. is not a party to this Agreement.

1. Respondents Ford Motor Company and Ford Motor Credit Company ("Ford respondents") are Delaware corporations with their offices and principal places of business at The American Road, Dearborn, Michigan 48121. Ford Motor Credit Company is a wholly owned subsidiary of Ford Motor Company.

2. The Ford respondents have been served with a copy of the Complaint issued by the Commission in this proceeding charging them with violations of Section 5 of the Federal Trade Commission Act, as amended, and have filed an answer denying the violations of law alleged in the Complaint.

3. The Ford respondents admit the jurisdictional facts set forth in Paragraph Three of the Complaint, and that the Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the Ford respondents and has jurisdiction to issue the Order contained in this Agreement ("Order").

4. The Ford respondents waive:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the Order, but do not waive the right to seek judicial review or otherwise to challenge or contest the validity of any order issued pursuant to Part VII of the Order or §3.72(b) of the Commission's rules of practice.

Provided, however, That such waivers shall cease to be effective if the Commission rejects this Agreement or returns this proceeding to adjudication as to the Ford respondents. The waiver of procedural steps shall not apply to any procedural actions taken by the Commission (with respect to this Agreement, and prior to final acceptance) other than those actions described in §3.25 of the Commission's rules of practice.

5. This Agreement shall not become a part of the official record of this proceeding unless and until it is accepted by the Commission. If this Agreement is accepted by the Commission, it will be placed on the public record together with the Complaint for a period of 60 days and information in respect thereto will be publicly released. Such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations indicating that the Order is inappropriate, improper or inadequate.

6. This Agreement is for settlement purposes only and does not constitute an admission by the Ford respondents that the law has been violated as alleged in the Complaint.

7. This Agreement contemplates that if it is accepted by the Commission and such acceptance is not subsequently withdrawn by the Commission pursuant to §3.25(f) of the rules of practice, the Commission may, without further notice to the Ford respondents, issue its Decision containing the Order in disposition of the proceeding as to the Ford respondents and make information public with respect thereto. Then so entered, the Order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Mailing the Decision and Order to the Ford respondents' address stated in this Agreement shall constitute service. The Ford respondents waive any rights they may have to any other manner of service. The Complaint and the Initial Compliance Report referred to in Paragraph 9 below may be used in construing the terms of the Order, and no agreement, understanding, representation or interpretation not contained in the Order or in this Agreement may be used to vary or contradict the terms of the Order.

8. By its final acceptance of this Agreement, the Commission waives its right to commence a proceeding against either of the Ford respondents seeking restitution or other consumer redress under sections 5 or 19(a)(2) of the Federal Trade Commission Act, as amended, with respect to the acts and practices alleged in Complaint Paragraphs Nine, Ten or Eleven arising at any time prior to the date Ford Motor Company is required to submit the final sample audit report provided for in Subparagraph IV.I.2 of the Order, except with regard to acts, practices, or omissions of the Ford respondents (a) which occur after the effective date of the Order and are violations of the Order, (b) which occur after the effective date of a Trade Regulation Rule and are violations of that Rule, or (c) which occur after entry of an order by the Commission setting aside the Order.

9. The Ford respondents submit with this Agreement an Initial Compliance Report setting forth details of the manner in which they will comply with the Order. Final acceptance of this Agreement shall constitute acceptance of the Initial Compliance Report and shall also constitute advice under §3.61(d) of the Rules of Practice that implementation of the Initial Compliance Report will constitute compliance with applicable portions of the Order until such time as the Commission seeks additional evidence of compliance.

10. The Ford respondents have read the Complaint and Order and understand that after the Order becomes final (1) they may be required to file additional compliance reports showing they have complied fully with the Order, and (2) they may be liable for a civil penalty in the amount provided by law for each violation of the Order.

ORDER

I.

It is ordered, That for purposes of this Order the following definitions shall apply:

A. "Ford respondents" means Ford Motor Company ("Ford") and Ford Motor Credit Company ("Ford Credit"), corporations. It shall not refer to Francis Ford, Inc. References to either or both of the Ford respondents shall include their successors, assignees, officers, agents, representatives and employees, as well as any corporations, subsidiaries, divisions, or devices through which they act in the United States. *Provided, however,* That references to Ford shall not include Ford Credit and references to either or both of the Ford respondents shall not include dealerships.

B. "Vehicle" means a passenger car or a truck with a gross vehicle weight less than 26,000 pounds (11,794 kilograms).

C. "Dealership" or "dealer" means a corporation, partnership, or proprietorship that is a Ford, Lincoln or Mercury vehicle dealership but excludes truck dealerships whose principal business is the sale of trucks with a gross vehicle weight more than 8,000 pounds (3,629 kilograms).

D. "Retail sale" means the installment credit sale of a vehicle, other than for purposes of resale (e.g., sale to dealers or wholesalers), lease or rental, to a purchaser who is not a fleet purchaser.

E. "Repurchase financing" means the financing of a retail sale subject to an agreement between a financing institution and a dealership (generally called a "repurchase," "recourse," or "guaranty" agreement) which provides that the dealership is obligated to pay off the outstanding obligation to the financing institution after receiving a transfer of the repossessed vehicle.

F. "Repurchase dealership" or "repurchase dealer" means a dealership that engages more than occasionally in repurchase financing transactions.

G. "Equity dealership" means a dealership in which Ford has a controlling equity interest, holds 50 percent or more of the voting stock, or is entitled to elect 50 percent or more of the board of directors.

H. "Liquidating dealership" means an equity dealership that has ceased or is in the process of ceasing normal operation of a dealership and whose business has been or is being wound up by Ford or under Ford's supervision. It shall not mean a dealership not previously an equity dealership whose assets come into the possession or control of either of the Ford respondents by virtue of default on or compromise of a debt obligation.

I. "Financing customer" means a purchaser of a vehicle from a dealership by means of a retail installment contract.

J. "Disposition" or "dispose" refers to a dealership's sale or lease of a repossessed vehicle previously sold by that dealership and returned to it by or for a financing institution pursuant to a repurchase agreement. Such sale or lease includes only transaction with an independent third party; i.e., it does not include a sale or lease to the financing institution, the dealership or their representatives, or to a person or firm liable under a guaranty, endorsement, or repurchase agreement covering the repossessed vehicle. Disposition or dispose shall not refer to the repurchase of a repossessed vehicle by a dealership pursuant to a repurchase agreement, or refer to a sale subsequent to a judicial sale in Louisiana.

K. "Proceeds" means whatever is received upon disposition of the repossessed vehicle, but exclusive of sales taxes, service contracts or separately priced warranties.

L. "Allowable expenses" means only actual out-of-pocket expenses incurred as the result of a repossession. The expenses must be reasonable and directly resulting from the repossessing, holding, preparing for sale and reselling of the vehicle, and not otherwise reimbursed to the dealership. They are limited to the following charges (if allowable under applicable State law):

1. Expenses paid to others, who are not employees of the dealership or of the financing institution that financed the vehicle, for repossessing, towing or transporting the vehicle;

2. Filing fees, court costs, cost of bonds, fees paid to a sheriff or similar officer, and fees and expenses paid to an attorney who is not an employee of the dealership or the financing institution for obtaining possession of or title to the vehicle;

3. Fees paid to others to obtain title to the vehicle, to obtain legally required inspection of the vehicle, or to register the vehicle;

4. Expenses paid to others for storage (excluding a charge for storage at facilities operated by the dealership);

5. Labor and associated parts and supplies furnished by the dealership for the repair, reconditioning or maintenance of the vehicle in preparation for resale, computed at dealer cost (as defined in the Initial Compliance Report) with appropriate adjustments for any insurance or warranty recovery;

6. Amounts paid to others for labor and associated parts and supplies purchased for the repair, reconditioning or maintenance of the vehicle in preparation for resale;

7. Sales commissions paid for actual participation in the sale of the particular vehicle, computed at a rate no higher than for a similar, nonrepossessed vehicle and excluding portions of commissions attributable to the selling of service contracts, separately priced warranties, financing or insurance;

8. Expenses of advertisements that specifically mention the particular vehicle, including a proportional share of any advertisement that also mentions other vehicles;

9. Auctioneer expenses and fees paid; and

10. Expenses for telephone calls and postage incurred in arranging for the repossession, holding, transportation, reconditioning and resale of the vehicle.

M. "Contract balance" means (1) the unpaid balance as of the date of repossession less applicable finance charge and insurance premium rebates deducted by the financing institution, plus (2) other charges authorized by contract or law and actually assessed prior to repossession.

N. "Surplus" means the excess of (1) the proceeds plus applicable insurance or warranty reimbursements received by the dealership or financing institution plus any other applicable rebates or credits not deducted by the financing institution, over (2) the contract balance, allowable expenses, and amounts paid to discharge any security interest provided for by law.

O. "Pay" or "paid," in reference to payment of a surplus, means a reasonable attempt to pay in accordance with the standards set forth in the Initial Compliance Report.

II.

It is further ordered, That Ford shall provide to all dealers within 60 days of the effective date of this Order, and to each new dealer within 30 days of entering into a sales and service agreement, a system for determining the existence of surpluses and for accounting for surpluses and for any deficiencies sought.

A. This system (hereinafter the "accounting system") shall be made a part of the Ford Manual of Dealer Accounting Procedures referred to in the various dealer sales and service agreements between Ford and its dealers. Such agreements provide that this manual is to be followed in dealership operations. Ford shall not change the sales and service agreements so as to affect the status of the accounting system portion of the Manual without 60 days notice to the Commission and shall not subsequently so change the sales and service agreements so as to affect the status of the Manual if the Commission, within that time period, advises Ford that it objects to the change. The accounting system shall also be incorporated into any subsequent set of compendium of comparable instructions.

B. The accounting system shall include a standardized form ("Ford accounting form") for dealers' use in determining the existence and amount of surpluses and of any deficiencies sought, and in recording payment of each surplus in accordance with the provisions of Paragraph II.C below.

C. The accounting system shall provide that:

1. Each surplus is to be determined according to Paragraphs I.J through I.N of this Order and paid to the repurchase financing customer within 45 days of disposition;

2. Expenses other than allowable expenses are not to be deducted in calculating surpluses and deficiencies sought;

3. Dispositions are to commercially reasonable, which in practice means that the dealer should make the same efforts to obtain the best available price for a repossessed vehicle as would be made for a comparable used vehicle except that a dealer is not required to offer a warranty without extra charge even though such warranties are provided on other used vehicles;

4. If any rebate owing to the repurchase financing customer's account has not been received at the time the Ford accounting form is completed, such rebate is to be applied for promptly;

5. If any rebate is received after completion of the Ford accounting form, any surplus or deficiency is to be redetermined and any remaining surplus paid within 45 days of disposition or within 10 days of receiving the rebate, whichever is later;

6. The Ford accounting form is to be prepared by the dealer for each disposition of a repossessed vehicle and:

a. Is to set forth the calculation of each surplus, and of each deficiency upon which collection is attempted;

b. Is to be certified by a person authorized to sign retail installment contracts on behalf of the dealership;

c. A copy of the form is to be sent with the surplus payment to each repurchase financing customer to whom a surplus is paid and to each repurchase financing customer from whom a deficiency is sought; and

d. Is to be retained by the dealer, together with all relevant underlying documentation, for at least two years from the date of disposition;

7. Dealers are not to obtain waivers of surplus or redemption rights from repurchase financing customers.

D. The accounting system shall state that failure to adhere to the standards of Subparagraphs II.C.1 through II.C.7 or to account properly to customers for surpluses will expose the dealer to legal action by the Federal Trade Commission and/or consumers.

E. Ford shall give the Federal Trade Commission 30 days advance notice of any change in its manner and form of carrying out the requirements of Part II of this Order.

F. The accounting system shall not apply to sales of repossessed vehicles subsequent to judicial sales in Louisiana.

G. The Federal Trade Commission has proposed a Trade Regulation Rule that defines duties involved in disposing of a repossessed vehicle differently from the method described in subparagraph II.C.3 above. Said Subparagraph is not to be considered a ratification or acceptance by the Commission of that method of disposition.

III.

A. *It is further ordered,* That the Ford respondents:

1. Shall, within 90 days of the effective date of this Order, develop and provide to every repurchase dealer detailed educational materials and training to carry out the

purposes of Part II of this Order and of Part VI (insofar as it relates to reinstatement and redemption rights), as further described in the Initial Compliance Report.

2. Shall, commencing no later than 180 days after the effective date of this Order, include detailed information on all pertinent aspects of Part II of this Order and Part VI (insofar as it relates to reinstatement and redemption rights) in all appropriate seminars, correspondence courses and other training materials offered to dealers.

3. Shall provide no instructions to dealers inconsistent with this Order.

B. *It is further ordered,* That Ford:

1. Shall, within 60 days of the effective date of this Order, send to each repurchase dealer a letter which contains information to the following effect, with nothing to the contrary or in mitigation thereof:

a. State law requires that any surplus generated on the disposition of a repossessed vehicle must be returned to the defaulting customer;

b. The duty to pay surpluses has existed for many years and the company urges dealers to pay all surpluses on repossessed vehicles disposed of prior to the date of the letter, as well as those arising later;

c. Except in California and Louisiana, State law provides that if a dealer does not pay a surplus owed, the defaulting customer has the right to recover a penalty equal to "an amount not less than the credit service charge plus 10 percent of the principal amount of the debt or the time price differential plus 10 percent of the cash price";

d. If a customer to whom a surplus is owed has been reported by the dealer or its agent to a credit reporting agency as owing a deficiency, the dealer should promptly advise such agency of the correct facts; and

e. The Federal Trade Commission has issued complaints against three automobile dealers charging that their failure to pay past surpluses violated Federal law.

2. Shall include in the above mailing a copy of this Order, together with the Commission's published Analysis of Consent Order.

3. Shall, within 90 days of the effective date of this Order, develop and provide to all Ford Dealer Development branch personnel (other than clerical employees) educational materials and training to carry out the purposes of Parts II and V of this Order, as further described in the Initial Compliance Report.

4. Shall provide to authorized representatives of the Federal Trade Commission upon 30 days written notice a set of mailing labels addressed to the president of each dealership, together with a list containing the same information and a certification that the labels and list are complete.

C. *It is further ordered,* That Ford Credit:

1. Shall, within 60 days of the effective date of this Order, send to each dealer to which Ford Credit has returned a vehicle, pursuant to a repurchase agreement, that was repossessed since May 1, 1974:

a. A letter containing the same information required by Subparagraph III.B.1 above; and

b. A list containing the following data for each Ford Credit repossession returned to the dealer between May 1, 1974 and the effective date of this Order: Name, address and account number of the financing customer, net payoff and date of repossession of the vehicle.

2. Shall, within 90 days of the effective date of this Order, develop and provide to all Ford Credit branch personnel involved in repurchase financing transactions (other than clerical employees) educational materials and training to carry out the purposes of Parts II and VI of this Order, as further described in the Initial Compliance Report.

IV.

It is further ordered, That:

A. To determine whether dealers are correctly calculating and paying surpluses, Ford shall conduct an audit ("initial sample audit") of repurchase dealers. This audit shall:

1. Consist of 100 repurchase dealers randomly selected pursuant to a sampling method as set forth in the Initial Compliance Report accepted by the Federal Trade Commission;

2. Begin within sixteen months after the effective date of this Order and be completed and reported to the Federal Trade Commission in accordance with Subparagraph IV.I.2 below within the next eleven months, exclusive of the month of December, as set forth in the Initial Compliance Report.

B. An audit conducted pursuant to Paragraph IV.A or IV.C shall be deemed to demonstrate dealer compliance if less than 1.5 percent of the dispositions audited are noncomplying transactions. A "noncomplying transaction," as further described in the Initial Compliance Report, means a disposition that results in a surplus not correctly calculated and paid in full to the financing customer.

C. In the event the initial sample audit does not demonstrate dealer compliance Ford shall conduct further audits ("follow-up sample audits"), each to consist of 85 dealers randomly selected pursuant to the procedure and schedule described in the Initial Compliance Report, until an audit demonstrating dealer compliance has been attained or a total of four follow-up sample audits have been conducted, whichever occurs first.

D. Within thirty days after a determination by Ford or advice by the Commission's representatives that the initial sample audit or a follow-up sample audit does not demonstrate dealer compliance, Ford shall supplement the accounting system to provide that each dealer submit to Ford:

1. No later than six months after the above advice or determination, the completed Ford accounting forms described in Paragraph II.B of this Order for all repurchase financing repossessions disposed of by the dealer that were returned to the dealer during the audit period covered by the prior sample audit; and

2. With each of the above submissions, a signed statement that the Ford accounting forms submitted include all repurchase financing repossessions disposed of by the dealer that were returned to the dealer during the audit period or, alternatively, that there were no such repossessions.

No submission shall be necessary after the last follow-up sample audit.

E. Ford shall review all Ford accounting forms submitted to it pursuant to paragraph IV.D within 90 days of their receipt. This review shall be conducted by trained clerical personnel in accordance with the Initial Compliance Report, but Ford shall not be required to undertake a detailed analysis of these Ford accounting forms and shall not be deemed to have violated this Paragraph if, despite good faith efforts, there are errors or omissions in that review.

F. Three years after completion of the last audit required pursuant to Paragraph IV.A or IV.C, Ford shall conduct a "final sample audit" of 85 randomly selected dealers pursuant to the procedure and schedule described in the Initial Compliance Report.

G. In addition to the audits provided for above, Ford shall conduct a supplemental audit of each dealership:

1. Found by Ford, in the immediately preceding initial sample audit or follow-up sample audit of the dealership, to have had noncomplying transactions as set forth in the Initial Compliance Report;

2. Which failed to submit either the Ford accounting forms required by Paragraph IV.D or a signed statement that no repurchase financing repossessions were returned to the dealership during the relevant period;

3. Which failed to indicate payment of a surplus identified on any Ford accounting form submitted pursuant to Paragraph IV.D;

4. Which failed more than occasionally, as further described in the Initial Compliance Report, to sign the certification on Ford accounting forms submitted pursuant to Paragraph IV.D; or

5. Found, based on review of the Ford accounting forms submitted pursuant to Paragraph IV.D, to have deducted expenses other than allowable expenses.

Each supplemental audit required by this Paragraph shall be completed within six months of detection of the event which triggers it and shall be conducted pursuant to the procedure set forth in the Initial Compliance Report.

H. Within sixty days after completion of each audit of a dealership provided for in Paragraphs IV.A, C, F and G above, Ford shall:

1. Submit to the Federal Trade Commission a summary report of the audit for that dealership, containing: (a) The name and address of the dealership; (b) the number of dispositions examined; (c) the number and dollar value of surpluses properly calculated and paid; (d) the number and dollar value of surpluses as to which attempts to pay were unsuccessful; (e) the number of repossessed vehicles sold at wholesale; (f) the number of noncomplying transactions and, for each such transaction, the amount owed, copies of the audit worksheets, the Ford accounting form and business records of the dealership and/or financing institution sufficient to establish such noncompliance; and (g) a certification by the auditor attesting to his or her findings concerning each noncomplying transaction, including the reason for noncompliance and any explanation provided by the dealership; and

2. For each dealership found to have noncomplying transactions as set forth in the Initial Compliance Report, commence further dealership training to correct such noncompliance.

I. The audits provided for in Paragraphs IV.A, C, and F of this Order shall conform to Subparagraphs 1-7 below. The audits conducted pursuant to Paragraph IV.G shall conform to Subparagraphs 3-7 below. The audits and report submissions provided for in Paragraphs IV.C, D, E and G shall also conform to Subparagraph 8 below.

1. The Federal Trade Commission shall be given reasonable advance notice of the time of random selection and shall have the opportunity to have its representatives ob-

serve and review the random selection process.

2. Ford shall provide to the Commission a summary report of each entire sample audit, within 60 days after completion of such audit, specifying (a) the name and address of each dealership included, (b) the total number of dispositions examined, (c) the total number and dollar value of noncomplying transactions, (d) the number and dollar value of surpluses properly calculated and paid, (e) the number and dollar value of surpluses as to which attempts to pay were unsuccessful, and (f) the number of repossessed vehicles sold at wholesale.

3. For each dealer audited, each repurchase financing repossession returned to the dealer during the audit period shall be examined to determine whether it is a noncomplying transaction.

4. The audit shall be conducted by the General Auditor's Office of Ford Motor Company (or by other qualified auditors designated by Ford), in accordance with the procedure described in the Initial Compliance Report.

5. The Ford respondents shall direct their personnel (including retained consultants or experts) that they are not to inform dealers or other third parties of the audit procedure, the sample period, the method of drawing the sample, or the identity of dealers selected for audit except to the extent described in this Order, and the Ford respondents shall take all reasonable measures to insure that their personnel adhere to this direction.

6. No dealer selected for audit shall be given more than ten business days advance notice of the scheduled audit.

7. Upon request by the Commission's representatives, Ford shall, within 30 days, submit copies of the auditors' worksheets and summary comments on any dealership audited.

8. In particular circumstances of dealer noncompliance, the schedule and scope of audits and report submissions shall be modified as described in the Initial Compliance Report.

V

It is further ordered, That Ford:

A. Shall require each Ford employee who is a director of an equity dealership to vote for resolutions so that each such dealership:

1. Within 60 days of the effective date of this Order or within 60 days of initiating operation as a dealership, whichever is later, adopts and maintains the accounting system described in Part II of this Order;

2. Pays all surpluses (*Provided, however,* That a dealership's failure to pay a surplus which has not come to the attention of any Ford employee whose primary responsibilities concern equity dealerships shall not be deemed a violation of this Subparagraph); and

3. Has an annual examination of its documents by a certified public accounting firm, for each year up to and including the year that the final sample audit is completed, to determine whether the dealership is following the accounting system; such examination shall (a) include an inspection of underlying documents supporting entries on the Ford accounting form (described in Paragraph II.B of this Order) for all repossessed vehicles returned to the dealership during the year covered by the examination and (b) be followed by a report to the dealership board of directors regarding any noncomplying transactions.

B. Shall require that, at every accounting review of an equity dealership, but in any event at least once every calendar year commencing after the effective date of this Order, Ford's employees shall randomly select and examine underlying documents supporting entries on the Ford accounting form for at least one-fourth of the repossessed vehicles returned to the dealership since the previous such review or since January 1, 1978, whichever is later. If the examination reveals that the dealership has any noncomplying transactions, then:

1. Ford's employees shall examine underlying documents for the remaining three-fourths of the repossessions and report all noncomplying transactions to the dealership's board of directors; and

2. Ford employees who are members of such board of directors shall institute appropriate measures to correct the noncompliance.

C. Shall ascertain for each liquidating dealership whether any unpaid surpluses have arisen since the last audit by an independent certified public accounting firm, and pay each such surplus.

D. Shall, within 60 days of the effective date of the Order, with respect to repossessed vehicles returned between May 1, 1974 and December 31, 1977 to dealerships which are equity dealerships as of the effective date of this Order, and with respect to repossessed vehicles returned between May 1, 1974 and December 31, 1977 to liquidating dealerships, establish to the reasonable satisfaction of the Commission, ad described in the Initial Compliance Report, that:

1. All surpluses have been paid; and

2. In each instance where a customer entitled to receive a surplus pursuant to Subparagraph V.D.1 above had been previously reported by the dealership or its agent to a credit reporting agency as owing a deficiency, such agency has been subsequently advised of the correct facts.

VI

It is further ordered, That Ford Credit:

A. Shall incorporate provisions to the following effect into the "Retail Plan" section of its "Automotive Finance Plans for Ford Motor Company Dealers," within 60 days of the effective date of this Order, and into any subsequent edition of that document or any comparable successor document:

1. Dealers are to permit redemption by the customer whose vehicle has been repossessed, at any time until there is a binding agreement for disposition;

2. Dealers are to permit redemption in accordance with the post-repossession notice sent by Ford Credit to the customer;

3. Dealers are to determine whether a surplus exists on a repurchase financing repossession according to the accounting system described in Part II of this Order;

4. In determining surpluses and deficiences, dealers are not to deduct expenses other than allowable expenses;

5. Dealers are to account for and pay each surplus within 45 days of disposition.

B. Shall, as soon as practicable, but no later than twelve months after the effective date of this Order, develop and distribute to all dealers who use Ford Credit's form of retail installment contract, revised Ford Credit retail installment contract forms that include a clear, concise statement in lay language that, in the event of repossession:

1. No expenses other than reasonable expenses incurred as a direct result of repossessing (including, where permitted, attorney's fees and court costs), holding, preparing for sale and selling the vehicle may be deducted from the proceeds in determining a surplus or deficiency; and

2. Any surplus realized on the resale or other disposition of the vehicle is to be paid to the customer.

C. Shall, direct its branch offices that, commencing two weeks after the distribution to a dealership of the revised Ford Credit retail installment contract forms described in Paragraph VI.B, they are not to purchase from that dealership Ford Credit forms of retail installment contracts that are not on the revised forms and shall, for a period of two years thereafter, periodically examine its branch office files, in accordance with its usual monitoring procedures, to determine whether prior retail installment contract forms are being used, and, if so, shall institute appropriate corrective action.

D. Shall, commencing 75 days after the effective date of this Order, include the following information in clear lay language in at least one notice sent prior to repossession to every Ford Credit repurchase financing customer to whom a notice of intent to repossess is sent:

1. The total amount past due at the time the notice is mailed;

2. In transactions where the customer is entitled to reinstatement of the contract, the customer will have an absolute right to such reinstatement and to regain possession of the vehicle by paying all past due installments and by paying such other amounts and fulfilling such other conditions as provided by law;

3. That the customer will have an absolute right to redeem the vehicle at any time prior to a binding agreement for its disposition, and that this right can be exercised by paying the contract balance plus all expenses incurred as a direct result of repossessing, holding and preparing the vehicle for sale;

4. The date or interval of time prior to which the vehicle will not be sold;

5. That if the vehicle is not redeemed or the contract reinstated, the customer will be entitled to a refund of any surplus within 45 days of disposition;

6. That failure to account for and refund a surplus will give the customer a right to sue for the amount of the surplus and, except in California and Louisiana, for statutory penalties as provided by state law.

E. Shall, within 60 days after the effective date of this Order, establish and follow a procedure for uniformly sending a written notice ("post-repossession notice") to Ford Credit financing customers as soon as practicable after repossession. Ford Credit shall periodically examine its branches' files, in accordance with its usual monitoring procedures, to determine whether the post-repossession notices have been and are being sent, and shall institute appropriate actions to assure that this procedure is adhered to. In the event of any charge of failure to follow the procedure for uniformly sending post-repossession notices, Ford Credit shall not be deemed in violation unless it is shown that Ford Credit has failed to send such notices at least ten days prior to the earliest resale date stated pursuant to Subpara-

graph VI.E.4 below on more than five percent of the repossessions of each of three Ford Credit branch offices in any twelve-month period. The post-repossession notice shall specify in clear, lay language:

1. The name, address and telephone number of the dealership to which the vehicle has been or will be returned for disposition, if applicable, and the address and telephone number of the Ford Credit branch office to be contacted;

2. The date or interval of time within which the customer may reinstate the contract in states where the creditor is required to permit reinstatement of the contract;

3. The net amount necessary to redeem the vehicle, and, in transactions where the customer is entitled to reinstatement, the amount necessary to reinstate the contract, at the time the notice is sent;

4. The date or interval of time prior to which the vehicle will not be sold;

5. That the vehicle can be redeemed at any time prior to a binding agreement for its disposition;

6. That additional expenses incurred as a direct result of holding and preparing the vehicle for sale may increase the amount necessary to redeem the vehicle if redemption is delayed;

7. That Ford Credit should be contacted to reinstate the contract in states where the customer is entitled to reinstatement;

8. That Ford Credit should be contacted for further information about redemption including the procedure for redeeming the vehicle;

9. That, where the vehicle has been returned to the dealer and is not redeemed or the contract is not reinstated, any surplus must be paid to the customer within 45 days after disposition (the notice may also state that a contract between the dealer and Ford Credit provides that the dealer is to pay any surplus);

10. That failure to account for and refund a surplus will give the customer a right to sue for the amount of the surplus and, except in California and Louisiana, for statutory penalties as provided by state law;

11. That the customer may be liable for a deficiency or that state law prohibits Ford Credit and the dealer from collecting any deficiency (the notice is to include the applicable language only);

12. That the customer has the right to direct the dealer to apply for a rebate of any unearned premiums payable by any insurance carrier or agent from whom the dealer has, on behalf of the customer, obtained a credit life, accident and health or collision insurance policy.

F. Shall obtain no waivers of redemption or surplus rights from financing customers.

G. Shall, commencing three months and to be completed no later than twelve months after the effective date of this Order, revise all pertinent Ford Credit forms, form letters, notices and internal written procedures to be consistent with the provisions of this Order.

VII

It is further ordered, That:

A. In the event the Federal Trade Commission issues a final Trade Regulation Rule establishing standards less restrictive on automobile manufacturers, financing companies or vehicle dealerships than a corresponding provision or provisions of this Order relative to (1) the disposition of repossessed vehicles, (2) the determination, calculation or communication of the existence of or the amount of surpluses, or the time or manner of paying or accounting for surpluses, or (3) the determination or communication of reinstatement or redemption rights (including their duration and/or the amount necessary to reinstate or redeem), then such less restrictive standards shall, on the effective date of the Rule, supersede and replace the corresponding provision(s) of this Order. The enumeration of subject matter contained in clauses (1), (2) and (3) of this Paragraph is exclusive. *Provided, however*, That the Ford respondents shall advise the Commission of their intention to rely upon any provision of a Trade Regulation Rule as having superseded any provision of this Order 30 days in advance of reliance thereon. *Provided further*, That this Paragraph shall not be construed as exempting the Ford respondents from any Trade Regulation Rule, or as limiting in any way their legal right or standing to challenge or otherwise contest any Trade Regulation Rule.

B. In the event any of the proceedings presently bearing Docket Nos. 9072, 9073, or 9074 results in a final adjudicated or consent order prescribing standards less restrictive than a corresponding provision or provisions of this Order relative to (1) the disposition of repossessed vehicles, (2) the determination, calculation or communication of the existence of or the amount of surpluses, or the time or manner of paying or accounting for surpluses, or (3) the determination or communication of reinstatement or redemption rights (including their duration and/or the amount necessary to reinstate or redeem), then the Commission shall, within 120 days of a Ford respondent's petition pursuant to § 3.72 of the Commission's rules of practice, reopen this proceeding and order modifications of this Order or other relief as necessary and appropriate to conform this Order to such less restrictive standards prescribed in the other order(s). The enumeration of subject matter contained in clauses (1), (2) and (3) of this Paragraph is exclusive.

C. In the event a Ford respondent is of the opinion that changed conditions of law require that this Order be altered or modified, the Ford respondent may, pursuant to § 3.72(b)(2) of the Commission's rules of practice, file a petition requesting a reopening of this proceeding for that purpose.

VIII

It is further ordered, That:

A. The Ford respondents shall maintain complete business records relative to the manner and form of their continuing compliance with this Order, including but not limited to copies of notices sent to financing customers pursuant to Paragraphs VI.D and E above, and records prepared pursuant to Paragraphs V.A-C for each equity and liquidating dealership. The Ford respondents shall retain all such records for at least three years and shall, upon reasonable notice, make them available for inspection and photocopying by authorized representatives of the Federal Trade Commission.

B. Each of the Ford respondents shall, within 120 days after the effective date of this Order, file with the Commission a written report setting forth in detail the manner and form in which it has complied with this Order and has implemented the Initial Compliance Report submitted with the Agreement Containing Consent Order.

C. Ford shall forthwith distribute a copy of this Order to its Ford, Lincoln-Mercury and Parts and services divisions, and to the Dealer Development activity, and Ford Credit shall forthwith distribute a copy of this Order to each of its Regions.

D. Each of the Ford respondents shall notify the Commission at least thirty days prior to any proposed corporate change such as dissolution, assignment or sale resulting in the emergence of a successor corporation or corporations, the creation or dissolution of subsidiaries, the discontinuance of Ford's present program for investing in equity dealerships, or any other change which may affect compliance obligations arising out of this Order.

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Ford Motor Co. and its credit subsidiary, Ford Motor Credit Co.

The proposed consent order and material reasonably related to the merits of the order and not exempt from disclosure under the Freedom of Information Act have been placed on the public record for 60 days. During this period all interested persons may comment on the proposed order and compliance report. Such comments will become part of the public record. After 60 days the Commission will review the agreement and comments, and will determine whether to withdraw from the agreement or make the order final.

This analysis is intended to encourage public comment on the proposed order. It does not constitute an official interpretation of the agreement and proposed order nor a modification of their terms.

NATURE OF THE CASE

The Commission's complaint issued in February 1976. It made a number of allegations about repossession practices involving Ford Motor Credit Co. (Ford Credit) and Ford dealers, including the following:

1. Each year Ford Credit repossesses numerous cars and trucks from Ford dealers' credit customers. State law and "fairness" under the FTC Act require that on each resale of a repossessed vehicle, after paying off the underlying debt and meeting certain reasonable expenses of repossession and resale, any money left over (the "surplus") must be paid to the person from whom the vehicle was repossessed.

2. Ford Credit has arrangements with a majority of Ford dealers whereby it returns the repossessed car or truck to the dealer who had previously sold it. The dealer then handles the resale and becomes obligated (along with Ford Credit) to see that any surplus is paid. But many such transactions have resulted in surpluses which were not in fact paid by either Ford Credit or the dealer.

3. Ford Credit and dealers have not provided defaulting customers with necessary information about their right to redeem (buy back) their repossessed car or truck under state law.

The complaint specifically named Francis Ford, Inc., a Portland, Oregon Ford dealer, as a participant in these practices. Francis Ford continues to dispute the applicable charges and is not a party to the settlement proposal. The trial as to this remaining respondent was concluded on July 28, 1978 in

Seattle, and an Initial Decision is expected later this year.

Another aspect of the case involves allegations of Ford Motor Co. responsibility for dealerships in which it owns all or part of the voting stock (about 3½ percent of all Ford dealers). The complaint charged that such "owned" dealerships have failed to pay surpluses and/or to provide necessary redemption information on repossessed vehicles returned to them by various financing institutions (such as banks) under arrangements similar to those described above for Ford Credit.

THE PROPOSED SETTLEMENT

The proposed consent order is designed to bring about correct calculation and prompt payment of all surpluses on repossessed vehicles resold by Ford dealers. It provides that Ford's Accounting Manual (which is binding on all Ford dealers) will be changed to include specific procedures for determining surpluses. The complete new procedure for "Determination and Refund of Repossession Surpluses" is on the public record as an attachment to an initial report of Ford's intended manner of compliance with the order.

Under the newly required procedure, each Ford dealer will obtain the best available price in reselling any repossessed vehicle returned to it, and will pay any resulting surplus within 45 days of the resale. The Initial Compliance Report allows a dealer, when computing a surplus on a repossessed vehicle, to adjust the selling price to reflect an overallowance or underallowance on a vehicle received in trade, so long as an adjustment for overallowance does not exceed the trade-in allowance given at the time the trade-in vehicle was received, less the wholesale value for the trade-in vehicle as determined by reference to a current recognized guidebook. The only expenses which may be deducted are reasonable, actual out-of-pocket costs incurred as a direct result of repossessing, holding, preparing for sale or reselling the vehicle. A prescribed written summary will be prepared and sent by the dealer within the 45-day period to each customer entitled to a surplus or from whom an attempt is made to collect any further amount (a "deficiency").

It should be noted that the agreed-to order represents a significantly different approach from that of the "notice" version published with the complaint. That version would have held Ford Credit responsible for surpluses arising from Ford Credit repossessions, and Ford Motor Company responsible for surpluses involving its "owned" dealerships. Although the settlement does not resolve the questions of the Ford companies' responsibilities for payment of surpluses, the remedial technique of a Ford-wide Accounting Manual modification provides coverage of all repossessed vehicles returned to Ford dealers (regardless of financing institution and regardless of who owns the dealership). Through this inclusion of bank-repossessed vehicles returned to non-owned dealership, the number of repossession transactions affected by the order has been more than doubled (as compared to the "notice" version).

The consent order requires that Ford and Ford Credit institute extensive training programs to familiarize dealers with their obligations in handling repossessions. The training will be followed by a series of field audits conducted by Ford, to verify that dealers are in fact calculating and paying surpluses correctly. Any instances of dealer noncompliance will be reported to the FTC with appropriate documentation. If noncompliance exceeds a rate of 1½% of all repossessions audited, Ford will review the prescribed written summaries for all Ford dealers' repossession transactions and conduct further audits of dealers generally—as well as special audits of those not complying with the mandated procedure.

Other provisions of the proposed order would require:

1. Specialized measures with respect to surpluses realized by Ford's "owned" dealerships, including payment of surpluses on vehicles repossessed as far back as May 1974.
2. Bulletins to all dealers setting forth their long-standing duty to pay surpluses, urging them to pay surpluses on past repossessions and identifying all repossessed vehicles returned to them by Ford Credit since May 1, 1974.
3. A notice to each customer whose vehicle is hereafter repossessed by Ford Credit, stating the nature and duration of the customer's rights to get the vehicle back and the amount needed to do so, and setting forth the customer's right to a refund of any surplus monies left over after resale.
4. Statements of customers' surplus and/or redemption rights to be included in certain other Ford Credit documents provided to customers and in Ford Credit's contractual arrangements with dealers.
5. Prohibitions against obtaining waivers of customers' surplus or redemption rights.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-33050 Filed 11-22-78; 8:45 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

[16 CFR Part 433]

PRESERVATION OF CONSUMERS' CLAIMS AND DEFENSES

Publication of Staff Report on Proposed Trade Regulation Rule Amendment

AGENY: Federal Trade Commission.

ACTION: Publication of staff report.

SUMMARY: On February 16, 1978, the Director of the Bureau of Consumer Protection published in the FEDERAL REGISTER notice of publication of the Presiding Officer's report on the proposed amendment to the trade regulation rule on Preservation of Consumers' Claims and Defenses. (41 FR 5305, February 5, 1976.)

The Bureau of Consumer Protection's staff report which summarizes and analyzes the evidence in its rulemaking proceeding on the proposed amendment and makes recommendations as to the final action which the Commission should take has now been made public and placed on Public Record No. 215-31.

DATE: The publication of the staff report commences the final 60-day comment period on both the staff report and the Presiding Officer's report. Comments will be accepted for the public record if received on or before January 24, 1979.

ADDRESS: Requests for copies of the report should be sent to; Distribution Office, Room 126, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

Comments should be sent to: Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Martin White, Division of Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, address above, 202-724-1158.

SUPPLEMENTARY INFORMATION: Pursuant to § 1.13(g) of the Commission's rules of practice, the staff has made its report, containing its summary and analysis of the record and its recommendations as to the form of the final amended rule, to the Commission. The report is now available for public comment under the Commission's rules of practice, § 1.13(h). Requests for copies of the report should be sent to the Distribution Office, Room 126, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

Comments should be sent to: Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

Comments will be accepted on both the staff report and the Presiding Officer's report (which has previously been made public, 43 FR 6810, February 16, 1978) for a period of 60 days ending on January 24, 1979. Comments should be identified as "Comment on Presiding Officer and Staff Reports—Preservation of Consumers' Claims and Defenses TRR Amendment," addressed to the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580, and submitted, when feasible, in five copies.

In addition to analyzing the issues raised by the proposed amendment, the Staff Report recommends changes in the text of the contract provision that the TRR requires in sales finance and "purchase money loan" contracts. The changes are intended to clarify the provision and make it more understandable to consumers. They are not intended to alter the legal meaning of the provision.[1]

[1] The clarity of the language of the provision was not raised as an issue in the amendment proceeding by the Commission's original Notice of Proposed Amendment. However, FTC Act section 18(d)(2)(g) implicitly gives the Commission authority to make nonsubstantive changes in rule language outside of the usual procedures of section 18 of the FTC Act. See also 5 U.S.C. section 553(b) concerning interpretive rules.

With respect to the proposed changes in the contract provision, the Bureau of Consumer Protection particularly encourages comment on the following issues (in addition to comment on all other relevant issues):

1. The primary purpose of the provision is to serve as binding contractual language that has the legal effect of preserving consumer claims and defenses. At the same time, the provision should convey to consumers some sense of the rights that it preserves so that consumers can take advantage of these rights. What message should the language of the provision convey to an ordinary consumer who reads it?

2. How can the language of the provision best convey to consumers the "message" referred to in Question 1, while still retaining the precise legal meaning of the contract provision specified in the existing rule? How well does the language proposed in Chapter V of the Staff Report serve this dual objective? How can the language proposed in the Report be improved?

3. Should the Commission expeditiously proceed to modify the provision based on the recommendation in the Staff Report (and on comments received on that recommendation)? Alternatively, should the Commission postpone a decision on the language of the provision until it has obtained more information from consumer testing or other sources.[2]

Issued: November 24, 1978.

ALBERT H. KRAMER,
Director,
Bureau of Consumer Protection.

[FR Doc. 78-32996 Filed 11-22-78; 8:45 am]

[2] A decision on the language of the required provision could be postponed without postponing the Commission's decision on the proposed amendment (i.e. on extending the rule to creditors). It should also be noted that the Staff Report recommends that whenever the Commission decides to alter the required provision it should give businesses an opportunity to use up existing inventories of forms.

[6750-01-M]

[16 CFR Part 447]

RETAIL PRICES FOR PRESCRIPTION DRUGS

Withdrawal of Proposed Trade Regulation Rules

AGENCY: Federal Trade Commission.

ACTION: Withdrawal of Proposed Trade Regulation Rules.

SUMMARY: The Federal Trade Commission's Bureau of Consumer Protection has recommended that the proposed trade regulation rules concerning prescription drug price disclosures be withdrawn and that the rulemaking proceeding be closed. The recommendation appeared in a staff memorandum analyzing that portion of the record which followed the U.S. Supreme Court's decision in *Va. Bd. of Pharm.* v. *Va. Cits. Cons. Council,* 425 U.S. 748 (1976).

Section 1.20, "Expeditious Procedures," of the Federal Trade Commission's rules of practice states the Commission may dispense with rulemaking procedures not otherwise required by law. The Commission may invoke this authority after finding certain rulemaking procedures unnecessary. The Commission thus dispensed with the presiding officer's report, a staff report and a period of public comment after finding: (1) The presiding officer's report unnecessary because no disputed issues of material fact existed in the rulemaking proceeding; (2) a staff report unnecessary because a staff memorandum addressed the issue of the continued need, if any, for the proposed rules; and (3) a further period of public comment unnecessary because the public received an extended opportunity to comment on the same issue. The Commission, therefore, went on to consider and to adopt the recommendation of the Bureau of Consumer Protection to withdraw the proposed rules and to close the rulemaking proceeding.

DATE: The Commission voted to withdraw the proposed rules and to close the rulemaking proceeding on October 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Teresa Hennessy, Federal Trade Commission, Room 7714B, 1101 Pennsylvania Avenue NW., Washington, D.C. 20580, 202-724-1485.

SUPPLEMENTARY INFORMATION: On June 4, 1975, the Federal Trade Commission published proposed trade regulation rules which, if finally promulgated, would preempt state laws which prohibit or unfairly restrict the advertising of prescription drug price information. "Disclosure Regulations Concerning Retail Prices for Prescription Drugs," 40 FR 24,031. At this time, the Commission invited comment of two types: (1) Proposals of disputed issues of fact material to the rulemaking; and (2) expression of views and arguments on any issue of fact, law, or policy bearing on the proposed rules. On August 19, 1975, the Commission extended the deadline for the first type of comment to September 18, 1975. 40 FR 36,145. On September 30, 1975, the Commission announced a November 21, 1975, deadline for the second type of comment in a final notice of rulemaking. Informal hearings on the proposed rules occurred on: December 1-2, 1975, in Chicago; December 16-17, 1975, in San Francisco; and January 12-14, 1976, in Washington, D.C.

On July 2, 1976, the Commission invited interested persons to comment prior to November 30, 1976, on why the U.S. Supreme Court's decision in *Va. Bd. of Pharm.* cannot accomplish by First Amendment protection what the proposed rules might have accomplished by preemption. 41 FR 27,391. On January 13, 1977, the Commission extended to April 1, 1977, the period for receipt of comment on the need for rules in light of *Va. Bd. of Pharm.* and of evidence from the staff's monitoring of the impact of this decision. 42 FR 2,694.

The staff reviewed the post-*Va. Bd. of Pharm.* Public Record which included comments submitted in response to the Commission's July 2, 1976, and January 13, 1977, invitations and Regional Office reports on prescription drug price disclosure in the states. After this review, the staff recommended that the Commission withdraw the proposed trade regulation rules and close this rulemaking proceeding for two main reasons. One, the Supreme Court's decision has established pharmacists' legal rights to advertise prescription drug prices. Two, private interference with pharmacists' decisions to advertise prices has greatly declined.

After considering the staff's memorandum, the Commission adopted the staff's analysis and approved the staff's recommendation. The Commission then directed that the memorandum be incorporated in the record, that the proposed rules be withdrawn, and that the rulemaking proceeding be closed.

By direction of the Commission dated October 23, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-33017 Filed 11-22-78; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection

[24 CFR Ch. XX]

[Docket No. R-78-584]

IMPLEMENTATION OF TITLE III OF THE ENERGY CONSERVATION AND PRODUCTION ACT OF 1976

Advance Notice of Proposed Rulemaking; Public Meetings

AGENCY: Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, HUD.

ACTION: Advance Notice of Proposed Rulemaking and Notice of Public Meetings.

SUMMARY: In August 1979, the Federal Government will promulgate regulations implementing Title III of the Energy Conservation and Production Act of 1976. That action will be preceded by publication of the proposed regulations, for public review and comment, in February 1979. The purpose of this Advance Notice of Proposed Rulemaking is: (1) To give advance notice of interest in developing policies and procedures to implement building energy performance standards for new residential and commercial buildings, and (2) to solicit advice and information from interested parties prior to the issuance of the proposed rule. Public meetings will be held before the proposed rule is published

DATE: Interested parties are invited to submit comments. If they are received by December 15, 1978, the comments will be considered for the draft regulations. Questions to be raised at and requests to speak at the public meetings are to be received by November 28, 1978.

The meetings will be held on the following dates and times: November 30, 1978, 9:30 a.m., Washington, D.C.; December 5, 1978, 9:30 a.m., Chicago, Illinois; and December 8, 1978, 9:30 a.m., San Francisco, California.

The Department of Housing and Urban Development, in collaboration with the Department of Energy, is sponsoring these meetings and is considering additional meetings in January 1979, but will not make that decision until after comments are received and the initial meetings are held. If additional meetings are to be held, the public will be provided advance public notice through publication in the FEDERAL REGISTER.

ADDRESSES: Interested parties may participate in this rulemaking by submitting comments, questions and requests to speak at the public meetings to: U.S. Department of Housing and Urban Development, Rules Docket Clerk, Room 5128, 451 Seventh Steeet, SW., Washington, D.C. 20410.

Public meetings will be held at the following locations:

Commerce Department Auditorium, 14th Street Entrance, Washington, D.C.; O'Hare Holiday Inn, 3801 North Mannhiem Road, Schiller Park, Illinois; and San Franciscan Hotel, Market Street at Civic Center, San Francisco, California.

FOR FURTHER INFORMATION CONTACT:

Dr. Charles G. Field, U.S. Department of Housing and Urban Development, Director, Office of Energy Conservation, Room 4108, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-5860.

Archie Twitchell, U.S. Department of Housing and Urban Development, Director, Division of Technical Review and Certification, Room B-182, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 426-2123 or 426-2124.

SUPPLEMENTAL INFORMATION: The conservation of energy in buildings is a recent development. Because energy was both abundant and inexpensive before 1970, the conservation of energy used in controlling heating, cooling and lighting was not given a high priority in the United States. Since it was cheaper to burn fuel than to insulate buildings, the building industry chose to minimize initial construction costs rather than consider more long term life-cycle operating costs.

In response to the 1973 oil embargo the role of the Federal Government in energy conservation efforts increased. For example, Operation Button Up and Project Conserve, both run by the Federal Energy Administration, were designed to inform the public of the need to conserve energy. In addition, this Department incorporated energy standards into its HUD Minimum Property Standards.

In 1975 Congress enacted the Energy Policy and Conservation Act (Pub. L. 94-163) which established the State Energy Conservation Program. This program provides states with funds to carry out conservation measures, including the development of lighting efficiency standards and energy efficiency requirements for insulation.

A year later in 1976, Congress enacted enacted the Energy Conservation and Production Act (Pub. L. 94-385). Title III of this Act represents a fundamental departure from the State Energy Conservation Program by providing for the establishment of energy conservation performance standards for new buildings. Title III redirects Federal policies and practices to assure that reasonable energy conservation features will be incorporated into new commercial and residential buildings receiving Federal Financial assistance.

To accomplish this goal the Department of Energy (DOE) is directed to develop and publish energy performance standards ("Standards") for all new commercial and residential buildings. See Pub. L. 95-91 (42 U.S.C. 7101 *et seq.*). The standards will apply to the design of the overall building itself and not to component parts. DOE will specify the standards as goals to be achieved with applicable requirements, criteria and evaluation techniques, but will not include or prescribe the methods, processes or materials to be used to achieve these goals. In addition these Standards will be designed to achieve the maximum economically practicable improvements in energy efficiency and to encourage the use of renewable sources of energy. DOE plans to issue an Advance Notice of proposed Rulemaking prior to issuing proposed Standards. Proposed Standards will be published in February 1979, with final Standards expected by August 1979.

The program is designed to encourage states and local governments to adopt and enforce the Standards or equivalent energy performance standards through their existing building codes and other construction control mechanisms. The Federal Government intends to publish proposed regulations by February 1979, with final regulations to become effective in August 1979.

Public Participation Plan. The Federal Government recognized that this program may substantially affect the design and construction of commercial and residential buildings; the development of construction technology; the consumption of energy by consumers and property owners; the energy and building codes of states and localities; state and local practices governing the design approval and inspection of new building including the issuance of building permits; and the administrative resources of state and local governmental entities. For this reason the Federal Government will provide a full opportunity for comment to all interested and affected parties.

In addition to written and oral comments received in response to this Advance Notice, the Federal Government seeks comments through other forums. The Federal Government has contracted with the National Association of Counties, the United States Conference of Mayors and the National League of Cities. Under the terms of these contracts, these associations are identifying pertinent issues which concern their members and are conducting research on overcoming constraints to implementation. In addition, the Federal Government has contracted with the Consumer Energy Council of America to develop a consultation process for consumer and energy groups. The National Institute of Building Sciences (NIBS) is analyzing the experiences of representative states in administering energy programs at the state and local levels, experiences of federal agencies with regulatory programs similar to Title III, and technical issues inherent to this program. The Federal Government also has entered into and expects to continue discussions with representative groups affected by this program including state energy administrators, building code administrators, design

professionals, labor, and the building industry.

Environmental Impact, Economic Impact and Regulatory Analysis Efforts. Detailed studies are being conducted by DOE on the projected environmental and economic impacts attributable to the promulgation of the Standards. This work is being done in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA), Pub. L. 91-190 (72 U.S.C. 4321 *et seq.*) and Section 310 of Title III.

The Department of Energy has contracted with Battelle Pacific Northwest Laboratories (PNL) to provide the necessary data. PNL has subcontracted with A. D. Little (ADL) for the economic program and with Energy and Environmental Associates (EEA) for the environmental program.

A regulatory analysis is being conducted by DOE in response to the President's Executive Order 12044. The governmental policy is to enact regulations that are simple and clear; effectively achieve legislative goals; and do not impose unnecessary burdens on the economy, on individuals, on public or private organizations, or on State and local governments.

This analysis will examine the problems in implementing the Standards and will provide a description of the major alternatives that were considered by the agency in developing the regulations. In addition, the analysis will consider the impact of the program upon urban communities. Since the regulations are statutorily mandated, the Department of Energy will not analyze non-regulatory alternatives.

When the proposed regulations are published for comment, a statement will be provided as to how the public may obtain a copy of the draft regulatory analysis. The final regulatory analysis will be made available at the time the final regulations are published.

Statutory Requirements. The following is a general description of the statutory requirements found in the Energy Conservation and Production Act of 1976. This description does not imply a specific regulatory format, but rather is intended to provide a useful background for a better understanding of the issues raised in this Advance Notice.

1. DOE will develop and publish the Standards for all new commercial and residential buildings by August 1979. Commercial buildings include any buildings developed for industrial or public purposes. These Standards are to become effective in February 1980. This timetable was established by President Carter as part of his National Energy Plan.

2. At the time the final Standards are published the President will transmit to Congress the Standards and any recommendation as to whether the sanction, as set forth in Section 305, should be approved. Congress, by joint resolution, must then determine within 90 days whether to approve the sanction. This sanction will be approved if Congress determines that it is necessary to assure that the Standards are applied to all new buildings.

3. The Section 305 sanction is the withholding of all Federal financial assistance for the construction of any new commercial or residential building in any area of any state which fails to comply with the requirements of the Act. Federal financial assistance is defined by the Act to include any form of loan, grant, guarantee, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance (other than general or special revenue sharing of formula grants to states) approved by any Federal officer or agency; or any loan made or purchased by any bank, savings and loan association or similar institution subject to regulation by the Boards of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration.

4. Upon the effective date of the Standards, if the sanction is retained it will be imposed on a locality unless one of the following three conditions is met:

(a) The state has certified and the Federal Government has approved that either a state or locality has adopted and is implementing energy standards that meet or exceed the Standards.

(b) The construction plans for specific buildings in a locality have been approved in accordance with an "applicable approval process" acceptable to the Federal Government. An applicable approval process is a procedure for determining that a building, as designed, complies with the Federal Standards.

(c) The State has requested that the locality be excepted from the requirements of the Act by the Federal Government on the grounds that the magnitude of construction in that area is not sufficient to warrant the costs of implementing the energy standards. An exception may be rescinded if the amount of construction of new buildings in the locality has increased sufficiently to warrant such costs.

5. Federal agencies responsible for the construction of federal buildings not legally subject to state or local building codes are required to adopt procedures to assure that all construction meets or exceeds the applicable Federal standards.

6. The Federal Government is authorized to make grants to states and localities to assist them in meeting the costs of adopting and implementing final performance standards, administering state certification procedures, and carrying out an applicable approval process through either Section 307 of Title III or the State Energy Conservation Program.

7. The Federal Government is authorized to provide technical assistance to states and localities to assist them in meeting the requirements of Title III.

8. The Federal Government is required to monitor the progress made by states and localities in adopting and enforcing energy conservation standards. The effectiveness of standards adopted will also be evaluated. The Administration is to report to Congress on a semiannual basis.

9. The Federal Government is authorized to conduct investigations to determine the accuracy of state certifications.

10. The Federal Government will review all state certifications for approval. States whose certifications are rejected or withdrawn will be given notice of the determination and will be provided an opportunity for a hearing pursuant to the Administrative Procedure Act.

11. Appeal procedures will exist for use by affected parties seeking to appeal an adverse administrative ruling.

12. Administrative procedures will exist for use by affected parties seeking clarification of either technical or administrative provisions of the Act and accompanying regulations.

13. The Standards will be periodically updated.

PROGRAM ISSUES: HUD and DOE seek comments on the regulatory responsibilities for this program. While it is not possible to list all issues, some major ones include the following:

A. *Certification.* The Federal Government has the responsibility under Title III to accept state or local energy standards that meet or exceed the requirements of the Standards promulgated by DOE. At present most states' energy standards are based upon a component standard similar to, or in some cases, identical with the ASHRAE 90-75 standards developed by the American Society of Heating, Refrigerating and Air Conditioning Engineers. Since the Federal Standards will be performance based, states may encounter difficulties complying with Title III. The issues listed below raise questions about how to minimize such difficulties.

1. Should the Federal Government acceptance be limited to performance

standards similar to those promulgated by DOE or should acceptance be expanded to include existing energy standards which meet or exceed the Federal Standards?

2. If the Federal Government accepts state or local use of component standards, should the Federal Government condition acceptance of component standards with a requirement that the building code used in that state or locality also include a performance standard?

3. Should the Federal Government pre-approve model building energy codes as meeting the certification requirements, or should each state be required to establish that its standards comply with the Federal Standards?

4. What evidence should be submitted by the state in support of its certification request? For example, should the Federal Government pre-approve certification on the basis of a minimum review and conduct subsequent spot checks, or should it require a detailed state submission for technical review by the Federal Government prior to approval?

5. What criteria should be used for making certification determinations? What should be the scope and extent of the Federal Government's review of state certifications? Should certification be limited to design review or cover other compliance procedures? If the latter is preferred, what additional procedures should be included?

6. What procedures should be used to minimize disruptions to state and local code enforcement programs when either the Standards are updated or the regulations revised?

7. The Federal Government has authority to withdraw a state's certification approval. Under what circumstances should such authority be exercised? For example, if a locality were unwilling to enforce certified standards or did not adequately fund or staff its enforcement program, should these be circumstances justifying withdrawal of approval?

8. The Federal Government recognizes that some states or localities will, despite a good faith effort, be unable to achieve compliance by the effective date of the Standards. Therefore, should the Federal Government allow a state or locality to phase-in its implementation of a certified program and if so, under what conditions?

B. *Approval Process.* In areas not covered by certified standards, Title III provides procedures for the consideration and approval of applications to construct new buildings which comply with the Federal Standards. The mechanism establishing these procedures is identified as an applicable approval process. Jurisdiction over this process has been left to either the locality or the state.

9. What form should the approval process take? Possibilities include (1) certification by licensed architects or engineers; (2) design reviews by a city or state agency; or (3) design reviews by a third party such as an approved non-government laboratory.

10. How should the Federal Government assure that an applicable approval process is effectively implemented? What role, if any, should the state play?

11. Once a building design has been approved through this process, should non-federal procedures be established to assure that the building is ultimately constructed in accordance with the approved design?

C. *Section 305 Sanction.* 12. Is the statutory sanction necessary to accomplish the goals of this program? Would an alternative federal sanction be more appropriate? Is so, please specify. Can the program succeed on a voluntary basis and if so, under what circumstances?

13. How should the statutory sanction be applied so as to minimize paperwork and administrative actions?

D. *Exceptions.* The Federal Government may except an area, upon request from a state, where the construction of new buildings is not of a magnitude to warrant the costs of implementing energy performance standards. The exception may be rescinded when the level of construction activity has increased sufficiently to warrant such costs.

14. What criteria should be used to except an area?

15. Should exceptions be issued on a case-by-case basis or should exceptions be granted to any locality meeting prescribed criteria?

E. *Grants.* 16. Given limited funding, what priority criteria should be used in awarding grants (e.g. level of construction activity, experience with energy standards, etc.)?

17. How should these grant funds be distributed among states and localities?

18. Grants may be used to fund feasibility, planning, demonstration, operational and evaluation studies. Which studies would result in the most effective use of these grant funds?

F. *Technical Assistance.* Technical assistance may include training and computer programs, administrative guidelines, technical bulletins, demonstration programs of state and local enforcement of energy standards and analytical tools for architectural and engineering use.

19. What types of technical assistance would be most needed and for whom? Are any of these activities currently being provided and if so, by whom?

20. Should technical assistance be provided by the Federal Government through the state or should it be provided directly to local units of government?

21. Given limited funding, what priorities should be placed on the different elements of technical assistance?

22. To what extent should technical assistance be provided by state and local levels of government, and by private organizations?

G. *Monitoring and Evaluation.* Title III requires that the program be monitored as to (1) the progress of State and localities, (2) the procedural obstacles or technical constraints inhibiting implementation, and (3) the effectiveness of energy standards in use.

23. What would be the most efficient and effective way of monitoring State and local compliance with the program?

24. Should State and local code enforcement agencies retain records to facilitate Federal monitoring and evaluation? If so, what types of records should be maintained and for what period of time?

25. Should States have the primary responsibility for monitoring the program?

H. *Administrative Procedures.* The Federal Government must approve all State certifications. Title III provides that in the event the Federal Government rejects, disapproves or requires the withdrawal of a State's certification, the State must be provided with notice and an opportunity for a hearing.

26. Should the Federal Government suspend a State's certification prior to providing an opportunity for hearing when immediate and administrative action is deemed necessary to prevent the construction of energy inefficient commercial and residential buildings? What criteria should necessitate such an action?

27. Should localities or private parties be permitted to intervene in hearings concerning the rejection, disapproval or withdrawal of a State's certification? If so, which parties should be permitted to intervene?

28. Once there has been an administrative decision rendered as a result of a hearing, should there be any further administrative procedures for appeal?

I. *General Considerations.* 29. What actions by the Federal Government would facilitate a smooth transition from the thermal and lighting energy requirements of the State Energy Conservation Program (conducted by DOE under Pub. L. 94-163) to Title III?

30. Title III requires the State to certify that energy standards used by its localities meet or exceed the requirements of the Federal Standards. What remedies, if any, should be available to a locality whose energy standards meet or exceed, the Federal Standards, but whose State has not

submitted such standards to HUD for certification approval?

31. Title III defines a building as a structure to be constructed which includes provision for a heating or cooling system, or both, or for a hot water system. Should a building which is to be substantially rehabilitated be considered a "building" for purposes of Title III? If so, what amount of rehabilitation should constitute "substantial"?

32. As enacted by Congress, Title III expresses only one exception to full compliance with the Federal Standards. That exception applies to localities with so little construction that the cost of implementing energy standards would be unwarranted.

Should there be other exceptions? If so, what exceptions and why?

AUTHORITY: This Advance Notice of Proposed Rulemaking is issued under authority of the Energy Conservation Standards for New Buildings Act of 1976 (42 U.S.C. 6831 *et seq.*), published as Title III of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1144 *et seq.* (42 U.S.C. 6801 *et seq.*); Section 7(d) of the Department of HUD Act, 79 Stat. 670 (42 U.S.C. 3535(d)).

GENO C. BARONI,
Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection.

[FR Doc. 78-33103 Filed 11-22-78; 8:45 am]

[4510-26-M]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-115]

OCCUPATIONAL EXPOSURE TO PESTICIDES

Request for Comments and Information

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Request for Comments and Information.

SUMMARY: This notice requests comments and information on the regulation of occupational exposure to pesticides during the manufacturing and formulation processes. "Pesticides" is a generic term used to identify a group of substances that are added to the environment to kill or injure some form of life. They are further subdivided into groups by their specific intended use, for example, substances used to kill insects are classified as insecticides. OSHA currently regulates occupational exposure to airborne concentrations of approximately 180 substances used as pesticides (29 CFR 1910.1000). Employers are required to reduce employee exposure to the specified permissible exposure limits of these regulated substances by instituting engineering or work practice controls. Where such controls are not sufficient to reduce exposures, they may be supplemented by the use of respirators. On July 17, 1978, OSHA received a criteria document from the National Institute for Occupational Safety and Health, entitled "Criteria for a Recommended Standard ... Occupational Exposure During the Manufacture and Formulation of Pesticides," which indicates that present regulations regarding pesticides may not sufficiently protect employees exposed to them. Furthermore, a large number of substances used as pesticides are not currently regulated by OSHA. OSHA is seeking information on the health hazards to employees involved in the manufacture and formulation of pesticides, and the factors that should be considered in determining how pesticide manufacturing and formulation should be regulated; and is requesting views on the appropriate regulatory response to the NIOSH recommendations.

DATE: The information requested in this notice must be submitted on or before January 8, 1979.

ADDRESS: The information requested in this notice should be submitted to the Docket Officer, Docket H-115, Room S6212, U.S. Department of Labor, Occupational Safety and Health Administration, Third Street and Constitution Avenue NW., Washington, D.C. 20210 (202-523-7894).

FOR FURTHER INFORMATION CONTACT:

Ms. Flo Ryer, Office of Special Standards Programs, Room N3663, Occupational Safety and Health Administration, Third Street and Constitution Avenue NW., Washington, D.C. 20210 (202-523-7174).

SUPPLEMENTARY INFORMATION: Substances used as pesticides are extremely diverse in chemical structure, as well as in the degree and nature of the toxic effects they produce. In 1975, the lastest year for which figures are available, 1.61 billion pounds of pesticide active ingredients (excluding creosote) were produced in the United States. Under the Federal Insecticide, Fungicide, and Rodenticide Act (Pub. L. 92-516), the Environmental Protection Agency (EPA) has registered over 1,200 pesticides which are formulated into over 30,000 products. NIOSH estimates that approximately 8,700 workers are employed in manufacturing and formulating facilities which produce primarily pesticides. In addition, there are over 350,000 employees who are potentially exposed because they work at plants that produce pesticides as secondary products.

The National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health, Education and Welfare, has recently submitted to the Secretary of Labor, pursuant to section 22 of the Occupational Safety and Health Act of 1970 (84 Stat. 1612; 29 U.S.C. 671), criteria for a recommended standard on occupational exposure to pesticides. The Directorate of Health Standards Programs, Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, is studying the criteria received from NIOSH, as well as other publications on the health effects resulting from exposure to pesticides. Human data relevant to occupational exposure to pesticides, as well as numerous animal studies, show that pesticides are capable of eliciting a wide variety of toxic effects. These effects may include sterility, degeneration of the kidney, liver and spleen, severe skin irritation, and central nervous system depression. The literature also suggests that certain pesticides may be carcinogenic, mutagenic, and teratogenic in animals.

COMMENTS AND INFORMATION REQUESTED: OSHA has concluded that a comprehensive occupational health standard may be needed to protect employees in the manufacturing and formulating industries from the harmful effects of exposure to pesticides. Consequently, OSHA hereby requests all interested persons to submit comments and information relating to the necessity of developing a standard regulating occupational exposure to pesticides. OSHA's decision on the appropriateness of commencing a rulemaking proceeding will be based on consideration of all comments and information received.

Interested persons are urged to submit written data, views, and arguments concerning a standard for occupational exposure to pesticides during the manufacturing and formulating processes. The following is a brief summary of NIOSH's recommendations for a generic pesticides standard, including indications of some of the issues raised by the recommended provisions. OSHA would like to receive comments on these issues. Interested persons are also invited to raise any other issues which they think are relevant to the development of a generic pesticides standard.

1. *Generic Approach to Pesticides Regulation.* The NIOSH recommended standard is a broad-based standard, primarily concerned with protecting employee health and preventing employee exposure through the application of work practices and control measures. NIOSH does not recommend development of permissible exposure limits (PEL) for the approximately 1,200 registered pesticide active ingredients.

OSHA requests comments and information on the following:

(a) Is the generic approach appropriate for regulation of employee exposure in manufacturing and formulating facilities?

(b) Should PELs be developed for the substances not currently regulated?

(c) Are there any pesticides in widespread production that are not currently regulated in 29 CFR 1910.1000?

(d) Does the criteria document adequately demonstrate the need for development of a generic standard to regulate employee exposure to pesticides?

2. *Classification Scheme.* The NIOSH recommended standard incorporates a modification of the Environmental Protection Agency's (EPA) pesticides Classification scheme to delineate between various regulatory provisions. For example, for those substances classified as Group I, the most toxic category, some of the regulatory requirements recommended are more stringent than those for Groups II and III. In areas such as medical surveillance, however, requirements are the same for all the groups.

OSHA requests comments and information on the following:

(a) Is the modified EPA classification scheme appropriate for regulating pesticides manufacturing and formulating?

(b) What other schemes of grouping or classifying pesticides would be appropriate?

(c) Is there an approach to a generic pesticides standard that would not require classification?

(d) Would most manufacturing and formulating facilities have pesticides from more than one group present in the workplace at most times? Would classification present compliance difficulties in this situation?

3. *Scope and application.* The NIOSH recommended standard applies to all workers in the pesticide manufacturing and formulating industries. This would include workers involved in manufacturing, formulating, packaging, mixing, blending, or repackaging of any pesticide active ingredient. The standard does not apply to the population-at-large, or users of pesticides who are already regulated by other agencies such as the Department of Transportation, the Environmental Protection Agency, and the Food and Drug Administration.

OSHA requests comments and information on the following:

(a) Does the scope and application section cover all occupations in the manufacturing and formulating industries where exposure to pesticides might occur?

(b) Should raw ingredients and chemical intermediates used to manufacture or formulate pesticides, although not classified as pesticides, be covered under this standard?

(c) Are affected industries and employee groups, number of employees exposed, and conditions of exposure correctly described in the criteria document?

4. *Exposure Monitoring.* The NIOSH recommended standard would require an annual survey of the plant to determine the names and approximate quantities of all pesticides used or stored in the plant; places where pesticides might escape; all locations and operations in which employees might be exposed to pesticides; and the airborne concentrations of pesticides to which workers are exposed.

OSHA requests comments and information on the following:

(a) Is the requirement for monitoring airborne concentrations of pesticides appropriate? Is the time interval between measurements adequate?

(b) What benefits would be derived from the information gathered from the annual survey?

(c) Are there analytical and sampling methods available for employee exposure measurements? What is the precision and accuracy of these methods?

5. *Methods of compliance.* NIOSH recommends that employers minimize employee exposure to pesticides through the use of engineering controls and work practices. Isolation of processes, provision of local exhaust ventilation, and prohibition of threaded pipe connections for pesticide-contaminated streams are examples of the detailed engineering controls requirements included.

OSHA requests comments and information on the following:

(a) Are the specified engineering controls economically and technologically feasible? What other feasible engineering controls are currently available?

(b) What engineering and work practice controls are currently used in pesticide manufacturing and formulating processes? How effective are they in preventing employee exposure to pesticides?

6. *Respirators.* The NIOSH recommended standard states that protection of employees from exposure to airborne concentrations of pesticides may not be achieved by the use of respirators except during: installation, testing, and maintenance; cleanup of spills; and emergencies. Where respirators are permitted to reduce employee exposure, employers would have to select proper respirators in accordance with ANSI Practices for Respiratory Protection, Z88.2-1969. Respirators are to be inspected periodically to ensure they are maintained and functioning properly. Quantitative fit testing is to be performed on employees working with Group I pesticides.

OSHA requests comments and information on the following:

(a) As many of the substances which would be covered by the standard will not have PELs, what other selection criteria would employers use to choose the proper respirators?

(b) Are the inspection frequencies for the different classes of respirators appropriate?

(c) Are employers familiar with quantitative fit testing procedures, and are facilities available to perform such tests?

7. *Emergency Situations.* NIOSH recommends emergency and first-aid services to be provided by the employer. These services include deluge showers, eyewash fountains, oxygen, and resuscitation equipment. All emergency procedures would be incorporated into a written emergency action plan. For Group II and III pesticides, emergency-escape personal protective equipment shall be "readily" available, and for Group I pesticides it shall be "immediately" available.

OSHA requests comments and information on the following:

(a) Do the recommended provisions concerning emergency situations assure adequate protection for employees? Should additional provisions be included?

(b) Are the differences delineated between Group I and the other groups in the requirements concerning availability of emergency-escape personal protective equipment clearly defined and justified?

8. *Protective Clothing and Equipment.* The NIOSH recommended standard would require employees working with pesticides to wear various types of protective clothing and equipment. The degree of protection required would vary for the different groups of pesticides. For example, personal protective equipment suggested for Group III pesticides in the liquid state would include a face shield, chemical goggles, gloves, footwear, and apron.

OSHA requests comments and information on the following:

(a) Are the provisions for the use and storage of work clothing and other personal protective equipment appropriate?

(b) Are the varying time intervals for inspections of equipment necessary and adequate?

(c) Should there be a requirement for providing work clothing and other personal protective equipment for Group III compounds?

9. *Housekeeping.* NIOSH recommends certain materials handling, decontamination, and waste disposal procedures. For example, storage areas are to be separate from work areas;

spills are to be immediately cleaned; and wastes that contain pesticide residue would have to be decontaminated before disposal. Periodic inspections for residual pesticide contamination are to be conducted at varying time intervals for the different groups of pesticides.

OSHA requests comments and information on the following:

(a) Would the requirements in the housekeeping section be effective in reducing exposure?

(b) Do the differing requirements based on the distinction between groups offer protection to employees without imposing an unnecessary burden on industry?

(c) Would it be better not to distinguish between groups of pesticides in the section on housekeeping? How frequently should inspections be conducted?

(d) What decontamination procedures are available for pesticides? Will these procedures produce by-products that will require additional decontamination? Are tests available to prove decontamination has been effective?

10. *Hygiene Practices.* This section of the NIOSH recommendations would prohibit smoking, eating, and food preparation in pesticides contaminated areas. Showers and daily changes of clothing would be required for employees working with Group I and II pesticides, and contaminated work clothing would be stored and cleaned by the employer.

OSHA requests comments and information on the following:

(a) Are the hygiene practices in this section appropriate for protecting employees? Should additional practices be developed?

11. *Medical Surveillance.* This section would require a preplacement exam, a comprehensive medical and work history, and periodic exams for all employees working with pesticides. The physician is directed to examine the eyes, liver, kidneys, lungs and central and peripheral nervous systems. Monitoring for cholinesterase activity is stipulated for workers exposed to substances identified as cholinesterase inhibitors.

OSHA requests comments and information on the following:

(a) Do the recommended requirements for medical surveillance give the physician enough direction to enable him to correctly diagnose a pesticide related illness?

(b) Should there be separate medical requirements for each of the three classes of pesticides?

(c) Could medical surveillance guidelines be developed for chemical families or groups of pesticides?

12. *Employee Information and Training.* This section requires that employees be informed of the pesticides they work with, symptoms that may occur from overexposure, limitations in the use of personal protective equipment, and precautions that should be taken when handling pesticides. It is also recommended that employees be trained semi-annually. Training requirements would differ for the various groups of pesticides.

OSHA requests comments and information on the following:

(a) Is the recommended training appropriate? Should additional training requirements be developed?

(b) Are there specific programs for educating employees to work safely with pesticides that are currently available?

(c) Should training requirements differ for the various groups of pesticides?

13. *Signs and Labels.* All pesticide-contaminated containers would have to be labeled, specifying the contents of the container, fire and toxicity hazards, and handling precautions. NIOSH's recommendations include specific provisions for posting entrances to areas where pesticide exposure may occur, and for labelling and color coding of process equipment. These recommended requirements would differ for the various groups of pesticides.

(a) Are the labelling recommendations appropriate for regulating employee exposure to pesticides?

(b) Is the delineation of requirements for the various groups necessary?

14. *Recordkeeping.* This section recommends that all required records be maintained for at least thirty years after termination of employment. These records must include monitoring data, medical exam results, records of emergency treatment, and respirator information. Records must be stored and arranged in such a way as to enable representatives of the Secretary of Labor and the Secretary of Health, Education, and Welfare to correlate exposure and medical data.

OSHA requests comments and information on the following:

(a) Are the required records appropriate for documenting exposures and related health effects?

(b) Is thirty years after termination of employment a sufficient time period to maintain records?

In addition to the specific issues related to the NIOSH criteria document, OSHA also requests comments and information on the following:

15. What benefits may be expected to result from the regulation, i.e., what mortality and morbidity are associated with current exposures, and to what extent would they be reduced by the recommended standard?

16. What is the environmental impact of the recommended standard?

The NIOSH criteria document, including the 343 references relied upon therein, and comments on the document from the NIOSH review consultants (Tab Document) are available for review and copying at the OSHA Technical Data Center, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

Interested persons are invited to submit written data, views and comments with respect to the foregoing issues. All communications should be submitted in quadruplicate, by January 8, 1979, to the Docket Officer, Docket H-115 Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210 (202-523-7894). All timely written submissions, as well as other information gathered by the agency, will be considered in any action taken.

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

(Sec. 6 Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655) 29 CFR Part 1911; Secretary of Labor Order No. 8-76 (41 FR 25059).)

Signed at Washington, D.C., this 17th day of November 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-33047 Filed 11-22-78; 8:45 am]

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 78-140]

HACKENSACK RIVER, N.J.

Proposed Drawbridge Operation Regulations

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of Bergen County, N.J., and the New York, Susquehanna, & Western Railroad Co., the Coast Guard is considering changing the regulations governing the Court Street bridge, mile 16.2, and the railroad bridge, mile 16.3, Hackensack River, to provide that the swing span of the Court Street bridge need not open unless advance notice is given and that the swing span of the railroad bridge need not open for the passage of vessels. This proposal is being made because there have been an average of less than one opening per day of the Court Street bridge and the railroad bridge has not opened for the

past 10 years. This action will, for the Court Street bridge, relieve the bridge owner of the burden of having a person constantly available to open the draw, and for the railroad bridge, relieve the bridge owner of the burden of maintaining the machinery and of having a person available to open the draw.

DATE: Comments must be received on or before December 27, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Third Coast Guard District, Governors Island, N.Y. 10004.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Third Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Mary Ann McCabe, Project Attorney, Office of the Chief Counsel.

Discussion of the Proposed Regulations

Bergen County, N.J., and the New York, Susquehanna, & Western Railroad Co. requested the proposed changes to relieve them of the responsibility of maintaining constant attendance at these drawbridges. The data shows that the Court Street drawbridge, mile 16.2, Hackensack River, presently opens on several hours notice. About three out of four of these openings (509—1975, 215—1976, 396—1977, and 67 for the first 4 months of 1978) were from 8 a.m. to midnight. The draw of the railroad bridge, mile 16.3, Hackensack River, has not opened for at least 10 years. There is no navigation at this time above the railroad bridge. The Midtown bridge, mile 16.5, was closed for the passage of vessels effective February 4, 1978 (43 FR 957). There is also under consideration by the Corps of Engineers a plan to build a dam between the Midtown bridge and the railroad bridge which would stop navigation at that point.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding new subparagraphs (1-d) and (1-e) immediately after subparagraph (1-c) of § 117.225(f) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(1-d) *Hackensack River.* The swing span of the Court Street bridge, mile 16.2, shall open on signal from 8 a.m. to midnight if at least two hours notice is given. From midnight to 8 a.m. the swing span shall open on signal if at least eight hours notice is given.

(1-e) *Hackensack River.* The swing span of the New York, Susquehanna, and Western railroad bridge, mile 16.3, need not open for the passage of vessels, and paragraphs (b) through (e) of this section shall not apply to this bridge.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5).)

NOTE: The Coast Guard has detemined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: November 16, 1978.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 78-33049 Filed 11-22-78; 8:45 am]

[3410-11-M]

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Part 219]

NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING

Extension of Comment Period

AGENCY: Forest Service, USDA.

ACTION: Extension of comment period on proposed rules to guide land and resource management planning in the National Forest System.

SUMMARY: The comment period is extended on the proposed rules for National Forest System Land and Resources Management Planning pursuant to the National Forest Management Act of 1976. Proposed rules were published in FEDERAL REGISTER Volume 43, No. 170, pages 39046-39059, on August 31, 1978.

DATES: Comments must be received on or before December 16, 1978.

ADDRESS: Send comments on Chief, Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Charles R. Hartgraves, Director, Land Management Planning, P.O. Box 2417, Washington, D.C. 20013, 202-447-5933.

Proposed rules for National Forest System Land and Resource Management Planning pursuant to the National Forest Management Act of 1976 were published in the FEDERAL REGISTER on August 31, 1978. The review period was set from August 31, 1978 to October 30, 1978. Due to numerous requests, the comment period was later extended to November 29, 1978.

With this notice, the review period is now extended to December 16, 1978.

Dated: November 10, 1978.

DOUGLAS R. LEISZ,
Deputy Chief.

[FR Doc. 78-32693 Filed 11-22-78; 8:45 am]

[3410-11-M]

[36 CFR Part 219]

NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING

Meeting

AGENCY: Forest Service, USDA.

ACTION: Public meeting on proposed rules to guide land and resource management planning in the National Forest System.

SUMMARY: A public meeting will be held regarding the proposed rules pub-

lished August 31, 1978 (FEDERAL REGISTER, Volume 43, No. 170, pages 39046-39059), by the Department of Agriculture pursuant to Section 6 of the National Forest Management Act.

DATES: public meeting: November 27, 1978—1:00 p.m.

ADDRESS: Meeting location: Department of Agriculture, Administration Building, Room 218-A, 14th Street and Jefferson Drive, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Charles R. Hartgraves, Director, Land Management Planning, P.O. Box 2417, Washington, D.C. 20013, 202-447-5933.

A public meeting will be held in Washington, D.C., on November 27, 1978, regarding the proposed rules published August 31, 1978, by the Department of Agriculture pursuant to Section 6 of the National Forest Management Act. The meeting will be conducted by Assistant Secretary M. Rupert Cutler, beginning at 1:00 p.m. in Room 218—Administration Building, U.S. Department of Agriculture, 14th Street and Jefferson Drive, SW.

The public is invited to ask questions and submit oral and written statements about the proposed rules to guide future land and resource planning for the National Forest System.

Persons who wish to attend and/or submit written statements should notify Charles R. Hartgraves, Director, Land Management Planning, Forest Service, P.O. Box 2417, Washington, D.C. 20013. (Area Code 202-447-5933)

Dated: November 9, 1978

DOUGLAS R. LEISZ,
Deputy Chief.

[FR Doc. 78-32692 Filed 11-22-78; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60]

[FRL 1012-4]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Public Hearing on Proposed Standards for Electric Utility Steam Generating Units

AGENCY: Environmental Protection agency (EPA).

ACTION: Extension of comment period on proposed rule.

SUMMARY: This notice extends the comment period and changes the public hearing dates for the proposed standards of performance for electric utility steam generating units which were proposed September 19, 1978 (43 FR 42183). EPA has been requested by representatives of industry, environmental groups, and governmental agencies to allow more time to comment on the proposed standards.

DATES: Public hearing: December 12-14, 1978; 9:00 a.m. to 4:00 p.m. Comments: Comments must be received on or before December 15, 1978. Public hearing record: The public hearing record will close January 15, 1979.

ADDRESSES: Hearing held: GSA Auditorium, 18th and F Streets NW., Washington, D.C..

FOR FURTHER INFORMATION CONTACT:

Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone 919-541-5271.

SUPPLEMENTARY INFORMATION: On September 19, 1978, EPA proposed standards of performance for electric utility steam generating units under the authority of section 111 of the Clean Air Act and announced a public hearing. Comments were to be received on or before November 20, 1978, the public hearing was scheduled to be held on November 29-30, 1978, and the record of the public hearing would remain open for 30 days after completion of the hearing to provide an opportunity for any member of the public to submit rebuttal and supplementary information on the data presented at the hearing.

This notice changes those dates to the following:

Comments: Comments are to be received on or before December 15, 1978.

Public hearing: The public hearing will be held December 12-14, 1978, between the hours of 9:00 a.m. and 4:00 p.m. The public hearing record will remain open until January 15, 1979.

EPA has received requests to extend the times for filing comments on the proposed standards from the Utility Air Regulatory Group, the Sierra Club, the Department of Commerce, and others. EPA believes that the schedule changes provided in this notice should satisfy these requests.

Persons wishing to make oral presentations, which will be limited to 15 minutes each, should notify EPA by November 30, 1978, by contacting Ms. Shirley Tabler, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone 919-541-5421. Any member of the public may file a written statement with EPA before, during, or within 30 days after the hearing. Written statements should be addressed to Mr. Jack R. Farmer, Chief, Standards Development Branch (MD-13), Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711.

The public hearing will be legislative in nature with EPA officials empaneled to receive testimony and ask questions of all witnesses. Persons interested in testifying at the hearing should advise EPA as instructed above. If time permits, the third day of the hearing may be used by the hearing officer to have a panel discussion of the issues raised during the hearing. A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at the Environmental Protection Agency's Central Docket Section, Room 2903B, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460 (Docket No. OAQPS-78-1).

In addition to revising the comment period and hearing schedule, the Agency also recognizes that the organization of the public hearing itself will have to be changed. Initially, the public hearing was to serve as a forum for clarifying, supplementing, and rebutting previously submitted written statements. This approach anticipated that most written statements would be available for review by the public in advance of the close of the comment period and that only a limited amount of time would be required between the close of the comment period and the public hearing for review of those comments received near the deadline. However, a number of individuals have indicated they will not be able to complete and submit their comments as early as contemplated by this approach.

The extension of the comment period in response to the requests of these parties will make it impossible to follow EPA's original intention of having a nine-day interval between the close of the comment period and the beginning of the hearing and still comply with the terms of the consent order issued by the U.S. District Court for the District of Columbia. The order requires the standards to be promulgated by March 20, 1979. However, all interested persons will still be provided the opportunity to reply to one another's comments and submit supplemental information, as the record will be held open for thirty days after comments are due. Upon completion of this 30-day period (January 15, 1979), the record will be closed in order to provide sufficient time for the Administrator to carefully weigh all evidence submitted and to make the final decision on the basis of the formal record.

Dated: November 16, 1978.

DAVID D. HAWKINS,
Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 78-32821 Filed 11-22-78; 8:45 am]

[6560-01-M]

[40 CFR Part 81]

[FRL 1013-2]

AIR QUALITY CONTROL REGIONS, CRITERIA AND CONTROL TECHNIQUES

Section 107—Attainment Status Designations; Extension of Comment Period

AGENCY: Environmental Protection Agency, (EPA).

ACTION: Proposed rule.

SUMMARY: The purpose of this notice is to extend the public comment period for the proposed designation of Valdez, Alaska as a nonattainment area for the primary sulfur dioxide (SO_2) national ambient air quality standard.

DATES: Comments are due by January 12, 1979.

ADDRESS: Environmental Protection Agency, Region 10 M/S 629, 1200 Sixth Avenue, Seattle, Washington 98101; Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Clark L. Gaulding, Chief, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, telephone 206-442-1230 (FTS 399-1230).

SUPPLEMENTARY INFORMATION: On September 11, 1978 (43 FR 40436) EPA proposed a change to revise the attainment status of Valdez, Alaska to non-attainment for SO_2. The action is part of a nationwide activity to designate all areas attainment or non-attainment for the national ambient air quality standards as required by Section 107 of the Clean Air Act Amendments of 1977.

Public comments on the proposed change were invited for a period of 60 days (November 13, 1978). EPA Region 10 has received several requests to extend the comment period for an additional 60 days.

In view of the potential impact of the designation upon Valdez, EPA is hereby extending the public comment period for 60 days, to January 12, 1979. Comments on the proposed redesignation should be addressed to Clark L. Gaulding at the address listed above. Comments received will be evaluated and a final designation published in the FEDERAL REGISTER.

(Secs. 107(d), 171(2), 301(a), of the Clean Air Act amended (42 U.S.C. 7407(d), 7501(2), 7601(a)).)

Dated: November 14, 1978.

DONALD DUBOIS,
Regional Administrator.

[FR Doc. 78-32822 Filed 11-22-78; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[Docket No. 78-47]

MISCELLANEOUS AMENDMENTS TO RULES OF PRACTICE AND PROCEDURE

Proposed Rulemaking

AGENCY: Federal Maritime Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Federal Maritime Commission hereby proposes to revise its rules of practice and procedure so that the Commission will be able to comply with the requirements of the recently enacted amendment to the Intercoastal Shipping Act, 1933. That legislation mandates that the Commission render final decisions on matters arising under the Act within 180 days of the effective date of a given filing. Under the existing rules of practice and procedure, the Commission would be unable to adhere to the deadline imposed by the Congress. The rules must therefore be modified to effectuate the legislative intent to expedite the Commission's decisionmaking process. The proposed revisions will provide procedural guidelines for participants in proceedings under the Act which will allow for prompt adjudication by the Commission.

DATE: Comments will not be accepted later than December 14, 1978.

ADDRESS: Comments should be directed to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, 202-523-5725.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, 202-523-5725.

SUPPLEMENTARY INFORMATION: The Congress recently enacted an amendment to the Intercoastal Shipping Act, 1933, which was designed in part to expedite the Federal Maritime Commission's decisionmaking process as it relates to the regulation of the domestic offshore trades. A strict procedural schedule was imposed upon Commission adjudication of matters arising under the Act. The new legislation requires that decisions rendered by the Commission be reached within 180 days after the rate, fare, charge, classification, or regulation becomes effective. Additional subdeadlines were established by the Congress for the expeditious resolution of issues before the Commission. The evidentiary phase of the hearing is to be completed within the initial 60 days. The Administrative Law Judge is to submit an initial decision to the Commission within 60 days thereafter. A final decision will then be issued by the Commission within 180 days of the effective date of the filing. Extensions of up to 60 days are authorized, but limited to extraordinary circumstances. The legislative intent is clear. The Commission is to render decisions under the Intercoastal Shipping Act promptly and efficiently.

The Commission's present rules of practice and procedure are patterned closely after the Federal Rules of Civil Procedure. They work well in adjudicatory proceedings but often lead to delay in rate proceedings. Rule 67(c) of the Commission's rules of practice and procedure was an attempt to devise a procedure that would expedite proceedings brought under section 3 of the Intercoastal Shipping Act, 1933. Although the objective of Rule 67(c) is sound, a number of modifications are required in view of the new legislation.

The proposed revisions in the rules of practice and procedure will require the carrier to file its entire direct case with any general increase in rates 60 days prior to the proposed effective date of the change. All necessary testimony, exhibits, and underlying data will be readily available to protestants and other interested parties. Protestants will be required to file protests against proposed changes in tariffs not later than 30 days prior to the proposed effective date of the changes. At present, protests may be made up to 15 days before the date the tariff is to become effective. A particularly important modification effectuated by the revised rules involves the quality of the protest to be filed with the Commission. Under the current rules, protests need only identify the tariff in question and specify the items opposed and the grounds for that opposition. The revised rules require the inclusion of extensive additional material. Protests will have to identify specific areas of dispute and disclose the protestant's position regarding those issues; justify the need for a hearing; designate additional data required of the carrier; and identify the witnesses and documents the protestant will produce at the hearing.

Within 7 days after the effective date of the changes, Hearing Counsel and any protestants will be required to serve on all parties all testimony and exhibits constituting the direct case, as well as the underlying data. It is anticipated that the exchange of testi-

mony, exhibits, and underlying data by all parties will obviate the need for lengthy discovery. The various participants will have immediate access to information which would have ultimately been disclosed to them and a significant savings of time and expense will have been achieved.

Subsequent to the exchange of information, a prehearing conference will be scheduled. The revised rules dictate that each party file a prehearing statement prior to the date of the conference. The prehearing statement is designed to assist the Administrative Law Judge in identifying those issues subject to actual dispute and those which can be readily resolved, in determining the need for and scope of cross-examination, and in assessing the needs of the parties for additional witnesses and documents. The prehearing conference will be utilized to simplify, clarify, and limit the issues to be resolved and to establish the nature and scope of the procedure suited to the resolution of those issues. The prehearing conference will allow for the prompt disposal of preliminary matters and thereby serve to speed the ultimate decisionmaking process.

Having limited the issues to the extent possible and established a procedure for their resolution, the Administrative Law Judge will rule upon matters presented for his determination, either orally upon the record, or by subsequent ruling in writing.

If the parties adhere strictly to the procedural schedule established by the revised rules, the Commission will be able to render a final decision within 180 days of the effective date of the tariff filing. The revised rules allow for immediate and complete access to essential material and supply the necessary procedural mechanisms to expedite the decisionmaking process.

Accordingly, it is proposed that Title 46 CFR be amended by the addition of a Revised § 502.67 as set forth below. Existing § 502.67 (General Order 16) will be replaced by new regulations resulting from this rulemaking.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 21, 27, and 43 of the Shipping Act, 1916 (46 U.S.C. 820, 826, 841(a)), and section 3 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 845), Part 502 of Title 46, Code of Federal Regulations is amended as set forth hereinafter.

Section 502.67 is deleted and new paragraphs (a), (b), (c), (d), (e), (f), (g), and (h) are substituted as follows:

§ 502.67 Proceedings under section 3(a) of the Intercoastal Shipping Act, 1933.

(a) No general increase in rates or general decrease in rates shall take effect before the close of the 60th day after the day it is posted and filed with the Commission. The carrier will file concurrently with any general increase or decrease in rates, testimony and exhibits of such composition, scope, and format that they will serve as the carrier's entire direct case in the event the matter is set for formal investigation together with all underlying data (including workpapers used in the preparation of the testimony and exhibits). Copies of testimony, exhibits and underlying data will be served simultaneously on the Attorney General of every State, Commonwealth, Possession, or Territory having ports in the trade that are served by the carrier. In addition, the testimony, exhibits and underlying data shall be made available at every port in the trade at the offices of the carrier during ususal business hours for inspection and copying by any person.

(b) (1) Protests against a proposed general increase or general decrease in rates made pursuant to section 3 of the Intercoastal Shipping Act, 1933, may be made by letter and shall be filed with the Director, Bureau of Ocean Commerce Regulation and the carrier not later than thirty (30) days prior to the proposed effective date of the proposed changes. In the event due date for protests falls on a Saturday, Sunday, or national legal holiday, protests must be filed with the Director, Bureau of Ocean Commerce Regulation and the carrier no later than the last business day preceding the weekend or holiday. Persons filing protests pursuant to this section shall be made parties to any docketed proceeding involving the matter protested, provided that the issues raised in the protest are pertinent to the issues set forth in the order of invesitation and do not unduly broaden them. Protests shall contain the following:

(i) Identification of the tariff in question;

(ii) Specific reference to the items opposed;

(iii) Grounds for opposition to the change;

(iv) Identification of any specific areas of the carrier's testimony, exhibits, or underlying data that are in dispute and a statement of position on each area in dispute;

(v) Specific reasons why a hearing is necessary to resolve the issues in dispute;

(vi) Any requests for aditional carrier data;

(vii) Identification of any witnesses protestant would produce at a hearing, a summary of their testimony and identification of documents protestant would offer in evidence, and

(viii) A subscription and verification.

(2) Protests against other proposed changes in tariffs made pursuant to section 3 of the Intercoastal Shipping Act, 1933, shall be filed not later than twenty (20) days prior to the proposed effective date of the change. The provisions of paragraph (b)(1) of this section relating to the form, place, and manner of filing protests against a proposed general increase or general decrease in rates shall be applicable to protest against other proposed changes in tariffs.

(c) Replies to protests shall conform to the requirements of § 502.74 (Rule 74).

(d) In the event the matter is made subject to a docketed proceeding, Hearing Counsel and all protestants will serve testimony, exhibits constituting their direct case, together with underlying data (including workpapers used in the preparation of the testimony and exhibits) on all parties and the Administrative Law Judge no later than seven (7) days after the tariff matter takes effect or, in the case of suspended matter, seven (7) days after the matter would have otherwise gone into effect.

(e) (1) Subsequent to the exchange of testimony, exhibits, and underlying data by all parites, the Administrative Law Judge shall direct all parities to attend a prehearing conference to consider the following:

(i) Simplification of issues;

(ii) Identification of issues which can be resolved readily on the basis of documents, admissions of fact, or stipulations;

(iii) Identification of any issues which require evidentiary hearing;

(iv) If evidentiary hearing is necessary, limitation of witnesses and areas of cross-examination, and

(v) Requests for subpenas.

(2) After considering the procedural recommendations of the parties, the Administrative Law Judge will limit the issues to the extent possible and establish a procedure for their resolution.

(3) The Administrative Law Judge shall rule upon matters presented for his decision, orally upon the record when feasible, or by subsequent ruling in writing.

(f) (1) It shall be the duty of every party to file a prehearing statement on a date specified by the Administrative Law Judge but in no event no later than the date of the prehearing conference.

(2) A prehearing statement shall state the name of the party or parties on whose behalf it is presented and briefly set forth the following matters:

(i) Identification of issues which can be resolved readily on the basis of documents, admissions of fact, or stipulations;

(ii) Identification of any issues which require evidentiary hearing together with the reasons why these

issues cannot be resolved readily on the basis of documents, admissions of fact, stipulations, or an alternative procedure;

(iii) Requests for cross-examination of the direct written testimony of any witness, including an identification of the witness, the subjects upon which the witness will be examined and the reason why alternatives to cross-examination are not feasible;

(iv) Requests for additional witnesses and documents, including an identification of the witnesses and the documents to be produced by the witnesses at the evidentiary hearing, together with the reasons why the record would be deficient in the absence of this evidence, and

(v) Procedural suggestions that would aid in the timely disposition of the proceeding.

(g) The provisions of this section are designed to enable the Administrative Law Judge to complete a hearing within sixty (60) days after the proposed effective date of the changes and submit an initial decision to the Commission within one hundred twenty (120) days as required by section 3(b) of the Intercoastal Shipping Act, 1933. The Administrative Law Judge may employ any other provision of the Commission's rules of practice and procedure, not inconsistent with this section, in order to meet this objective. Exceptions to the decision of the Administrative Law Judge, filed pursuant to § 502.227 (Rule 227) shall be served no later than fifteen (15) days after date of service of the initial decision. Replies thereto shall be served no later than ten (10) days after date of service of exceptions.

(h) Intervention of persons other than protestants ordinarily will not be granted. In the event intervention of such persons is granted, the Administrative Law Judge or the Commission may attach such conditions or limitations as are deemed necessary to effectuate the purpose of this section.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-32828 Filed 11-22-78; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

[48 CFR Part 9]

FEDERAL ACQUISITION REGULATION PROJECT

Availability and Request for Comment

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Availability and Request for Comment on draft Federal Acquisition Regulation regarding; Responsible Prospective Contractors, Qualified Products, and First Article Testing and Approval.

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 January 24, 1979.

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.

FOR FURTHER INFORMATION CONTACT:

William 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 or part available for review and describe any new policies therein.

The following subparts of the draft Federal Acquisition Regulation are available for public and Government agency review and comment.[1]

PART 9—CONTRACTOR QUALIFICATIONS

SUBPART 9.1—RESPONSIBLE PROSPECTIVE CONTRACTORS

SUBPART 9.2—QUALIFIED PRODUCTS

SUBPART 9.3—FIRST ARTICLE TESTING AND APPROVAL

9.1 Responsible Prospective Contractors—This Subpart prescribes policy, standards and procedures for determining whether a prospective contractor or subcontractor is responsible. It contains a responsibility standard to emphasize Walsh-Healey Public Contracts Act requirements where applicable. Also, it provides for considerable standardization of preaward survey procedures and modification of DD 1524 into a Standard Form. This change is responsive to a recommendation of the Commission on Federal Paperwork. Additionally, special provisions concerning responsibility determinations for small businesses are set forth.

9.2 Qualified Products—This Subpart prescribes policies and procedures for the acquisition of items that have been examined and tested for compliance with specifications in advance of a contractual action. It provides for the establishment of Qualified Products Lists (QPL) to identify items so qualified, and establishes policy and procedures to assure that use of a qualified product is fully justified to meet the essential needs of the Government. Responsibilities of a specification preparing activity (SPA) are set forth to provide manufacturers, including small and disadvantaged business concerns, ample opportunity to qualify their products or items. Also, this subpart provides direction to contracting officers regarding solicitation requirements which involve qualified products and conditions for removal or omission of a product from a QPL.

Qualified Products contract clauses are provided with the text for review. They will be published in Part 52 of the completed FAR.

9.3 First Article Testing and Approval—This Subpart sets forth policy with respect to testing and approval of preproduction models, initial production samples, first lots, pilot lots and pilot models. It provides for such testing and approval when it is necessary to ensure that the contractor can furnish an item that conforms to all contractual requirements for acceptance.

First Article Testing and Approval contract clauses are provided with the text for review. They will be published in Part 52 of the completed FAR.

No significant policy changes are proposed for Subparts 9.1 and 9.2. Proposed policy changes to 9.3 include: (i) Elimination of the requirement for a contracting officer to secure higher level approval before authorizing a contractor to acquire specific materials, before first article approval, (ii) a requirement that all solicitations containing a first article testing and approval provision also permit alternative offers, with or without, a first article testing and approval requirement, and (iii) expansion of the term "first article approval" to "first article testing and approval" because the latter is more accurate and descriptive.

[1] A copy of the draft regulation is filed with the original document.

Dated: November 17, 1978.

LESTER A. FETTIG,
Administrator.

[FR Doc. 78-33101 Filed 11-22-78; 8:45 am]

[4310-55-M]

DEPARTMENT OF THE INTERIOR

Fish and Wild Life Service

[50 CFR Part 26]

MERRITT ISLAND NATIONAL WILDLIFE REFUGE, FLORIDA

Public Entry and Use

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed special regulations.

SUMMARY: The Director has determined that commercial fishing in designated areas of Merritt Island National Wildlife Refuge is compatible with the objectives for which the area was established, and will utilize a renewable natural resource. In the past, conflicts between commercial fishermen, sport fishermen, the Kennedy Space Center, and otheres using the Refuge have occurred. These regulations will reduce conflicts between the affected parties by designating closed areas and establishing fishing quotas.

DATE: Comments on this proposed rulemaking will be accepted until December 26, 1978.

ADDRESS: Send comments to: Stephen R. Vehrs, Refuge Manager, Merritt Island National Wildlife Refuge, P.O. Box 6504, Titusville, Fla. 32780, telephone 305-867-4820.

FOR FURTHER INFORMATION CONTACT:

Stephen R. Vehrs, Refuge Manager, (same address).

SUPPLEMENTARY INFORMATION: The primary author of this document is Stephen R. Vehrs.

BACKGROUND

Merritt Island National Wildlife Refuge is proposing regulations governing commercial fishing within its boundaries. Some of the areas open to commercial fishing are also open to public sport fishing, boating, hunting, photography, and nature observation. Additionally, portions of the Refuge are within the Kennedy Space Center security area and are closed to commercial fishing. The proposed regulations will reduce conflicts between commercial fishermen, sport fishermen and the other special interest groups using the Refuge and designated areas closed to commercial fishing. Commercial fishing in the Merritt Island National Wildlife Refuge, Titusville, Fla., is permitted by special use permit in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of the refuge which are open to commercial fishing are designated by signs and/or delineated on the refuge map. As provided by 50 CFR 26.34, the Service hereby proposes the following special regulations:

§ 26.34 Special regulations concerning public access, use, and recreation on individual national wildlife refuges.

FLORIDA

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

1. Fishing is permitted in the open waters of the Indian River, Banana River, and Mosquito Lagoon except for the Kennedy Space Center security areas.

2. No more than 20 total fish daily may be taken from the K.A.R.S. Marina in the banana River or Eddy Creek "trout hole" in Misquito Lagoon during the period October 1-March 31 annually, by any individual sport or commercial fishermen.

3. A refuge annual Special Use Permit is required of persons who commercially fish or crab on Merritt Island, N.W.R. The permit is available at the refuge headquarters, subject to an annual permit fee of $5 In addition, an annual $20 docking and gear storage fee will be charged individual commercial fishermen using the former Beacon 42 Fish Camp. A numbered site will be assigned each permittee. The maintenance and upkeep of each site will be the sole responsibility of the permittee. No overnight storage will be permitted at Haulover Canal (Bairs Cove).

4. Boat Launching on the refuge for commercial fishing between sunset and sunrise is permitted only at Beacon 42 Fish Camp and Bairs Cove. Air thrust boats are not allowed on refuge waters. Coast Guard approved life preservers shall be worn by persons in small craft less than 20 feet in length while these boats are in motion in the Indian River, Banana River, and Mosquito Lagoon within refuge boundaries.

5. A monthly commercial fishing report shall be submitted to the refuge manager, to include species and poundage of fish caught on the refuge. Non-compliance for two consecutive reporting periods subjects the permittees to cancellation of their annual permit.

6. Mosquito control impoundments are closed to commercial fishing year around except with specific written authorization from the refuge manager.

7. The Refuge will be closed to fishing at certain unannounced times during Space Center operations. Local news sources will provide a security schedule for the Space Center.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

Dated: November 16, 1978.

JOHN C. OBERHEU,
Acting Area Manager.

[FR Doc. 78-32977 Filed 11-22-78; 8:45 am]

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 611]

TRAWL FISHERIES OF WASHINGTON, OREGON, AND CALIFORNIA

Second Supplement to the Final Environmental Impact Statement/Preliminary Fishery Management Plan; Hearings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public hearings.

SUMMARY: The National Marine Fisheries Service will conduct a series of hearings on the proposed 1979 changes in the Preliminary Fishery Management Plan (PMP), as amended and the Final Environmental Impact Statement for the Trawl Fisheries of Washington, Oregon, and California. The PMP governs foreign fishing for Pacific hake and jack mackerel in the fishery conservation zone off Washington, Oregon, and California.

Under this proposed amendment, the total allowable catch (TAC) for Pacific hake will be 198,900 metric tons. Twenty percent of the hake TAC is set aside in reserve; the estimated domestic annual harvest (DAH) is 50,000 mt of hake, and the total allowable level of foreign fishing (TALFF) for hake is 109,120 mt. For the jack mackerel fisheries the proposed TAC is 55,000 mt, DAH is estimated to be 51,000 mt and TALFF is 4,000 mt. No significant adverse economic or environmental effects are anticipated as a result of the proposed amendment.

DATE: See below.

ADDRESSES: See below.

DATES, TIMES, AND LOCATIONS:

Dates and time 1978	City	Location
Dec. 12, 1:30 p.m..	Seattle, Wash.	Northwest and Alaska Fisheries Center, NMFS, 2725 Montlake Boulevard East, Seattle, Wash. 98112.
Dec. 13, 1:30 p.m..	Astoria, Oreg.	Commission Meeting Room, the foot of Portway Street, Pier 1, Astoria, Oreg. 97103, 503-325-4521.
Dec. 15, 9:00 a.m..	Eureka, Calif.	Red Lion Hotel 1929 4th Street, Eureka, Calif. 95501, 707-445-0844.

Written comments should be submitted to the contact person listed below prior to January 17, 1979, to receive full consideration in the amendment process.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald R. Johnson, Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Wash. 98109, 206-442-7575.

Copies of the Second Supplement to the Final Environmental Impact Statement/Preliminary Fishery Management Plan are available from the addressee shown above. A limited number of copies will also be available at the public hearings.

Dated: November 17, 1978.

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 78-32857 Filed 11-22-78; 8:45 am]

[3510-22-M]

[50 CFR Part 611]

TANNER CRAB OFF ALASKA

Proposed Regulations

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Proposed regulations.

SUMMARY: Section 611.91 regulating foreign fishing for Tanner crab off Alaska is again published in its entirety as proposed rulemaking for public comment. Several changes and additions are made to the previous proposed rules published on May 16, 1978 (43 FR 21170). Most of the changes are primarily editorial. In addition, § 611.91(b)(2) has been amended to make it clear that Tanner crab may be retained only by vessels conducting a directed fishery for Tanner crab. The total allowable level of foreign fishing (TALFF) will appear in § 611.20 instead of in § 611.91(b). Allocations to foreign nations will be announced by the Department of State. A new § 611.91(d)(2) provides that foreign vessels may not possess crab pots in the FCZ while engaging in any other fishery.

These proposed rules should be read in conjunction with the proposed Foreign Fishing Regulations as published in the FEDERAL REGISTER on November 2, 1978 (43 FR 51053), particularly Subpart A and § 611.90 which apply to the Tanner crab fishery. The proposed total allowable level of foreign fishing (TALFF) for Tanner crab in the Bering Sea is 15,000 metric tons. Comments are solicited on the proposed regulations as published herein.

DATE: Comments on the proposed rules will be received until November 30, 1978.

ADDRESS: Comments should be addressed to: Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235. Please mark the envelope "Alaska Tanner Crab."

FOR FURTHER INFORMATION CONTACT:

Mr. Harry Rietze, Director, Alaska Region, National Marine Fisheries Service, Box 1668, Juneau, Alaska, 99802, telephone 907-586-7221.

Signed at Washington, D.C. this 17th day of November, 1978.

(16 U.S.C. 1801 et seq.)

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

50 CFR 611.20 and 611.91 are amended to read as follows:

§ 611.20 (Amended).

In § 611.20 *Total allowable level of foreign fishing* (as proposed for 1979, 43 FR 51053, at 51100), in Table I, the entry for "501 and 610—crab, tanner—crab—Reserved" is amended to delete the reference to "Reserved" and to insert "15,000."

§ 611.91 Tanner crab fishery.

(a) *Purpose.* This section regulates foreign fishing for Tanner crab (all species of the genus Chionoecetes, including C. bairdi, C. opilio, and hybrids) in the Bering Sea.

(b) *Authorized fishery.* (1) Foreign vessels may engage in fishing only in accordance with applicable national allocations provided that the fishery has not been closed under § 611.15.

(2) The Tanner crab fishery may be conducted only as a directed fishery. Notwithstanding the fact that there may be an applicable national allocation of Tanner crab and the fact that a vessel may be permitted in the Tanner crab fishery in addition to the snail fishery and/or the Bering Sea and Aleutian Island fishery, Tanner crab caught while engaged in another fishery may not be retained.

(c) *General restrictions.* No foreign vessel may retain any female or soft shell Tanner crab. All female or soft shell Tanner crabs and all other species of crabs shall be immediately returned to the sea in a manner which minimizes handling mortality, and in accordance with § 611.13.

(d) *Gear restrictions.* (1) It shall be unlawful for a foreign vessel fishing for Tanner crab to use gear other than crab pots. A crab pot is defined as a portable structure designed and constructed to capture and retain crabs alive in the water.

(2) It shall be unlawful for a foreign fishing vessel to possess crab pots in the FCZ while engaging in any other fishery.

(e) *Open area.* Foreign fishing vessels may fish for Tanner crab in the Bering Sea, except as restricted in § 611.91(f).

(f) *Closed area.* No foreign vessel may fish for Tanner crab:

(1) Within 12 nautical miles of the baseline used to measure the U.S. territorial sea; (2) south of 58° N. latitude; or (3) east of 164° W. longitude.

(g) *Processing.* No foreign fishing vessel operating with a factory ship may process Tanner crabs. All crabs taken by such vessels must be processed solely by a factory ship permitted in the Tanner crab fishery.

(h) *Loading and off-loading.* Tanner crabs must be taken aboard factory ships in a manner in which an observer can verify the total weight of crabs taken aboard. Tanner crabs off-loaded within the fishery conservation zone from fishing vessels not operating with a factory ship must be transferred in a manner in which an observer can verify the total weight of the crabs off-loaded.

(i) *Predeparture inspection.* No foreign Tanner crab catching vessels, other than those operating with a factory ship, may depart from the fishing area until its catch of crabs onboard is checked by an observer or an authorized officer. Fishing is prohibited after the predeparture inspection.

(j) *Additional reports.* (1) *Daily report:* Foreign Tanner crab catching vessels, other than those operating with a factory ship, shall report daily to the Regional Director:

(i) Its 12 noon (G.m.t.) position,

(ii) The preceding day's catch by species (C. bairdi, C. opilio, and hybrids), and

(iii) Its cumulative catch.

(2) *Weekly catch report.* The weekly catch report (required by § 611.9(c)) shall be submitted to the Regional Director within 6 days following each 7-

day period, and contain additional information concerning:

(i) Effort in total pot lifts during the 7-day period, and

(ii) Catch in metric tons and number of crabs by species C. opilio, C. bairdi, and hybrids caught during the 7-day period.

(3) *Annual report.* Each nation whose vessels engage in this fishery shall report by May 30, of the following year annual catch and effort statistics as follows: Effort in number of pots hauled and hours pots soaked; catch in metric tons, and the number of Tanner crabs of the species C. opilio, C. bairdi, and hybrids. Each of these requirements is to be supplied by vessel class, by month, by ½° (lat.) by 1° (long.) statistical area, by the following species grouping: C. bairdi, C. opilio, and hybrids.

[FR Doc. 78-32978 Filed 11-22-78; 8:45 am]

notices

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

[3410-05-M]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

AGRICULTURAL CONSERVATION PROGRAM (ACP)

Proposal To Establish Policies, Guidelines and Procedures To Govern the 1979 Agricultural Conservation Program

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of proposed policies, guidelines, and procedures.

SUMMARY: ASCS proposes to establish policies, guidelines, and procedures to govern the 1979 Agricultural Conservation Program. This program provides financial incentives and assistance to agricultural producers to carry out soil and water conservation and pollution abatement practices and measures. A list of practices and measures thought to be consistent with the proposed policies, guidelines and procedures and, therefore, eligible for ACP assistance is also proposed.

DATES. This notice invites written comments on the proposed policies, guidelines and procedures. In order to be assured of consideration, comments must be received on or before December 26, 1978.

ADDRESS COMMENTS TO: Alan D. Durick, Acting Director, Conservation and Environmental Protection Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Room 3096 South Building, Washington, D.C. 20013. Comments will be available for public inspection at the Office of the Acting Director during regular business hours (8:15 a.m. to 4:45 p.m.)

FOR FURTHER INFORMATION CONTACT:

Gardner P. Smith, Deputy Director (ASCS), Washington, D.C. 20013, 202-447-5295.

SUPPLEMENTARY INFORMATION: This proposed action is being taken pursuant to the provisions of P.L. 95-448. The Agriculture, Rural Development, and Related Agencies Appropriations Act for fiscal year 1979. This act specified the general purposes and conditions under which financial assistance can be provided under ACP. On October 13, 1978, advance notice of forthcoming decisions on these matters was published (43 FR 47224). That notice invited comments, suggestions and other inputs from the public to be considered in the development of this proposal.

Subsequently, a revised notice was published on November 13, 1978 (43 FR 52507) stating that publication of the proposal would be postponed and that it would be necessary to reduce the comment period in the proposal from 60 to 30 days since the 1979 ACP must be operational by January 1, 1979.

A draft impact analysis is available from ASCS at the address listed above.

The environmental implications of the ACP have been thoroughly reviewed. A final program environmental impact statement (EIS) was issued in June 1974. The actions reflected in this proposal are reflected in the earlier EIS. Consequently, that document is considered applicable to this proposal.

PROPOSAL:

I. Program Objectives.

A. The objectives of the 1979 agricultural conservation program are:

1. To help ensure adequate supplies of food and fiber through the conservation of soil and water resources used in agriculture; and

2. To help prevent degradation of the human environment as affected by agriculture and to help provide for the enhancement of the environment where agricultural activities have caused it to deteriorate.

II. Achieving Program Objectives.

A. Policies.

1. Role of the Program.

a. The role of the Agricultural Conservation Program is to assist the owners and users of private agricultural lands and water to meet national conservation and environmental protection objectives.

b. The program's role is to be carried out by offering the minimum financial incentive or assistance necessary to insure the installation of measures and practices consistent with the achievement of national objectives.

c. In no event should the program be used to assume private responsibilities for the wise use and conservation agricultural resources and protection of the environment. Rather the program recognizes the public benefits from such measures and provides incentives to producers to voluntarily carry out such responsibilities.

2. Operation of the Program.

a. Financial incentives and assistance are to be provided only for those measures and practices that can be expected to provide effective, enduring solutions to conservation and environmental protection problems relating to the:

(1) Conservation of the productivity of the agricultural soil resource base;

(2) Conservation of water by increasing the efficiency of its use in agriculture;

(3) Protection and enhancement of the natural environment as affected by agricultural activities, especially as they relate to water quality;

(4) Avoidance of unnecessary increases in the private and social costs of producing agricultural commodities.

b. To avoid expenditure of funds that will not contribute to the objectives of the program, assistance will not be provided for measures and practices that are:

(1) Primarily production-oriented; or

(2) Have little or no soil or water conservation or pollution abatement benefits.

B. Guidelines.

1. Practice Lifespans.

a. To help ensure provision of enduring solutions to conservation and environmental protection problems, participants in the program must agree to maintain practices and measures for a specified minimum number of years (practice lifespan) as a condition of receiving financial incentives or assistance. Failure to maintain practices or measures for the specified lifespan will require that all or part of the Federal funds provided for the installation of the practice be refunded.

2. Cost-sharing.

a. To help ensure maximum achievement of program objectives with appropriated funds, the Federal share of the costs to install eligible practices and measures should be the amount necessary to ensure installation of practices or measures. To this end, the Federal cost-share should reflect the degree to which appropriate conservation or pollution abatement practices will be applied in the absence of financial assistance.

b. For annual agreements, cost-share levels up to 80 percent of the cost to install practices or measures are authorized. Higher rates may be author-

ized by the Secretary or his designee with proper justification.

c. For long-term agreements, cost-share levels of not less than 50 percent and not more than 75 percent of the costs to install practices and measures are authorized.

d. The Federal share of the cost to install conservation and pollution abatement practices should reflect the extent to which public benefits will be derived from it. Public benefits relate to offsite damages reduced by a practice or to conservation benefits that do not ordinarily provide sufficient short-term economic return to cause the producer to carry out the practice without the cost-share incentive. Federal and private cost-shares to install practices and measures should reflect public and private benefits to be realized from them.

e. The Federal share of the costs of installing practices and measures shall be reduced accordingly as the potential for short-term economic return from the practices increases. This applies only to practices yielding both conservation or pollution abatement and potential economic benefits. Practices yielding primarily economic benefits shall be considered as production-oriented and therefore, ineligible for assistance.

3. Practices and Measures Not Eligible for Assistance.

a. Incentives or assistance under the agricultural conservation program should not be provided in situations where applicants must install practices or measures as a condition of receiving assistance through other Federal programs. Specifically, ACP assistance should not be provided:

(1) For practices or measures representing the minimum protection required on set-aside acreage. This includes establishment of annual grasses, legumes, small grains, and temporary tillage operations, etc. (Cost-sharing for enduring practices on set-aside acreage may be authorized.)

(2) For non-cost-shared practices, measures, or other elements as required in the contracts of participants in the Great Plains Conservation Program or the Rural Clean Water Program or similar Federal Programs.

(3) For installation of practices or measures financed in total or in part through grants made by the Farmers Home Administration.

C. Eligible Practices.

1. Criteria for Determining Eligible Practices: To be eligible for cost-sharing under the agricultural conservation program, a practice or measure should meet all of the following criteria:

a. Provide solutions to problems relating to conserving soil and water resources or protection of the environment, or both; and

b. Yield benefits to the general public through the abatement or prevention of offsite pollution from agricultural activities or providing soil or water conservation benefits beyond what the participants can carry out using their own resources; and

c. Yield sufficient soil and water conservation or pollution abatement benefits so as to provide an effective solution to the problem addressed; and

d. Not yield sufficient short-term economic returns to the applicant that it may be considered as primarily production-oriented; and

e. Not violate the letter or spirit of Federal, State or local laws, executive orders, regulations, ordinances or other such instruments.

2. Practices thought to meet the proposed criteria and therefore eligible for cost-sharing assistance.

a. Prevention of soil loss from water and wind erosion.

(1) Permanent Vegetative Cover Establishment. This practice is intended to provide permanent protection to farm or ranch land subject serious wind or water erosion. There will be minimum lifespan of 5 years following the calendar year in which the seeding was made.

(2) Permanent Vegetable Cover Improvement. The purpose of this practice is to provide long-range protection to farm or ranch land subject to serious wind or water erosion through improvement of existing permanent vegetative cover. There will be a minimum lifespan of 5 years following the calendar year in which the improvement measures are carried out.

(3) Stripcropping Systems. This practice is intended to provide enduring protection to farm or ranch land subject to serious wind or water erosion by establishment of contour or field stripcropping systems. Cost-sharing will be limited to one time with a person on the same acreage and will reflect costs involved in establishing the strips. Practice lifespan is 5 years following year of installment.

(4) Terrace Systems. This practice is intended to provide maximum control of erosion and sedimentation from cropland. Practice lifespan is 10 years following year of installment.

(5) Diversions. This practice is intended for application where an erosion and sediment problem can be corrected by a single diversion facility as opposed to a terrace system. Subsurface drains essential to the effective operation of diversions are authorized under this practice. The practice lifespan is 10 years following year of installation.

(6) Grazing Land Protection. Cost-sharing is authorized for development of springs, seeps, wells, or dugouts, installing pipelines, storage facilities, cisterns, and artificial watersheds. The practice is intended to provide erosion control on range or pastureland by bringing about better grassland management to prevent destruction of cover due to over-concentration of livestock. The practice lifespan is 10 years following the year of installation.

(7) Windbreak Restoration or Establishment. This practice is applicable to farm or ranch land in need of protection from serious wind erosion. Cost-sharing for planting trees and shrubs for field and farmstead windbreaks is authorized. Practice lifespan is 10 years following year of installation.

(8) Cropland Protective Cover. The purpose of this practice is to provide needed protection from severe erosion on cropland between crops or pending establishment of enduring protective vegetative cover. A good stand and growth must be obtained and must be maintained on the land for a specified period. Assistance will be reduced if the growth is to be grazed or harvested for forage or seed except that grazing or haying may be approved in a designated emergency.

(9) Conservation Tillage Systems. This practice is intended to demonstrate a substantial reduction in soil loss by reducing the tillage operations used in producing a crop. The reduced tillage operations and crop residue management must be performed annually. Therefore, cost-sharing will be limited to only one time with a person. The lifespan is 3 years following the year of installation.

(10) Permanent Vegetative Cover on Critical Areas. Cost-sharing is authorized for measures to stabilize a source of sediment or other pollutant such as gullies, banks, private roadsides, field borders, and similar problem areas. Consideration should be given to establishing cover beneficial to wildlife. Cost-shares for filter strips are authorized. The practice lifespan is 5 years following the year of installation.

(11) Vegetative Row Barriers. This practice is intended to protect cropland from erosion by planting rows of vegetative barriers at intervals across the field. It is an alternative to Windbreak Restoration or Establishment in areas where trees are not practical because of farming methods. The lifespan is 5 years following the year of installation.

(12) Contour Farming. This practice is designed to reduce sediment or pollution from non-terraced cropland subject to serious wind or water erosion. Cost-sharing will be limited to one time with a person on the same acreage. Practice lifespan is 3 years following year of establishment.

b. Solutions to Water Conservation Problems.

(1) Water Impoundment Reservoirs. Assistance for this practice will require erosion control as a purpose along with water conservation. Structures which provide multiple benefits in addition to erosion control and water conservation will be encouraged. That is, special consideration will be given to environmental and wildlife enhancing features. The practice lifespan is 10 years following year of installation.

(2) Spreader Ditches and Dikes. The purpose of this practice is to divert and spread water in low areas to prevent erosion, to permit efficient beneficial use of runoff, and to replenish ground water supply. The practice lifespan is 10 years following year of installation.

(3) Rangeland Moisture Conservation. Cost-sharing is authorized for furrowing, chiseling, rippling, scarifying, pitting, or listing to reduce runoff volume and velocity and to improve water penetration and reduce soil loss. The practice lifespan is 5 years.

(4) Irrigation Water Conservation. This practice must conserve water, or prevent erosion, and reduce pollution of water or land. Cost-sharing is applicable to the reorganization of existing systems on land currently under irrigation, where irrigation will continue, for which an adequate supply of suitable water is available, and where a significant soil or water conservation problem will be solved. The practice lifespan is 10 years following year of installation.

c. Solutions to Water Quality Problems.

(1) Sediment Retention, Erosion or Water Control Structures. This practice is designed to control erosion, including sediment and chemical runoff, from a specific problem area thereby preventing or reducing pollution of water. The practice lifespan is 10 years following year of installation.

(2) Stream Protection. The purpose of this practice is to protect streams from sediment or chemicals by installing vegetative filter strips, protective fencing, livestock crossing, or similar measures. This is not a streambank stabilization practice. The practice lifespan is 10 years following year of installation.

(3) Sod Waterways. This practice is designed to provide a waterway to safely convey excess water across fields at non-erosion velocities into watercourses or impoundments. The waterway is to be protected from erosion and should reduce pollution by filtering out pollutants through the establishment of a sod cover of perennial grasses and/or legumes. The practice lifespan is 10 years following year of installation.

(4) Animal Waste Control Facilities. This practice is designed to provide facilities for the storage and handling of livestock and poultry waste so such waste can be recycled into the land in a manner so as to prevent or abate pollution which would otherwise result from livestock or poultry operations. The practice lifespan is 10 years following year of installation.

(5) Water Management Systems for Pollution Control. This practice is intended for management of water where necessary to maintain the productive capacity of the soil through removal of saline water or removing contaminated water for pollution abatement. This practice is not authorized for drainage of wetlands or soil with high water table. Practice lifespan is 10 years following year of installation.

d. Conservation of Soil and Water Through Forestry.

(1) Forest Tree Plantations. This practice is intended to establish trees or shrubs for forestry purposes and soil protection. Special emphasis under ACP will be given to stabilizing areas subject to wind or water erosion. The practice lifespan is 10 years following year of establishment.

(2) Forest Tree Improvement. This practice is applicable to existing stands of forest trees. It is intended to jointly improve and protect desirable trees for timber production and to provide soil protection. Consideration should be given to the effect of the practice on erosion control, wildlife, and general environmental enhancement. The practice lifespan is 10 years following the year of installation.

e. Conservation of Wildlife Habitat.

(1) Permanent Wildlife Habitat. This practice is intended to provide permanent cover to areas by establishing a permanent stand of trees, shrubs, grasses, and legumes, which also provide good permanent wildlife cover and food. The practice lifespan is 5 years following the year of installation.

(2) Shallow Water Areas for Water Fowl. The purpose of this practice is to develop new or rehabilitate deteriorated shallow water to a condition that will support food, habitat, and cover for wild aquatic birds and animals. Cost-sharing is authorized for mechanical measures to construct dams, levees, or dikes for impounding water and for planning food plots or protective cover in the flooded area and on embankments. The practice lifespan is 10 years following the year of installation.

f. Procedure for Approval of Additional Practices.

(1) Where local soil and water conservation or pollution abatement problems exist for which the practices and measures listed under paragraph II.C.2 above do not provide effective, least-cost soltions, county ASC Committees may seek approval of additional practices from the Secretary or his designee provided that:

(a) The proposal practice or measure will help achieve program objectives by meeting the criteria for eligible practices listed under paragraph II.C.1 above; and

(b) The proposed practice or measure will be cost-shared and applied in a manner consistent with the policies and guidelines governing the program; and

(c) The proposed practice has been approved by the State ASC Committee.

(2) The Secretary may require that requests for approval of practices not in the State program include the following information:

(a) A description of the nature, extent and severity of the problem to be addressed by the proposed practice;

(b) A description of the means by which the proposed practices or measure will solve the problem;

(c) A description of the nature and estimate of the extent of the offsite or other public benefits to be derived from an application of the practice or measure;

(d) A description of the nature and estimate of the extent of the private benefits to be derived from the application of the practice or measure;

(e) An estimate of the average cost per unit (acre, animal unit, etc.) to install the proposed practice or measure;

(f) A description of the elements of practice installation (grading, seeding, fertilizer, etc.) to be cost-shared;

(g) A statement of the percentage rate or range or rates at which the Committee proposes to offer cost-sharing assistance for the practice.

Signed at Washington, D.C., on November 20, 1978.

STEWART N. SMITH,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 78-33051 Filed 11-22-78; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Dockets 33090 and 23080-2; Order 78-11-81]

AAT AIRLINES, INC. D/B/A AIR SUNSHINE

Rates of Compensation; Priority and Nonpriority Domestic Service Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of November 1978.

In the matter of petition of AAT Airlines, Inc. d/b/a Air Sunshine for Determination of the rates of compensation pursuant to section 406 of the Federal Aviation Act, as amended (Docket 33090) and in the matter of

priority and nonpriority domestic service mail rates—phase II (Docket 23080-2): Order to show cause.

AAT Airlines; Inc. d/b/a Air Sunshine (AS) has an exemption from the provisions of section 401 which allows it to transport mail in conformance with the provisions of Agreement CAB 21946-A2.[1] In March 1976, AS began carrying mail in the Miami-Key West market at the multielement rates of 5 cents (Southbound) and 19 cents (Northbound) per pound-mile, the temporary service mail rates fixed by the Board in the *Priority and Nonpriority Service Mail Rate Investigation*, Docket 23080-2. Subsequently, the Postal Service advised AS that on the basis of the rates established by Order 77-12-157, AS had been overpaid by approximately $27,000.

On July 25, 1978, AS filed a petition with the Board for determination of the rate of compensation for the transportation of mail by AS between Miami and Key West via Marathon, Florida, from March 1, 1976 forward.[2] AS contends that the fair and reasonable rate of compensation is the rate which the Postal Service initially paid to AS, 5 cents and 19 cents per pound-mile. Relying on contract theory, AS contends that when it accepted the Postal Service's offer to carry mail at 5 cents and 19 cents, a contract was formed which the Board should enforce.[3] Alternatively, if no contract was formed, there are no rates in effect for the transportation of mail by AS, and the Board should establish the rate initially offered by the Postal Service as the fair and reasonable rate of compensation for the services involved.

Applying principles of equity, AS argues that it would be unfair and unlawful to bind it to Board orders in *Priority and Nonpriority Service Mail Rates—Phase II*, Docket 23080-2, because AS had no notice or knowledge of the existence of that docket; the Postal Service should have advised AS that mail rates were under review in Docket 23080-2; and the record in Docket 23080-2 closed five months before AS began transporting mail. Therefore, AS urges that the Board should not allow the Postal Service to gain an advantage from allegedly unfair or illegal acts.

In response to AS's petition, the Postal Service filed a motion to dismiss, alleging that AS has not complied with 14 CFR 302.303, which requires AS to submit an economic justification to support the reasonableness of the rates proposed; that AS has misstated certain facts; and that *TWA v. Civil Aeronautics Board*, 336 U.S. 601 (1949) prohibits the Board from fixing rates retroactively.

The Postal Service, in addition to moving to dismiss AS's petition, filed a motion in Docket 23080-2 to include AS in that docket in which the Postal Service argues that AS replaced Southeast Airlines as the substitute carrier for National Airlines in the Miami-Key West market and is bound by the orders which included Southeast in Docket 23080-2; AS was or should have been aware that the Postal Service intended to compensate AS at the rates provided in Docket 23080-2, because the Postal Service sent AS a check for fuel adjustment which referred to Orders 74-10-74 and 76-12-60 issued in Docket 23080-2; and the temporary service mail rates should be made applicable to AS because otherwise no rates are in effect for AS's services, since no contract for the carriage of mail was formed between AS and the Postal Service.

AS filed an answer in Docket 23080-2 reiterating the arguments it made in Docket 33090 and raising due process claims, and the Postal Service filed a reply.[4]

Examining the claims of AS, we see no justification to support its contention that the fair and reasonable rates are 5 cents and 19 cents. We agree with the Postal Service that no contract was formed between AS and the Postal Service for the carriage of mail, because the Postal Reorganization Act at 39 U.S.C. § 5402 specifically delineates the conditions and terms under which the Postal Service may engage in contracting; and the instant situation is beyond the scope of the Postal Service's contracting authority. AS's equity argument turns on the issue of notice and is fraught with factual questions, which, if decided against AS, would put the equities in favor of the Postal Service. In any event, the equities are not determinative of this situation.

Turning to the claims of the Postal Service, under Part 302 of the Board's Rules of Practice, a petition to fix and determine the fair and reasonable rates of compensation for the transportation of mail must specify the rate to be established and must be supported by a detailed economic justification. Even though AS's petition may not be in strict compliance with these requirements, we have determined that no useful purpose would be served by holding AS to the strict letter of the rule.[5] Addressing the issue of retroactive application of rates, the Postal Service has misapplied the holding in *TWA v. Civil Aeronautics Board, supra*, because on several occasions the Board has held that when an air carrier commences mail transportation prior to petitioning for an initial mail rate, the Board can make such rate effective from the commencement of the carrier's operations.[6] Lastly, as stated above, the question of notice and knowledge of Docket 23080-2 is not determinative of the issues in this case.

Allowing that AS may not have maintained detailed records to justify its petition, it is still entitled to fair and reasonable compensation for its services. Therefore, we have decided to issue an order to show cause why we should not set the final rate determined by Order 78-11- as the fair and reasonable compensation to be paid to AS by the Postmaster General for AS's services in the Miami-Key West market. After years of considering evidence in Docket 23080-2, today the Board has fixed and determined final domestic service mail rates for the open period commencing March 23, 1973, and for the future. The final rates apply to trunklines, Pan American, local service carriers, section 401 all-cargo carriers, and numerous air taxi/commuter operators. Since the Board has found the final service mail rates fair and reasonable for similar service, we have tentatively decided that these rates are fair and reasonable for AS.

It is unfortunate that AS was not formally made a party to Docket 23080-2, because the present dispute could have been avoided. However, we note that in Order 76-2-76, which granted AS authority to carry the mail, AS was put on notice that its rate of compensation would be computed in accordance with the rates established in Docket 23080-2. In that order, the Board approved an agreement between National Airlines and AS, which substituted AS for Southeast Airlines as the replacement carrier in the Miami-Key West market during the pendency of National's suspension, stating that AS's "proposed replacement services should offer the USPS continued benefits without any increase in cost." Since National and Southeast were already included in

[1] Order 76-2-76 granted AS exemption relief and approved an agreement between National Airlines and AS which substituted AS as the replacement carrier for Southeast Airlines in the Miami-Key West market during National's suspension.

[2] AS amended this petition on August 9, 1978, after the Postal Service moved to dismiss the petition for failure to comply with 14 CFR 302.303. On August 15, 1978, the Postal Service moved to dismiss AS's amended petition.

[3] In a letter dated February 19, 1976, to AS, the Postal Service quoted rates of $0.056618 (Miami-Key West) and $0.191088 (Key West-Miami) per pound-mile, and AS claims that this letter was an offer leading to a contract.

[4] The Postal Service's reply was accompanied by a motion for leave to file an unauthorized document, which we will grant.

[5] *Cf., Service Mail Rates for Air Midwest, Inc.*, Order 77-2-121.

[6] *Cf., Byers-Brennan, Mail Rates*, 17 CAB 1, 5 (1953); *Northwest Air Transpacific Mail Rates*, 16 CAB 722, 748 (1953); *Cordova Air Service, Mail Rates*, 15 CAB 604, 607-08 (1952).

Docket 23080-2, it was the Board's intent that AS be compensated based on rates established in that docket,

Based on the foregoing, the Board tentatively finds and concludes that:

1. On and after the date of commencement of AS's mail transporting operations, the fair and reasonable temporary rates of compensation to be paid by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and for the services connected therewith, to AS for operations between Miami and Key West and for other operations which AS may hereafter undertake are the final rates established in Docket 23080-2.

We will give interested persons 10 days after the date of service of this order to file a notice of objection to the tentative findings and conclusions. If such notice is filed, a written answer and any supporting documents shall be filed within 30 days after the service of this order. All further proceedings will be in accordance with the Rules of Practice, 14 CFR Part 302.

Accordingly, pursuant to the Federal Aviation Act, as amended, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302,

1. We grant Air Sunshine's petition for the establishment of domestic service mail rates;

2. We deny the Postmaster General's motion to dismiss;

3. We grant the Postmaster General leave to file an unauthorized document;

4. Except to the extent granted, we deny the relief requested by the Postmaster General in Docket 23080-2;

5. We direct all interested persons, particularly Air Sunshine and the Postmaster General, to show cause why the Board should not adopt the foregoing findings and conclusions and fix, determine and publish the final rates and charges specified;

6. Further proceedings shall be in accordance with the Rules of Practice, 14 CFR Part 302, and if there is any objections to the rates and charges or to the other findings and conclusions proposed, notice thereof shall be filed no later than November 27, 1978, and, if notice is filed, written answer and supporting documents shall be filed no later than December 18, 1978; and

7. We shall serve a copy of this order upon the Postmaster General and Air Sunshine.

We shall publish this order in the FEDERAL REGISTER.[7]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-33025 Filed 11-22-78; 8:45 am]

[7] All Members concurred.

[6320-01-M]

[Docket No. 33229; Order 78-11-74]

AIRCAIR SERVICES LTD., YELLOW BIRD AIR

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 November 1978.

By application filed August 18, 1978, Aircair Services Ltd. d/b/a Yellow Bird Air requests a foreign air carrier permit to engage in charter foreign air transportation of persons and their accompanied baggage, and planeload charter foreign air transportation of property, between any point or points in Canada and the United States, using "small aircraft."[1] The application is filed pursuant to the Nonscheduled Air Service Agreement executed on May 8, 1974, by the Governments of the United States and Canada.

No answers to Aircair Services Ltd.'s application for a foreign air carrier permit have been filed.

FITNESS OF THE APPLICANT

Aircair Services Ltd. is incorporated pursuant to the laws of the Province of British Columbia, as set forth in the Companies Act. The Canadian Air Transport Committee has issued Aircair Services Ltd. a class 4 license which provides for the operation of charter commercial air services within Canada for the transport of persons or goods originating in Vancouver, British Columbia. The applicant has also obtained from the Air Transport Committee a class 9-4 license which authorizes the holder to operate charter commercial air services between Canada and international points from a base at Vancouver, British Columbia. Aircair Services Ltd. is restricted in its international operations to the use of one DC-3 aircraft with a 30-passenger seating capacity and a cargo capacity of 7,000 pounds. Aircair Services Ltd. also holds an operating certificate which permits the corporation to operate between points that can be safely served in North America from a base at Vancouver International Airport, British Columbia, using one DC-3 aircraft. This operating certificate was issued by the Canadian Department of Transport, Civil Aviation Branch.

The applicant's balance sheet as of December 31, 1977, shows total assets of $97,490 of which $3,400 is shown as current assets. On the liabilities side, the company shows current liabilities of $6,813 and total liabilities of $87,104, resulting in total shareholder's equity of $10,386. Aircair Services Ltd. showed a net profit of $924 for the year ended December 31, 1977, which gave the corporation retained earnings of $386 on this date. Aircair Services Ltd. owes $63,000 to the Royal Bank of Canada and $15,000 to Patricia J. Sandison, Secretary of the company.

The applicant states that it has had no safety or tariff violations in the last five years, nor have there been any major aircraft accidents during this period.[2] Furthermore, the applicant has stated that it will comply with all necessary insurance conditions.

"PUBLIC INTEREST" IN AWARD OF THE AUTHORITY SOUGHT

The applicant relies on the Nonscheduled Air Service Agreement signed by the Governments of Canada and the United States of America on May 8, 1974, as the basis for the grant of the requested authority. By diplomatic Note No. 195, dated April 27, 1978, the Government of Canada designated the applicant under the agreement to perform charter services with small aircraft.

OWNERSHIP AND CONTROL

The only shareholders, officers, directors, and management personnel of the corporation are Clifford Sandison (President, Director and majority shareholder), Patricia J. Sandison (Secretary, Director, and shareholder), Margot Furk (Treasurer, Director, and shareholder), and Robert Furk (Director and shareholder). All of the stockholders, officers, directors and management personnel of the corporation are Canadian citizens. Likewise, all creditors to the applicant are Canadian. The applicant states that neither it, nor any of its directors, officers or shareholders own any interest or any shares of common stock in any United States carrier, any other Canadian or other foreign carrier, any person engaged in a phase of aeronautics, any common carrier or in any person whose principal business is the holding of stock in, or control of any such entities, with the following exception: Mrs. Joan Sandison, shareholder, Director and Secretary of the company, holds 2,000 common shares of Okanagan Helicopters Ltd., a Canadian company, operating internationally. The issued ordinary shares of this company, which trades on the Montreal, Toronto and Vancouver Stock Exchanges, was 1,031,000 for the fiscal year ending in 1978. She holds no of-

[1] "Small aircraft" are defined by the Nonscheduled Air Service Agreement as aircraft which are not "large aircraft." "Large aircraft" are defined as aircraft having both (a) a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds, and (b) a maximum authorized takeoff weight on wheels greater than 35,000 pounds.

[2] The only aircraft accident involved collision with a ground vehicle which resulted in damage to a propeller. This accident did not result in the death or injury of anyone.

fices or directorships, nor is in any way connected with the operation or management of Okanagan.

In view of the foregoing and all of the facts of record, the board tentatively finds and concludes that:

1. It is in the public interest to issue a foreign air carrier permit to Aircair Services Ltd. d/b/a Yellow Bird Air authorizing it to engage in charter foreign air transportation with small aircraft of persons and their accompanied baggage, and planeload charters of property between any point or points in Canada and any point or points in the United States;

2. Aircair Services Ltd. d/b/a Yellow Bird Air is fit, willing, and able properly to perform the charter foreign air transportation described in the specimen permit, and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board;

3. The public interest requires that the exercise of the privileges granted by the 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;

4. Aircair Services Ltd. d/b/a Yellow Bird Air is substantially owned and effectively controlled by nationals of Canada;

5. The proposed issuance of Aircair Services Ltd. d/b/a Yellow Bird Air's foreign air carrier permit will not constitute a "major regulatory action" under the Energy Policy and Conservation Act as defined in subsection 313.4(a)(1) of the Board's Regulations; [3]

6. An oral evidentiary hearing is not required in the public interest; [4] and

7. Except to the extent granted, the application of Aircair Services Ltd. d/b/a Yellow Bird Air in Docket 33229 should be denied.

Accordingly,

1. We direct all interested persons to show cause why the Board should not (1) make final the tentative findings and conclusions, and (2) subject to the disapproval of the President pursuant to section 801 of the Act, issue a foreign air carrier permit to Aircair Services Ltd. d/b/a/ Yellow Bird Air in the specimen form attached.

2. Any interested person objecting to the issuance of an order making final the tentative findings and conclusions and issuing the foreign air carrier permit shall, no later than December 11, 1978, file with the Board and serve upon the persons named in paragraph 5, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to, together with a summary of testimony, statistical data, and concrete evidence relied upon in support of the objections. If an oral evidentiary hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which he could not establish in written pleadings. Any interested person who wishes to answer these objections shall file such answers no later than December 21, 1978;

3. If timely and properly supported objections are filed, we will accord further consideration to the matters and issues raised by the objections before further action is taken by the Board; *Provided*, that the Board may enter an order in accordance with the tentative findings and conclusions, if it determines that there are no factual issues present that warrant the holding of an oral evidentiary hearing; [5]

4. In the event no objections are filed, we will waive all further procedural steps and the Secretary shall enter an order which (1) shall make final the Board's tentative findings and conclusions set forth in this order, and (2) subject to the disapproval of the President, shall issue a foreign air carrier permit to the applicant in the specimen form attached; and

5. We shall serve a copy of this order upon Aircair Services Ltd. d/b/a Yellow Bird Air, the Ambassador of Canada in Washington, D.C. and the U.S. Departments of State and Transportation.

We shall publish this order in the FEDERAL REGISTER and transmit a copy to the President of the United States.

By the Civil Aeronautics Board: [6]

PHYLLIS T. KAYLOR,
Secretary.

SPECIMEN PERMIT

UNITED STATES OF AMERICA, CIVIL AERONAUTICS BOARD, WASHINGTON, D.C.

PERMIT TO FOREIGN AIR CARRIER FOR SMALL AIRCRAFT OPERATIONS

Aircair Services Ltd. d/b/a/ Yellow Bird Air is authorized, subject to the provisions set forth, the provisions of the Federal Aviation Act of 1958 and the Board's orders, rules, and regulations, to engage in charter foreign air transportation, as follows:

Charter flights with respect to persons and their accompanied baggage, and planeload charter flights with respect to property, between any point or points in Canada and any point or points in the United States.

The holder shall be authorized to perform those types of charters originating in Canada as are now, or may be, prescribed for carriage by small aircraft in Annex B(III)(B) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including amendments, supplements, reservations, or supersessions to that Agreement: *Provided*, That any such charters may be performed only to the extent authorized by the Air Carrier Regulations of the Canadian Transport Commission applicable to operations by small aircraft, and the authority of the holder to perform such charters shall be subject to those Regulations. [7] The authority of the holder to perform United States-originating charters shall, in accordance with Annex B(III)(A) of the Nonscheduled Air Service Agreement, be limited to commercial air transportation of passengers and their accompanied baggage, and property, on a time, mileage or trip basis, where the entire planeload capacity of one or more aircraft has been engaged by a person for his own use or by a person for the transportation of a group of persons and/or their property, as agent or representative of such group, or such small aircraft operations as may be authorized pursuant to any amendment, supplement, reservation or supersession to that Agreement.

This permit shall be subject to the following terms, conditions, and limitations:

(1) In the performance of the charter operations authorized by this permit, the holder shall not use "large aircraft" as defined in Annex A(IX)(A) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including amendments, supplements, reservations, or supersessions to that Agreement.

(2) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any property or persons whose journey includes a prior, subsequent, or intervening movement by air (except for the movement of passengers independently of any group) to or from a point not in the United States or Canada: *Provided*, That the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved.

(3) The holder shall not perform United States-originating charter flights which at the end of any calendar quarter would result in the aggregate number of all United States-originating charter flights performed by the holder on or after May 8, 1974, exceeding by more than one-third the aggregate number of all Canadian-originating charter flights performed by the holder on or after May 8, 1974: *Provided*, That the Board may authorize the performance of

---

[3] This is not an action with environmental consequences. See subsection 312.2(a) of the Board's Procedural Regulations regarding Canadian carrier permits for small aircraft charter operations.

[4] Any interested persons objecting to the issuance of an order making final the Board's tentative findings and conclusions and issuing the attached permit, shall file such objection within 21 days from the date of service of this order.

[5] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[6] All Members concurred.

[7] Annex B(III)(B) presently authorizes Canadian-originating small aircraft charters of the types prescribed in section (II)(B); but only to the extent applicable to small aircraft pursuant to Canadian Transport Commission Regulations. The applicable types of charters presently authorized are: Single Entity Passenger, Single Entity Property, Pro Rata Common Purposes, and Inclusive Tour (in some instances split passenger charters are authorized).

charters not meeting the requirements set forth. For the purpose of making such computation the following shall apply:

(a) A charter shall be considered to originate in the United States (or Canada) if the passengers or property are first taken on board in that country, and shall be condidered as one flight whether the charter be one-way, round-trip, circle tour, or open jaw, even if a separate contract is entered into for a return portion of the charter trip from Canada (or the United States).

(b) The computation shall be made separately for (i) "small aircraft" flights of persons; and (ii) "small aircraft" flights of property.

(c) In the case of a lease of aircraft with crew for the performance of a charter flight on behalf and under the authority of another carrier, the flight shall be included in the computation if the holder is the lessee, and shall not be included if the holder is the lessor.

(d) There shall be excluded from the computation: (i) Flights utilizing aircraft having a maximum authorized takeoff weight n wheels (as determined by Canadian Transport Commission Regulations) not greater than 18,000 pounds; and (ii) flights originating at a United States terminal point of a route authorized pursuant to the Air Transport Services Agreement between the United States and Canada, signed January 17, 1966, as amended, or any agreement which may supersede it, or any supplementary agreement thereto which establishes obligations or privileges thereunder (if, pursuant to any such agreement, the holder also holds a foreign air carrier permit authorizing indicidually ticketed or individually waybilled service over such route, and provides some scheduled service on any route pursuant to any such agreement), when the flights serve either (a) a Canadian terminal point on the route, or (b) any Canadian intermediate point authorized for service on the route by the foreign air carrier permit.

(4) The holder may grant stopover privileges at any point or points on the United States only to passengers and their accompanied baggage moving on a Canadian-originating flight operating under a contract for round-trip charter transportation to be provided solely by the holder and as to which the same aircraft stays with the passengers throughout the journey; *Provided,* That the Board may authorize the performance of charters not meeting the requirements set forth.

(5) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

(6) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Canada for Canadian international air service.

(7) 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 equavalent to Annex 6 of th Chicago Convention.

(8) 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 Canada shall be parties.

(9) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB 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.

(10) 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 of 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 CAB Agreement 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.

(11) 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.

(12) The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Board.

This permit shall become effective on ————. 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 charter foreign air transportation authorized from the transportation which may be operated by carriers designated by the Government of Canada (or in the event of the elimination of part of the charter foreign air transportation authorized, 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 Canada in lieu of the holder, or (3) upon the termination or expiration of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974: *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 of any treaty, convention, or agreement to which the United States of America and Canada are or shall become parties.

The Civil Aeronautics Board has directed its Secretary to execute this permit and affix its seal, on the ————.

————,
Secretary.

[FR Doc. 78-33020 Filed 11-22-78; 8:45 am]

[6320-01-M]

[Docket No. 33978; Order 78-11-93]

ALITALIA LINEE AEREE ITALIANE, S.P.A., ET AL.

U.S.-Italy Fare Revisons

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of November 1978.

In the matter of United States-Italy fare revisions filed by Alitalia Linee Aeree Italiane, S.p.A., Transportes Aereos Portugueses and Trans World Airlines, Inc.: Order of suspension and investigation.

By tariff revisions filed for effectiveness November 23, 1978, Alitalia Linee Aeree Italiane, S.p.A. (Alitalia), proposes to increase U.S.-Italy basic-season normal economy fares by about 5 percent. Transportes Aereos Portugueses (TAP) also filed U.S.-Itlay basic-season normal economy fare increases, effective December 25, 1978, and Trans World Airlines, Inc. (TWA), filed tariffs proposing 5-7 percent increases in U.S.-Itlay basic-season normal economy fares, effective January 15, 1979[1]

In justification of its proposal, TWA states that: the Board previously suspended these economy fare increases along with those it filed for other U.S.-Europe markets;[2] the reasons for suspension, however, were not appropriate to U.S.-Italy fares; the current two-tier structure of economy fares in this market is exactly what the Board desires; the increases are moderate; the proposed fares would not result in excessive earnings; and the Board should permit the instant filing since the normal economy fare is "unbundled" in this market.

The Board has decided to suspend Alitalia's proposed increases in the

[1] Alitalia's and TAP's revisions are contained in Tariff C.A.B. No. 71, issued by Air Tariffs Corporation, Agent; TWA's revisions are contained in Tariff C.A.B. No. 37, issued by Trans World Airlines, Inc. The carriers offer two varieties of normal economy fares to and from Italy: (1) a "bundled" fare which permits unlimited stopovers; and (2) a lower-priced, partially "unbundled" fare with restricted stopover privileges. Alitalia's and TAP's unbundled fares permit one "free" stopover in each direction with additional ones available at an extra $30 each, and TWA's fare also allows one "free" stopover in each direction provided, however, it is taken in either the United States or Italy. Appendix A outlines the carriers' revisions as they apply in the New York-Rome market.

[2] Order 78-9-38, August 23, 1978.

normal economy fare, TAP's proposed increases in the limited-stopover fare, and TWA's proposed increases in both the normal fare and the limited-stopover fare. Alitalia and TAP have offered no justification for the increases, and TWA's arguments supporting the increases center on its allegation that the two-tier normal economy fare structure in the U.S.-Italy market is "exactly the unbundled fare structure desired by the Board," and therefore can be distinguished from normal fares in other U.S.-Europe markets. Yet in Order 78-9-38 suspending TWA's earlier proposal to increase normal economy fares, we expressed our doubt that the limited-stopover U.S.-Italy fares are truly cost-related, especially considering the existence of lower priced excursion fares with essentially identical costs.

The 60-day no-stopover, single-carrier fare, at $460 roundtrip in the New York-Rome market (basic season) is a confirmed-reservation fare for direct, point-to-point transportation. The only meaningful differences between this excursion fare and the "partially unbundled" normal fare are that the higher fare allows one stopover, may be sold on a one-way basis, and has no minimum/maximum-stay requirement. The length-of-stay requirement is a contrived one, unrelated to carrier costs, and it is inconceivable that the one stopover and one-way availability of the "unbundled" normal fare would increase carrier costs enough to justify the wide difference between the fares ($720 for the present one-stop normal fare versus $460 for the excursion fare).[3]

We note also that the current full-service normal fare from New York to Rome, at 9.76 cents per mile, displays almost an 8-percent inverse taper from the New York-London normal fare of 9.06 cents, and is considerably higher than the yields on normal economy fares offered by efficient, low-cost carriers from Dallas (8.25 cents), Atlanta (8.62 cents) and Miami (8.63 cents) to London. Even the one-stopover normal fare, if increased as TWA and TAP propose, would produce a yield (about 9 cents) approximating the yield on the full-service New York-London normal fare.

Thus it appears clear that the lower of the two U.S.-Italy normal fares, though partly unbundled in conditions, does not really reflect the cost changes associated with unbundling. Although it is a step in the right direction, it still incorporates costs for stopover and circuity services which a New York-Rome passenger does not use and—because he is allowed only one stopover in the United States or Italy—*cannot* use. The passenger is still being charged a fare level high enough to cover costs for services which he does not desire nor, under these circumstances, is allowed to use.

In Order 78-9-38, the Board reluctantly intervened to suspend economy fare increases, including those to Itlay, in a segment of the market where competition could not be relied on to temper increases. TWA's arguments do not convince us that we were in error, or that the existence of a partly unbundled normal fare between the United States and Italy, at even less unbundled levels, is evidence that competition is strong enough. We do not believe it is, and slightly decreasing normal economy fares by creating a lower, partly unbundled normal fare does not give the carriers *carte blanche* to increase the full-service normal fares.[4]

One thing should be clear. In suspending these and other fares, we are not simply pressing for an unbundled fare structure. While unbundling is desirable in that it presents the on-demand traveler with more choices, we encourage such fares mainly because we believe a competitive market would supply them. In a truly competitive market, we would not require unbundling, but it should be noted that under no circumstances can the U.S.-Italy market be considered a competitive market. Only three carriers currently operate between New York and Rome—Alitalia, Pan American and TWA—while a fourth, Air India, which provides relatively little service, cannot be considered a competitive factor. The Italians have regularly pressed us for capacity and frequency restrictions and have attempted to deny fare filings which differ from those filed by Alitalia. If any market is without competition, it is the U.S.-Italy market. While unbundled fares do exist is part, we are unable to conclude that, simply because of this fact, fares should be approved—particularly in view of the anticompetitive circumstances which prevail and the fact that we are not convinced that the fare offerings fully reflect possible cost savings. In view of these facts, we must continue to regulate fares in these markets, and our suspension represents our judgment that these increases are not required.

Accordingly, under the Federal Aviation Act of 1958, as amended, particularly sections 102, 204(a), 403, 801, and 1002(j) thereof,

1. We shall institute an investigation to determine whether the fares and provisions set forth in appendices B, C, and D hereof, and rules and regulations or practices affecting such fares and provisions, are or will be discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if we find them to be unlawful, to act appropriately to prevent the use of such fares, provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, we hereby suspend the tariff provisions specified in the attached appendix B and defer their use from November 23, 1978, to and including November 22, 1979, suspend the tariff provisions specified in the attached appendix C and defer their use from December 25, 1978, to and including December 24, 1979, and suspend the tariff provisions specified in the attached appendix D and defer their use from January 15, 1979, to and including January 14, 1980, unless otherwise ordered by the Board, and shall permit no changes to be made therein during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President[5] and it shall become effective on November 23, 1978;

4. We shall file copies of this order in the aforesaid tariffs and serve them upon Alitalia Lines Aeree Italiane, S.p.A., Transportes Aereos Portugueses, and Trans World Airlines, Inc.

We shall publish this order in the FEDERAL REGISTER.[6]

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-33024 Filed 11-22-78; 8:45 am]

[6320-01-M]

[Docket 33274; Order 78-11-76]

FREDERICTON FLYING CLUB, INC.

Application for a Foreign Air Carrier Permit; 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 November, 1978.

[3] Particularly since Alitalia flies non-stop.

[4] When we permitted implemenatation of the partly unbundled fare, we noted that the transatlantic fare structure, in general, often results in passengers paying very different fares for essentially the same transportation. Order 77-11-78, November 18, 1977. This kind of discrimination is still inherent in TWA's two-tier structure. For example, each of two Chicago-Rome non-discretionary passengers make a stopover. One stops in New York, and pays the lower, unbundled fare. The other, who stops in Paris, must pay the higher, bundled fare. By the same token, passengers may pay the same fare for different services. A Chicago-Rome passenger making no stopovers pays the same fare as one who stops in New York and, under TWA's rules, a passenger making two stops in one direction pays the same as travelers making three or more. Such anomalies would not exist in a truly competitive environment.

[5] We submitted this order to the President on November 9, 1978.

[6] Appendices A through D filed as part of the original document.

By application filed August 23, 1978, The Fredericton Flying Club, Inc., requests a foreign air carrier permit to engage in charter foreign air transportation of persons and their accompanied baggage, and planeload charter foreign air transportation of property, between any point or points in Canada and the United States, using "small aircraft."[1] The application is filed pursuant to the Nonscheduled Air Service Agreement executed on May 8, 1974, by the Governments of the United States and Canada.

No answers to the Fredericton Flying Club, Inc.'s application for a foreign air carrier permit have been filed.

Fitness of the Applicant for a Foreign Air Carrier Permit—The Fredericton Flying Club, Inc. is incorporated pursuant to the Canada Corporations Act. The Canadian Air Transport Committee has issued The Fredericton Flying Club, Inc. a class 9-4 license which authorizes the holder to operate charter commercial air services between Canada and International points from a base at Fredericton, New Brunswick.

The Fredericton Flying Club, Inc. is restricted in its operations to the use of Group A aircraft having a maximum authorized weight on wheels no greater than 4,300 pounds. The Fredericton Flying Club, Inc. also holds an operating certificate which permits the corporation to operate between points that can be safely serviced in North America from a base at Fredericton Airport, New Brunswick. This operating certificate was issued by the Canadian Department of Transport, Civil Aviation Branch.

The applicant's balance sheet as of December 31, 1977, shows total assets of $111,409 of which $29,597 is shown as current assets. On the liabilities side, the company shows current liabilities of $11,227 and total liabilities of $87,086 resulting in a surplus of $24,323. The Fredericton Flying Club, Inc. showed a net profit of $6,417 for the year ended December 31, 1977.

The carrier lists the following aircraft, which are either owned or leased, as available for charter service between Canada and the United States:

Type of aircraft	No.	Passenger seating capacity	Maximum payload in pounds
Piper PA 28-151	1	4	994
Cessna 172	1	4	965

The applicant states that it has had no safety violations and no significant Canadian tariff violations in the last five years; there have been no aircraft accidents resulting in deaths or injuries during this period. Furthermore, the applicant has stated that it will comply with all necessary insurance conditions.

"Public Interest" in Award of the Authority Sought—The applicant relies on the Nonscheduled Air Service Agreement signed by the Governments of Canada and the United States of America on May 8, 1974, as the basis for the grant of the requested authority. By diplomatic Note No. 320, dated July 12, 1978, the the Government of Canada designated the applicant under the agreement to perform charter services with small aircraft.

Ownership and Control—The Fredericton Flying Club, Inc. is a member club in good standing of the Royal Canadian Flying Clubs Association and there are no shares issued. All officers and directors of The Fredericton Flying Club, Inc. are Canadian citizens.

The applicant states that neither it, nor any of its officers or directors, have interests in any U.S. carrier or any Canadian or other foreign air carrier or any person engaged in a phase of aeronautics, or any common carrier, or in any person whose principal business is the holding of stock in, or control of any such entities.[2]

In view of the foregoing and all of the facts of record, the Board tentatively finds and concludes that:

1. It is in the public interest to issue a foreign air carrier permit to The Fredericton Flying Club, Inc., authorizing it to engage in charter foreign air transportation with small aircraft of persons and their accompanied baggage and planeload charters of property between any point or points in Canada and any point or points in the United States;

2. The Fredericton Flying Club, Inc. it fit, willing, and able properly to perform the charter foreign air transportation described in the specimen permit, and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board;

3. The public interest requires that the exercise of the privileges granted by the 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;

4. The Fredericton Flying Club, Inc. is substantially owned and effectively controlled by nationals of Canada;

5. The proposed issuance of The Fredericton Flying Club, Inc.'s foreign air carrier permit will not consititute a "major regulatory action" under the Energy Policy and Conservation Act as defined in subsection 313.4(a)(1) of the Board's Regulations;[3]

6. An oral evidentiary hearing is not required in the public interest;[4] and

7. Except to the extent granted, the application of The Fredericton Flying Club, Inc. in Docket 32840 should be denied.

Accordingly,

1. All interested persons are directed to show cause why the Board should not (1) make final the tentative findings and conclusions, and (2) issue a foreign air carrier permit to The Fredericton Flying Club, Inc. in the specimen form attached, subject to the disapproval of the President pursuant to section 801 of the Act.

2. Any interested person objecting to the issuance of an order making final the tentative findings and conclusions and issuing the foreign air carrier permit shall, no later than December 11, 1978, file with the Board and serve upon the persons named in paragraph 5, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to, together with a summary of testimony, statistical data, and concrete evidence relied upon in support of the objections. If an oral evidentiary hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which he could

[1] "Small aircraft" are defined by the Nonscheduled Air Service Agreement as aircraft which are not "large aircraft." "Large aircraft" are defined as aircraft having both (a) a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds, and (b) a maximum authorized takeoff weight on wheels greater than 35,000 pounds.

[2] However, some of the directors of The Fredericton Flying Club, Inc. hold shares in a small aircraft engine overhaul shop in Fredericton, New Brunswick.

[3] This is not an action with environmental consequences. See subsection 312.2(a) of the Board's Procedural Regulations regarding Canadian carrier permits for small aircraft charter operations.

[4] Any interested persons objecting to the issuance of an order making final the Board's tentative findings and conclusions and issuing to attached permit, shall file such objections within 21 days from the date of service of this order.

not establish in written pleadings. Any interested person who wishes to answer these objections shall file such answers no later than December 21, 1978;

3. If timely and properly supported objections are filed, we will accord further consideration to the matters and issues raised by the objections before further action is taken by the Board; *Provided*, that the Board may enter an order in accordance with the tentative findings and conclusions, if it determines that there are no factual issues present that warrant the holding of an oral evidentiary hearing;[5]

4. In the event no objections are filed, we will waive all further procedural steps and the Secretary shall enter an order which (1) shall make final the Board's tentative findings and conclusions set forth in this order, and (2) subject to the disapproval of the President, shall issue a foreign air carrier permit to the applicant in the specimen form attached; and

5. We shall serve a copy of this order upon The Fredericton Flying Club, Inc., the Ambassador of Canada in Washington, D.C. and the U.S. Departments of State and Transportation.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board:[6]

PHYLLIS T. KAYLOR,
Secretary.

UNITED STATES OF AMERICA, CIVIL AERONAUTICS BOARD, WASHINGTON, D.C.

PERMIT TO FOREIGN AIR CARRIER FOR SMALL AIRCRAFT OPERATIONS

The Fredericton Flying Club, Inc.

is authorized, subject to the provisions set forth, the provisions of the Federal Aviation Act of 1958 and the Board's orders, rules, and regulations, to engage in charter foreign air transportation, as follows:

Charter flights with respect to persons and their accompanied baggage, and planeload charter flights with respect to property, between any point or points in Canada and any point or points in the United States.

The holder shall be authorized to perform those types of charters originating in Canada as are now, or may be, prescribed for carriage by small aircraft in Annex B (III)(B) of the Nonscheduled Air Service Agreement between the United States and Canda, signed May 8, 1974, including amendments, supplements, reservations, or supersessions to that Agreement: *Provided*, That any such charters may be performed only to the extent authorized by the Air Carrier Regulations of the Canadian Transport Commission applicable to operations by small aircraft, and the authority of the holder to perform such charters shall be subject to those Regulations.[1] The authority of the holder to perform United States-originating charters shall, in accordance with Annex B(III)(A) of the Nonscheduled Air Service Agreement, be limited to commercial air transportation of passengers and their accompanied baggage, and property, on a time, mileage or trip basis, where the entire planeload capacity of one or more aircraft has been engaged by a person for his own use or by a person for the transportation of a group of persons and/or their property, as agent or representative of such group, or such small aircraft operations as may be authorized pursuant to any amendment, supplement, reservation or supersession to that Agreement.

This permit shall be subject to the following terms, conditions, and limitations:

(1) In the performance of the charter operations authorized by this permit, the holder shall not use "large aircraft" as defined in Annex A(I)(A) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including amendments, supplements, reservations, or supersessions to that Agreement.

(2) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any property or persons whose journey includes a prior, subsequent, or intervening movement by air (except for the movement of passengers independently of any group) to or from a point not in the United States or Canada: *Provided*, That the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved.

(3) The holder shall not perform United States-originating charter flights which at the end of any calendar quarter would result in the aggregate number of all United States-originating charter flights performed by the holder on or after May 8, 1974, exceeding by more than one-third the aggregate number of all Canadian-originating charter flights performed by the holder on or after May 8, 1974: *Provided*, That the Board may authorize the performance of charters not meeting the requirements set forth. For the purpose of making such computation the following shall apply:

(a) A charter shall be considered to originate in the United States (or Canada) if the passengers or property are first taken on board in that country, and shall be considered as one flight whether the charter be one-way, round-trip, circle tour, or open jaw, even if a separate contract is entered into for a return portion of the charter trip from Canada (or the United States).

(b) The computation shall be made separately for (i) "small aircraft" flights of persons; and (ii) "small aircraft" flights of property.

(c) In the case of a lease of aircraft with crew for the performance of a charter flight on behalf and under the authority of another carrier, the flight shall be included in the computation if the holder is the lessee, and shall not be included if the holder is the lessor.

(d) There shall be excluded from the computation:

(i) flights utilizing aircraft having a maximum authorized takeoff weight on wheels (as determined by Canadian Transport Commission Regulations) not greater than 18,000 pounds; and (ii) flights originating at a United States terminal point of a route authorized pursuant to the Air Transport Services Agreement between the United States and Canada, signed January 17, 1966, as amended, or any agreement which may supersede it, or any supplementary agreement thereto which establishes obligations or privileges thereunder (if, pursuant to any such agreement, the holder also holds a foreign air carrier permit authorizing individually ticketed or individually waybilled service over such route, and provides some scheduled service on any route pursuant to any such agreement), when the flights serve either (a) a Canadian terminal point on the route, or (b) any Canadian intermediate point authorized for service on the route by the foreign air carrier permit.

(4) The holder may grant stopover privilege at any point or points in the United States only to passengers and their accompanied baggage moving on a Canadian-originating flight operating under a contract for round-trip charter transportation to be provided solely by the holder and as to which the same aircraft stays with the passengers throughout the journey; *provided*, That the Board may authorize the performance of charters not meeting the requirements set forth.

(5) The Board, by order or regulation and without hearings, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

(6) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Canada for Canadian international air service.

(7) 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.

(8) 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 Canada shall be parties.

(9) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB 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.

[1] Annex B(III)(B) presently authorizes Canadian-originating small aircraft charters of the types prescribed in section (II)(B): but only to the extent applicable to small aircraft pursuant to Canadian Transport Commission Regulations. The applicable types of charters presently authorized are: Single Entity Passenger, Single Entity Property, Pro Rata Common Purpose, and Inclusive Tour (in some instances split passenger charters are authorized).

[5] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[6] All Members concurred.

(10) 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 of 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 CAB Agreement 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.

(11) 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 teritories or possessions) based upon any claim arising out of operations by the holder under this permit.

(12) The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Board.

This permit shall become effective on ————. 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 charter foreign air transportation authorized from the transportation which may be operated by carriers designated by the Government of Canada (or in the event of the elimination of part of the charter foreign air transportation authorized, 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 Canada in lieu of the holder, or (3) upon the termination or expiration of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974: *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 foregn air transportation authorized becomes the subject of any treaty, convention, or agreement to which the United States of America and Canada are or shall become parties.

The Civil Aeronautics Board has directed its Secretary to execute this permit and affix its seal, on the ————.

————
Secretary.

[SEAL]

[FR Doc. 78-33022 Filed 11-22-78; 8:45 am]

[6320-01-M]

[Docket 33275; Order 78-11-84]

NEW ORLEANS-WEST SERVICE INVESTIGATION

Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November, 1978.

By Order 78-8-122,[1] dated August 23, 1978, the Board instituted this investigation to consider "whether the public convenience and necessity require new or additional service between New Orleans, on the one hand, and Amarillo, Denver, Lubbock, Oklahoma City, Portland, Seattle, and Wichita, on the other hand."

Timely petitions for reconsideration were filed by five carriers requesting reconsideration and expansion of the scope of the proceeding. Also, motions for consolidation of applications into the investigation were filed by 13 carriers. The administrative law judge assigned to the case, acting pursuant to authority delegated to her by our instituting order, consolidated eight of the applications into the investigation because they "request authority within the current scope of the investigation," which she correctly stated to be "the need for additional nonstop service in seven New Orleans markets." [2] The judge deferred action on the five other motions for consolidation since the applications, although broader than our instituting order, were within the scope of the expanded investigation requested by the petitions for reconsideration and, therefore, should await the Board's decision on the petitions.

Two of the petitions (those of Continental and Eastern) ask for clarification as to whether our instituting order intended to make the seven named points linked with New Orleans intermediates as well as terminals. That was not our intention. We intended simply to place in issue nonstop authority in seven New Orlean's markets. A reading of the pleadings as a whole indicates that the parties clearly understood the scope of the proceeding.

The burden of the petitions for reconsideration is to seek to expand the proceeding. Braniff believes we should add Los Angeles/Chicago/Phoenix/Tucson-New Orleans. Western would add seven markets, including San Francisco/Las Vegas/Reno/San Diego/Tulsa-New Orleans.[3] Continental seeks to add Dallas/Ft. Worth-New Orleans. Finally, Delta suggests that the specific market of Tulsa-New Orleans be added and, more significantly, that the proceeding be scoped "so that the authority at issue is 'between and among' the various cities in the case," as was done in the *Florida Service Case*, Order 78-7-128.

Answers were filed by four parties. BPDA supports the expansion of the proceeding to include the new markets suggested by the carriers. However, it opposes Delta's request to expand the investigation to include authority "between and among" the named cities. Such a course, it asserts "would not merely expand the case, but change its nature." The *Florida Service Case*, it contends, "is not apposite" because it is concerned with the "needs of a limited geographic area." Continental's answer also opposes Delta's suggested expansion of the investigation to include authority "between and among" the named points. However, it supports the inclusion of the new named nonstop markets requested by Braniff, Western, and Delta. Its answer also proposes the inclusion of Kansas City-New Orleans. On the other hand, Delta's answer opposes the additional markets proposed by Braniff and Western as being outside the intended focus of the investigation. It also objects to the inclusion of Dallas/Ft. Worth-New Orleans, requested by Continental, on the ground that it was already under consideration by the Board in Docket 32315. Braniff's answer also raises the same objection and for the same reason. However, BPDA's answer apparently supports the addition of this market as requested by Continental.

The Board's instituting order contemplated the consideration of nonstop authority radiating from New Orleans to the cities named in its order so as to provide improved New Orleans-West service. The addition of the named markets suggested in the petitions for reconsideration filed by Braniff, Delta, and Western will further that objective without complicating or delaying the investigation unduly. However, inclusion of service "between and among" the named points, as Delta urges, would, on the expanded basis we are providing, result in a gargantuan area service proceeding covering all of the lower 48 States west of a line from Chicago to New Orleans. As BPDA asserts, this would change the nature of the proceeding as well as causing great delay. This investigation is in the mold of the *Oakland Service Case*, Docket 30699, the *Chicago-Midway Low Fare Route Proceeding*, Docket 30277, and the *Chicago-Midway Expanded Service Proceeding*, Docket 33019, rather than the geographically limited *Florida Service Case, supra*, relied on by Delta.

[1] The order was served on August 25, 1978. An erratum sheet, dated September 21, 1978, corrected the inadvertent omission of Lubbock from the scope of the case.

[2] Order 78-10-19, served October 10, 1978.

[3] Like Braniff, it also named Los Angeles/Phoenix-New Orleans.

We shall deny Delta's petition for reconsideration in this respect.

We shall not include the two markets proposed by Continental. Dallas/Ft. Worth-New Orleans is under consideration in *Nonstop Dallas/Ft. Worth-New Orleans Low Fare "Peanuts" Subpart M Application*, Docket 32315. Because expedited procedures are involved in that case it should reach final decision before this case and should not receive duplicative consideration here. The Kansas City-New Orleans market will also be excluded because it was first proposed in Continental's answer to the petitions for reconsideration, when replies by other parties are no longer permitted under our Rules of Practice. Continental had adequate opportunity to propose this market either by application or by petition for reconsideration. Since it failed to do so, we shall exclude the market here.

On the basis of the expanded scope of this investigation that we are establishing here, we shall grant the previously filed motions to consolidate applications filed by Continental in Docket 33439, Delta in Docket 33447, Ozark in Docket 33415, TXI in Docket 33431, and Amendment No. 2 of Braniff in Docket 31699,[4] but only to the extent that such applications conform to the scope of the investigation as set forth in this order.

In view of the changes we are making in the scope of the investigation instituted by Order 78-8-122, we shall provide for the filing of new applications, amendments to old applications, and motions to consolidate.[5]

A petition for intervention is pending on behalf of The Port of Seattle Commission, the City of Seattle, the County of King, The Seattle Chamber of Commerce, and the Puget Sound Traffic Association (the Seattle Parties). Each of these persons appears to have a sufficient economic interest in the investigation to justify their participation and no one has objected to their petition. We shall permit the Seattle parties to intervene.

ACCORDINGLY, THE BOARD:

1. Grants the petitions for reconsideration filed by Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., and Western Air Lines, Inc., to the extent indicated in this order and otherwise denies such petitions; 2. Expands the scope of this proceeding by amending paragraph 3 of Order 78-8-122 to include the following nonstop markets:

New Orleans—Los Angeles, Chicago, Phoenix, Tucson, San Francisco, Las Vegas, Reno, San Diego, and Tulsa.

3. Grants the motion of Braniff Airways to late-file Amendment No. 2 in Docket 31699.

4. Grants the motions to consolidate filed by Continental Air Lines in Docket 33439, Delta Air Lines in Docket 33447, Ozark Air Lines in Docket 33415, Texas International Airlines in Docket 33431, and Amendment No. 2 of Braniff Airways in Docket 31699 to the extent that such applications conform to the scope of this investigation and otherwise denies such motions;

5. Permits persons to file applications, amendments to applications, and motions to consolidate applications in this investigation to be filed within 10 days of the date of service of this order;[6]

6. Grants the petition of the Seattle parties for leave to intervene;

7. Directs all carriers filing applications or amendments to applications which they seek to have consolidated into this investigation to file environmental evaluations under section 312.12 of the Board's Regulations within 30 days of the date of service of this order;

8. Denies all other requests in this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:[7]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-33023 Filed 11-22-78; 8:45 am]

[4]Braniff's Amendment No. 2 was accompanied by a motion for leave to late-file. We shall grant the latter motion.

[5]We shall not entertain further petitions for reconsideration.

[6]We delegate to the presiding administrative law judge the authority to consolidate by order any applications or amendments to applications which conform to the scope of the investigation.

[7]All Members concurred.

[6320-01-M]

[Dockets 25608 and 31006; Order 78-11-75]

SEAGREEN AIR TRANSPORT LTD.

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 November, 1978.

In the matter of application of Seagreen Air Transport Limited for renewal and amendment of its foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958 (Docket 25608), and in the matter of application of Seagreen Air Transport Limited for renewal of its foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended (Docket 31006)

BACKGROUND

Seagreen Air Transport Limited (Seagreen) holds two foreign air carrier permits, authorizing it (1) to engage in foreign air transportation of persons and property using aircraft with a maximum gross takeoff weight not in excess of 12,500 pounds,[1] and (2) to engage in foreign air transportation of property only.[2] Both permits authorize Seagreen to operate off-route charters in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations.

On June 8, 1973, Seagreen filed an application (Docket 25608) for amendment of its foreign air carrier permit issued by Order E-26939. On June 17, 1977, Seagreen filed an application (Docket 31006) for renewal of its permit issued by Order 72-6-110. In both instances, Seagreen invoked the provisions of the Administrative Procedure Act in order to continue operating pending Board action on its applications.

On August 2, 1978, Seagreen filed a motion to consolidate its application in Docket 25608 with Docket 31006. The applicant also filed a petition for orders to show cause in each Docket why its applications should not be granted without an oral evidentiary hearing. In Docket 25608 Seagreen requests that its permit to carry persons and property be renewed for 10 years; that the renewed permit be amended to include St. Kitts, British West Indies, as an intermediate point; that the limitation to "Casual, occasional and infrequent service" be replaced;[3] and that the takeoff weight be replaced by a passenger capacity limitation of 30 and a payload capacity weight limitation of 7,500 lbs. In Docket 31006 Seagreen requests that its permit authorizing it to carry property only be renewed for an indefinite period.

OWNERSHIP AND CONTROL

Seagreen Air Transport Limited was incorporated under the Companies Act of the Colony of Antigua, British West

[1]Order E-26939, 48 CAB 571(1968), effective June 18, 1968, for a period of five years. Under this permit, Seagreen may provide service between a point or points in Antigua, West Indies and all points in St. Thomas and St. Croix, Virgin Islands, and Puerto Rico.

[2]Order 72-6-110, effective June 23, 1972, for five years. Under this permit, Seagreen may provide service: "Between Granada, West Indies; intermediate points in St. Vincent, St. Lucia, Dominica, Monserrat, Antigua, St. Kitts (including Nevis and Anguilla), British Virgin Islands, U.S. Virgin Islands, Puerto Rico, and the Bahamas; and the coterminal points Miami, Ft. Lauderdale, and West Palm Beach, Florida." The authority under both Seagreen permits was automatically extended under 5 U.S.C. 558(c) through timely filing for renewal.

[3]Seagreen suggests the following in lieu of the wording now in its permit: "the holder shall not engage in scheduled international air service."

Indies, on December 18, 1964. It was owned by Seagreen Caribbean Limited, a holding company incorporated in Nassau, Bahamas.[4] The applicant is now wholly owned (99.2%) by Carib Holdings Limited, a Cayman Island corporation. All of the stock of Carib Holdings Limited is owned by citizens of Canada. Two of Seagreen's officers and directors are Antiguan citizens, one is a citizen of India; the others are Canadian citizens. The stock of Carib Holdings Limited is held in the name of nominees by the Bank of Nova Scotia Trust Co., Georgetown, Cayman Is., B.W.I. and is 100% beneficially owned by citizens of Canada. The applicant states that there has been no purchase of its stock by the Government of Antigua or by Antiguan nationals, although an offer to sell stock in Seagreen to the Government of Antigua is outstanding.[5] We tentatively find that in effect, the ownership and control of Seagreen Air Transport Limited rests substantially in the same persons as when its permits were first issued, and that the proposed amendment/renewal of its permits would be in the public interest.

FINANCIAL AND OPERATIONAL FITNESS

An Auditors' Report to Seagreen's shareholders dated August 26, 1977, stated that its financial statements contemplate continuantion of the company as a going concern, but that it has operated at a loss during current and prior years.[6] Notwithstanding its operating losses, Seagreen states that it is fit, willing and able properly to perform its operations; that its ability to do so has never been questioned; that it has a proven record of reliable and efficient service; and that it has been able to meet all current financial obligations and has never been refused insurance or debt financing. Seagreen states that no answers were filed in opposition to its applications for renewal/amendment of its permits and that the requested actions are both unopposed and noncontroversial. The carrier owns two DC3s, one DC4 and one DC6. Based on the applicant's statements, we tentatively conclude that Seagreen meets the fitness requirements of section 402 of the Act.

[4]Seagreen Caribbean Limited went into liquidation on November 6, 1975, and the amount due from Seagreen Air Transport Limited was written off. Its shares in Seagreen were sold to Carib Holdings Limited. Donald Patterson, a citizen of Canada, was beneficial owner of Seagreen Caribbean. He and members of his family wholly own Carib Holdings Limited.

[5]See Exhibit SAT-6, Dockets 25608 and 31006.

[6]See Exhibit SAT-7, pp. 19-26. The company had a net loss of U.S. $36.248 (East Caribbean $106,610) for the year ending June 30, 1977.

PUBLIC INTEREST

The applicant states that there has been no change in the policy of the Government of Antigua to grant reciprocal operating rights to U.S.-flag carriers, and that, on the basis of reciprocity and comity, it is in the public interest to renew and amend its foreign air carrier permits.

Because of the Circumstances of its ownership and control, as well as its financial condition, we will not renew for ten years Seagreen's permit to carry persons and property, nor will we renew indefinitely its authority to carry property only in foreign air transportation. Instead, we find it more appropriate to limit the effectiveness of both renewals to a period of five years. Our reasoning in limiting the effective period of the two permits to five years is based primarily on the fact that Seagreen is owned and controlled by citizens of Canada, and not by citizens or the Government of Antigua or the United Kingdom, and that its financial situation has never been satisfactorily improved during the many years of its existence. Nevertheless, Seagreen was owned and controlled by citizens of Canada at the time we last considered the permits and we concluded that it was in the public interest to waive our traditional policy of ownership and control. We find nothing here that would lead to a different conclusion.

No answers to any of Seagreen's applications, motion or petitions have been received.

On the basis of the foregoing and all the facts of record we tentatively find and conclude:

1. That it is in the public interest to amend[7] and renew the permit held by Seagreen Air Transport Limited authorizing the nonscheduled carriage of persons and property (Order E-26939) and to renew its permit authorizing the nonscheduled[8] carriage of property only (Order 72-6-110), for a period of five years.

2. That the public interest requires that the exercise of the privileges granted by the permits shall be subject to the terms, conditions, and limitations contained in the specimen form of permits 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. That Seagreen Air Transport Limited is fit, willing and able properly to perform the foreign air transportation described in the specimen permits attached to this order, 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. That an oral evidentiary hearing is not required in the public interest;[9]

5. That the amendment and renewal of Seagreen Air Transport Limited's permits will 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) of the Board's Regulations;[10] and

6. That except to the extent granted, the applications of Seagreen Air Transport Limited in Dockets 25608 and 31006 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) subject to the disapproval of the

[7]The effect of the amendment of Seagreen's permit to carry persons and property is to add St. Kitts, B.W.I. as an intermediate point, so that the route would read: Between a point or points in Antigua, West Indies; intermediate points in St. Kitts, British Virgin Islands, and all points in St. Thomas and St. Croix, U.S. Virgin Islands, and Puerto Rico.

[8]We shall, as we have in past cases, and solely in order to delineate the bounds of the nonscheduled foreign air transportation authority being granted, consider as being applicable to this condition the definition of "scheduled international air service" made by the Council of the International Civil Aviation Organization for the purposes of clarifying Articles 5 and 6 of the Chicago Convention. That definition reads: "A scheduled international air service is a series of flights that possesses all the following characteristics: (a) it passes through the airspace over the territory of more than one State; (b) it is performed by aircraft for the transport of passengers, mail or cargo for remuneration, in such a manner that each flight is open to use by members of the public; (c) it is operated so as to serve traffic between the same two or more points, either (i) according to a published time-table, or (ii) with flights so regular or frequent that they constitute a recognizable systematic series." As is well known, the ICAO Council's definition has not been accepted by a large number of the contracting States, including the United States, and is not binding on the Board. Accordingly, the Board's action should not be construed as an expression of opinion by the Board as to the proper interpretation to be placed on the scope of Articles 5 and 6 of the Chicago Convention. (See, Seagreen Air Transport Limited, Order 70-2-14, approved February 4, 1970).

[9]Any interested persons having objections to the issuance of an order making final the Board's tentative findings and conclusions stated here, and issuing the attached permit, shall be allowed 21 days in which to respond from the date of service of this order.

[10]This finding is based upon the fact that the proposed increase in aircraft operations to and from the U.S. will be *de minimis*, and the additional fuel consumed by Seagreen will be less than ten million gallons.

President, issue amended and renewed foreign air carrier permits to Seagreen Air Transport Limited in the specimen forms attached;

2. We direct any interested person having objection to the issuance of an order making final the Board's tentative findings and conclusions and issuing the proposed amended/renewed foreign air carrier permits to file with the Board and serve on the persons named in paragraph 5, no later than December 11, 1978, a statement of objections specifying the part or parts objected to, and include a summary of testimony, statistical data, and concrete evidence to be relied upon in support of the objections. If an oral hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts would be expected to be established through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, we shall give consideration to the matters and issues raised by the objections before further action is taken by the Board: *Provided*, That the Board may proceed to enter an order in accordance with its tentative findings and conclusions set forth in this order if it determines that there are no factual issues present that warrant the holding of an oral evidentiary hearing;[11]

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 shall (1) make final the Board's tentative findings and conclusions set forth in this order, and (2) subject to the disapproval of the President, issue amended and renewed foreign air carrier permits to the applicant in the specimen forms attached;

5. We shall serve a copy of this order upon Seagreen Air Transport Limited, the Antigua Ministry of Public Works and Communications, the Departments of State and Transportation, and the U.S.-flag carriers upon which Seagreen served its Petitions for Orders to Show Cause in Dockets 25608 and 31006.

We shall publish this order in the FEDERAL REGISTER and transmit a copy to the President of the United States.

By the Civil Aeronautics Board:[12]

PHYLLIS T. KAYLOR,
Secretary.

Specimen Permit

UNITED STATES OF AMERICA, CIVIL AERONAUTICS BOARD, WASHINGTON, D.C.

PERMIT TO FOREIGN AIR CARRIER (AS AMENDED)

Seagreen Air Transport Limited is authorized, subject to the provisions set forth below, the provisions of the Federal Aviation Act of 1958 and the orders, rules, and regulations issued under it, to engage in foreign air transportation of persons and property, as follows:

Between a point or points in Antigua, West Indies; intermediate points in St. Kitts, British Virgin Islands, and all points in St. Thomas and St. Croix, U.S. Virgin Islands, and Puerto Rico.

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 authority granted shall be used solely for the purpose of providing nonscheduled air transportation, and the holder shall not, in the course of providing such service, engage in scheduled foreign air transportation.

In the performance of the operations authorized by this permit, the holder shall not use any aircraft with a passenger capacity in excess of 30 and a payload carrying capacity weight in excess of 7,500 pounds.

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.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of the United Kingdom of Great Britain and Northern Ireland for British 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 the United Kingdom of Great Britain and Northern Ireland shall be parties.

This permit shall be subject to the condition that, in the event any practice develops which the Board regards as inimical to sound economic conditions, the holder and the Board will consult, and will use their best efforts to agree upon modifications satisfactory to the Board and the holder.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Board.

This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB 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.

By accepting this permit the holder waives any right it may posses 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.

This permit shall become effective on ————, and unless otherwise terminated as provided below, shall terminate after a period of five years. Prior to the expiration of its five-year period of effectiveness, 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 bilaterally covered service here authorized from the service which may be operated by airlines designated by the Government of the United Kingdom (or in the event of elimination of any part of the bilaterally covered service authorized, 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 the United Kingdom in lieu of the holder, or (3) upon the termination or expiration of the Air Services Agreement between the Governments of the United States and the United Kingdom (Bermuda II), as amended by an exchange of notes concluded April 25, 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 of any treaty, convention, or agreement to which the United States and the United Kingdom are or shall have become parties.

The Civil Aeronautics Board, through its Secretary, has executed this permit and affixed its seal on.————

————,
Secretary.

[SEAL]

Specimen Permit

UNITED STATES OF AMERICA, CIVIL AERONAUTICS BOARD, WASHINGTON, D.C.

PERMIT TO FOREIGN AIR CARRIER (AS AMENDED)

Seagreen Air Transport Limited, is authorized, subject to the provisions set forth below, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued under it, to engage in foreign air transportation of property only, as follows:

Between points in Grenada, West Indies; intermediate points in St. Vincent, St. Lucia, Dominica, Monserrat, Antigua, St. Kitts (including Nevis and Anguilla), British Virgin Islands, U.S. Virgin Islands, Puerto Rico, and the Bahamas; and the coterminal points Miami, Ft. Lauderdale, and West Palm Beach, Florida.

The authority granted above shall be subject to the conditions that (1) the holder shall not carry traffic originating at one U.S. point and destined for another U.S. point; (2) the holder shall not engage in scheduled foreign air transportation; and (3) the holder shall serve Antigua, or a point south thereof (Montserrat, Dominica, St. Lucia, St. Vincent, or Grenada), or St. Kitts (including Nevis and Anguilla), on all flights which serve Miami, Ft. Lauderdale, or West Palm Beach, Florida.

The holder shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitation prescribed by Part 212 of the Board's Economic Regulations.

[11] Since provision is made for filing of objections to this order, petitions for reconsideration will not be entertained.

[12] All Members concurred.

The holder shall not provide foreign air transportation under this permit unless (1) there is in effect thrid-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 (2) 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 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.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of the United Kingdom of Great Britain and Northern Ireland for British 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 the United Kingdom of Great Britain and Northern Ireland shall be parties.

This permit shall be subject to the condition that in the event any practice develops which the Board regards as inimical to sound economic conditions, the holder and the Board will consult, and will use their best efforts to agree upon modifications satisfactory to the Board and the holder.

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 shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board,

This permit shall become effective on , and unless otherwise terminated as provided below, shall terminate after a period of five years. Prior to the expiration of its five-year period of effectiveness, 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 bilaterally covered service here authorized from the service which may be operated by airlines designated by the Government of the United Kingdom (or in the event of elimination of any part of the bilaterally covered service authorized, 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 the United Kingdom in lieu of the holder, or (3) upon the termination or expiration of the Air Services Agreement between the Governments of the United States and the United Kingdom (Bermuda II), as amended by an exchange of notes concluded April 25, 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 of any treaty, convention, or agreement to which the United States and the United Kingdom are or shall have become parties.

The Civil Aeronautics Board, through its Secretary, has executed this permit and affixed its seal on ————.

————,
Secretary.

(SEAL)

[FR Doc. 78-33021 Filed 11-22-78; 8:45 am]

[6320-01-M]

[Docket Nos. 32754; 32751; Order No. 78-11-55]

SOUTHERN AIRWAYS, INC.

Order To Show Cause and Granting Temporary Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of November, 1978.

On May 26, 1978, Southern Airways, Inc. filed an application to amend its certificate of public convenience and necessity for Route 98 [1] to authorize it to engage in nonstop service between Atlanta and Washington, D.C., through Dulles International Airport and one-stop service between Atlanta and New York City.[2] The application was accompanied by a motion for hearing or, in the alternative, a request for an order to show cause why it should not be granted. The carrier also requests an exemption from the requirements of its certificate for Route 98 pending final Board action on its certificate amendment application.

Southern alleges, in support of its request, that there is no nonstop service available from Atlanta to Washington via Dulles International Airport; that its service proposal will fill a need which has not been met by Eastern and Delta, which are certificated to provide service to all three airports in the Washington metropolitan area, but only provide service to National and BWI; that Dulles serves a large section of the Washington metropolitan area not conveniently located to either National Airport or Baltimore-Washington International Airport; that the proposed service will be provided on a profitable basis without cost to the government in the form of a mail subsidy; and that its proposed service will have no adverse impact on the incumbent carriers.

Answers in support of Southern's applications were filed by nine civic parties: the Commonwealth of Virginia and the Dulles International Airport Development Commission; the Fairfax County Economic Development Authority; the Office of Economic Development, Loudon County, Virginia; the Herndon Chamber of Commerce; the Committee for Dulles; the City of Atlanta and the Atlanta Chamber of Commerce; and the Gulfport Area Chamber of Commerce, Gulfport, Mississippi.

Pan American World Airways and Delta Air Lines also filed consolidated answers in support of Southern's applications. Pan American asserts that Southern's proposed service will improve service in the Atlanta-Washington market, will reduce congestion at National Airport and will increase the number of domestic connections for international flights landing at Dulles. Delta does not oppose either application so long as Southern's authority is limited to Dulles.

Eastern Air Lines opposes both applications on the grounds that there is a multitude of nonstop service in the Atlanta-Washington market and therefore no need for additional nonstop service; that the areas in and around the Washington metropolitan area are readily accessible to National Airport; that Southern's proposed beyond service is duplicative and offers very little to the traveling public; and that Southern's proposed service could undermine the Board's original grant of authority on segment 7 of Route 98 if Southern starts routing the deep South-Washington/New York traffic through Atlanta.

In response to Eastern's objections, Southern claims that there is much civic support for its application; that the Board should consider its application since it previously applied for Atlanta-Washington/New York authority as part of its Greenville/Spartanburg-Washington/New York Subpart M application,[3] but the Board determined that the Atlanta portion of its application was inappropriate for processing under Subpart M,[4] and that its proposed service will not harm Eastern as evidenced by the fact that the latter does not claim any divsersion.

Southern's application falls within that class of cases that can be handled

[1] Condition 6 for Route 98 prohibits Southern from performing single-plane service between Atlanta and Washington/New York. In addition, Washington and New York are on segment 7, but Atlanta is not.

[2] It proposes to operate three round trips between Atlanta and Washington, one of which would extend beyond Washington to New York and one which would also extend beyond Atlanta to Huntsville, Jackson, and Mobile.

[3] Docket 24778.

[4] Order 75-8-49.

by show-cause procedures because of the absence of any material, determinative issue of fact requiring resolution in a formal evidentiary proceeding. *See Piedmont Boston Entry Application,* Order 78-4-69, April 14, 1978 (order to show cause); and Order 78-8-97, August 17, 1978 (final order).[5]

Our examination of the pleadings satisfies us that the applicant has made a plausible *prima facie* showing that the service it proposes can be operated on an economically sound basis,[6] so immediate processing of the application is in the public interest.

Based on the tentative findings below, we tentatively conclude that it is consistent with the public convenience and necessity to amend Southern's certificate for Route 98 so as to authorize it to engage in nonstop service between Atlanta and Washington, D.C., through Dulles International Airport and one-stop service between Atlanta and New York City. We also tentatively find that Southern is fit, willing and able to properly perform the air transportation it proposes and to conform to the provisions of the Act and the rules, regulations and requirements of the Board thereunder. We further find that our proposed action does 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, or a major federal action under the Energy Policy and Conservation Act.

We find that the grant of Southern's request will result in significant benefits to the traveling public in the Atlanta-Washington/New York market. Delta and Eastern have authority to provide service to all three airports in the Washington metropolitan area, however, they have generally refused to provide service to Dulles. By providing single-plane service between Atlanta and Washington, D.C., via Dulles, amendment of Southern's certificate will afford Atlanta and deep South passengers much easier access to the outlying suburban Washington area than is possible with service through National and BWI and will increase the number of domestic connections for international flights landing at Dulles. Eastern asserts that if Southern receives Atlanta-Washington authority it will undermine the Board's original grant of authority on segment 7 of Route 98. Although Southern was certificated on its segment 7 of Route 98 to provide service between Elgin Air Force Base, Florida and New York, N.Y.-Newark, N.J. via the intermediate points Dothan, Alabama, Columbus, Georgia, and Washington, D.C.,[7] there is nothing in the record to suggest that the Board fashioned the certificate in such a manner because it did not want Southern routing deep South passengers through Atlanta. The certificate was fashioned in such a manner because Southern specifically requested this authority.[8] Therefore, the proposed certificate amendment will not undermine the Board's original grant of authority on segment 7 or Route 98.

While as noted above, Southern has made a plausible showing that the service it proposes can be profitably operated, we need not find that its specific service proposal here, or any other specific pattern of service, will in fact be profitable. Traffic in the markets in question is clearly sufficient to sustain at least some service of the kind proposed. If Southern's particular service proposal or some variant thereof can be profitably operated, service is likely to be provided and the public will benefit accordingly; However, if the service is or becomes unprofitable, the carrier will be free, under the permissive authority we propose to grant it, to discontinue the service at any time and thus avoid further losses. At that time any diversion from other carriers will cease, and the public will be no worse off than it is today, with the possibility still remaining that the service may be resumed at a later time if conditions permit.

We find that Eastern has neither asserted nor shown that the grant of the authority requested will result in such diversion from it as to threaten its ability to perform its certificate obligations, or will necessarily result in the termination of essential services that cannot be replaced by another carrier. We thus find it unnecessary to resolve any disputes about the precise amount of diversion which may occur.

In view of the tentative findings and the limited nature of the operation being proposed, we find that it will be in the public interest to exempt Southern from the provision of its certificate so as to authorize it to provide the proposed service pending Board action on Southern's certificate amendment application. We are particularly concerned about Delta and Eastern's historic disinterest in providing service between the deep South and Washington via Dulles. Inasmuch as Southern is willing to fill the void, we have also determined to allow Southern to provide one-stop service between Atlanta and New York since the inclusion of New York will help support Southern's Atlanta-Washington operations. Under these circumstances, we find that it is consistent with the public interest to grant Southern relief from the provisions of the Act and the terms and conditions of its certificate pending final action on its certificate amendment application in Docket 32754.[9]

We are satisfied from the pleadings that nothing developed at an oral evidentiary hearing would be likely to require reversal of any of the foregoing tentative findings and conclusions. We will give interested parties 30 days following the date of service of this order to show cause why these tentative findings and conclusions should not be made final; replies will be due within 10 days thereafter. We expect that such objections will be supported by detailed economic or legal arguments. If an oral evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary, and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections.

Accordingly,

1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Southern's certificate for Route 98 so as to authorize the carrier to engage in nonstop operations between Atlanta and Washington, D.C. (service to be provided through Dulles International Airport), and one-stop operations between Atlanta and New York, New York, via Washington, D.C;

2. Any interested person having objections to the issuance of an order making final the tentative findings, conclusions and certificate amendments set forth here shall, no later than December 20, 1978, file with the Board and serve upon all parties who have filed pleadings in Dockets 32754 and 32751 a statement of objections together with a summary of testimo-

[5] Unlike *Piedmont Boston Entry* where the authority involved a new point, Southern is already certificated at each station—Atlanta, Washington, and New York. Restriction removals can be justified under public convenience and necessity standards solely on findings relating to operating flexibility (which are present here), unless a substantial probability is shown that it will be seriously harmful to the domestic air transportation system. Accordingly, the measure of proof here is less than required in *Piedmont Boston Entry.*

[6] Southern forecasts a first year operating profit of $1,279,000. SO-102, p. 1.

[7] *Southern Airways, Inc. Show Cause Proceeding,* 48 C.A.B. 708 (1968).

[8] See Order No. E-25784, October 6, 1967.

[9] We reach this conclusion notwithstanding Eastern's contention that flights conducted by Southern will increase operations at Atlanta's saturated airport. It remains our basic policy to relieve congestion at saturated airport by means of authorizing new authority at alternative airports, whether or not the alternative airport is a nearby satellite, rather than by restricting access to saturated airports. See generally, *Chicago-Midway Low-Fare Route Proceeding,* Order 78-7-40, July 14, 1978; and Order 78-8-203, August 31, 1978.

ny, statistical data and evidence expected to be relied upon to support its objections; answers to objections shall be filed no later than January 2, 1979;

3. If timely and properly supported objections are filed, we will fully consider the matters or issues raised before taking any further action;[10]

4. In the event that no objections to any part of this order are filed, we will consider all further procedural steps relating to such part or parts to have been waived and the case submitted to us for final action;

5. We exempt Southern from the provisions of section 401 of the Act and the terms, conditions and limitationa of its certificate to the extent necessary to permit it to operate the service named in paragraph 1, above, pending final decision in Docket 32754; and

6. We shall serve a copy of this order upon all persons named in the service lists in Dockets 32751 and 32754.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[11]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-33019 Filed 11-22-78; 8:45 am]

[3510-25-M]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

CONSOLIDATED DECISION ON APPLICATIONS FOR DUTY FREE ENTRY OF ACCESSORIES FOR FOREIGN INSTRUMENTS

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 78-00344. Applicant: Lenox Hill Hospital, 100 East 77th Street, New York, N.Y. 10021. Article: Double tilt-lift for EMU-101 electron microscope. Manufacturer: Siemens Corp., West Germany. Intended use of article: The article is an accessory to an electron microscope that will be used for the examination of portions of human bronchial mucosa, liver, kidney, and skin for abnormal content of inorganic substances that are capable of producing diseases. Application received by Commissioner of Customs: July 20, 1978. Advice submitted by the Department of Health, Education, and Welfare on: October 10, 1978.

Docket No. 78-00320. Applicant: Naval Medical Research Institute, Bethesda, Md. 20014. Article: ASID-4D High Resolution Scanning Device. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the examination of biological specimens including bacteria, viruses, parasites, fungi, and other microorganisms. Experiments to be conducted will include:

(a) The ultrastructural localization of antibody-antigen reactions in schistosomules of *Schistosoma mansoni;*

(b) Electron microprobe study of trace metals in cellular ultrastructure exposed to organic metallic antifouling paints;

(c) Coagulopathies in vascular injuries and transplantation;

(d) A study of platelet lipoprotein-dependent coagulant activities in septic shock;

(e) Study of hyperbaric environment on blood platelets;

(f) Effects of acute low-level electormagnetic radiation on the central nervous system: Morphological study of hypothalamic and subthalamic regions;

(g) Scanning electron microscopic evaluation of nerve regeneration;

(h) Ultrastructural studies of microwave cataractogenesis;

(i) Endothelial perfusion injury using fibrinolytic and coagulation parameters in the preservation of organs for repairing battle casualties;

(j) Central nervous system circulatory changes in air embolism and decompression sickness;

(k) Septic shock due to *Pseudmonas aeruginosa:* Pathogenic effects of exotoxin.

Application received by Commissioner of Customs: July 7, 1978. Advice submitted by the Department of Health, Education, and Welfare on: October 10, 1978.

Docket No. 78-00312. Applicant: Indiana University, Purchasing Department, 1101 East 17th Street, Bloomington, Ind. 47401. Article: Universal Camera for Elmiskop 1 Electron Microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory to an existing electron microscope manufactured by the same manufacturer which will be used in research and teaching applications. Specifically, the article will be used for (a) examination of fine structural changes in various experimental ocular disease conditions, (b) recognition of fine tissue changes in experimental animal retina research, and (c) the teaching of graduate students and residents in advanced training. Application received by Commissioner of Customs: July 5, 1978. Advice submitted by the Department of Health, Education, and Welfare on: October 10, 1978.

COMMENTS: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA
Director,
Statutory Import Programs Staff.

[FR Doc. 78-32971 Filed 11-24-78; 8:45 am]

[3510-25-M]

COLGATE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00264. Applicant: Colgate University, Hamilton, N.Y. 13346. Article: Scanning Microdensitometer, Model M85 and accessories. Manufac-

[10] Since provision is made for filing objections, no petitions for reconsideration will be entertained.

[11] All Members concurred.

turer: Vickers Ltd., United Kingdom. Intended use of article: The article is intended to be used for measurements of the biologically active concentrations of hormones. The primary field of interest is the circadian rhythms of hormones involved with reproductive cycles especially as they are affected by photoperiods, temperature, and pineal gland. These studies normally culminate in research papers published in the field. In addition, the article will be used for educational purposes in the courses Biology of Reproduction (Biol. 365), Experimental Endocrinology (Biol. 361-362), and Chronobiology (Biol. 364).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a scanning capability with the ability to measure both area and absorption. The Department of Health, Education, and Welfare advises in its memorandum dated September 26, 1978 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-32972 Filed 11-24-78; 8:45 am]

[3510-25-M]

NATIONAL CANCER INSTITUTE—NIH

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m., in room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00302. Applicant: National Cancer Institute, Building 10, Room 2A10, Laboratory of Pathology, NIH, Bethesda, Md. 20014. Article: EM 400 Accessories consisting of: PW6575/00 Basic Scanning Attachment and PW6576 Secondary Electron Detector including PW6337/00 EM 400 Retrofit Kit. Manufacturer: Philips Electronics Instruments NVD, the Netherlands. Intended use of Article: The articles are accessories to an existing electron microscope to be used as a very high resolution scanning electron microscope providing topographic information about the quantity and distribution of molecular markers specifically bound to receptors on the surfaces of normal and malignant tumor cells in vitro and to relate this information to the intracellular distribution of contractile proteins believed to control the distribution and movement of these receptors.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article if intended to be used and is pertinent to the applicant's purposes. The National Bureau of Standards advises in its memorandum dated October 12, 1978, that it knows of no domestic instrument of equivalent scientific value to the article for its intended uses.

The Department of Commerce knows of no other similar accessories being manufactured in the United States, which are interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-32973 Filed 11-24-78; 8:45 am]

[3510-25-M]

PROFESSIONAL STAFF ASSOCIATION OF THE L.A. COUNTY HARBOR GENERAL HOSPITAL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m., in room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00290. Applicant: Professional Staff Association of the L.A. County Harbor General Hospital, 1124 West Carson Street, Torrance, Calif. 90502. Article: HN A200 Electrophoretic Apparatus, Safety Model Complete with accessories. Manufacturer: V. Holm, Denmark. Intended Use of Article: The article is intended to be used to separate serum and brain protein in an electric field during the study of immunological response to the nervous system to viral infection.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for line and crossed line immunoelectrophoretic separations on glass supported agarose plates with good temperature and voltage control. The Department of Health, Education, and Welfare advises in its memorandum dated September 26, 1978, that: (1) The capability of the foreign article described above is pertinent to the applicant's intended purpose, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog in Federal Domestic Assistance Program No. 11.15, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-32974 Filed 11-24-78; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

CONSERVATION AND SOLAR APPLICATIONS; FOOD INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Food Industry Advisory Committee will meet on Wednesday, December 13, 1978, from 9 a.m., until approximately 1 p.m., in Seminar Room CD, Sheraton Biltmore Hotel, 817 West Peachtree Street, Atlanta, GA.

The Committee was established to provide the Secretary of Energy with recommendations and advice with respect to the development and implementation of policies and programs affecting the food industry.

The tentative agenda for the meeting is as follows:

9 a.m.—Presentation by USDA on agricultural energy priorities.

10 a.m.—Discussion of DOE briefings and Food Industry Advisory Committee subcommittee meeting:

a. Federal policies on energy efficiency in transportation and distribution.

b. DOE building performance standards.

c. DOE consumer technology transfer program.

d. Tax credits for energy efficient equipment.

e. DOE National Energy Strategy Study.

11 a.m.—Old Committee business.

11:30 a.m.—New Committee business.

12:30 p.m.—Public Comment (10 minute rule).

The meeting is open to the public. The Chairman of the Committee 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 Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Georgia Hildreth, Director, Advisory Committee Management Office 202-252-5187, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

The transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue SW., 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 transcript from the reporter.

Issued at Washington, D.C on November 20, 1978.

PHILLIP S. HUGHES,
Assistant Secretary for Intergovernmental and Institutional Relations.

[FR Doc. 78-32846 Filed 11-22-78; 8:45 am]

[6740-02-M]

Federal Energy Regulatory Commission

[Project No. 2146 (Weiss Development)]

ALABAMA POWER CO.

Application for Change in Land Rights; and Authorization To Use Project Waters and Discharge Runoff

NOVEMBER 16, 1978.

Take notice that on May 26, 1978, an application was filed with the Federal Energy Regulatory Commission by the Alabama Power Co. (correspondence to: Jesse S. Vogtle, Senior Vice President, Alabama Power Co. P.O. Box 2641, Birmingham, Ala. 35291), for use of project lands and water, and to discharge runoff within the Weiss development of the Coosa River project No. 2146, located in Cherokee County, Ala.

Applicant proposes the following: (1) To lease to Mid-Western Nurseries, Inc., of Tahlequah, Okla., for a period of 25 years, with an option to renew for another 25 years, a 146-acre parcel of project land within the flood easement of project No. 2146 in sections 11, 13, and 14 T. 10 S., R. 8 E., Cherokee County, Ala.; (2) to grant lessee the nonexclusive right to use water from the Weiss Reservoir intake canal, the Coosa River below Weiss Dam, and from an inland lake in sections 13 and 14—owned in part by licensee—including rights for the installation, operation, and maintenance of water withdrawl and irrigation facilities; and (3) to grant lessee the rights to drain irrigation runoff water from leased premises across licensee's lands to Weiss Reservoir, the Coosa River downstream of Weiss Dam, or the inland lake for the purpose of developing and operating a containerized nursery.

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 20, 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 78-32832 Filed 11-20-78; 8:45 am]

[6740-02-M]

[Docket No. CP78-256]

ALGONQUIN LNG, INC. AND ALGONQUIN GAS TRANSMISSION CO.

Extension of Time

NOVEMBER 15, 1978.

On November 3, 1978, the joint applicants in this proceeding filed a motion for an extension of time to file their direct case as required by Commission order of October 13, 1978, in this proceeding. The motion states that additional time is needed because the number of issues involved and detailed treatment required. Commission Staff Counsel on November 8, 1978, filed a motion asking that the dates suggested by applicants be further delayed because of a U.S. Department of Transportation-sponsored risk analysis of LNG trucking on the Distrigas of Massachusetts system. Staff's motion states that no party opposes the proposed schedule.

The following schedule is, therefore, established:

Direct case of applicants and supporting intervenors, March 19, 1979.

Case-in-chief of staff and opposing intervenors, April 9, 1979.

Rebuttal testimony of applicants and supporting intervenors, April 23, 1979.

Prehearing conference, April 26, 1979, 10 a.m.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-32833 Filed 11-22-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-52]

CITIES SERVICE GAS CO.

Application

NOVEMBER 16, 1978.

Take notice that on November 3, 1978, Cities Service Gas Co. (Applicant), P.O. Box 25128, Oklahoma City, Okla. 73125, filed in docket No. CP79-52, an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the

sale of gas to the Avant Gas Co. (Avant) for resale to the town of Avant in Osage County, Okla., all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that as of December 31, 1977, 199 customers were served by Avant and that Avant is carried as a "partial service customer." Further, Applicant states that it is unaware of any other gas supply available to the town. At the time the sale commenced, in 1959, the community was receiving some gas from local sources which were then depleted to such an extent that adequate service could not be maintained and Avant has been attempting unsuccessfully to dispose of this distribution system for some time, it is said. It is Applicant's understanding that the system is in poor condition and, according to the distributor, it has been operating at a loss for some time. Current income has been used to pay salaries, overhead, etc., but Applicant has not received any payment for gas delivered to Avant since June 26, 1978, and as of September 30, 1978, Avant owed Applicant $5,709.12, it is stated.

Applicant further states that Avant has notified Applicant by letter dated August 9, 1978, that it would not be responsible for any gas coming from Applicant's meter after August 18, 1978. It is indicated that on September 6, 1978, Applicant notified Avant that in view of their refusal to pay for gas delivered, Applicant's only alternative was to seek an order from the Commission for abandonment of service.

Applicant asserts that in view of the present circumstances and Applicant's inability to secure payment for volumes of gas delivered to Avant which it is reselling in the town of Avant, it is requested that permission and approval for this abadonment be granted.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 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 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 Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-32834 Filed 11-22-78; 8:45 am]

[6740-02-M]

[Docket No. CP76-356]

MICHIGAN WISCONSIN PIPE LINE CO.

Request for Waiver

NOVEMBER 16, 1978.

Take notice that on November 1, 1978, Michigan Wisconsin Pipe Line Co. (Applicant), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP76-356 a request for waiver pursuant to section 157.7(b)(2) of the regulations under the Natural Gas Act (18 CFR 157.7(b)(2)) of the cost limitations for a single project gas-purchase facility, costing in excess of the authorized $1,500,000, to connect the West Cheyenne field, Roger Mills County, Okla. to Applicant's system, all as more fully set forth in request which is on file with the Commission and open for public inspection.[1]

Applicant requests a waiver of the single project cost limitations prescribed by subparagraph 1(ii) of section 157.7(b) as follows:

(1) Increase in the single project cost limitations from $1,500,000 to $2,024,325 stated as total installed cost of the facility to connect the West Cheyenne field.

Applicant's request reflects the cost of construction of a pipeline to connect the West Cheyenne field in Roger Mills County, Okla., to Applicant's existing transmission facilities at a total installed cost of $2,024,325. Applicant asserts that this overrun of the originally estimated cost of the facility resulted from factors beyond Applicant's control and gives rise to Applicant's request herein for a waiver of the $1,500,000 limitation for this project.

Applicant states that it obtained the dedication of substantial reserves in the West Cheyenne field. In August 1976 Applicant states it prepared work orders for the construction of facilities required to connect these reserves to its system and that these work orders reflected a total estimated cost of $1,426,963. Applicant further states that since this was well within the limits of Applicant's budget-type certificate, the decision was made to construct the facilities pursuant to such authorization. Thereafter, a more detailed analysis was made of the work to be performed and bids were obtained for the construction of the pipeline and the necessary materials and supplies, it is said. Applicant states that accordingly, revised work orders were prepared which incorporated the contractor's actual bid for construction of the line and actual purchase order prices for materials and this resulted in a net upward revision of $68,486 to a total cost of $1,495,449 for the project, and construction was commenced.

It is asserted that the request for waiver is predicated upon the unexpectedly severe weather conditions which caused delays amounting to almost double the estimated construction time from 36 days to 66 days. This resulted, among other things, in substantially increased contract inspection services, it is said.

Applicant states that it regrets that actual construction costs exceeded its budget-type authorization. However, Applicant states that it proceeded on the basis of carefully prepared estimates using the best information available to it and the cost estimates were overrun for reasons beyond its control.

Any person desiring to be heard or to make any protest with reference to said request for waiver should on or before December 8, 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

[1] By order issued July 13, 1976, Applicant was granted certificate authorization, among other things, to construct and operate gas purchase facilities under section 157.7(b) of the regulation. The cost of any single onshore project was limited to $1,500,000.

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. 78-32835 Filed 11-22-78; 8:45 am]

[6740-02-M]

[Docket No. RP79-2]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Accepting for Filing and Suspending Proposed Rate Increase

ISSUED NOVEMBER 16, 1978.

On October 2, 1978, as completed on October 17, 1978, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) tendered for filing First Revised Sheet No. 667 under Rate Schedule X-64 to its F.P.C. Gas Tariff, First Revised Volume No. 2 to be effective November 1, 1978.

Public notice of the filing in RP79-2 was issued on November 13, 1978, providing for protests or petitions to intervene to be filed on or before November 27, 1978. Any petitions filed in RP79-2 after the date of this suspension order will be dealt with by separate order.

Michigan Wisconsin states that this filing is made to reflect the redetermination of the monthly charge in accordance with a service agreement between Michigan Wisconsin and High Island Offshore System dated August 4, 1977, and authorized by Commission order issued July 6, 1978 at docket No. CP78-134.

Based upon a review of Michigan Wisconsin's filing in RP79-2, the Commission finds that the proposed higher rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Michigan Wisconsin's proposed rate increase for filing, grant waiver of notice requirements, suspend the proposed increase such that the filing shall become effective as of November 2, 1978, subject to refund. In addition, we shall set the matter for hearing.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates proposed by Michigan Wisconsin and that the same be accepted for filing and suspended as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Michigan Wisconsin.

(B) Pending hearing and decision Michigan Wisconsin's proposed rate increase is accepted for filing, waiver of notice is granted, and the proposed rate increase is suspended until November 2, 1978, when it shall be permitted to become effective, subject to refund.

(C) The Commission staff shall prepare and serve top sheets on all parties on or before February 19, 1978.

(D) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The presiding administrative law judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-32836 Filed 11-22-78; 8:45 am]

[6740-02-M]

[Docket No. ER79-51]

PACIFIC POWER & LIGHT CO.

Application

NOVEMBER 15, 1978.

Take notice that Pacific Power & Light Co. (Pacific) on November 6, 1978, tendered for filing, in accordance with section 35.12 of the Commission's regulations, a new rate schedule for the loan of energy and possible return by Public Service Co. of Colorado (Colorado) and the United States of America Western Area Power Administration (United States).

Pacific requests waiver of the Commission's regulations so that the rate schedule could be made effective October 9, 1978.

Copies of the filing were supplied to Colorado and the United States, according to Pacific.

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 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 November 27, 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 application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-32837 Filed 11-22-78; 8:45 am]

[6740-02-M]

[Docket No. G-8110 et al.]

PIEDMONT NATURAL GAS CO. ET AL.

Applications and Petitions for Declaratory Order

In the matter of Piedmont Natural Gas Co. (docket No. G-8110), Transcontinental Gas Pipe Line Corp. (docket No. CP79-38), Transcontinental Gas Pipe Line Corp. (docket No. CP79-39), Southern Natural Gas Co. (docket No. CP79-40), Carolina Pipeline Co. (docket No. CP79-41).

NOVEMBER 16, 1978.

Take notice that on October 25, 1978, petitions for declaratory orders pursuant to section 1(c) of the Natural Gas Act were filed in docket No. G-8110 by Piedmont Natural Gas Co. (Piedmont), P.O. Box 1968, Charlotte, N.C. 28201, and in docket No. CP79-41 by Carolina Pipeline Co. (Carolina), I-20 East and Alpine Road interchange, Columbia, S.C. 29206; and applications for certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act were filed in docket Nos. CP79-38 and CP79-39 by Transcontinental Gas Pipe Line Corp. (Transco), P.O. Box 1396, Houston, Tex. 77001, and in docket No. CP79-40 by Southern Natural Gas Co. (Southern), P.O. Box 2563, Birmingham, Ala. 35202 (collectively referred to as Applicants), all as more fully set forth in the applications and petitions on file with the Commission and open to public inspection.

The applications and petitions state that Applicants have entered into contractual arrangements which would result in Transco's providing storage service for Piedmont and Carolina. It is stated that Carolina is Piedmont's supplier of natural gas and that Piedmont has been experiencing significant curtailments during the winter months. The contractual arrangements it is stated are to enable Piedmont and Carolina to shift supplies of natural gas available to them from April to October each year to deliveries during the winter heating season.

It is further stated that these arrangements are pursuant to a stipulation and agreement establishing Southern's permanent curtailment plan, as approved in opinion No. 5 issued November 17, 1977, whereby Southern agreed to allocate to Carolina certain volumes of gas of injection into storage as proposed herein

The arrangements that would be used to effectuate this purpose are said to be as follows: Carolina would deliver to Southern, by back-off, up to 45,000 Mcf of gas per day for Piedmont's account, and up to 45,000 Mcf per day for its own account, on such days as are mutually agreeable to the parties. Southern would then deliver thermally equivalent volumes to Transco near Jonesboro, Ga. Transco, in turn, would transport by displacement on an interruptible basis thermally equivalent volumes for injection into its Washington storage field in Louisiana. During the winter heating season it is said that Transco would redeliver the gas to Carolina at existing points of connection in South Carolina for ultimate delivery to Carolina and Piedmont.

It is stated that Transco would charge Piedmont and Carolina and initial rate of 10 cents per dekatherm equivalent for all quanities of gas delivered to Carolina. Southern is stated, would receive $50 for each day it renders the above described service.

To effectuate the delivery of gas from Southern to Transco, it is said that Southern would install an additional meter run and tie-in facilities at its Jonesboro connection with Transco at an estimated cost of $37,030. Such costs, it is said, would be paid by Southern's customers whose gas is delivered to Transco at that point, Atlanta Gas Light Co. and Carolina.

In conjunction with the contractual arrangements described above, Piedmont and Carolina have filed in docket Nos. G-8110 and CP79-41, respectively, petitions for declaratory orders continuing exemptions from the provisions of the Natural Gas Act and the rules and regulations thereunder previously granted to them. The petitions state in support thereof that the gas at issue would be delivered and consumed wholly within the State of South Carolina, and that the rates, service and facilities of Piedmont and Carolina are subject to regulation by the Public Service Commission of South Carolina.

Any person desiring to be heard or to make any protest with reference to said applications and petitions should on or before December 8, 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 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 these applications and petitions if no petition to intervene is filed within the time required therein, 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. 78-32838 Filed 11-22-78; 8:45 am]

[6740-02-M]

[Docket No. RI73-97]

SUN OIL CO.

Petition for Special Relief

NOVEMBER 16, 1978.

Take notice that on September 25, 1978, Sun Oil Co. (Petitioner), P.O. Box 20, Dallas, Tex. 75221, filed a petition for special relief in Docket No. RI 78-97 pursuant to section 2.76 of the Commission's statement of general policy and interpretations (18 CFR § 2.76).

Petitioner requests permission to charge 41.2712 cents per Mcf at 14.65 psia for the sale of gas to Panhandle Eastern Pipeline Co. from its T. M. Thomas, well No. 1, North Bishop field, Ellis County, Okla. Petitioner asserts that the increased rate is necessary in order to recover the cost of a proposed FRAC treatment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1978, file 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. 78-32839 Filed 11-22-78; 8:45 am]

[6740-02-M]

[Docket No. RI78-96]

STERLING PRODUCTION CO.

Petition for Special Relief

NOVEMBER 16, 1978.

Take notice that on September 25, 1978, Sterling Production Co. (Petitioner), 1010 Wilson Building, Corpus Christi, Tex. 78476, filed a petition for special relief in docket No. RI78-96 pursuant to section 2.76 of the Commission's statements of general policy and interpretations (18 CFR § 2.76).

Petitioner states that because of financial loss due to insufficient gas processed, Coastal States Gas Producing (Coastal) has ceased to gather, compress, dehydrate and transport to Trunkline Gas Co. the small volume of gas produced by Sterling Production Co. Petitioner desires to purchase Coastal's system and also to install a two-stage compressor and dehydrator in order to continue its sales to Trunkline Gas Co. Therefore, petitioner is requesting permission to charge $2.00/Mcf at 14.65 psia for the sale of gas to Trunkline Gas Co. from its Robert Adams 30-acre lease and also its R. S. Adams 20-acre lease, Alfred field, Jim Wells County, Tex.

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 sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such protests or petitions should be filed on or before December 8, 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. 78-32840 Filed 11-22-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-51]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

NOVEMBER 16, 1978.

Take notice that on November 1, 1978, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in docket No. CP79-51 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an interruptible transportation service of up to 1,053 dekatherms (dt) equivalent of natural gas per day for the account of Carolina Pipeline Co., Inc.; NCNG Exploration Corp., an affiliate of North Carolina Natural Gas Corp.; Philadelphia Electric Co.; Piedmont Exploration Co., Inc., an affiliate of Piedmont Natural Gas Co., Inc.; Tar Heel Energy Corp., an affiliate of Public Service Co. of North Carolina, Inc.; Owens-Corning Fiberglas Corp.; UCG Energy Corp., an affiliate of United Cities Gas Co., North and South Carolina Division; Rockingham Exploration Co., an affiliate of North Carolina Gas Service Division of Pennsylvania and Southern Gas Co.; Burlington Industries, Inc.; and Devco Enterprises, Inc., an affiliate of Cherokee Brick Co. of North Carolina, Inc., all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that with the exception of Owens-Corning Fiberglas Corp., which is Applicant's only direct industrial customer; Burlington Industries, Inc., which is an industrial customer of one of Applicant's distribution customers; and Devco Enterprises, Inc., which is an affiliate of Cherokee Brick Co. of North Carolina, Inc., an industrial customer of one of Applicant's distribution customers, these transportation customers are all distribution company customers of Applicant or affiliates of Applicants distributors.

Applicant further states that the joint venture (Transmac Exploration and Development Program) of these transportation customers has discovered and developed several successful wells in the Intracoastal City Prospect Field, Vermillion Parish, La.

Applicant states that the gas produced from the Intracoastal City Prospect field would be delivered directly into Applicant's system. Applicant requests authorization to transport for the account of the above transportation customers, on an interruptible basis, their interests in the Intracoastal City Prospect field gas from the point of connection in the field to existing points of delivery on Applicant's system to such customers, or their affiliates.

Applicant states further that transportation service into applicant's rate zone 2 initially would be rendered at 23.5 cents per dt, and into rate zone 3 at 24 cents per dt.

Applicant would initially withhold 3.8 percent of the transportation volumes destined for delivery in rate zone 2 and 4.4 percent of the volumes for delivery on rate zone 3 for compressor fuel and line loss make-up, it is said. the applicant asserts that transportation gas would be utilized by the transportation customers which would be the ultimate recipients to moderate the impact of Applicant's curtailments on their high-priority end uses.

Applicant asserts that the transportation service would be rendered with existing capacity.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 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 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. 78-32841 Filed 11-22-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-54]

TRANSWESTERN PIPELINE CO.

Application

NOVEMBER 16, 1978.

Take notice that on November 6, 1978, Transwestern Pipeline Co. (applicant), P.O. Box 2521, Houston, Tex. 77001, filed in docket No. CP79-54 an application pursuant to section 7 of the Natural Gas Act and section 157.7(g) of the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon for a 12-month period commencing January 1, 1979, various field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of proposed construction and abandonment under section 157.7(g) would not exceed $3,000,000 and no single project would exceed $500,000. Applicant also states that the cost of said facilities would be initially financed utilizing existing corporate funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 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 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 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 Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-32842 Filed 11-22-78; 8:45 am]

[6740-02-M]

[Docket No. ER77-311]

UTAH POWER & LIGHT CO.

Further Extension of Time

NOVEMBER 13, 1978.

On November 1, 1978, Lincoln Service Corp. (Lincoln) filed a motion for a further extension of time to file its brief on exceptions to the initial decision issued in this proceeding on June 12, 1978. The motion states that Lincoln cannot determine whether its dispute with Utah is moot until "Utah files with the Commission additional rate data as required by the Commission in this and in certain prior proceedings." The Staff has informed this office that it believes the additional data has been filed with the Commission in recent compliance filings made by Utah.

Upon consideration, notice is hereby given that a further extension of time is granted to and including December 4, 1978. Briefs opposing exceptions are due on or before December 26, 1978.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-32843 Filed 11-22-78; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[PFT-33; FRL 1012-6]

PESTICIDE PROGRAMS

Filing of Food Additive Petition

Fisons Corp., Agricultural Div., Bedford, MA 01730, has submitted a petition (FAP 8H5197) to the Environmental Protection Agency (EPA) which proposes that 21 CFR Part 193 be amended by establishing a regulation permitting the use of the insecticide bendiocarb (2,2-dimethyl-1,3-benzodioxol-4-ol methylcarbamate) in a proposed experimental program involving application of the insecticide to growing corn with a tolerance limitation of 0.10 part per million (ppm) on the commodity corn oil. Notice of this submission is given pursuant to the provisions of section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M Street SW., Washington, DC 20460. Inquiries concerning this petition may be directed to Product Manager (PM) 12, Registration Division (TS-767), Office of Pesticide Programs, at the above address, or by telephone at 202-426-9425. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: November 16, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-32818 Filed 11-22-78; 8:45 am]

[6560-01-M]

[PF-114 FRL 1012-5]

PESTICIDE PROGRAMS

Filing of Food Additive Petition

Mobay Chemical Corp., Chemagro Agricultural Division, P.O. Box 4913, Kansas City, Mo. 64120, has submitted a petition (9H5199) to the Environmental Protection Agency (EPA) which proposes that 21 CFR 193.301 be amended by establishing a regulation permitting residues of the insecticide baygon [2-(1-methylethoxy)phenol methylcarbamate] resulting in food commodities exposed to the insecticide during treatment of food handling establishments with a tolerance limitation of 0.2 part per million (ppm). Notice of this submission is given pursuant to the provisions of section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Inquiries concerning this petition may be directed to Product Manager (PM) 12, Registration Division (TS-767), Office of Pesticide Programs, at the above address, or by telephone at 202-426-9425. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4 p.m., Monday through Friday.

Dated: November 16, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-32817 Filed 11-22-78; 8:45 am]

[1505-01-M]

FARM CREDIT ADMINISTRATION

SEMIANNUAL AGENDA OF REGULATIONS

Correction

In FR Doc. 78-30774 appearing at page 50735 in the issue of Tuesday, October 31, 1978, on page 50736 in the first column, first line, change "(43 FR 27732)" to "(43 FR 27782)", and in the same column, the first full paragraph, the third line, change the word "funds" to "bonds".

[1610-01-M]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received or accepted by the Regulatory Reports Review Staff, GAO, on November 17, 1978. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collec-

tion of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC and NRC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before December 12, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

FEDERAL COMMUNICATIONS COMMISSION

The FCC requests an extension without change clearance for Form 395, Annual Employment Report, which is used to monitor and enforce FCC Rules and Regulations pertaining to Equal Employment Opportunities and is required by §§ 1.612, 73.125, 1.815(a), 21.307, and 23.55 of the FCC's Rules and Regulations. The form is used to collect data from firms employing less than 100 as this constitutes a significant percentage of firms operating in the communications industry, and the data is used by FCC to effectively monitor Equal Employment Opportunities practices. The FCC estimates respondent burden average 63 minutes per response and that approximately 10,700 broadcasters and common carriers report annually.

The FCC requests clearance of a revision to Form 395-A, Annual Employment Report—Cable Television. Form 395-A is used to monitor and enforce FCC Rules and Regulations pertaining to Equal Employment Opportunities and is required by Section 76.403 of the FCC's Rules and Regulations. The form is used to collect data from firms employing less than 100 as this constitutes a significant percentage of firms operating in the communications industry, and the data is used by FCC to effectively monitor Equal Employment Opportunities practices. Form 395-A has been revised to change the ethnic categories to comply with OMB Circular No. A-46, Transmittal Memorandum No. 6. The FCC estimates respondent burden averages 8 minutes per response and that approximately 3,500 cable television owners report annually.

The FCC requests clearance of a new "Quarterly Report of Expenses Incurred in Connection with Rewrite of the Communications Act." The report will give the FCC up-to-date accounting costs incurred by common carriers in connection with efforts to rewrite the Act. Sections 4(i) and 219 of the Communications Act of 1934, as amended, authorize the FCC to require the filing of periodic and/or special reports. The data collected by the quarterly report will be used by the Common Carrier Bureau to serve the public interest by assuring that common carriers are maintaining their accounts as prescribed by Part 31 of the FCC's Rules. The FCC estimates respondent burden will average approximately 80 hours for the first report and 10 hours for each quarterly report thereafter. Potential respondents will number approximately 81 common carriers.

NUCLEAR REGULATORY COMMISSION

The NRC requests an extension without change clearance of Form 443, Background Statement and Confidential Statement of Employment and Financial Interests. NRC regulations in 10 CFR Part 0 provide that certain NRC employees and all NRC consultants (including advisers and experts) shall submit statements of employment and financial interests. With regard to prospective consultants and advisers, Form NRC-443 is submitted in order that the NRC will have (1) a resume of the individual's employment and professional attainments, and (2) a confidential record of their employment and financial interests for use in judging possible conflicts of interest. The NRC estimates that respondent burden averages one hour per response and approximately 200 statements are filed annually.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 78-33012 Filed 11-22-78; 8:45 am]

[4110-03-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 77P-0015]

COLOR ADDITIVES

Denial of Petition Proposing Revocation of Six Color Additive Regulations

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the denial of a petition filed by the Health Research Group in which the revocation of the color additive regulations providing for the use of Citrus Red No. 2, FD&C Blue No. 1, Orange B, FD&C Yellow No. 5, FD&C Red No. 3 and FD&C Red No. 40 was sought. The petition is being denied because it is not supported by adequate scientific evidence and is therefore legally inadequate as a basis for revocation of the color additive regulations for these colors.

DATE: Written objections by December 26, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Gerad L. McCowin, Bureau of Foods (HFF-334, Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of July 1, 1977 (42 FR 33807) stated that a petition (Docket No. 77P-0015, now designated as CAP 7CP0133) has been filed by the Health Research Group (HRG), 2000 P Street NW., Washington, DC 20036, proposing immediate revocation of the color additive regulations for FD&C Blue No. 1 (21 CFR 74.101), Orange B (21 CFR 74.250), Citrus Red No. 2 (21 CFR 74.302), FD&C Red No. 3 (21 CFR 74.303), FD&C Red No. 40 (21 CFR 74.340), and FD&C Yellow No. 5 (21 CFR 74.705). In addition, HRG requested the institution of full and competent toxicological studies for each of the colors that are currently listed for food use and exempt from certification. The petition was filed under section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376).

The Commissioner of Food and Drugs has reviewed the petition and concludes that the petition does not contain a sufficient scientific and legal basis to support the requested actions. Each of the petitioner's points and the Commissioner's conclusions concerning them are discussed below.

CITRUS RED NO. 2

HRG states several major arguments in support of its proposed revocation of the regulation authorizing the use of Citrus Red No. 2.

1. HRG noted that Dr. Lehman, former Director, Division of Pharmacology, Food and Drug Administration (FDA), concluded in a memorandum dated June 25, 1958, that the color was a toxic substance. (This memorandum and all other documents and supporting material mentioned in this document are on public display in the office of the Hearing Clerk (HFA-305), address given above, and may be seen between 9 a.m. and 4 p.m., Monday through Friday.)

The petitioner has misinterpreted the thrust of Dr. Lehman's statement and has failed to consider the statement in light of the color Additive Amendments of 1960 (hereinafter called the Amendments). Dr. Lehman's statement of June 25, 1958, must first be considered in the context of the provisions of the Federal Food, Drug, and Cosmetic Act of 1938 in effect at the time the memorandum was written. The act then authorized FDA to list for use in food, drugs, and/or cosmetics those "coal-tar" colors that were considered to be harmless and that would be batch-certified by FDA. In 1958, it was the agency's opinion that a color listed for use in food, drugs, and cosmetics was required by the statute to be harmless *per se*—that is, it must not of itself produce any toxic manifestations at any level, regardless of the conditions of actual use (see *Flemming* v. *Florida Citrus Exchange*, 385 U.S. 153 (1958)). Under this criterion, Citrus Red No. 2 was not considered appropriate for listing because it was not harmless when fed to rats at dietary levels of 0.1, 0.5, 1.0, and 5.0 percent and to dogs at 200 milligrams per kilogram of body weight per day (mg/kg/day).

Color additives are listed for use in foods today, however, under the provisions of the Color Additive Amendments of 1960. The Amendments, which became effective on July 12, 1960, explicitly authorize the listing of a potentially toxic color additive under safe conditions of use, by, for example, limiting the foods in which it may be used or establishing tolerances (i.e., maximum use levels). See 21 U.S.C. 376(b). The Amendments eliminated the "per se" approach in effect when Dr. Lehman wrote his memorandum and substituted an approach which permits tolerances to be established for color additives which are toxic at some level.

Dr. Lehman's memorandum, in addition to referring to citrus Red No. 2 as "toxic," stated that no-effect levels for this color were found to be 0.05 percent in rats and 50 mg/kg/day in dogs. This is the equivalent of 500 parts per million (ppm) in rats and 2,000 ppm in dogs.

In view of the no-effect levels for the color, Citrus Red No. 2 was listed under § 8.201 (21 CFR 8.201, now 21 CFR 74.302 pursuant to recodification) for limited use in coloring the skins of oranges at levels not exceeding 2.0 ppm of the color additive, calculated on the basis of the weight of the whole fruit. The regulation also limited the use of the color to mature oranges that were not intended for processing. Human exposure to the color is minimal because the colored oranges are not used commercially in the production of marmalade, and the household use of orange skins as food or as a food ingredient is minor. The amount of citrus Red No. 2 ingested under practices prevailing in the United States would be, at most, a few parts per billion of the diet. Citrus Red No. 2 is considered to be safe when used in compliance with the requirements of § 74.302.

2. The petitioner said that Citrus Red No. 2 is metabolized by rats to a compound very similar to a metabolite of the known animal and human bladder carcinogen, β-naphthylamine.

Although the petition fails to state clearly the identity of the metabolite in question, the petitioner is apparently referring to 1-amino-2-naphthol, which was reported by Bonser (Ref. 1) to produce tumors when implanted into bladders of mice. However, implantation is not generally considered an appropriate method for carcinogenic testing of compounds that are ingested (see discussion in item No. 3 below). The Commissioner concludes that the Bonser study is not relevant to the safety of Citrus Red No. 2 when ingested. The mere chemical similarity of β-naphthylamine and 1-amino-2-naphthol is also no basis for the conclusion that 1-amino-2-naphthol is a carcinogen.

To determine whether either 1-amino-2-naphthyl sulfate or 1-amino-2-naphthyl glucuronide (two known metabolites of Citrus Red No. 2 that could possibly be hydrolized to liberate the free amino-naphthol) cause bladder tumors after prolonged ingestion, Radomski (Ref. 2) fed Citrus Red No. 2 to rats and dogs. Radomski reported that no bladder tumors were found in the rats or dogs involved in this study.

The petitioner also attributed the following statement to Radomski: "This suggests the possibility that this (Citrus Red No. 2) dye may produce bladder cancer after prolonged ingestion." The petitioner has taken this sentence out of context. Radomski (Ref. 2) actually stated:

> The observation that both 1-xylylazo-2-naphthol and 2,5-dimethoxy-phenylazo-2-naphthol [Citrus Red No. 2] are metabolised to 1-amino-2-naphthyl glucuronide suggests the possibility that these and other azo dyes derived from 2-naphthol may produce bladder cancer after prolonged ingestion. The failure of these dyes to produce bladder tumors after prolonged feeding to dogs and rats could be explained by our observation that 1-amino-2-naphthyl glucuronide is not a prominent metabolite in the dog and the general failure of rats to develop bladder tumors when administered proven bladder carcinogens.

Thus, Radomski is stating that (if the Bonser study is accepted as relevant) although theoretically these metabolites might produce bladder cancer, in actuality, the metabolites of Citrus Red No. 2 were not found to cause bladder tumors. The Commissioner concludes, therefore, that there is no valid evidence of carcinogenicity.

3. The petitioner concluded that Citrus Red No. 2 produced bladder tumors in rats and mice and bladder cancer in mice when fed the color. In support of this statement the petition cited the following references and attributed the following conclusions to those studies:

a. 1965—*Mouse and rat-feeding studies.* Hyperplasia and benign tumors of the bladder were found in Citrus Red No. 2-fed mice and rats and bladder cancer in mice (Ref. 3).

b. 1966—*Mouse injection studies.* A statistically significant increase in malignant tumors (including one case of bladder cancer) was seen in female mice given Citrus Red No. 2 (Ref. 4).

c. 1968—*Bladder implantation.* A statistically significant increase in bladder cancer was found in mice with Citrus Red No. 2 treatment (Ref. 5).

The Commissioner has reviewed each of these reports and disagrees completely with the conclusions of the HRG. His comments on each study cited above are discussed below.

Commissioner's response to the mouse and rat-feeding studies (3a. above).—The statement cited by HRG is derived from experimental work done by Dacre (Ref. 3) and reported as a summary. Dacre's work was considered in the initial evaluation of the toxicity data for this color; however, in direct contradiction to his findings were the results of two feeding studies in rats (unpublished report, Hazleton Laboratories and Sharratt et al. (Ref. 4)), neither of which reported bladder carcinogenicity. This matter was subsequently submitted to an advisory committee for its consideration. That committee in its report (Ref. 6) of October 28, 1971, stated:

> Considering the lack of confirmation of Dacre's work and the negative findings in all other studies we recommend the following: The listing of Citrus Red No. 2 should remain unchanged until Dacre's results can be confirmed by examination of the bladder sections and of the detailed protocol and results of his study.

As far as the Commissioner is aware, a final report on Dacre's study has never been completed. Bladder slides from Dr. Dacre's study of Citrus Red No. 2 were reviewed by an FDA pathologist, Dr. Stuart Levin, who questioned the value of the study, stating "serious deficiencies, including loss of large numbers of animals, lack of adequate control bladders, poor tissue handling, and inadequate observation and description of gross lesions, raise serious questions about the usefulness of this study." Without more detailed results from Dr. Dacre and in view of the deficiencies noted by Dr. Levin, the Commissioner is unable to attach

any significance to Dr. Dacre's study relevant to the safety of Citrus Red No. 2.

Commissioner's response to the mouse injection studies (3b. above).—While the Sharratt et al. findings (Ref. 4) are of interest, the Commissioner does not consider subcutaneous injection to be an appropriate method for testing materials that are to be ingested. The procedures of repeated subcutaneous injection and urinary bladder implantation of pellets of color additives into test animals are not generally considered by the scientific community as appropriate methods of testing the safety of substances intended for oral use. Arguments against both these techniques have been presented by a world-renowned pathologist, Dr. Grasso (Ref. 7).

The World Health Organization (WHO) stated that the production of local sarcomata at the site of subcutaneous injection in rats is considered to be related to the physicochemical properties of the chemical and special conditions of the experiment and does not constitute evidence of carcinogenicity by the oral route (Ref. 8).

Quoting the Sharratt et al. paper itself (Ref. 4); "the effect obtained after subcutaneous administration in one sex only in one strain of mice is a minimal response and it is not possible on the basis of these studies alone to conclude that there is any potential human hazard." Accordingly, the Commissioner believes that the Sharratt et al. findings cannot be considered relevant to the safety of Citrus Red No. 2 when ingested.

Commissioner's response to the bladder implantation study (3c. above).—This is the work of Clayson et al. (Ref. 5), which involved surgical introduction of a pellet containing Citrus Red No. 2 into the lumen of the mouse bladder. As discussed above, implantation, like subcutaneous injection, is not considered an appropriate method for testing materials to be ingested (Grasso—Ref. 7). Malignant tumors can occur when the vehicles themselves are implanted. As Grasso (Ref. 7) states, "the presence of a foreign body in the bladder can give rise to malignant tumors, probably from prolonged irritation." Accordingly, the Commissioner does not consider these findings relevant to the safety of Citrus Red No. 2 when ingested.

4. The HRG petition cites the opinions of the International Agency for Research on Cancer (IARC) and World Health Organization (WHO) concerning Citrus Red No. 2. Both IARC and WHO have based their opinions of Citrus Red No. 2 primarily on the study of Dacre (Ref. 3), which was discussed above. Neither organization examined Dr. Dacre's results in detail, nor did they examine the bladder slides—both relied mostly on the published report (Ref. 3). As discussed above, after exhaustively examining the merits of the Dacre study and after several unsuccessful attempts to obtain a final report of this study from Dr. Dacre, the Commissioner has concluded that it does not offer valid evidence of carcinogenicity.

As pointed out, the Commissioner does not agree that injection or implantation studies are germane to compounds that are ingested. Accordingly, from the point of view of FDA, the single study that might be considered to imply to any extent that this color is a carcinogen is that of Dacre. This study offers no valid evidence of carcinogenicity, nor do the other available data support revocation of the listing of Citrus Red No. 2.

FD & C Blue No. 1

HRG concldes that the evidence suggests that FD & C Blue No. 1 may be a carcinogen. In support of this conclusion, the petitioner discussed two feeding studies—a 2-year rat study carried out at FDA by Hansen et al. (Ref. 9), and a 2-year mouse study done in the Netherlands by Waterman and Lignac (Ref. 10). The following subcutaneous injection studies were also offered in support of the petition: a 2-year rat study carried out at FDA by Nelson and Hagen (Ref. 11) and a 20½-month rat study done by Gross (Ref. 12). The Commissioner finds that the petitioner's conclusion on the basis of these studies is tenuous at best.

In reviewing the 2-year feeding study by Hansen et al. (Ref. 9), the petitioner has compared the number of malignant tumors in the lowest dosed animals and all dosed animals to the controls to show that this study is supportive of its conclusion. It is germane, however, to compare the numbers of malignancies in terms of each of the dosage levels because a relationship should exist between the dose fed and the number of malignant tumors if the compound is carcinogenic.

Examination of the number of tumors that appeared at each dosage level—namely, tumors were found in 3 of 24 control animals; at the 0.5 percent dosage level, tumors were found in 6 of 24 animals; at the 1.0 percent dosage level, tumors were found in 4 of 24 animals; at the 2 percent dosage level, tumors were found in 2 of 24 animals; and at the 5.0 percent dosage level, tumors were found in 3 of 24 animals—shows that there is no dose relationship. Because there is no relationship between the dosage level fed and the incidence of tumors, these results are not supportive of any conclusion as to carcinogenicity.

HRG's comments on this study also include a parenthetical mention of a subcutaneous injection study done by Hansen, et al. (Ref. 9) at the same time. As noted above, injection or implantation studies are not germane to the evaluation of the safety of a compound which is ingested.

In referring to the data from Waterman and Lignac (Ref. 10), the petitioner has considered only the data for males and then only for those mice 400 or more days into the study. The Commissioner can see no rationale for this arbitrary selection of 400-day-old animals or indeed for eliminating the females, since the tumors found in the males and considered by HRG were lung tumors. Review of the actual data shows that for both control males and control females time of onset of lung tumors preceded onset in the treated animals. Tabulation of this type of data from time of initial onset, a generally accepted basis, gives the following: Control males 1/109, FD & C Blue No. 1 males 6/51, control females 2/59, FD & C Blue No. 1 females 0/43. Because there is no reason to believe any sexual difference exists in terms of lung tumor induction by a compound, these values do not suggest any carcinogenic potential.

The other two studies by Nelson and Hagan (Ref. 11) and by Gross (Ref. 12) were subcutaneous injection studies. As stated before, FDA has discounted injection studies as not being relevant to establishing the safety of color additives.

The most salient point made by the petitioner concerning FD & C Blue No. 1 is the view that by present day standards the color has not been adequately tested in long-term studies. The Commissioner agrees with this statement and has so stated in the FEDERAL REGISTER of September 23, 1976 (41 FR 41860) in the proposal to extend the provisional listing of this color. Because of this, the petitioner for the color has been required under § 81.27(d) (21 CFR 81.27(d)) to conduct new chronic feeding studies with the color before the color is "permanently" listed for ingested cosmetic uses.

A new life-time feeding study in rats was begun on June 8, 1977, and another life-time feeding study in mice was begun on April 26, 1978. In the meantime, the Commissioner finds that none of the data presented by the petitioner is sufficient to warrant a prohibition on the use of the color at this time.

Orange B

HRG makes three arguments in support of its petition to revoke the approval for Orange B. The first reason given is that a metabolite of Orange B is identical to one of the metabolites of FD&C Red No. 2 (the provisional listing of which was originally terminated on February 10, 1976 (41 FR 5823), temporarily stayed, reissued

with change of effective date on February 13, 1976 (41 FR 6774)). The mere fact that Orange B and FD&C Red No. 2 have metabolites in common, absent evidence showing the metabolite to be carcinogenic, is no reason to delist Orange B.

Second, the petitioner states that the long-term feeding studies of Orange B in mice and rats were inadequate. The Commissioner agrees that the chronic feeding studies, when judged by contemporary standards, may be deficient. Although this could be a basis for requiring the conduct of new studies, the inadequacies of individual studies are not sufficient reasons to revoke the approval for Orange B. Thorough consideration must be given to the available chemistry, toxicology, and usage data for the color before a conclusion can be made as to what, if any, new studies may be necessary.

As further basis for delisting the color, HRG cited the results of a dog study done by FDA in which liver nodules were seen. The liver lesions in these dogs caused concern at FDA. In the final analysis, the matter was resolved by sending the slides in question to Dr. Hans Popper, Mt. Sinai Hospital, a renowned expert in liver pathology. Dr. Popper stated in a letter dated May 31, 1965, that these lesions were not indicative or carcinoma, a view shared by other pathologists who were involved with this evaluation.

During further recent testing of Orange B, however, the manufacturer has discovered that there is a possibility that β-naphthylamine, a known carcinogen, may be present in Orange B as a contaminant. To resolve the questions raised by this discovery, the Commissioner requested that the manufacturer promptly provide to FDA data about the possible contamination of Orange B with β-naphthylamine. In the meantime, the manufacturer of Orange B ceased production of the color. Because of the concern about the presence of β-naphthylamine in Orange B, the Commissioner proposed in the FEDERAL REGISTER of October 3, 1978 (43 FR 45611) to revoke the listing for the color.

FD & C YELLOW No. 5

The HRG petition proposes that FD&C Yellow No. 5 be prohibited because the data are inadequate to resolve the question of carcinogenicity and because FD&C Yellow No. 5 is known to be responsible for allergic problems.

Although the chronic feeding studies on FD&C Yellow No. 5 may have been inadequate when viewed by contemporary standards, this is not sufficient reason, in and of itself, to warrant revocation of the listing of FD&C Yellow No. 5. Two chronic feeding studies were done in the late 1950's and early 1960's. Review of these studies by the Bureau of Foods in 1976 (See FEDERAL REGISTER of September 23, 1976 (41 FR 41860)) disclosed that, when judged by contemporary standards for toxicological studies, the studies were, indeed, deficient. As a condition of continued provisional listing, a new 2-year rat feeding study was begun June 21, 1977, and a chronic feeding study in mice was begun on May 3, 1978. Thus, studies are underway that will resolve any questions about the carcinogenicity of FD&C Yellow No. 5.

FD&C Yellow No. 5 does not, strictly speaking, produce allergies, but rather there are individuals who are "intolerant" of the color and who react to it. Although the mechanism for this reaction is unclear, it is apparently not an allergic machanism. Those persons who are intolerant of FD&C Yellow No. 5 are apparently a subset of individuals who are intolerant of aspirin. A proposal was issued in the FEDERAL REGISTER of February 4, 1977 (42 FR 6834) to require labeling of foods and drugs containing this color as well as a ban on its use in particular drugs. The comment period for this proposal ended on April 6, 1977, with 428 comments received. These comments are currently being reviewed, and final regulations should be published soon. In general, the comments, including some from noted allergists, stated that required labeling of foods and drugs would be sufficient to alleviate the potential "allergic" problem.

The Commissioner finds that the data in the petition are insufficient to support the revocation of the listing of FD&C Yellow No. 5.

FD & C RED No. 3

In requesting the prohibition of FD&C Red No. 3, the HRG petition stated that the evidence suggests that the color is a carcinogen and, also, raises a question concerning goiter formation. The basic evidence to support the conclusion concerning carcinogenicity is a report from a pathologist working as a consultant to HRG. The report states that the consultant reviewed the data from two 1969 rat studies in detail, including the histopathological sections from the rats. Both these 2-year studies were conducted at FDA by Hansen et al.—one was an intubation study, the other a feeding study. The consultant also reviewed two other FDA rat studies—a 2-year feeding study done by Davis and a 2-year feeding study published by Hansen et al. in 1973 (Ref. 13). The striking point in the report of the pathologist who consulted with HRG is his arbitrary selection of data from the studies.

In the 1969 intubation study done by Hansen et al., suspicion of carcinogenicity was raised by the consultant in the case of female rats exhibiting sarcomas and carcinomas. This included those with tumors of the mammary and pituitary gland. In the 2-year 1969 feeding study by Hansen it al., the consultant neglected to consider those rats with mammary and pituitary gland tumors. The targets in the Davis study were female rats with benign or malignant tumors, and predominantly mammary or pituitary gland tumors were considered. The targets in the Hansen et al. study published in 1973 were male rats with malignant tumors.

The petitioner never claims that the incidence of tumors in these studies has any statistical significance. The need for such careful selection of data during the review, in order to arrive at a suspicion, and the variation in the data used may also be used with equal reason to conclude a lack of carcinogenicity from these studies.

The agency has reviewed those data that are available and were previously considered, but no details of the findings on the consultant's examination of slides were made available. Thus, it is impossible to know how much of the consultant's tabulated material is based on the FDA documents he cites as references. Tabulations were compiled by FDA that considered the same criteria as did the HRG consultant, except that the rats that showed mammary or pituitary carcinomas in the Hansen et al. study were not excluded. The differences between these two sets of tabulations from the same studies further diminish the significance of the suggestion of carcinogenicity of this color, and therefore there is no reason to conclude on the basis of these studies that FD&C Red No. 3 is a carcinogen.

The results of mutagenicity studies were also cited by HRG as showing a slight but statistically significant mutagenic effect on bacteria. While results of mutagenic tests in bacteria are of interest, by themselves they are not considered a sufficient basis for regulatory action against a substance, particularly when considered with the negative results of the existing feeding studies.

The petition also cites a recently published FDA study—*Food and Cosmetics Toxicology* 14:233-248, 1976—that showed "a dose related change in the thyroid reminiscent of human nodular goiter."

The Commissioner agrees that the study by Collins and Long suggests a goitrogenic effect produced by FD&C Red No. 3 in the gerbil. But the effect noted by Collins and Long might be caused by the relatively large amounts

of free iodine sometimes present in FD&C Red No. 3 and not by the color itself. Some lots examined have contained as much as 0.8 percent free iodine. Also, the use of the gerbil as a model for the human is respect to goitrogenicity has yet to be established. The agency is currently examining the relevance of this animal model and the possibility of conducting a similar study in another animal model. Until this examination has been completed, the Commissioner does not believe there is a basis for action.

FD & C Red No. 40

The only apparent basis to support the conclusion that FD&C Red No. 40 is carcinogenic are the findings of ongoing studies with this color in mice. On the basis of preliminary results from those studies, the petitioner concluded that the color is a carcinogen.

In the late 1974 and early 1975, Hazleton Laboratories, Vienna, VA, under the sponsorship of Allied Chemical Corp., Specialty Chemicals Division, began two chronic feeding studies on FD&C Red No. 40—one in the rat and one in the mouse. In February 1976, Hazleton Laboratories reported that the results of the study in the rat were unremarkable; however, they did report the occurrence of lymphomas at an early age in the test mice. At the suggestion of FDA, a second chronic feeding study in the mouse was initiated in mid-1976 to determine whether the early onset for lymphomas, apparently detected in the first mouse study, would be duplicated. Since April 1976, FDA has been closely monitoring all three studies and has been receiving monthly progress reports on them. The progress reports have been available to the public under the Freedom of Information Act (5 U.S.C. 552).

The Commissioner has been very concernded with findings of the ongoing studies with FD&C Red No. 40. Any action proposed, however, must be capable of withstanding close scientific scrutiny as well as being supportable in a court of law. Accordingly, the data on the studies have been considered very carefully prior to taking action. All the available data on FD&C Red No. 40, and, particularly the results of the ongoing studies, were presented to an Interagency Working Group of experts for their consideration. The formation of this Working Group was announced in the FEDERAL REGISTER on December 7, 1976 (41 FR 53546). The group is composed of individuals from FDA, the National Center for Toxicological Research (NCTR), and the National Cancer Institute (NCI). Their interim findings, which were made publicly available on February 8, 1977, stated that although there appeared to be some carcinogenic effect in terms of "time-to-tumor," it would be premature to act because the statistical validity of this apparent effect could be changed by subsequent findings.

The first mouse feeding study has now been completed, and the final report was received September 30, 1977. Further, the second mouse study has progressed far enough to allow a comparison of its early trends with those of the recently completed study. In addition, the final report on the rat feeding study is also available. In light of these events, a notice was published in the FEDERAL REGISTER of December 6, 1977 (42 FR 61630) announcing that the Working Group on FD&C Red No. 40 would meet on December 19-20, 1977 to evaluate these data. A notice announcing the availability of the Working Group's second interim report was published in the FEDERAL REGISTER of April 28, 1978. In this interim report, the Working Group concluded that there was no significant acceleration of lymphoma formation due to FD&C Red No. 40 on the basis of the completed first mouse study, nor does there appear to be any significant acceleration of lymphoma formation in the interim results of the second mouse study. There was no statistically significant increase in the incidence of lymphomas due to the ingestion of FD&C Red No. 40 in either mouse study. The Working Group also analyzed the data from the completed rat study and found no treatment-related tumors. Although the Working Group has concluded that these studies provide no evidence that FD&C Red No. 40 is carcinogenic, it recommended that a final assessment await completion of the second mouse study. Data from the two mouse studies also have been furnished to three expert consultants for analysis of the time-to-tumor issue. The consultants are Dr. Bernard G. Greenberg, Dean of the School of Public Health, University of North Carolina; Jerome Cornfield, Professor of Statistics, George Washington University; and Dr. Frederick Mosteller, Chairman of the Department of Statistics, Harvard University. The results of these analyses will be evaluated by the Commissioner in determining a course of action for FD&C Red No. 40. The Commissioner considers the resolution of the status of FD&C Red No. 40 to be a high priority. A notice announcing a public meeting of the Working Group will soon be published in the FEDERAL REGISTER. The Commissioner concludes that until a final assessment of all studies is made he will defer any action to terminate listing of FD&C Red No. 40.

Color Additives Exempt From Certification

Concerning these color additives, the petition requested that full and competent toxicological studies be instituted for each of the "non-coal tar" colors and cited limitations of the toxicological information for each of these color additives.

The Commissioner agrees, generally, with these conclusions. The Bureau of Foods has already begun an orderly evaluation of these color additives as it relates to their identity, usage, and safety. The basic intent of this program is to gather comprehensive information on the usage and consumption of each color. This will subsequently be coupled with all available information on the toxicity of each color. The Commissioner expects that there may be some instances where there are insufficient data by present standards to support the safety of a color additive. In such a case, continued listing, and therefore the use of the color additive, will be conditioned upon the undertaking by an interested person of studies considered necessary to establish the safety of the color. The orderly review initiated by the agency is the best course of action that will lead to results that can be legally and scientifically defended.

In view of the preceding, the Commissioner denies the petition requesting revocation of the color additive regulations for FD&C Blue No. 1 (§ 74.101), Orange B (§ 74.250), Citrus Red No. 2 (§ 74.302), FD&C Red No. 3 (§ 74.303), FD&C Red No. 40 (§ 74.340), and FD&C Yellow No. 5 (§ 74.705). The request that FDA "institute full and competent toxicological studies on each of the 'non-coal tar colors'" is likewise rejected. The reasons for this denial are summarized as follows:

1. *Petition for revocation.*—The petition does not provide a sufficient scientific and legal basis to support the recommended course of action. The comments concerning the "allergic-type responses to FD&C Yellow No. 5" will be considered along with the other comments received in response to the FDA proposal of February 4, 1977 (see the FEDERAL REGISTER of February 4, 1977 (42 FR 6835)) concerning the color.

2. *Request for toxicological studies.*—Steps have already been initiated by FDA that will respond to the request of the petitioner that new toxicological studies be required, albeit in a more time-consuming, but orderly manner. The Commissioner agrees with the petitioner's contention that the toxicological data previously considered to support the safety of the color additives may be inadequate by modern-day criteria. This general finding along, however, is not sufficient to require the undertaking of new studies

for the permanently listed color additives. It is first necessary to compile all the date currently available on a color additive and to consider carefully the types of studies that are necessary to demonstrate safety under the intended conditions of use. A decision can then be made concerning the adequacy of the existing studies.

The articles and publications cited in this notice are listed below. Copies of these and other information forming the basis for this action are on public display in the office of the Hearing Clerk, Food and Drug Administration, between 9 a.m. and 4 p.m., Monday through Friday (address cited above).

REFERENCES

1. Bonser, G. M., *British Journal of Cancer*, 10:539-546, 1956.

2. Radomski, S. L., *Journal of Pharmacology and Experimental Therapeutics*, 136:378-385, 1962.

3. Dacre, J. C., *Proceedings of the University of Otago Medical School*, 43:31-33, 1965.

4. Sharratt, M., Frazer, A. C., and Paranjoti, I. S., *Food and Cosmetics Toxicology*, 4:493-502, 1966.

5. Clayson, D. B., Pringle, J. A. S., Bonser, G. M., and Wood, M., *British Journal of Cancer*, 22:825-832, 1968.

6. "Report of the Statutory Advisory Committee on FD&C Violet No. 1 and Citrus Red No. 2," October 28, 1971.

7. Grasso, P., *Chemistry in Britain*, 6:17-22, 1970.

8. "Toxicological Evaluation of Some Food Colours, Emulsifiers, Stabilizers, Anticaking Agents and Certain Other substances," FAO Nutrition Meetings Report series No. 46A, WHO/FOOD ADD/70.36, p. 39, 1969.

9. Hansen, W. H., Fitzhugh, O. G., Nelson, A. A., and Davis, K. J., *Toxicology and Applied Pharmacology*, 8:29-36, 1966.

10. Waterman, N. and Lignac, G. O. E., *Acta Physiol. Pharmacol. Neerlandica*, 7:35-55, 1958.

11. Nelson, A. A. and Hagan, E. C., *Federation Proceedings*, 12:397-398, 1953.

12. Gross, E., *Zeitschrift fur Krebsforchung*, 64:287-304, 1961.

13. Hansen, W., et al., *Food and Cosmetics Toxicology*, 11:527, 1973.

Any person who will be adversely affected by the foregoing order may at any time on or before December 26, 1978, file with the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of §71.30 (21 CFR 71.30). If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above-named office during working hours, Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706, 52 Stat. 1055-1056, 74 Stat. 399-403 (21 U.S.C. 371, 376)) and under authority delegated to the Commissioner (21 CFR 5.1).

Dated: October 30, 1978.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc. 78-32715 Filed 11-22-78; 8:45 am]

[4110-03-M]

[Docket No. 77-0150]

PHENFORMIN HYDROCHLORIDE; WITHDRAWAL OF APPROVAL OF NEW DRUG APPLICATIONS

Availability of Commissioner's Decision

AGENCY: Food and Drug Administration.

ACTION: Notice of availability of Commissioner's decision.

SUMMARY: The Commissioner of Food and Drugs has issued a final decision, following a formal evidentiary public hearing, withdrawing approval of new drug applications (NDA's) for phenformin hydrochloride. The Commissioner's decision, including findings of fact, conclusions of law, and final order may be seen in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, from 9 a.m. to 4 p.m., Monday through Friday. The withdrawal was effective November 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard A. Anderson, Supervisory Safety Officer, Office of the Associate Commissioner for Health Affairs (HFY-21), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1177.

SUPPLEMENTARY INFORMATION: The Commissioner has determined that phenformin is not shown to be safe for use under the conditions of use on the basis of which the applications were approved. He affirms the initial decision of the administrative law judge with modification and supplementation provided in the final order. Introduction into interstate commerce of phenformin, except in conformity with an exemption granted under section 505 (i) of the act (21 U.S.C. 355 (i)), constitutes a violation of law.

This notice is issued pursuant to 21 CFR 12.130 (e).

Dated: November 15, 1978.

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

[FR Doc. 78-32713 Filed 11-17-78; 10:15 am]

[4110-08-M]

National Institutes of Health

REPORT ON BIOASSAY OF DIBENZO-P-DIOXIN FOR POSSIBLE CARCINOGENICITY

Availability

Dibenzo-p-dioxin (CAS 262-12-4) has been tested for cancer-causing activity with rats and mice in the bioassay program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of dibenzo-p-dioxin (UDD) for possible carcinogenicity was conducted by administering the test chemical in feed to Osborne-Mendel rats and B6C3F1 mice. The chemical is a breakdown product of the industrial chemical pentachlorophenol and the herbicide 2,4,5-T.

It is concluded that under the conditions of this bioassay, UDD was not carcinogenic for Osborne-Mendel rats of 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 Number 13.393, Cancer Cause and Prevention Research.)

Dated: November 9, 1978.

DONALD S. FREDRICKSON,
Director, National Institutes of Health.

[FR Doc. 78-32406 Filed 11-22-78; 8:45 am]

[4110-08-M]

REPORT ON BIOASSAY OF DL-MENTHOL FOR POSSIBLE CARCINOGENICITY

Availability

dl-Menthol (CAS 89-78-1) 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 of dl-menthol 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 in pharmaceutical products and menthol-flavored cigarettes.

It is concluded that under the conditions of this bioassay, dl-menthol 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 Number 13.393, Cancer Cause and Prevention Research.)

Dated: November 9, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc. 78-32407 Filed 11-22-78; 8:45 am]

[4110-02-M]

Office of Education

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Meeting Relocated

This notice is to amend a portion of the notice of November 17, 1978, of the meeting of the National Advisory Council on the Education of Disadvantaged Children scheduled to be held on December 8 and 9, 1978. The Council meeting which was scheduled to be held at 425 13th Street NW., Suite 1012, Washington, D.C. 20004, has been relocated to the Brent 1, Old Town Holiday Inn, 480 King Street, Alexandia, Va. 22314, area code 703-549-6080. The dates will remain the same.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress of the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

For any additional information regarding the above meeting, please contact Mrs. Lisa Haywood at 202-724-0114.

Signed at Washington, D.C., on November 20, 1978.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc. 78-32975 Filed 11-22-78; 8:45 am]

[4110-89-M]

Assistant Secretary for Education

COMMENT ON COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

Pursuant to section 406(g)(2)(B), General Education Provisions Act notice is hereby given as follows:

The U.S. Office of Education has proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the control of paperwork amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before December 26, 1978, and should be addressed to Administrator, National Center for Education Statistics, Attention: Manager Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

Dated: November 20, 1978.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

Description of a Proposed Collection of Information and Data Acquisition

1. Title of proposed activity:
Rating form for the external validation of OE judgment for recognition of accrediting and State approval agencies.

2. Agency bureau office:
U.S. Office of Education/Office of Evaluation and Dissemination/Postsecondary Programs Division.,

3. Agency form number:
OE-663-1

4. Legislative authority for this activity:
"* * * the Secretary shall transmit to (appropriate congressional committees) an annual evaluation report which evaluates the effectiveness of applicable programs * * * such report shall * * * contain information on the progress being made * * * describe the cost and benefits of the applicable progam * * * identify which sectors of the public receive the benefits of such program * * *" (20 U.S.C. 1226c) Pub. L. 93-380, sec. 417(a)(1)(B)(C).)

5. Voluntary/obligatory nature of response:
Voluntary.

6. How information collected will be used:
The U.S. Office of Education (USOE) is required by law to identify those accrediting and state approval agencies that are "reliable authorities as to the quality of training" offered by the institutions or programs accredited. In determining which agencies to recognize as "reliable authority", USOE examines the organization and functioning of the agencies with respect to a published list of criteria. Educational Testing Service has contracted with USOE to assess the validity and reliability of its recognition criteria and procedures. The study deals with validity as it is determined by the content and substance of the procedure—content validity—and by the interrelationships among the criteria, the procedures used in applying them, and the judgments of knowledgeable persons about the importance of those criteria—construct validity. Both these forms of validity rest on the internal character of the recognition process and judgments about it. An assessment of a third form of validity, external validity, which relates the results of the recognition process to considerations external to the process itself is the purpose of this proposed rating form.

7. Data acquisition plan:
a. Method of collection: Mail.
b. Time of collection: January 15, 1979-March 15, 1979.
c. Frequency: One-time.

8. Respondents:
a. Type: 1. Senior staff members of accrediting agencies.
2. Senior administrators of institutions and programs who have primary responsibilities for accreditation.
3. Faculty members who have been closely involved with accrediting, as in preparing self-studies or participating on visiting teams.
4. Staff of Federal agencies involved with accrediting or the recognition of accrediting agencies, including congressional staff.
5. Staff of State agencies concerned with licensing of schools and colleges

or with accrediting, including staff of legislative committees.

6. Persons not connected directly with the accrediting process but who because of their backgrounds are acknowledged experts on accreditation.

7. Persons who in their professional activities or writing have been identified as critics of the accrediting process as it now exists.

b. Number: 150 (sample).

c. Estimated average man-hours per respondent: Two hours.

9. Information to be collected:

Judgments on the external validity of the OE recognition process.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity:

National Center Impact Survey.

2. Agency bureau/office:

Office of Education, Bureau of Occupational and Adult Education.

OE Form 665.

3. Agency form numbers:

4. Legislative authority for this activity:

"Section 171(a). Funds reserved to the Commissioner * * * shall be used primarily for contracts * * * for (2) support of a national center for research in vocational education which Center shall * * * (A) conduct applied research and development on problems of national significance in vocational education * * *." (Pub. L. 94-482, Title II, Sec. 202; 20 U.S.C. 2401.)

5. Voluntary obigatory nature of response:

Voluntary.

6. How information to be collected will be used:

Results from the 1979 survey will comprise one of the several data bases used to assess the impact of the National Center for Research in Vocational Education. These results will be published and made available to the public. Data collected from this survey and from two subsequent surveys will be used for three major evaluative purposes. First, feedback from the survey will be used by the National Center management and staff for organizational improvement. Second, the data will provide evidence of impact to external audiences thus providing a mechanism for accountability. Third, the results from the surveys will provide comparative data which will be used to assess trends and changes in impact over time.

7. Data acquisition plan:

a. Method of collection: Mail and/or personal interview.

b. Time of collection: April-June 1979, 1980, and 1981.

c. Frequency: Annually for 3 years.

8. Respondents:

a. Type: School administrators and supervisors.

b. Number: 2,000.

c. Estimated average man-hours per repondent: 0.25.

9. Information to be collected:

Information about the knowledge, use, and appraisal of the National Center for Research in Vocational Education by its constituents will be collected from all respondents. Dimensions of the National Center to be assessed by its constituents include the National Center's image, staff, substantive areas of focus, operations, public information, products, training activities, and services. Attitudes toward vocational education research and devlopment in general and toward problems of national significance in vocational education will also be measured. Demographic data will be collected on respondent's gender, ethnic origin, professional role, institutional affiliation, geographic location, and relation to the National Center.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity:

Factors related to the underrepresentation of women in vocational education administration.

2. Agency/bureau/office:

Office of education, Bureau of Occupational and Adult Education.

3. Agency form number:

OE Form 666.

4. Legislative authority for this activity:

"Section 171(a). Funds reserved to the Commissioner * * * shall be used primarily for contracts * * * for (2) support of a national center for research in vocational education * * * which Center shall * * * (A) conduct applied research and development on problems of national significance in vocational education * * *." (Pub. L. 94-482, Title II, Sec. 202; 20 U.S.C. 2401.)

5. Voluntary/obligatory nature of response:

Voluntary.

6. How information collected will be used:

The data collected will be used to prepare the publication, "Perceptions of Factors Relating to the Underrepresentation of Women in Vocational Education Administration." The information will be used also as a data base for continuing research studies and as a data base for the proposed longitudinal study. Additionally the information will be used to design appropriate intervention strategies for a variety of audiences.

7. Data acquisition plan:

a. Method of collection: Personal interview.

b. Time of collection: January-February 1979.

c. Frequency: Single time.

8. Respondents:

a. Type: School administrators and supervisors.

b. Number: 100.

c. Estimated average man-hours per respondent: 0.75.

a. Type: Colleges and universities.

b. Number: 100.

c. Estimated average man-hours per respondent: 0.75.

a. Type: Individuals.

b. Number: 100.

c. Estimated average man-hours per respondent: 0.75.

a. Type: Other (Local Boards of Education and Boards of Trustees).

b. Number: 100.

c. Estimated average man-hours per respondent: 0.75.

9. Information to be collected:

a. Respondent perceptions of the factors relating to the underrepresentation of women in vocational education administration: broadly relating perceptions of technical, human relations, and conceptual skills required for administrative positions.

b. Respondent demographic data: years in present position, other administrative experience, educational attainment, credentials, age range, sex, ethnic origin, marital status, salary range, etc.

c. Respondent organizational data: size of community, minority composition of community, number of administrative positions and female and minority representation in those positions, and recruitment practices.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed acitivity:

Educational Placement Decision Questionnaire.

2. Agency/bureau/office:

U.S. Office of Education/Bureau of Education for the Handicapped.

3. Agency form number:

OE Form 672.

4. Legislative authority for this activity:

"The Commissioner is authorized to make * * * contracts with States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, for research and related purposed and to conduct research, surveys, or demonstrations, relating to education or handicapped children." (Pub. L. 91-230, Title VI, Part E, Sec. 641, U.S.C. 1441.)

5. Voluntary/obligatory nature of response:

Voluntary.

6. How information will be used:

Research.—The proposed data collection will be conducted by the University of Minnesota Institute for Research on Learning Disabilities, a program

funded under contract with BEH (300-77-0491). This Institute's research focuses on the assessment-intervention and decisionmaking processes used by educators in planning for learning disabled children. A critical area for research is that of placement decisions, and the questionnaire approach is being undertaken to obtain data on what educational personnel believe they are basing their placement decisions on. This survey, the first in a series of three, will examine the factors used by school principals in making placement decisions and the success of tho decisionmaking processes.

7. Data acquisition plan:
a. Method of collection: Mail.
b. Time of collection: Spring, 1979.
c. Frequency: Single time.
8. Respondents:
a. Type: Principals (school).
b. Number: Sample—500.
c. Burden: 2 hours per respondent.
9. Information to be collected:

The survey is divided into three sections: I (13 items) on size and facilities of the school itself, and of the community it serves; II (8 items) characteristics of children considered important in assignment to classes, and information sought to aid assignment: and III (7 items) on placement decisions and how the administrators and community feel about them.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISTION ACTIVITY

1. Title of proposed activity:
Application for Commissioner's Discretionary Programs of Bilingual Education (Title VII, ESEA).
2. Agency/bureau/office:
U.S. Office of Education, Office of Bilingual Education.
3. Agency form number:
OE Form 4561.
4. Legislative authority for this activity:

Part A, Section 721(a): "Funds available for this grant shall be used for—

"(1) The establishment of Programs of Bilingual Education;

"(2) Auxiliary and Supplementary, Community and Educational Acitivities;

"(3) (A) The establishment of training programs; and

(B) Auxiliary and Supplementary programs;

"(4) Planning and providing technical assistance for and taking other steps leading to the development of, such programs.

Part A, Section 721(b)(1): "A grant may be made under this section by one or more local educational agencies or by an institution of higher education, including a junior or community college, applying jointly with one or more local educational agencies. Each such application shall be made to the Commissioner at such time, and such manner, and containing such information as the Commissioner deems necessary."

Section 721(b)(5)(A): "Upon an application from a State educational agency, the Commissioner shall make provision for the submission and approval of a State program for the coordination of technical assistance to programs in such States." (20 U.S.C. 880 b-7) (Pub. L. 93-380.)

Section 723(a)(1): "In carrying out the provisions of section 721, with respect to training, the Commissioner shall, through grants to and contracts with, eligible applicants provide for—

(A)(i) Traninig designed (I) to prepare personnel, (II) to train teachers, administrators, counselors, paraprofessionals, teacher aides, and parents, and (II) special training programs,

(B) The operation of short-term training institutes,

(a)(2) In addition the Commissioner is authorized to award fellowships (20 U.S.C. 880 b-9) (Pub. L. 93-380.)

Section 723(b): "For purposes of this section 723, the term 'eligible applicant' means:

"(1) Institutions of higher education and private nonprofit organizations which apply, after consultation with, of jointly with, one or more local educational agencies or State educational agencies;

"(2) Local educational agencies; and

"(3) State educational agencies.

5. Voluntary/obligatory nature of response:
Required to obtain or maintain benefits.
6. How information to be collected will be used:
The information will be used to award grants and enter into assistance contracts under the Commissioner's Discretionary Programs of Bilingual Education.
7. Data acquisition plan:
a. Method of Collection: Mail.
b. Time of collection: Spring.
c. Frequency: Annually.
8. Respondents:
a. Type: College and Universities.
b. Number: 200.
c. Estimated average man-hours per respondent: 40.
a. Type: Local educational agencies.
b. Number: 750.
c. Estimated average man-hours per respondent: 40.
a. Type: Nonprofit organizations.
b. Number: 25.
c. Estimated average man-hours per respondent: 40
a. Type: State education agencies.
b. Number: 50.
c. Estimated average man-hours per respondent: 40
9. Information to be collected:

All respondents will be required to provide information requested on the standard nonconstruction application for Federal assistance. Supplementation to the program narrative will include legal requirements.

[FR Doc. 78-32993 Filed 11-22-78, 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 meet on Monday, December 11, 1978, from 9 a.m. to 5 p.m., and on Tuesday, December 12, 1978, from 9 a.m. to 5 p.m., in Room 303-A, HEW Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. The agenda will include reports from Title IX, Health and Family Policy Task Forces and action decisions based upon those reports.

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: November 20, 1978.

SUSAN C. LUBICK,
Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc. 78-32997 Filed 11-22-78 8:45 am]

[4310-02-M]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

IRRIGATION OPERATION AND MAINTENANCE CHARGES

Water Charges and Related Information on the Fort Hall Irrigation Project, Idaho

This notice of proposed operation and maintenance rates and related information is published under the authority delegated to the Assistant Secretary—Indian Affairs by the Secretary of the Interior in 230 DM1 and redelegated by the Assistant Secretary—Indian Affairs to the Area Director in 10 BIAM 3.

This notice is given in accordance with section 191.1(e) of part 191, subchapter T, chapter I, of title 25 of the Code of Federal Regulations, which provides for the Area Director to fix and announce the rates for annual op-

eration and maintenance assessments and related information on the Fort Hall irrigation project for calendar year 1979 and subsequent years. This notice is proposed pursuant to the authority contained in the Acts of March 1, 1907 (34 Stat. 1024), and August 31, 1954 (68 Stat. 1026).

The purpose of this notice is to announce an increase in the Fort Hall project assessment rates to correspond with actual operation and maintenance costs. The proposed assessment rates for 1979 will amount to an increase of approximately 6 percent.

The public is welcome to participate in the rulemaking process of the Department of the Interior. Accordingly, interested persons may submit written comments, views, and arguments with respect to the proposed rates and related regulations to the Area Director, Portland Area Office, Bureau of Indian Affairs, P.O. Box 3785, Portland, Oreg. 97208, no later than 30 days after publication of this notice in the FEDERAL REGISTER.

FORT HALL IRRIGATION PROJECT

REGULATIONS AND CHARGES

ADMINISTRATION

The Fort Hall irrigation project, which consists of the Fort Hall unit including ceded area south of the Fort Hall Indian Reservation, Idaho, is administered by the Bureau of Indian Affairs. The Superintendent of the Fort Hall Agency is the officer-in-charge and is fully authorized to carry out and enforce the regulations, either directly or through employees designated by him. The general regulations are contained in Part 191, Operation and Maintenance, Title 25—Indians, Code of Federal Regulations (42 FR 30362, June 14, 1977).

IRRIGATION SEASON

Water will be available for irrigation purposes from April 15 to September 30 of each year. These dates may be varied by 15 days depending on weather conditions and the necessity for doing maintenance work.

METHODS OF IRRIGATION

Where soil, topography, and other physical conditions are unfavorable for surface irrigation, and the project facilities are designed to deliver water to farm units for sprinkler irrigation, the officer-in-charge may limit deliveries to this type of irrigation.

DISTRIBUTION AND APPORTIONMENT OF WATER

(a) *Delivery.* Water for irrigation purposes will be delivered throughout the irrigation season by either the continuous flow or rotation method at the discretion of the officer-in-charge. If during a time when delivery is by the rotation method, a water user desires to loan his turn to another eligible water user, he shall notify either the watermaster or the ditchrider who may permit such exchange, if feasible.

(b) *Preparation and submission of a water schedule.* If the decision of the officer-in-charge is to deliver water by the rotation method, the watermaster will assist the water users on each lateral in preparing a rotation schedule should they choose to get together and prepare the schedule. In cases where the water users fail to exercise this right before March 1, the watermaster will prepare the schedule which shall be final for the season. Owners of 120 acres or more in one farm unit may elect between the continuous flow and rotation method of delivery, provided such choice does not interfere with delivery to other lands served by the lateral.

(c) *Application for deliveries of irrigation water.* Requests for water changes will be made at least 24 hours in advance. Not more than one change will be made per day. Changes will be made only during the ditchrider's regular tour. Pump shutdown, regardless of duration, without the required notice will result in the delivery being closed and locked. Repeated violations of this rule will result in strict enforcement of rotation schedules. Water users will change their sprinkler lines without shutting off more than one-half of their lines at one time. Sudden and unexpected changes in ditch flow results in operating difficulties and waste of water.

DUTY OF WATER

Dependent upon available supplies of water for each unit of the project, the duty of water is based on the delivery to the farm unit of 3.5 acre-feet of water per acre per irrigation season. This duty of water may be varied at the discretion of the officer-in-charge depending on supplies available, but each irrigable acre shall be entitled to its pro rata share of the total water supply.

CHARGES

Bill covering irrigation charges will be issued to the owner of record taken from the Bannock, Bingham, or Power County records as of December 31, preceding the due date. In the case of Indian-owned land leased to a non-Indian, when an approved lease contract is on file with the Superintendent of the Fort Hall Agency, operation and maintenance charges will be billed to the lessee of record.

BASIC AND OTHER WATER CHARGES

(a) The annual basic water charges for the operation and maintenance of the Fort Hall irrigation project lands in non-Indian ownership, and assessable Indian-owned lands leased to a non-Indian or a nonmember of the Shoshone-Bannock tribes of the Fort Hall Indian Reservation, Idaho, are fixed for the calendar year 1979 and subsequent years until further notice as follows:

(1) Fort Hall unit basic rate, $13.25 per acre.

(2) Michaud unit basic rate, $17.75 per acre; additional rate for sprinkler irrigation when pressure is supplied by project $6.50 per acre.

(3) Minor units basic rate, $10.60 per acre.

(b) In addition to the foregoing charges there shall be collected a minimum charge of $5 for the first acre, or fraction thereof, on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre plus $5.

PAYMENTS

The water charges become due on April 1 of each year and are payable on or before that date. To all assessments on lands in non-Indian ownership, and lands in Indian ownership which do not qualify for free water, remaining unpaid on or after July 1 following the due date, there shall be added a penalty of 1½ percent per month, or fraction thereof, from the due date until paid. No water shall be delivered to any farm unit until all irrigation charges have been paid.

ASSESSMENTS ON INDIAN-OWNED LAND

When land owned by members of the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation is first leased to non-Indians or nonmembers of the tribe, and an approved lease is on file at the Fort Hall Agency, the leased land is not subject to operation and maintenance assessments for 3 years. The 3 years the land is not subject to assessment need not run consecutively. When land has been leased for a total of 3 years, the land, when under lease to non-Indians or nonmembers of the tribe, is subject to operation and maintenance assessments the same as lands in non-Indian ownership and lands owned by nonmembers of the tribe within the project. (See Solicitor's opinion M 28701, approved September 24, 1936, and the instructions of September 19, 1938, approved September 24, 1938, and instructions of December 1, 1938, approved December 17, 1938.)

WYMAN D. BABBY,
Acting Area Director.

NOVEMBER 15, 1978.

[FR Doc. 78-32968 Filed 11-22-78; 8:45 am]

[4310-84-M]

Bureau of Land Management

[Colorado 012469 RW]

WESCO PIPELINE CO.

R/W Application for Cathodic Protection Site

NOVEMBER 17, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Wesco Pipeline Co., 1776 Lincoln Street, Denver, Colo. 80203, has applied for an amendment to right-of-way C-012469 for a cathodic protection site 250'×150', less than 1 acre on the following public lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLO.

T. 4 S., R. 104 W.,
Sec. 11, NE¼NE¼.

The requested rectifier/ground bed is necessary to bring the existing cathodic protection system into compliance with the Office of Pipeline Safety Regulations, 49 CFR Part 195.242 (1977).

The purposes of this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports necessary for determining whether or not the application should be approved and if approved, under what terms and conditions; (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed cathodic protection system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Wesco Pipeline Co.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

JOHN R. BERNICK,
Acting Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 78-32963 Filed 11-22-78 8:45 am]

[4310-84-M]

[W-60228 Amendment]

WYOMING

Application

NOVEMBER 15, 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 Marathon Pipe Line Co. of Casper, Wyo., filed an amendment application to their existing right-of-way to construct an additional buried 4-inch pipeline for the purpose of transporting crude oil across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 46 N., R. 92 W.,
Secs. 1, 2, 3, and 12.
T. 47 N., R. 92 W.,
Sec. 34.

The proposed pipeline will transport crude oil from a point located in the NE¼NW¼ of section 12, T. 46 N., R. 92 W., to a point located in the SE¼SW¼ of section 34, T. 47 N., R. 92 W., all within Washakie County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyo. 82401.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-32965 Filed 11-22-78; 8:45 am]

[4310-84-M]

[Wyoming 65490]

WYOMING

Application

NOVEMBER 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 Cities Service Gas Co. of Oklahoma City, Okla., filed an application for a right-of-way to construct a 6⅝-inch pipeline and related anode facilities for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 19 N., R. 93 W.,
Sec. 14, E½NE¼ and NW¼NE¼.

The pipeline with appurtenant anode facilities well transport natural gas produced from the Amoco Champlin 242 E-1 will located in the SE¼SW¼ of sec. 13 to a point of commection with Cities Service Gas Co.'s existing gathering line located in the NE¼SW¼ of sec. 11, T. 19 N., R. 93 W., Carbon County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-32966 Filed 11-22-78; 8:45 am]

[4310-84-M]

[Wyoming 65496]

WYOMING

Application

NOVEMBER 14, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Mountain Fuel Supply Co. of Salt Lake City, Utah filed an application for a right-of-way to construct a 3½-inch O.D. pipeline for the purpose of transportation natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 23 N., R. 103 W.,
Section 16, W½NW¼.

The pipeline will transport natural gas from a point in the NW¼NW¼ of sec. 16 to a point of connection with Mountain Fuel Supply Co.'s existing transmission system located in the NE¼SW¼ of sec. 17, T. 22 N., R. 103 W., in Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-32967 Filed 11-22-78; 8:45 am]

[2300U-41671(U-942)4310-84]

UTAH

Proposed Withdrawal and Reservation of Lands

NOVEMBER 16, 1978.

The Department of Defense submitted a withdrawal application for filing on October 23, 1978, serial No. U-41671, for the following described lands from settlement, sale, location, or entry under all the general land laws, including the mining laws subject to valid existing rights:

SALT LAKE MERIDIAN

Beginning at the northeast corner of sec. 20, T. 9 S., R. 9 W., S.L.B. & M: Thence south one mile to the southeast corner of said sec. 20, thence southwest through sec's. 29 and 31, T. 9 S., R. 9 W., and sec's. 1, 11, 15, 21, 29 and 31, T. 10 S., R. 10 W., to a point 0.7 mile into sec. 1, T. 11 S., R 11 W.; thence in a straight line north approximately 276° W. to the southwest corner of sec. 34, T. 9 S., R 11 W.; thence north one mile to the northwest corner of sec. 34 T. 9 S., R. 11 W.; thence west 2 miles to the southeast corner of sec. 30, T. 9 S., R. 11 W.; thence northwest through said sec. 30 and sec. 24, T. 9 S., R. 12 W., to the northwest corner of said sec. 24; thence east 15 miles along the section line and present south boundary of Dugway Proving Ground to the point of beginning.

Excepting therefrom sec's 32 and 36, T. 9 S., R. 10 W.; S.L.B. & M.; sec's 2 and 16, T. 10 S., R. 10 W., S.L.B. & M; sec. 36, T. 9 S., R. 11 W., S.L.B. & M.; sec's 2 and 36, T. 10 S., R. 11 W., S.L.B. & M.

The area described aggregates 38,179 acres more or less in Tooele and Juab Counties, Utah.

The U.S. Army, Dugway Proving Ground, Dugway, Utah, desires the continued use of the land in connection with the establishment of a safety zone for the Dugway Proving Ground.

On or before December 29, 1978, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawals. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the undersigned. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, section 2351.16.B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized office will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

For a period of 2 years from the date of publication of this notice in the FEDERAL REGISTER, the lands will be segregated from entry as specified above unless the application is rejected or the withdrawal is approved prior to that date. If the withdrawal is approved by the Secretary, it will be for an indefinite period, and the lands will remain segregated.

All communications in connection with this proposed withdrawal should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

WILLIAM G. LEAVELL,
Associate State Director.

NOVEMBER 14, 1978.

[FR Doc. 78-32964 Filed 11-22-78; 8:45 am]

[4310-84-M]

[M 42345]

MONTANA

Application

NOVEMBER 16, 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 Wesco Pipe Line Company filed an application for a right-of-way to construct one 4-inch crude oil pipeline and one 4-inch natural gas pipeline across the following described public lands:

PRINCIPAL MERIDIAN, MONTANA

T. 22 N., R. 60 E.,
Sec. 32, NE¼NW¼.

T. 23 N., R. 60 E.,
Sec. 32 S½NW¼, N½SW¼, and SE¼SW¼.

The pipelines will be used for the purpose of gathering and transporting crude oil and natural gas across 0.95-mile of public lands in Richland County, Montana.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O Box 940, Miles City, Mont. 59301.

KENNETH J. SIRE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-33026 Filed 11-22-78; 8:45 am]

[4310-84-M]

[N-10659]

NEVADA

Order Providing for Opening of Public Land

NOVEMBER 13, 1978.

In an exchange of land made under the provisions of Section 8 of the Act of June 28, 1934, as amended, the following described land has been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 31 N., R. 49 E.,
Sec 10, SE¼SE¼;
Sec. 14, N½NW¼.

The area described comprises 120 acres.

The land is located approximately 3.5 miles southeast of Beowawe, Nev. Physical and legal access is provided by an improved county road which bisects the subject land. Terrain is fairly level with slopes of 1-3 percent. Elevation is approximately 4,720 feet with the drainage pattern running from south to north draining into the Humboldt River. The land is located within the floodplain. Vegetation consists of scattered sagebrush, halogeton, and rabbitbrush. There are no springs or streams. The principal land use is livestock grazing.

Subject to valid existing rights, the land is hereby restored to the operation of the public land laws, including the mining and mineral leasing laws.

CHARLES E. HANCOCK,
Acting Chief, Division of Technical Services.

[FR Doc. 78-32983 Filed 11-22-78; 8:45 am]

[4310-84-M]

[N-12856]

NEVADA

Order Providing for Opening of Public Land

NOVEMBER 13, 1978.

In an exchange of land made under the provisions of section 8 of the Act of June 28, 1934, as amended, the following described land has been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 11 N., R. 22 E.,
Sec. 11, NE¼NE¼;
Sec. 12, N½NW¼.

The area described comprises 120 acres.

The land is located on the east side of the Pine Nut Mountains in Douglas County, Nev. Topography is characterized by a narrow creek bottom and steep canyon walls. Elevation ranges from 6,100 to 6,800 feet. Predominant vegetation includes pinyon pine, mountain mahogany, big sage and cheatgrass. Principal land uses are livestock grazing and wildlife habitat.

Subject to valid existing rights, the land is hereby restored to the operation of the public land laws, but not the mining and mineral leasing laws. The minerals were not reconveyed to the United States. All minerals are reserved to the State of Nevada.

CHARLES E. HANCOCK,
Acting Chief,
Division of Technical Services.

[FR Doc. 78-32984 Filed 11-22-78; 8:45 am]

[4310-84-M]

[N-12857]

NEVADA

Order Providing for Opening of Public Land

NOVEMBER 13, 1978.

In an exchange of land made under the provisions of Section 8 of the Act of June 28, 1934, as amended, the following described land has been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 12 N., R. 22 E.,
Sec. 25, NW¼NE¼.

The area described comprises 40 acres.

The land is located on the east slope of the Pine Nut mountains in Douglas County, Nevada. Topography is steep and rugged. The elevation ranges from 6,150 to 7,093 feet. Vegetation is primarily pinyon and juniper. Principal land uses are livestock grazing and wildlife habitat.

Subject to valid existing rights, the land is hereby restored to the operation of the public land laws, but not the mining and mineral leasing laws. The minerals were not reconveyed to the United States. All minerals are reserved to the State of Nevada.

CHARLES E. HANCOCK,
Acting Chief,
Division of Technical Services.

[FR Doc. 78-32985 Filed 11-22-78; 8:45 am]

[4310-84-M]

[N-12216]

NEVADA

Order Providing for Opening of Public Land

NOVEMBER 13, 1978.

In an exchange of land made under the provisions of Section 8 of the Act of June 28, 1934, as amended, the following described land has been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 30 N., R. 50 E.,
Sec. 1, A11.

The area described comprises 637.23 acres.

The land is located approximately 28 miles south of Elko, Nevada. legal and physical access is provided by a BLM road which bisects the subject land. It lies within Crane Springs Canyon and the terrain is rough and mountainous. Elevation varies from 5,760 to over 6,030 feet with the drainage pattern running from south to north draining into Dixie Creek. Vegetation consists of open stands of juniper with an understory of sagebrush and various native grasses. The principal land use is livestock grazing.

Subject to valid existing rights, the land is hereby restored to the operation of the public land laws, including the mining and mineral leasing laws.

CHARLES E. HANCOCK,
Acting Chief,
Division of Technical Services.

[FR Doc. 78-32986 Filed 11-22-78; 8:45 am]

[4310-84-M]

[N-11027]

NEVADA

Order Providing for Opening of Public Land

NOVEMBER 13, 1978.

In an exchange of lands made under the provisions of Section 8 of the Act of June 28, 1934, as amended, the following described land has been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 31 N., R. 49 E.,
Sec. 10, SE¼SW¼, SW¼SE¼.

The area described comprises 80 acres.

The land is located approximately 3 miles southeast of Beowawe, Nevada. Access is provided by county road 29-A which bisects the subject parcel. Elevation is approximately 4,720 feet with slopes of 2-5 percent. Vegetation consists of sagebrush, saltbush, and scattered stands of annual and perennial grasses. The land is located approximately one quarter mile from the Humboldt River. There are no springs, streams, or water holes. Principal land use is livestock grazing.

Subject to valid existing rights, the land is hereby restored to the operation of the public land laws, including the mining and mineral leasing laws.

CHARLES E. HANCOCK,
Acting Chief,
Division of Technical Services.

[FR Doc. 78-32987 Filed 11-22-78; 8:45 am]

[4310-84-M]

[N-13329]

NEVADA

Order Providing for Opening of Public Land; Statements of Authority

NOVEMBER 13, 1978.

In an exchange of land made under the provisions of Section 8 of the Act of June 28, 1934, as amended, the following described land has been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 14 N., R. 22 E.,
Sec. 6, Lots 2 and 3, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.
T. 15 N., R. 22 E.,
Sec. 31, Lots, 2, 3 and 4, SE¼NW¼, E½SW¼.

The land described comprises approximately 465.42 acres.

The land is located approximately 11 miles east of Carson City, Nevada, Access is provided by the Sunrise Pass road. Predominate vegetation is pinyon pine, juniper and sagebrush. The principal land use is livestock grazing.

Subject to valid existing rights, the land is hereby restored to the operation of the public land laws, including the mining laws. It has been continually open to the operation of the mineral leasing laws.

CHARLES E. HANCOCK,
Acting Chief,
Division of Technical Services.

[FR Doc. 78-32988 Filed 11-22-78; 8:45 am]

[4310-84—M]

[N-10660]

NEVADA

Order Providing for Opening of Public Land

NOVEMBER 13, 1978.

In an exchange of land made under the provisions of Section 8 of the Act of June 28, 1934, as amended, the following described land has been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 43 N., R. 55 E.,
Sec. 31, SE¼NE¼, SE¼;
Sec. 32, NE¼SW¼, S½SW¼, NW¼SE¼.

The area described comprises 360 acres.

The land is located approximately 58 miles north of Elko, Nevada. Physical and legal access is provided by State Route 51 which crosses the subject land. Elevation varies from 6,320 to 6,400 feet with the drainage pattern running from south to north into the Owyhee River. The topography ranges from undulating to nearly level terrain. Vegetation consists of sagebrush and various types of native grasses. The principal land use is livestock grazing.

Subject to valid existing rights, the land is hereby restored to the operation of the public land laws, but not the mining or mineral leasing laws. Minerals were not reconveyed to the United States.

All minerals in the reconveyed land are reserved to the State of Nevada.

CHARLES E. HANCOCK,
Acting Chief,
Division of Technical Services.

[FR Doc. 78-32989 Filed 11-22-78; 8:45 am]

[4310-84-M]

[N-12562]

NEVADA

Order Providing for Opening of Public Land

NOVEMBER 13, 1978.

In connection with the issuance of a new and correct patent under the provisions of Title 43, Code of Federal Regulations, the following described land has been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 6 N., R. 61 E.,
Sec. 27, N½NW¼SW¼NW¼.

The area described comprises 5 acres.

The land, located in eastern Nye County north of State Highway 25, was patented in 1965 due to an incorrect legal description. It remained in an undeveloped condition until reconveyed in 1975. Mineral rights were reserved by the United States in the original patent.

Subject to valid existing rights, the land is hereby restored to the operation of the public land laws, including the mining laws. The land was never closed to the operation of the mineral leasing laws.

CHARLES E. HANCOCK,
Acting Chief,
Division of Technical Services.

[FR Doc. 78-32990 Filed 11-22-78; 8:45 am]

[4310-84-M]

[NM 35238]

NEW MEXICO

Application

NOVEMBER 14, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southwest Gas Corporation has applied for two 4½-inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 11 W.,
Sec. 7, SW¼NE¼, N½SE¼ and SE¼SE¼.
T. 32 N., R. 11 W.,
Sec. 34, NE¼SW¼.

These pipelines will convey natural gas across 0.734 of a mile of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 78-33027 Filed 11-22-78; 8:45 am]

[4310-84-M]

[NM 35248 and 35250]

NEW MEXICO

Applications

NOVEMBER 14, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 11 W.,
Sec. 20, lots 2, 3, 4 and NW¼NE¼;
Sec. 21, lots 6 and 7.

These pipelines will convey natural gas across 0.867 of a mile of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 78-33028 Filed 11-22-78; 8:45 am]

[4310-84-M]

[NM-35240]

NEW MEXICO

Application

NOVEMBER 17, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Benson-Montin-Greer has applied for a 2-inch natural gas pipeline and related facilities right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 13 W.,
Sec. 6, N½SE¼ and SE¼SE¼.
T. 32 N., R. 13 W.,
Sec. 31, lots 9, 11, and 12.

This pipeline will convey natural gas across 1.550 miles of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration or whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 78-33029 Filed 11-22-78; 8:45 am]

[4310-84-M]

[NM 35270, 35271, 35273, 35274, 35278, 35280, 35281, 35282, and 35283]

NEW MEXICO

Applications

NOVEMBER 17, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for nine 4½-inch natural gas pipeline rights-of-way and related facilities across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 7 W.,
Sec. 35, SE¼NW¼.
T. 29 N., R. 7 W.,
Sec. 8, E½SE¼ and SW¼SE¼;
Sec. 17, NE¼;
Sec. 30, lots 7, 8, E½NW¼ and NE¼SW¼.
T. 29 N., R. 10 W.,
Sec. 13, lot 4.
T. 31 N., R. 11 W.,
Sec. 3, W½SW¼;
Sec. 4, lot 12;
Sec. 17, SW¼NW¼;
Sec. 18, SE¼NE¼;
Sec. 19, S½SE¼.
T. 32 N., R. 12 W.,
Sec. 34, W½SE¼.

These pipelines will convey natural gas across 2.101 miles of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-33030 Filed 11-22-78; 8:45 am]

[4310-84-M]

[W-65819]

WYOMING

Application

NOVEMBER 16, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Western Transmission Corportation of Dallas, Texas filed an application for a right-of-way to construct a 6 inch buried pipeline and related facilities for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 24 N., R. 96 W.,
Sec. 5, lot 3.
T. 25 N., R. 96 W.,
Sec. 21, SE¼SW¼;
Sec. 28, W½E½, SE¼NE¼, NE¼NW¼;
Sec. 33, W½E½.

The proposed pipeline and related facilities will be used to transport natural gas from the Federal 477 #1 well located in the SE¼SW¼ of section 21, T. 25 N., R. 96 W., and the Federal Q-1 well located in the SE¼NE¼ of section 28, T. 25 N., R. 96 W., to a point of connection with existing facilities located in lot 3 of section 5, T. 24 N., R. 96 W., all within Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-33031 Filed 11-22-78; 8:45 am]

[4310-84-M]

[W-65489]

WYOMING

Application

NOVEMBER 15, 1978.

Notice is hereby give that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Company of Oklahoma City, Oklahoma filed an application for a right-of-way to construct a 12¾ inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 19 N., R. 91 W.,
Secs. 4 and 6.
T. 19 N., R. 92 W.,
Secs. 2, 4 and 6.

The proposed pipeline will transport natural gas from a point located in the SW¼ of section 1, T. 19 N., R. 93 W., to a point of connection with existing facilities located in the SE¼ of section 3, T. 19 N., R. 91 W., all within Carbon County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-33032 Filed 11-22-78; 8:45 am]

[4310-09-M]

Bureau of Reclamation

COLORADO RIVER BASIN SALINITY CONTROL ADVISORY COUNCIL

Public Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), annoucement is made of a meeting of the Colorado River Basin Salinity Control Advisory Council at 8:30 a.m. on December 19, 1978, at the Arizona Water Commission offices, 8th Floor Conference Room, Central Security Building, 222 North Central Avenue, Phoenix, Ariz.

Purpose of Meeting: Council members will be briefed on the status of salinity control activities.

Proposed Agenda: The Bureau of Reclamation, Soil Conservation Service, and Bureau of Land Management will each present a progress report and schedule of activities on salinity control in the Colorado River Basin. The Council will discuss Colorado River Basin salinity control activities.

Public Participation: The meeting of the Advisory Council is open to the public.

Any member of the public may file a written statement with the Council before, during, or after the meeting in person or by mail. To the extent that time permits, the Council chairman may allow public presentation of oral statements at the meeting.

All communications regarding this meeting including requests for time to make statements should be addressed to Mr. John W. Keys, Chief, Colorado River Water Quality Office, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Denver, Colo. 80225.

Dated: November 16, 1978.

R. KEITH HIGGINSON,
Commissioner of Reclamation.

[FR Doc. 78-32825 Filed 11-22-78; 8:45 am]

[4830-01-M]
[4510-29-M]

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

CERTAIN TRANSACTIONS INVOLVING EMPLOYEE BENEFIT PLANS AND BROKERS-DEALERS

Proposed Exemption and Hearing

AGENCIES: Department of Labor, Department of the Treasury/Internal Revenue Service.

ACTION: Notice of a proposed exemption and notice of hearing.

SUMMARY: This document contains a notice of pendency before the Department of Labor and the Internal Revenue Service (hereinafter collectively referred to as the Agencies) of a proposed permanent exemption allowing, under certain circumstances, broker-dealers to effect securities transactions for plans which they serve as fiduciaries. The proposed permanent exemption would replace and supersede an exemption which was granted in October, 1975, was extended in July, 1978 and which will expire on February 1, 1979. The proposed permanent exemption contains a number of conditions not present in the exemption now in effect.

DATES: All interested persons are invited to submit written comments concerning the proposed permanent exemption. Written comments on the proposed exemption and requests for time to present oral comments at the hearing must be received by the Department of Labor on or before December 21, 1978. The hearing will be held on January 3, 1979 beginning at 10 a.m.

ADDRESSES: Written comments and requests for time to present oral comments should be addressed to the Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Exemption for Certain Brokerage Transactions. All such communications and applications for exemption relating to this proposed exemption will be available for public inspection at the Public Document Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C., and at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue NW., Washington, D.C. The hearing will be held in Room S4215 A and B, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C.

HEARING PROCEDURE: Any interested person who chooses to present oral comments at the hearing and who wishes to be assured of being heard shall submit a statement to that effect, an outline of the topic to be discussed (at least six copies), and the time to be allocated to each topic by December 21, 1978. The statement and outline should be submitted to the address mentioned above. An agenda will be prepared concerning the order of presentation of oral comments and the time allocated to each commentator. Information about the contents of the agenda may be obtained on or after December 27, 1978 by telephoning 202 523-8195. This is not a toll-free number. At the conclusion of oral comments by persons listed in the agenda, to the extent time permits, other persons may be permitted to make oral comments. The public hearing will be transcribed.

FOR FURTHER INFORMATION CONTACT:

Frederic G. Burke, Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-8195, or Ivan Strasfeld, Prohibited Transactions Staff, Employee Plans Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, 202-566-3045. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Agencies of a proposed permanent exemption from the restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (hereinafter ERISA or the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code (hereinafter the Code) By reason of section 4975(c)(1) of the Code. The proposed exemption applies to certain securities transactions effected on behalf of employee benefit plans by persons who are fiduciaries for those plans. At present, such transactions are covered by paragraph I(a) of Prohibited Transaction Exemption 75-1. That exemption was granted in October, 1975 and extended by Prohibited Transaction Exemption 78-10 in July, 1978.[1] In pertinent part, the existing exemption authorizes broker-dealers who ordinarily effected brokerage and incidental clearance, settlement, or custodial services on May 1, 1975, to continue to furnish such services until February 1, 1979.

In granting paragraph I (a) of Prohibited Transaction Exemption 75-1 in 1975 and extending it in 1978, the Agencies recognized that securities broker-dealers in the ordinary courses of business provide research and investment management services concerning securities to accounts for which they also effect agency transactions for the purchase or sale of securities. The agencies concluded that a fiduciary in many cases was barred by ERISA from providing these combined services to an employee benefit plan. In addition, the agencies noted that a broker-dealer was prohibited from providing such a combination of services to managed accounts generally by section 11(a) of the Securities Exchange Act of 1934 (hereinafter Exchange Act), as amended by the Securities Act Amendments of 1975 (Pub. L. 94-29, 89 Stat. 110). Under that section, no member of a national securities exchange may effect any transaction on such exchange for an account for which it or an associated person thereof exercises investment discretion.[2]

In enacting section 11(a) of the Exchange Act Congress included a temporary exception to the above-described prohibition for broker-dealers who were members of a national securities exchange on May 1, 1975. In the conference report accompanying the Securities Act Amendments of 1975 (H.R. NO. 94-229, 94th Cong., 1st sess. (1975)), the conferees indicated that the Agencies should consider granting an exemption from the prohibited transaction provisions of the Act and the Code to permit broker-dealers to continue to provide brokerage services to plans over which they exercised investment discretion until May 1, 1978 in order to conform the pertinent provisions of ERISA and the Code to section 11(a) of the Exchange Act, and thereby permit broker-dealers to phaseout, in an orderly fashion, the business of both serving as investment advisers to plans and providing brokerage services to such plans. The conferees' statement was consistent with one make the previous year in the conference report accompanying ERISA.[3]

---

[1] Prohibited Transaction Exemption 75-1 was published in the FEDERAL REGISTER on October 31, 1975 (40 FR 50845). The extension of Prohibited Transaction Exemption 75-1 contained in Prohibited Transaction Exemption 78-10 was published in the FEDERAL REGISTER on July 25, 1978 (43 FR 3296). It should be noted that Prohibited Transaction Exemption 78-10, like the class exemption being proposed herein, relates only to that portion of Prohibited Transaction Exemption 75-1 set forth in paragraph I(a).

[2] A person who exercises investment discretion within the meaning of the Exchange Act would be a fiduciary under section 3(21)(A) of ERISA. However, a person could be a fiduciary for reasons other then exercising investment discretion. For example, the term "fiduciary" includes a person who renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or has any authority or responsibility to do so. See also note (13) infra.

[3] The ERISA conferees expressed their expectation that any action taken by the

Footnotes continued on next page

In light of the expressions of congressional intent described above, the Agencies granted Prohibited Transaction Exemption 75-1 on October 24, 1975. The pertinent part of the exemption was available only until May 1, 1978. On July 19, 1978, the Agencies granted an extension of the exemption until February 1, 1979, and made that extension retroactive to May 1, 1978. The Agencies' decision to extend the original exemption was based, again, largely on expressions of congressional intent. Specifically, the Agencies noted that section 11(a) of the Exchange Act had been amended to delay its full effectiveness for 9 months from May 1, 1978 to February 1, 1979.[4]

The Agencies also noted that Congress, in enacting this amendment, had recognized that the relief afforded thereby would be applicable to transactions effected for employee benefit plans only if the Agencies extended the exemption. In addition, both the Senate and House Committees had expressed the expectation that Prohibited Transaction Exemption 75-1 would be amended expeditiously to provide such relief.[5]

The Agencies have received three applications for a class exemption covering broker-dealer fiduciaries who effect securities transactions for plans. Two of these applications have been filed by the Securities Industry Association (SIA). In the first of these applications, filed on April 12, 1978,[6] the SIA asks the Agencies to grant an exemption which would permit broker-dealers to effect securities transactions for plans which they serve as investment managers, provided they act in accordance with rule 11a2-2(T) of the Securities and Exchange Commission (SEC) under the Exchange Act.[7] The SIA in its second application, filed on September 21, 1978, requests the Agencies to extend permanently Prohibited Transaction Exemption 78-10.[8]

A third request for a broker-dealer class exemption has been made by seven broker-dealer firms.[9] These firms ask the Agencies to adopt a class exemption similar to that requested in the first SIA application.

Pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722, the Agencies now propose to grant a permanent class exemption for the period subsequent to February 1, 1979 authorizing broker-dealers to effect securities transactions for plans which they serve as fiduciaries, subject to certain conditions. The conditions set forth in the proposed class exemption, however, are not identical to the requirements of the SEC's rule 11a2-2(T). The Agencies' reasons for issuing the proposed class exemption, and the conditions under which it would be available, are discussed below.[10]

Rule 11a2-2(T) provides an exemption from section 11(a) of the Exchange Act allowing broker-dealers to effect securities transactions for accounts over which they exercise investment discretion provided that specified conditions are met. Thus, broker-dealers generally will be able to provide certain brokerage services for accounts which they manage even after the prohibitions of section 11(a) take effect on February 1, 1979. However, under ERISA a broker-dealer will be prohibited from rendering such services after February 1, 1979 where the managed account is an employee benefit plan, unless the Agencies grant additional exemptive relief. It has been suggested to the Agencies that such relief is appropriate because some plans, particularly smaller ones, currently obtain portfolio management services from broker-dealers whose compensation, at least in part, takes the form of commissions paid by the plan for effecting its securities transactions. It is argued that, if this practice is not permitted to continue, individual investment management services may not be available for such plans. It is further argued that, even if such services are available it might be prohibitively expensive for a small plan to pay an investment adviser the fee it would charge if it received no compensation for effecting the plan's brokerage transactions. At the same time, it is argued that no evidence exists of widespread abuses, such as undue portfolio turnover or failure to obtain best price and execution, on the part of broker-dealers who effect transactions for accounts which they manage.[11]

Although these arguments have certain persuasive force, the Agencies believe that a permanent exemption in this area would not be appropriate unless it contained certain requirements designed to protect the interests of plan participants and beneficiaries. In this regard, the Agencies noted that, in the conference report accompanying ERISA, Congress indicated its expectation that the Agencies would exercise their administrative descretion to allow broker-dealers to provide brokerage services to plans whose portfolios they managed only if satisfactory safeguards were provided.[12]

The Agencies' proposed permanent exemption would be available only to a broker-dealer which is not a fiduciary of a plan by reason of being a plan trustee or plan administrator and which is not an employer of any employees covered by the plan.[13]

Footnotes continued from last page

Agencies on requests for exemption in this area would be consistent with the outcome of the securities legislation then under consideration. The general issue of institutional investment management was under consideration, but section 11(a) had not been enacted, when ERISA was passed. Conference Report on the Act, H.R. Rep. No. 93-1280, 93rd Cong., 2d sess. 309-10(1974).

[4] Pub. L. 95-283, 95th Cong., 2d sess. (1978).

[5] S. Rep. No. 95-763, 95th Cong., 2d sess. 5-6 (1978), and H. Rep. No. 95-1010, 95th Cong., 2d sess. 5 (1978).

[6] Exemption Application No. D-1026.

[7] See Securities Exchange Act Release No. 14563 (March 14, 1978), 43 FR 11542 (March 17, 1978).

[8] Exemption Application No. D-1114. This application also includes a proposed alternative exemption which the SIA considers less desirable. This alternative proposal conditions the relief given in Prohibited Transaction Exemption 78-10 on a fiduciary's complying with certain specified requirements.

[9] Exemption Application No. D-1176. The seven firms are Neuberger & Berman, Stralem & Co., Inc., Reich & Tang, Inc., First Manhattan Co., Weiss, Peck & Greer, David J. Greene and Co. and Wheat, First Securities, Inc.

[10] The Agencies have received five applications for individual exemptions which might relate to the class exemption being proposed herein (Exemption Application Nos. D-724, D-862, D-888, D-981, and D-1060). To the extent that the transactions which are the subject of those applications are of the type described in the class exemption being proposed herein, such transactions will be exempted provided that they satisfy the terms and conditions of the exemption if it is granted. Because the Agencies believe that it would be administratively feasible to deal with those applications on a class basis, the Agencies, pursuant to section 3.01 of ERISA Proc. 75-1 and Rev. Proc. 75-26, have determined to group such applications in a class. As stated in section 3.04 of ERISA Proc. 75-1 and Rev. Proc. 75-26, an application for an individual exemption will not ordinarily be considered separately if a class exemption which may encompass the application for individual exemption is under consideration by the Agencies. Accordingly, the Agencies are notifying directly each applicant requesting the individual exemptions referenced above that its application is not presently being considered separately from this proceeding, that such application might be closed following the conclusion of this proceeding, and that therefore the Agencies are seeding the applicant's comments concerning the class exemption proposed herein.

[11] *Cf.*, letter from SEC Commissioner Philip A. Loomis, Jr. to Congressmen James T. Broyhill and Matthew J. Rinaldo (March 20, 1978), cited at 121 Cong. Rec. H2432 (daily ed. April 4, 1978).

[12] H.R. Rep. No. 93-1280, 93d Cong., 2d sess., at 309 (1974).

[13] This limitation on the availability of the proposed exemption would, among other things, have the effect of preventing a plan administrator, plan trustee or employer from using a relating broker-dealer organization to "recapture" brokerage commissions for the plan. Cf. Tannenbaum v. Zeller, 552 F. 2d 402(2d Cir.), cert. denied, 98 S. Ct. 421(1977); Moses v. Burgin 445 F. 2d 369(1st Cir. 1971); Papilsky v. Berndt, [1976-1977 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶ 95627 (S.D.N.Y. June 24, 1976). In

Footnotes continued on next page

Under the exemption, such broker-dealer could effect or execute securities transactions for an employee benefit plan for which it is a fiduciary. Although the Agencies do not believe that the policies of ERISA require a distinction to be drawn in the class exemption between the broker-dealer services of executing and effecting transactions, it should be noted that such distinction is made in the SEC's rule 11a2-2(T) which permits a broker-dealer to effect, but not to execute, securities transactions for an account which it manages. In most cases, a broker-dealer availing itself of the proposed class exemption would be required to comply with rule 11a2-2(T) and thus would be allowed only to effect transactions for the plan which it manages.[14]

The proposed exemption conditions the effecting or executing of securities transactions on behalf of a plan on the broker-dealer's receiving written authorization, expressly permitting either or both of these activities, from a plan fiduciary who is independent of the broker-dealer. The written authorization could not be effective for more than one year unless the independent fiduciary authorized its continuance in writing at least annually. Where the authorization took the form of a binding contract upon the plan, the plan would be required to have the right to terminate the contract, without penalty, upon not more that 60 days' notice to the broker-dealer.

The exemption would place on the broker-dealer the duty to provide any information it reasonably believes to be necessary to enable the independent plan fiduciary to determine whether to grant or renew an authorization to perform multiple brokerage services. The fiduciary would have the right to request, and the broker-dealer would have the obligation to supply, any additional information reasonably necessary to make this determination.[15]

The exemption would also require a broker-dealer to supply a quarterly report to the plan trustee or other fiduciary disclosing the total of all transaction-related charges incurred by the plan during the preceding quarter in connection with transactions in which the broker-dealer performed any of the functions permitted by this exemption. In this quarterly statement, the reporting broker-dealer would have to disclose the portion of the total transaction-related charges it retained and the portion it paid to other broker-dealers for execution or other services. In addition, the broker-dealer would have to state, in substance, that brokerage commissions are not fixed by any stock exchange or by any other authority and are subject to negotiation.[16]

In addition to providing the quarterly report, a broker-dealer would have to furnish the plan fiduciary with a schedule of transaction-related commission rates it anticipates assessing in the coming quarter for transactions of the type normally entered into by the plan. Charging a commission which differed from the rate described in the schedule would not necessarily cause a broker-dealer to forfeit the relief available under the proposed exemption, so long as the departure from the schedule was attributable to special factors relating to a particular transaction or to circumstances not foreseen at the time the schedule was provided.[17]

In those cases where a transaction is effected for a plan on a national securities exchange of which the broker-dealer is a member and where the broker-dealer exercises investment discretion as that term is defined by the SEC under section 3(a)(35) of the Exchange Act, the broker-dealer would have to comply with both the conditions of the class exemption and the requirements of rule 11a2-2(T). However, the Agencies believe that the requirements of the proposed class exemption are sufficiently compatible with those of rule 11a2-2(T) as to impose no undue burden upon broker-dealers.[18]

The Agencies recognize that, if the exemption being proposed herein is adopted, broker-dealers which are presently providing services to plans pursuant to the existing Prohibited Transaction Exemption 78-10 likely will have to make certain adjustments. For example, changes in electronic data processing programs and dissemination of certain material to plan fiduciaries might be necessary. If the proposed exemption is adopted the Agencies will consider extending Prohibited Transaction Exemption 78-10 and postponing the effective date of the limitations contained in the new exemption to the extent that such action is appropriate in order to afford broker-dealers sufficient time to complete such adjustments.

General Information: The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accord-

---

Footnotes continued from last page

this regard, it is not clear to the Agencies whether institutional investment managers presently engage in the practice of recapture to any significant extent in view of the advent of fully negotiated stock exchange commission rates and other economic and legal developments. The Agencies request comment concerning this matter, in order that they may better determine whether the proposed condition, if adopted, should be modified to permit specifically recapture of brokerage commissions by plan administrators, plan trustees or employers, or their affiliates and, if so under what circumstances.

[14] Unlike the exemption now in effect, the proposed permanent exemption is not restricted to broker-dealers who ordinarily effected brokerage and incidental clearance, settlement or custodial services on May 1, 1975. As explained above, the May 1, 1975 "grandfather" date contained in Prohibited Transaction Exemption 75-1 corresponded to a provision Congress included when enacting section 11(a) of the Exchange act which limited the availability of the transitional relief given in that section to broker-dealers who were members of a national securities exchange on May 1, 1975. Although the "grandfather" date in the amended section 11(a) was changed to February 1, 1978, Prohibited Transaction Exemption 78-10 which extended the temporary relief provided by Prohibited Transaction Exemption 75-1, contained the May 1, 1975 limitation. Since the class exemption now being proposed is not designed to give mere transitional relief, but is instead designed to provide permanent relief for transactions within its scope, there seems to be no reason to confine its applicability to broker-dealers who were performing the described functions on May 1, 1975 or on any other particular date.

[15] The proposed requirements described above are similar to provisions contained in section 15 of the Investment Company Act of 1940 regarding contracts between investment companies and their investment advisers.

[16] In this regard, commission rates might differ from broker-dealer to broker-dealer. The providing of research or other services by a broker-dealer might also cause its rates to vary. CF., section 28(e) of the Exchange Act.

[17] For instance, a broker-dealer could charge a commission higher than one appearing in the schedule for a transaction significantly more difficult to execute than a typical transaction.

[18] As the Agencies have explained in previous notices relating to Prohibited Transaction Exemption 75-1, a broker-dealer which provides investment advice (as defined in 29 CFR 2510.3-21 and section 54.4975-9 of the Pension Excise Tax Regulations) to a plan and is therefore a fiduciary may, under certain circumstances, effect securities transactions for the plan without relying upon an administrative exemption, provided that it obtains prior authorization from another plan fiduciary before effecting any such transaction. In such a case, the broker-dealer would not have to comply with the conditions of the proposed permanent exemption described above. In addition, since it would not be exercising investment discretion as defined by the SEC, it would not have to comply with rule 11a2-2(T).

ance with subsection (a)(1)(B) of section 404 of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service must find that the exemption is administratively feasible, is in the interests of the plan or plans and of their participants and beneficiaries and is protective of the rights of participants and beneficiaries of such plans.

(3) The exemption proposed herein or one which may be subsequently proposed as part of this proceeding is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory exemption or a transitional rule.

(4) This document does not meet the criteria for significant regulations set forth in paragraph 8 of the proposed Treasury directive appearing in the FEDERAL REGISTER for Wednesday, May 24, 1978 (43 FR 22319).

Accordingly, it is proposed that the following exemption be granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975 C.B. 722:

PROPOSED EXEMPTION

Effective February 1, 1979, the restrictions of section 406 of the Employee Retirement Income Security Act of 1974 and the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1) of the Code, shall not apply to the effecting or executing of any securities transaction on behalf of an employee benefit plan by a broker-dealer which is a fiduciary with respect to the plan, and which is acting in such transaction as agent for the plan and to the performance by such broker-dealer of clearance, settlement, custodial, or other functions incidental to effecting such transaction, provided that the broker-dealer is not a trustee or administrator of the plan or an employer of any employee covered by the plan, and provided further that the following conditions are met:

(a) Such transactions are effected or executed and such other functions are performed pursuant to a written authorization executed by a fiduciary of the plan who is independent of the broker-dealer;

(b) Such written authorization continues in effect for more than 1 year only if such continuance is authorized in writing, at least annually, by a plan fiduciary who is independent of the broker-dealer;

(c) No such authorization is made or renewed unless the broker-dealer furnishes the authorizing plan fiduciary with any information the broker-dealer reasonably believes to be necessary to determine whether such authorization should be made or renewed and any other information regarding the matter that the authorizing fiduciary may reasonably request;

(d) The broker-dealer furnishes to the authorizing fiduciary, not later than 30 days after the end of each calendar quarter, a report disclosing: (i) The total of all transaction-related charges incurred by the plan during the preceding quarter in connection with transactions in which the broker-dealer performed any of the functions permitted by this exemption; and (ii) the amount of the transaction-related charges retained by the reporting broker-dealer and the amount of such charges paid to other broker-dealers for execution or other services;

(e) The broker-dealer states, in substance, in the report described in (d) above that brokerage commissions are not fixed by any stock exchange or other authority and are subject to negotiation;

(f) The broker-dealer furnishes to the authorizing fiduciary, not less frequently than 30 days after the end of each calendar quarter, a schedule disclosing rates for transaction-related services anticpated to be charged in the coming quarter for transactions of the type normally entered into by the plan; and

(g), In any case where such transactions are effected or executed or such functions are performed pursuant to a contract to which the plan is a party such contract is terminable by the plan, without penalty, on not more than 60 days' notice.

Signed at Washington, D.C. this 17th day of November 1978.

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

TED R. KERN,
Deputy Assistant Commissioner (Employee Plans and Exempt Organizations), Internal Revenue Service.

[FR Doc. 78-32824 Filed 11-20-78; 10:44 am]

[4510-43-M]

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-78-114-C]

BROWN BADGETT COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Brown Badgett Coal Co., Inc., P.O. Drawer 617, Central City, Ky. 42330, has filed a petition to modify application of 30 CFR 75.1710-1 (canopies) to its Busick Underground Mine in Muhlenberg County, Ky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Public Law 95-164.

The substance of the petition is as follows:

(1) The petitioner is mining coal seams with a minimum height of approximately 51 inches.

(2) The petitioner installed canopies on face equipment, but this operation resulted in a diminution of safety to miners for these reasons:

(a) Cabs restrict the operator's movement so that the operator cannot properly control the machine in a safe manner.

(b) The cramped space in a cab results in greater stress and strain to the operator, increasing the chances of careless or reckless operation of the equipment.

(c) A canopy forces the operator into an unnatural position which can expose him to the same hazards the canopy was intended to prevent.

(d) Canopies reduce the operator's horizontal view of the work area.

(e) Canopies eliminate the operator's upward vision and therefore operators can no longer inspect the mine roof for defects.

(3) For these reasons the petitioner seeks to operate its equipment without a canopy or cab until such time that a canopy can be developed which meets the criteria of the standard and its use does not result in a diminution of safety to miners.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before December 26, 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 the above address.

Dated: November 15, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 78-33056 Filed 11-22-78; 8:45 am]

[4510-43-M]

[Docket No. M-78-41-M]

UNION CARBIDE CORP.

Petition for Modification of Application of Mandatory Safety Standard

Union Carbide Corp., P.O. Box 1029, Grand Junction, Colo. 81501, has filed a petition to modify application of 30 CFR 57.9-22 (berms) to its Emerson Mine in Lincoln County, Nevada. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977, Public Law 95-164.

The substance of the petition is as follows:

(1) Each elevated roadway at the petitioner's mine has a berm capable of stopping a standard vehicle.

(2) Certain areas of the roadways do not have a base width sufficient to support a 27 inch high berm necessary for large vehicles.

(3) To widen existing roads to accommodate a 27 inch berm would require considerable rock blasting of the high wall.

(4) In the alternative, the petitioner proposes the following:

(a) The petitioner will erect a 27 inch berm in areas with sufficient road width.

(b) After the completion of a shaft presently under construction, the petitioner will restrict the use of the roadways to light vehicles and minor maintenance vehicles.

(5) The petitioner states that the modification of the standard will not reduce the safety protection from that in effect at this time.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before December 26, 1978. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Date: November 15, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 78-33058 Filed 11-22-78; 8:45 am]

[4510-43-M]

(Docket No. M-78-84-C)

WOODS FUEL COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Woods Fuel Coal Company, Route 1, Evarts, Kentucky 40828, has filed a petition to modify application of 30 CFR 1710-1 (canopies) to its Wood's Fuel No. 1 in Evarts, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977, Public Law 95-164.

The substance of the petition is as follows:

(1) The petitioner is mining a coal seam with an average height of 42 inches.

(2) The mine has no history of injury due to rib or roof falls.

(3) Canopies on face equipment frequently dislodge roof bolts due to the uneven mine floors.

(4) Canopies impair the visibility of the operator possibly leading to serious injury of fellow workers or of the operator.

(5) The cramped position of the operator in a cab makes it virtually impossible to operate equipment safely.

(6) As an alternative, the petitioner lists the following:

(a) Effective rib and roof control measures to prevent falls.

(b) A training program to inform workers of proper roof techniques and safe operation of equipment.

(7) The petitioner states that the alternative will not reduce the safety afforded miners by the standard.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before December 4, 1978. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at the above address.

Dated: November 15, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 78-33057 Filed 11-22-78; 8:45 am]

[4510-27-M]

Office of Federal Contract Compliance Programs

HAHN & CLAY MACHINE & BOILER WORKS, INC.

Reinstatement

Notice is hereby given that Hahn & Clay Machine and Boiler Works, Inc. of Houston, Texas has been reinstated as an eligible bidder on Federal contracts and subcontracts, effective October 24, 1978, after they demonstrated their intent and ability to comply with the equal opportunity clause of Executive Order 11246, as amended.

A copy of a Consent Decree, approved by Administrative Law Judge Burton Sternburg, reinstating Hahn & Clay and committing the company to specific affirmative action steps and reporting requirements, is enclosed for publication in the FEDERAL REGISTER together with this notice.

Dated: November 15, 1978.

RICHARD J. DEVINE,
Deputy Director, OFCCP.

[No. OFCC-DSA]

CONSENT DECREE

In the matter of Hahn & Clay and *Defense Supply Agency.*

This Consent Decree, made and entered into between Hahn and Clay Machine and Boiler Works (Hahn & Clay), Houston, Texas and the Government, represented by the Director, Defense Logistics Agency (DLA), and the Director, Office of Federal Contract Compliance Programs (OFCCP), witnesseth:

I. INTRODUCTION

1. On August 31, 1977, the Director, OFCCP, approved the debarment of Hahn & Clay, its divisions and subsidiaries and any and all purchasers, successors, assignees, and/or transferees, from the award of any contract or subcontract funded in whole or in part with Federal funds, and from extensions or other modifications of any such existing contracts or subcontracts. The Director also cancelled and terminated all existing United States Government contracts and subcontracts with Hahn & Clay and its divisions and subsidiaries;

2. The Director's actions were based upon Administrative Law Judge Burton S. Sternburg's findings that Hahn & Clay had violated its contractual obligations pursuant to 41 CFR 60-1.32 of the Secretary of Labor's regulations implementing Executive Order 11246, as amended;

3. The debarment was to continue in effect until such time as Hahn & Clay satisfied the Director, OFCCP, that it had established and would carry out employment policies and practices in compliance with the Equal Employment Opportunity clause of Executive Order 11246, as amended;

4. By letter dated September 14, 1977 to the Director, OFCCP, Hahn & Clay requested reinstatement;

5. By letter date September 14, 1977 to Lorenzo S. Garcia, Hahn & Clay issued back pay checks plus interest to Mr. Garcia in

the gross amount of $1,403.97 and restored to Mr. Garcia his seniority rights;

6. In accordance with a request contained in the Director of OFCCP's letter dated October 4, 1977 to the Acting Deputy Assistant Secretary of Defense (Equal Opportunity), a compliance review of Hahn & Clay was completed on December 20, 1977;

7. At the direction of the Director, OFCCP, another compliance review of Hahn & Clay was completed as of June 9, 1978;

8. The DLA, as a result of the compliance review completed on June 9, 1978, found that women at Hahn & Clay were underutilized in all job categories other than Office and Clerical; that although there was technically no underutilization of women in Sales, there were also no women in those positions; and that minorities at Hahn & Clay were underutilized in all job categories except Operatives and Service Workers;

9. The Director, OFCCP, has reviewed DLA's findings and recommendations relative to Hahn & Clay's compliance status, and hereby reinstates Hahn & Clay pursuant to the requirements of 41 CFR 60-1.31 and Department of Labor letter dated March 5, 1973, Memorandum to Heads of All Agencies, Subject: Implementation of Part 60-1.31, Guidelines for Reinstatement of Contractors or Subcontractors Debarred pursuant to E.O. 11246 (as amended) and subject to the terms and conditions of this Consent Decree.

II. AFFIRMATIVE ACTION

1. The following action oriented program has been developed to ensure that no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interferring with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigative 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:

(a) A continuing, yearly awareness program has been instituted among all supervisors, and a report of progress will be provided the local Department of Labor contractor employment compliance office by December 31 of each year. This report will include dates of awareness training and summary of course content, names, title, race, sex, number of employees trained, and copies of all written communications between management and employees concerning this action oriented program.

(b) A reporting system was instituted prior to October 20, 1976 whereby employees were notified in writing of the procedures to follow to report violation of 41 CFR 60-1.32 (Intimidation and Interference) during all reporting periods to designated management officials. These written procedures will continue to be posted in a prominent location. (These procedures are attached hereto and made a part hereof as Appendix A).

2. Hahn & Clay will make a good faith effort to fulfill the following goals and timetables for women and minorities subject to the availability of qualified or readily qualifiable women and minorities:

(a) Job Group 1, Officials and Managers Category, Executive Department: A promotion goal of one minority is projected to be attained by 1980. No vacancies are anticipated during the 1978 AAP year. However, a good faith effort will be made to fill unanticipated vacancies at a rate of at least 7.6 percent for minorities and 12.5 percent for females subject to the availability of qualified or readily qualifiable women and minorities.

(b) Job Group 1a, Officials and Managers Category, Accounting Department: A promotion goal of one female is projected to be attained by 1980. A good faith effort will be made to fill unanticipated vacancies during the 1978 AAP year at a rate of at least 16.6 percent for minorities and 12 percent for females subject to the availability of qualified or readily qualifiable women and minorities.

(c) Job Group and Category, Professionals: A goal of 9.8 percent minority and 21.1 percent female is projected to be attained by 1980. A good faith effort will be made to fill unanticipated vacancies during the 1978 AAP year at a rate of at least 9.8 percent for minorities and 21.1 percent for females subject to the availability of qualified or readily qualifiable women and minorities.

(d) Job Group I, Technicians Category, Drafting Department: A goal of one female is projected to be attained by 1980. A good faith effort will be made to fill unanticipated vacancies during the 1978 AAP year at a rate of at least 19.7 percent for minorities and 30 percent for females subject to the availability of qualified or readily qualifiable women and minorities.

(e) Job Group II, Technicians Category: A goal of one minority new hire in the Drafting Department and one female in the Quality Assurance Department is projected to be attained by 1979 subject to the availability of qualified or readily qualifiable women and minorities.

(f) Job Group and Category, Sales: A goal of 8.8 percent minority is projected to be attained by 1979. A goal of 14.6 percent female is projected to be attained by 1980. A good faith effort will be made to fill unanticipated vacancies in the Sales Department during the 1978 AAP year at a rate of at least 8.8 percent for minorities and 15 percent for females subject to the availability of qualified or readily qualifiable women and minorities.

(g) Job Category and group, Office and Clerical: A goal of two minority new hires is projected to be attained by 1979 in the Accounting Department subject to the availability of qualified or readily qualifiable minorities.

(h) Job Group I, Craftsman Category, Fabricating Department: A goal of one minority new hire or promotion is projected to be attained by 1979 subject to the availability of qualified or readily qualifiable minorities. A good faith effort will be made to fill unanticipated vacancies in the 1978 AAP year at a rate of at least 25 percent for minorities and 5 percent for females subject to the availability of qualified or readily qualifiable women and minorities.

(i) Job Group II, Craftsman Category, Fabricating Department: A goal of one minority new hire or promotion is projected to be attained by 1979 subject to the availability of qualified or readily qualifiable minorities. A goal of 3.6 percent females is projected to be attained by 1980. A good faith effort will be made to fill unanticipated vacancies during the 1978 AAP year at a rate of at least 25 percent for minorities and 5 percent for females subject to the availability of qualified or readily qualifiable women and minorities.

(j) Job Group III, Craftsman Category, Fabricating and Machine Shop Departments: A goal of two minority new hires or promotions is projected to be attained by 1979. A female goal of 3.6 percent is projected to be attained by 1980. A good faith effort will be made to fill unanticipated vacancies at a rate of at least 30 percent for minorities and 4 percent for females during the 1978 AAP year subject to the availability of qualified or readily qualifiable women and minorities.

(k) Job Group IV, Craftsman Category, Fabricating Department: A goal to hire or promote two females is projected to be attained by 1980. A minority goal of 43.2 percent is projected to be attained by 1980. A good faith effort will be made to fill unanticipated vacancies during the 1978 AAP year at a rate of at least 45 percent for minorities and 5 percent for females subject to the availability of qualified or readily qualifiable women and minorities.

(l) Job Group I, Operatives Category, Fabricating Department: A goal to hire or promote one female and two minorities is projected to be attained by 1979. A good faith effort will be made to fill unanticipated vacancies during the 1978 AAP year at a rate of at least 54.6 percent for minorities and 15 percent for females subject to the availability of qualified or readily qualifiable women and minorities.

(m) Job Group I, Operatives Category, Fabrication Department: A goal to promote or hire one female and one minority is projected to be attained by 1980. A good faith effort will be made to fill unanticipated vacancies during the 1978 AAP year at a rate of at least 54.6 percent for minorities and 15 percent for females subject to the availability of qualified or readily qualifiable women and minorities.

(n) Job Group I, Laborers Category, Fabrication Department: A goal of six minority new hires and two female new hires is projected to be attained by 1980. A good faith effort will be made to fill unanticipated vacancies during the 1978 AAP year at a rate of at least 75 percent for minorities and 15 percent for females subject to the availability of qualified or easily qualifiable women and minorities.

(o) Job Group and Category, Service Workers, Maintenance Department: A goal of one female new hire is projected to be attained by 1980. A good faith effort will be made to fill unanticipated vacancies during this AAP year at a rate of at least 56.7 percent for minorities and 15 percent for females subject to the availability of qualified or readily qualifiable women and minorities.

3. Hahn & Clay agrees that it will not use the goals and timetables or affirmative action measures contained in this Decree to discriminate against any person because of race, color, religion, sex, or national origin.

4. Hahn & Clay will file the following information with the OFCCP contract compliance agency and with the Counsel for Civil Rights, Office of the Solicitor, U.S. Department of Labor on October 1, 1978 and thereafter on January 1, April 1, July 1, and October 1 of each year:

(a) A listing of terminated employees by name, race, sex, employee number and job classification with the reason for each termination;

(b) Documentation of all recruitment efforts which Hahn & Clay has made to attract women into skilled craft positions including:

(1) A detailed account of Hahn & Clay's participation in training programs for women in the skilled crafts area including upgrading programs, apprenticeship and trainee programs and on-the-job training programs;

(2) A detailed description of all contracts made with schools, colleges, educational institutions, referral agencies, womens groups, radio or television stations, and/or newspapers and magazines in which Hahn & Clay affirmatively sought women to fill skilled crafts positions.

(c) A listing of all applicants for office and Clerical positions by name, race, position applied for, date of application with an indication of whether the applicant was hired and, if not, the reason the applicant was not hired; and if the rejected applicant is a minority and if another person was hired during the period the minority applicant's application was considered to be current, the following information concerning such other person: name, race, position applied for and date of application.

(d) A listing of all applicants for Skilled Craft and Laborer positions by name, race, position applied for, date of application with an indication of whether the applicant was hired and, if not, the reason the applicant was not hired; and if the rejected applicant is a Spanish-surnamed person and if another person was hired during the period the Spanish-surnamed applicant's application was considered to be current, the following information concerning such other person: name, race, position applied for and date of application.

5. Hahn & Clay agrees that it will develop on-the-job training opportunities and/or participate in training programs for the Houston area which expressly include minorities, and women including upgrading programs, and apprenticeship and trainee programs relevant to Hahn & Clay's employment needs.

6. Since the Houston Column Company, Houston, Texas has no employees and has been inactive for ten years, there is no requirement for the Houston Column Company to be shown to be in full compliance with Executive Order 11246, as amended, and the Secretary of Labor's implementing regulations prior to Hahn & Clay's reinstatement.

7. Hahn & Clay will maintain an acceptable AACP in accordance with the requirments of Executive Order 11246, as amended, and the Secretary of Labor's implementing rules and regulations. No changes will be made in Hahn & Clay's AACP without the prior approval of the compliance agency.

IV. JURISDICTION

1. Jurisdiction over the implementation of the provisions of the Consent Decree is retained by Administrative Law Judge Burton S. Sternburg.

2. The Administrative Law Judge shall have the authority to issue any additional orders and decrees necessary to effectuate Executive Order 11246, as amended, or to enforce or clarify the implementation of this Consent Decree.

3. Hahn & Clay agrees that representatives of OFCCP or its designees, upon reasonable request may review compliance with this Consent Decree. As part of such review, the OFCCP may require written reports concerning compliance, may inspect Hahn & Clay's premises and operations, examine witnesses and examine and copy documents.

4. The Parties hereto agree that, if, at any time in the future OFCCP or (the compliance agency) or their successor(s) believe that Hahn & Clay has violated any portion of this Decree or any provision of its AACP, Hahn & Clay shall be promptly notified of that fact in writing. This notification shall include a statement of the facts and circumstances relied upon in forming that belief. In such an instance, if the matter cannot be resolved amicably, OFCCP or the compliance agency shall have the right to petition the Administrative Law Judge for immediate reinstatement of the debarment order, and the Administrative Law Judge shall have the authority to immediately reinstate the debarment order after a hearing on the matter. In the interim, the Director of OFCCP shall have the right to order immediate cancellation, suspension or termination of Hahn & Clay's existing Federal contracts.

5. This Consent Decree shall be filed with the Administrative Law Judge, U.S. Department of Labor, and shall be made a part of the record of proceedings before the Administrative Law Judge.

6. The Parties hereto agree that this Decree shall be effective until and unless modified or rescinded by mutual agreement of the Parties.

7. At any time after a minimum period of two years from the date of entry of this Decree, the defendant may move upon sixty days' notice to the plaintiffs, and upon a showing of compliance with the terms and conditions of this Decree, for its modification and dissolution.

8. If an application or motion for an order of enforcement or clarification indicates by signature of counsel that it is unopposed by Hahn & Clay and the United States Department of Labor, the application or motion may be presented to the Court without hearing, and the proposed order may be implemented immediately.

9. This Consent Decree shall not become final until it has been signed by the Administrative Law Judge.

10. This Consent Decree shall be applicable to and binding on Hahn & Clay and any and all purchasers, successors, assignees, and/or transferees.

11. Upon entry of this Decree, Hahn & Clay is reinstated as an eligible bidder on Government contracts and subcontracts, and as such, it may receive contracts and subcontracts bid upon on or after the effective date of this Decree.

It Is So Ordered.

Effective date: October 24, 1978.

EUGENE J. CLAY,
For Hahn & Clay.

AUGUST 12, 1978.

GERALD J. POST,
For Defense Logistics Agency.

SEPTEMBER 27, 1978.

BURTON S. STERNBURG,
Administrative Law Judge.
WELDON J. ROUGEAU,
Deputy Director, OFCCP,
U.S. Department of Labor.
JAMES D. HENRY,
Associate Solicitor,
U.S. Department of Labor.
LOUIS G. FERRAND, Jr.,
Counsel for Civil Rights,
U.S. Department of Labor.
BARBARA J. SULLIVAN,
Attorney, U.S. Department of Labor,
200 Constitution Ave., N.W., Washington, D.C.

[FR Doc. 78-33059 Filed 11-22-78; 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 contibuted 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 December 4, 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 December 4, 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, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of November 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bestform Foundations (workers)	Long Island City, N.Y	Nov. 13, 1978	Oct. 27, 1978	TA-W-4,390	Ladies' undergarments.
Chalfont Mills, Inc. (Knitgoods Union, ILGWU).	Quakertown, Pa	Nov. 14, 1978	Nov. 13, 1978	TA-W-4,391	Men's and ladies' sweaters.
Crescent Knitting Mills (Knitgoods Union, ILGWU).	Philadelphia, Pa	Nov. 13, 1978	Nov. 9, 1978	TA-W-4,392	Sweaters for men.
Fashion Maid Knitting Mills, Inc. (Knitgoods Union, ILGWU).	do	do	do	TA-W-4,393	Men's and boys' sweaters.
Infanta Knitting Mills, Inc. (Knitgoods Union, ILGWU).	do	do	do	TA-W-4,394	Women's dresses and woven sportswear and children's outerwear, sweaters, pants.
Levin and Hecht (workers)	New York, N.Y	Nov. 14, 1978	do	TA-W-4,395	Men's and boys' sport shirts and jeans.
Mode Knitting Mills, Inc. (Knitgoods Union, ILGWU).	Philadelphia, Pa	do	Nov. 13, 1978	TA-W-4,396	Men's and ladies' sweaters and sweater shirts.
Progressive Knitting Mills (Knitgoods Union, ILGWU).	do	do	do	TA-W-4,397	Men's and boys' swimwear.
Queen Casuals, Inc. (Knitgoods Union, ILGWU).	do	do	do	TA-W-4,398	Women's sportswear—skirts, pants, shorts, pant suits, and tops, blouses, shirts, and sweaters.
Sand and Surf, Inc. (Knitgoods Union, ILGWU).	do	do	do	TA-W-4,399	Bathrobes and bathing suits for men and women.
Somerset Knitting Mills, Inc. (Knitgoods Union, ILGWU).	do	do	do	TA-W-4,400	Men's sweaters and knit shirts.
Surrey Knitting Mills, Inc. (Knitgoods Union, ILGWU).	do	do	do	TA-W-4,401	Men's sweaters.
Wexler Knitting Mills (Knitgoods Union, ILGWU).	do	do	do	TA-W-4,402	Men's and boys' and ladies' sweaters.
Wilshire Knitting Mills, Inc. (Knitgoods Union, ILGWU).	do	do	do	TA-W-4,403	Ladies' sweaters.

[FR Doc. 78-33042 Filed 11-22-78; 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 December 4, 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 December 4, 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 13th day of November 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Allivine Knitting Mills, Inc. (Knitgoods Union, ILGWU).	Philadelphia, Pa	Nov. 6, 1978	Nov. 3, 1978	TA-W-4,359	Double knit and sweater fabrics on contract basis.
Anita Foundations, Inc. (Undergarment & Negligee Worders Union, ILGWU).	New York, N.Y	Nov. 9, 1978	Nov. 6, 1978	TA-W-4,360	Brassieres and girdles and other sundries.
Barry Knitting Mills, Inc. (Knitgoods Union, ILGWU).	Philadelphia, Pa	Nov. 6, 1978	Nov. 3, 1978	TA-W-4,361	Men's and ladies' sweaters on contract basis.
Bergman Knitting Mills, Inc. (Knitgoods Union, ILGWU).	do	do	Oct. 31, 1978	TA-W-4,362	Knit sweaters for men, women, and boys.
Capitol Knitting Mills (ACTWU)	Little Falls, N.J	Nov. 8, 1978	Nov. 3, 1978	TA-W-4,363	Knit sweaters.
Clover Knitting Mills, Inc. (Knitgoods Union, ILGWU).	Philadelphia, Pa	Nov. 6, 1978	Nov. 2, 1978	TA-W-4,364	Men's sweater shirts.

APPENDIX Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Continental Group, Inc., Continental Can (USWA).	Paterson, N.J	do	Oct. 30, 1978	TA-W-4,365	Articles needed for packaging: Steel cans, boxes, drums, etc.
Devon Apparel, Inc. (Knitgoods Union, ILGWU).	Philadelphia, Pa	do	Oct. 31, 1978	TA-W-4,366	Complete line of ladies' sportswear: Slacks, jackets, vests, sweaters, blouses, skirts, etc.
Dowen-Zier-Knits (workers)	West Hempstead, N.Y	do	Nov. 1, 1978	TA-W-4,367	Knit goods used in women's clothing.
Do	Long Island, N.Y	do	do	TA-W-4,368	Do.
Eastern Knitting Mills (Knitgoods Union, ILGWU).	Blenheim, N.J	do	Nov. 2, 1978	TA-W-4,369	Men's sweaters and men's knit shirts.
Ma-Zel Sportswear Manufacturing, Inc. (workers).	Boston, Mass	Nov. 9, 1978	Nov. 9, 1978	TA-W-4,370	Contracting of ladies' clothing.
New York Imperial Foundations, Inc. (ILGWU).	Brooklyn, N.Y	Nov. 6, 1978	Nov. 2, 1978	TA-W-4,371	Brassieres and girdles.
Qualified Coat Co. (workers)	do	Nov. 3, 1978	Nov. 1, 1978	TA-W-4,372	Contractor of ladies' coats, suits and rainwear.
Rockwell-Drapper Division, Rockwell International Corp. (workers).	Spartanburg, S.C	Nov. 6, 1978	Nov. 2, 1978	TA-W-4,373	Textile machinery, machinery repair parts and textile machinery accessories, grey iron foundry.
Super Knitting Mills (workers)	Brooklyn, N.Y	Nov. 3, 1978	Oct. 31, 1978	TA-W-4,374	Contractor of sweaters.

[FR Doc. 78-33043 Filed 11-22-78; 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 December 4, 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 December 4, 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, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of November 1978.

MARVIN M. FOOKS,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Baldt, Inc. (L.U.M.A.W.A.)	Chester, Pa	Nov. 13, 1978	Nov. 6, 1978	TA-W-4,375	Heavy anchors and anchor chains.
C. R. Bard, Inc. (workers)	Murray Hill, N.J.	do	Nov. 3, 1978	TA-W-4,376	Medical products in general for hospital use.
Brentwood Sportswear, Inc. (Knitgoods Union, ILGWU).	Philadelphia, Pa	Nov. 9, 1978	Nov. 6, 1978	TA-W-4,377	Men's sweaters, knit shirts and bathing trunks.
Robert Bruce (Knitgoods Union, ILGWU).	do	do	do	TA-W-4,378	Men's and boys' sweaters of polyester and wool blends.
Carol's Sportswear, Inc. (workers)	Boston, Mass	Nov. 13, 1978	Nov. 7, 1978	TA-W-4,379	Women's sportswear.
Comet Manufacturing Co. (Knitgoods Union, ILGWU).	Philadelphia, Pa	Nov. 9, 1978	Nov. 6, 1978	TA-W-4,380	Men's swimwear and several types of men's youths and boys' shirts, sport shirts and printed "T" shirts and some ladies' blouses and skirts.
FAG Bearings Corp. (IAM&AW)	Stamford, Conn	Nov. 14, 1978	Nov. 8, 1978	TA-W-4,381	Ball and roller bearings.
International Shoe Co. (Boot & Shoe Workers Union).	Jackson, Mo	Nov. 13, 1978	Nov. 9, 1978	TA-W-4,382	Women's dress and casual shoes.
L. R. Textiles (workers)	Paterson, N.J.	Nov. 7, 1978	Oct. 31, 1978	TA-W-4,383	Printed remnants and piece goods.
La Moda Sportswear (ILGWU)	do	Nov. 13, 1978	Nov. 6, 1978	TA-W-4,384	Ladies' coats.
Mario's Sportswear (workers)	Boston, Mass	Nov. 9, 1978	do	TA-W-4,385	Women's sportswear.
Philip Lingerie, Inc. (ILGWU)	Paterson, N.J	Nov. 13, 1978	do	TA-W-4,386	Ladies' lingerie.
Revere Copper & Brass Co., Inc. (workers).	New Bedford, Mass	do	Nov. 7, 1978	TA-W-4,387	Nonferrous metals—sheet, strip, and plate.
Stressteel Corp. (company)	Wilkes-Barre, Pa	do	Nov. 10, 1978	TA-W-4,388	High strength steel bars used in prestressed concrete construction.
Toby Fashions, Inc. (workers)	Union City, N.J	do	Nov. 3, 1978	TA-W-4,389	Ladies' coats.

[FR Doc. 78-33044 Filed 11-22-78; 8:45 am]

[4510-28-M]

[TA-W-3967]

ALLEGRO FASHIONS, LODI, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Asistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3967: 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 13, 1978 in response to a worker petition received on July 10, 1978 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' garments at Allegro Fashions, Lodi, New Jersey.

The Notice of Investigation was published in the FEDERAL REGISTER on July 28, 1978 (43 FR 32885-86). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Allegro Fashions, its customers (manufacturers), the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the total or partial separation, or threat thereof, and to the absolute decline in sales or production.

The Department conducted a survey of the principal manufacturers for which Allegro Fashions worked in 1976 and 1977. Manufacturers who reduced purchases from Allegro Fashions in 1977 compared to 1976 did not purchase imported ladies garments. In the first six months of 1978 manufacturers who reduce purchases from Allegro Fashions in comparison to the first six months of 1977 did not purchase imported ladies' garments. These manufacturers had increasing sales under the period of investigation.

CONCLUSION

After careful review, I determine that all workers of Allegro Fashions, Lodi, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of November 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-33034 Filed 11-22-78; 8:45 am]

[4510-28-M]

[TA-W-3565]

BROOK MANUFACTURING CO., INC., OLD FORGE, 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-3565: 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 Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's slacks at Brook Manufacturing Company, Incorporated, Old Forge, Pennsylvania.

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 Brook Manufacturing Company, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council, 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 and boys' dress and sport trousers and shorts increased from 55,508 thousand units in 1975 to 73,209 thousand units in 1976 and to 76,419 thousand units in 1977. In the first half of 1978, imports of trousers and shorts increased to 48,690 thousand units compared to 33,860 thousand units in the first half of 1977. The ratio of imports of trousers and shorts relative to domestic production increased from 34.1 percent in 1975 to 40.9 percent in 1976 and then declined to 38.0 percent in 1977.

Brook Manufacturing is a garment contractor that sews men's slacks for several manufacturers. A Department survey of the customers of these manufacturers revealed that, in 1977 as compared to 1976 as well as in the first half of 1978 as compared to the first half of 1977, many of the manufacturers' customers increased purchases of imported men's slacks and decreased purchases from the manufacturers. As these manufacturers experienced decreased sales of slacks, they, in turn, decreased their utilization of Brook Manufacturing Company.

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 men's slacks produced by Brook Manufacturing Company, Incorporated, Old Forge, Pennsylvania contributed importantly to the decline in sales and production and to the total or partial separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Brook Manufacturing Company, Incorporated, Old Forge, Pennsylvania who became totally or partially separated from employment on or after April 17, 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 15th day of November 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-33035 Filed 11-22-78; 8:45 am]

[4510-28-M]

[TA-W-3840]

HONEY BEE SPORTSWEAR, FALL RIVER, 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-3840: 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 May 8, 1978 which was filed on behalf of workers and former workers producing women's sportswear at Honey Bee Sportswear, Fall River, Massachusetts. The investigation revealed that the plant primarily produces women's slacks, skirts and jackets.

The Notice of Investigation was published in the FEDERAL REGISTER on June 27, 1978 (43 FR 27924). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Honey Bee Sportswear, its manufacturer, 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 survey of Honey Bee Sportswear's sole manufacturer revealed that the manufacturer does not import finished women's sportswear (slacks, skirts and jackets) and does not employ offshore contractors to produce those products. This manufacturer increased its sales from 1976 to 1977 and also increased its contracts with other domestic sources.

CONCLUSION

After careful review, I determine that all workers of Honey Bee Sportswear, Fall River, Massachusetts 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 15th day of November 1978.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 78-33036 Filed 11-22-78; 8:45 am]

[4510-28-M]

[TA-W-3828]

KRIS, INC., CEDARBURG, WIS.

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-3828: 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 12, 1978 in response to a worker petition received on June 8, 1978 which was filed on behalf of workers and former workers producing citizens band radios at Kris, Incorporated, Cedarburg, Wisconsin. The investigation revealed that the plant did not produce citizen band radios but produced accessories for citizens band radios.

The notice of Investigation was published in the FEDERAL REGISTER on June 27, 1978 (43 FR 27925). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Kris, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other critera 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.

From mid-1974 until the firm closed in August 1977, Kris, Inc. was primarily an importer of citizen band radios. A significant portion of the value of sales by the firm during 1976 and the first half of 1977 consisted of imported products. Due to market factors, U.S. imports of mobile CB transceivers and CB base station units fell substantially in 1977. The various accessories produced at Cedarburg served primarily to complement the CB radios imported and sold by the firm.

CONCLUSION

After careful review, I determine that all workers of Kris, Incorporated, Cedarburg, Wisconsin 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 15th day of November 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-33037 Filed 11-22-78; 8:45 am]

[4510-28-M]

[TA-W-3745]

LAWRENCE MANUFACTURING CO., WALNUT RIDGE, ARK.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3745: 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 16, 1978 which was filed on behalf of workers and former workers producing ladies' sportswear and dresses at Lawrence Manufacturing Company, Walnut Ridge, Arkansas. The investigation revealed that dresses, pant suits and skirt suits are produced.

The corrected Notice of Investigation was published in the FEDERAL REGISTER on August 25, 1978 (43 FR 38140). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lawrence Manufacturing Company, Butte Knitting Mills, its customers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Imports of women's, misses', and children's dresses declined from 1,655 thousand dozen in 1975 to 1,614 thousand dozen in 1976 and to 1,420 thousand dozen in 1977. The ratios of imports to domestic production and consumption declined from 8.0 percent and 7.4 percent, respectively, in 1976 to 6.7 percent and 6.3 percent, respectively, in 1977. Imports increased from 371 thousand dozen in the first quar-

ter of 1977 to 403 thousand dozen in the first quarter of 1978.

Imports of women's, misses' and children's suits declined from 412 thousand dozen in 1975 to 408 thousand dozen in 1976 and to 384 thousand dozen in 1977. The ratios of imports to domestic production declined from 11.4 percent and 10.2 percent, respectively, in 1976 to 10.5 percent and 9.5 percent, respectively in 1977. Imports increased from 62 thousand dozen in the first quarter of 1977 to 104 thousand dozen in the first quarter of 1978.

A survey was conducted of customers who reduced purchases from Butte Knitting Mills from 1977 to 1978. The survey revealed that customers increased their purchases of imported women's dresses and suits during that period.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that increases of imports of articles like or directly competitive with women's dresses and suits produced at Lawrence Manufacturing Company, Walnut Ridge, Arkansas contributed importantly to the decline in sales or production and to the total or partial separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Lawrence Manufacturing Company, Walnut Ridge, Arkansas who became totally or partially separated from employment on or after September 4, 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 15th day of November 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-33038 Filed 11-22-78; 8:45 am]

[4510-28-M]

[TA-W-4111]

LOUISVILLE & NASHVILLE RAILROAD CO., BIRMINGHAM, ALABAMA TERMINAL, BOYLES, ALA.

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-4111: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 24, 1978 in response to a worker petition received on August 22, 1978 which was filed by the United Transportation Union on behalf of workers and former workers engaged in the shipment of steel, raw and finished products for the Louisville and Nashville Railroad Company, Birmingham Division Terminal, Boyles, Alabama.

The Notice of Investigation was published in the FEDERAL REGISTER on September 5, 1978 (43 FR 39457). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Louisville and Nashville Railroad Company, 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 Louisville and Nashville Railroad Company (L&N) was founded in 1850 and incorporated in Kentucky. The L&N is a wholly-owned subsidiary of Seaboard Coast Line Railroad Company, which is a wholly-owned subsidiary of Seaboard Coast Line Industries, Inc. The L&N and Seaboard Coast Line Railroad jointly operate under leases, as separate properties, the Clinchfield Railroad Company and the Georgia Railroad.

The L&N operates a comprehensive rail system serving a 14-state region between Chicago and the Gulf of Mexico.

The petitioning workers are employed at the Birmingham Division terminal, Boyles, Alabama, of the L&N. The main terminal and Headquarters for the Division are located in Birmingham, Alabama. Boyles Yard, the largest in the Division, is located at Birmingham.

Workers at the Birmingham Division terminal, Boyles, Alabama of the Louisville and Nashville Railroad are engaged exclusively in the transportation of goods and commodities and do not produce an article within the meaning of Section 222(3) of the Act.

The Louisville and Nashville Railroad is a common carrier. The L&N and its customers have no controlling interest in one another.

All workers engaged in providing transport services at the Birmingham Division terminal, Boyles, Alabama of the Louisville and Nashville Railroad Company are employed by that firm. All personnel actions and payroll transactions are controlled by the Louisville and Nashville Railroad. Workers are not, at any time, under employment or supervision by customers of the Louisville and Nashville Railroad. Thus, the Louisville and Nashville Railroad Company must be considered to be the "workers' firm",

CONCLUSION

After careful review, I determine that all workers of the Birmingham Division terminal, Boyles, Alabama, of the Louisville and Nashville Railroad Company are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of November 1978.

JAMES F. TAYLOR
Director, Office of Management, Administration and Planning.

[FR Doc. 78-33039 Filed 11-22-78 8:45 am]

[4510-28-M]

[TA-W-3039]

ROCKWELL INTERNATIONAL SUSPENSION AND TRUCK AXLE DIVISION PLANTS; NEW CASTLE, 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-3039: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 6, 1978, in response to a worker petition received on January 17, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers producing leaf springs for cars and trucks and front axles for trucks at the New Castle, Pennsylvania plants of Rockwell International's Suspension Division and Truck Axle Division.

The Notice of Investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7064). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Rockwell International, 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 workers of the New Castle, Pennsylvania

Truck Axle Division plant of Rockwell International:

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.

The average number of workers producing front axles for trucks at the Truck Axle Division plant of Rockwell International in New Castle, Pennsylvania increased in 1977 compared to 1976 and in the first three quarters of 1978 compared to the same period in 1977. Average quarterly employment of production workers at this plant increased in every quarter from the second quarter of 1976 through the third quarter of 1978 when compared to the same quarter of the previous year. The average weekly hours worked per employee did not change significantly during this period. There is no immediate threat of separation of workers at this plant.

Without regard to whether any of the other criteria have been met, the following criterion has not been met with respect to workers of the New Castle, Pennsylvania Suspension Division plant of Rockwell International:

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 of leaf springs produced for domestic consumption at the New Castle, Pennsylvania plant increased in 1977 compared to 1976. Sales for domestic consumption declined by less than one percent in the first nine months of 1978 compared to the same period in 1977. The larger decline in total plant sales of leaf springs during the first three quarters of 1978 can be attributed to a major decline in plant exports, which accounted for approximately 99 percent of the decline in total plant sales during this period.

CONCLUSION

After careful review, I determine that all workers producing front axles for trucks at the Truck Axle Division plant of Rockwell International, New Castle, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further determine that all workers producing leaf springs at the Suspension Division plant of Rockwell International, New Castle, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of November 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-33040 Filed 11-22-78; 8:45 am]

[4510-28-M]

[TA-W-3546]

WELD, INC., RARITAN, NEW JERSEY

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-3546: 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 25, 1978 in response to a worker petition received on April 12, 1978 which was filed on behalf of workers and former workers producing men's and boys' outerwear at Weld, Inc., Raritan, New Jersey.

The Notice of Investigation was published in the FEDERAL REGISTER on May 5, 1978 (43 FR 19478-19479). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Weld, Inc., its manufacturers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. 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.

Weld, Inc. produced men's and boys' outerwear on a contractual basis. Nearly all of Weld's output was produced for one manufacturer. Declines in sales by that manufacturer in 1977 resulted in the closure of Weld, Inc. in December of that year. The declines in sales by the manufacturer were due to the loss of a major customer which filed for bankruptcy in June 1977. This major customer ceased operations permanently in July 1977 due to inability to keep pace with shifts in consumer demand and to disadvantageous locations for many of its major retail outlets.

CONCLUSION

After careful review, I determine that all workers of Weld, Inc., Raritan, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of November 1978.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 78-33041 Filed 11-22-78; 8:45 am]

[7510-01-M]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (78-64)]

NASA ADVISORY COUNCIL (NAC) SPACE SYSTEMS AND TECHNOLOGY ADVISORY COMMITTEE

Meeting

The informal Ad Hoc Advisory Subcommittee on Power Technology for Future Satellites and Platforms will meet on December 13 and 14, 1978, in Room 625, NASA Headquarters, 600 Independence Avenue, SW., Washington, D.C. The meeting will be open to the public up to the seating capacity of the room (about 40 persons including subcommittee members and participants).

The subcommittee was established to identify the power technologies required to meet the needs of synchronous space activities through the mid-1990's and to evaluate the adequacy of current Office of Aeronautics and Space Technology and other research and technology efforts to meet those needs. The chairperson is Mr. Fred H. Esch, and there are nine members of the subcommittee.

For further information contact Mr. Jerome P. Mullin, Executive Secretary of the Informal Ad Hoc Advisory Subcommittee on Power Technology for Future Synchronous Satellites and Platforms, Code RP-6, NASA Headquarters, Washington, D.C. 20546, 202-755-3278.

AGENDA

DECEMBER 13, 1978

9 a.m.—Introductory remarks.
9:30 a.m.—Presentation of future synchronous satellite and platform requirements.
1 p.m.—Presentation of current NASA power technology program.

DECEMBER 14, 1978

9 a.m.—Committee discussions and formulation of recommendations and future actions.

2 p.m.—Adjourn.

NOVEMBER 16, 1978.

ARNOLD W. FRUTKIN,
Associate Administrator for External Relations.

[FR Doc. 78-32831 Filed 11-22-78; 8:45 am]

[4510-30-M]

NATIONAL COMMISSION FOR MANPOWER POLICY

MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (P.L. 92-463; 86 Stat. 770) notice is hereby given that the National Commission for Manpower Policy will hold its fifteenth formal meeting on December 8, 1978, in the Mount Vernon Room of the Sheraton Carlton Hotel, 16th and K Streets, NW. The meeting will begin at 9 a.m. and adjourn at 5 p.m.

The National Commission for Manpower Policy was established pursuant to Title V of the Comprehensive Employment and Training Act of 1973 (Pub. L. 93-203). The Act charges the Commission with the broad responsibility of advising the President, the Congress, the Secretary of Labor, and other Federal agency administrators on national employment and training issues. The Commission is specifically charged with reporting annually to the President and the Congress on its findings and recommendations with respect to the Nation's employment and training policies and programs.

The agenda will be concerned with identifying issues for its Fourth Annual Report, such as the role of private employers in national employment policies, and an overview of the status of the NCMP youth task force.

Members of the general public or other interested individuals may attend this meeting. Members of the public desiring to submit written statements to the Commission that are germane to the agenda may do so, provided such statements are in reproducible form and are submitted to the Director not later than 2 days before and 7 days after the meeting.

Additionally, members of the general public may request to make oral statements to the Commission to the extent that the time available for the meeting permits. Such oral statements must be directly germane to the announced agenda items and written application must be submitted to the Director of the Commission 3 days before the meeting. This application shall identify the following: The name and address of the applicant, the subject of his or her presentation and its relationship to the agenda; the amount of time requested; the individual's qualifications to speak on the subject matter; and shall include a justifying statement as to why a written presentation would not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at the meeting. Oral presentations will be limited to statements of facts and views and shall not include any questions of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting, working papers, and other documents prepared for the meeting will be available for public inspection five working days after the conference at the Commission's headquarters located at 1522 K Street, NW, Suite 300, Washington, D.C.

Signed at Washington, D.C., this 16th day of November 1978.

ISABEL V. SAWHILL,
Director, National Commission for Manpower Policy.

[FR Doc. 78-33045 Filed 11-22-78; 8:45 am]

[7536-01-M]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE HUMANITIES; HUMANITIES PANEL

Meeting

NOVEMBER 16, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street NW., Washington, D.C. 20506:

1. Date: December 14 and 15, 1978. Time: 9 a.m. to 5:30 p.m. Room: 807. Purpose: To review higher education projects applications submitted to the National Endowment for the Humanities for projects beginning after April 1, 1979.

2. Date: December 15, 1978. Time: 9 a.m. to 5:30 p.m. Room: First Floor Conference Room. Purpose: To review summer stipend applications in German, Slavic, and classics submitted to the National Endowment for the Humanities for projects beginning after January 1, 1979.

3. Date: December 18, 1978. Time: 9 a.m. to 5:30 p.m. Room: 1130. Purpose: To review youth projects applications submitted to the National Endowment for the Humanities for projects beginning after May 1, 1979.

4. Date: December 20, 1978. Time: 9 a.m. to 5:30 p.m. Room: 807. Purpose: To review summer stipend applications in music submitted to the National Endowment for the Humanities for projects beginning after January 1, 1979.

5. Date: December 20, 1978. Time: 9 a.m. to 5:30 p.m. Room: 301. Purpose: To review summer stipend applications in political science submitted to the National Endowment for the Humanities for projects beginning after January 1, 1979.

Because the proposed meetings will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's delegation of authority to close Advisory Committee meetings, dated January 15, 1978, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close these meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 78-32995 Filed 11-24-78; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-348]

ALABAMA POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 7 to facility operating license No. NPF-2 issued to the Alabama Power Co. (the licensee), which revised technical specifications for operation of the Joseph M. Farley Nuclear Plant Unit No. 1, located in Houston County, Ala. The amendment is effective as of its date of issuance.

This amendment clarifies the action requirements associated with reactor coolant leak detection systems, allows the reactor coolant pumps and residual heat removal pumps to be secured for up to 1 hour during decay heat removal operation, provides for an additional senior number on the Nuclear Operations Review Board, and includes minor editorial changes.

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, negative declaration or 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 April 26, 1978, (2) amendment No. 7 to license No. NPF-2, 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 G. S. Houston Memorial Library, 212 West Verdeshaw Street, Dothan, Ala. 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 13th day of November 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-32850 Filed 11-22-78; 8:45 am]

[7590-01-M]

[Docket No. 50-10]

COMMONWEALTH EDISON CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulaory Commission (the Commission) has issued amendment No. 27 to facility operating license No. DPR-2, issued to the Commonwealth Edison Co. (the licensee), which amended the license for unit 1 of Dresden Nuclear Power Station (the facility) located in Grundy County, Ill. The amendment is effective as of its date of issuance.

This amendment modifies the license to permit low-power physics tests to be performed after the date established for the reactor shutdown to install ECCS modifications order by the Commission.

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) and 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 September 11, 1978, (2) amendment No. 27 to license No. DPR-2, 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 Morris Public Library, 604 Liberty Street, Morris, Ill. 60451. 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 9th day of November 1978.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-32851 Filed 11-22-78; 8:45 am]

[7590-01-M]

[Docket Nos. STN 50-498 OL, STN 50-499 OL]

HOUSTON LIGHTING & POWER CO. ET AL. (SOUTH TEXAS PROJECT, UNITS 1 AND 2)

Order Rescheduling Special Prehearing Conference

In our order dated October 23, 1978, and again in our order of November 1, 1978, we established December 12, 1978, as the date for a special prehearing conference to consider, inter alia, whether various petitions for intervention should be granted and a hearing held (see 43 FR 52069, Nov. 8, 1978). On November 3, 1978, the State of Texas filed a motion asking us to reconsider our orders setting such prehearing conference date. Shortly prior to that time (on November 1, 1978), we received an undated but apparently late-filed intervention petition from another petitioner. We are today filing a separate order with respect to that petition.

At our behest, the staff counsel canvassed the various parties and petitioners to determine whether a mutually satisfactory date for a perhearing conference could be agreed upon. The staff has now advised us that January 11, 1979, would be satisfactory to all the participants.

Accordingly, for good cause shown, the special prehearing conference originally scheduled for December 12, 1978, is hereby rescheduled for Thursday, January 11, 1979, beginning at 9:30 a.m., local time, in the Host International Hotel-Airport, 18700 John F. Kennedy Boulevard, Houston, Tex. 77205.

In accordance with the provisions of 10 CFR 2.751a, and to the extent consistent with the nature of an operating license proceeding (see 10 CFR 2.760a), the conference will be held to:

(1) Consider all intervention petitions to allow the Board to make such preliminary or final determinations as to the parties to the proceeding, as may be appropriate;

(2) Permit identification of the key issues in the proceeding;

(3) Take any steps necessary for further identification of the issues; and

(4) Establish a schedule for further actions in the proceeding.

In accordance with the terms of 10 CFR 2.714(a)(3) and 2.714(b), those who have filed petitions for leave to intervene may amend or supplement their petitions by no later than December 26, 1978. We request the applicants and staff to file written responses to any such supplements, to be in our hands no later than Monday, January 8, 1979.

As permitted by 10 CFR 2.715(a), and to the extent that time is available prior to 5 p.m. on January 11, 1979, beyond that necessary to complete the formal business of the conference, the Board will hear oral limited appearance statements. It is our present intention to hear any such statements after the formal business matters have been concluded.

It is so ordered.

Dated at Bethesda, Md., this 17th day of November 1978.

The Atomic Safety and Licensing Board, designated to rule on petitions for leave to intervene.

CHARLES BECHHOEFER,
Chairman.

[FR Doc. 78-32852 Filed 11-22-78; 8:45 am]

[7590-01-M]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 41 to facility operat-

ing license No. DPR-59, issued to Power Authority of the State of New York (the licensee), which revised technical specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, N.Y. The amendment is effective as of its date of issuance.

This amendment revises the technical specifications relating to surveillance requirements for discharge testing performed on the station batteries and on the low-pressure coolant injection system motor-operated valve power supplies.

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 submitted by letter dated September 1, 1978, (2) amendment No. 41 to license No. DPR-59, 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 Oswego County Office Building, 46 East Bridge Street, Oswego, N.Y. 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 16th day of November 1978.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-32853 Filed 11-22-78; 8:45 am]

[7590-01-M]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued two guides in its regulatory guide series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.84, Revision 14, "Design and Fabrication Code Case Acceptability—ASME Section III Division 1" and Regulatory Guide 1.85, Revision 14, "Materials Code Case Acceptability—ASME Section III Division 1" list those code cases that are generally acceptable to the NRC staff for implementation in the licensing of light-water-cooled nuclear powerplants. These two guides were revised to update the listings of acceptable code cases and to reflect public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of the latest revision of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 14th day of November 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc. 78-32854 Filed 11-22-78 8:45 am]

[7590-01-M]

TOPICAL REPORT

Issuance and Availability

The Nuclear Regulatory Commission has published a compilation of information dealing with radioactivity in consumer products. Consumer products are considered to be those products, commodities, or materials that are available in the marketplace to the general public. This document, "Radioactivity in Consumer Products," is identified as NUREG/CP-0001.

Although not intended to be the proceedings of a conference, it is based on papers presented at a symposium, "Public Health Aspects of Radioactivity in Consumer Products," held on February 2-4, 1977, in Atlanta, Ga. The symposium was organized by the Office of Interdisciplinary Programs, Georgia Institute of Technology, and was cosponsored by the Bureau of Radiological Health, Food and Drug Administration; the Office of Radiation Programs, U.S. Environmental Protection Agency; and the Office of Standards Development, U.S. Nuclear Regulatory Commission.

NUREG/CP-0001 is available for public inspection at the Commission's Public Document Roon at 1717 H Street NW., Washington, D.C. Copies may be purchased at current rates from the National Technical Information Service, Springfield, Va. 22161. (Paper copy: $15.25; microfiche: $3)

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 16th day of November 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc. 78-32855 Filed 11-22-78, 8:45 am]

[7590-01-M]

REGIONAL STATE LIAISON OFFICERS' MEETING

Changed Meeting

The location of the region II (Atlanta, Ga.) State liaison officers' meeting, which will be held on November 30 from 11 a.m. to 5:30 p.m. and on December 1 from 8:30 to 12:15 p.m., has been changed to the Glenmar Rooms A and B, Omni International Hotel, Convention Center, One Omni International, Atlanta, Ga. The original

notice was published November 8, 1978 (43 FR 52070).

Questions regarding this meeting should be directed to Sue Weissberg, Office of State Programs at 301-492-7794.

Dated at Bethesda, Md., this 17th day of November 1978.

For the Nuclear Regulatory Commission.

ROBERT G. RYAN,
Director, Office of State Programs.

[FR Doc. 78-32849 Filed 11-22-78; 8:45 am]

[4910-58-M]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-47]

RESPONSES TO SAFETY RECOMMENDATIONS

Receipt

The National Transportation Safety Board has recently received letters, summarized below, in response to safety recommendations issued following investigation of certain aviation and surface transportation accidents which occurred within the past several years.

Aviation

A-77-30.—The Federal Aviation Administration on November 3 supplemented its response of July 11 (43 FR 35565, Aug. 10, 1978) to this recommendation and A-77-31. These recommendations pertain to Enstrom helicopter accidents and incidents caused by material failure.

FAA now advises that its review of the Enstrom Maintenance/Flight Manuals has been completed. FAA believes that the overrunning clutch and drive belt inspection and maintenance procedures can be improved. Also, a caution against unnecessary throttle movement, during practice autorotations, should be added to the Enstrom Helicopter Flight Manual. Accordingly, FAA recommended to the manufacturer that these revisions be made.

On August 29 and 30 FAA reviewed the belt manufacturer's quality control system and found no discrepancies which would have an adverse effect on belt service life. FAA reports that Goodyear, the present manufacturer, has made several design changes since acquiring the design in 1972. In view of the fact that there has been a steady reduction in premature removal rate of drive belts, FAA plans no airworthiness directive action at ths time.

A-78-53 through A-78-55.—FAA's letter of November 9 responds to recommendations issued following investigation of the fatal accident involving a Columbia Pacific Airlines Beechcraft model 99 which attained an excessively steep climb immediately after takeoff on February 10, 1978, from Richland (Washington) Airport and crashed.

Recommendation A-78-53 asked FAA to issue an airworthiness directive applicable to all Beech 99, 99A, A99A, and B99 model aircraft to require an immediate one-time inspection of the horizontal stabilizer trim system to ascertain that all components of the system and its associated position-indicating and -warning circuits are operational within specified tolerances.

In response, FAA states:

> The fault analysis of the trim system shows that two electrical faults must occur before unwanted trim movement can occur. This meets the regulatory design requirement. In the event of a mechanical fault, such as a failed clutch, the airplane can be safely flown in any trim configuration at critical load conditions. NTSB's June 12 report of investigation of the flight characteristics of Beech model 99, serial No. U-126, verified that the airplane is controllable with full nose up trim at gross weight and maximum aft center of gravity loading.

FAA further reports that a review of the service records of 398 model 99 and models A100 and B100, which have the same trim system, did not reveal adverse service history. While FAA does not believe that airworthiness directive action is justified now, arrangements have been made with the FAA central region for the development of an item to be published in Advisory Circular 43-16, General Aviation Airworthiness Alerts. This information will emphasize the importance of proper inspection and maintenance of the horizontal stabilizer trim system. It will be circulated throughout the FAA, to all certificated repair stations, to all mechanics holding an inspection authorization, and to all air taxi certificate holders.

Recommendation A-78-54 asked FAA to require an inspection to insure that the primary and secondary mode of the horizontal stabilizer actuator are capable of deflecting the stabilizer under specified airloads, the exact instructions to be furnished by the Beech Aircraft Co. and the inspection to be made as soon as instructions are available and repeated at 2,000-hour intervals. FAA states that the stabilizer actuators are capable of deflecting the stabilizer under heavier airloads than can be encountered within the travel limits, and that the airplane can be safely flown with the trim in any position. Airworthiness directive action cannot be supported, according to FAA. However, the Beech Aircraft Co. informed FAA of plans to develop an inspection procedure to provide means for evaluating the clutch drive assembly under airload conditions.

Commenting on A-78-55, which asked FAA to change the minimum equipment list to make the out-of-trim warning system a mandatory requirement for flight, FAA reports that when the present stabilizer trim items were added to the minimum equipment list, consideration was given to making the out-of-trim warning system mandatory for takeoff. It was determined that an equal level of safety could be provided, without placing an undue burden on the operator, by requiring the pilot to visually check the stabilizer to determine that it is in the neutral position prior to takeoff and the stabilizer position indicator is operative. FAA said that the minimum equipment list for these aircraft permits flight with the out-of-trim aural warning indicator inoperative provided the alternate procedure of specified visual checks is accomplished prior to each takeoff. If the alternate procedure is used, the minimum equipment list also requires bringing the discrepancy to the attention of the flightcrew either by placarding or flight log sheet entry and requires further that the appropriate procedures be established by the operator and complied with, if flight is accomplished with the item inoperative. FAA does not believe that changing the minimum equipment list, on the assumption that the alternate procedures could be inadvertently omitted, would be justified. FAA plans no further action in response to this recommendation at this time.

A-78-59 through A-78-62.—FAA's letter of November 3 responds to recommendations issued following investigation of the accident which occurred on the night of July 27, 1976, at Paul Windle Airport, Greensburg, Kans. A Piper PA-34-200 landed on runway 17, continued past the end of the runway, struck the bank of a ditch, and came to rest in an open wheat field. Two passengers were killed, and the pilot and another passenger were seriously injured. Investigation revealed that low-intensity runway lights were installed only on the south 2,176 feet of runway 17/35, which is 2,580 feet long.

The recommendations asked FAA to: Review airport data program procedures to insure that instructions to airport managers/owners for annual solicitation of data are clearly and concisely stated and that data from the airport master record are compared in detail to that published in the National Ocean Survey (NOS) Airport/Facility Directory (A-78-59); examine the national flight data center (NFDC) data base to determine what airport data are not published in the directory, test those data against the publication criteria, and publish as ap-

propriate, and identify nonpublished data so that they are easily recognized as such by airport managers/owners when conducting annual reviews (A-78-60); in coordination with NOS and other appropriate agencies, establish symbology for sectional aeronautical chart use to indicate general limitations of airport lighting, with cross-referencing to the appropriate sources for details of the limitation (A-78-61); and establish the complete program of airport data verification (A-78-62).

In answer to A-78-59 and A-78-62, FAA reports that data collection forms and procedures in the airport data program are being revised by a regional airports programs working group. After agency and industry comments are finalized and recoordinated, implementation may be expected during 1979. When issued, the instruction will be concise and clearly stated to provide a significant improvement in the accurate and timely collection, verification, and dissemination of data on the Nation's public and private-use airports.

Concerning A-78-60, FAA says NFDC is recommending that the office of airport programs identify on the airport master report, data that will be published either in the Airport/Facility Directory or on aeronautical charts, implementation to be no later than December 31, 1979. In response to A-78-61, FAA states: "It is not desirable to add any symbols or further complicate the existing symbology on sectional charts because, it may result in confusion and an increase in the already critical chart clutter. Very little detailed information could be included, even if new symbols were employed." However, FAA reports that a note will be added to the legend of all sectional charts explaining that usable airport runway length may be less than the physical length shown on the chart; availability of runway lights does not necessarily mean the lighted runway is the longest runway, or that it is lighted full length. FAA states: "The note will include a recommendation for pilots to consult the Airport/Facility Directory and Notices to Airmen, and/or to call the nearest flight service station or airport manager for more detailed and up-to-date information, as many unexpected conditions may exist that cannot be included on this chart."

A-78-75.—Letter of November 1 from the American Association of Airport Executives is in response to the recommendation issued October 16 (43 FR 50063, Oct. 26, 1978) asking the association to advise member airport operators of the importance of preserving and documenting the location of accident debris in accordance with the provisions of 49 CFR 830.10 before debris is removed and before runways and taxiways are swept clean.

The association indicates its intention to comply and states that its November 1 newsletter to the membership—which would include airport management at all large and medium hubs, all but two of the small hubs, and the majority of the nonhub airports—will relay the Safety Board's recommendation.

Highway

H-78-10.—Letter of November 3 from the National Highway Traffic Safety Administration responds to the Safety Board's August 23 letter commenting on NHTSA's initial response forwarded June 8 (see FR 29197, July 6, 1978). The recommendation resulted from investigation of the tractor-semitrailer rear end collision with a school bus near Rustberg, Va., March 8, 1977, which killed 3 of the 33 occupants of the school bus and injured 25 others. The Safety Board recommended that NHTSA modify Federal Motor Vehicle Safety Standard No. 217 to provide for additional emergency exit points to facilitate escape from and access to schoolbuses regardless of the vehicle's attitude following a collision or overturn, such exits to be in addition to the current options under standard 217.

The Safety Board's August 23 letter expanded on the discussion of additional emergency access points for school buses as outlined in H-78-10. The issue of escape-evacuation-rescue as the Board sees it is not a part of crash-avoidance or even of crashworthiness; it is singular in that it involves not initial injury prevention, but prevention of secondary injury after the emergency situation has stabilized. In the Rustberg accident, all required access points were blocked or unusable, and without the nonrequired "pop out" windshield, rescue work might have endangered the victims further. It is the Board's opinion, based on observance of 11 catastrophic schoolbus accidents, that these vehicles need extensive emergency exit requirements to safely transport children. The Board suggested that NHTSA sponsor a study to gather data from past records to further define the problem rather than wait for the situation to come up again.

NHTSA's November 3 response cites seven accidents, the reports of which NHTSA states have again been reviewed in detail with respect to improvements that might have been made in the rescue operations if other emergency exits, such as roof hatches, had been available. The study of these cases does not support a case for roof hatches or other emergency exits, NHTSA states, but does show that push-out windshields, which are an industry standard in school buses, are a very effective escape medium in event of a crash. They have been an industry voluntary standard since 1950, and the most important consideration in comparison is the familiarity that buyers, operators, rescue teams, police department staffs and others have with the design.

Further, NHTSA notes that the States of Washington and Oregon required roof hatches on school buses about 15 years ago; the hatches were never used, consequently the hardware was frozen with rust. The rule was subsequently abandoned. NHTSA also cites the experience of Greyhound in equipping some PD4100 coaches with escape hatches in the front lower level roof of the vehicle. The flexibility of the coach body prevented a tight seal and these hatches were frequent leakers in inclement weather. Since not a single hatch had been used as an escape medium, it was decided to decommission them. NHTSA notes that New York State mandated roof hatches in all State school buses purchased in 1977 and later. School transportation authorities advise that they have no record of a roof hatch being used in an emergency. Also, in order to reduce vandalism or thievery all of the roof hatches can be opened from inside the coach only.

In summary, NHTSA states:

> The space left by a pushed-out windshield provides the easiest and safest rescue route in an emergency. The past experience with roof hatches has indicated that the devices are not reliable and have many disadvantages. They tend to rust shut and warpage of the thin roof panels and weak bus body structure binds the hatches so that they are inoperable. The hatches must be opened from the inside which becomes a very difficult job for grade school children. In a new vehicle it is almost impossible to have the roof hatches leak proof. It makes sense that a roof hatch will be most usable when the bus is laying on its side, but even in this case, experience has shown that the windshield route is more accessible, more convenient and preferable to the roof hatch design.

NHTSA's November 3 letter does not address a subsequent Safety Board letter of October 25 enclosing a list of 10 accident investigations and one special study, each of which discussed accidents involving school buses. Copies of each of these reports were supplied to NHTSA staff personnel. The Board said on October 25 that it did not intend to imply in its August 23 letter that escape and emergency exiting were issues in each of these reports or investigations, but only that as more of these accidents are observed, the potential for entrapment due to the lack of sufficient emergency exits becomes more obvious. The Board again suggests a study to determine the

extent of the entrapment problem and of the delays in evacuation or escape due to limited emergency exits.

Marine

M-78-35 through M-78-44.—Letter of October 31 from the U.S. Coast Guard responds to recommendations resulting from investigation of the fire and explosion which occurred on April 9, 1974, as the M/T *Elias* was discharging a cargo of crude oil at the Atlantic Richfield Co. Fort Mifflin Terminal on the Delaware River at Philadelphia, Pa. The ship, of Greek registry, sank at its berth; five crewmembers and three visitors were killed.

Recommendation M-78-35 asked Coast Guard to implement communications practices to insure that pilots, ship operating agents, terminal operators, and port firefighting authorities are informed of potentially hazardous ship movements. Coast Guard reports that it is modifying its regulations to obtain more relevant information concerning vessel movements, particularly vessels which carry certain dangerous cargoes and those vessels which experience hazardous conditions. Last April 13 Coast Guard published a notice of proposed rulemaking concerning Notification of Tank Vessel Ownership Information (43 FR 15586). Subsequently, on June 15, Coast Guard published a proposal concerning Notification Requirements for Vessels Arrivals, Departures, Hazardous Conditions, and Certain Dangerous Cargoes (43 FR 25958). Final regulations will be published after comments are analyzed. Coast Guard states that decisions in which information should be passed by the Coast Guard to others in port areas are best determined by each individual Captain of the Port because of the great differences among port areas and port constituencies.

Recommendation M-78-36 asked Coast Guard to improve the promptness and effectiveness of boarding programs and special investigative procedures on tank vessels and review the adequacy of checklists to aid in the detection of potentially hazardous shipboard conditions. In response, Coast Guard says that the promptness and effectiveness of Coast Guard boardings will be enhanced by the notification proposals discussed in answer to M-78-35. In April 1978 Coast Guard strengthened its vessel boarding procedures by issuing a policy directive to its field commands requiring certain boarding activities to insure that previously required permanent repairs have been made. This policy also directs the denial of entry, the establishment of operating requirements, or the detention of a vessel when permanent repairs have not been satisfactorily completed and the vessel constitutes a hazard to persons, property, or the port. The presently used boarding checklist and locally developed supplements are being reviewed and a standard comprehensive form is being developed.

Recommendation M-78-37 asked Coast Guard, in the implementation of the Marine Safety Information System (MSIS) and Port Safety Reporting System (PSRS), to incorporate information on ship safety deficiencies obtained from foreign inspection sources and from local activities responsible for ship operations, to insure effective control of such ships. Coast Guard notes that PSRS has been superseded by MSIS and that the use of MSIS by Coast Guard Captains of the Port is a primary factor in determining which vessels are boarded by the limited personnel resources available to each Captain of the Port. Each Captain of the Port provides input into MSIS concerning boarding activities detailing the results of such activities and the enforcement action taken as a result of discrepancies discovered. Inclusion of information in MSIS from sources outside the Coast Guard depends upon the willingness of those sources to provide such information and the reliability of it. Coast Guard says that reliable foreign inspection information (often proprietary in nature) has proven difficult to obtain. However, the MSIS data base is being expanded to include casualty data from Lloyd's and from Coast Guard search and rescue reports.

Coast Guard states that it has published in 1978 two advance notices of proposed rulemaking concerning waterfront facilities which handle hazardous materials—this in response to recommendation M-78-38 which called for a plan review program relative to construction of new port terminals that evaluates the protection of firefighting systems, to minimize damage or loss resulting from explosion, and to insure availability and effectiveness for firefighting. On April 10 Coast Guard published (43 FR 15108) an advance proposal concerning all waterfront facilities which handle hazardous materials, and on August 3 Coast Guard published (43 FR 34362) an advance proposal concerning waterfront liquefied natural gas facilities. After analyzing comments, Coast Guard will publish a series of notices of proposed rulemaking on safety and pollution prevention at waterfront facilities and on appropriate fire protection requirements.

In response to M-78-39, which asked Coast Guard to study the positioning of shipborne gangways and shoreplaced brows to determine ways to provide for rapid personnel escape from vessels during emergencies, Coast Guard says this proposal is being studied and will be included in future rulemaking under Docket No. 75-101.

Concerning recommendation M-78-40, which called for regulations to control visitor movement through terminals and to restrict their boarding of tankers that are not gas-free or inerted, Coast Guard says that insofar as it relates to visitor movement through marine terminals, this proposal will be considered by Coast Guard's Waterfront Facilities Task Force and addressed in future rulemaking. Concerning restricting visitors from boarding tankers that are not gas-free or inerted, Coast Guard considers that present 46 CFR 35.30-1 is adequate and precludes the unauthorized boarding of tank vessels. Any person visiting a tank vessel is under the direct supervision and responsibility of the vessel's master, other ships officer, or crewmember. Further, there is no evidence to support a conclusion that the presence of visitors aboard *Elias* was a causal factor in this casualty, according to Coast Guard.

Coast Guard has initiated action to establish a research project looking into means to escape from tankships under all terminal conditions, as recommended in M-78-41.

Recommendation M-78-42 asked Coast Guard to modify regulations governing "designated waterfront facilities" to require reporting of casualties and accidents to the Coast Guard, conforming to those specified for deep water ports and artificial islands. In response, Coast Guard will soon publish a proposal concerning implementation of the waterfront facilities investigatory authority under the Ports and Waterways Safety Act (33 U.S.C. 1223). Such regulations will provide for required notifications to Coast Guard of certain casualties occurring on waterfront facilities; which ones are reportable to Coast Guard can be determined only after completion of the rulemaking procedures. However, Coast Guard states, since waterfront facilities are inherently different from deepwater ports and artificial islands and are regulated under different statutes, it is likely that the casualty reporting requirements will be different.

Recommendation M-78-43 asked Coast Guard to make public specific policy concerning the frequency of boarding, and the extent of examination to be made, of foreign tank vessels calling at American ports, to insure that such vessels meet U.S. safety and environmental protection regulations, as proposed in the President's message to Congress on March 17, 1977. Coast Guard reports that the foreign tank vessel examination program that annually examines each foreign tanker calling at U.S. ports is an expansion of a more limited boarding and examination program. Coast

Guard expanded the scope of the program in January 1977 with initial emphasis on the examination of cargo venting and handling systems and proper transfer procedures, and further expanded it in response to the March 17, 1977, Presidential initiatives. The program now includes an examination for compliance with all safety and pollution standards presently applicable to foreign-flag tankers under both domestic regulations and international agreement. Coast Guard attached to its response copies of Commandant Instruction 16711.4 and Commandant Notice 16616, both issued last February 16, providing guidance for examining all foreign-flag tank vessels. Coast Guard reports that these enclosures have been incorporated into Chapter 32 of its Marine Safety Manual.

Coast Guard notes that recommendation M-78-36 is also responsive to recommendation M-78-44, which called for an expeditious and thorough investigation of arriving tank vessels which might pose a threat to U.S. ports and waterways because of an onboard fire or casualty at safety zones before berthing is permitted in U.S. ports.

Pipeline

P-77-27 through P-77-33.—On October 20 Exxon Gas System, Inc., provided a followup to its July 31 response (43 FR 42829, September 21, 1978), presenting conclusions regarding its study of the modification of fire gate control systems at Stations 5, 7, and 8, The recommendations were issued following investigation of the failure on December 7, 1976, of a natural gas compressor, followed by explosion and burning, at an Exxon station near Robstown, Tex.

Exxon's July 31 letter details plans to eliminate a pilot valve and a three-position gas operated valve by using an electrically activated solenoid valve in the fire gate control system. Exxon also concluded that a backup hydraulic system, electric motor driven or gas motor driven, should be provided. As a result of further review of the hydraulic systems operating at these locations, Exxon has developed an improved design.

In this new design, upon loss of the 24 volt signal at Stations 7 or 8, or the 100 psi instrument gas pressure at Station 5, gas pressure is vented off the pilot-operated block valves which supply gas for the gas-powered hydraulic pumps on each fire gate. The four-way spool valve used to switch hydraulic streams for raising and lowering the fire gate valves is kept padlocked into the position necessary for fire gate closing, making it unnecessary to make solenoid valve modifications similar to those now being made to the gas actuated fire gate valves at other stations. Exxon says that the two hydraulic pumps—one attached to each fire gate—will be piped in parallel so that if one pump should fail to operate, the other would close both fire gates. As before, the hydraulic pumps also have had levers for manual operation. for further backup, remotely operated nitrogen powered emergency shutdown stations will be installed, enabling application of pressurized nitrogen to the top of piston-type accumulators which will transfer this pressure to hydraulic fluid for closing the fire gates.

Exxon believes that these design modifications will insure emergency shutdown system reliability at Stations 5, 7, and 8 consistent with the Safety Board's recommendations, and there are plans to have fire gate system modifications at these three and the other seven stations complete by the end of the year.

Railroad

R-77-30 and 31.—On November 3, Burlington Northern (BN) responded to the Safety Board's October 4 letter replying to BN's June 23 response (43 FR 32477, July 27, 1978). The recommendations resulted from investigation into the November 26, 1978, derailment of a BN freight train at Belt, Mont.

The Safety Board's October 4 letter closed out recommendation R-77-30; the board was pleased to learn of BN's increased capabilities in rail flaw detection. Concerning recommendation R-77-31, the Safety Board noted that the Association of American Railroads (AAR) had taken exception to the board's method of determination of an overstressed rail. AAR's comments were reviewed by the board's technical staff and a response was forwarded to AAR on July 26, 1978. Several technical approaches were utilized in the board's determination of flexural stresses. the board requested that BN's engineering staff review the copy of the letter to AAR and provide a further response.

BN's November 3 letter indicates agreement with the statement made in the board's July 26 letter to AAR that the track support condition is critical in the analysis of rail stresses under load. Further, BN states:

> However, you err in equating the track support conditions contained in Professor Hay's broad discussion with conditions on branch lines with the conditions existent at Belt, Mont. Professor Hay says a track support modulus of 1,000 pounds per inch is not uncommon on branch lines, which may be true in some cases, but is certainly not true on the line at Belt. The rail at this location is well supported and we value the track support modulus at 2,000 pounds per inch, which is the value utilized by Mr. Way (vice president of AAR) in his appraisal of rail stresses. We agree with Mr. Way's calculations.

BN reiterates the objections made to R-77-31, as stated in its June 23 letter. BN states: "The restriction proposed by the NTSB on rail 100 pound and lighter is unreasonable, and further, the 90-pound rail at belt was not overstressed by either locomotives or cars. the NTSB must reconsider and revise the recommendations contained in R-77-31."

NOTE.—The above notice reports on recommendation responses recently received by the Safety Board. copies of these letters, as well as copies of related board correspondence, are available without charge. All requests must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

NOVEMBER 20, 1978.

[FR Doc. 78-33002 Filed 11-22-78; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

List of Requests

CLEARANCE OF REPORTS

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 17, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes:

The name of the agency sponsoring the proposed collection of information;

The title of each request received;

The agency form number(s), if applicable;

The frequency with which the information is proposed to be collected;

An indication of who will be the respondents to the proposed collection;

The estimated number of responses;

The estimated burden in reporting hours; and

The name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

DEPARTMENT OF ENERGY

Importers' Statement of Activity and Turn-Around Document
ERA-17
Monthly
1,800 Importers of crude oil and finished petroleum products
1,800 responses; 14,400 hours
Hill, Jefferson B., 395-5867

TENNESSEE VALLEY AUTHORITY

Energy Conservation Audits
TVA 6253-6253D
On occasion
5,000 Commission and Industrial Establishments in TVA Valley
5,000 responses; 20,000 hours
Ellett, C.A., 395-6132

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service
Certificate of destruction of food coupons
FNS-136
On occasion
State Food Stamp Programs
3,000 responses; 1,500 hours
Ellett, C.A., 395-6132

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service
Affidavit of return exchange of food coupons
FNS-135
On occasion
Food Stamp Program Certification/Issuance Offices
5,300,000 responses; 1,500 hours
Ellett, C.A., 395-6132

DEPARTMENT OF COMMERCE

Bureau of Census
Industrial gases (shipments and production)
MA-28C
Annually
Manufacturers of industrial gases
615 responses; 615 hours
Office of Federal Statistical Policy and Standard, 673-7956

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration
Accounting system—accrued unbilled costs
FHWA-186
Monthly
State Highway Agencies
52 responses; 832 hours
Geiger, Susan B., 395-5867

EXTENSIONS

DEPARTMENT OF TREASURY

U.S. Customs Service
Drawback entry and certificate of manufacture for exported articles
CF 7575-A 7575-B
On occasion
Manufacturers and producers
55,000 responses; 11,000 hours
Geiger, Susan B. 395-5867

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-32962 Filed 11-22-78; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[License No. 06-06-0205]

RICE COUNTRY CAPITAL, INC.

Issuance of License to Operate as a Small Business Investment Company

On August 21, 1978, a notice was published in the FEDERAL REGISTER (43 FR 37049) stating that an application has been filed by Rice Country Capital, Inc., 100 Commerce Street, Eagle Lake, Tex. 77434, with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1978)), for a license to operate as a small business investment company (SBIC).

Interested parties were given until the close of business September 5, 1978, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information; SBA issued License No. 06/06-0205 on November 1, 1978, to Rice Country Capital, Inc. to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: November 16, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-32827 Filed 11-22-78; 8:45 am]

[8025-01-M]

[Declaration of Disaster Loan Area No. 1539; Amendment No. 1]

LOUISIANA

Declaration of Disaster Loan Area

The above numbered Declaration (see 43 FR 52083) is amended by adding the following parishes:

Parish, Natural Disaster(s), and Date(s)

DeSoto, drought, June 1, 1978-September 30, 1978.
Red River, drought, June 1, 1978-September 30, 1978.
Tensas, drought, May 18, 1978-August 30, 1978.

and adjacent parishes within the State of Louisiana as a result of natural disasters as indicated. All other information remains the same, i.e., the termination dates for filing applications for physical damage is close of business on May 1, 1979, and for economic injury until the close of business on August 1, 1979.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: November 16, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-33010 Filed 11-22-78; 8:45 am]

[4710-02-M]

DEPARTMENT OF STATE

Agency for International Development

JOINT COMMITTEE FOR AGRICULTURAL DEVELOPMENT 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. 92-462, Federal Advisory Committee Act, notice is hereby given of the meeting of the Regional Work Groups of the Joint Committee on Agricultural Development (JCAD) of the Board for International Food and Agricultural Development (BIFAD) on December 11, 12, and 31, 1978.

The purpose of the meetings is to review the status of present and proposed title XII projects in the LAC, ASIA, AFRICA, and near East regions; to discuss plans for visits to the regions by persons from the BIFAD staff, Regional Work Groups and Bureau personnel; and a revised strategy for implementation of baseline studies.

The JCAD will meet on December 11, 12, and 21 in the form of Regional Work Groups (RWG's): For Asia on December 11, 1978, from 10 a.m. to 4 p.m. in room 206, Rosslyn Plaza Building, 1601 North Kent Street, Rosslyn, Va.; for Latin America on December 21, 1978, from 9:30 a.m. to 4 p.m. in room 2248, New State Department Building; for Africa on December 11, 1978, from 10 a.m. to 5 p.m. in room 2941, New State Department Building; and for the Near East on December 12, 1978, from 10 a.m. to 4 p.m. in room 6484, New State Department Building. All four meetings are 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. Carl. E. Ferguson and Dr. Frank H. Madden, Office of Title XII Coordination and University Relations, Development Support Bureau, are designated A.I.D. Advisory Committee representatives at the meetings. It is suggested that those desiring further information write to either of them in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-9054.

Dated: November 20, 1978.

CARL E. FERGUSON,
A.I.D. Advisory Committee Representative, Joint Committee on Agricultural Development, Board for International Food and Agricultural Development.

[FR Doc. 78-32994 Filed 11-24-78; 8:45 am]

[4710-07-M]

Office of the Secretary

[Public Notice CM-8/131]

Shipping Coordinating Committee: Subcommittee on Safety of Life at Sea

Meeting

The working group on life-saving appliances of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 10 a.m. on Tuesday, Wednesday and Thursday, December 12, 13, and 14, 1978 in room 8238 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

The purpose of the meeting will be to:

December 12, 1978

Discuss the draft text of chapter III, SOLAS 1974 and consider U.S. response to the proposal.
Discuss future IMCO LSA work program.

December 13, 1978

Discuss chapter III liferaft carriage and construction regulations.

December 14, 1978

Discuss chapter III lifeboat carriage and construction regulations.

Requests for further information should be directed to Mr. N. W. Lemley, U.S. Coast Guard (G-MMT-3/83), 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-1444.

The Chairman will entertain comments from the public as time permits.

JOHN LLOYD, III,
Deputy Director, Office of Maritime Affairs.

NOVEMBER 13, 1978.

[FR Doc. 78-32970 Filed 11-22-78; 8:45 am]

[4910-06-M]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. RFA 511-78-3]

GUARANTEE OF OBLIGATIONS

Receipt of Application

Project: Notice is hereby given that the Chicago & North Western Transportation Co. ("Applicant"), 400 West Madison Street, Chicago, Ill. 60606, has filed an application with the Federal Railroad Administration ("FRA") under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. § 831, to obtain a guarantee by the United States of obligations or other evidence of indebtedness to be issued by the Applicant in the principal amount of $20,905,789. Although loan arrangements have not been completed at this time, Applicant proposes that the requested guarantee be secured by the indenture of mortgage and security agreement dated March 8, 1978, which constitutes a lien on substantially all of Applicant's property.

The proceeds of the loan are to be used by the Applicant to repair and rehabilitate 2,637 freight cars in types and quantities as follows:

Car type:	*Number of cars*
Box cars	400
Insulated boxcars	211
Open top hoppers	380
Covered hoppers (small and medium)	201
Covered hoppers (large)	604
Ore hoppers	255
Gondolas (53 ft)	481
Gondolas (65 ft)	98
Coil skid flatcars	7
Total	2,637

Justification for project: The Applicant states that the repair project will make freight cars available to meet the demand created by critical nationwide shortages of such cars. In addition, the Applicant states that the project will reduce its dependence on foreign cars, thereby reducing net car hire costs.

Comments: Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, not later than the comment closing date shown below. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor.

To the extent permitted by law, the application will be made available for inspection during normal business hours in room 5415 at the above address of the FRA in accordance with the regulations of the Office of the Secretary of Transportation set forth in part 7 of title 49 of the Code of Federal Regulations.

The comments will be taken into consideration by the FRA in evaluating the application. However, formal acknowledgement of the comments will not be provided.

The FRA has not approved or disapproved this application, nor has it passed upon the accuracy or adequacy of the information contained therein.

(Sec. 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended.)

Dated: November 17, 1978.

Comment closing date: December 26, 1978.

CHARLES SWINBURN,
Associate Administrator, for Federal Assistance, Federal Railroad Administration.

[FR Doc. 78-32969 Filed 11-22-78 8:45 am]

[4910-59-M]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket 75-29; Notice 4]

MOTORIZED BICYCLES

Operational Safety; Comment Closing Date

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Extension of comment closing date.

SUMMARY: This notice extends the date by which comments concerning propose agency recommendations relating to the operational safety of motorized bicycles (mopeds) should be received.

ADDRESS: Comments should refer to the docket number and be submitted to Room 5108, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. Lewis Buchanan, Driver and Pedestrian Safety Division, Traffic safety programs, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-2180.

On October 12, 1978, the National Highway Traffic Safety Administration published in the FEDERAL REGISTER (43 FR 47040) proposed agency recommendations relating to the operational safety of motorized bicycles (mopeds). The agency requested public comment on these recommendations. To allow for additional public com-

ment, the agency has concluded that the comment closing date should be extended 60 days. The new comment closing date is January 12, 1979.

The principal author of this notice was Frederic W. Schwartz, Jr. of the office of Chief Counsel.

(Pub. L. 89-564, 80 Stat. 731; 23 U.S.C. 401 et seq., delegations at 49 CFR 1.50 and 49 CFR 501.3 (d).)

Issued: November 16, 1978.

CHARLES F. LIVINGSTON,
Acting Associate Administrator, Traffic Safety Programs.

[FR Doc. 78-32740 Filed 11-22-78; 8:45 am]

[4910-59-M]

[Docket No. IP78-11; Notice 1]

PACCAR, INC.

Receipt of Petition for Determination of Inconsequential Noncompliance

Paccar Inc. of Bellevue, Wash., has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.121 Motor Vehicle Safety Standard No. 121, Air Brake Systems. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S5.1.2.1 of standard No. 121 requires the combined volume of all service reservoirs (from which air is delivered to the brake chambers) and supply reservoirs to be "at least 12 times the combined volume of all service brake chambers at maximum travel of the piston or diaphragms." Paccar's Kenworth Truck Division has manufactured approximately 2,000 model W900 and C500 vehicles in which the air reservoir volume is only 11.82 times the total brake actuation chamber volume, or 1.5 percent less than the minimum required by the standard. Paccar argues that the noncompliance is inconsequential because it "has no effect on the brake performance of the vehicles," and that there has been "no case where insufficient air reservoir capacity has been an issue in the performance." It also argues that "neither NHTSA nor any other agency has presented evidence to substantiate that 12 times total chamber volume is the 'correct' or minimum volume for airbrake service reservoirs." If brake hose would be included in total system volume "the total volume would reach the 12.0 figure." Finally, a recall would require Kenworth to add an additional reservoir to each truck with "no improvement of the performance or safety of the vehicle." NHTSA's investigative file in this matter is CIR 1886.

Interested persons are invited to submit written data, views, and arguments on the petition of Paccar Inc. described above. Comments should refer to the docket number and be submitted to Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the cose of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: December 26, 1978.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on November 15, 1978.

MICHAEL M. FINKELSTEIN,
Associate Administrator for Rulemaking.

[FR Doc. 78-32711 Filed 11-22-78; 8:45 am]

[4910-59-M]

[Docket No. IP78-10; Notice 1]

PINETREE SERVICE CORP.

Receipt of Petition for Determination of Inconsequential Noncompliance

Pinetree Service Corp. of Long Beach, Calif., has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.222 Motor Vehicle Safety Standard No. 222, School Bus Passenger Seating and Crash Protection. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Pinetree is an alterer of motor vehicles, modifying vans, produced by Dodge Division of Chrysler Corp., to schoolbuses. Paragraph S5.3.1.1 of Standard No. 222 establishes head impact protection zones which are the spaces in front of each schoolbus passenger seat that are not occupied by bus sidewall, window, or door structures, and which, in relation to that seat and its seating reference point, are enclosed by certain specified planes. One of these horizontal planes is 40 inches above the seating reference point. On 60 vehicles converted by Pinetree the planes measure only 34 inches (outboard) and 36 inches (inboard) above the reference point. The effect is that impact absorbant padding would have to be added to correct the noncompliance.

Pinetree argues that the noncompliance is inconsequential because it operates the buses itself under contract with school districts. All buses are equipped with seatbelts, there are signs posted in the buses requiring all passengers and the driver to use seatbelts, and company rules and contract require the belts to be used while the vehicles are in motion. The petitioner believes "the use of seatbelts modifies this impact zone providing they are used and enforced." The agency's investigative file in this matter is CIR 1959.

Interested persons are invited to submit written data, views, and arguments on the petition of Pinetree Service Corp. described above. Comments should refer to the docket number and be submitted to Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: December 26, 1978.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on November 15, 1978.

MICHAEL M. FINKELSTEIN,
Associate Administrator for Rulemaking.

[FR Doc. 78-32712 Filed 11-22-78; 8:45 am]

[1505-01-M]

DEPARTMENT OF THE TREASURY

Customs Service

CERTAIN TEXTILES AND TEXTILE PRODUCTS FROM ARGENTINA, BRAZIL, COLOMBIA, INDIA, PHILIPPINES, THE REPUBLIC OF CHINA (TIAWAN), REPUBLIC OF KOREA, URUGUAY, MALAYSIA, MEXICO, PAKISTAN, SINGAPORE, AND THAILAND

Clarification of Notices of Receipt of Countervailing Duty Petition and Initiation of Investigation and of Preliminary Countervailing Duty Determinations

Correction

In FR Doc. 78-28904 appearing on page 47340, in the issue for Friday, October 13, 1978, in the third column of page 47340, the third entry under "Textile yarn and threads" now reading "303.—" should have read "302.—"

On page 47341 in the third column the twelfth entry under "furnishings" now reading "361.209 (a)" should have read "361.20(a)".

[4810-22-M]

DEPARTMENT OF THE TREASURY

Customs Service

CERTAIN FOOTWEAR FROM INDIA

Preliminary Countervailing Duty Determination

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

ACTION: Preliminary countervailing duty determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of India has not given benefits which are considered to be bounties or grants on the manufacture or exportation of certain footwear because the net amount of such benefits are deemed legally de minimis. A final determination will be made by March 10, 1979. Interested persons are invited to comment on this action.

EFFECTIVE DATE: November 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Leon McNeill, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On May 2, 1978, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (43 FR 18807). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of India upon the manufacture, production, or exportation of certain footwear constitute the payment or bestowal of a bounty or grant, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

For purposes of this notice "certain footwear" includes footwear classifiable in items 700.05 through 700.85 inclusive, of the Tariff Schedules of the United States Annotated (except items 700.28, 700.51, 700.52, 700.53, 700.54, 700.60 and 700.8510). It also includes other leather articles cut or partly manufactured into forms or shapes suitable for conversion into footwear, classifiable in item 791.25 of the Tariff Schedules of the United States Annotated (TSUSA). Imports of articles classified under TSUSA item 791.25 are eligible for duty-free entry under the generalized system of preferences. In the event that it becomes necessary to refer this matter to the U.S. International Trade Commission (ITC) pursuant to section 303(a)(2), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(2)), there is evidence on record concerning injury to, or likelihood of injury to, an industry in the United States.

On the basis of an investigation conducted pursuant to section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that certain practices of the Government of India provided benefits to manufacturers, but that such benefits do not constitute bounties or grants within the meaning of section 303 of the Act. The benefits bestowed thereunder involve an aggregate amount which is considered to be de minimis.

These practices are:

(1) Export financing—The Government of India has provided information that short-term export financing is available through commercial banks at an interest rate of 11 percent for up to three months. Normal commercial rates in India vary between 12.5 and 16 percent for equivalent term notes. Although the Government has not supplied detailed information concerning export loans, it has stated that financing is available to small scale firms for domestic purposes on certain term loans at rates between 9.5 and 11 percent. Because, it argues, the preponderance of footwear production is accounted for by small scale firms, the financing terms available to firms on domestic shipments are generally equivalent to that granted on exports. The Government estimates that the maximum benefits that might accrue from preferential export financing would be limited to no more than 0.25 percent for any single firm, which is de minimis. However, before a final decision is made, more information will be required to determine the full extent of the benefits received under this program.

(2) Income tax deduction for overseas expenses—Indian footwear exporters are eligible to benefit from a program that provides for the deduction of overseas business expenses from taxable income. Under this program exporters are able to deduct up to 133 percent of certain limited business expenses from their taxable income. This program supersedes a program abolished April 1, 1978, which allowed a deduction of up to 150 percent of such expenses. Because the footwear industry in India basically consists of small-scale or cottage-type firms, few, if any, firms are believed to incur overseas business expenses. The Government estimates that the weighted-average benefit of this program for the industry in the aggregate is no more than 0.001 percent, which is clearly de minimis. More information will be required relative to this program before a final decision is made.

The following programs cited by petitioner do not on preliminary consideration constitute bounties or grants:

(1) Cash rebates upon export—Exporters of identified products are provided a cash rebate calculated as a percentage of the f.o.b. value of exported products. For products covered by this investigation the percentages vary from 5 to 15 percent. The Government of India claims that these rebates are compensation for indirect taxes paid on the exported product not otherwise refunded and, therefore, are not a "bounty" or "grant" under the law. The Government has provided information showing the incidence of indirect taxes directly related to the product category of leather sandals, which accounts for 85 percent of the exports to the United States of the merchandise under consideration. That category is entitled to "cash assistance" of 5 percent of the f.o.b. value of the product. The indirect taxes enumerated account for as much as 9.70 percent of the f.o.b. value of the product category "leather sandals". Thus, it seems clear that no excess rebate of allowable indirect taxes is provided. However, before a final determination is made, further information will be requested detailing the taxes intended to be covered by the rebate for the other categories of footwear included in this investigation.

(2) Import permits—Registered Indian exporters are granted permits to import goods used in the manufacture of their exported products up to a fixed percentage of the f.o.b. value of their exports. Although these import licenses appear to be negotiable, the

Indian Government claims that they are not sold or transferred for value because the imports procured by the permits are necessary for the production of the exported goods. the Government has provided formal declarations from representative exporters indicating that the permits are used to obtain material which is otherwise banned from importation, and that if the permits are not needed by the exporters themselves, they are transferred to their "supporting" manufacturers without monetary gain. More information is needed to determine whether either the issuance or the so-called "transfer" of these permits results in some economic benefit to the exporter. The issuance of permits to import goods used to make merchandise for exports can have a trade-distorting effect. However, that does not render the practice a "bounty" or "grant" within the meaning of the Countervailing Duty Law. On the other hand, an ascertainable benefit may accrue if the permits are negotiated for value. The available information indicates that they are not. Before a final determination is made, more information will be requested to determine whether any quantifiable benefit is conferred by these permits.

(3) Customs duty drawback and rebate of excise taxes upon export—Petitioner has alleged that manufacturers receive excessive Customs-duty drawback and excise-tax rebates. It was also alleged that the rebates and drawback are allowed on equipment and machinery in addition to that on the exported product and on raw material imports. The Indian Government has shown that drawback and excise-tax rebates are limited to the amounts actually paid by manufacturers of these products and that no drawback or rebates are allowed on machinery or equipment. Nonexcessive Customs-duty drawback and excise-tax rebates upon export are not considered a bounty or grant by Treasury if they are limited to amounts actually paid on the exported product and raw materials incorporated into the exported product, as in this case.

(4) Export insurance—Petitioner alleges that export insurance provided by the Export Credit and Guarantee Corporation (ECGC), owned by the Indian Government, is at very low rates, implying that the corporation is subsidized by the Government. In fact, the insurance provided by the ECGC is limited to very specific export risks (both commercial and political) which are not covered by policies offered commercially. Also the annual report of the corporation shows that it is a profitmaking enterprise, with no apparent dependence upon Government funding. Given the fact that the ECGC is apparently able to cover its claims from operating income and, therefore, to be actuarilly sound with no ongoing Government subsidization, this program does not constitute a bounty or grant.

In addition, a number of other programs were determined either not to be applicable to, or utilized by, the leather footwear industry in India. These programs include:

(1) Tax credit certificates—It was alleged that exporters were entitled to receive certificates equal to 15 percent of the export value of merchandise which could be used to offset income or business taxes owned. This program was proposed but never adopted by the Indian Government.

(2) Grants for export promotion—The Market Development Fund provides grants to exporters to cover a variety of trade promotion activities. The fund was not utilized by footwear exporters during the period investigated.

(3) Export financing through the Industrial Development Bank—These loans are limited to engineering goods and are therefore not applicable to manufacturers or exporters subject to this investigation.

(4) Location in the Kandla Free Trade Zone—Firms located in this area benefit from a number of import duty exemptions, foreign exchange concessions and other financial assistance from the Indian Government. There are no footwear exporters or producers in the Kandla Free Trade Zone.

(5) Reimbursement of shipping charges—The Government of India provides for the partial reimbursement of shipping charges on certain products shipped by air. However, inasmuch as virtually all Indian footwear products exported are shipped by sea, footwear exporters do not qualify for this program.

A final determination in this case is required on or before March 10, 1979.

Before a final determination is made consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination.

Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office not later than December 26, 1978.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190, Revision 15, March 16, 1978, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954 and §159.47 of the Custom Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

NOVEMBER 16, 1978.

[FR Doc. 78-33005 Filed 11-22-78; 8:45 am]

[4810-22-M]

[TMK-2-R:E:R]

APPLICATION FOR RECORDATION OF TRADE NAME

Fort Incorporated

Application has been filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), for recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name FORT INCORPORATED used by Fort Incorporated, a corporation organized under the laws of the State of Rhode Island, located at 54 Taylor Drive (P.O. Box 4830), East Providence, Rhode Island 02916. The application states that the trade name is applied to jewelry, jewelry items souvenirs and novelties, manufactured in the United States.

The application states further that no foreign person, partnership, association or corporation is authorized to use the trade name sought to be recorded. Appropriate accompanying papers were submitted with the application.

Before final action is taken in the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

Dated: November 17, 1978.

DONALD W. LEWIS,
Acting Assistant Commissioner, Regulations and Rulings.

[FR Doc. 78-32991 Filed 11-22-78; 8:45 am]

[4830-01-M]

Internal Revenue Service

COMMISSIONER'S ADVISORY GROUP

Open Meeting

There will be a meeting of the Commissioner's Advisory Group on December 14 and 15, 1978, in room 3313 of the Internal Revenue Service Building. The building is located at 1111 Constitution Avenue NW., Washington, D.C. The meeting will begin at 10:00 a.m. on December 14 and 9:00 a.m. on December 15. The agenda will include the following topics:

THURSDAY, DECEMBER 14

Professional Standards of Practice
Income Tax Return Preparers Compliance with Regulations Problem Areas, and Assertion of Penalties
Suggestions for Assistance to Low Income Taxpayers
Discussion of Power of Attorney Form 2848
Disclosure of IRS Documents

FRIDAY, DECEMBER 15

ERISA: Reporting and Related Problems
Problems of an Experience with IRS Employment of Section 7805(b)
General Discussion

The meeting, which will be open to the public, will be in a room that accommodates approximately 50 people. After the Committee members finish discussing the items on the agenda, there may be time for statements by nonmembers. If you want to make a statement at the meeting, or if you would like the Committee to consider a written statement, please call or write to Lauralee A. Matthews, Assistant to the Commissioner, 1111 Constitution Avenue NW., Washington, D.C. 20224.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the proposed Treasury directive appearing in the FEDERAL REGISTER for Wednesday, May 24, 1978 (43 FR 22319).

FOR FURTHER INFORMATION CONTACT:

Lauralee A. Matthew, Assistant to the Commissioner, 202-566-4390 (not toll free).

JEROME KURTZ,
Commissioner.

NOVEMBER 17, 1978.

[FR Doc. 78-33033 Filed 11-22-78; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Decisions Volume No. 48]

DECISION—NOTICE

Decided: November 8, 1978.

The following applications are governed by special rule 247 of the Commission's rules of practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority

We find: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the national transportation policy. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission which is hereby expressly reserved to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of section 210 of the Interstate Commerce Act.

It is ordered: In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decisions-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied. By the Commission, Review Board No. 3, members Parker, Fortier, and Hill.

H. G. HOMME, Jr.,
Secretary.

MC 11207 (Sub-451F), filed September 15, 1978. Applicant: DEATON, INC., a Delaware corporation, 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. To operate as a *common carrier,* by motor vehicle, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the

Commission, commodities in bulk, and those requiring special equipment), serving the facilities of John Deere Co., at or near Conyers, GA, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Atlanta, GA or Washington, DC.)

MC 11207 (Sub-452F), filed September 15, 1978. Applicant: DEATON, INC., a Delaware corporation, 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* (except commodities which because of size or weight require the use of special equipment), from the facilities of Georgetown Steel Corp., at Georgetown, SC, to points in AR, GA, KY, LA, MS, TN, and TX, (Hearing site: Columbia, SC or Washington, DC.)

MC 14252 (Sub-35F), filed August 28, 1978. Applicant: COMMERICAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227. Representative: William C. Buckham (same address as applicant). To operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household good as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Connersville, IN, as on off-route point in connection with applicant's otherwise authorized regular-operations. (Hearing site: Indianapolis, IN.)

MC 26396 (Sub-202F), filed September 21, 1978. Applicant: POPELKA TRUCKING CO., INC., a corporation, d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wrought iron pipe,* from the facilities of Unarco-Leavitt, Division of Unarco Industries, Inc., at Chicago, Blue Island, and Evanston, IL, to points in CA, CO, IA, KS, MO, MT, NE, OR, OK, TX, UT, WA, and WY. (Hearing site: Chicago, IL.)

MC 32882 (Sub-100F), filed Setember 5, 1978. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, Portland, OR 97217. Representative: Edward G. Rawle, 1229 North Blue Gum Avenue, Anaheim, CA 92806. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fireplace logs,* (1) From Santa Fe Springs, CA, to points in AZ, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY, (2) from Salt Lake City, UT, to points in CA, CO, ID, MT, NV, OR, WA, and WY, and (3) from Laramie, WY, to points in AZ, CA, CO, ID, MT, NV, OR, UT, and WA. (Hearing site: Los Angeles, CA or Salt Lake City, UT.)

MC 52460 (Sub-223F), filed October 18, 1978. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, P.O. Box 9637, Tulsa, OK 74107. Representative: Dean Williamson, 280 National Foundation Life Building, Oklahoma City, OK 73112. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Charcoal briguets,* from Pachuta, MS, to points in AL, GA, LA, MS, NC, SC, and TN. (Hearing site: Dallas, TX.)

MC 54837 (Sub-6F), filed August 24, 1978. Applicant: QUINN DISTRIBUTING CO., d.b.a. QUINN TRANSFER CO., a corporation, Watertown, MN 55388. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. To operate as a *common carrier,* by motor vehicle, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Landscape Structures, Inc., at or near Delano, MN, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Minneapolis or St. Paul, MN.)

MC 55896 (Sub-91F), filed September 1, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: George E. Batty (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Automobile parts,* between Oshkosh, WI, on the one hand, and, on the other, St. Louis, MO, and points in IL, IN, MI, and OH, and those in PA on and west of U.S. Hwy 219. (Hearing site: Detroit, MI.)

MC 56244 (Sub-63F), filed August 22, 1978. Applicant: KUHN TRANSPORTATION CO., INC., P.O. Box 98, R.F.D. No. 2, Gardners, PA 17324. Representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs and materials, equipment, and supplies* used in the conduct of retail food businesses (except commodities in bulk), from Chicago, IL, and Columbus, OH, to Mechanicsburg, PA, restricted to the transportation of traffic originating at the named origins and destined to the named destination. (Hearing site: Harrisburg, PA or Washington, DC.)

MC 59367 (Sub-127F), filed September 15, 1978. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, IA 50501. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuffs,* (except commodities in bulk, in tank vehicles), and (2) *inedible frozen meats and meat byproducts* (except commodities in bulk, in tank vehicles), from the facilities of Wiscold, Inc., at or near Beaver Dam and Milwaukee, WI, to points in CO, IL, IN, IA, KS, MI, MN, MO, NE, ND, and SD. (Hearing site: Milwaukee, WI or St. Paul, MN.)

MC 64932 (Sub-587F), filed August 31, 1978. Applicant: ROGERS CARTAGE CO., a corporation, 10735 South Cicero Avenue, Oak Lawn, IL 60453. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sulphur trioxide* (in bulk, in tank vehicles), from the facilities of E. I. duPont de Nemours & Co., at or near Columbia Park, OH, to Alsip, Chicago, and Lemont, IL, Denver, CO, East Chicago and Hammond, IN, El Dorado, AR, Geismar, LA, Houston, TX, Muskegon, MI, Newport, TN, Kansas City, MO, and Greenville and Mauldin, SC. (Hearing site: Chicago, IL.)

MC 69116 (Sub-204F), filed September 7, 1978. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Hwy, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Composition board and sheet,* from the facilities of Champion International Corporation, at or near Oxford, MS, to points in IA, IL, IN, MI, MN, OH, and WI. (Hearing site: Chicago, IL.)

MC 72243 (Sub-59F), filed October 2, 1978. Applicant: THE AETNA FREIGHT LINES, INC., 2507 Youngstown Road SE., P.O. Box 350, Warren, OH 44482. Representative: Leroy Hallman, 4555 First National Bank Building, Dallas, TX 75202. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from Gadsden, AL, to points in AR, IN, IL, LA, MS, MO, MD, OH, OK, PA, NY, TX, VA, and WV. (Hearing site: Birmingham, AL, or Dallas, TX.)

MC 75320 (Sub-197F), filed October 11, 1978. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: John A. Crawford, 1700 Deposit Guaranty Plaza, P.O. Box

22567, Jackson, MS 39205. To operate as a *common carrier,* by motor vehicle, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Amerace Corp., at or near Lineville, Al, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Birmingham, AL.)

MC 87205 (Sub-6F), filed July 17, 1978. Applicant: PERKINS TRUCKING CO., INC., 250 Miller Place, Hicksville, NY 11801. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Springfield, MA, on the one hand, and, on the other, points on the CT-MA State line, restricted to the transportation of traffic having a prior or subsequent movement by motor carrier. (Hearing site: New York, NY.)

NOTE.—Applicant states this authority can be joined with its present authority under MC 87205.

MC 93649 (Sub-23F), filed October 23, 1978. Applicant: GAINES MOTOR LINES, INC., P.O. Box 1549, Hickory, NC 28601. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th Street NW., Washington, DC 20004. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Textiles and textile products* (1) from points in NC and SC, to points in DE and RI, and (2) from points in PA, to points in NC and SC. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 95540 (Sub-1049F), filed October 3, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned foodstuffs,* from the facilities of Morgan Packing Co., Inc., at or near Austin and Brownstown, IN, to points in AL, FL, GA, LA, MS, NC, SC, and TN. (Hearing site: Indianapolis, IN, or Louisville, KY.)

MC 95540 (Sub-1050F), filed October 11, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and artilces distributed by meatpacking houses,* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Co., at or near St. Paul, MN, to points in FL, restricted to the transportation of traffice originating at the named origin facilities. (Hearing site: Chicago, IL, or Washington, DC.)

MC 96286 (Sub-5F), filed September 7, 1978. Applicant: ECKNOR, INC., 7 Oakcrest Drive, Huntington Station, NY 11746. Representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Animal feed* (a) from Tenafly, Newark, Kearny, and Secaucus, NJ, to the facilities of Suffolk Agway Coop, Inc., at or near Riverhead, NY, and (b) from the facilities of Dext, Inc., division of Scope Industries, at or near Secaucus, NJ, to points in Suffolk County, NY, and (2) *fertilizer and fertilizer materials,* in bulk, in dump vehicles, from the facilities of Bethlehem Steel Corp., at Bethlehem, PA, to the facilities of Agway, Inc., at or near Riverhead, NY. (Hearing site: New York, NY.)

MC 99653 (Sub-8F), filed October 2, 1978. Applicant: VICTORY FREIGHT LINES, INC., P.O. Box 2254, Birmingham, AL 35201. Representative: George M. Boles, 727 Frank Nelson Building, Birmingham, AL 35203. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Containers,* between the facilities of Southeastern Steel Container Co., at Birmingham, AL, and Self Manufacturing Co., at Trussville, AL, on the one hand, and, on the other, points in AL, FL, GA, TN, NS, LA, AR, SC, NC, VA, KY, MO, OH, and TX, and (2) *materials, equipment, and supplies* used in the manufacture of containers, in the reverse direction. (Hearing site: Birmingham, AL.)

MC 103993 (Sub-936 F), filed October 2, 1978 Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Trailers* (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway service, and (2) *dump bodies,* from the facilities of Summit Trailer Sales, Inc., in Schuylkill County, PA, to points in the United States (except AK and HI). (Hearing site: Harrisburg or Philadelphia, PA.)

MC 103993 (Sub-937 F), filed October 2, 1978 Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *iron and steel articles,* from the facilities of Northwestern Steel & Wire Co., at or near Sterling, IL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago or Rockford, IL.)

MC 103993 (Sub-938 F), filed October 2, 1978 Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *concrete roof tile,* from the facilities of Skandia Roof Tile Co., at Weatherford, TX, to points in the United States (except AK and HI). (Hearing site: Dallas or Fort Worth, TX).

MC 103993 (Sub-939 F), filed October 2, 1978 Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prestressed concrete building members, materials required in the manufacture of prestressed concrete building members* (except commodities in bulk, *and equipment* employed in the erection and transportation of prestressed concrete building members, between the facilities of Concrete Panel Systems, Inc., at Charlotte, NC, on the one hand, and, on the other, points in AL, GA, KY, MD, SC, TN, VA, WV, and DC. (Hearing site: Charlotte or Raleigh, NC.)

MC 106603 (Sub-185F), filed September 25, 1978. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, MI 49508. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Asbestos cement pipe, connections,* and *fittings,* and (2) *materials, supplies,* and *accessories* used in the manufacture and installation of the commodities named in (1) above (except commodities in bulk), from the facilities of CertainTeed Corp., at Ambler, PA, to those points in the United States on and east of a line beginnning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then

northward along the western boundaries of Itasca and Kochiching Counties, MN, to the international boundary line between the United States and Canada. (Hearing site: Washington, DC, or Chicago, IL.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 107012 (Sub-278F), filed August 28, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., a DE corporation, 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Uncrated packaging equipment,* and (2) *parts and accessories* when moving in mixed loads with uncrated packaging equipment, from points in OH and MI, to points in the United States (except AK and HI). (Hearing site: Lansing or Detroit, MI.)

MC 107012 (Sub-280F), filed August 28, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., a DE corporation, 5001 U.S. Highway 30 West P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Golf carts, and parts and accessories for golf carts,* from the facilities of Davis 500, Inc., at or near Greenville, SC, to points in the United States (except HI, AK, and SC). (Hearing site: Greenville, SC, or Washington, DC.)

MC 107295 (Sub-886F), filed October 6, 1978. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Aluminum articles,* from Hastings, MI, to points in the United States (except AK and HI). (Hearing site: Chicago.)

MC 108053 (Sub-148F), filed September 26, 1978. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Freemont, NE 68025. Representative: Arnold L. Burke, 180 North La Salle Street, Chicago, IL 60601. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Hair care toiletries, and hair care and personal equipment,* and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above, between New York, NY, Lakewood, NJ, and Cheshire, CT, on the one hand, and, on the other, points in CA. (Hearing site: Boston, MA, or Washington, DC.)

MC 110525 (Sub-1266F), filed October 6, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., a DE corporation; 520 East Lancaster Avenue, Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid fertilizer,* in bulk, in tank vehicles, from Albany, NY, to points in VT and MA. (Hearing site: Houston, TX.)

NOTE.—Operational feasibility may be at issue.

MC 111729 (Sub-148F), filed October 24, 1978. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11040. Representative: Elizabeth L. Henoch (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between those points in WA and west of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Skamania Counties, WA, and those in and west of Multnomah, Clackamas, Marion, Linn, Deschutes, Lane, Douglas, and Jackson Counties, or, restricted against the transportation of packages or articles weighing in the aggregate more than 150 pounds from one consignor at one location, to one consignee at one location, in any one day. (Hearing site: Seattle, WA.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 111812 (Sub-583F), filed August 7, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Toilet preparations, soaps, razors and blades, cigarette lighters, portable appliances, writing instruments, stationery products, and personal care products,* (1) from Andover, MA, to Kent, WA, Atlanta, Morrow, Forest Park, and Newnan, GA, Sparks, NV, Lawrence, KS, Arlington and Dallas, TX, and points in CA and FL, and (2) from Santa Monica, CA, to Andover, MA, Lagrange Park, IL, Lawrence, KS, Arlington and Dallas, TX, and Newnan, GA, restricted to the transportation of traffic originating at the facilities of the Gillette Co. (Hearing site: Boston, MA.)

MC 111812 (Sub-584F), filed August 7, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Toilet preparations, soaps, razors and blades, cigarette lighters, portable appliances, writing instruments, stationery products, and personal care products,* from St. Paul, MN, to Atlanta, Morrow, Forest Park, and Newnan, GA, Andover, MA, Sparks, NV, Lawrence, KS, Arlington and Dallas, TX, Kent, WA, and points in VA, PA, NJ, NY, OH, MD, CA, and FL, restricted to the transportation of traffic originating at the facilities of the Gillette Co. (Hearing site: Boston, MA.)

MC 111812 (Sub-586F), filed August 24, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., a Minnesota corporation, P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers of toilet preparations, personal care products, and beauty aids, from the facilities of La Maur, Inc., at Fridley, MN, to points in AL, AR, FL, GA, KS, KY, LA, MD, MA, MS, MO, NJ, NY, OK, PA, TN, TX, and DC. (Hearing site: St. Paul, MN.)

MC 111812 (Sub-587F), filed August 28, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., a MN corporation, P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers of toilet preparations, personal care products, and beauty aids, from the facilities of LaMaur, Inc., at Fridley, MN, to points in AZ, CA, ID, MT, NV, OR, UT, and WA. (Hearing site: St. Paul, MN.)

MC 112617 (Sub-408F), filed September 15, 1978. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Silica sand,* in bulk, from Ottawa, IL, to Jeffersonville, IN. (Hearing site: Louisville, KY, or Washington, DC.)

MC 112822 (Sub-463F), filed September 5, 1978. Applicant: BRAY LINES INC., P.O. Box 1191, 1401 North Little Street, Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages* (except commodities in bulk, in tank vehicles), from points in Jefferson County, CO, to points in WA. (Hearing site: Denver, CO.)

MC 113106 (Sub-61F), filed September 7, 1978. Applicant: THE BLUE DIAMOND CO., a corporation, 4401 East Fairmount Avenue, Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, DC. 20005. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass containers,* from Cliffwood, NJ, to points in DE, MD, NC, NY, PA, VA, and DC. (Hearing site: Washington, DC.)

MC 113362 (Sub-336F), filed September 5, 1978. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, 1105½ Eighth Avenue NE, P.O. Box 429, Austin, MN 55912. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Preserved foodstuffs,* not frozen, in containers (except dairy products and commodities in bulk), from the facilities utilized by Geo. A. Hormel & Co., at Austin and Owatonna, MN, and Fort Dodge, IA, to points in TX, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Minneapolis, MN, or Des Moines, IA.)

MC 114273 (Sub-474F), filed October 2, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from Cleveland and Youngstown, OH, to Clinton, IA. Condition: The certificate to be issued shall be limited to 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114290 (Sub-87F), filed October 5, 1978. Applicant: EXLEY EXPRESS, INC., 1205 South Platte River Drive, Denver, CO 80223. Representative: Henry A. Fahl (same address as applicant). 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), from the facilities of Clairol, Inc., at or near Camarillo, CA, to the facilities of Clairol, Inc., at Portland, OR. (Hearing site: Denver, CO, or Los Angeles, CA.)

MC 114632 (Sub-181F), filed August 31, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: Dave Peterson (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from the facilities of Miller Co., at Milwaukee, WI, to points in ID, IL, IN, IA, KS, KY, MN, MO, MT, NE, ND, OH, OR, SD, WA, and WY. (Hearing site: Milwaukee, WI, or Chicago, IL.)

NOTE.—Dual operations are at issue in this proceedings.

MC 115162 (Sub-426F), filed August 25, 1978. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Woodpulp* from points in Monroe County, AL, to points in the United States (except AK and HI). (Hearing site: Mobile, AL, or Atlantic; GA.)

MC 115654 (Sub-106F), filed August 28, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Avenue NW., Washington, DC 20004. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facilities of Geo. A. Hormel & Co., at or near Memphis, TN, to points in AR and MS). Condition: The certificate to be issued shall be limited to 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Memphis or Nashville, TN.)

MC 115841 (Sub-644F), filed September 7, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Pharmaceuticals and toilet preparations,* and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above, (a) from South Plainfield, NJ, to Los Angeles, CA, Atlanta, GA, Chicago, IL, Kansas City, KS, Cleveland, OH, Dallas, TX, and Seattle, WA; (b) from Chicago, IL, to Los Angeles, CA, Atlanta, GA, Kansas City, KS, Cleveland, OH, Dallas, TX, and Seattle, WA, and (c) from Cleveland, OH, to Atlanta, GA. (Hearing site: Washington, DC.)

MC 116063 (Sub-153F), filed September 25, 1978. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, TX 76101. Representative: W. H. Cole (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Animal fats, animal oils, and vegetable oils,* and (2) *products and blends* for the commodities named in (1) above, in bulk, in tank vehicles, from the facilities of Humko Products, Kraft, Inc., at Champaign, IL, to points in ID and UT. (Hearing site: Dallas or Fort Worth, TX.)

MC 116063 (Sub-154F), filed September 25, 1978. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, TX 76101. Representative: W. H. Cole (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Animal fats and vegetable oils,* and (2) *products and blends* of the commodities named in (1) above, in bulk, in tank vehicles, from Dallas, TX, to points in FL, GA, KY, NC, SC, TN, and UT. (Hearing site: Dallas or Fort Worth, TX.)

MC 116459 (Sub-73F), filed October 18, 1978. Applicant: RUSS TRANSPORT, INC., P.O. Box 4022, Chattanooga, TN 37405. Representative: Charles T. Williams (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products,* in bulk, in tank vehicles, from Atlanta and Lithonia, GA, to points in TN. (Hearing site: Chattanooga, TN, or Chicago, IL.)

MC 116947 (Sub-60F), filed September 11, 1978. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, GA 30310. Representative: Willimas Addams, Suite 212, 5299 Roswell Road NE., Atlanta, GA 30342. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Metal containers, metal container ends, decorated tin plate in sheets, and battle caps, and* (2) *materials and supplies,* used in the manufacture and distribution of metal containers (except commodities in bulk), (a) between points in GA, LA, MD, NJ, SC, and TX; and (b) between the points named in (1) above, on the one hand, and, on the other, points in AL, AR, FL, LA, MS, NC, PA, TN, TX, and WV, under continuing contract(s) with Crown Cork & Seal Co., Inc., of Philadelphia, PA. (Hearing site: Atlanta, GA.)

NOTE.—Dual operations are at issue in this proceeding.

MC 117303 (Sub-16F), filed September 26, 1978. Applicant: HUDSON VALLEY CEMENT LINES, INC., Route 23B, Claverack, NJ 12513. Representative: Martin Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *common carri-*

er, by motor vehicle, over irregular routes, transporting: *Aggregates,* in bulk, in tank vehicles, from Mount Marion and Ulster, NY, to points in ME, DE, MD, PA (except those points east of the Susquehanna River), and NJ (except those points in and north of Ocean, Monmouth, and Mercer Counties). (Hearing site: New York, NY.)

MC 117589 (Sub-53F), filed October 16, 1978. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 Seventh Avenue South, Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 South Washington Street, Seattle, WA 98104. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* in vehicles equipped with mechanical refrigeration, and *materials and supplies* used in the manufacture and distribution of malt beverages, between points in Jefferson County, CO, on the one hand, and, on the other, points in WA. (Hearing site: Denver, CO, or Seattle, WA.)

MC 117940 (Sub-294F), filed October 4, 1978. Applicant: NATIONWIDE CARRIERS, INC., 5300 Hwy 12, P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Printed matter,* from the facilities of Franchise Mailing Systems, at Mongomery, MN, to points in AL, AR, CT, DE, FL, GA, IL, IN, KY, MD, MA, ME, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, and VT, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. Condition: In view of the findings in MC 117940 (Sub-86), the certificate issued here will be limited in point of time to a period expiring 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing it has been in full compliance with applicable rules and regulations. (Hearing site: Minneapolis or St. Paul, MN.)

MC 118142 (Sub-185F), filed September 5, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Boxed frozen meats,* from the facilities of Landmark Beef Processors, Inc., at Los Angeles, CA, to Birmingham, AL, Jacksonville and Tampa, FL, Watertown, MA, Landover, MD, Bayonne and Camden, NJ, Fort Sill, Ok, Charleston and Fort Jackson, SC, Nashville, TN, and Williamsburg, VA, restricted to the transportation of traffic originating at the named facilities and destined to the named destinations. (Hearing site: Los Angeles or San Francisco, CA.)

NOTE.—Dual operations are at issue in this proceeding.

MC 119422 (Sub-65F), filed September 11, 1978. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln Streets, East St. Louis, IL 62204. Representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* from the facilities of Marquette Cement Co., at or near St. Louis, MO, to points in AR, IL, IN, IA, KY, MO, and TN. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 119700 Sub-48F), filed October 11, 1978. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, and wood products,* from the facilities of Willamette Industries, Inc., at Zwolle and Natchitoches, LA, to points in AR, IL, IN, IA, MI, MO, OH, AND WI. (Hearing site: New Orleans, LA.)

MC 119789 (Sub-524F), filed October 17, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas TX 75266. Representative: James K. Newbold, Jr. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from points in FL, to points in AR, IL, IN, IA, KS, LA, MI, MO, MN, NE, ND, OK, OH, SD, TX, and WI. (Hearing site: Tampa, FL.)

MC 120257 (Sub-48F), filed September 14, 1978. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 207, Ore City, TX 75683. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron castings and steel castings,* from Little Rock, AR, to Lufkin, TX. (Hearing site: Dallas or Fort Worth, TX.)

MC 121509 (Sub-10F), filed October 17, 1978. Applicant: DAUFELDT TRANSPORT, INC., 618 Clay Street, Muscatine, IA 52761. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid feed,* in bulk, from Olin, IA, to points in IL, MN, MO, and WI. (Hearing site: St. Louis, MO.)

MC 123048 (Sub-417F), filed October 12, 1978. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Forklift trucks, and parts, attachments, and accessories* for forklift trucks, from Detroit and Granville, MI, to points in the United States (except AK and HI), (2) (a) *experimental and show display forklift trucks,* (b) *parts, attachments, and accessories* for such trucks, and (c) *incidental paraphernalia,* which at the time of movement are being transported for purposes of display or experiment, and not for sale, between points in the United States (except AK and HI), restricted to the transportation of traffic moving between the sites of plants, sales branches, warehouses, experimental stations, shows, exhibits, or field demonstrations owned, operated, or used by Liftmaster, Inc., and Harlo Products Corp., and (3) *commodities* described in (2) (a) and (f) above, from the sites named in (2) above, to points in the United States (except AK and HI). (Hearing site: Detroit, MI, or Chicago, IL.)

MC 123255 (Sub-176F), filed October 6, 1978. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (1) from Columbus, OH, to points in NY, VT, NH, ME, MA, CT, NJ, DE, VA, WV, KY, WI, and RI, (2) from Sturgis, MI, to points in NY, VT, NH, ME, MA, CT, NJ, DE, VA, WV, KY, WI, and RI, and (3) from Altavista, VA, to points in NY, VT, NH, ME, MA, CT, NJ, DE, WV, KY, WI, RI, OH, MI, IN, IL, PA, and MD. (Hearing site: Columbus, OH.)

MC 123263 (Sub-12F), filed October 2, 1978. Applicant: FLOYD R. WANGERIN AND LORRAINE C. WANGERIN, a partnership, d.b.a. WANGERIN TRUCKING CO., Rural Route No. 2, Stephenson, MI 49887. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Crushed stone, gravel, and sand,* in bags, between Minneapolis, MN, Muscatine, IA, Chicago, IL, St. Louis, MO, Louisville, KY, and Detroit, MI, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, OK, and TX. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 123329 (Sub-41F), filed October 10, 1978. Applicant: H. M. TRIMBLE & SONS, LTD., P.O. Box 3500, Calgary, AB, Canada T2P 2P9. Representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59401. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Palm oil soap stock mix,* in bulk, in tank vehicles, from the ports of entry on the international boundary line between the United States and Canada at or near Sumas, WA, to the facilities of Meenderinck Molasses, in Whatcom County, WA, restricted to the transportation of traffic originating in the Province of AB, Canada. (Hearing site: Great Falls, MT.)

NOTE.—The restriction contained in the grant of authority in this proceeding is phrased in accordance with the policy statement entitled notice to interested parties of new requirements concerning applications for operating authority to handle traffic to and from points in Canada published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified, and is in communication with appropriate Canadian officials regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect.

MC 123329 (Sub-43F), filed September 27, 1978. Applicant: H. M. TRIMBLE & SONS, LTD., P.O. Box 3500, Calgary, AB, Canada T2P 2P9. Representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59401. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid oxygen, liquid nitrogen, and liquid argon,* in shipper-owned trailers, between Union City, CA, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada, at or near Sumas, Blaine, and Orobille, WA, restricted to the transportation of BC and AB, Canada. Condition: Certificate authorized to be issued here shall be limited in point of time to a period expiring 5 years from its effective date. (Hearing site: Great Falls, MT.)

NOTE.—The restriction contained in the grant of authority in this proceeding is phrased in accordance with the policy statement entitled notice to interested parties of new requirements concerning applications for operating authority to handle traffic to and from points in Canada published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified, and is in communication with appropriate Canadian officials regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect.

MC 124073 (Sub-12F), filed September 28, 1978. Applicant: ROY S. SARGEANT, INC., P.O. Box 95, Vienna, NJ 07880. Representative: Edward F. Bowes, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Frozen prepared foods,* from Wethersfield, CT, to points in NY, NJ, PA, DE, and MD, under a continuing contract with Foodways New York, Inc., of Wethersfield, CT. (Hearing site: Hartford, CT, or New York, NY.)

MC 124813 (Sub-190F), filed September 29, 1978. Applicant: UMTHUN TRUCKING CO., a corporation, 901 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by manufacturers of fireplaces, from points in IL, IN, MO, and WI, to Mt. Pleasant and Centerville, IA. (Hearing site: Des Moines, IA, or Chicago, IL.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 124887 (Sub-63F), filed September 14, 1978. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32431. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prefabricated log houses and prefabricated buildings,* from the facilities of Carolina Log Buildings, Inc., at or near Fletcher, NC, and the facilities of Traditional Log Homes, Inc., at or near Stateroad, NC, to points in AL, FL, GA, SC, and TN. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 133119 (Sub-144F), filed October 23, 1978. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, Akron, IA 51001. Representative: A. J. Swanson, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* and *materials and supplies* used in the manufacture and distribution of frozen foods, (except commodities in bulk), between the facilities of The Pillsbury Co., at or near Murfreesboro and Nashville, TN, on the one hand, and on the other, points in the United States (except AK, HI, and TN), restricted to the transportation of traffic originating at or destined to the facilities of The Pillsbury Co., at or near Murfreesboro and Nashville, TN. (Hearing site: Minneapolis, MN, or Omaha, NE.)

MC 133689 (Sub-234F), filed October 16, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010 West St. Paul, MN 55118. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of M & M/Mars, Inc., at or near Cleveland, TN, to point in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-272F), filed September 15, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department and catalog stores (except commodities in bulk), between points in the United States (except AK and HI). (Hearing site: St. Paul, MN.)

MC 134477 (Sub-273F), filed September 15, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk), from the facilities of Boise Cascade Corp., at or near (a) Rumford, ME, (b) West Dudley, MA, (c) Brownville, Beaver Falls, and Lowville, NY, (d) and Brattleboro, VT, to points in AL, AR, CA, DE, FL, GA, IL, IN, IA, KY, LA, MD, MN, MS, MO, NJ, NC, OH, PA, SC, TN, TX, VA, WV, and WI. (Hearing site: St Paul, MN.)

MC 135399 (Sub-10F), filed October 16, 1978. Applicant: HASKINS TRUCKING, INC., P.O. Drawer 7729, Longview, TX. 75602. Representative: Paul D. Angenend P.O. Box 2207, Austin, TX 78768. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Batteries* and (2) *materials and supplies* used in the distribution and sale of batteries, from Kankakee, IL, to point in CA, NV, and TX. (Hearing site: Dallas, TX, or Washington, DC.)

MC 135874 (Sub-136F), filed August 24, 1978. Applicant: LTL PERISHABLES, INC., a Nebraska corporation, 550 East Fifth Street South, South St. Paul, MN 55075. Representative: K.O. Petrick (same address as applicant). To

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from PI, over WI, to points in CO, CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VT, VA, WV, WI, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Minneapolis, MN.)

MC 136818 (Sub-45F), filed October 16, 1978. Applicant: SWIFT TRANSPORTATION CO., INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, Suite 320, 4040 East McDowell Road, Phoenix, AZ 85008. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, and (2) *used beverage containers, and materials and supplies used by breweries*, between points in Jefferson County, CO, and points in AZ, CA, ID, and TX. (Hearing site: Denver, CO.)

NOTE.—Dual operations are at issue in this proceeding.

MC 138126 (Sub-29F), filed September 1, 1978. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., P.O. Box 47, Federalsburg, MD 21632. Representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street, NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of J. H. Filbert, Inc., in Fulton, Clayton, De Kalb, Cobb, and Douglas Counties, GA, to points in KY, MD, NC, OH, SC, TN, VA, WV, and DC. (Hearing site: Washington, DC.)

MC 138176 (Sub-8F), filed September 6, 1978. Applicant: RENTZ FARM SUPPLY, INC., Route 1, Box 60, Brinson, GA 31725. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, between the facilities of Pelham Phosphate Co., at or near Cottondale, FL, and Pelham, GA, on the one hand, and on the other, points in AL, FL, and GA. (Hearing site: Atlanta, GA, or Jacksonville, FL.)

MC 138643 (Sub-6F), filed October 2, 1978. Applicant: MAKOVSKY BROS., INC., 5202 Spring Mill Road, Whitehall, PA 18052. Representative: Walter K. Swartzkopf, Jr., 407 North Front Street, Harrisburg, PA 17101. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, from the facilities of International Salt Co., at Lower Nazareth Township, PA, to points in NY, NJ, DE, and MD. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 138875 (Sub-109F), filed October 6, 1978. Applicant: SHOEMAKER TRUCKING CO., a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail distributors of floor, wall, ceiling, and counter coverings (except commodities in bulk), from East Berlin, PA, to the facilities of C. A. Newell Co., at Portland, OR, and Seattle, WA. (Hearing site: Seattle, WA, or Washington, DC.)

MC 138875 (Sub-110F), filed October 6, 1978. Applicant: SHOEMAKER TRUCKING CO., a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door hardware, and door accessories* (except commodities in bulk), from Seattle, WA, to points in ID, MI, NV, UT, and WY. (Hearing site: Seattle, WA, or Boise, ID.)

MC 138875 (Sub-111F), filed October 6, 1978. Applicant: SHOEMAKER TRUCKING CO., a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door hardware, and door accessories* (except commodities in bulk), from Alliance, OH, Dearborn, MI, and Aurora, IL, to points in WA, restricted to the transportation of traffic originating at and destined to the named origins and destinations. (Hearing site: Seattle, WA, or Boise, ID.)

MC 138882 (Sub-139F), filed August 24, 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. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum ingots and zinc alloy ingots*, from the facilities of Aluminum Smelting & Refining Co., Inc., and Certified Alloys Co., at Maple Heights, OH, Clinton, IA, Evansville, IN, and Waukeska, WI, to points in MI, IN, IL, WI, NY, PA, NJ, TN, KY, AL, MD, MO, and 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 & Refining Co., Inc., at Maple Heights, OH. (Hearing site: Birmingham, AL, or Cleveland, OH.)

MC 138882 (Sub-151F), filed September 7, 1978. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Laredo, TX, to points in NJ, LA, NC, TN, PA, OH, MD, DE, VA, AL, GA, and DC. (Hearing site: Washington, DC.)

MC 138882 (Sub-152F), filed September 6, 1978. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in AZ, CO, and UT, to points in KY, LA, MS, TN, and WV. (Hearing site: Phoenix, AZ or Montgomery, AL.)

MC 138956 (Sub-10F), filed September 5, 1978. Applicant: ERGON TRUCKING, INC., 202 East Pearl Street, Jackson, MS 39201. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum crude oil and petroleum crude oil condensates*, in bulk, in tank vehicles, between points in AL, on the one hand, and, on the other, points in MS. (Hearing site: Jackson, MS.)

MC 138956 (Sub-11F), filed September 5, 1978. Applicant: ERGON TRUCKING, INC., 202 East Pearl Street, Jackson, MS 39201. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum crude oil and petroleum crude oil condensates*, in bulk, in tank vehicles, from points in AR, LA, and TX, to the facilities of Ergon Refining, Inc., at Vicksburg, MS. (Hearing site: Jackson, MS.)

MC 140068 (Sub-4F), filed October 13, 1978. Applicant: KARL EMDE, 3835 East Second Avenue, Burnaby, BC, Canada V4C 3W7. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits, canned fruit juices, and canned meats*, between points in WA, on the one hand, and, on the other, the ports of entry on the international boundary line between the United States and Canada located at Blaine, WA, restricted to the transportation of traffic originating at or des-

tined to points in the Province of British Columbia, Canada, under continuing contracts with (1) York Farms—Division of Canada Packers, of Sardis, BC, Canada, and (2) Cosmopolitan Importers, Ltd., of Richmond, BC, Canada. Condition: Prior receipt from applicant of an affidavit setting forth its appropriate complementary Canadian authority or explaining why no such Canadian authority is necessary. (Hearing site: Seattle, WA.)

NOTE.—The restriction and conditions contained in the grant of authority in this proceeding are phrased in accordance with the policy statement entitled "Notice to Interested Parties of New Requirements Concerning Applications for Operating Authority To Handle Traffic to and From Points in Canada" published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified, and is in communication with appropriate Canadian officials regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect.

MC 140709 (Sub-9F), filed October 19, 1978. Applicant: FANKHAUSER BROS., INC., 139 Hillside, El Dorado, KS 67042. Representative: Clyde N. Christey, Kansas Credit Union Building, 1010 Tyler, Suite 110L, Topeka, KS 66612. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* in bulk, from the facilities of the Mapco Pipeline Terminal, near Mocane, OK, to points in KS and TX. (Hearing site: Kansas City, MO.)

MC 141318 (Sub-3F), filed October 17, 1978. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., 129 North Main Street, Medford, WI 54451. Representative: John Fitch Michler, P.O. Box 1244, First American Center, Wausau, WI 54401. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Doors, windows, window units, sashes, frames, blinds, screens, shutters, thresholds, sills, and glass,* from Medford, WI, to points in AZ, CA, CT, FL, LA, ME, MA, NV, NH, NM, OR, TX, and VT; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction, under continuing contract(s) with Weather Shield Mfg., Inc., of Medford, WI. (Hearing site: Milwaukee, WI or Minneapolis, MN.)

NOTE.—In view of the Geraci and Toto policies (see, e.g., 43 FR 33945, Aug. 2, 1978), applicant must satisfy the Commission that its operations will not result in objectionable private and for-hire operations.

MC 141804 (Sub-130F), filed August 28, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., a Nevada corporation, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* (1) from Cucamonga, CA, to those points in the United States in and west of MN, IA, MO, AR, and LA (except CA, HI, and AK); and (2) from Villa Rica, GA, to points in the United States (except GA, HI, and AK). (Hearing site: Los Angeles or San Francisco, CA.)

MC 141804 (Sub-131F), filed August 28, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., a Nevada corporation, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Steel pallet racks, steel decking, wire mesh rack deck, wire mesh baskets, steel shelving lockers, work benches, and steel skid boxes,* from points in PA, WV, OH, MI, IN, KY, TN, and IL, to points in UT, AZ, NV, and CA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 142300 (Sub-2F), filed August 11, 1978. Applicant: F. A. F., INC., 5824 Lone Pine Road, Jacksonville, FL 32216. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail pharmaceutical businesses,* from Jacksonville, FL, to points in MS, restricted against the transportation of articles weighing more than 35 pounds each, and further restricted to the transportation of articles weighing less than 500 pounds in the aggregate from one consignor at the location to one consignee at one location during a single day, under a continuing contract with Lawrence Pharmaceuticals, Inc., of Jacksonville, FL. (Hearing site: Jacksonville, FL.)

MC 142516 (Sub-19F), filed September 7, 1978. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, Kearney, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Titanium dioxide,* and (2) *materials and supplies* used in the manufacture and sale of titanium dioxide (except commodities in bulk), between the facilities of Titanium Pigment Division/NL Industries, Inc., of Sayreville, NJ, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Titanium Pigment Division/NL Industries, Inc., of Sayreville, NJ. (Hearing site: New York, NY or Washington, DC.)

MC 142715 (Sub-17F), filed October 4, 1978. Applicant: LENERTZ, INC., P.O. Box 141, South St. Paul, MN 55075. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs and articles distributed by meat packinghouses* (except hides and commodities in bulk), from the facilities of or used by Shenson Meat Co., Coast Packing Co., Inc., and Geo. A. Hormel & Co. at Omaha, NE, to points in GA, NC, SC, and TN, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Minneapolis, MN.)

MC 143059 (Sub-31F), filed October 16, 1978. Applicant: MERCER TRANSPORTATION CO., a Texas corporation, P.O. Box 35610, Louisville, KY 40232. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Pipe and tanks,* and (2) *equipment, materials, and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), between Ardmore, OK, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearings site: Oklahoma City, OK or Washington, DC.)

MC 143095 (Sub-6F), filed September 18, 1978. Applicant: NEW ENGLAND TRANSPORT, INC., LTD., P.O. Box 27, Chester Depot, VT 05144. Representative: Brian S. Stern, 2425 Wilson Boulevard, Suite 327, Arlington, VA 22201. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Talc,* in bags, in containers or trailers, from Windsor, VT, to New York, NY, restricted to the transportation of traffic having a subsequent movement by water; and (2) *containers, trailers, and trailer chassis,* in the reverse direction. (Hearing site: New Brunswick, NJ or Washington, DC.)

NOTE.—Dual operations may be issued in this proceeding.

MC 143103 (Sub-5F), filed September 29, 1978. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, OK 74023. Representative: Charles Cline (same address as applicant). To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Animal feed, feed ingredients, additives, materials and supplies* used in the manufacture and distribution of

animal feed, (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at or near Los Angeles, CA, Ogden, UT, Hutchison, KS, Terre Haute and Indianapolis, IN, Mattoon, IL, Columbus, OH, and Sherburne, NY, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract with Kal Kan Foods, Inc., of Vernon, CA. (Hearing site: Los Angeles, CA or Oklahoma City, OK.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 143109 (Sub-3F), filed October 17, 1978. Applicant: ASSOCIATED DIESEL SERVICE, INC., 499 Jackson, Denver, CO 80216. Representative: Robert E. Anderson, P.O. Box 17486 Terminal Annex, Denver, CO 80217. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packing 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 hides and commodities in bulk), from the facilities of Peppertree Beef Co., at Denver, CO, to points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, under a continuing contract with Peppertree Beef Co., of Denver, CO. (Hearing site: Denver, CO.)

MC 143179 (Sub-7F), filed October 20, 1978. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, NE 68101. Representative: Foster L. Kent (same address as applicant). To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Urethane foam products,* from Council Bluffs, IA, to points in IL, IN, LA, MI, MN, MO, MT, and WI; and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above, from points in IL, IN, LA, MI, MN, MO, TX, and WI, to Council Bluffs, IA, Newton, KS, and Middleton, WI, under a continuing contract with Future Foam, Inc., of Council Bluffs, IA. (Hearing site: Omaha, NE.)

MC 143218 (Sub-2F), filed September 13, 1978. Applicant: DONALD SANTISI TRUCKING CO., a corporation, 1024 North Main Street, Niles, OH 44446. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Books, magazines, periodicals, and advertising matter,* (except commodities in bulk), from Canton, OH, to points in AZ, CA, CO, MN, NM, OR, TX, UT, and WA, under continuing contract(s) with Danner Press Corp., of Canton, OH. (Hearing site: Columbus, OH.)

MC 143389 (Sub-3F), filed September 14, 1978. Applicant: MERCHANTS DUTCH EXPRESS, INC., P.O. Box 2525, Monroe, LA 72107. Representative: Bruce E. Mitchell, 3390 Peachtree Road, Atlanta, GA 30326. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail discount stores, between points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MS, MO, OH, OK, TN, and TX, under a continuing contract with Howard Bros. Discount Stores, Inc., of Monroe, LA. Condition: Issuance of a permit in this proceeding is subject to the prior or coincidental cancellation of carrier's permit in MC 143389 (Sub-1), issued September 12, 1978. (Hearing site: Memphis, TN.)

MC 143540 (Sub-6F), filed October 2, 1978. Applicant: MARINE TRANSPORT CO., a corporation, 2321 Burnette Boulevard, P.O. Box 2142, Wilmington, NC 28402. Representative: Jean H. Lewis, 9525 Trojan Court, Richmond, VA 23229. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Paper, paper articles, wood pulp, and lumber,* (except commodities in bulk), from the facilities of Federal Paper Board Co., Inc., at (a) Riegelwood, Wilmington, Cape Fear, and Roanoke Rapids, NC, and (b) Richmond, VA, to points in the United States (except AK and HI); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), in the reverse direction, under a continuing contract with Federal Paper Board Co., Inc., of Montvale, NJ. (Hearing site: Richmond, VA or Raleigh, NC.)

MC 143570 (Sub-4F), filed August 28, 1978. Applicant: D. & G. TRUCKING, INC., 4420 East Overland Road, Meridian, ID 83642. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Heating and air-conditioning equipment, accessories for heating and air-conditioning equipment, floor covering;* and (2) *supplies* used in the installation of the commodities named in (1) above, (A) between points in ID, OR, and WA, (B) from Phoenix, AZ and Denver, CO, to points in ID, and UT, (C) from points in CA, to points in ID, MT, OR, UT, and WA, and (D) from points in OR, to points in MT, and WA. (Hearing site: Boise, ID or Portland, OR.)

MC 144442 (Sub-2F), filed August 30, 1978. Applicant: ESSEX EXPRESS, INC. 1200 Hammondville Road, Pompano Beach, FL 33060. Representative: Clifton Peter Rose, 1200 Seventeenth Street NW., Washington, DC 20036. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Wafers, cookies, breadsticks, and biscuits,* in cartons, between the facilities of Stella d'Oro, at Bronx, NY and independent distributors in Miami, Tampa, Fort Lauderdale, and Opa Locka, FL, under a continuing contract with Stella d'Oro, Inc., of Bronx, NY. (Hearing site: Washington, DC or Miami, FL.)

MC 144513 (Sub-5F), filed October 2, 1978. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster Street, Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Shop and construction equipment, shop and construction supplies, coatings, hand tools, metal and rubber products, and metal and rubber materials* (except commodities in bulk, and commodities which by reason of size or weight require the use of special equipment), between Akron, OH, on the one hand, and, on the other, points in the United States (except AK, HI, and OH). (Hearing site: Cleveland, OH.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 144682 (Sub-3F), filed August 24, 1978. Applicant: R. R. STANLEY, Box 95, Mesquite, TX 75149. Representative: Richard T. Churchill, Suite 106, 5001 South Hulen, Fort Worth, TX 76132. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bakery goods, prepared dough, and icing paste,* from the facilities of The Pillsbury Co., at Denison, TX, to Salt Lake City, UT, and Pocatello and Boise, ID. (Hearing site: Dallas or Fort Worth, TX.)

MC 144682 (Sub-4F), filed August 24, 1978. Applicant: R. R. STANLEY, Box 95, Mesquite, TX 75149. Representative: Richard T. Churchill, Suite 106, 5001 South Hulen, Fort Worth, TX 76132. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bakery goods, prepared dough, and icing paste,* from the facilities of The Pillsbury Co., at Denison, TX, to Rapid City, SD and points in WY and MT. (Hearing site: D-FW Airport or Dallas, TX.)

MC 144747 (Sub-1F), filed August 31, 1978. Applicant: INTERSTATE EQUIPMENT CO., INC., 22821 North 81st Avenue, Phoenix, AZ 85345. Representative: Lewis P. Ames, 10th Floor, 111 West Monroe, Phoenix, AZ 85003. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Glass fiber, glass yarn, fiberglass fabric* and *waste fiber,* from the facilities of Owens-Corning, at (a) Aiken and Anderson, SC, (b) Jackson, TN, (c) Amarillo, TX, and (d)

Huntington, PA, to Denver, CO, Salt Lake City, UT, Wallace, ID, Seattle, Bellingham, and Spokane, WA, and Culver and Portland, OR; and (2) *plastic granules and resin,* (A) from the facilities of (I) ARCO Polymers, at (a) La Porta, Port Arthur, and Houston, TX, and (b) Kobuta, PA, (II) WITCO, at (a) Lenwood, CA, (b) Wilmington, DE, and (c) Chicago, IL, (III) Synress, at Anaheim, CA, (IV) Abtec, at Louisville, KY and Big Springs, TX, (V) Shell Chemical Co., at Houston, TX, (VI) Cosden, at Orange, CA, (VII) Continental Polymers, at Compton, CA, and (VIII) Ashland Chemical Co., at (a) Newark, NJ, (b) Chicago, IL, and (c) Compton, CA, to the facilities of Fiberchem, Inc., at (a) Denver, CO, (b) Portland, OR, (c) Salt Lake City, UT, and (d) Seattle, WA, and (B) from origin points named in (A) above, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, under continuing contract(s) in (1) and (2) above with Fiberchem, Inc., of Seattle, WA. (Hearing site: Seattle, WA, or Phoenix, AZ.)

MC 144769 (Sub-2F), Filed October 17, 1978. Applicant: ROBER ROMAN, d.b.a. R. ROMAN TRUCK LEASING, 8 Creston Avenue, Union, NJ 07083. Representative: Roger Roman (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages* and *containers,* between Newark, NJ, on the one hand, and, on the other, Baltimore, Youngstown, and Akron, OH. (Hearing site: New York, NY, or Newark, NJ.)

MC 144806 (Sub-3F), filed September 7, 1978. Applicant: FRED M. ANDERSON, d.b.a. DELTA VALLEY TRUCKING, 69 North 200 West, Delta, UT 84624. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail variety stores, from Los Angeles, CA, to points in CO, ID, and UT, under continuing contract(s) with Ben Franklin Stores of Los Angeles, CA. (Hearing site: Salt Lake City, UT, or Los Angeles, CA.)

MC 145054 (Sub-3F), filed August 27, 1978. Applicant: COORS TRANSPORTATION CO., a corporation, 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by grocery and food business houses, discount stores, and drug stores (except frozen foods and commodities in bulk), from the facilities of the Clorox Co., at Kansas City, MO, to points in CO, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Kansas City, MO, or Denver, CO.)

NOTE.—Dual operations are involved in this proceeding.

MC 145094 (Sub-1F), filed August 28, 1978. Applicant: BOBBY KITCHENS, INC., P.O. Box 6161, Jackson, MS 39208. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *contract carrier,* by motor vehicle, over irregular routes transporting: *Wood products* (except in bulk), from Anderson, CA, to Fort Smith, AR, Canton and Columbus, MS, Elkin and Lenoir, NC, and Galax, VA, under a continuing contract(s) with Wheatley Lumber Co., Inc., of New Albany, MS. (Hearing site: Jackson or Tupelo, MS.)

MC 145150 (Sub-4F), filed October 6, 1978. Applicant: HAYNES TRANSPORT CO., INC., P.O. Box 9, Rural Route 2, Salina, KS 67401. Representative: Clyde N. Christey, Kansas Credit Union Building, Suite 110L, 1010 Tyler, Topeka, KS 66612. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* in bulk, from the facilities of Cheveron Chemical Co., at or near Friend, KS, to points in CO, NE, OK, TX, and WY. (Hearing site: Kansas City, MO.)

NOTE.—(1) Operational feasibility may be in issue. (2) The person or persons who appear to be engaged in common control must either file an application under section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 145163 (Sub-3F), filed September 29, 1978. Applicant: DONALD MULDER d.b.a. 1735 MULDER TRUCKING Lincoln, NE 68504. Representative: Lavern R. Holdeman, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by manufacturers and distributors of printed matter (except in bulk), between Lincoln, NE, and Council Bluffs, IA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to Lincoln, NE, and Council Bluffs, IA. (Hearing site: Lincoln or Omaha, NE.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 145303F, filed August 24, 1978. Applicant: RAILCO, INC., 13939 Southwest Edy Road, P.O. Box 69, Sherwood, OR 97140. Representatives: Glen Magnuson (same address as applicant). To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Rail track and accessories for rail track,* and (2) *materials, equipment, and supplies* used in the installation and removal of rail track, between Portland, OR, on the one hand, and, on the other, points in the United States, including AK and HI, under a continuing contract with Pacific Railway Supply Co., of Portland, OR. (Hearing site: Portland, OR.)

MC 145357F, filed September 6, 1978. Applicant: WESTERN MARINE SUPPLY, INC., 801 South Holgate Street, P.O. 24504, Seattle, WA 98124. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street NW., Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Distilled spirits, wine, beer, and cigarettes,* (1) from ports of entry on the international boundary line between the United States and Canada, in WA, MT, and ID, to Blaine, WA, and Los Angeles, Burlingame, Wilmington, and San Francisco, CA, (2) from Los Angeles, Wilmington, San Francisco, and Burlingame, CA, to Blaine and Seattle, WA, Great Falls, Rooseville, and Piegan, MT, restricted in (1) above to the transportation of traffic originating at the Province of BC, Canada. Condition: Prior receipt from applicant of an affidavit setting forth its complementary Canadian authority or explaining why no such Canadian authority is necessary. (Hearing site: Seattle, WA.)

NOTE.—The restriction and conditions contained in the grant of authority in this proceeding are phrased in accordance with the policy statement entitled Notice to Interested Parties of New Requirements Concerning Applications for Operating Authority to Handle Traffic to and from points in Canada published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified, and is in communication with appropriate Canadian officials regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect.

MC 145366 (Sub-2F), filed September 15, 1978. Applicant: VENABLE TRUCKING CO. INC., Route 1 Box 313, Odenville, AL 35120. Representative: John W. Cooper, Suite 200, Woodward Building, 1927 1st Avenue North, Birmingham, AL 35203. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Cold mix asphalt,* from the facilities of Ashland-Warren, Inc., at or near Birmingham, AL, to points in

GA, LA, MS, TN, and those in FL west of the Apalachicola River, and (2) *sand*, from points in TN, GA, MS, and those in FL west of the Apalachicola River, to points in Jefferson, Shelby, Calhoun, and Etowah Counties, AL. (Hearing site: Birmingham, AL.)

MC 145404F, filed August 15, 1978. Applicant: WELLS CARTAGE LIMITED, 726 Powell Street, Vancouver, BC, Canada V6A 1H6. Representative: Susan W. Carlson, 1215 Norton Building, Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *containers*, and (2) *general commodities*) except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and motor vehicles). between the port of entry on the international boundary line between the United States and Canada at or near Blaine, WA, on the one hand, and, on the other, Seattle, WA, restricted to the transportation of traffic (a) originating at or destined to points in the Province of BC, Canada (b) having an immediately prior or subsequent movement by water, and (3) under continuing contract(s) with (i) CP Ships, Ltd., of Montreal, PQ, Canada (ii) Dart Containerline Canada Ltd., of Montreal, PQ, Canada and (iii) Furness Interocean Corp., of San Francisco, CA. (Hearing site: Seattle, WA.)

NOTE.—Dual operations may be involved in this proceeding. The restrictions contained in the grant of authority in this proceeding are phrased in accordance with the policy statement entitled notice to interested parties of new requirements concerning applications for operating authority to handle traffic to and from points in Canada published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified, and is in communication with appropriate Canadian officials regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect.

MC 145420F, filed September 26, 1978. Applicant: ALBERT HULSE, JR., 59 Myrtle Street, Methuen, MA 01844. Representative: George A. McLaughlin, Jr., 44 School Street, Boston, MA 02108. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, between points in MA and NH, under a continuing contract with Automatic Heating Service, Inc., of Methuen, MA. (Hearing site: Boston, MA.)

MC 145470F, filed October 5, 1978. Applicant: ALL FREIGHT SYSTEMS, INC., 1026 South 10th Street, Kansas City, KS 66105. Representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, MO 64105. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed paper forms and paper pads*, (1) between the facilities of Deluxe Check Printers, Inc., at (a) Lenexa, KS, (b) Chicago and Des Plaines, IL, and (c) West Caldwell, NJ, and (2) between the facilities of Deluxe Check Printers, Inc., at (a) West Caldwell, NJ, (b) Greensboro, NC, (c) Atlanta, GA, and (d) Jacksonville and Miami, FL, under a continuing contract with Deluxe Check Printers, Inc., of St. Paul, MN. (Hearing site: Kansas City, MO.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 145559F, filed October 10, 1978. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, from Portland, Eugene, and Salem, OR, Walla Walla, WA, and Nampa, ID, to points in TX, LA, AR, MS, AL, TN, GA, FL, and SC. (Hearing site: Washington, DC.)

PASSENGER AUTHORITY

MC 144164 (Sub-2F), filed August 25, 1978. Applicant: DONALD R. SPRAY d.b.a. ELK RIVER LINES, 302 South Atlantic Street, Tullahoma, TN 37388. Representative: Rick L. Moore, 300 North Jackson Street, Tullahoma, TN 37388. To operate as a *common carrier*, by motor vehicle, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Tullahoma, TN, and Hollywood, AL: from Tullahoma, TN, over TN Hwy 55 to Manchester, TN, then over TN Hwy 24 to South Pittsburg, TN, then over U.S. Hwy 72 to Hollywood, AL, and return over the same route, serving all intermediate points. (Hearing site: Nashville or Knoxville, TN.)

[FR Doc. 78-32780 Filed 11-22-78; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Volume No. 124]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

NOVEMBER 15, 1978.

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

MC 116923 (Sub-6) (M2F) (notice of filing of petition to modify certificate), filed October 5, 1978. Petitioner: KRAMER TRUCKING CO., INC., 275 Trumbull Street, Elizabeth, NJ 07206. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Petitioner holds a motor *common carrier* certificate in MC 116923 (Sub-6) issued August 23, 1978, authorizing transportation, over irregular routes, of: *Water treatment units*, and *materials* and *supplies* used in the installation of water treatment units (except commodities in bulk), between points in the United States (except AK and HI). By the instant petition, petitioner seeks to modify the above commodity description to read: *Carbon*, and *water treatment units, incinerators, air pollution units*, and *carbon regenerators*, and *materials, equipment, and supplies* used in the installation and operation thereof (except commodities in bulk).

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION NOTICE

The following grants of operating rights authorities are republished by

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 2900 (Sub-316) (republication), filed October 31, 1977, published in the FEDERAL REGISTER issue of December 15, 1977, and republished this issue. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). A Decision of the Commission, Review Board Number 2, decided September 7, 1978, and served November 1, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *Knit pile fabric and padding*, from Delavan and Jefferson, WI, to points in the United States (except AK, WI, and HI); and (2) *equipment, materials, and supplies* used in the manufacture and distribution of knit pile fabric and padding, from points in the United States (except AK, WI, and HI), to Delavan and Jefferson, WI, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 48909 (Sub-6) (republication), filed October 28, 1977, published in the FEDERAL REGISTER issue of December 15, 1978, and republished this issue. Applicant: SEYMOUR TRANSFER LINES, INC., 800 East Factory Street, Seymour, WI 54165. Representative: Wayne W. Wilson, P.O. Box 8004, Madison, WI 53708. A Decision of the Commission, Review Board Number 2, decided September 11, 1978, and served November 3, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Passengers and their baggage*, in charter operations, between points in Shawano, Menominee, Wood, Portage, Waupaca, Outagamie, Juneau, Adams, Waushara, and Winnebago Counties, WI, on the one hand, and, on the other, points in the United States (except AK and HI), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 118838 (Sub-17) (republication), filed January 30, 1978, published in the FEDERAL REGISTER issue of March 2, 1978, and republished this issue. Applicant: GABOR TRUCKING, INC., Rural Route 4, Box 124B, Detroit Lakes, MN 56501. Representative: Richard P. Anderson, 502 First National Bank Building, Fargo, ND 58102. A Decision of the Commission, Review Board Number 2, decided September 19, 1978, and served November 3, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Steamed bone meal* (except in bulk, in tank vehicles), from Reading, PA, to points in the United States in and west of OH, KY, MO, AR, and LA (except AK and HI), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the territorial description.

MC 123765 (Sub-12F) (republication), filed March 6, 1978, published in the FEDERAL REGISTER issue of April 20, 1978, and republished this issue. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, WI 53204. Representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. A Decision of the Commission, Review Board Number 1, decided October 23, 1978, and served November 7, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *Such commodities* as are dealt in by lawn and garden supply houses; and (2) *pet food*, from Milwaukee, WI, to points in IL bounded by a line beginning at the junction of U.S. Hwy 24 and the IL-IN State line and extending along U.S. Hwy 24 to its junction with U.S. Hwy 51, then along U.S. Hwy 51 to its junction with U.S. Hwy 52, then along U.S. Hwy 52 to its junction with IL Hwy 78, then along IL Hwy 78 to the IL-WI State line, then east along the IL-WI State line to the shore of Lake Michigan, then east along the shore of Lake Michigan to the IL-IN State line, and then along the IL-IN State line to the point of beginning, including points on the described lines, restricted to the transportation of traffic originating at the facilities of Loft-Kellogg Seed, Inc., at Milwaukee, WI, and destined to the indicated destinations, under a continuing contract or contracts with Loft-Kellogg Seed, Inc., of Milwaukee, WI, will be consistent with the public interest and the national transportation policy, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to broaden the commodity description, and to indicate the grant of contract carrier authority in lieu of common carrier authority.

MC 127042 (Sub-210F) (republication), filed February 27, 1978, published in the FEDERAL REGISTER issue of May 11, 1978, and republished this issue. Applicant: Hagen, Inc., P.O. Box 98—Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). A Decision of the Commission, Review Board Number 3, decided October 17, 1978, and served November 2, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *Insulation and insulation materials*, from Kenosha, WI, to points in MN, ND, and SD; and (2) *fertilizer, fertilizer ingredients, and ice melters* (except in bulk, in tank vehicles), from Kenosha, WI, to points in IL, IN, IA, MN, MO, ND, and SD, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity description in part (2) above; and delete Union Grove, WI, in part (2) above as an origin point.

MC 138882 (Sub-47F) (republication), filed March 1, 1978, published in the FEDERAL REGISTER issue of April 13, 1878, and republished this issue. Applicant: Wiley Sanders, Inc., P.O.

Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. A Decision of the Commission, Review Board Number 1, decided October 26, 1978, and served November 2, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Floor, wall, and ceiling tile*, from the facilities of Summitville Tiles, Inc., at Summitville and Minerva, OH, to Birmingham and Montgomery, AL, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the territorial description.

MC 142484 (Sub-1) (republication), filed January 28, 1977, published in the FEDERAL REGISTER issue of March 17, 1977, and republished this issue. Applicant: Stringfellow Transportation Co., Inc., 724 Third Avenue North, P.O. Box 1117, Birmingham, AL 35201. Representative: Ronald L. Stichweh, 903 Frank Nelson Building, Birmingham, AL 35203. A Decision of the Commission, Division 1, decided October 30, 1978, and served November 3, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Forest products and lumber mill products*, (1) from points in AL, to points in FL, GA, IL, IN, KY, MI, MS, OH, and TN; (2) from points in GA, to points in AL, FL, IL, IN, KY, MI, MS, OH, and TN; (3) from points in LA, to points in AL, FL, GA, IL, IN, KY, MI, MS, OH, and TN; (4) from points in MS, to points in AL, FL, GA, IL, IN, KY, MI, OH, and TN; (5) from points in TN, to points in AL, FL, GA, IL, IN, KY, MI, MS, and OH; and (6) from Detroit, MI, to points in AL, FL, GA, MS, and TN, parts (1) through (6) under a continuing contract or contracts with Stringfellow Lumber Co., Inc., of Birmingham, AL, will be consistent with the public interest and the national transportation policy, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 144047 (Sub-1F) (republication), filed March 27, 1978, published in the FEDERAL REGISTER issue of June 8, 1978, and republished this issue. Applicant: Brookside Transport, Ltd., a corporation, P.O. Box 1809, Brooks, AB, Canada. Representative: Donald Grisbrook (same address as applicant). A Decision of the Commission, Review Board Number 3, decided October 16, 1978, and served October 31, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *Green animal hides*, from the port of entry on the international boundary line between the United States and Canada, at or near Eastport, ID, to Spokane, WA, restricted to the transportation of traffic originating at Brooks, AB, Canada; and (2) *salt in bulk and scrap iron*, from Spokane, WA, to the port of entry on the international boundary line between the United States and Canada, at or near Eastport, ID, restricted to the transportation of traffic destined to Brooks, AB, Canada, in (1) and (2) under a continuing contract or contracts with Lakeside Farm Industries, Ltd., of Brooks, AB, Canada and Pacific Hide & Fur Corp. of Spokane, WA, will be consistent with the public interest and the national transportation, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity and territorial description; and add a restriction.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under the rules should comply with Section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally, protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission decision which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MC 4405 (Sub-585F), filed November 3, 1978. Applicant: DEALERS TRANSIT, INC., P.O. Box 236, Tulsa, OK 74101. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58102. Authority sought to operate as a *common carrier* by motor vehicles over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing storage, transmission, and distribution of natural gas and petroleum and their products and byproducts: (2) *machinery, materials, equipment*, and *supplies* used in, or in connection with the construction, operation, repair, servicing maintenance and dismantling of pipelines, including the stringing and picking up thereof; and (3) *earth drilling machinery*, and *equipment*, and *machinery, equipment materials*, and *supplies*, and *pipe* incidental to, used in, or in connection with (a) transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling ma-

chinery and equipment, (b) the completion of holes or wells drilled (c) the production, storage, and transmission or commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, between those points in the United States in and west of ND, SD, NE, KS, OK, and TX (except AK and HI). (Hearing: November 28, 1978 (3 weeks), at 9:30 am local time, at Denver, CO in a hearing room location to be later designated.)

NOTE:—Common control may be involved.

MC 94201 (Sub-164F), filed September 11, 1978. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, AL 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Route 1: Between Chattanooga, TN, and Chicago, IL: (a) From Chattanooga over U.S. Hwy 41 (also over Interstate Hwy 24) to Nashville, TN, then over Alternate U.S. Hwy 41 to Hopkinsville, KY, then over U.S. Hwy to Chicago, and return over the same routes. (b) From Chattanooga over U.S. Hwy 41 (also over Interstate Hwy 24) to Nashville, TN, then over Alternate U.S. Hwy 41 to Hopkinsville, KY, then over U.S. Hwy 41 to junction Interstate Hwy 64 (also over U.S. Hwy 41 to junction U.S. Hwy 460), then over Interstate Hwy 64 (also over U.S. Hwy 460) to junction U.S. Hwy 51, then over U.S. 51, then over U.S. Hwy 51 to Bloomington, IL, then over U.S. Hwy 66 to Chicago, and return over the same routes. (c) From Chattanooga over U.S. Hwy 41 (also over Interstate Hwy 24) to Nashville, TN, then over Alternate U.S. Hwy 41 to Hopkinsville, KY, then over U.S. Hwy 41 to junction Interstate Hwy 64 (also over U.S. Hwy 41 to junction U.S. Hwy 460), then over Interstate Hwy 64 (also over U.S. Hwy 460) to junction Interstate Hwy 57, thence over Interstate Hwy 57 to Chicago, and return over the same route. Route 2: Between Chattanooga, TN, and Indianapolis, IN: From Chattanooga, TN, over U.S. Hwy 41 (also over Interstate Hwy 24) to Nashville, TN, thence over U.S. Hwy 31-W to junction U.S. Hwy 31, then over U.S. Hwy 31 to Indianapolis (also over Interstate Hwy 65) to Indianapolis, and return over the same route. Route 3: Between Chattanooga, TN, and Cincinnati, OH: From Chattanooga to Nashville, TN, as specified above, then over U.S. Hwy 31-W (also over Interstate Hwy 65) to Louisville, KY, then over Interstate Hwy 71 (also over U.S. Hwy 42) to Cincinnati, and return over the same route. Route 4: Between Chattanooga, TN, and Louisville, KY; (a) From Chattanooga to Louisville as specified above, and return over the same route. (b) From Chattanooga over U.S. Hwy 27 (also over Interstate Hwy 75) to Lexington, KY, then over U.S. Hwy 60 (also over Interstate Hwy 64) to Louisville, and return over the same route. (c) From Chattanooga over U.S. Hwy 27 to junction U.S. Hwy 150 at Stanford, KY, then over U.S. Hwy 150 to Danville, KY, then over U.S. Hwy 127 to juction Interstate Hwy 64, then over Interstate Hwy 64 to Louisville, and return over the same route. Route 5: Between Chattanooga, TN, and Cleveland, OH: From Chattanooga over U.S. Hwy 27 (also over Interstate Hwy 75) to Lexington, KY, then over U.S. Hwy 25 (also over Interstate Hwy 75) to Cincinnati, and return over the same route. Route 6: Between Jackson, TN, and Chicago, IL: (a) From Jackson over U.S. Hwy 45 to intersection U.S. Hwy 45E and 45W, approximately 6 miles southeast of Humbolt, TN, then over U.S. Hwy 45W to junction U.S. Hwy 51, thence over U.S. Hwy 51 to Bloomington, IL, then over U.S. Hwy 66 to Chicago, and return over the same route. (b) From Jackson over U.S. Hwy 45 to intersection U.S. Hwy 45E and 45W, approximately 6 miles southeast of Humbolt, TN, then over U.S. Hwy 45W to junction U.S. Hwy 51, then over U.S. Hwy 51 to Mendota, IL, then over U.S. Hwy 34 to Chicago, and return over the same route. Route 7: Between Jackson, TN, and Evansville, IN: From Jackson over U.S. Hwy 45 to intersection U.S. Hwy 45E and 45W, approximately 6 miles southeast of Humbolt, TN, then over U.S. Hwy 45E to junction U.S. Hwy 45, then over U.S. Hwy 45 to Junction U.S. Hwy 60, then over U.S. Hwy 60, at or near Paducah, KY, then over U.S. Hwy 60 to junction U.S. Hwy 41, at or near Evansville, IN, then over U.S. Hwy 41 to Evansville, and return over the same route. Route 8: Between Memphis, TN and Chicago, IL: (a) From Memphis over U.S. Hwy 51 to Bloomington, IL, then over U.S. Hwy 66 to Chicago, and return over the same route. (b) From Memphis over U.S. Hwy 51 to Mendota, IL, then over U.S. Hwy 34 to Chicago, and return over the same route. (c) From Memphis over Interstate Hwy 55 to Chicago, and return over the same route. (d) From Memphis over Interstate Hwy 55 to junction Interstate Hwy 57, at or near Sikeston, MO, then over Interstate Hwy 57 to Chicago, and return over the same route. Route 9: Between Memphis, TN and Indianapolis, IN: From Memphis over Interstate Hwy 55 to junction Interstate Hwy 57, at or near Sikeston, MO, then over Interstate Hwy 57 to junction Interstate Hwy 70, at or near Effingham, IL, then over Interstate Hwy 70 to Indianapolis, and return over the same route. Route 10: Between Knoxville, TN, and Chicago, IL: From Knoxville, over Interstate Hwy 75 to Lexington, KY, then over Interstate Hwy 64 to Louisville, KY, then over Interstate Hwy 65 to Chicago, and return over the same route. Route 11: Between Knoxville, TN, and Louisville, KY: From Knoxville over Interstate Hwy 75 to Lexington, KY, then via Interstate Hwy 64 to Louisville, and return over the same route. Route 12: Between Knoxville, TN, and Cleveland, OH: From Knoxville, over Interstate Hwy 75 to Cincinnati, OH, then via Interstate Hwy 71 to Cleveland, and return over the same route. Route 13: Between Bristol, TN, and Louisville, KY: From Bristol over U.S. Hwy 421 to Lexington, KY, then via Interstate Hwy 64 to Louisville, and return over the same route. Route 14: Between Bristol, TN, and Chicago, IL: From Bristol over U.S. Hwy 421 to Lexington, KY, then over Interstate Hwy 64 to Louisville, KY, then over Interstate Hwy 65 to Chicago, and return over the same route. Route 15: Between Bristol, TN, and Toledo, OH: From Bristol over U.S. Hwy 23 to Toledo, and return over the same route. Route 16: Between Bristol, TN, and Cleveland, OH: From Bristol over Interstate Hwy 81 to junction Interstate Hwy 77, at or near Wytheville, VA, then over Interstate Hwy 77 to Cleveland, and return over the same route. Route 17: Between Bristol, TN, and Cincinnati, OH: From Bristol over U.S. Hwy 23 to junction U.S. Hwy 52, at or near Portsmouth, WV, then via U.S. Hwy 52 to Cincinnati, and return over the same route. Route 18: Between Memphis, TN, and Bristol, TN: (a) From Memphis over Interstate Hwy 40 to junction Interstate Hwy 81, at or near Jefferson City, then Interstate Hwy 81 to Bristol, and return over the same route. (b) From Memphis over U.S. Hwy 64 to junction U.S. Hwy 411, near Ocoee, TN, then over U.S. Hwy 411 to junction U.S. Hwy 11E, near Johnson City, TN, then U.S. Hwy 11E to Bristol, and return over the same route. Route 19: Between Decatur, IL, and Indianapolis, IN: From Decatur over U.S. Hwy 36 to Indianapolis, and return over the same route. Route 20: Between Decatur, IL, and Chicago, IL: From Decatur over U.S. Hwy 51 to Mendota, IL, then over U.S. Hwy 34 to Chicago, and return over the same route. Route 21: Between Evansville, IN, and Decatur, IL: From Evansville over U.S. Hwy 460 to junction U.S. Hwy 45, at or near Crossville, IL, then over U.S. Hwy 45 to junction IL Hwy 130, at or near Grayville, IL, then over IL Hwy 130 to junction IL Hwy

33, at or near Newton, IL, then over IL Hwy 33 to junction IL Hwy 32, at or near Effingham, IL, then over IL Hwy 32 to junction IL Hwy 121, at or near Sullivan, IL, then over IL Hwy 121 to Decatur, and return over the same route. Route 22: Between Louisville, KY, and Decatur, IL: From Louisville, over U.S. Hwy 150 to junction U.S. Hwy 50, at or near Shoals, IN, then over U.S. Hwy 50 to junction IL Hwy 130, at or near Olney, IL, then over IL Hwy 130 to junction IL Hwy 33, at or near Newton, IL, thence over IL Hwy 33 to junction IL Hwy 32, at or near Effingham, IL, then over IL Hwy 32 to junction IL Hwy 121, at or near Sullivan, IL, then over IL Hwy 121 to Decatur, and return over the same route. Route 23: Between Fort Wayne, IN, and Chicago, IL: From Fort Wayne over U.S. Hwy 33 to South Bend, IN, then over IN Hwy 2 to junction U.S. Hwy 20 at or near Rolling Prairie, IN, thence over U.S. Hwy 20 to Chicago (also over IN Hwy 2 to junction combined Interstate Hwys 80 and 90, at or near Rolling Prairie, IN, then over combined Interstate Hwys 80 and 90 to Chicago), and return over the same routes. Route 24: Between Indianapolis, IN, and Chicago, IL: From Indianapolis over Interstate Hwy 65 to Gary, IN, then over Interstate Hwy 94 to Chicago, and return over the same route. Route 25: Between Indianapolis, IN, and Fort Wayne, IN: From Indianapolis over Interstate Hwy 69 (also over IN Hwy 37) to Fort Wayne, and return over the same route. Route 26: Between Indianapolis, IN and junction U.S. Hwys 41 and 52 near Gravel Hill, IN: From Indianapolis over U.S. Hwy 52 to junction U.S. Hwy 41, near Gravel Hill, IN, and return over the same route. Route 27: Between South Bend, IN, and Indianapolis, IN: From South Bend over U.S. Hwy 31 to Indianapolis, and return over the same route. Route 28: Between Indianapolis, IN, and Cincinnati, OH: From Indianapolis over U.S. Hwy 52 (also over Interstate Hwy 74) to Cincinnati, and return over the same route. Route 29: Between Columbus, OH, and Indianapolis, IN: From Columbus over U.S. Hwy 40 (also over Interstate Hwy 70) to Indianapolis, and return over the same route. Route 30: Between Chicago, IL, and Cleveland, OH: From Chicago over combined Interstate Hwys 80 and 90 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Cleveland, and return over the same route. Route 31: Between Cincinnati, OH, and Fort Wayne, IN: From Cincinnati over U.S. Hwy 27 to Fort Wayne, and return over the same route. Route 32: Between Cincinnati, OH, and Cleveland, OH: From Cincinnati over U.S. Hwy 22 to Washington Court House, OH, then over U.S. Hwy 62 to Canton, OH, then over OH Hwy 800 to Akron, OH, then over OH Hwy 8 to Cleveland, and return over the same route. Route 33: Between Cincinnati, OH and Toledo, OH: From Cincinnati over combined U.S. Hwy 25 and Interstate Hwy 75 to junction Interstate Hwy 75, then over Interstate Hwy 75 (also over U.S. Hwy 25) to Toledo, and return over the same route. Route 34: Between Columbus, OH, and Toledo, OH: From Columbus over U.S. Hwy 23 to Toledo, and return over the same route. Route 35: Between junction Interstate Hwys 76 and 71 approximately 13 miles south of Medina, OH and Youngstown, OH: From junction Interstate Hwys 76 and 71 over Interstate Hwy 76 to junction OH Hwy 18, then over OH Hwy 18 (also over Interstate Hwy 76) to Youngstown, and return over the same route. Service is authorized in the above routes to and from the following intermediate and off-route points: (a) points in TN; (b) points within 10 miles of Louisville, KY, including Louisville; (c) points in IN; (d) points in that part of IL on and bounded by a line beginning at the IL-IN State line and extending along U.S. Hwy 36 to Springfield, IL, then along IL Hwy 29 to Peoria, IL, then along IL Hwy 116 to Metamore, IL, then along IL Hwy 89 to junction U.S. Hwy 34, then along U.S. Hwy 34 to junction IL Hwy 31, then along IL Hwy 31 to unnumbered Hwy (Aurora Avenue), then along said unnumbered Hwy to junction U.S. Hwy 34, then along U.S. Hwy 34 to Chicago, IL, then along Lake Michigan to the IL-IN State line, and then along IL-IN State line to points of beginning; and (e) points in that part of OH on, west, and north of a line beginning at a point on the OH-PA State line, near Sharon, PA, and extending along U.S. Hwy 62 to Columbus, OH, then along U.S. Hwy 23 to Circleville, OH, and then along U.S. Hwy 22 to Cincinnati, OH. (Hearing site: Atlanta, GA or Washington, DC.)

MC 105984 (Sub-21F), filed October 30, 1978. Applicant: JOHN B. BARBOUR TRUCKING COMPANY, a Corporation, P.O. Box 577, Iowa Park, TX 76367. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, and (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, (a) between points in AZ, CO, ID, MT, NV, ND, SD, UT, and WY, and (b) between points in AZ, CO, ID, MT, NV, ND, SD, UT, and WY, on the one hand, and, on the other, points in TX, OK, KS, LA, and NM. (Hearing Site: Denver, CO, November 28, 1978).

MC 109326 (Sub-114F), filed June 16, 1978, and previously noticed in the FEDERAL REGISTER issues of August 22, 1978, and October 26, 1978, and republished as corrected this issue. Applicant: C & D TRANSPORATION CO., INC., P.O. Box 10506, New Orleans, LA 70121. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and such other commodities* as are dealt in by wholesale and retail chain and grocery houses, and in connection therewith *equipment, materials and supplies* used in the conduct of such business (except in bulk), between the facilities of Hudson Industries, Inc., at or near Brundidge and Troy, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Montgomery, AL.)

NOTE.—This republication conforms to applicant's request for authority.

MC 114552 (Sub-163F), filed June 6, 1978, and previously noticed in the FEDERAL REGISTER issues of August 10, 1978, and October 26, 1978, and republished as corrected this issue. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and such other commodities as are dealt in by wholesale and retail chain and grocery houses*, and in connection therewith *equipment, materials and supplies* used in the conduct of such business (except in bulk), between the facilities of Hudson Industries, Inc., at or near Brundidge and Troy, AL, on the one hand, and, on the other, points in the United

States (except AK and HI). (Hearing site: Montgomery, AL).

NOTE.—This republication conforms to applicant's request for authority.

MC 121060 (Sub-65F), filed June 7, 1978, and previously noticed in the FEDERAL REGISTER issues of July 20, 1978 and October 26, 1978, and republished as corrected this issue. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs, and such other commodities as are dealt in by wholesale and retail chain and grocery houses,* and in connection therewith *equipment, materials and supplies* used in the conduct of such business (except in bulk), between the facilities of Hudson Industries, Inc., at or near Brundidge and Troy, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Montgomery, AL).

NOTE.—This republication conforms to applicant's request for authority.

MC 125433 (Sub-170F), filed November 7, 1978. Applicant: F-B TRUCK LINE COMPANY, a Corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1)(a) *machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of manufactured and natural gas and petroleum and their products and by-products, and (b) *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, between points in AZ, CA, CO, ID, KS, NE, NV, NM, OK, OR, TX, UT, WA and SD; and between points in MT, ND, WY and SD, on the one hand, and, on the other, points in AZ, CA, CO, ID, KS, NE, NV, NM, OK, OR, TX, UT, WA and SD; and (2) *earth drilling machinery and equipment, and machinery equipment, materials, supplies and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, between points in AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY. (Hearing: November 28, 1978 (3 weeks) at 9:30 a.m. local time, at Denver, CO, in a hearing room location to be later designated.)

NOTE.—Common control may be involved.

MC 135705 (Sub-11F), filed October 30, 1978. Applicant: MELROSE TRUCKING CO., INC., 6360 Raderville Route, Casper, WY 82601. Representative: Kim I. Melrose (same address as applicant). Authority sought to operate as a, *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies,* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts; and (2) *machinery, materials, equipment, and supplies,* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in AZ, CO, ID, MT, NM, ND, NV, UT and WY. (Hearing: November 28, 1978 (14 days), at 9:30 a.m. local time, at Denver, CO, in a hearing room to be later designated)

NOTE.—Applicant holds contract carrier authority in MC 140807 Sub 2, therefore dual operations may be involved.

MC 138882 (Sub-95F), filed June 6, 1978, and previously noticed in the FEDERAL REGISTER issues of August 10, 1978, and October 26, 1978, and republished as corrected this issue. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081, Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs, and such other commodities* as are dealt in by wholesale and retail chain and grocery houses, and in connection therewith *equipment, materials and supplies* used in the conduct of such business (except in bulk), between the facilities of Hudson Industries, Inc., at or near Brundidge and Troy, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Montgomery, AL).

NOTE.—This republication conforms to applicant's request for authority.

MC 144557F, filed May 23, 1978, and previously noticed in the FEDERAL REGISTER issues of July 20, 1978, and October 26, 1978, and republished as corrected this issue. Applicant: HUDSON TRANSPORTATION, INC., P.O. Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs, and such other commodities* as are dealt in by wholesale and retail chain and grocery houses, and in connection therewith *equipment, materials and supplies* used in the conduct of such business (except in bulk), between the facilities of Hudson Industries, Inc., at or near Brundidge and Troy, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Montgomery or Birmingham, AL).

NOTE.—This republication conforms to applicant's request for authority.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rules 340(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-12498 (Supplemental) (CRST, INC.—purchase (portion)—LEE BROS., INC.), published in the April 30, 1975, issue of the FEDERAL REGISTER. This supplemental notice reflects the decision of the Commission, served October 30, 1978, which approved the transaction set forth below subject to republication. Operating rights authorized to be transferred: *General commodities,* except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in the Chicago, IL, commercial zone as defined by the Commission, and points in IL within 10 miles of Chicago, not included within the commercial zone, on the one hand, and, on the other, Cincinnati, Dayton, and Hamilton, OH, and points in that part of Ohio on and north of U.S. Highway 20 extending from the Ohio-Indiana State line to

and including Toledo, OH: Midland, MI: and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on the east of Michigan Highway 46 to Saginaw, thence on the east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442. *Meats, meat products, meat byproducts, dairy products, and articles* distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except liquid commodities in bulk, in tank vehicles, (a) between the plantsite of Swift & Co., at Rochelle, IL, on the one hand, and, on the other, Cincinnati, Dayton, and Hamilton, OH; and points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 20 to junction Ohio Highway 120, and thence along Ohio Highway 120 to Toledo, OH; and Midland, MI; and points in that part of Michigan on and south of a line beginning at Benton Harbor, MI, and extending along unnumbered highway (formerly portion of U.S. Highway 12) through Columa, Watervliet, Hartford, Lawrence, Paw Paw, and Oshtemo, MI; to junction Business Interstate Highway 94 through Kalamazoo, MI, to junction Interstate Highway 94 (formerly portion U.S. Highway 12), thence over unnumbered highway through Battle Creek, MI, to Marshall, MI; thence on and east of U.S. Highway 27 to St. Louis, MI; thence on and south of Michigan Highway 46 to Saginaw, MI, thence on and east of Michigan Highway 85 (formerly Michigan Highway 47) to Bay City, MI, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on, south and west of U.S. Highway 25 to Detroit, MI; and points in that part of Pennsylvania on and west of U.S. Highway 119 and on the south of U.S. Highway 442. (b) From the plantsite of Swift & Co., at Rochelle, IL, to points in that part of Indiana on and north of U.S. Highway 20, with no transportation for compensation on return, except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of shipments originating at, or destined to, the plantsite of Swift & Co., at Rochelle, IL. Persons having an interest in, or would be prejudiced by this grant of authority may file an original and six copies of a petition (or any pleading) within 30 days from the date of this publication with appropriate service on applicant. Petitions shall set forth the precise manner in which the party may or has been prejudiced by the grant of authority. Applicants shall file their replies within 50 days from the date of publication. Applicants' attorney: Robert E. Konchar, 2720 First Avenue, N.E., P.O. Box 1943, Cedar Rapids, IA 52406.

No. MC-F-13680 (Supplement). Authority sought for purchase by BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162, of a portion of the operating rights of Sternberger Motor Corp., 45-50 Court Square, Long Island City, NY, and for acquisition by THE BEKINS COMPANY, 1335 So. Figueroa St., Los Angeles, CA 90015, of control of such rights through the purchase, published in the August 17, 1978 issue of the FEDERAL REGISTER. Applicant's attorneys: Marvin S. Maltzman, 777 Flower St., Glendale, CA, 91201, Russell S. Bernhard, Suite 1032 Pennsylvania Bldg., Washington, DC, 20004. The purpose of this supplemental notice is to correct the description of that portion of the operating rights sought to be purchased, which is evidenced by Certificate No. MC-46219 (Sub-No. 3), as described at page 36577 in the issue for Thursday August 17, 1978. The correct Sub-3 description is as follows. . . . (2) Sub-3, (a) New Furniture, From Hampton, VA, to points in AL, DE, FL, GA, LA, MD, MS, *NJ, NY, NC, PA,* SC, WV, and DC, with no transportation for compensation on return except as otherwise authorized. . . . The *underlined* destination states were omitted in prior publication.

MC-F-13698F Authority sought for purchase by NORMAN W. WENGER & SONS, INC., Box 11, R.D. No. 2, East Earl, PA 17519 of a portion of the operating authorities of RAYMOND E. TOWNSEND, JR., Dagsboro-Omar Road, Frankford, DE 19945, and for acquisition by NORMAN W. WENGER, Box 11, R.D., No. 2, East Earl, PA 17519, of control of such rights through the transaction. Applicant's representative: John M. Musselman, 410 North Third Street, Harrisburg, PA 17108. Operating rights sought to be acquired: *Fertilizer,* as a common carrier, over irregular routes, from Chesapeake, VA, to points in DE and MD east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal; *manufactured fertilizers* (except liquid fertilizer) in bulk, from Chesapeake, VA, to Windsor, NC; *manufactured fertilizers* (except liquid fertilizer), from Baltimore, MD, to points in that part of Delaware south of the Chesapeake and Delaware Canal, and points in Wicomico, Worcester and Somerset Counties, MD, and Accomac and Northampton Counties, VA; and *fertilizer,* from Dagsboro, Seaford, Bridgeville, Frankford, Milton, Harrington, Hartley, and Mt. Pleasant, DE, to points in Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Somerset and Worcester Counties, MD, and Accomac and Northampton Counties, VA, with no transportation for compensation on return except as otherwise authorized, and restricted against the transportation of liquid fertilizer in bulk, in tank vehicles, from Seaford, DE. Vendee seeks tacking or joinder with present authority at points in New Castle County, DE to authorize transportation of fertilizer from Chesapeake, VA to points in Berks, Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, PA. Vendee is authorized to operate as a *common carrier* in DE, MD, NJ, PA, and VA. No duplicating authority. Application has not been filed for temporary authority under section 210a(b).

NOTE.—No. MC 111023 (Sub-6F) is a directly related matter.

MC-F-13784F. Authority sought for purchase by WITTE TRANSPORTATION COMPANY, P.O. Box 43564, St. Paul, MN 55164, of a portion of the operating rights of G.M.W., INC., 965 Eustis Street, St. Paul, MN 55114, and for acquisition by SPACE CENTER, INC., 444 LaFayette Road, St. Paul, MN 55101 of control of such rights through the transaction. Applicants' attorney: William S. Rosen, 630 Osborn Building, St. Paul, MN 55102. Operating rights sought to be transferred: Transferee is purchasing only the authority between Chicago, IL and Madison, WI over U.S. Hwy 14 and intermediate points authorized over said route as contained in the following authority described in Certificate No. MC 43475 dated December 30, 1946: General commodities, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, between St. Paul, MN and Chicago, IL: From St. Paul over U.S. Hwy 12 via Wisconsin Dells, WI to Madison, WI, then over U.S. Hwy 18 to junction WI Hwy 67 (also from Wisconsin Dells over U.S. Hwy 16 to Oconomoc, WI, then over WI Hwy 18 to Milwaukee, WI, then return over U.S. Hwy 18 to junction U.S. Hwy 45, then over U.S. Hwy 45 to junction IL Hwy 21, and then over IL Hwy 21 to Chicago, (also from Madison over U.S. Hwy 14 to Chicago), and return over the same route. Transferee is authorized to operate as a regular route and irregular route common carrier in the states of MN, IA, WI, MO, and IL. Application has been filed for

temporary authority under Section 210a(b). (Hearing site: St. Paul, MN.)

MC-F-13798F. Authority sought for purchase by A. DUIE PYLE, INC., 200 Garfield Avenue, West Chester, PA 19380, of a portion of the operating rights of WOOSTER EXPRESS, INC., Routes 63 and 202, P.O. Box 230, Lansdale, PA 19446. Applicant's attorney: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Operating rights sought to be purchased: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as *a common carrier* over regular routes between New York, NY, and Philadelphia, PA, serving the intermediate point in Trenton, NJ, restricted to traffic moving to or from points other than New York, NY, all other intermediate points without restriction; and off-route points within ten miles of the specified portions of U.S. Hwy 130 (formerly NJ Hwy 25); From New York over U.S. Hwy 1 to Philadelphia, and return over the same route; From New York over U.S. Hwy 1 to junction U.S. Hwy 130 (formerly NJ Hwy 25), then over U.S. Hwy 130 to Camden, NJ, and then across the Delaware River to Philadelphia, and return over the same route. Vendee is authorized to operate as a *common carrier* in NY, NJ, PA, MD, DE, VA, WV, DC, MA, RI, CT, IL, IN, KY, MI, NC, OH, and WI. Application has not been filed for temporary authority under section 210(b).

MC-F-13799F. Authority sought for purchase by FASTWAY TRANSPORTATION, INC., 151 Morristown Road, Matawan, NJ 07747, of a portion of the operating rights of BURGMEYER BROS., INC., 50 North Fifth Street, Reading, PA 19601, and for acquisition by EDMUND E. HUNT, DONALD BESMAN, and ROSE BECKER, all of, Matawan, NJ 07747, of control of such rights through the purchase. Applicants' attorneys: Thomas F. X. Foley, State Highway #34, Colts Neck, NJ 07722 and A. David Millner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Operating rights sought to be purchased: *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), (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), as a *common carrier* over regular routes, between Philadelphia, PA and Trenton, NJ, serving all intermediate points, from Philadelphia over U.S. Hwy 1 to Trenton, and return over the same route. Vendee is authorized to operate as a *common carrier* in NY and NJ. Application has been filed for temporary authority under section 210a(b).

MC-F-13800F. Authority sought for purchase by CROUSE CARTAGE COMPANY, P.O. Box 151, Carroll, IA 51401, of a portion of the operating rights of RINGSBY TRUCK LINES, INC., 3980 Quebec Street, Denver, CO 80207, and for acquisition by PAUL E. CROUSE, P.O. Box 151, Carroll, IA 51401, of control of such rights through the transaction. Transferee's attorney: WILLIAM S. ROSEN, 630 Osborn Building, St. Paul, MN 55102; Transferor's attorney: RUSSELL R. SAGE, P.O. Box 11278, Alexandria, VA 22312. Operating rights sought to be transferred: Irregular routes: (1) *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points within 20 miles of Akron, IA, including Akron; between Akron, IA, and points within 20 miles thereof, on the one hand, and, on the other, points within 100 miles of Akron. (2) *Iron and steel articles*, from the plant site of Jones & Laughlin Steel Corporation, located in Putnam County, IL, to points in IA, MN, NE, ND, SD and WI, and *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from points in IA, MN, NE, ND, SD, and WI, to the plant site of Jones & Laughlin Steel Corporation, located in Putnam County, IL. Restriction: The operations authorized in (2) above are subject to the following conditions: Said operations are restricted to the transportation of traffic originating at or destined to the named origins and destinations. Said operations are restricted against the transportation of commodities in bulk. Transferee is authorized to operate as a regular route common carrier in the States of IL, IA, MO, NE, and KS, and transferee holds irregular route special commodity authority as a motor common carrier in 48 States. Application has been filed for temporary authority under Section 210a(b). (Hearing site: Des Moines, Iowa.)

MC-F-13805F. Authority sought for purchase by GENERAL MOVERS, INC., 7845 Hall Street, St. Louis, MO 63147, of the operating rights of FASGO MOTOR EXPRESS, INC., 7845 Hall Street, St. Louis, MO 63147, and for acquisition of control by Lyons Transportation Lines, Inc., 138 East 26th Street, Erie, PA 16512, through acquisition of the stock of General Movers, Inc., and control of such rights by John M. Cochran through the acquisition. Applicants' attorney: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Operating rights sought to be purchased under MC 37544: General commodities (usual exceptions), over irregular routes, between points in the St. Louis, MO—East St. Louis, IL Commercial Zone; and over regular routes between Palestine, IL and Evansville, IN. Operating rights to be controlled under MC 120879: General commodities, over irregular routes, between points in IL. Lyons Transportation Lines, Inc. is authorized to operate as a common carrier of general commodities (usual exceptions) over regular and irregular routes in CT, IL, IN, KY, MA, MI, NY, OH, PA, and WV. Vendee is authorized to operate as a common carrier soley within the State of IL. Application has been filed for temporary authority under Section 210a(b).

NOTE.—MC-120879 (Sub 4F) is a directly related matter.

MC-F-13806F. Authority sought for purchase by HVH TRANSPORTATION, INC., d.b.a. Thacker Transportation, Inc., 3110 South Wadsworth Boulevard, Denver, CO 80227, of the operating rights of L. & E. FREIGHT LINE, INC., d.b.a. Lightning Express Freight Lines, Inc., 2950 Blake Street, Denver, CO 80205, and for acquisition by Robert L. Holder, Alice S. Holder, Richard F. Casey and Kathy S. Casey, all of 3110 South Wadsworth Boulevard, Denver, CO 80227, of control of such rights through the transaction. Applicants' representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. Operating rights sought to be purchased: Certificate No. MC-120686 and Subs thereof authorizing the transportation of: (1) Sub 3; General commodities, usual exceptions, as a common carrier over regular routes, between Denver, CO and Limon, CO, serving all intermediate points: From Denver over U.S. Hwy 40 to Limon, and return over the same route; (2) Sub 4; General commodities, except commodities in bulk tank vehicles, over regular routes, between Limon, CO, and Burlington, CO, over U.S. Hwy 24, serving all intermediate points and the offroute point of Hugo, CO; (3) Sub 5; General commodities, usual exceptions, over regular routes, between Colorado Springs, CO, and Limon, CO, serving all intermediate points; from Colorado Springs over U.S. Hwy 24 to Limon, and return over the same route; from Colorado Springs over CO Hwy 94 to junction CO Hwy 71, then over CO Hwy 71 to Limon, and return over the same route; (4) Certificate No. MC-98946 Subs 1 and 2, authorizing the transportation of general commodities, usual exceptions,

over regular routes, between Denver, Kiowa and Elbert, CO over various routes. Application has been filed for temporary authority under Section 210a(b). Vendee is authorized to operate as a common carrier in Colorado.

MC-F-13805F. Authority sought for control by B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Arkansas 72118, of Hughes Refrigerated Express, Inc., P.O. Box 2106, Haines City, Florida 33844, and for acquisition by Bob McAdams, 2909 Justin Matthews Drive, North Little Rock, Arkansas 72116, of control of such rights, through the acquisition. Applicants' representative: Bob McAdams, Route 6, Box 15, North Little Rock, Arkansas 72118. Operating rights sought to be controlled: Frozen foods, fruits, berries and vegetables, as a common carrier, over irregular routes, from, to and between specified points in the United States, mostly east of the Mississippi River, as more specifically described in Certificate No. MC 105783 and Subs thereto. Vendee is authorized to operate as a common carrier in all fifty states. No dual operations or duplicating authority will result in the approval of this transaction. B. J. McAdams, Inc. also controls McCormack's Highway Transportation, Inc., and Southern Trucking Corp. Application has not been filed for temporary authority under Section 210a(b).

MC-F-13811F. Authority sought for management in a common interest of FLOYD & BEASLEY TRANSFER COMPANY, INC., P.O. Drawer 8, Sycamore, AL., 35149, and BARNETT TRANSPORTATION, INC., Route No. 2, Box 183, Talladega, AL., 35160. The authority sought would enable ERRIS H. BARNETT of Talladega, AL., 35160, to remain as Vice President of FLOYD & BEASLEY TRANSFER COMPANY, INC., while serving as President and sole stockholder of BARNETT TRANSPORTATION, INC. Applicants' attorney: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, N.W., Washington, D.C., 20036. Operating rights sought to be managed in a common interest; As to FLOYD & BEASLEY TRANSFER COMPANY, INC.; General commodities, with exceptions, and numerous specified commodities, as a common carrier, over irregular and regular routes to, from, and between points in AL, GA, SC, and TN, as more specifically described in certificate No. MC-18088 and subs thereunder; as to BARNETT TRANSPORTATION, INC.: numerous specified commodities, as a common carrier, over irregular routes to, from, and between points in AL, FL, GA, LA, MS, NJ, NC, PA, SC, TN, TX and VA, as more specifically described in a portion of certificate No. MC-76177 and subs 250, 264, 265, 289, 299, 316, 323, and 327 thereunder acquired in No. MC-FC-77609. Approval of this transaction will not result in (a) dual operations, or (b) splitting of authority. Minimum duplicating authority is involved. Application has been filed for temporary authority under Section 210a(b).

MC-F-13813F. Authority sought for purchase by T.I.M.E.-DC, INC., 2598 74th St. (P.O. Box 2550), Lubbock, TX 79408, of a portion of the operating rights of GLENDENNING MOTORWAYS, INC., P.O. Box 43947, St. Paul, MN 55164, and for acquisition of control of such rights by NATIONAL CITY LINES, INC., P.O. Drawer 17-G, Terminal Annex, Denver, CO 80217, through the purchase. Applicants' attorneys: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, and Kenneth G. Thomas, P.O. Box 2550, Lubbock, TX 79408. Operating rights sought to be transferred: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), as a *common carrier*, over regular routes, between Chicago, IL, and Minneapolis, MN: From Chicago over U.S. Hwy 20 to Dubuque, IA, thence over U.S. Hwy 52 to Minneapolis, and return over the same route, serving all intermediate points in Minnesota. T.I.M.E.-DC, Inc., is authorized to operate as a common carrier in AL, AZ, AR, CA, CO, CT, DE, DC, GA, ID, IL, IN, IA, KS, KY, MD, MA, MI, MO, NE, NV, NJ, NM, NY, OH, OK, OR, PA, RI, TN, TX, VA, WA, WV, WI and WY. Application has been filed for temporary authority under section 210a(b).

Operating Rights Application(s) Directly Related to Finance Proceedings

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and one copy of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 29904 (Sub-3F) (correction), filed October 10, 1978 and previously noticed in the Federal Register issue of October 26, 1978. Applicant: SUDDATH VAN LINES, INC., 525 Stevens Street, P.O. Box 6699, Jacksonville, Florida 32205. Representative: ROBERT J. GALLAGHER, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transporting of *Household Goods* as defined by the Commission: Between points in NY, NJ, DE, MD, PA, WV, VA, NC, SC, GA, FL, AL, TN, KY, MS, LA, MO, IL, IN, MA, CT, RI, NH, VT, OH, and the DC, on the one hand, and, on the other, points in AZ, CO, IA, NE, WI, CA, MN, NV, and UT. Gateways to be eliminated are as follows: Points in that part of NC east of U.S. Hwy. 21. (Hearing site: Jacksonville, FL.)

NOTE.—This application is directly related to Purchase Application by Suddath Van Lines, Inc. of a portion of the operating authority of Plymouth Van Lines, Inc., MC-F-13679F published in the FR issue of August 24, 1978. The purpose of this application is to eliminate the gateway as noted above. The purpose of this correction is to indicate the correct publication date of the finance proceeding MC-F-13679F.

MC 83217 (Sub-76F) (correction), filed September 27, 1978, and previously noticed in the Federal Register issued of October 26, 1978. Applicant: DAKOTA EXPRESS, INC., 550 East 5th Street South, St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Foodstuffs, building materials, malt beverages, paper products* and *such commodities as are dealt in by retail and wholesale grocery houses* (except foodstuffs), when moving in the same vehicle at the same time with foodstuffs, (a) between points in MN, on the one hand, and, on the other, Sioux Falls, Gary, Brookings, Watertown, Egan, Lone Tree, Air Way Station, Trent and Elkton, SD, and (b) between Sioux Falls, Egan, Lone Tree, Elkton and Flandreau, SD, on the one hand, and, on the other, Gary, Brookings and Watertown, SD. (Hearing site: St. Paul, MN.)

NOTE:—The purpose of this application is to eliminate the gateway points on Flandreau, SD, and points in Lincoln county, MN, through the conversion of certain regular routes authorities to irregular routes authorities as outlined in the Commission's decision in MC-F-12411 served June 28, 1978. This application is directly related to MC-F-12411, published in the FEDERAL REGISTER issue of January 22, 1975. The purpose of this correction is to indicate the correct commodity description.

MC 99667 (Sub-2F)(correction), filed August 28, 1978 and previously noticed in the FEDERAL REGISTER issue of September 28, 1978. Applicant: SERVICE OIL CO., INC., 111 East 4th Street, P.O. Box 2195, Grand Island, NE 68801. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *General commodities* (except those requiring special equipment) between points in NE, restricted against the transportation of meat or meat products between Ord, NE, and points within a 50 mile radius thereof, on the one hand, and, Omaha, NE, on the other. (Hearing site: Omaha, NE.)

NOTE:—This application is directly related to a proceeding in Eight Way Xpress, Inc.—Control—Tri-Valley Express, Inc. and Service Oil Company docketed MC-F-13703 published in the FEDERAL REGISTER issue of August 31, 1978. The purpose of this application is to convert convenience and necessity. The purpose of this correction is to indicate the correct territorial description.

MC 120879 (Sub-4F), filed November 1, 1978. Applicant: GENERAL MOVERS, INC., 7845 Hall Street, St. Louis, MO 63147. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between points in IL, and (2) between St. Louis, MO, on the one hand, and, on the other, points in IL. (Hearing site: Washington, DC.)

NOTE:—Applicant presently holds the authority sought in part (1) in Certificate of Registration MC 120879 (Sub-1) and seeks by this application to convert said authority to a certificate of public convenience and necessity. The authority sought in part (2) seeks to eliminate those IL points within the St. Louis, MO, Commercial Zone as a gateway in connection with authority being purchased. This application is directly related to proceedings in docket MC-F-13805F, General Movers, Inc.—Purchase—Fasgo Motor Express, Inc. published in a previous section of this FEDERAL REGISTER issue.

MOTOR CARRIER INTRASTATE APPLICATION(S) NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addresed to or filed with the Interstate Commerce Commission.

Maine Docket No. X-67 (amendment), filed October 3, 1978. Applicant: JOHN T. THUT, d.b.a. THUT'S EXPRESS, 10 Patten Street, Bangor, ME 04401. Representative: John T. Thut (same address as applicant). Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*, between St. Albans and Stonington, serving: St. Albans, Hartland, Palmyra, Pittsfield, Detroit, Plymouth, Newport, East Newport, Etna, Carmel, Hermon, East Hampden, Bangor, Brewer, Deer Isle, and Stonington; both inclusive and intermediate pickup and delivery service in both directions and at all points. With authority to transport between said points general commodities in interstate and foreign commerce via interline with authorized interstate carriers. No pickup or delivery service to be rendered in Hampden (except that part of Hampden northerly and easterly of the southern junction of Old County Road and Route 1A commonly known as East Hampden and easterly of a line drawn due north from said junction where it will intersect the main line of the Maine Central Railroad, which area is understood to include the Hampden Industrial Park). Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to Maine Public Utilities Commission, State House, Augusta, ME 04333, and should not be directed to the Interstate Commerce Commission.

Maine Docket No. X-233 (amendment), filed October 2, 1978. Applicant: IVAN E. SHERWOOD, 81 Water Street, Howland, ME 04408. Representative: Ivan E. Sherwood (same address as applicant). Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*, To pick up at points in Group (A) for delivery at points in Group (B). To pick up at points in Group (B) for delivery at points in Group (A). To perform pick up and delivery service between points in Group (B). Group (A) Bangor, Brewer, E. Hampden, Veazie, Orono, Old Town, Milford. Group (B) Costigan, Greenbush, Olamon, Passadumkeag, W. Enfield, Enfield, Edinburgh, Howland, Maxfield, Seboeis, No. Howland, Burlington, E. Lowell, Lowell. With authority to transport between said points general commodities in interstate and foreign commerce via interline with authorized interstate carriers. No pickup or delivery service to be rendered in Hampden (except that part of Hampden northerly and easterly of the southern junction of Old County Road and Route 1A commonly known as East Hampden and easterly of a line drawn due north from said junction to where it will intersect the main line of the Maine Central Railroad, which area is understood to include the Hampden Industrial Park). Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to Maine Public Utilities Commission, State House, Augusta, ME 04333, and should not be directed to the Interstate Commerce Commission.

Maine Docket No. X-2600 (amendment), filed September 14, 1978. Applicant: PAULINE A. MYRICK AND AUSTIN R. McDEVITT, d.b.a. R. L. McDEVITT AND SON, High Street, Ellsworth, ME 04605. Representative: A. R. McDevitt, P.O. Box 396, Ellsworth, ME 04605. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*, Inclusive and intermediate pickup and delivery service in both directions and at all points, between points in Group (A) and points in Group (B), and between points within Group (B). No service to be provided between points within Group (A). Group (A). Bangor, Brewer, East Hampden, Holden, East Holden, Lucerne, Green Lake, Goose Pond, Nicolin, North Ellsworth, Ellsworth Falls, and Ellsworth. Group (B). Lamoine, Trenton, Town Hill, Eden, Salisbury Cove, Hull's Cove, Bar Harbor, Otter Creek, Seal Harbor, and Northeast Harbor. With authority to transport between said points general commodities in interstate and foreign commerce via interline with authorized interstate carriers. No pickup or delivery service to be rendered to Hampden (except that part of Hampden north-

erly and easterly of the southern junction of Old County Road and Route 1A commonly known as East Hampden and easterly of a line drawn due north from said junction where it will intersect the main line of the Maine Central Railroad, which area is understood to include the Hampden Industrial Park). Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to Maine Public Utilities Commission, State House, Augusta, ME 04333, and should not be directed to the Interstate Commerce Commission.

Maine Docket No. X-5572 (amendment), filed September 28, 1978. Applicant: LUCIEN BISSON, INC., New Meadows Road, West Bath, ME 04530. Representative: Richard L. Bisson (same address as applicant). Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities,* between Portland, South Portland, Scarborough and Nobleboro, serving: Portland, South Portland, Scarborough (1), Yarmouth (2), Freeport, Brunswick, Topsham, Pejepscot, West Bath, Bath, Woolwich, Montsweag, Wiscasset, North Edgecomb, Edgecomb, Trevett, Boothbay, Boothbay Harbor, West Boothbay Harbor, Southport, West Southport, Newagen, Bayville, East Boothbay, Ocean Point, South Newcastle, Newcastle, Sheepscot, Whitefield, Head Tide, Alna, Damariscotta Mills, Damariscotta, Walpole, Clark's Cove, South Bristol, Bristol, Pemaquid, Pemaquid Harbor, Pemaquid Beach, New Harbor, Pemaquid Point, Chamberlain, Round Pond, Muscongus, Bremen, Medomak, Broad Cove, and Nobleboro; both inclusive with intermediate pickup and delivery service in both directions at all points. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to Maine Public Utilities Commission, State House, Augusta, ME 04333, and should not be directed to the Interstate Commerce Commission.

NOTES.—(1) Only service provided is interlining of shipments with carriers whose terminals are in Scarborough. (2) No service provided between Yarmouth and the following points: Portland, South Portland, Scarborough, Freeport, Topsham, Pejepscot, Woolwich, Wiscasset, Newcastle, Damariscotta, and Nobleboro. With authority to transport between said points general commodities in interstate and foreign commerce via interline with authorized interstate carriers. Intrastate, interstate and foreign commerce authority sought.

New York Docket No. T-3954, filed October 25, 1978. Applicant: ROOT'S EXPRESS, INC., 11 Karlada Drive, Binghamton, NY 13902. Representative: Martin Werner, 888 7th Avenue, New York, NY 10019. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportaton of: *General commodities* (as defined by the New York State Department of Transportation), between all points in the Counties of Broome, Erie, Livingston and Monroe. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Avenue, Building No. 4, Room G-21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-33006 Filed 11-22-78; 8:45 am]

[7035-01-M]

[Ex Parte No. MC-118]

GRANT OF MOTOR CARRIER OPERATING AUTHORITY TO AN APPLICANT WHO INTENDS TO USE IT PRIMARILY AS AN INCIDENT TO THE CARRIAGE OF ITS OWN GOODS AND ITS OWN NONTRANSPORTATION BUSINESS

AGENCY: Interstate Commerce Commission.

ACTION: Policy statement.

SUMMARY: The Commission here affirms the policy announced in *Toto Purchasing & Supply Co., Inc.*, 128 M.C.C. 873 (1978), that for-hire motor carrier operating authority can be granted to an applicant who intends to use it primarily as an incident to the carriage of its own goods and its own nontransportation business, provided (1) that the standard criteria for motor common carrier applications or motor contract carrier applications, as the case may be, are met, and (2) that the applicant is agreeable to the imposition of conditions requiring it to conduct its for-hire motor carrier activities and its other activities independently and to maintain separate records for each.

EFFECTIVE DATE: January 23, 1979.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Telephone: 202-275-7292.

SUPPLEMENTARY INFORMATION: Our recent decision in *Toto Purchasing & Supply Co., Inc.*, 128 M.C.C. 873 (1978), marked a departure from our adherence to the policy of *Geraci Contract Carrier Application*, 7 M.C.C. 369 (1938). The *Geraci* policy provided that the Commission would not grant a motor carrier certificate or permit to an applicant who intended to use it primarily as an incident to the carriage of its own goods and its own nontransportation business. The *Toto* policy provides that motor carrier operating authority can be granted to such an applicant, provided (1) that the standard criteria for motor common carrier applications or motor contract carrier applications, as the case may be, are met, and (2) that the applicant is agreeable to the imposition of conditions requiring it to conduct its for-hire motor carrier activities and its other activities independently and to maintain separate records for each.

The *Toto* decision was served March 24, 1978. Within the 30-day period immediately thereafter, petitions urging reconsideration of the *Toto* decision were filed by a number of persons. Because the change of policy announced in *Toto* raises many issues of general import that ought to be resolved in a general policy proceeding, this proceeding was instituted by a notice of proposed policy change published in the FEDERAL REGISTER on August 2, 1978 (43 FR 33945). In a separate order, we stayed the taking effect of the new *Toto* policy pending the final determination of this proceeding. Thirty-nine representations have been received including 18 from shipper interests and 14 from carrier interests. For-hire carriers (motor and rail) and the Teamsters oppose the proposed policy change, while shippers, the Private Carrier Conference of the American Trucking Associations, Inc., and governmental interests support the policy modification.

DISCUSSION AND CONCLUSIONS

The historical development of the *Geraci* policy is set forth in full detail in *Toto, supra*, at 877-880, and will not be repeated here. No party has discovered, nor have we found, any inaccuracy or error in *Toto's* examination of the historical record of the *Geraci* policy. For present purposes it suffices to say that the *Geraci* rule was developed in the very early days of motor carrier regulation, in an economic environment which no longer exists—the Depression of the 1930's—at a time when private motor carriage was of little economic significance and regulated motor carriage was weak and in its infancy. The rule, which was developed to meet the needs of a wholy different trucking industry than exists today, was thereafter followed for four decades, and no formal change was made despite the enormous growth and development of regulated motor carriage and the increasing role of private motor carriage. Although exceptions were carved into the rule (see *Toto, supra*, at 878-880), the rule itself remained intact, a monument to a bygone era in which the forces of market competition had had but a

small role to play in the context of a regulated industry. The *Geraci* rule made less efficient, though it could not stop, the growing use of private vehicles.

Three reasons have often been advanced in support of the *Geraci* rule, *Geraci, supra,* at 372:

> (1) It would be an anomalous situation under which a single operator of motor vehicles would at one and the same time, as to different parts of its operations, be a private carrier not subject to regulation and a [common or contract] carrier subject to regulation. The difficulties which such a status would present with reference to accounting, statistics, issue of securities, unifications, and the like are obvious.
>
> (2) Apart from this objection to such a combination of functions, it is clear that the public interest, as declared in the policy of Congress, requires motor carriers able to supply "adequate, economical, and efficient service" to the public "without unjust discriminations, undue preferences or advantages, and unfair or destructive competitive practices." A private carrier has the advantages of an assured traffic obtained without solicitation expense, freedom from the expenses which public regulation necessarily entails, and often an overhead or management expense shared with the commercial enterprise for which the hauling is done. A disadvantage which it often suffers is lack of a well-balanced traffic on both directions. If the private carrier be able to overcome this disadvantage by operating as a [regulated] carrier in one direction, it is evident that advantages which it enjoys in its private carriage will enable it to compete on better than even terms with most contract carriers, to say nothing of common carriers.
>
> (3) [M]any private carriers are associated with large industries. If private carriers generally were permitted to engage in [for-hire]-carrier operations in the manner here proposed, it is clear that the results might seriously affect the maintenance of adequate and efficient service by the motor common carriers upon whom the general public must depend, and by the contract carriers who do not also engage in private carriage. We are of the opinion that such a mixture of private-carrier and [for-hire]-carrier operations is definitely inconsistent with the public interest * * *.

The issues noted in *Geraci* and its progeny [1] reflect serious concerns; the *Geraci* rule has not persisted merely out of blind adherence to the past. There are, however, other countervailing considerations which also need to be weighed. The increasing need for energy-efficient operations has caused the Commission to place added emphasis on coordination between the various forms of transportation, public and private. The issues noted in *Geraci,* and raised in this proceeding by opponents of the new *Toto* policy, may be viewed as follows:

1. *The difficulties with reference to accounting, statistics, issue of securities, unifications, and the like.*— The concern is that the carrier would integrate the records of its transportation operation into the books of its primary, nontransportation business. Without the ability to see clearly the records of the transportation aspects of the enterprise, the Commission would arguably be unable properly to regulate the carrier.

The imposition of conditions requiring the carrier to conduct its for-hire motor carrier activities and its other activities independently and to maintain separate records for each should preclude the carrier from integrating its records in such a manner as to defeat our regulatory supervision. Imposition of these conditions upon grants of motor carrier operating authority will provide us with adequate information about the proposed for-hire motor carrier activities in order properly to discharge our regulatory responsibilities.

The requirement that the private carrier maintain separate records for its for-hire transportation operations should solve the difficulties "with reference to accounting, statistics, issue of securities, unifications, and the like" that so troubled the Commission in *Geraci.* The Commission's record-keeping requirements were not fully developed in 1938; they are far more adequate in 1978. The private carrier seeking for-hire motor carrier operating authority must be prepared to maintain separate records with regard to its for-hire operations; and it, like any other regulated carrier, must be prepared to file with the Commission the accounts, tariffs, and schedules which are required to be filed pursuant to our regulations.

2. *The potential for undue preference and prejudice between the carrier's own traffic and that of its customers.*— When a private carrier seeks for-hire motor carrier operating authority, a theoretical potential for preference and prejudice may be created, for it is to be expected that the private carrier would be naturally inclined to give first priority to its own shipments, as opposed to the traffic tendered to it by other shippers. However, the theoretical potential for preference and prejudice may be eliminated when the for-hire authority complements rather than conflicts with the private carriage. When a private carrier seeks to acquire for-hire authority which would allow it to backhaul on its existing private carrier routes, the two kinds of motor carrier operations would appear to complement one another and to provide little danger of undue preference and prejudice. That this was the situation in the two applications considered in the *Toto* case is not surprising, for almost all of the instances in which private carriers have sought for-hire authority have involved backhauls to established private carrier routes.

Even when the operations are not complementary, there may be good reasons to authorize the services. To start with, real rather than theoretical potentials are our concern in shielding the public from discriminatory practices in transportation. We can find little to be realistically concerned about when the shippers intending to use the carrier's services are aware that the carrier is controlled by another shipper. The shipper presumably knows the theoretical risks involved in using a carrier which also hauls its own goods. Some deference must be accorded to the business judgment of the shipper in deciding to use the service. Indeed, we believe it entirely possible that the shipper's judgment in such matters may be better than ours. Perpetuation of *Geraci* would preclude shippers from exercising any choice in the matter. For the shipper, this may be disastrous; he may be left with inadequate or no for-hire service. All things considered, we believe that a continuation of the *Geraci* rule would do the public more injury than any prejudicial activities which might occur because of its absence.

3. *Granting private carriers operating authority as for-hire carriers gives them an unfair advantage over regulated carriers.*—The general public may be dependent upon the common carriers' obligations to provide service within the limits of their authority to everyone who tenders them traffic.[2] However, it is not this Commission's purpose to provide protection for regulated carriers (rail, water or motor) when the public's interest in more adequate transportation service could best be served by authorization of a new, competitive service.

The Commission in *Geraci* pointed out that the private carrier has the advantage of being free from the expenses that regulation entails. However, to the extent that a private carrier receives operating authority from this agency, it too faces those expenses. The regulated traffic of a company which also conducts private carriage would, all things being equal, bear the same expenses of regulation as a similar amount of traffic carried by a company that engaged solely in for-hire carriage. Moreover, when the private carrier is required to maintain separate records and separate operations with regard to its for-hire service, its costs of regulation would seem to be proportionately higher.

The Commission in *Geraci* also noted that the private carrier often has the advantage of an overhead or

[1] See, e.g., the cases collected in *Toto, supra,* 128 M.C.C. at 878, n 7.

[2] This obligation, of course, would apply equally to a private carrier granted for hire authority.

management expense shared with the nontransportation side of the enterprise. However, such an arrangement would benefit the private carrier only if it were assumed that the transportation operation did not contribute its proportionate share to the total revenue of the enterprise. The argument assumes the existence of a cross-subsidy which is not inherent in such an arrangement. To the contrary, it is general business practice to extract from each segment of an enterprise at least sufficient productivity to meet its costs. Any part of a business that cannot contribute enough to the overall operation to meet its costs is usually eliminated.

Another theoretical problem is the temptation of the private carrier to price its for-hire backhaul at less than variable cost, in order to fill up an otherwise empty haul. However, the incentive for the carrier to price its return haul at out-of-pocket costs would apply equally to for-hire carriers seeking backhaul traffic. In any event, the Commission can police any threatened abuses in this area through its ratemaking functions. Private carriers seeking for-hire authority must heed the mandate contained in 49 U.S.C. § 10701 (formerly Section 216(d) of the Interstate Commerce Act): "A rate, classification, rule, or practice related to service provided by a carrier subject to the jurisdiction of the Interstate Commerce Commission . . . must be reasonable."

This analysis persuades us that the *Geraci* policy should be rejected in favor of the *Toto* policy. It is our expectation that implementation of the new policy will enable private carriers to provide needed for-hire service to shippers and will also provide for increased efficiency in the transportation system by filling up otherwise empty backhauls. We are convinced that the high cost of energy, now and into the foreseeable future, requires us to pay close attention to the need for greater operating efficiency, not only in the for-hire sector, but in all interstate surface transportation. Energy efficiency and environmental preservation are best achieved by integration of all the existing systems of surface transportation, not by continued segregation of the private trucking sector. Furthermore, as is the case with all applications for motor carrier authority, each application filed for authority by a private carrier will be closely evaluated to determine the energy and environmental impacts of the proposal.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, and it is not a major regulatory action under the Energy Policy and Conservation Act of 1975.

This document is promulgated under the authority contained in 49 U.S.C. §§ 10321(a), 10521, and 10921 and 5 U.S.C. §§ 553 and 559.

Dated: November 7, 1978.

By the Commission. Chairman O'Neal, Vice Chairman Christian Commissioners Brown, Stafford, Gresham and Clapp. Commissioner Stafford dissenting.

H. G. Homme, Jr.,
Acting Secretary.

Commissioner Stafford, dissenting:

After careful consideration of the public comments filed in this proceeding, I am convinced that our earlier decision must be reversed. Parties opposed to the *Toto* policy have detailed several adverse effects which this new approach will have upon our national transportation system. The majority statement here today does nothing to answer these challenges.

I am particularly concerned about the question of cross-subsidy. Our earlier decision made light of this consideration. However, various parties have pointed to an abundance of cost items which by nature will be shared by both the private and for-hire segments of a business entity. These include maintenance costs, building and office equipment costs, management and supervisory expenses and registration and license fees. While any single cost saving may be minimal, the sum of all shared expenses will provide a large comparative cost advantage to private/for-hire carriers.

The majority responds to this issue by denying that cross-subsidy will be inherent in a private/for-hire operation. Instead, it suggests that if the for-hire carriage activity does not contribute enough to meet its costs, it will likely be eliminated. In view of the evidence presented, I find this to be an unrealistic assumption.

Questions have been raised as to the feasibility of requiring private/for-hire carriers to maintain separate accounting records. As pointed out by certain parties, this action comes at the same time the Commission is attempting to reduce the paperwork burden on both itself and the regulated carriers. Indeed, even the Council On Wage and Price Stability, which supports the proposed policy change, expresses reservation about the separate records requirement. The Council states that it is not clear how the ICC envisions maintenance of separate cost records, "since many cost elements would be of a joint nature." It concludes that the cost allocation question is "serious" and "needs to be addressed before the proposed policy change is implemented." The majority offers no response.

Today's statement dismisses the issue of whether a private/for-hire carrier will be naturally inclined to favor its own traffic. The majority presumes that a shipper will know the "theoretical risks" involved in using the hybrid carrier. I will not dispute that some deference must be accorded to the business judgment of such shippers. But what about the shipper whose traffic is not particularly attractive?

Parties in opposition to the *Toto* policy argue that because of the shared-cost factor, private/for-hire carriers have a competitive rate advantage, allowing them to capture the more lucrative traffic. The resulting diversion of revenue from the now regulated carriers could force some of these operations out of the market. The shipper with unattractive traffic would not be in a position to exercise its "business judgment." Indeed, the private/for-hire carrier may be its only available service.

Furthermore, it will be difficult, if not impossible, for a new carrier to enter such a marketplace. It, too, will be unable to compete with the advantages inherent in the private/for-hire operation. Accordingly, large shippers will be forced to protect themselves by entering the transportation business, to the further detriment of the common carrier system designed to serve all parties without discrimination. Viewed in this context, I see the likelihood of preferential treatment toward one's own traffic to be more than a "theoretical potential."

Overall, today's policy statement emphasizes the general theme that the Commission has no affirmative duty to protect regulated carriers from competition. This is true. But we do have a statutory mandate to assure that *all* shippers have available to them a viable common carrier network. The *Toto* policy presents some real threats to this system.

The statement issued today, however, is no more than a wholesale adoption of the language used in the earlier decision. There is no attempt to meet the issues raised by parties in response to the Federal Register notice. In fact, anyone reading today's statement can legitimately question whether the Commission ever actually considered these public comments. I find this especially disquieting and a serious undermining of the rulemaking process.

[FR Doc. 78-33008 Filed 11-22-78, 8:45 am]

[7035-01-M]

[Notice No. 29]

SPECIAL PROPERTY BROKERS

NOVEMBER 20, 1978.

The following applicants seek to participate in the property broker special licensing procedure under 49 CFR 1045A authorizing operations as a broker at any location, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of property (except household goods), between all points in the United States including AK and HI. Any interested person shall file an original and (1) copy of a verified statement in oppoistion limited in scope to matters regarding applicant's fitness within 30 days after this notice. Statements must be mailed to:

Broker Entry Staff, Room 2379, Interstate Commerce Commission, Washington, D.C. 20423.

Opposing parties shall serve (1) copy of the statement in opposition concurrently upon applicant's representative, or applicant if no representative is named.

If an applicant is not otherwise informed by the Commission, it may commence operation 45 days after this notice.

B-78-134, filed: November 2, 1978. Applicant: KANSAS CITY TRUCK BROKERS, INC., 1820 West 91st Place, Suite 304, Kansas City, MO 64114. Representative: William Houlehan (Same address as applicant).

By the Commission.

H. G. HOMME, JR.,
Secretary.

[FR Doc. 78-33007 Filed 11-22-78; 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
Equal Employment Opportunity Commission	2
Federal Deposit Insurance Corporation	3, 4
Federal Energy Regulatory Commission	5
Federal Maritime Commission	6
Federal Mine Safety and Health Review Commission	7
International Trade Commission	8
Securities and Exchange Commission	9

[6320-01-M]

1

[M-180, Nov. 20, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 1 p.m., November 28, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Staff briefing and discussion of the Deregulation Act of 1978.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-2368-78 Filed 11-21-78; 3:45 pm]

[6570-06-M]

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-2335-78.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Friday, November 17, 1978.

CHANGE IN THE MEETING: The following matter was postponed for consideration at a future meeting:

1. Recommended procedures for the Office of Appeals and Review.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

In favor of change: Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; Ethel Bent Walsh, Commissioner; and J. Clay Smith, Jr., Commissioner.

Opposed: None.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued November 20, 1978.

[S-2363-78 Filed 11-21-78; 10:52 am]

[6714-01-M]

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF CHANGE IN SUBJECT MATTER OF AGENCY MEETING

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 10:00 a.m. on November 17, 1978, the Corporation's Board of Directors voted, on motion of Acting Chairman John G. Heimann, seconded by Director William M. Isaac (Appointive), to withdraw the following item from consideration:

Memorandum and Resolution regarding the Federal Deposit Insurance Corporation Investment Program.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: November 17, 1978.

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

[S-2360-78 Filed 11-21-78; 10:52 am]

[6714-01-M]

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF CHANGE IN SUBJECT MATTER OF AGENCY MEETING

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 10:30 a.m. on November 17, 1978, the Corporation's Board of Directors voted, on motion of Acting Chairman John G. Heimann, seconded by Director William M. Isaac (Appointive), to withdraw from consideration a memorandum regarding the liquidation of assets acquired by the corporation from Northern Ohio Bank, Cleveland, Ohio.

The Board also determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: November 17, 1978.

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

[S-2361-78 Filed 11-21-78; 10:52 am]

[6740-02-M]

5

NOVEMBER 20, 1978.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., November 27, 1978.

PLACE: 825 North Capitol Street NE., Washington, D.C. 20426, Hearing Room A.

STATUS: Open.

MATTERS TO BE CONSIDERED: Docket No. RM79-3; Interim Regulations Implementing the Natural Gas Policy Act of 1978.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

KENNETH F. PLUMB,
Secretary.

[S-2362-78 Filed 11-21-78; 10:52 am]

[6730-01-M]

6

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., November 29, 1978.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Appeal from action of Managing Director in rejecting certain tariff matter of the Japan/Korea-Atlantic and Gulf Freight Conference.

Agreement No. 10341: Transshipment and scheduling agreement between American President Lines, Ltd., and Medtainer Gulf Line SAL.

3. Agreement No. 3103-67: Extension of intermodal authority of the Japan/Korea-Atlantic and gulf Freight Conference.

4. Proposed rules on freight forwarder bids on Government shipments at United States ports.

5. Docket No. 78-5: Capitalization of interest during construction—Consideration of the record.

6. Docket No. 78-21: Average value rate base—Consideration of the record.

7. Docket No. 78-30: Time limit for filing of overcharge claims—Consideration of the record.

8. Docket No. 73-64: Additional provisions and reporting requirements applicable to self-policing system under General Order 7—Petition for reconsideration.

9. Docket No. 76-24: *United Nations* v. *Flota Mercante Grancolombiana, S.A.*—Petition for reconsideration

10. Docket No. 77-19: Agreement No. 10235, Consolidators Forwarders Intermodal Corp.—Consideration of draft report.

11. Docket No. 78-36: In re Baltic Shipping Co.—Rates and practices in the U.S. Gulf Coast/North Europe Trade—Consideration of the record.

12. Dockets Nos. 71-70, 73-13, 73-35, and 73-80: Cargo diversion cases—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-2366-78 Filed 11-21-78 3:36 pm]

[6735-01-M]

7

NOVEMBER 21, 1978.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., November 28, 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:

1. In re Thomas S. Kale, Esq., and Paul D. Kelly, Jr., Esqs., Docket No. D-78-1.

2. *John Matala* v. *Consolidation Coal Company,* Docket No. IBMA 76-96 (alleged discrimination).

3. *MSHA* v. *Jim Walters Resources, Inc., Cowin and Company, Inc.,* Docket Nos. BARB 77-266-P, 76-465-P (petition for discretionary review).

4. Staff briefing on pending cases under the 1977 Act as to the independent reviewability of a notice under section 105(d).

5. Identification of those cases as to which oral argument may be appropriate.

CONTACT PERSON FOR MORE INFORMATION:

Donald Terry, 202-653-5644.

[S-2367-78 Filed 11-21-78; 3:40 pm]

[7020-02-M]

8

[USITC SE-78-58]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, November 28, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary): (a) Rayon staple fiber from Finland and France (Docket No. 540).
5. Clothespins (Inv. TA-201-36)—Vote on remedy.
7. Any items left over from previous agenda.

Portions closed to the public:

6. Status report on Investigation 332-101 (MTN Study), if necessary.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-2365-78 Filed 11-21-78; 3:36 pm]

[8010-01-M]

9

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 November 27, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, November 28 at 10 a.m. An open meeting will be held on Wednesday, November 29, 1978 at 9:30 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. 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 meetings 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, and Pollack determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, November 28, 1978, at 10 a.m., will be:

Access to investigative files by Federal, State or self-regulatory authorities.
Consideration of amicus participation.
Formal orders of investigation.
Freedom of Information Act appeals.
Institution of administrative proceeding of an enforcement nature.
Institution of injunctive action.
Institution and settlement of injunctive action.
Litigation matter.
Order compelling testimony.
Settlement of administrative proceeding of an enforcement nature.

The subject matter of the open meeting scheduled for Wednesday, November 29, 1978, at 9:30 a.m., will be:

1. Consideration of whether a release should be issued notifying issuers subject to the registration and reporting provisions of the Federal Securities Laws of their obligations to disclose any material impact on their operations of the Wage and Price Standards for 1979 announced by President Carter on October 24, 1978. For further information, please contact William H. Carter at 202-376-8090.

2. Consideration whether to delegate authority to the Director of the Division of Market Regulation to extend the deadline for Commission action on proposed rule changes of self-regulatory organizations. For further information, please contact John M. McNally at 202-755-1368.

3. Consideration of whether an FOIA Appeal of Dennis C. Brady, Esquire, of the law firm of Metzger, Shadyac & Schwarz, from the determination of the FOIA Officer that transcripts of testimony taken in the investigation relating to the securities of Financial General Bankshares, Inc., are exempt from production. For further information, please contact Rosalind Cohen at 202-376-8057.

FOR FURTHER INFORMATION, PLEASE CONTACT:

Michael P. Rogan at 202-755-1638.

NOVEMBER 20, 1978.

[S-2364-78 Filed 11-21-78; 3:36 pm]

FEDERAL REGISTER

FRIDAY, NOVEMBER 24, 1978
PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

■

PRIVACY ACT OF 1974

Systems of Records; Annual Publication

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

(Docket No. N-78-897)

PRIVACY ACT OF 1974

Annual Publication of Systems of Records

Agency: Department of Housing and Urban Development.

Action: Annual publication of systems of records.

Summary: This notice published an up-to-date version of the existence and character of the Department's systems of records.

For further information contact: Mr. Harold Rosenthal, Departmental Privacy Act Officer, telephone number (202) 755-5192.

Supplementary information: Editorial changes have been made in individual systems to clarify terminology and to describe better the contents therein. Also, in order to reflect the reorganization of HUD field offices, the description of system location was changed for many record systems. The Office of Management and Budget advised HUD that a report is not required because the changes do not add, subtract or alter the record systems. The specific changes follow:

System name: HUD/DEP-1, Accident, Employees and/or Government Vehicles.

Changes: (1) Categories of individuals covered by the system—delete "other individuals who have sustained injury/illness as a result of such accidents", Records are retrieved only by name of HUD employee.

(2) Categories of records in the system—add "employee's absences due to injuries and resultant claims," which better describes the information contained in this system.

(3) Storage—substitute "In file folders" for "Primarily looseleaf folder; Standard Forms 91, 91A, free text".

(4) Retriveability—substitute "Subject name" for "Filed by name".

System name: HUD/DEPT-4, Fee Inspector, Appraisers and Mortgage Credit Examiners.

Changes: (1) System name—substitute above name for former name of "Appraisals/Appraiser Files".

(2) Categories of individuals covered by the system—substitute "Individuals who have applied to HUD for appointment as fee appraisers, inspectors and mortgage credit examiners" for "Fee appraisers for single family and multifamily properties, single family credit examiners; applicants for positions as fee examiners; builders, contractors realtors dealing with appraised property; HUD appraisers and certifiers; correspondents; Social Security recipients in FHA-appraised homes".

(3) Categories of records in the system—substitute "Applications and resumes containing personal data and qualifications for position sought; assignment logs, fees paid and appraisals made"; and evaluation of qualification and of appraisals made for "Roster of fee appraisers, qualifications; fee appraiser applications and certification; financial interest and employment statements; appraiser work records; appraisal fee, date, approving officers; HUD staff certifiers of fee appraisers; correspondence and inquiries on housing appraisals; application for appraisal; comparison valuation data on housing sales; appraisal of property held by Social Security recipients".

(4) Storage—add "5x8 file cards".

(5) Retention and disposal—delete "Social Security appraisals are historical data".

(6) Record source categories—change to "Subject individuals, references and HUD staff" from "Subject individual; other individuals; financial institutions; firms; federal agencies; non-federal agencies; employers; credit bureaus; law enforcement agencies".

System name: HUD/DEPT-5, Architects and Engineers.

Changes: (1) Categories of records in the system—substitute "Applications containing personal data and qualifications for position sought and assignment logs and fees paid" for "Engineering surveys, engineer's letters of map amendment, engineering reviews, established architectural reports, field reviews and performance ratings, job log files, fee and bond schedules, professional insurance policy records, and general work files"

(2) Storage—delete "Blueprints and specification in free text form, on standard forms, or".

(3) Retrievability—substitute "Subject name" for "Name, by persons' assigned number, case file number, and indexes".

(4) Record source categories—substitute "Subject individuals and references" for "Individual architect or engineer, professional organization, local housing authorities, government agencies, law enforcement agencies, state boards certifying professional competency".

System name: HUD/DEPT-9, Single-family Casualty Damage Files.

Changes: (1) System name—substitute "Single-family Casualty Damage Files" for "Casualty/Hazard Insurance".

(2) Categories of individuals covered by the system—substitute "Mortgagors under HUD single-family insurance programs filing claims for repairs due to casualty damage on their insured homes" for "Mortgagors and mortgagees under single-family insurable programs; HUD certifiers; insurers".

(3) Categories of records in the system—substitute "Inspection reports of repaired property; certifications of casualty damages/repairs; records of repairs made and their costs; and related correspondence" for "Certification of casualty damages/repairs; certification of unavailability of hazard insurance; referral list of insurers".

(4) Record source categories—substitute after Mortgagors, "mortgagees; inspectors; and contractors" for "subject individuals, rehabilitation contractor".

System name: HUD/DEPT-10, Construction Complaints Files.

Changes: (1) Categories of individuals covered by the system—substitute "Mortgagors of insured single-family homes who have filed construction complaints with HUD" for "Mortgagors, builders, developers, and contractors under HUD programs".

(2) Record source categories—add after Subjects and other individuals "builders and contractors and their".

System name: HUD/DEPT-15, Equal Opportunity Housing Complaints.

Changes: (1) Categories of individuals covered by the system—delete "individuals, officials, and organizations complained about; managers; grant or project applicants; builders; developers; contractors; appraisers; property owners; mortgagors; candidates for positions; witnesses; attorneys; individuals in disaster and EO files; Title VI, VIII and IX complainants."

(2) Categories of records in the system—a) delete "marketing activity". b) add "In mortgage discrimination cases, records include mortgage applications, credit reports, and verification of income, employment and bank deposits".

System name: HUD/DEPT-17, Experimental Housing Allowance Program—Participant Files.

Changes: (1) System location—delete "Division of Housing Assistance Research, Assistant Secretary for Policy Development and Research".

(2) Categories of individuals covered by the system—delete "and landlords".

(3) Notification procedure—a) in the first sentence, substitute "Headquarters" for "appropriate". b) in the second sentence, substitute "This location" for "A list of all locations".

(4) Record access procedures—in last sentence, substitute "This location" for "A list of all locations".

System name: HUD/DEPT-18, Fellowship Files, Urban Studies.

Changes: (1) Record access procedures—in the last sentence, substitute "This location" for "A list of all locations".

System name: HUD/DEPT-20, Homeownership Assistance and Recertification Application (HARAS).

Changes: (1) Categories of individuals covered by the system—add "Large sample of" at the beginning of the sentence describing categories of individuals.

(2) Retrievability—substitute "Case file number" for "Name. Application and recertification tables produced quarterly. No output automated system interfaces or terminal inquiry capability".

(3) Notification procedure—a) in the first sentence, substitute "Headquarters" for "appropriate". b) in the second sentence, substitute "This location" for "A list of all locations".

(4) Record access procedures—in the last sentence, substitute "This location" for a "A list of all locations".

System name: HUD/DEPT-23, Single-Family Research Files.

Changes: (1) System name—substitute "Single-family Research Files" for "Insured and Terminated Single-family Cases".

(2) Notification procedures—a) in the first sentence, substitute "Headquarters" for "appropriate". b) in the second sentence, substitute "This location" for "A list of all locations".

(3) Record access procedures—in the last sentence, substitute "This location" for "A list of all locations".

System name: HUD/DEPT-24, Investigation Files.

Changes: (1) Categories of individuals covered by the system—delete the following categories "mortgagees, and projects (before applicants), builders, developers, real estate firms, (and) contractors".

System name: HUD/DEPT-22, Housing Counseling

Changes: (1) System location—delete old system location and replace with "headquarters and field offices. For a complete listing of these offices, with addresses, see Appendix A. In addition to these offices, HUD-approved counseling agencies in many cities, both voluntary and paid by the Department, maintain files of this type. To determine whether such an agency exists in a particular city, contact the nearest HUD field office shown in Appendix A".

(2) Categories of individuals covered by the system—delete "Primarily individual mortgagors and prospective home buyers seeking advice, information and assistance regarding housing. Individuals with housing problems," and replace with "This system contains records of individuals who have been referred but not counseled; individuals who have been or are receiving counseling and assistance with housing problems and related family and financial problems, as well as individuals seeking general and consumer information".

(3) Categories of records in the system—delete "Dates counseling, summaries of aid furnished to inquiriers, correspondence. Sometimes include certificate of completion of counseling, standard forms or letters, financial data," and replace with "This system contains records of dates of counseling, summaries of aid furnished, correspondence with or on behalf of the individual being counseled, standard forms, letters and reports, purchase and financial data, medical history, employment information and problems, family composition, referral information and specific family and/or individual problems".

(4) Routine uses of records maintained in the system, including categories of users and purpose of such uses—for other routine use, substitute "to HUD-approved counseling agency staff for the purpose of providing supportive counseling services to meet the short and long term needs of the individual being counseled. Financial institutions servicing HUD insured or assisted loans; local housing authorities; rental agents and managers; real estate brokers, agents and creditors have access only to current financial, employment and family composition data regarding persons currently being counseled. Data available to these institutions and individuals in such circumstances is limited to: savings/checking/credit union account records, commercial credit reports, and credit account records with utility companies, retail stores, and other commercial credit sources; specific employment information concerning name and address of employer, length of service, and salary; and family composition data through the authorized counseling agency staff," for "Occasionally used by HUD approved counseling agencies in providing supportive counseling services such as money management and housekeeping training."

(5) Storage—substitute "The records are stored in paper files which are kept in standard lockable file cabinets and desks" for "HUD Forms 9906/9907, stored in file folders".

(6) Retrievability—replace "Always retrievable by name. Occasionally files are in chronological order or can be retrieved by case file number on address of property" with "Records are retrievable by name, case numbers or property address".

(7) Safeguards—Delete "Data maintained in lockable desks and file cabinets. In some cases, files are restricted to use by counsellors," and replace with "during the counseling process and the retention period, records and maintained in confidential files with access limited to those whose official duties require access"

(8) Retention and disposal—replace "A few records are active and kept up-to-date. Older records are treated according to HUD Handbook," with "Counseling records are maintained by the counseling agency for as long as the individual being counseled participates in the program and up to five (5) years thereafter. The Department may maintain summary records of the counseling for as long as the individual being counseled lives in HUD-insured or assisted property"

(9)Record source categories—substitute "Information in this system of records is, (1) supplied directly by the individual, and/or (2) supplied by a member of the individual's family, and/or (3) supplied by mortgagees, employers (past and present), creditors and credit reports, landlords (both public and private) and/or (4) supplied by sources to whom the individual being counseled has been referred, or has gone to for assistance, and/or (5) derived from information supplied by the individual, and/or (6) supplied by Department officials and/or (7) supplied by program counselors," or "Records usually furnished by subject individual. Occasionally received from other individuals, current or previous employers, credit bureaus, financial institutions, nonfederal agencies, counseling offices, community organizations and mortgage credit examiners".

(2) Record access procedures—in the last sentence, substitute "This location" for "A list of all locations".

System name: HUD/DEPT-25, Legal Action Files.

Changes: (1) System location—delete "insuring and service offices".

(2) Contesting record procedures—(a) in the second sentence, substitute "appropriate" for "Headquarters". (b) in the third sentence, substitute "A list of all locations" for "This location".

System name: HUD/DEPT-28, Property and Mobile Home Improvement and Rehabilitation Loans—Delinquent/Default.

Changes: (1) Categories of individuals covered by the system—after the word debtors, substitute "delinquent or in default" fpr "builders and contractors under mobile home, home improvement and rehabilitation programs".

System name: HUD/DEPT-29, Rehabilitation Grants and Loans Files.

Changes: (1) System name—substitute "Rehabilitation Grants and Loans Files" for "Mobile Home, Home Improvement Loans and Rehabilitation Grants and Loans".

(2) System location—add after the first word, the term "regional".

(3) Categories of individuals covered by the system—substitute "Applicants who have applied for rehabilitation grants and loans" for "mobile home, home improvement and rehabilitation loan debtors; rehabilitation grantees, builders, dealers and contractors under mobile home, home improvement and rehabilitation loan and grant programs"

Storage: Add "and on magnetic tape/disc/drum".

Retrievability: (a) after name, add "property address". (b) at the end of the sentence, delete "of individual covered".

Record source categories: At the end of the sentence, add "credit reporting agencies".

System name: HUD/DEPT-32, Mortgages—Delinquent/Default/Assigned.

Changes: (1) System name—add as the last word, "Assigned".

(2) Categories of individuals covered by the system—substitute "Mortgagors with HUD/FHA insured single-family mortgages that are delinquent or in default; mortgagors seeking assistance to prevent foreclosures; and mortgagors whose mortgages are held by HUD" for "Mortgagors under single- and multi-family housing programs seeking assistance in preventing foreclosures; mortgagors whose mortgages are held by the Secretary; mortgagors whose payments are delinquent; mortgagors complaining about loan servicing; mortgagees under single- and multi-family housing programs; mortgagees servicing defaulted loans; banks lending money; builders, developers and other firms under multi-family housing programs; contractors, developers or lien holders under multi-family programs; builders, developers, real estate firms, contractors, appraisers, other corporations and firms making repair bids; defaulted borrowers; project owners; project managing agents; former owners; tenants; area managers; HUD personnel in Area and Regional offices".

(3) Categories of records in the system—substitute "Notices of delinquent mortgages; requests for forebearance or assignment; forebearance or assignment reviews include data on mortgage amount and payments made, employment and income, debts and expenses, reasons for delinquency, recommendations and actions on requests; credit reports; forebearance agreements; deeds of trust; and related correspondence" for "Foreclosure reports; bankruptcy reports; audit reports; inventory reports; monthly accounting records; credit documents; financial statements; mortgage delinquencies; records of collection efforts on defaulted loans, payment records of mortgagors under Section 234 of the National Housing Act; recertification of Section 235 National Housing Act; recertification violations of Section 235 mortgagors; loan servicing; assistance for mortgagors in lowering payments of helping to make mortgage payments; geographic location of single-family mortgagors in default; project fiscal data; project processing activities that may have led to projects going into default; properties conveyed to HUD; property information supplied by HUD area managers; proposed transfers of physical assets; managing plans; present management capabilities; repair bids; fire inspections; post-closing complaints; congressional inquiries resulting from mortgagor complaints".

(4) Storage—substitute "In file folders" for "Free text; Standard Forms 2068 and 2068S; binders; notebooks".

(5) Retrievability—delete "Social Security number; name of mortgagee".

System name: HUD/DEPT-35, Personnel Medical Records.

Changes: (1) Categories of individuals covered by the system—delete "and individuals writing to the Department".

System name: HUD/DEPT-37, Personnel Travel System.

Changes: (1) Retrievability—delete "and rarely by numerical or chronological sequence or by organization or vehicle".

System name: HUD/DEPT-42, Rent Subsidy Program Files.

Changes: (1) System name—substitute "Rent Subsidy Program Files" for "Public Housing Rent Subsidy Program".

(2) Categories of individuals covered by the system—substitute "Low-rent housing applicants and recipients under Section 236 and Rent Supplement programs" for "Low-rent housing applicants and recipients; HUD personnel; local housing authorities; mortgagors; mortgagees and financial institutions; realty brokers; construction contractors and builders; area managers; local service contractors".

(3) Categories of records in the system—substitute "Applications for rent subsidy and recertifications include name, address, telephone number, race, household composition, employment data, detailed financial information, monthly rent payment and supplement calculations, HUD review and certification, description of rental unit participant will occupy; subsidized tenant move-out records; verification of employment, income and bank deposits; credit bureau reports; and related correspondence." for "Section 236 Applications and Recertifications; rent supplement applications/vouchers/schedules; monthly reports of excess collections; subsidized tenant move-out records; requests for reservations; and permission-to-occupy certifications."

(4) Storage—substitute "In file folders" for "Free text; standard forms; computer print-outs; file folders".

(5) Retrievability—delete "according to project; or organizational program; building number".

(6) Safeguards—add "to secured computer facilities".

System name: HUD/DEPT-43, Property Disposition Files.

Changes: (1) System name—substitute "Property Disposition Filed" for "Real Estate Filed".

(2) Categories of individuals covered by the system—substitute "Mortgagors with HUD/FHA insured single-family homes who have had their mortgages foreclosed and properties acquired by HUD; individuals who have had their properties acquired by the Department of Defense and transferred to HUD; single-family mortgagors who defaulted on Section 312 loans and had their properties acquired by HUD; and potential buyers of HUD-held single-family properties" for "Management brokers appointed to manage HUD-acquired property; management agents for single-family and multi-family projects; real estate brokers who are area managers for HUD-acquired properties; real estate brokers selling repossessed homes for FHA; real estate brokers selling HUD-properties; real estate brokers involved in management of HUD-owned single-family and multi-family projects; brokers who have signed non-discrimination statements; builders and contractors under property disposition programs; bidders on property; purchasers of HUD homes with structural defects; potential buyers".

(3) Categories of records in the system—substitute "Documents pertaining to acquisition of foreclosed HUD/FHA insured single-family homes and single-family homes transferred from the Department of Defense. The documents include names, addresses, loan amounts and payments, and reasons for default; leases and rental information if properties are rented; purchasers' family characteristics, income and employment histories, credit reports, sales contracts, and settlement costs; and related correspondence." for "HUD single-family property disposition; real estate activity in urban renewal projects and public housing; management of acquired, insured projects; performance under terms of contract; contractors' qualifications and prior experience; development proceeds; local authority budgets; authorized proclaimers; credit; profit and loss; financial transactions; repairs to property in inventory; property acquisition and disposition; exhibits submitted by developers; information on purchasers of HUD homes with structural defects; information on development of new subdivisions; market needs and available maximum market rent and environment assessment; complaints against real estate brokers".

(4) Storage—substitute "In file folders." for "Free text; Standard Form 9556; card file; file folders; binders".

(5) Retrievability—substitute "Case file number and property address." for "Name; Social Security number; personal characteristics; case file number; contract number; geographic area; identification number".

(6) Safeguards—delete "safe; central file" and add "secured computer facilities. Access restricted".

(7) Retention and disposal—add "in accordance with HUD Handbook".

(8) Record source categories-add "real estate brokers and agents".

System name: HUD/DEPT-44, Relocation Assistance Files.

Changes: (1) System name—add "files" to the system name.

(2) Categories of individuals covered by the system—substitute "displaced persons and relocation claimants who have filed grievances for "Displaced persons relocation claimants and applicants; builders, developers, contractors and appraisers under relocation programs."

(3) Categories of records in the system—add "family characteristics".

(4) Record source categories-delete "law enforcement agencies".

System name: HUD/DEPT-46, Single Family Case Files.

(1) Categories of individuals covered by the system-substitute "individuals who have applied for HUD/FHA mortgage insurance in connection with single-family housing programs of the Department" for "Mortgagors, mortgagees, builders, developers, contractors, appraisers and real estate firms in connection with single-family housing programs of the department."

(2) Categories of records in the system—add "appraisal and inspection reports; verification of employment and income; credit bureau reports; mortgage note and deed of trust, record of escrow account".

System name: HUD/DEPT-51, Standards of Conduct File.

Changes: (1) System location—delete "Office of General Counsel".

(2) Record access procedures—substitute "This location" for "A list of all locations".

System name: HUD/H-1, Section 8 Lower-Income Assistance Files.

Changes: (1) System number-substitute "HUD/H-1" for "HUD/HM-1".

(2) System name-substitute "Section 8 Lower-Income Rental Assistance Files" for "Housing Management Section 8 Management Information".

(3) System location—substitute "Headquarters and many field offices. For a complete list of these offices, with addresses, see Appendix A" for "Headquarters Office".

(4) Categories of records in the system—substitute "Applicants filing for eligibility and recertification include names; addresses; social security numbers; telephone numbers; family characteristics; employment and income information; HUD review and certification; verfication of employment, income, and bank deposits; and related correspondence" for "tenant characteristics".

(5) Record source categories—add "financial institutions; employers, and local housing authorities".

System name: HUD/H-2, HUD Temporary Housing File.

Changes: (1) System number—substitute "HUD/H-2" for "HUD/HM-2".

(2) Categories of individuals covered by the system—substitute "(1) Individuals who apply for temporary housing disaster assistance in Presidentially declared major disasters or emergency areas, and (2) candidates for staff positions at Federal Disaster Assistance Centers" for "The files relate to disaster assistance functions. The files concern: builders, developers, real estate firms and other vendors, such as: mobile homes, furniture and truck rental, utility supplies and towing contractors, grant/project applications for aid (individuals and organizations); equal opportunity; qualified bidders on procurements; HUD personnel and candidates for temporary and permanent positions, some of which are on response cadre; past, present and inactive tenants; candidates for permanent or temporary housing in facilities such as mobile homes, or who withdrew from such housing, victims of natural disaster (fire, flood, tornado) and their case files".

(3) Categories of records in the system—delete "listings of debarred contractors".

(4) Storage—delete "or computer print-outs (some of which concern summaries of payments). Other forms of storage are file folders and Disaster Management Information Systems. Any computer files are controlled and reported at the Headquarters Office".

(5) Retrievability—substitute "Name or case file number" for "Administrative files systems are filed alphabetically and geographically by name and then by case file number, Direct Reimbursement Number, lease number, some are cross-referenced by Social Security number, application number, personal characteristics (e.g., age, marital status, GS level, etc); subject matter; designated disaster and area; functional assignment cards; accession to record group number. Most correspondence written in free text is filed by title of office and office designation. Some active files are within the program subject file classification method".

(6) Safeguards—substitute "Records are stored in lockable file cabinets in lockable rooms in secured buildings" for "Records exist in cardboard boxes, lockable desks, in notebooks in bookcases, in tape-disc libraries, in lockable file cabinets or in central file outside local offices. Records are kept in buildings which are secured after work hours, and most offices are locked when unattended. Confidential files are seen only by authorized personnel (in Regional Emergency Offices). Other files are seen only by personnel authorized to enter offices (whose names are posted on lists) and who are overseen by Disaster Assistance employees. In military installations, the records are maintained in loced areas; only authorized personnel have keys to files or offices. Computer and data files are stored in computer

facilities which are secured and accessible only to authorized personnel; all files are stored in a secured area. Technical constraints are employed with regard to access and the methods employed in order to maintain security include the use of unique account codes; file qualifiers; file names; read/write protection keys; site identification codes; run identification codes; and password codes".

(7) Record source categories—delete "various number HUD forms; unnumbered survey forms; authorization and statements".

System name: HUD/FIA-1, Federal Crime Insurance.

Changes: (1) Categories of records in the system—delete "class of business; annual gross receipts; payments of compensation to agents" and add "agent's name and address; other insurance held by policyholder; inspection report of protective devices".

(2) Retrievability—add "policy number".

System name: HUD/H-3, Housing Production and Mortgage Credit Monitoring System.

Changes: (1) System number—substitute "HUD/H-3" for "HUD/HPMC-1".

(2) Notification procedure—a) in the first sentence, substitute "Headquarters" for "appropriate". b) in the second sentence, substitute "This location" for "A list of all locations".

(3) Record access procedures—substitute "This location" for "A list of all locations".

System name: HUD/PD&R-2, Solar Energy Demonstration Research Files.

Changes: (1) Notification procedure—a) in the first sentence, substitute "Headquarters" for "appropriate". b) in the second sentence, substitute "This location" for "A list of all locations".

Authority: 5 U.S.C. 552a, 88 Stat. 1896; sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)).

Issued at Washington, D.C., November 1, 1978.

William A. Medina,
Assistant Secretary for Administration.

The last annual compilation of systems of records was published at 42 FR 54756. Additions, deletions and amendments regarding individual systems of records were published at 42 FR 59558 and 43 FR 12760, 15367, 21947, 22245, 25386, 27247, 27248 and 36698 continue in effect. This notice is published in compliance with the requirements of 5 U.S.C. 552a(e)(4) as added by section 3 of the Privacy Act of 1974.

1. General Statement of Routine Uses.

ROUTINE USE—LAW ENFORCEMENT

In the event that a system of records maintained by this Department to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE—DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this Department may be disclosed as a routine use to a federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE—DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this Department may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE—DISCLOSURE TO OMB

The information contained in a system of records will be disclosed to the Office of Management and Budget in connection with review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE—DISCLOSURE PURSUANT TO CONGRESSIONAL INQUIRY

Disclosures may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

2. Listing of Systems of Records Within Coverage of Act.

TABLE OF CONTENTS

HUD/DEPT-1 Accidents, Employees and/or Government Vehicles.
HUD/DEPT-2 Accounting Records.
HUD/DEPT-4 Fee Inspectors, Appraisers, and Mortgage Credit Examiners.
HUD/DEPT-5 Architects and Engineers.
HUD/DEPT-9 Single-family Casualty Damage Files.
HUD/DEPT-10 Construction Complaints Files.
HUD/DEPT-15 Equal Opportunity Housing Complaints.
HUD/DEPT-17 Experimental Housing Allowance Program—Participant Files.
HUD/DEPT-18 Fellowship Files, Urban Studies.
HUD/DEPT-20 Homeownership Assistance and Recertification Application (HARAS).
HUD/DEPT-22 Housing Counseling.
HUD/DEPT-23 Single-family Research Files.
HUD/DEPT-24 Investigation Files.
HUD/DEPT-25 Legal Actions Files.
HUD/DEPT-28 Property and Mobile Home Improvement and Rehabilitation Loans—Delinquent/Default.
HUD/DEPT-29 Rehabilitation Grants and Loans Files.
HUD/DEPT-32 Mortgages—Delinquent/Default/Assigned.
HUD/DEPT-34 Pay and Leave Records of Employees.
HUD/DEPT-35 Personnel Medical Records.
HUD/DEPT-37 Personnel Travel System.
HUD/DEPT-42 Rent Subsidy Program Files.
HUD/DEPT-43 Property Disposition Files.
HUD/DEPT-44 Relocation Assistance Files.
HUD/DEPT-46 Single Family Case Files.
HUD/DEPT-51 Standards of Conduct File.
HUD/DEPT-52 Privacy Act Requesters.
HUD/DEPT-53 Consumer Complaint Handling System.
HUD/DEPT-54 Parking Permit Application Files.
HUD/DEPT-55 Executive Personnel Files.
HUD/DEPT-56 Telephone Numbers of HUD Officials.
HUD/DEPT-58 HUD Child Care Center Files.
HUD/H-1 Section 8 Lower-Income Rental Assistance Files.
HUD/H-2 HUD Temporary Housing File.
HUD/H-3 Housing Production and Mortgage Credit Monitoring System.
HUD/FIA-1 Federal Crime Insurance.
HUD/FIA-2 The National Flood Insurance Application and Related Documents Files.
HUD/PD&R-1 Urban Homesteading Evaluation Data.
HUD/PD&R-2 Solar Energy Demonstration Survey Files.
HUD/PD&R-3 Urban Reinvestment Task Force Data.
HUD/PD&R-4 Prepurchase Counseling Demonstration and Evaluation Records.

HUD/DEPT—1

System name: Accidents, Employees and/or Government Vehicles

System location: Most Department Offices, including the Headquarters Office. For a complete listing of these offices, with addresses, see Appendix A.

Categories of individuals covered by the system: HUD employees in on-the-job accidents, including accidents involving government-owned vehicles.

Categories of records in the system: Details of how accidents occurred and injuries were sustanined; employees' absences due to injuries and resultant claims; and property damage incurred.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: the records are used by the Department of Labor when personal injury occurs and/or compensation is invloved. GSA uses the records when accidents involve motor vehicles and the repair of those vehicles.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: Subject name.

Safeguards: The systems records are kept in lockable file cabinets, desks, and in locked rooms.

Retention and disposal: Procedural disposal follows HUD Handbook General Records Schedule.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the indivdual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesing contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A, (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W. Washington, D.C. 20410.

Record source categories: Subject individual and supervisor; Federal Government agencies; law enforcement agencies; current or previous employers; accident investigation officers.

HUD/DEPT—2

System name: Accounting Records

System location: Headquarters and field offices. For a complete listing of these offices, with addresses, see Appendix A.

Categories of individuals covered by the system: Mortgagors; mortgagees; grant/project and loan applicants and recipients; HUD personnel; vendors; brokers; bidders; managers; tenants; individuals within Disaster Assistance Programs; builders, developers, contractors, and appraisers; individuals writing to the Department; employees on HUD/FHA projects; investors; subjects of audit; closing agents; former mortgagors and purchasers of HUD-owned properties.

Categories of records in the system: Lease and loan collection register; schedules of payments receivable and received; premiums due; claim files and fee billing statements; escrow and Certificates of Deposit files; cash flow and budget control files; earnest money register; purchase order log; imprest fund; area managers' accounting records; restitution, maintenance, and market expenses; distributive shares records; salary; savings bonds; bills of lading; vouchers; invoices; receipts; cancelled checks; mortgagors, builders and contractors financial statements, records and audit reports; requests for termination of home mortgage insurance; deposit and receipt records; detailed accounting reports concerning diversified payments, disbursements, and cancelled checks; repurchases of mortgages; adjustments from recoveries, manual adjustments, and defaults; acquired home property records; sales closing papers; statements of accounts; tax records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Users paragraphs in prefatory statement. Other routine uses: U.S. Treasury—for disbursements and adjustments thereof: Internal Revenue Service—for reporting of sales commissions; General Accounting Office, General Services Administration, Department of Labor, Local housing authorities, and taxing authorities—for audit, accounting and financial reference purposes; mortgagee lenders—for accounting and financial reference purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Desks; safes; locked file cabinets, central files; bookcases; ledger trays and binders; tables.

Retrievability: By Social Security number; name; case file number; schedule number; audit number; control number; receipt number; voucher number; contract number; address.

Safeguards: Security checks; limited authorization and access; security guards.

Retention and disposal: GSA schedules of retention and disposal; destruction after six months; transfer to either a Federal Records Center or Archives.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject individuals; other individuals; current or previous employers; credit bureaus; financial institutions; private corporations or firms doing business with HUD: Federal and non-federal government agencies; HUD personnel.

HUD/DEPT—4

System name: Fee Inspectors, Appraisers, and Mortgage Credit Examiners.

System location: Field offices; for a complete listing of these offices, with addresses, see Appendix A.

Categories of individuals covered by the system: Individuals who have applied to HUD for appointment as fee appraisers, inspectors, and mortgage credit examiners.

Categories of records in the system: Applications and resumes containing personal data and qualifications for position sought; assignment logs, fees paid and appraisals made; and evaluation of qualifications and of appraisals made.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to fee appraisers—for voucher preparation; to VA, mortgagors, mortgagees—notice of FHA action, billing; to local government officials—for code enforcement, health and wetlands clearance; to Environmental protection Agency—for environmental clearance; to Social Security Administration—for research.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and 5 x 8 file cards.

Retrievability: Name; case file number (in some cases).

Safeguards: Lockable file cabinets and desks.

Retention and disposal: Primarily active information; also mixed historical and active. Social Security appraisals are historical data. Disposal in accordance with HUD Handbook.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For inquiry about existence of records, contact the Privacy Officer at the appropriate location, in accordance with procedures in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Officer at the appropriate location. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate locations. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject individuals; references; and HUD staff.

HUD/DEPT—5

System name: Architects and Engineers

System location: Headquarters and field offices. For a complete listing of these offices, with addresses, see Appendix A.

Categories of individuals covered by the system: Certified architects and engineers dealing with HUD, both directly and on a consultant basis.

Categories of records in the system: Applications containing personal data and qualifications for position sought and assignment logs and fees paid.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs of prefatory statement. Other routine uses: to General Accounting Office—investigation and annual audit; to the U.S. Forest Service, Bureau of Indian Affairs, Corps of Engineers, HEW, and Farmers Home Administration for reference and information; to builders and other individuals dealing with HUD—for planning and specifications review.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: Subject name.

Safeguards: Files are kept in file cabinets, in desks and on shelves. Access is limited by locks, by security checks, or by authorized individuals.

Retention and disposal: Most files are kept active and up-to-date. Some files are partly current and partly historical. Files are destroyed per regulation or stored at a federal records center one year after last date of commitment.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject individuals and references.

HUD/DEPT—9

System name: Single-family Casualty Damage Files.

System location: Field offices; for a complete listing of these offices, with addresses, see Appendix A.

Categories of individuals covered by the system: Mortgagors under HUD single-family insurance programs filing claims for repairs due to casualty damage on their insured homes.

Categories of records in the system: Inspection reports of repaired property; certifications of casualty damages/repairs; records of repairs made and their costs; and related correspondence.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to Veterans' Administration for information on veterans' participation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Name; case file.

Safeguards: Stored in lockable file cabinets.

Retention and disposal: Primarily active information, some mixed historical and active. Disposed of in accordance with HUD Handbook.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street SW.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories: Mortgagors; mortgagees; inspectors; and contractors.

HUD/DEPT—10

System name: Construction Complaints Files

System location: Field Offices; for a compete listing of these offices, with addresses, see Appendix A.

Categories of individuals covered by the system: Mortgagors of insured single-family homes who have filed construction complaints with HUD.

Categories of records in the system: Complaints regarding construction and defects; inspection reports; records of complaint status and disposition; compliance reports; related correspondence.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to the person or firm complained about—for resolution of the complaint; to IRS—for investigation; to Farmers Home Administration, Veterans Administration; Better Business Bureau and local agencies—for notice of restriction of builders; to state agencies—for investigation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: Name of subject individual; case file number, property location.

Safeguards: Records filed in lockable file cabinets with access limited to authorized personnel.

Retention and disposal: Records are partly current and partly historical; disposal is in accordance with HUD Handbook.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh St., S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing intial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subjects and other individuals, builders and contractors and their current and previous employees, credit bureaus and financial institutions; federal and non-federal agencies.

HUD/DEPT—15

System name: Equal Opportunity Housing Complaints

System location: Housing discrimination files are located at the office where originated and may also be transferred to associated area and/or regional offices, or the Headquarters Office. For a complete listing of these with addresses see Appendix A.

Categories of individuals covered by the system: Individuals filing housing discrimination complaints. Does not include files on HUD employee complaints regarding their employment. Notices regarding these inquiries under the Privacy Act are published by the U.S. Civil Service Commission.

Categories of records in the system: Allegations of housing discrimination; names of complainant and persons or organizations complained about; investigation information; details of discrimination cases; compliance reviews; complaints under Titles VI, VIII and IX; conciliation files; correspondence; affidavits; complaints status reports. In mortgage discrimination cases, records include mortgage applications, credit reports and verification of income, employment and bank deposits.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to non-federal EO-concerned agencies, the U.S. Department of Justice (including the FBI), the U.S. Department of Labor (including the Office of Federal Contract Compliance), U.S. Courts, the Veterans Administration, the Farmers' Home Administration, complainants, respondents and attorneys—for investigation, preparing litigation, and monitoring compliance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records kept in lockable desks and file cabinets and magnetic tape/disc/drum.

Retrievability: Usually retrievable by name of complainant and, in some instances, by case file number.

Safeguards: Manual records are stored in lockable file cabinets; computer facilities are secured and accessible only by authorized personnel, and all files are stored in a secured area. Technical restraints are employed with regard to accessing the computer and data files.

Retention and disposal: HUD handbooks establish procedures for retention and disposition of records. Generally retained for two years, then transferred to Federal Records Centers for an additional five years.

System manager(s) and address:

Director of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject and other individuals, Federal and non-federal government agencies, law enforcement agencies, credit bureaus, financial institutions, current and previous employers, corporations or firms, EO counselors and witnesses.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(2), all investigatory material, including conciliation files, in records contained in this System which meet the criteria of these sub-sections in exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f) of the agency regulations in order for the Department's Fair Housing and Equal Opportunity and legal staffs to perform their functions properly.

HUD/DEPT—17

System name: Experimental Housing Allowance Program—Participant Files

System location: Headquarters Office.

Categories of individuals covered by the system: Applicants for housing allowances; participants under Experimental Housing Allowance Program.

Categories of records in the system: Socio-economic, financial and demographic data on EHAP participant.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to EHAP contractors—analysis for research purposes in accoundance with program objectives.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy survey instrument stored in folders, microform, computer printout, punched cards, and magnetic tape/disc.

Retrievability: Manual files by name, social security numnber, personnel characteristics and case file number. Automated files have been stripped of all personal identifiers and are statistical only.

Safeguards: Access to manual files limited to survey subcontractors. No access to these records by prime contractors and HUD personnel. Records kept in secured areas and vaults.

Retention and disposal: In accordance with HUD Handbook.

System manager(s) and address:

Director

Office of Organization and Management Information

Department of Housing and Urban Development

451 Seventh Street, S.W.

Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at Headquarters. This location is given in Appendix A.

Contesting record procedures: the Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act officer at the Headquarters location. This location is given in Appendix A; (ii) in relation to appeals of intial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W. Washington, D.C. 20410.

Record source categories: Subject individual; current and previous employers.

HUD/DEPT—18

System name: Fellowship Files, Urban Studies

System location: Headquarters.

Categories of individuals covered by the system: Recipients of HUD fellowships in urban studies, and their alternates.

Categories of records in the system: Applications; financial statements; correspondence; policy statements; press releases.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: none.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Free text in file folders.

Retrievability: By name of award recipient and alternate.

Safeguards: Files are stored in lockable metal file cabinets.

Retention and disposal: Files are inactive and historical only. There are no established procedures for disposal of these records.

System manager(s) and address:

Director

Office of Organization and Management Information

Department of Housing and Urban Development

451 Seventh Street, S.W.

Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location if given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at Headquarters. This location is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Individual awardees and alternates; educational institutions.

HUD/DEPT—20

System name: Homeownership Assistance and Recertifications Application (HARAS)

System location: Headquarters

Categories of individuals covered by the system: Participants in Section 235 Homeownership Assistance Program.

Categories of records in the system: Historical profile of participant group.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs of prefatory statement. Other routine uses: none.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape/disc/drum.

Retrievability: Case file number.

Safeguards: Computer Facilities are secured and accessible only by authorized personnel, and all files are stored in a secured area. Technical restraints are employed with regard to accessing the computer and data files.

Retention and disposal: Records system is active and kept up-to-date.

System manager(s) and address:

Director

Office of Organization and Management Information

Department of Housing and Urban Development

451 Seventh Street, S.W.

Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at Headquarters. This location is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Applications; recertifications; Single-family Statistical Reporting System.

HUD/DEPT—22

System name: Housing Counseling

System location: Headquarters and field offices. For a complete listing of these offices, with addresses, see Appendix A. In addition to these offices, HUD-approved counseling agencies in many cities, both voluntary and paid by the Department, maintain files of this type. To determine whether such an agency exists in a particular city, contact the nearest HUD field office shown in Appendix A.

Categories of individuals covered by the system: This system contains records of individuals who have been referred but not counseled; individuals who have been or are receiving counseling and assistance with housing problems and related family and financial problems, as well as individuals seeking general and consumer information.

Categories of records in the system: This system contains records of dates of counseling, summaries of aid furnished the individual being counseled, correspondence with or on behalf of the individual being counseled, standard forms, letters and reports, purchase and financial data, medical history, employment information and problems, family composition, referral information and specific family and/or individual problems.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to HUD-approved counseling agency staff for the purpose of providing supportive counseling services to meet the short and long term needs of the

individual being counseled. Financial institutions servicing HUD insured or assisted loans; local housing authorities; rental agents and managers; real estate brokers, agents and creditors have access only to current financial, employment and family composition data regarding persons currently being counseled. Data available to these institutions and individuals in such circumstances is limited to: savings/checking/credit union account records, commercial credit reports, and credit account records with utility companies, retail stores, and other commercial credit sources; specific employment information concerning name and address of employer, length of service, and salary; and family composition data through the authorized counseling agency or HUD staff. Community service agencies to which the individual being counseled is referred for additional supportive services have limited access to information appropriate to the reason for referral only through authorized counseling agency staff.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are stored in paper files which are kept in standard lockable file cabinets and desks.

Retrievability: Records are retrievable by name, case number or property address.

Safeguards: During the counseling process and the retention period, records are maintained in confidential files with access limited to those whose official duties require access.

Retention and disposal: Counseling records are maintained by the counseling agency for as long as the individual being counseled participates in the program and up to five (5) years thereafter. The Department may maintain summary records of the counseling for as long as the individual being counseled lives in HUD-insured or assisted property.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street SW.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officers, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories: Information in this system of records is: (1) supplied directly by the individual, and/or (2) supplied by a member of the individual's family, and/or (3) supplied by mortgages, employers (past and present), creditors and credit reports, landlords (both public and private) and/or (4) supplied by sources to whom the individual being counseled has been referred, or has gone to for assistance, and/or (5) derived from information supplied by the individual, and/or (6) supplied by Department officials and/or (7) supplied by program counselors.

HUD/DEPT—23

System name: Single-family Research Files.

System location: Headquarters Office.

Categories of individuals covered by the system: Single-family mortgagors.

Categories of records in the system: Sample of single-family home cases for most recent five-year peiod.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: none.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape/disc/drum.

Retrievability: Name; case file number; property address.

Safeguards: Computer facilities are secured and accessible only by authorized personnel, and all files are stored in a secured area. Technical restraints are employed with regard to accessing the computer and data files.

Retention and disposal: Records system is active and kept up-to-date.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street SW.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at Headquarters. This location is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories: Subject individuals; financial institutions; federal government agencies.

HUD/DEPT—24

System name: Investigation Files

System location: Headquarters

Categories of individuals covered by the system: HUD program participants and HUD employees under investigation, including mortgagors, grant applicants, and appraisers.

Categories of records in the system: Files contain information concerning investigation of alleged irregularities in connection with HUD programs and include initial complaints filed against subjects alleging violations, reports of investigation, findings of HUD officials and recommendations and disposition to be made.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to Department of Labor—for investigative research; as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies. Files may also be used to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act, or to locate specific individuals for personnel research or other personnel management functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed by name, investigation file number, case number.

Safeguards: Records are maintained in locked file cabinets or in metal file cabinets in secured rooms or premises with access limited to those official duties require access.

Retention and disposal: Records are primarily active, with destruction of some records after three years and some after five years.

System manager(s) and address:

Director
Office of Organization and Management Information

Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at Headquarters. This location is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject individuals; other individuals; current or previous employers; credit bureaus; financial institutions; corporations or firms; law enforcement agencies.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552 a(k)(2) and (k)(5), all investigatory material in the record which meets the criteria of these sub-sections is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f)) of the agency regulations in order for the Department's legal staff to perform its functions properly.

HUD/DEPT—25

System name: Legal Actions Files

System location: Headquarters and field offices. For a complete listing of these offices, with addresses, see Appendix A.

Categories of individuals covered by the system: Litigants; potential and past claimants against the government.

Categories of records in the system: Threatened, pending and past litigation involving HUD as a party; summons; writs; indictments; pleadings; decisions; legal memoranda; litigation reports; deposition; deficiencies on court judgements; notices of levy; settlement negotiations; legal rulings; claims against the government; employee claims.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to Justice Department—information for purposes of litigation, and representation of HUD before the courts and performance of all legal work incident thereto; to HEW—for investigation and litigation; to IRS—for investigation, litigation and collection of levies; to Local Housing Authorities—for investigation and litigation; to local governments—for investigation and litigation; to parties to litigation—to provide status and facts in litigation; to private individuals and corporations—to assist co-defendants or to provide documents and information as required by the Federal Rules of Civil Procedure; various uses under the Freedom of Information Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file cabinets.

Retrievability: Name; case names; case numbers assigned by courts.

Safeguards: Records maintained in locked and lockable metal file cabinets with access limited to authorized personnel.

Retention and disposal: Files are partly active and partly historical; disposal in accordance with HUD Handbook.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individuals concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject individuals; other individuals; current or previous employers; financial institutions; firms and corporations; Federal government agencies; non-Federal government agencies; and Federal, state, and local courts.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(2) and (k)(5), all investigatory material in the record which meets the criteria of these sub-sections is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1),(e)(4)(G), (H) and (I) and (f)) of the agency regulations in order for the Department's legal staff to perform its functions properly.

HUD/DEPT—28

System name: Property and Mobile Home Improvement and Rehabilitation Loans—Delinquent/Default

System location: Headquarters and field offices. For a complete listing of these offices, with addresses, see Appendix A.

Categories of individuals covered by the system: Mobile home, home improvement, and rehabilitation loan debtors delinquent or in default.

Categories of records in the system: Names, credit applications, and case histories of borrowers; records of payments; financing statements; delinquent and defaulted loan records and account cards; collection and field reports; records of claims and chargeoffs; creditor requests for collection assistance; justifications for closing collection action; related correspondence.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to GAO—for audit purposes; to private employers and other Federal agencies—for the purpose of collecting government-owned debts; and to the Department of Justice and U.S. Attorney's offices—for collection purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: By name and case file number of individual covered.

Safeguards: Files are stored in lockable file cabinets.

Retention and disposal: Files are partly active and partly historical and are disposed of in accordance with HUD Handbook.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Depart-

ment of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject individual; current and previous employees; credit bureaus; financial institutions; firms; federal and non-federal agencies; law enforcement agencies.

HUD/DEPT—29

System name: Rehabilitation Grants and Loans Files

System location: Field offices; for a complete listing of these offices, with addresses, see Appendix A.

Categories of individuals covered by the system: Applicants who have applied for rehabilitation grants and loans.

Categories of records in the system: Names of borrowers, builders, dealers and contractors; loan and grant applications and eligibility information; loan and grant documents; payment records; registration records; collection records; complaint records; related correspondence.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses; to dealers and contractors—for settling complaints; to lenders—for loan servicing; to tax assessors—for assessment of property; to local agencies—for monitoring and carrying out programs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders and/or on magnetic tape/disc/drum.

Retrievability: By name, property address and case file number of individual covered.

Safeguards: Records stored in lockable file cabinets and technical restraints are employed with regard to accessing computer files.

Retention and disposal: Records are primarily active with some historical information; disposal is in accordance with HUD Handbook.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W. Washington, D.C. 20410.

Record source categories: Financial institutions; subject and other individuals; federal and non-federal agencies; firms, current and previous employers; law enforcement agencies; credit reporting agencies.

HUD/DEPT—32

System name: Mortgages—Delinquent/Default/Assigned

System location: Headquarters and field offices. For a complete listing of these offices, with addresses, see Appendix A.

Categories of individuals covered by the system: Mortgagors with HUD/FHA insured single-family mortgages that are delinquent or in default; mortgagors seeking assistance to prevent foreclosures; and mortgagors whose mortgages are held by HUD.

Categories of records in the system: Notices of delinquent mortgages; requests for forebearance or assignment; forebearance or assignment reviews include data on mortgage amount and payments made, employment and income, debts and expenses, reasons for delinquency, recommendations and actions on requests; credit reports; forebearance agreements; deeds of trust; and related correspondence.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to FHA—for insurance investigations; to IRS and GAO—for investigations; to state banking agencies—to aid in processing mortgagor complaints; to state housing and redevelopment agencies—for follow-up servicing; to mortgagees—to check on the status of cases and referrals of complaints; to counseling agencies—for counseling; to Legal Aid—to assist mortgagors.

Storage: In file folders and on magnetic tapes, drums, and discs.

Retrievability: Name; case file number; property address.

Safeguards: Records maintained in desks and lockable file cabinets; access to automated systems is by passwords and code identification cards; access limited to authorized personnel.

Retention and disposal: Obsolete records destroyed or shipped to Federal Records Center in compliance with HUD Handbook.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, asssistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject individual; other individuals; current or previous employers; credit bureaus; financial institutions; other corporations or firms; Federal Government agencies; non-federal government (including foreign, state and local) agencies; law enforcement agencies.

HUD/DEPT—34

System name: Pay and Leave Records of Employees.

System location: All Department offices. For a complete listing of offices, with addresses, see Appendix A.

Categories of individuals covered by the system: HUD employees.

Categories of records in the system: Name, Social Security number and employee number, grade, step and salary; organization, retirement of FICA data as applicable; Federal, state and local tax deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, and without pay); time and attendance records, including leave applications and reports, individual daily time reports, adjustments to time and attendance, overtime reports, supporting data, such as medical certificates, number of regular, overtime, holiday, Sunday and other hours worked; pay period number and ending dates; cost of living allowances; mailing address; coowner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Actions."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: Transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings

bonds, allotments, financial institutions and other authorized purposes. Annual reporting of W-2 statements to Internal Revenue Service, Social Security Administration, the individual, and taxing authorities of States, the District of Columbia, territories, possessions, and local governments, except Social Security numbers will be reported only to such authorities that have satisfied the requirements set forth in Section 7(a)(2)(B) of the Privacy Act of 1974. To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry on its Government-wide personnel functions; to GAO—for audit; to other Federal government agencies—to facilitate employee transfers; and to State agencies—to verify workmen's compensation injury claims.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual, machine-readable and magnetic media.

Retrievability: Name of employee; Social Security Number.

Safeguards: Physical, technical, and administrative security is maintained with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records. Manual files kept in lockable desks, file cabinets and safes.

Retention and disposal: Retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Centers in accordance with fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with procedures in 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject individuals, supervisors, timekeepers, official personnel records, previous employers, or other Federal government agencies.

HUD/DEPT—35

System name: Personnel Medical Records

System location: In most HUD offices. For a complete list of these offices, with addresses, see Appendix A.

Categories of individuals covered by the system: HUD personnel.

Categories of records in the system: Pre-employment medical records and individual medical records of HUD-employees including standard medical forms completed by doctors at time of entrance of duty.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to federal agencies—for review when considering hiring and upon transfer to another agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In lockable file cabinets.

Retrievability: By name.

Safeguards: Records kept in locked file cabinet with access by authorized personnel only.

Retention and disposal: Active, kept up-to-date, partly historical. Maintained until retirement, resignation or transfer. Forwarded with official personnel folder when sent out for disposition according to HUD Handbook.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410

Record source categories: Primarily from subject individual.

HUD/DEPT—37

System name: Personnel Travel System

System location: All Department offices maintain employee travel records, and several maintain driver permit application records. For a complete listing of offices, with addresses, see Appendix A.

Categories of individuals covered by the system: HUD personnel.

Categories of records in the system: All travel records, including vouchers, requests, advances, receipts for requests, orders, applications for Federal vehicles, driver permits, U.S. Government driver's licenses, driver's physical fitness forms, motor pool records, monthly motor vehicle use records, and GSA vehicle mileage reports. Applications for parking space.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to Treasury—for payment of vouchers; driver's license information transmitted to Department of Transportation for verification with National Driver Register; vouchers and receipts are available to GAO and GSA for audit purposes and vouchers are verified by private transporters.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files generally stored on standared Government forms in individual file folders or binders.

Retrievability: Almost always retrievably by name, occasionally by Social Security number.

Safeguards: Kept in lockable desks or file cabinets.

Retention and disposal: Records are active and kept up-to-date. Files purged in accordance with HUD Handbook.

System manager(s) and address:

Director & Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the

Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject individual and supervisors.

HUD/DEPT—42

System name: Rent Subsidy Program Files

System location: Headquarters and field offices. For a complete listing of these offices, with addresses, see Appendix A.

Categories of individuals covered by the system: Low-rent housing applicants and recipients under Section 236 and Rent Supplement programs.

Categories of records in the system: Applications for rent subsidy and recertifications include name, address, telephone number, race, household composition, employment data, detailed financial information, monthly rent payment and supplement calculations, HUD review and certification, description of rental unit participant will occupy; subsidized tenant move-out records; verification of employment, income and bank deposits; credit bureau reports; and related correspondence.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to General Accounting Office—for purposes of audit: to IRS—for investigation; to local and state housing authorities—for reference purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders and on magnetic tape/disc/drum.

Retrievability: Name; case file number.

Safeguards: Limited access; locked file cabinets; security checks and limited authorization to secured computer facilities.

Retention and disposal: Files are active and kept up-to-date; partly current and partly historical. Files are either sent to GSA Federal Records Center for storage or disposed in accordance with HUD Handbook.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contacting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410

Record source categories: Subject inbdividual; other individuals; current or previous employers; credit bureaus; financial institutions; other corporations or firms; federal government agencies; non-federal government agencies; project and project managers.

HUD/DEPT—43

System name: Property Disposition Files

System location: Headquarters and field offices. For a complete listing of these offices, with addresses, see Appendix A.

Categories of individuals covered by the system: Mortgagors with HUD/FHA insured single-family homes who have had their mortgages foreclosed and properties acquired by HUD; individuals who have had their properties acquired by the Department of Defense and transferred to HUD; single-family mortgagors who defaulted on Section 312 loans and had their properties acquired by HUD; and potential buyers of HUD-held single-family properties.

Categories of records in the system: Documents pertaining to acquisition of foreclosed HUD/FHA insured single-family homes and single-family homes transferred from the Department of Defense. The documents include names, addresses, loan amounts and payments, and reasons for default; leases and rental information if properties are rented; purchasers' family characteristics, income and employment histories, credit reports, sales contracts, and settlement costs; and related correspondence.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to IRS—for auditing income tax returns; to insurance companies—to file claims for amounts due; to mortgagees—to review the credit of prospective purchasers; to local public authorities—to check on acquisition, reuse and prices of real estate.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: Case file number and property address.

Safeguards: Desk; lockable file cabinet; secured computer facilities. Access restricted.

Retention and disposal: Obsolete records are destroyed or sent to storage facility in accordance with HUD Handbook.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject individuals; other individuals; current or previous employers; credit bureaus; financial institutions; other corporations or firms; federal government agencies; non-federal (including foreign, state and local) government agencies; real estate brokers and agents.

HUD/DEPT—44

System name: Relocation Assistance Files

System location: Headquarters and field offices. For a complete listing of these offices, with addresses, see Appendix A.

Categories of individuals covered by the system: Displaced persons and relocation claimants who have filed grievances.

Categories of records in the system: Names of relocation claimants; family characteristics; personal and family financial data; relocation needs and problems; claims; documentation and evaluation of claims; recommendations; inquiries and grievances; responses to grievances; audits.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to GAO—for audit purposes; to the Department of Justice—for investigation and prosecution; to local public agencies—for processing, training and monitoring purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: By name and case file number of subject individual.

Safeguards: Stored in lockable file cabinets; access limited to authorized personnel.

Retention and disposal: Files are partly active and partly historical, disposal is in accordance with HUD Handbook.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject and other individuals; current and previous employers; credit bureaus and financial institutions; firms federal and non-federal agencies.

HUD/DEPT—46

System name: Single Family Case Files

System location: Headquarters and field officers. For a complete listing of these offices, with addresses, see Appendix A.

Categories of individuals covered by the system: Individuals who have applied for HUD/FHA mortgage insurance in connection with single family housing programs of the department.

Categories of records in the system: Files contain standard records used for day-to-day maintenance of single-family mortgage cases, including daily case control, mortgage servicing, payment records, loan recommendations, information concerning borrower' inability to make payments, cancellations and monies returned. Also, requests for refinancing income and employment information used in determination of applicant eligibility, insurance documents, sales agreements, conditional and firm commitments, owner requests for appraisals, property descriptions, appraisal and inspection reports; verification of employment and income; credit bureau reports; mortgage note and deed of trust; record of escrow account; correspondence and complaints.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs of prefatory statement. Other routine uses: to welfare agencies—for fraud investigation, to VA—for coordination with HUD in processing construction complaints. Congressional delegation—providing information concerning status of complaints. Complainants and attorneys representing them—review of complainant file for status and information. Builders and attorneys representing them—review of complainant file for status information.

Storage: In file folders and computerized tape, disc and drum.

Retrievability: File by name of individual and case file number.

Safeguards: Records maintained in locked an lockable file cabinets with access limited to authorized personnel.

Retention and disposal: Records are primarily active with some historical data. Inactive files are normally disposed after a two-year period.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W. Washington, D.C. 20410.

Record source categories: Subject individuals, current or previous employers, credit bureaus and financial institutions, corporations and firms and federal and non-federal government agencies.

HUD/DEPT—51

System name: Standards of Conduct File.

System location: Headquarters.

Categories of individuals covered by the system: HUD employees.

Categories of records in the system: Financial statements; statements of employment.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses; to the Department of Justice, the Federal Bureau of Investigation, and the Internal Revenue Service for purposes of investigation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and standard forms.

Retrievability: Name.

Safeguards: Locked file cabinets.

Retention and disposal: Files are active and kept up-to-date; partly current and partly historical.

System manager(s) and address:

Assistant General Counsel for Finance and Administrative Law
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at Headquarters. This location is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the headquarters location. This location is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject individuals.

HUD/DEPT—52

System name: Privacy Act Requesters.

System location: Headquarters and field offices. For a complete listing of these offices, with addresses, see Appendix A.

Categories of individuals covered by the system: Individuals inquiring about existence of records about them, and requesting access to and correction of such records under provisions of the Privacy Act.

Categories of records in the system: Personal identification of requester, nature of request, and disposition of the request by the Department.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: none.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file holders.

Retrievability: Filed by case number and name of individual.

Safeguards: Records maintained in locked and lockable file cabinets with access limited to authorized personnel.

Retention and disposal: Records are primarily active. Inactive files are normally disposed of after a one-year period.

System manager(s) and address:
Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject individuals.

HUD-DEPT—53

System name: Consumer Complaint Handling System.

System location: Headquarters.

Categories of individuals covered by the system: Any member of the public who writes a letter of complaint to HUD, including but not limited to: Community Development Block Grant (CDBG) recipients or individuals who use facilities or services supported by CDBG money; mortgagors/mortgagees having or seeking FHA-insured mortgages; tenants in FHA-insured projects; tenants in HUD-supported Low Rent Housing Projects; employees on HUD-assisted or insured construction projects and their unions; and public interest groups. Excluded are complaints from HUD employees arising out of the administration of internal HUD policies or procedures.

Categories of records in the system: Complaints expressing dissatisfaction with a Departmental program, policy, or service; Name of complainant and action dates.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: the following may receive individual records to assist in the resolution of a complaint—State and local officials; public and private counseling agencies; building associations; developers; financial institutions holding HUD-insured mortgages; Federal, State, and local Consumer Affairs offices; Consumer Protection agencies; State and local real estate and planning Commissions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders, cassettes, computerized tape, disc, and drum.

Retrievability: Control number, date of receipt, name of writer, date of letter, HUD program category, assigned due date, date of interim reply, date of last update on the System, and HUD Office to which complaint was referred for action.

Safeguards: Access to the automated System is accomplished by passwords and code identification codes limited in use to authorized personnel. Cassettes and computer/data files will be stored in computer facilities which are secured and accessible only to authorized personnel. File folders of pending and closed cases to be stored in lockable file cabinets.

Retention and disposal: Correspondence file is closed upon final response, and purged after six months. Correspondence pending response will remain open and active until final response is sent. Obsolete records will be disposed of in accordance with HUD Handbook.

System manager(s) and address: Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Notification procedure: For inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with procedures in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Letters of complaint from individuals, and consumer oriented agencies on behalf of individuals.

HUD/DEPT—54

System name: Parking Permit Application Files.

System location: Headquarters Office.

Categories of individuals covered by the system: Headquarters and other Federal employees who made application to park at Headquarters location.

Categories of records in the system: Application forms that contain information about the vehicles owned by and addresses of the principal applicant and carpool members.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other Routine Uses: To parking management company—for billing purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 8" by 5" card file.

Retrievability: Name and permit number.

Safeguards: Lockable file cabinets.

Retention and disposal: (1) For individuals issued permits, a long as permits are valid; (2) for individuals on the waiting list, approximately 2 years.

System manager(s) and address: Director,

Office of Organization and Management Information

Department of Housing and Urban Development

451 Seventh Street S.W.

Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR part 16. This location is given in appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Headquarters location. This location is given in appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individuals concerned, appear in 24 CFR part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the Headquarters location (this location is given in appendix A); (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D C 20410

Record source categories: Parking Permit Applicants.

HUD/DEPT—55

System name: Executive Personnel Files.

Security classification: Headquarters office.

Categories of individuals covered by the system: Executive employees, namely, executive levels, supergrades, schedule C's, experts and consultants, field office directors, and high potential senior level employees.

Categories of records in the system: Data pertaining to experience, training, education, achievements, personal activities, potential and career objectives, and evaluation of these skills and attributes.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine uses paragraph in prefatory statement. Other routine uses: to former employers, education, institutions, and references for information verification.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file cabinets.

Retrievability: Name of applicant or HUD organization.

Safeguards: Records are maintained in lockable file cabinets with access limited to authorized personnel.

Retention and disposal: Retained during active status and then disposed, usually 3 years.

System manager(s) and address: Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Notification procedure: For information, assistance, or inquiry about the existence of records, contact the Privacy Act officer at the headquarters location, in accordance with 24 CFR Part 16. This location is given in appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act officer at the headquarters location. This location is given in appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individuals concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act officer at the headquarters location. This location is given in appendix A. (ii) In relation to appeals of initial denials, the HUD departmental privacy appeals officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories: Subject individuals, former employers and references.

HUD/DEPT—56

System name: Telephone Numbers of HUD Officials.

System location: Headquarters office.

Categories of individuals covered by the system: HUD senior staff officials.

Categories of records in the system: Name, title, and home phone number.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine uses paragraph in prefactory statement. Other routine uses; Executive Office of the President for identification and communication with key staff.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Bookcase of Director, Office of Executive Secretariat.

Retrievability: Office, name, and title.

Safeguards: Records are maintained to lockable room with access limited to authorized personnel.

Retention and disposal: Records are revised as personnel and telephone numbers change. When records are revised, older records are destroyed.

System manager(s) and address: Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Notification procedure: For information, assistance, or inquiry about the existence of records, contact the Privacy Act officer at the headquarters location, in accordance with 24 CFR Part 16. This location is given in appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act officer at the headquarters location. This location is given in appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individuals concerned, appear in 24 CFR Part 16. If additional information or assistance is needed it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act officer at the headquarters location. This location is given in appendix A; (ii) in relation to appeals of initial denials, the HUD departmental privacy appeals officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories: Subject individuals.

HUD/DEPT—58

System name: HUD Child Care Center Files.

System location: Headquarters Office.

Categories of individuals covered by the system: Children enrolled in the Center and their parents, staff of the Center, others who may be involved in special programs of the Center, and names of donors.

Categories of records in the system: Information on the child, including parents names and addresses and income; health records of children and staff; information on staff including work history; current work evaluations, and other work-related information; evaluation of the children's progress in the Center; names of donors and amounts of donations to the Center.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses in prefatory statement. Other routine uses: none.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Paper records in file cabinets.

Retrievability: By name of child or name of staff member.

Safeguards: Records will be main lockable file cabinets with access limited to authorized personnel of the Center.

Retention and disposal: Records of children who leave will be stored for one year; records of staff who leave will be stored for three years. At the expiration of those periods, records will be disposed.

System manager(s) and address: Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Notification procedure: For information, assistance or inquiry about the existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Headquarters location. This location is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individuals concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories: Applicants; current and formerly enrolled children and their parents; current and former staff members; doctors, and former institutions attended by the children.

HUD/H—1

System name: Section 8 Lower-Income Rental Assistance Files.

System location: Headquarters and many field offices. For a complete list of these offices, with addresses, see Appendix.

Categories of individuals covered by the system: Tenants in Section 8 Program.

Categories of records in the system: Applicants filing for eligibility and recertification include names; addresses; social security numbers; telephone numbers; family characteristics; employment and income information; HUD review and certification; verification of employment, income and bank deposits; and related correspondence.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: none.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape/disc/drum.

Retrievability: Name of tenant. Inquiry capability by HUD management. Output interface with HPMC Section 8 MIS (occupancy characteristics).

Safeguards: Computer facilities are secured and accessible only by authorized personnel, and all files are stored in a secured area. Technical restraints are employed with regard to accessing the computer and data files.

Retention and disposal: Records system in active and kept up-to-date.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at Headquarters. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject individuals; landlords; financial institutions; employers; and local housing authorities.

HUD/H—2

System name: HUD Temporary Housing File

System location: Contact appropriate Regional Offices for locations of field offices. For a complete listing of Regional Offices, see Appendix A.

Categories of individuals covered by the system: Individuals who apply for temporary housing disaster assistance in Presidentially declared major disaster or emergency areas, and (2) candidates for staff positions at Federal Disaster Assistance Centers.

Categories of records in the system: Personal information is contained, such as name, address, sex, Social Security number, telephone number, wages, job location, family income, insurance data (relating to homes) as pertaining to some applicants, and disapproval or approval of applicants for aid or employment. There is general correspondence concerning complaints, plaudits, reinstatement in jobs or housing, requests for disbursement of payments and inquiries from tenants and landlords in regard to aid. Files also include general administrative and fiscal information, including payroll, payment schedules and forms, travel vouchers, time and attendance records, applications, termination notices, individual and family grant programs, damage and relocation information, leases, contracts, disaster cadre registers, listings of emergency repairs given as a result of specific natural disasters, reasons for tenant eviction or denial of aid, sales information on homes after tenant purchase, and status of dispositions of applicants for housing.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to the FBI—for investigation of possible Small Business Administration loan frauds; to GAO—for the investigation of files and to verify family composition, income and sources of housing plans; to the Small Business Administration—to verify household composition and actual disaster assistance; forwarding of addresses; information concerning contracts, to Local Departments of Public Assistance—for verification of occupancy of victims, their income and relocation; to House of Representatives—specific tenant informaiton is given in response to a Congressional inquiry; to Post Office—in regard to location of individuals; to Departments of Motor Vehicles and State Tax Departments—to find serial number and cost of mobile homes and vehicles; to Local Housing Authorities and departments of community affairs (by state) and the Committee on Economic Opportunity—to determine family compositions, income and sources of income and housing plans concerning relocation; to law enforcement agencies—for relocation information; to Local Housing Authorities and local township police—concerning the forwarding of addresses; to utility companies—in regard to lease dates and forwarding addresses; to Defense Department Investigating Service—concerning mobile home occupancy dates; to county investigating services—to verify address and number of people within households; to local relief and government agencies—information on victims and housing; property ownership; tax rebates; to disaster victims—in regard to disaster assistance and its termination.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Some files are in free text form, such as notes, memos, ledger cards, printed cards and 3 x 5 cards, as well as daily reports. Other files are on Standard Forms Nos. SF 171, SF 52, SF 50, 491.1 or various certification forms relative to the need for assistance.

Retrievability: Name or case file number.

Safeguards: Records are stored in lockable file cabinets in lockable rooms in secured buildings.

Retention and disposal: Some files are active and kept up-to-date, but usually only when an individual is receiving assistance. Other files are inactive and historical only, unless a follow-up on a case is needed within one year after the close-down of the Disaster Field Office. Other files are partly current and partly historical. Some files are permanently retained, others destroyed by shredding according to appropriate schedules concerning disposal authority. When Disaster Field Offices are actively functioning, inactive case files are placed in inactive files. When Disaster Field Offices are inactive, case

files are stored at record centers. However, when a Disaster Field Office has been audited and closed out, any pertinent records are shipped to Regional Offices. There is a periodic review of some files, which includes the removal of obsolete information. Once a tenant is terminated or has vacated a temporary residence, his or her records are placed in a "vacate file". Some files are eventually sent to the archives for permanent retention.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all location is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development. 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Social service and other state and city agencies; subject individuals; current or previous employers; credit bureaus; financial institutions; corporation or firms; Federal Government agencies; non-Federal Government agencies; law enforcement agencies; Disaster Field Offices.

HUD/H—3

System name: Housing Production and Mortgage Credit Monitoring System

System location: Headquarters.

Categories of individuals covered by the system: Single-family mortgagors.

Categories of records in the system: Cross-indexes (used to support studies and investigations).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routing Uses paragraphs in prefatory statemtent. Other routine uses: none.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape/disc/drum.

Retrievability: Name; case file number.

Safeguards: Computer facilities are secured and accessible only by authorized personnel, and all files are stored in a secured area. Technical restraints are employed with regard to acccessing the computer and data files.

Retention and disposal: Records system is active and kept up-to-date.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at Headquarters. This location is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed it may be obtained by contacting (i) in relation to contesting contents or records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office or General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject individuals; current or previous employers; credit bureaus; financial institutions; corporations; firms; federal government agencies.

HUD/FIA—1

System name: Federal Crime Insurance

System location: Headquarters.

Categories of individuals covered by the system: Federal crime insurance policyholders.

Categories of records in the system: Names of policyholders; addresses of insured premises; type of premises; amounts and types of insurance desired; annual premiums; claims information; record of claim payments; record of premium payments; agent's name and address; other insurance held by policyholder; inspection report of protective devices.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to Safety Management Institute for billing, verification of coverage, claims adjusting and issuance of policies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files in metal cabinets, tape/disc library.

Retrievability: By name; Social Security number of policyholders policy number.

Safeguards: Access limited to authorized personel.

Retention and disposal: Information partly current and partly historical; no procedures for removal of obsolete information.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410.

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at Headquarters. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contests of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A; (ii) in relation appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject individual; police reports (for verification of claims data); servicing companies (for verification of claims data).

HUD/FIA—2

System name: The National Flood Insurance Application and Related Documents Files.

System location: Various offices of the Servicing Agent under contract to the Department.

Categories of individuals covered by the system: Applicants for individual flood insurance and individuals insured.

Categories of records in the system: Flood insurance policy issuance and administration records and claims adjustment records, including

applications for emergency and regular flood insurance, Endorsements, Renewal Applications, Cancellation Notices, Policy Questionnaires, Notices of Loss, and Proofs of Loss.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses in prefatory statement. Other routine uses: For use of insurance agents, brokers and adjusters, and lending institutions for carrying out the purposes of the National Flood Insurance Program; and to Small Business Administration for verification of nonduplication of benefits.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In the file folders and on magnetic tape/disc/drum.

Retrievability: Name, policy number.

Safeguards: Records kept in a secured area; automated systems have restricted access limited to authorized personnel.

Retention and disposal: Policy records are kept as long as insurance is desired and premiums paid and for an appropriate time thereafter and claim records are kept for the statutory time within which to file a claim.

System manager(s) and address: Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Headquarters location. This location is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individuals concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories: Individuals who apply for flood insurance under the National Flood Insurance Program and individuals who are insured under the program.

HUD/PD&R—1

System name: Urban Homesteading Evaluation Data

System location: Cambridge, Massachusetts.

Categories of individuals covered by the system: Urban homesteaders, other residents of Urban Homesteading Demonstration (UHD) target neighborhoods, and unsuccessful applicants for UHD properties.

Categories of records in the system: Demographic, socioeconomic, housing characteristics, and housing costs.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs of prefatory statement. Other routine uses: none.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Survey questionnaires stored in file folders; punch cards, magnetic tape/disc/drum stored in facilities with limited access.

Retrievability: Code number; address.

Safeguards: File folders stored in locked cabinets; machine-readable files stored in secured areas and technical restraints are employed with regard to accessing the computer and machine-readable files. All material accessible only by authorized personnel.

Retention and disposal: Questionnaires are retained for about one month to permit conversion of data into machine-readable format; machine-readable records will be disposed of in approximately three years, early 1980.

System manager(s) and address:

Director, Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street SW.
Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials by the individual concerned appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the headquarters location. This location is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories: Urban homesteaders, other residents of UHD target neighborhoods, and unsuccessful applicants for UHD properties.

HUD/PD&R—2

System name: Solar Energy Demonstration Survey Files

System location: Headquarters.

Categories of individuals covered by the system: Purchasers and renters of solar heated or cooled housing under the demonstration program; comparative purchasers of conventional heated and cooled housing; prospective purchasers of housing marketed under the demonstration program.

Categories of records in the system: Housing characteristics, reason for moving, utility expenditures, neighborhood characteristics, perception of housing and subdivision, housing costs and financing characteristics, marketing attitudes toward solar energy, operating experience with heating and cooling systems, socioeconomic information.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraph in the prefatory statement. Other routine uses: Real Estate Research Corporation (Chicago, Ill.) for analysis and evaluation of solar energy use and its acceptance by the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders and on magneitc tape/disc/drum.

Retrievability: Name; address; code number; and index.

Safeguards: Computer facilities are secured and accessible only to authorized personnel. The name-address index file will be kept in the Department in lockable file cabinets, with access limited to key authorized personnel.

Retention and disposal: Records will be maintained until followup interviews have been completed. Records of survey participants will be destroyed as each cycle ends or the participants leave the program. Hard copy questionnaires will be destroyed after they are encoded into machine readable format. All records will be destroyed at the conclusion of the study, scheduled to end in approximately five years.

System manager(s) and address: Director, Office of Organization and Management Information Department of Housing and Urban Development 451 Seventh Street, S.W. Washington, D.C. 20410

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at Headquarters. This location is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials by the individual concerned appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Hous-

ing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories: Subject individuals.

HUD/PD&R—3

System name: Urban Reinvestment Task Force Data.

System location: Cambridge, Mass.

Categories of individuals covered by the system: Participants in Neighborhood Housing Services (NHS) Program and other residents of NHS neighborhoods.

Categories of records in the system: Socio-economic, demographic and housing characteristics of participants, their perceptions of the Neighborhood, and of the NHS program, and housing investment behavior of residents.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: none.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders, punch cards, magnetic tape and computer disc.

Retrievability: Identification code.

Safeguards: Access to file folders and computer files limited to authorized personnel.

Retention and disposal: Retained until June 1980 and then destroyed.

System manager(s) and address: Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location in accordance with 24 CFR Part 16. This location is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Headquarters location. This location is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories: Survey participants.

HUD/PD&R—4

System name: Prepurchase Counseling Demonstration and Evaluation Records.

System location: Cambridge, Mass.

Categories of individuals covered by the system: Individuals who seek homes and inquire about the program; first-time homeseekers who join the program, counseled individuals after they purchase a home or decide not to purchase; and counseled individuals who default on their mortgages.

Categories of records in the system: Socio-economic, demographic, financial, attitudinal and, if appropriate, mortgagor payment information.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses in prefatory statement. Other routine uses: none.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders and on magnetic tape.

Retrievability: Name and Identification No.

Safeguards: Files are maintained in a secured data storage bank and in lockable file cabinets with access limited to authorized persons.

Retention and disposal: Records are retained until December 31, 1980 and then destroyed.

System manager(s) and address: Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Notification procedure: For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location in accordance with 24 CFR Part 16. This location is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Headquarters location. This location is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If addtional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the Headquarters location. This location is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories: Subject individual, institution servicing the mortgage and HUD approved counseling agency.

APPENDIX A—OFFICIALS TO RECEIVE INQUIRIES, REQUESTS FOR ACCESS AND REQUESTS FOR CORRECTION OR AMENDMENT

Headquarters

Privacy Act Officer, 451 Seventh Street SW., Washington, D.C. 20410.

Region I

Regional Administrator, Room 800, John F. Kennedy Federal Building, Boston, Mass. 02203.

Area Offices

Area Manager, Bulfinch Building, 15 New Chardon Street, Boston, Mass. 02114.

Area Manager, One Financial Plaza, Hartford, Conn. 06103.

Area Manager, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, New Hampshire 03103.

Service Office

Supervisor, 330 Post Office Annex, Providence, Rhode Island 02903.

Valuation/Endorsement Stations

Supervisor, Federal Building and Post Office, 202 Harlow Street, Bangor, Maine 04401.

Supervisor, Federal Building, Elmwood Avenue, Burlington, Vermont 05401.

Region II

Regional Administrator, 26 Federal Plaza, New York, New York 10007.

Area Office

Area Manager, Suite 800, Statler Building, 107 Delaware Avenue, Buffalo, New York 14202.

Area Manager, 666 Fifth Avenue, New York, New York 10019.

Area Manager, Gateway I Building, Raymond Plaza, Newark, New Jersey 07102.

Caribbean Area Office

Area Manager, Federal Office Building, Room 428, Carlos Chardon Avenue, Hato Rey, Puerto Rico 00917.

Service Offices

Supervisor, Leo W. O'Brien Federal Building, North Pearl Street and Clinton Avenue, Albany, New York 12207.

Supervisor, The Parkade Building, 519 Federal Street, Camden, New Jersey 08103.

Region III

Regional Administrator, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106.

Area Offices

Area Manager, Two Hopkins Plaza, Merchantile Bank and Trust Building, Baltimore, Maryland 21201.

Area Manager, Curtis Building, 625 Walnut Street, Philadelphia, Pa. 19106.

Area Manager, Two Allegheny Center, Pittsburgh, Pennsylvania 15212.

Area Manager, 701 East Franklin Street, Richmond, Virginia 23219.

Area Manager, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C. 20009.

Service Office

Supervisor, New Federal Building, 500 Quarrier Street, Charleston, West Virginia 25330.

Valuation/Endorsement Station

Supervisor, Delaware Trust Plaza, 1800 Pennsylvania Avenue, Suite 604, Wilmington, Delaware 19806.

Region IV

Regional Administrator, 1371-1375 Peachtree Street NE., Atlanta, Georgia 30309.

Area Offices

Area Manager, Peachtree Center Building, 230 Peachtree Street NW., Atlanta, Georgia 30303.

Area Manager, Daniel Building, 15 South 20th Street, Birmingham, Alabama 35233.

Area Manager, 1801 Main Street, Jefferson Square, Columbia, South Carolina 29202.

Area Manager, 415 N. Edgeworth Street, Greensboro, North Carolina 27401.

Area Manager, 101-C Third Floor, Jackson Mall, 300 Woodrow Wilson Avenue, West, Jackson, Mississippi 39213.

Area Manager, Peninsular Plaza, 61 Riverside Avenue, Jacksonville, Florida 32204.

Area Manager, One Northshore Building, 1111 Northshore Drive, Knoxville, Tennessee 37919.

Area Manager, Children's Hospital Foundation Building, 601 South Floyd Street, Louisville, Kentucky 40201.

Service Officers

Supervisor, 3001 Ponce de Leon Boulevard, Coral Gables, Florida 33134.

Supervisor, Federal Building, 700 Twiggs Street, Post Office Box 2097, Tampa, Florida 33601.

Supervisor, Federal Building—U.S. Courthouse, 80 N. Hughey Avenue, Post Office Box 1400, Orlando, Florida 32802.

Supervisor, 28th Floor, 100 North Main Street, Memphis, Tennessee 38103.

Supervisor, U.S. Courthouse, Federal Building Annex, 801 Broadway, Nashville, Tennessee 37203.

Region V

Regional Administrator, 300 South Wacker Drive, Chicago, Illinois 60606.

Area Offices

Area Manager, 1 North Dearborn Street, Chicago, Illinois 60602.

Area Manager, New Federal Building, 200 North High Street, Columbus, Ohio 43215.

Area Manager, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, Michigan 48226.

Area Manager, 151 North Delaware Street, Indianapolis, Indiana 46207.

Area Manager, 744 North 4th Street, Milwaukee, Wisconsin 53203.

Area Manager, 6400 France Avenue, South Minneapolis, Minnesota 55435.

Service Offices

Supervisor, Federal Office Building, 550 Main Street, Room 9009, Cincinnati, Ohio 45202.

Supervisor, 777 Rockwell, Cleveland, Ohio 44114.

Supervisor, Northbrook Building Number II, 2922 Fuller Avenue, N.E., Grand Rapids, Michigan 49505.

Supervisor, Metropolitan Building, 432 North Saginaw Street, Flint, Michigan 48502.

Valuation/Endorsement Station

Supervisor, Lincoln Tower Plaza, 524 South Second Street, Springfield, Illinois 62701.

Region VI

Regional Administrator, Room 14C2, Earle Cabell Federal Building, U.S. Courthouse, 1100 Commerce Street, Dallas, Texas 75242.

Area Office

Area Manager, 2001 Bryan Tower, 4th Floor, Dallas, Texas 75201.

Area Manager, Room 1490, One Union National Plaza, Little Rock, Arkansas 72201.

Area Manager, Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113.

Area Manager, 200 N.W. Fifth Street, Oklahoma City, Oklahoma 73102.

Area Manager, Kallison Building, 410 South Main Avenue, Post Office Box 9163, San Antonio, Texas 78285.

Service Offices

Supervisor, 819 Taylor Street, Room 13A01 Federal Building, Fort Worth, Texas 76102.

Supervisor, Two Greenway Plaza East, Suite 200, Houston, Texas 77046.

Supervisor, Courthouse and Federal Office Building, 1205 Texas Avenue, Post Office Box 1647, Lubbock, Texas 79408.

Supervisor, 625 Truman Street, N.E., Albuquerque, New Mexico 87110.

Supervisor, 1515 Airway Boulevard, El Paso, Texas 79901.

Supervisor, New Federal Building, 500 Fannin, 6th Floor, Shreveport, Louisiana 71120.

Supervisor, 1708 Utica Square, Tulsa, Oklahoma 74152.

Region VII

Regional Administrator, Federal Office Building, Room 300, 911 Walnut Street, Kansas City, Missouri 64106.

Area Offices

Area Manager, Two Gateway Center, 4th and State Streets, Kansas City, Kansas 66101.

Area Manager, Univac Building, 7100 West Center Road, Omaha, Nebraska 68106.

Area Manager, 210 North 12th Street, St. Louis, Missouri 63101.

Service Office

Supervisor, 210 Walnut Street, Room 259, Federal Building, Des Moines, Iowa 50309.

Valuation/Endorsement Station

Supervisor, 444 S.E. Quincy Street, Room 330, Topeka, Kansas 66683.

Region VIII

Regional Administrator, Executive Tower Building, 1405 Curtis Street, Denver, Colorado 80202.

Area Office

Area Manager, Title Building, 4th Floor, 909 17th Street, Denver, Colorado 80202.

Service Offices

Supervisor, Room 340, Federal Office Building, Drawer 10095, 301 South Park, Helena, Montana 59601.

Supervisor, 125 South State Street, Salt Lake City, Utah 84147.

Valuation/Endorsement Stations

Supervisor, Federal Office Building, 100 East B Street, Casper, Wyoming 82601.

Supervisor, Federal Building, 653-2nd Avenue, North, Fargo, North Dakota 58102.

Supervisor, 119 Federal Building, U.S. Courthouse, 400 S. Phillips Avenue, Sioux Falls, South Dakota 57102.

Region IX

Regional Administrator, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, California 94102.

Area Offices

Area Manager, Federal Building, 300 Ala Moana Boulevard, Suite 3318, Honolulu, Hawaii 96850.

Area Manager, 2500 Willshire Boulevard, Los Angeles, California 90057.

Area Manager, 1 Embarcadero Center, Suite 1600, San Francisco, California 94111.

Service Offices

Supervisor, 34 Civic Center Plaza, Room 614, Santa Ana, California 92701.

Supervisor, Federal Office Building, 880 Front Street, Post Office Box 2648, San Diego, California 92112.

Supervisor, 244 West Osborn Road, Post Office Box 13468, Phoenix, Arizona 85002.

Supervisor, Federal Building, 301 West Congress, Tucson, Arizona 85701.

Supervisor, Federal Building—U.S. Courthouse, 1130 O Street, Fresno, California 93721.

Supervisor, 801 I Street, Room 147, Post Office Box 1978, Sacramento, California 95809.

Supervisor, 1050 Bible Way, Post Office Box 4700, Reno, Nevada 89505.

Supervisor, Federal Building—U.S. Courthouse, 300 Las Vegas Boulevard, South Las Vega, Nevada 89101.

Region X

Regional Administrator, 3003 Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101.

Area Offices

Area Manager, 334 West 5th Avenue, Anchorage, Alaska 99501.

Area Manager, 520 Southwest 6th Avenue, Portland, Oregon 97204.

Area Manager, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101.

Service Offices

Supervisor, 419 North Curtis Road, Post Office Box 32, Boise, Idaho 83707

Supervisor, West 920 Riverside Avenue, Spokane, Washington 99201.

Federal Disaster Assistance Administration

Region I

Director, Room 710, 150 Causeway Street, Boston, Massachusetts 02114.

Region II

Director, 26 Federal Plaza, New York, N.Y. 10007.

Region III

Director, Curtis Building, 7th Floor, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

Region IV

Director, 1375 Peachtree St., N.E., Suite 750, Atlanta, Georgia 30309.

Region V

Director, 1 N. Dearborn Street Chicago, Illinois 60602.

Region VI

Director, Federal Building, Room 13C28, 1100 Commerce Street, Dallas, Texas 75202.

Region VII

Director, Federal Office Building, Room 407, 911 Walnut Street, Kansas City, Missouri 64106.

Region VIII

Director, Executive Tower Building, 25th Floor, 1405 Curtis Street, Denver, Colorado 80202.

Region IX

Director, 211 Main Street, San Francisco, California 94105.

Region X

Director, Arcade Building, Room M-16, 1319 Second Avenue, Seattle, Washington 98101.

These are permanent offices. For location of the nearest temporary field office, contact the appropriate Regional FDAA Office.

[FR Doc. 78-32014 Filed 11-22-78; 8:45 am]

Federal Register

FRIDAY, NOVEMBER 24, 1978
PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

[4510-27-M]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION: General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publications 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 it 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 ageny having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Alabama—AL78-1093:

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama—AL78-1057	July 21, 1978
Arizona:	
AZ78-5114	Aug. 11, 1978
AZ78-5115; AZ78-5116	July 28, 1978
District of Columbia—DC78-3003	Mar. 17, 1978
Florida:	
FL78-1065	Aug. 11, 1978
FL78-1071	Sept. 1, 1978
FL78-1073	Sept. 8, 1978
Idaho—ID78-5120	Sept. 8, 1978
Louisiana:	
LA78-4099	Oct. 6, 1978
LA78-4113	Oct. 13, 1978
Minnesota:	
MN78-2062	July 14, 1978
MN78-2095; MN78-2097; MN78-2099	Sept. 29, 1978
MN78-2150; MN78-2151	Oct. 27, 1978
Nevada:	
NV78-5010	Mar. 10, 1978
NV78-5018	Mar. 17, 1978
NV78-5124	Sept. 15, 1978
NV78-5129	Oct. 27, 1978
New York:	
NY78-3077	Oct. 20, 1978
NY78-3079	Oct. 27, 1978
Pennsylvania—PA78-3090	Oct. 27, 1978
Texas:	
TX78-4017	Mar. 10, 1978
TX78-4034; TX78-4038	Apr. 14, 1978
TX78-4078; TX78-4079	Aug. 11, 1978
TX78-4082; TX78-4088	Aug. 25, 1978
TX78-4090; TX-4091	Sept. 15, 1978
TX78-4096	Sept. 22, 1978

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Georgia:	
GA75-1039 (GA78-1096)	Apr. 11, 1975.
Hawaii:	
HI78-5016 (HI78-5130)	Mar. 17, 1978.
Illinois:	
IL78-2046 (IL78-2141); IL78-2047 (IL78-2142); IL78-2048 (IL78-2145)	Mar. 24, 1978.
Iowa:	
IA77-4223 (IA78-4100); IA77-4224 (IA78-4101); IA77-4225 (IA78-4102); IA77-4226 (IA78-4103); IA77-4227 (IA78-4104); IA77-4228 (IA78-4105); IA77-4229 (IA78-4106); IA77-4230 (IA78-4107); IA77-4231 (IA78-4108); IA77-4232 (IA78-4109); IA77-4233 (IA78-4110); IA77-4234 (IA78-4111); IA77-4235 (IA78-4112)	Sept. 30, 1977.
New York:	
NY78-3035 (NY78-3094)	Apr. 14, 1978.
Ohio:	
OH78-2006 (OH78-2156)	Feb. 24, 1978.
OH78-2056 (OH78-2152)	May 12, 1978.
OH78-2059 (OH78-2157)	May 5, 1978.
Tennessee:	
TN78-1059 (TN78-1097	July 7, 1978.
Virginia:	
VA75-3095 (VA78-3096)	Sept. 19, 1978.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

None.

Signed at Washington, D.C., this 17th Day of November 1978.

DOROTHY P. COME,
Assistant Administrator, Wage and Hour Division.

[FR Doc. 78-32772 Filed 11-22-78; 8:45 am]

STATE: Alabama COUNTY: Etowah
DECISION NO.: AL78-1093 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (does not include residential construction consisting of single family homes and garden type apartments up to and including 4 stories).

AL78-1093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	11.21	.45	.70		.05
A/C and heating mechanic	10.45	.69	.60		.09
Bricklayers	9.90		.25	.25	.05
Carpenters:					
Carpenters	8.70	.55	.40		
Millwrights	8.95	.55	.40		
Cement masons	9.90	.25	.25		.05
Electricians	11.05	.55	3%+.40		½ of 1%
Glaziers	7.73				
Ironworkers:					
Structural and ornamental	10.00	.60	.815		.06
Reinforcing	10.00	.60	.815		.06
Sheeters	10.00	.60	.815		.06
Insulators	8.35				
Laborers:					
Laborers	5.40	.20	.15		
Mortar mixers	5.50	.20	.15		
Lathers	8.50				
Painters, brush	7.79				
Plumbers and pipefitters	11.35	.50	.55	a	.07
Roofers	8.90		.20		.10
Sheet metal workers	10.70	.69	.82		.09
Sprinkler fitters	10.80	.75	1.00		
Truck Drivers:					
Up to but not inc. 1½ tons	7.05	.40			
1½ up to but not inc. 3 tons	7.25	.40			
3 up to but not inc. 5 tons	7.50	.40			
5 tons and over inc. special equipment	7.65	.40			
Heavy-Duty-off the road trucks	7.75	.40			
Welders - Rate for Craft.					

FOOTNOTE:
a. Four Paid Holidays: July 4; Labor Day; Thanksgiving Day; Christmas Day.

AL-2-PEO-1-N

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group A Asphalt plant; boom tractor; bulldozer; cableways; core driller; compressors (2 or more); crane-derrick dragline; dinky locomotive; dredges; forklift; front end loader; grendall; heavy duty mechanic; hoist (1 drum or more) mixers; push tractors; scrapers; shovels; trenching machine (and all similar equipment); winch trucks; motor graders; concrete pumps; piledriver; rotary drill	$ 9.34	.40	.30		.10
GROUP B: Air compressor (over 125); Asphalt sprender; blade graders (pull type); boat operator; conveyor (2 or more up to 4); crawler tractor; distributors (bituminous surface); farm tractors; finishing machine; pumps over 4 inches; rollers; welding machine (4 or more)	8.91	.40	.30		.10
GROUP C Air compressor (125 & under); oilers-firemen; conveyor-(1) tended by oiler; pumps (under 4 inches); welding machines (3 or under)	7.94	.40	.30		.10
GROUP D ON STEEL ERECTION: crane; dragline; derrick; hoist; piledriver; winch truck; forklift; tower cranes; climbing cranes; cherry picker; mechanics; locomotives; tug boat	10.04	.40	.30		.10
GROUP E Tractors; welding machine; gas or diesel driven welding machine (4 or more); air compressors over 125 (2 or less); power generating units (gas or diesel)	9.4[illegible]	.40	.30		.10

AL78-1093

AL-2-FED-T-N

POWER EQUIPMENT OPERATORS: (Continued)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP F					
Gas or diesel driven welding machine (3 or less); air compressor 125 and under (2 or less); oiler; fireman; small boat	$ 8 07	40	30		10

MODIFICATIONS P 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Decision # AL78-1057 - Mod. # 3 (43 FR-31549 - July 21, 1978) Madison County, Alabama					
Change:					
Cement Masons	9 35				
Plumbers and pipefitters	10 80	55	55		15
DECISION #AZ78-5114 - Mod. #4 (43 FR 35828 - August 11, 1978) Statewide Arizona					
Change:					
Electricians:					
Flagstaff Area:					
Zone A: In the City of Flagstaff, that area lying in a square extending 20 miles North-South, East and West of the Post Office; For Williams, Winslow and Sedona that area covering a square extending 5 miles North-South, East and West of the Post Office in each town	$12 80	.96	3% + .88		1/2%
Zone B: All territorial jurisdiction allotted outside of Zone A	15.35	.96	3% + 88		1/2%
Laborers:	C&S Area	N Area			
Group 1	$8.36	$9.985	92	98	10
Group 2	8 49	10 115	.92	.98	10
Group 3	8.63	10 255	.92	.98	10
Group 4	8 74	10 365	92	.98	10
Group 5	8 91	10 535	.92	98	10
Group 6	9 285	10 91	92	98	10
Group 7	9 915	11 54	.92	98	10
Laborers (Tunnel and Shaft Work):					
Group 1	8 605	10 23	.92	.98	10
Group 2	8 77	10 395	92	98	10
Group 3	8 90	10 525	92	98	10
Group 4	9 26	10 885	92	98	10
Group 5	9 435	11 06	92	98	10
Group 5-A	9 685	11 31	92	98	10

DECISION #AZ78-5114 (Cont'd):

Change (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Line Construction:					
Zone 1: Phoenix and Tucson 30 mile radius from center of town:					
Groundman	$9.97	8%	3% + 9%		1/2%
Equipment Operators; Powdermen; Mechanics	11 47	8%	3% + 9%		1/2%
Linemen; Technicians; Crane Operators	12.90	8%	3% + 9%		1/2%
Cable Splicers	13.30	8%	3% + 9%		1/2%
Zone 1-A: Douglas, Flagstaff, Globe, Kingman, Prescott, Yuma, 10 mile radius from center of town:					
Groundmen	10.81	8%	3% + 9%		1/2%
Equipment Operators; Powdermen; Mechanics	12.24	8%	3% + 9%		1/2%
Linemen; Technicians; Crane Operators	13.72	8%	3% + 9%		1/2%
Cable Splicers	14.20	8%	3% + 9%		1/2%
Zone 2: Other areas:					
Groundmen	11 59	8%	3% + 9%		1/2%
Equipment Operators; Powdermen; Mechanics	13 03	8%	3% + 9%		1/2%
Linemen; Technicians; Crane Operators	14.52	8%	3% + 9%		1/2%
Cable Splicers	14.95	8%	3% + 9%		1/2%
Painters:					
Phoenix Area:					
Zone A: 0-40 miles from Court House in Phoenix, Mesa and including Luke and Williams Air Force Bases:					
Brush and roller; Sandblaster (Nozzleman); Sandblaster (pot tender)	10.50	.60	.40		.08
Spray	10.75	.60	.40		.08
Creosote Applier	10.83	.60	.40		.08
Swing Stage:					
Brush, sandblaster	10.90	.60	.40		.08
Spray	11.15	.60	.40		.08
Steeplejack	11.36	.60	.40		.08

DECISION #AZ78-5114 (Cont'd):

Change (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Painters (Cont'd):					
Zone A (Cont'd):					
Steel and bridge, brush; Steel Sandblaster	$11.43	.60	.40		08
Steel and bridge, spray	11 63	.60	.40		.08
Zone B: 41-60 miles from Court House in Phoenix:					
Brush and roller; Sandblaster (Nozzleman); Sandblaster (Pot tender)	11.50	.60	40		.08
Spray	11 75	.60	.40		08
Creosote Applier	11 83	60	.40		08
Swing Stage:					
Brush, sandblaster	11 90	60	40		08
Spray	12 15	60	.40		08
Steeplejack	12 36	.60	40		08
Steel and bridge, brush; Steel Sandblaster	12 43	60	40		08
Steel and bridge, spray	12 63	60	60		08
Zone C: 60 miles and over from Court House in Phoenix:					
Brush and roller; Sandblaster (Nozzleman); Sandblaster (Pot tender)	12 75	.60	.40		08
Spray	13 00	.60	.40		08
Creosote Applier	13 08	60	40		08
Swing Stage:					
Brush, sandblaster	13.15	.60	.40		.08
Spray	13.40	.60	.40		.08
Steeplejack	13.61	.60	.40		08
Steel and bridge, brush; Steel Sandblaster	13.68	.60	.40		08
Steel and bridge, spray	13.88	.60	.60		.08
Sheet Metal Workers:					
Zones Bases: From the Administration Building or City Hall in Flagstaff, Kingman, Phoenix, Prescott, Yuma:					
Zone 1: 0 to 25 miles excluding Luke and Williams Air Force Bases	$11.70	.90	$1 30		10
Zone 2: 25 to 50 miles including Luke and Williams Air Force Bases	12 35	.90	1.30		.10
Zone 3: 50 miles and over	14.20	.90	1.30		.10

DECISION #AZ78-5115 - Mod. 34
(43 FR 33018 - July 28, 1978)
Maricopa County, Arizona

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Laborers:					
Group 1	$8 36	92	98		10
Group 2	8 49	.92	98		10
Group 3	8 63	92	98		10
Group 4	8 74	92	98		10
Group 5	8 91	92	.98		10
Group 6	9 285	92	98		10
Group 7	9 915	.92	.98		.10
Sheet Metal Workers:					
Zone 1: 0 to 25 miles excluding Luke and Williams Air Force Bases	11.70	.90	1.30		.10
Zone 2: 25 to 50 miles including Luke and Williams Air Force Bases	12 35	90	1 30		.10
Zone 3: 50 miles and over	14.20	.90	1.30		.10

DECISION #AZ78-5116 - Mod. #4
(43 FR 33014 - July 28, 1978)
Pima County, Arizona

Change:					
Laborers:					
Group 1	$8 36	.92	98		.10
Group 2	8 49	92	.98		.10
Group 3	8 63	.92	98		.10
Group 4	8 74	92	98		.10
Group 5	8 91	92	98		10
Group 6	9.285	.92	98		.10
Group 7	9 915	.92	.98		10

DECISION #DC78-3008 - Mod. #7
(43 FR 11464 - March 17, 1978):
District of Columbia; Maryland - Montgomery and Prince Georges; and D C Training School;
Virginia - Independant City of Alexandria & Arlington

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
HEAVY CONSTRUCTION EXCLUDING WATER AND SEWER LINES:					
All Counties					
BUILDING CONSTRUCTION:					
Excluding Alexandria, Virginia					
LINE CONSTRUCTION:					
Linemen, cable splicers, equipment operators	12 66	60	3%		½ of 1%
Truck with winch, truck pole or steel handling	7 58	60	3%		½ of 1%
Groundmen (0 to 1 year)	6 16	60	3%		½ of 1%
Groundmen (1 to 2 years)	6 07	60	3%		½ of 1%
Groundmen (over 2 years)	7 32	.60	3%		½ of 1%
PLUMBERS	11 32	1 05	1 00		27
POWER EQUIPMENT OPERATORS:					
Backhoes, cable ways, cranes, draglines power shovels, tunnel shovels, tunnel mucking machines, derricks, 1 cu yd and over	8 94	35	45		.05
Backhoes, cableways cranes derricks, dragline, tunnel shovels, tunnel mucking machines up to 1 cu yd, boom cats, elevating graders, hoists, paving mixers, pile-driving engines, batch plants concrete pumps	8 69	35	45		05
Trenching machines (above 8' 3")	8 49	35	45		05
Backhoes (hydraulic, under ½ c y)	8 57	35	.45		05
Trenching machnies (up to 8' 3"), boilers skeleton, well drilling machines	8 39	35	45		05
Air compressors, tunnel	8 36	.35	45		05
Front end loaders (highlift), bulldozers	8 34	35	45		05
Concrete mixers, power sheel scoops and scrapers, motor graders, tunnel motor men, blade graders, tunnel mechanics	8 24	35	45		05

DECISION #DC78-3008 - Mod. #7 MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS CONT'd:					
Mechanics	8 42	.35	45		05
Bulldozer, hydraulic tampers	8 14	35	.45		05
Roller	8 04	35	45		05
Air Compressos, pump, welding machine well points	7 965	35	.45		05
HEAVY CONSTRUCTION (EXCLUDING WATER AND SEWER LINES): All Counties					
BUILDING CONSTRUCTION: Excludig Alexandria, Virginia					
PAINTERS:					
Brush, spray, paperhangers, tapers	10 61	86	1 10		08
Steel, sandblasting, swing stage, power brushing	11 11	.86	1 10		08
Decision No. FL78-1065 - Mod. #2					
(43 FR-35809 - August 11, 1978) Brevard and Volusia (excluding Cape Canaveral, Kennedy Space Flight Center, Patrick Air Force Base, and Melabar Radar Site), Lake, Orange, Osceola, Polk, and Seminole Counties, Florida					
Omit:					
Ironworkers	9 33	.65	60	.65	05
Painters	8 65		.30		
Add: Indian River, Martin and St Lucie Counties					
Change:					
Carpenters	6 41				
Cement masons	6.30				
Electricians:					
Polk County	8.87	5.5%	3%+3%	4%	10
St Lucie	10.08				
Volusia	8.65	.45	3%+ 58		1%
Laborers:					
Unskilled	3 91				
Power Equipment Operators:					
Bulldozers	6.00				

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Decision # FL78-1071 - Mod. #1					
(43 FR-39249 September 1, 1978) Citrus, Hernando, Hillsbrough, Indian River, Manatee, Martin, Pasco, Pinellas, Sarasota, St Lucie, and Sumter Counties, Florida.					
Omit: Counties of: Indian River, Martin, & St Lucie					
Change:					
Carpenters	5 17				
Cement Masons	5 86				
Laborers:					
Unskilled	3 00				
Power Equipment Operators:					
Draglines	6.36				
Mechanics	5 43				
Decision No. FL78-1073 - Mod. #1					
(43 FR-40173 - September 8, 1978) Bay County, Florida					
Changes: Supersedes Decision No. PL75-1012 dated May 14, 1976 in 41 FR-20130 to read: Supersedes Decision No: FL76-1059 dated May 14, 1976 in FR-20130.					

DECISION #ID78-5120 - Mod. #2
(43 FR 40176 - September 8, 1978)
Statewide Idaho

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Change:					
Bricklayers; Stonemasons:					
Clearwater, Idaho, Latah, Lewis, Nez Perce Counties	$11.94	80	70		05
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls Counties	11 45	55	65		
Add:					
Bricklayers; Stonemasons:					
Bingham County (north of City of Blackfoot), Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, Teton Counties	10 75	55	45		
Change:					
Glaziers:					
Remaining Counties	8 23	42	10	b	
Benewah, Clearwater, Idaho County (north of 46th Parallel), Latah, Lewis, Nez Perce Counties	10 33	.40	.45	b	
Ada, Adams, Boise, Canyon, Elmore, Gem, Gooding County (western part of County from a line running north and south through the eastern limits of the City of Bliss), Idaho County (southern part of County from a line running east and west through the north limits of Elk City), Owyhee, Payette, Valley, Washington Counties	10.79	35	.30		.11
Marble Setters:					
Clearwater, Idaho, Latah, Lewis, Nez Perce Counties	11 94	80	70		05
Add:					
Marble Setters:					
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls Counties	11 45	55	65		

DECISION #ID78-5120 (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Add (Cont'd):					
Marble Setters (Cont'd):					
Bingham County (north of City of Blackfoot), Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, Teton Counties	$8 60	.55	.45		
Change:					
Painters:					
Ada, Adams, Boise, Canyon, Elmore (except Mt Home Air Force Base), Gem, Gooding County (western third of County including City of Bliss), Idaho County (south of 46th Parallel), Owyhee, Payette, Valley, Washington Counties:					
Painters and Tapers	9 34	56	.35		
Elmore County (Mt Home Air Force Base):					
Painters and Tapers	10 34	.56	.35		
Roofers:					
Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Idaho County (south of the 46th Parallel), Lemhi, Owyhee, Payette, Valley, Washington Counties:					
Roofers; Kettlemen	9.60	.65	.30	.50	
Roofers working with coal tar and pitch products	11 60	.65	.30	.50	
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	10 39	.65	1 00		.02
Sheet Metal Workers:					
Remaining Counties	11 98	68	52		.18

DECISION #ID78-5120 (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Add:					
Terrazzo Workers & Tile Setters:					
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls Counties	$11 45	55	65		
Bingham County (north of City of Blackfoot), Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, Teton Counties	8 60	55	45		
DECISION #LA78-4099 - Mod. #3 (43 FR 46449 - October 6, 1978) Statewide Louisiana					
Change:					
Asbestos workers - Zone 2	$10 83	50	.76		03
Glaziers - Zone 4	8.68		30		.04
DECISION #LA78-4113 - Mod. #3 (43 FR 47429 - October 13, 1978) Bossier, Caddo & Calcasieu Parishes, Louisiana					
Change:					
Asbestos workers:					
Bossier & Caddo Parishes	10 83	50	76		.03
Glaziers:					
Bossier & Caddo Parishes	8.68		.30		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #MN78-2062 - Mod. #3 (43 FR 30459 - July 14, 1978) Aitkin, Anoka, Benton, Blue Earth, Carlton, Carver, Chisago, Cook, Dakota, Dodge, Fairbault Fillmore, Freeborn, Goodhue, Hennepin, Houston, Itasca, Kanabec, Koochiching, Lake, LeSueur, Mille Lacs, Morrison, Mower, Nicollet, Olmsted, Ramsey, Rice, Scott, Sherburne Sibley, Stearns, Steel, St. Louis, Wabasha, Wascca, Washington, Winona & Wright Counties, Minnesota					
CHANGE:					
Laborers:					
Counties of Benton, Kanabec, Mille Lacs & Stearns					
Class 1	$8.20	.55	.35	.40	
Class 2	8.25	.55	.35	.40	
Class 3	8.30	.55	.35	.40	
Class 4	8.35	.55	.35	.40	
Class 5	8.45	.55	.35	.40	
Class 6	8.60	.55	.35	.40	
Class 7	8.65	.55	.35	.40	
Class 8	8.70	.55	.35	.40	
Counties of Blue Earth, Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Houston, LeSueur, Mower, Nicolett, Olmstead, Rice, Steele, Wabasha, Wascca & Winona					
Class 1 - Unskilled, etc.	8.95	.35	.15		
Class 2 - Bit. Shoveler	9.05	.35	.15		
Class 3 - Bit. Tarper, etc.	9.10	.35	.15		
Class 4 - Bit. Raker, etc.	9.20	.35	.15		
Class 5 - Nozzleman-Gunite	9.35	.35	.15		
Class 6 - Pipelayer, etc.	9.40	.35	.15		
Class 7 - Powderman, etc.	9.45	.35	.15		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION MN78-2095 - Mod. #1 (43 FR 45130 - September 29, 1978) Anoka, Carver, Hennepin, Scott, Dakota, Ramsey & Washington Counties, Minnesota					
CHANGE:					
Laborers: Building Construction					
Class 1	$8 75	.60	45	.40	
Class 2	8.80	.60	.45	.40	
Class 3	8.85	.60	45	.40	
Class 4	8.90	.60	.45	.40	
Class 5	9 00	.60	.45	40	
Class 6	9.05	.60	.45	.40	
Class 7	9.10	.60	.45	.40	
Class 8	9.15	.60	.45	.40	
Class 9	9.455	.60	.45	.40	
DECISION MN78-2097 - Mod. #1 (43 FR 45141 - September 29, 1978) Olmsted County, Minnesota					
CHANGE:					
Laborers: Building Construction					
General Laborer; Carpenter Tender; Flagman; Power Buggy Operator	$8.90	.35	.15		
Mason Tender; Drill Runner; Vibrator Operator; Rebar Laborer	9.00	.35	.15		
Mortar Mixer; Air Acutated Tool	9.05	.35	.15		
Plasterer Tender	9.15	.35	.15		
Nozzleman	9.30	.35	.15		
Laborers: Site Preparation, etc.					
Class 1-Unskilled, etc.	8 95	.35	.15		
Class 2-Bit. Shoveler, etc.	9 05	.35	.15		
Class 3-Bit. Tamper, etc.	9 10	.35	.15		
Class 4-Bit. Raker, etc.	9.20	.35	.15		
Class 5-Nozzleman-Gunite	9.35	.35	.15		
Class 6-Pipelayer, etc.	9.40	.35	.15		
Class 7-Powderman, etc.	9.45	.35	.15		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #MN78-2099 - Mod. #1 (43 FR 45151 - September 29, 1978) Carlton, Cook, Itasca, Koochiching, Lake & St. Louis Counties, Minnesota					
CHANGE:					
Laborers: Building Construction					
Carlton, Cook, Lake & St. Louis County South of T-55-N incl, the City of Duluth:					
Common Laborer	$8.65	.40	.45	.50	
Mortar Mixers, Carpenter & Mason Tenders, Jackhammer & Vibrator Operator	8.75	.40	.45	.50	
Itasca & Koochiching Counties & north of T-55-N, including Cities of Hibbing, Chisolm & Buhl in St. Louis County					
Common Laborer	9.25	.35	.15		
Carpenter & Mason Tender, Mortar Mixer, Bricklayer Tender & Jackhammer	9.35	.35	.15		
Pipelayer (non-metallic)	9.60	.35	.15		
DECISION #MN78-2150 - Mod. #2 (43 FR 50332 - October 27, 1978) Blue Earth, Fairbault, Freeborn & Mower Counties, Minnesota					
CHANGE:					
Laborers - Building Construction					
General Laborers & Carpenter Tender	8.90	.35	.15		
Mason Tenders & Vibrator Opr	9.00	.35	.15		
Mortar Mixers	9.05	.35	.15		
Laborers - Site Preparation, etc.					
Class 1 - Unskilled Laborer, etc.	8 95	.35	.15		
Class 2 - Bituminous Shoveler etc.	9.05	.35	.15		
Class 3 - Bituminous Tamper	9.10	.35	.15		
Class 4 - Bituminous Raker, etc.	9.20	.35	.15		
Class 5 - Nozzleman-Gunite	9.35	.35	.15		
Class 6 - Pipelayer, etc.	9 40	.35	.15		
Class 7 - Powderman, etc	9 45	.35	.15		

DECISION #MN78-2151 - Mod. #1 (43 FR 50337 - October 27, 1978) Benton, Sherburne & Stearns Counties, Minnesota	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CHANGE:					
Laborers - Building Construction					
Stearns & Benton Counties					
General Laborers, Demolition & Wrecking; Concrete Joint Saw Opr; Signal Man	$8.70	.35	.15		
Power Buggy Operators	8.75	.35	.15		
Mortar Mixers; Plasterer Tenders	8.80	.35	.15		
Jackhammer Man	8.85	.35	.15		
Underground; Caisson; Coffordam & Tunnel Work	8.95	.35	.15		
Dynamite Man & Pipelayers	9.00	.35	.15		
Sherburne County:					
Corrop, Carpenter Tender	8.75	.60	.45	.40	
Wrecking & Demolition	8.85	.60	.45	.40	
Vibrator Opr; Jackhammerman; Mortar Mixers	8.90	.60	.45	.40	
Underground Work	9.00	.60	.45	.40	
Pipelayers	9.05	.60	.45	.40	
Caisson Work-Underpinning	9.10	.60	.45	.40	
Dynamite Man	9.455	.60	.45	.40	
Laborers-Site Preparation, etc.					
Benton & Stearns Counties					
Class 1	8.20	.55	.35	.40	
Class 2	8.25	.55	.35	.40	
Class 3	8.30	.55	.35	.40	
Class 4	8.35	.55	.35	.40	
Class 5	8.45	.55	.35	.40	
Class 6- Nozzleman(Gunite)	8.60	.55	.35	.40	
Class 7-Pipelayer-Laser Beam	8.65	.55	.35	.40	
Class 8	8.70	.55	.35	.40	

DECISION #NV78-5010 - Mod. #4 (43 FR 10229 - March 10, 1978) Nevada Test Site including Tonopah Test Range in Clark and Nye Counties, Nevada	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Change:					
Ironworkers:					
Ornamental; Reinforcing; Structural	$12 04	$1 29	$2 57	$1.65	.07
Mason Tenders	10 82	66	1.35		
Sheet Metal Workers	12.46	1.14	1.61	1.50	.10
DECISION #NV78-5018 - Mod. #5 (43 FR 11447 - March 17, 1978) Clark County (does not include the Nevada Test Site), Nevada					
Change:					
Ironworkers:					
Fence Erectors	$11 11	$1 29	$2 57	$1 65	07
Ornamental; Reinforcing; Structural	12.00	1 29	2 57	1.65	07
Mason Tenders	10.82	66	1.35		
Plaster Tenders	11.92	66	1 35		
Sheet Metal Workers	14.71	1.61	1 61		17
DECISION #NV78-5124 - Mod. #2 (43 FR 41351 - September 15, 1978) Statewide (does not include the Nevada Test Site and Tonopah Test Range, and highway construction in Douglas County), Nevada					
Change:					
Ironworkers:					
Remaining Counties:					
Fence Erector	$11.11	$1.29	$2.57	$1.65	.07
Ornamental; Reinforcing; Structural	12 00	1 29	2.57	1.65	.07
Mason Tenders:					
Clark, Esmeralda, Lincoln, Nye County (south half)	10 82	.66	1.35		
Plaster Tenders:					
Clark, Esmeralda, Lincoln, Nye County (south half)	11.92	66	1.35		
Sheet Metal Workers:					
Clark, Esmeralda, Lincoln, Nye County (south half), White Pine Counties	14.71	1.14	1 61		.17
Soft Floor Layers:					
Remaining Counties including Lake Tahoe Area	12.64	.70	.20		

DECISION #NV78-5129 - Mod. #1
(43 FR 50344 - October 27, 1978)
Washoe County, Nevada

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Ironworkers:					
Fence Erectors	$11 11	$1 29	$2 57	$1 65	.07
Ornamental; Reinforcing; Structural	12.00	1 29	2 57	1 65	07
Soft Floor Layers	12.64	.70	.20		

DECISION NO. NY78-3077 - Mod. #1
(43 FR 49196 October 20, 1978)
Westchester County, New York

Change:					
Bricklayers, Cement Masons, Plasterers, Pointers, Caulkers, Cleaners and Stone Masons	12 00	1 00	2 00	a+b	07
Marble Setters:					
Cutters and Setters	9 15	1 16	1 51	1 00+k	
Carvers	9 30	1 16	1 51	1 00+k	
Crane Operators	8 45	1 26	1 54	1 00+k	
Polishers	9 83	86	1 24	60+k	
Glaziers	11 70	66	1 66	67	01
Power Equipment Operators: Building Construction					

DECISION NO. NY78-3077 - Mod. #1

	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 20	10%	a	1½%
GROUP II	13 19	6%+1 20	10%	a	1½%
GROUP III	13 0475	6%+1 20	10%	a	1½%
GROUP IV	12 905	6%+1 20	10%	a	1½%
GROUP V	11 7625	6%+1 20	10%	a	1½%
GROUP VI					
A	15 08	6%+1 20	10%	a	1½%
B	14 6175	6%+1 20	10%	a	1½%
C	9 9925	6%+1 20	10%	a	1½%
D	13 6175	6%+1 20	10%	a	1½%
E	12 3325	6%+1 20	10%	a	1½%
F	13 19	6%+1 20	10%	a	1½%
G	18 3325	6%+1 20	10%	a	1½%
H	11 7625	6%+1 20	10%	a	1½%
I	18 0475	6%+1 20	10%	a	1½%
J	16 325	6%+1 20	10%	a	1½%
K	17 325	6%+1 20	10%	a	1½%
L	14 605	6%+1 20	10%	a	1½%
M	15 105	6%+1 20	10%	a	1½%
GROUP VII	14 3325	6%+1 20	10%	a	1½%
GROUP VIII	10 0175	6%+1 20	10%	a	1½%

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION

GROUP I

Backhoe Oliver 88, Fordson, dynahoe, dual purpose & similar machine, Barber Green loader-euclid loader or similar type, cherry picker (cableway), compressor (steel erection), conway or similar mucking machines, dragline, gradall, shovel, backhoe, etc , (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scrapers over 20 yds struck), mucking machines, pavement breaker (air ram), paver (concrete), pulsometer, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-½ yds , trenching machines, tractor type demolition equipment, winch truck "A" Frame

DECISION NO. NY78-3077 - Mod. #1

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, bonding 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, mucking grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc , concrete, pump-plastrer, roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel outing 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, Assistant Master Mechanic
B. Helicopter hoist op.
C. 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 - Mod. #1

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

Concreterportable hoist, crane & hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overheadcrane, power house plant, tolephies, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer-concrete (crane, derrick, mine hoist), hoist engineer material

GROUP VIII

Oiler - Asphalt Paver

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

DECISION NO. NY78-3079 - Mod. #1
(43 FR 50351 - October 27, 1978)
Nassau and Suffolk Counties, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Change:					
Asbestos Workers	12.73	1 04	2 00		
Marble Setters:					
Cutters and Setters	9 15	1 16	1.51	1 00+j	
Carvers	9.30	1 16	1 51	1 00+j	
Crane Operators	8 45	1 26	1 54	1 00+j	
Polishers	9 83	91	1 44	60+j	
Painters, Suffolk County:					
Brush and Drywall Finishers	9 70	1 50	2 15		21
Structural Steel	12 10	1 50	2 15		21
Spray and Scaffold	10 90	1 50	2.15		.21
Painters, Nassau County:					
West of Port Washington Blvd and North on the shore and west of Long Beach Road and South of Sunrise Highway on the South Shore:					
Structural Steel	12 13	13%	14%		1%
Structural Steel Spray, Sandblasting, and Power Tools	13 13	13%	14%		1%
Remainder of County:					
Painters	9.21	1 29	1.90	.60	03
Open Steel, Swing Scaffold Rolling Scaffold 18' and over, Sandblasting	10 53	1 29	1.90	.60	.03
Glaziers	11 84	1 29	1 90	.60	.03
	11 70	.66	1.66	67	01

DECISION NO. NY78-3079 - Mod. #1

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	$12 28	8%+ 25	2 00	a	.15
Backhoe, dragline, gradall, pile-driver, shovel	12 555	8%+ 25	2 00	a	15
Batching plant (on site of Job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel) pump (concrete)	12 455	8%+ 2 5	2 00	a	15
Bending machine, generator (small), vibrator (1 to 5), dinky locomotive	11 105	8%+ 25	2 00	a	15
Boiler, bulldozer, compressor (on crane), compressor (pile-work), compressor (stone setting), concrete breaker, conveyor, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drawn), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than stone or steel), pump (double action diaphragm), pump (gypsum), pump (hydraulic), pump (jet), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)	12 105	8%+ 25	2 00	a	15
Boom truck, crane (crawler or truck), conveyor-multi, plant engineer, stone spreader (self-propelled)	12 305	8%+ 25	2 00	a	15
Compressor, compressor (2 or more in battery), generator, mulch machine, pin puller portable heaters, pump (4 inch or over), track tamper (2 engineers each), welding machine	11 855	8%+ 25	2 00	a	.15

DECISION NO. NY78-3079 - Mod. #1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS: (CONT'D)					
Crane and boom truck (stone setting, structural steel)	$12 68	8%+ 25	2 00	a	.15
Bulldozer (used for excavation), fireman, loading machine, power-broom, scoop (carry-all scraper) vac-all	11 73	8%+ 25	2 00	a	15
CMI or maxim spreader, concrete spreader, derrick, sideboom tractor	12 655	8%+ 25	2 00	a	15
Compressor (structural steel)	12.255	8%+ 25	2 00	a	.15
Concrete saw or cutter, mixer (with skip), mixer (2 small, with or without skip), pump (up to 3 inches), tractor-caterpiller or wheel	11 355	8%+ 25	2 00	a	15
Crane with clam shell bucket	12 555	8%+ 25	2 00	a	15
Crane, crawler or truck:					
Boom lengths of 100' (including jib) but less than 150'	12 805	8%+ 25	2 00	a	.15
Boom lengths of 150' (including jib) but less than 250'	13 055	8%+ 25	2 00	a	.15
Boom lengths of 250' (including jib) but less than 350'	13 305	8%+ 25	2 00	a	15
Boom lengths of 350'	13 805	8%+ 25	2 00	a	15
Curb machine (asphalt or concrete), curing machine, pump (submersible), tower crane (maintenance man)	12 055	8%+ 25	2 00	a	15
Dredge	12 43	8%+ 25	2 00	a	15
Elevator, forklift, hoist (1 drum)	12 48	8%+ 25	2.00	a	15
Forklift (walk-behind, power operated)	12.27	8%+ 25	2 00	a	15
Grader	11.88	8%+ 25	2 00	a	15
Hoist (2 and drum)	12 53	8%+ 25	2 00	a	.15
Hoist (multiple platform)	15 15	8%+ 25	2 00	a	15
Mechanical compactors (hand operation), trench machine (hand)	10 73	8%+ 25	2 00	a	.15
Hoist tandem platform	13 53	8%+.25	2 00	a	.15

DECISION NO. NY78-3079 - Mod. #1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATOR: (CONT'D)					
Hydra-hammer, ridge cutter	$11 27	8%+ 25	2 00	a	15
Lead engineer	13.755	8%+ 25	2 00	a	15
Loading machine (with capacity of 10 yds or over)	11 98	8%+ 25	2 00	a	15
Oiler, stump chipper	10 755	8%+ 25	2 00	a	15
Power buggies	10 98	8%+ 25	2 00	a	.15
Roller, trench machine	12 355	8%+ 25	2 00	a	15
Scoop, carry-all, scraper in tandem	12 73	8%+ 25	2 00	a	15
Sideboom tractor (used in tank work)	12 815	8%+ 25	2 00	a	15
Striping machine	11 78	8%+ 25	2 00	a	15
Tank work	12 58	8%+ 25	2 00	a	15
Tower crane (engineer)	13 11	8%+ 25	2.00	a	.15
Tower crane (oiler)	10 605	8%+ 25	2 00	a	15
Welding machine, structural steel	12.33	8%+ 25	2 00	a	15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Veterans' Day

DECISION NO. NY78-3079 - Mod. #1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
HEAVY AND HIGHWAY CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
Asphalt spreader, boom truck, boring machine (other than holes), CMI or maxim spreader, crane (crawler or truck), conveyor (multi), plant engineer, concrete spreader, sideboom tractor, stone spreader, (self-propelled), cherry picker	$12 28	8%+ 25	2 00	a	.15
Backhoe, crane (stone setting), crane (structural steel), dragline, gradall, piledriver, road paver, shovel	12 65	8%+ 25	2 00	a	15
Batching plant (on site of job), crane (on barge), derrick, sideboom tractor (used in tank work), tank work	12 505	8%+ 25	2 00	a	15
Bending machine, mechanical compactors (hand operated), pump (centrifugal, up to 3 inches), trench machine (hand)	10 03	8%+ 25	2 00	a	15
Boiler	11 78	8%+ 25	2 00	a	15
Boring machine (post holes)	12 22	8%+ 25	2 00	a	15
Bulldozer, concrete finishing machine, conveyor, curb machine (asphalt or concrete), curing machine, dinky locomotive, fireman, forklift, hoist (1 drum), loading machine, maintenance engineer, pulvi-mixer, pump (4 inches or over), pump (hydraulic), pump (jet), pump (submersible), pump (well point) roller (5 ton and over), scoop (carryall, scraper), maintenance man (tower crane), vac-all, welding and burning	11 47	8%+ 25	2 00	a	15
Compressor (on crane), generator (pile work), welding machine (pile work), power winch (used for other than stone or structural steel), power house, loading machine (front end), compressor pile (pile work),					

DECISION NO. NY78-3079 - Mod. #1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS:CONT'D)					
power winch (truck mounted, used for other than stone or steel), hoist (2 drum)	12 005	8%+ 25	2 00	a	15
Compressor (2 or more in battery	11 70	8%+ 25	2 00	a	.15
Compressor (stone setting), compressor (structural steel), welding machine (structural steel)	12 165	8%+ 25	2 00	a	15
Compressor, mulch machine, pin puller, pump (double action diaphgram), pump (single action 1 to 3), striping machine, welding machine, pump (gypsum)	11 905	8%+ 25	2 00	a	15
Loading machine, with bucket capacity of 10 yards or over	11 72	8%+ 25	2 00	a	15
Concrete breaker, concrete saw or cutter, forklift (walk behind, power operated), hydra hammer, mixer (with skip), mixer (2 small with or without skips), mixer (2 bag or over with or without skip), power buggies, power grinders and ridge cutter	10 38	8%+ 25	2 00	a	15
Dredge	12 115	8%+ 25	2 00	a	15
Generator	11 39	8%+ 25	2 00	a	15
Generator (small)	10 065	8%+ 25	2.00	a	.15
Grader	11 685	8%+.25	2 00	a	.15
Hoist (3 drum), power winch (truck mounted, used for stone or steel), power winch (used for stone setting and structural steel), trench machine	12 495	8%+ 25	2 00	a	15
Lead engineer	14 38	8%+ 25	2 00	a	15
Mechanic	10 08	8%+.25	2:00	a	15
Mechanical compactors (machine drawn), roller (over 5 tons)	11,82	8%+ 25	2 00	a	15
Oiler, root cutter, stump chipper, tower crane (oiler), track tamper (2 engineers, each)	10 07	8%+ 25	2 00	a	15
Portable heaters	11,645	8%+ 25	2 00	a	15
Powerbroom	10 52	8%+ 25	2 00	a	15

DECISION NO. NY78-3079 - Mod. #1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS: (CONT'D					
Pump (concrete)	$11 74	8%+ 25	2 00	a	.15
Scoop (carry-all, scraper tandem), tower crane (engineer)	12 905	8%+.25	2 00	a	.15
Tractor (caterpilla or wheel)	9 855	8%+ 25	2 00	a	.15

FOOTNOTES:

a Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day and Christmas Day provided employee is employed the day before and after the holiday

DECISION #PA78-3090 - Mod. #1
(43 FR 50357 - October 27, 1978)
Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming & York Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Change:					
Ironworkers:					
Structural, Ornamental & Reinforcing:					
Adams, Cumberland, Dauphin, Lancaster, Lebanon, Lycoming, Montour, Northumberland, Juniata, Perry, Snyder, Union, & York Counties	$12.105	1.14	1.36		.03

DECISION #TX78-4017 - Mod. #5 (43 FR 10272 - March 10, 1978) Taylor County, Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Change:					
Asbestos workers	$10 83	50	76		.03
DECISION #TX78-4034 - Mod. #3 (43 FR 16121 - April 14, 1978) Cameron, Hidalgo, Starr & Willacy Counties, Texas					
Change:					
Asbestos workers	10 74	55	.60		
DECISION #TX78-4038 - Mod. #6 (43 FR 16129 - April 14, 1978) Harrison County, Texas					
Change:					
Asbestos workers	10 83	50	.76		.03
DECISION #TX78-4078 - Mod. #7 (43 FR 35881 - August 11, 1978) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
Change:					
Asbestos workers	10 83	.50	.76		.03
DECISION #TX78-4079 - Mod. #6 (43 FR 35884 - August 11, 1978) Bee, Kleberg & Nueces Cos., Texas					
Change:					
Asbestos workers	10 74	55	.60		

MODIFICATIONS P 28

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #TX78-4082 - Mod. #4 (43 FR 38278 - August 25, 1978) Brazos County, Texas					
Change: Carpenters	$ 9 95				
DECISION #TX78-4088 - Mod. #5 (43 FR 38287 - August 25, 1978) Wichita County, Texas					
Change: Asbestos workers	10 83	.50	76		.03
DECISION #TX78-4090 - Mod. #2 (43 FR 31364 - September 15, 1978) Bowie County, Texas					
Change: Asbestos workers	10 83	.50	76		03
DECISION #TX78-4091 - Mod. #2 (43 FR 41365 - September 15, 1978) Gregg County, Texas					
Change: Asbestos workers	10 83	.50	76		.03
DECISION #TX78-4096 - Mod. #5 (43 FR 43242 - September 22, 1978) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos , Texas					
Change: Building Construction: Asbestos workers - Zone 2	10 83	50	.76		.03

SUPERSEDEAS DECISION

STATE: GEORGIA

LOCATION: CHATTAHOOCHEE COUNTY & COLUMBUS

DECISION NUMBER: GA78-1096

DATE: DATE OF PUBLICATION

Supersedes Decision No GA75-1039, dated April 11, 1975, in 40 FR 16471

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
BRICKLAYERS	$ 7 85				
CARPENTERS & SOFT FLOOR LAYERS	6 26				
CEMENT MASONS	5 77				
ELECTRICIANS	7 45	.30	1%		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	9 595	745	56	4%+a+b	025
Helpers	6 72	.745	56	4%+a+b	.025
GLAZIERS	4 22				
IRONWORKERS - Structural, Reinforcing, & Ornamental	4 92				
LABORERS:					
Unskilled	2 98				
Mason tenders & Mortar mixers	3 00				
LATHERS	6.50				
PAINTERS	5 36				
PLASTERERS	6.50				
PLUMBERS & PIPEFITTERS	7 47				
ROOFERS	4.00				
SHEET METAL WORKERS	6 71				
TRUCK DRIVERS	3.02				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Blade/motor grader	4 50				
Bulldozer	4 00				
Crane, derrick, dragline	6 00				
Front end loader	3 75				
Scraper	3 75				
Tractor	4 25				

FOOTNOTES:

a Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christams Day

b Employer contributes 4% of the basic hourly rate of employees with 5 years or more of service, or 2% of the basic hourly rate of employees with 6 months to 5 years of service as Vacation Pay Credit

STATE: Hawaii — COUNTIES: Statewide
DECISION NUMBER: HI78-5130 — DATE : Date of Publication
Supersedes Decison No HI78-5016 dated March 17, 1978, in 43 FR 11366
DESCRIPTION OF WORK: Building (including single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
ASBESTOS WORKERS	$ 10.54	65	$ 2 00	85	06
BOILERMAKERS	11.78	65	1 00		
BRICKLAYERS; Stonemasons	10 18	1 30	1 70	60	15
CARPENTERS:					
Carpenters; Hardwood Floorlayers; Patent Scaffold Erectors; Pneumatic Nailer; Shinglers	10 50	1 24	1 75	1 00	06
Power Saw Operator (2 HP & over)	10 65	1 24	1 75	1 00	06
Millwrights	10 75	1 24	1 75	1 00	06
CEMENT MASONS:					
Cement Masons	9 63	1 30	1 70	60	15
Trowel Machine Operators	9 78	1 30	1 70	60	15
DRAPERY INSTALLERS	6.45	50	40	b	
DRYWALL APPLICATOR	10 60	1 24	1 75	1 00	07
ELECTRICIANS:					
Electricians; Linemen	11.26	1.02	15%+1 74	11.2%	.50
Technicians	11 60	1 02	15%+1 74	11 2%	.50
Line Equipment Men	10 13	1.02	15%+1 74	11 2%	50
Groundmen	8 45	1 02	15%+1 74	11 2%	.50
Cable Splicers	12.39	1.02	15%+1 74	11 2%	50
ELEVATOR CONSTRUCTORS	12 98	745	56	3%+a	025
ELEVATOR CONSTRUCTORS' HELPERS	9 09	745	56	3%+a	025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	6 49				
FENCE ERECTORS (Chain Link)	5 39	23	29	10	.03
GLAZIERS	10 15	1 11	85	97	16
IRONWORKERS:					
Bridge; Ornamental; Reinforcing; Structural	10 65	90	1 37	1 00	15
LATHERS	10.59	.88	1.25	1 25	16
LINE CONSTRUCTION WORKERS:					
Electricians; Linemen	11.26	1.02	15%+1.74	11 2%	.50
Technicians	11.60	1.02	15%+1.74	11 2%	50
Line Equipment Men	10.13	1.02	15%+1.74	11 2%	.50
Groundmen	8.45	1.02	15%+1.74	11.2%	.50
Cable Splicers	12.39	1.02	15%+1.74	11.2%	.50
MARBLE SETTERS	10.47	1.10	1.45		10
PAINTERS:					
Brush	9.35	.79	3.00	.75	10
Tapers	9.55	79	3.00	75	.10
Spray	9.85	79	3 00	75	.10
PLASTERERS	10 02	1.30	2 00	60	.21

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PLUMBERS; Steamfitters	$ 11 00	$ 1.05	$ 2.05	15%	15
ROOFERS	11.35	1.05	1.10	50	10
SHEET METAL WORKERS	12 27	1 05	2 60		38
SOFT FLOOR LAYERS	11 44	65	75	15	12
SPRINKLER FITTERS	11 96	75	1 05		08
TERRAZZO WORKERS & TILE SETTERS:					
Ceramic Tile Finisher	7 17	1 10	1 45		10
Terrazzo Base Finisher	8 49	1 10	1 45		10
Terrazzo Floor Grinder & Finisher	7 17	1 10	1 45		10
Terrazzo Workers & Tile Setters	10 47	1 10	1 45		10
TRUCK DRIVERS:					
Flatbed	8 73	1 05	2 20	75	10
Dump, 8 yds and under; Water Truck (up to and including 2000 gallons)	9 00	1 05	2 20	75	10
Water Truck (over 2000 gallons)	9 31	1 05	2 20	75	10
Tandem, Semi-trailer or Semi-Dump	9 90	1 05	2 20	75	10
Slip-in or pup	10 28	1 05	2 20	75	10
End Dumps, unlicensed (Euclid, Mack, Caterpillar or similar); Tractor Trailer (hauling equipment)	10 39	1 05	2 20	75	10

RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.

FOOTNOTES:

a Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit Six Paid Holidays: A through F

b Seven Paid Holidays: A through F plus Kamehaha Day In order to be eligible for a Paid Holiday, employees must work the last working day before the holiday and the first working day following the holiday. If the employee did not work either of these two days due to illness or layoff, he shall be entitled to holiday pay In case of illness, the Company may require proof of illness

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DREDGING: Hydraulic suction dredges; Clamshell dredges; Boat operators; Derricks:					
Group 1	$11 34	$1 05	$2 20	75	10
Group 2	10 73	1 05	2 20	75	10
Group 3	10 28	1 05	2 20	75	10
Group 4	9 00	1 05	2 20	75	10
Group 5	8 73	1 05	2 20	75	10
Group 6	8 56	1 05	2 20	75	10
Group 7	11 09	1 05	2 20	75	10
Group 8	9 96	1 05	2 20	75	10
Group 9	10.79	1 05	2 20	75	10
Group 10	8 08	1 05	2 20	75	10

Group 1: Clamshell or Dipper Operator; Operators (Derricks, Piledrivers and Cranes)

Group 2: Mechanic or Welder; Assistant Engineer; Assistant Engineer (steam or electric)

Group 3: Deckmate; Barge Mate (seagoing)

Group 4: Fireman

Group 5: Oiler; Deckhand (can operate anchor scow under direction of Deck Mate)

Group 6: Bargeman; Leveeman

Group 7: Leverman; Master Boat Operator

Group 8: Winchman (stern winch on dredge)

Group 9: Boat operator

Group 10: Boat Deckhand

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Group 1	$ 7 61	64	$ 1 06	38	13
Group 1-a	7 66	64	1 06	38	13
Group 1-b	8 01	64	1 06	38	13
Group 1-c	8 21	64	1 06	38	13
Group 1-d	8 11	64	1 06	38	13
Group 1-e	8.31	64	1 06	38	13
Group 1-f	8 36	64	1 06	38	13
Group 1-g	8 36	64	1 06	38	13
Group 1-h	6 00	64	10	38	
Group 2	7 86	64	1 06	38	13
Group 3	8 06	64	1 06	38	13

LABORERS

Group 1: All clean-up work of debris, grounds, buildings; Bridge Laborers; Construction Laborers; Dumpman; General Laborers; Limbers, Brush Loaders and Pilers

Group 1-A: Plaster Laborers

Group 1-B: Plaster Hod Carrier

Group 1-C: Plaster Mortar Mixer

Group 1-D: Mason Tender

Group 1-E: High Scaler

Group 1-F: Gunnite Operator

Group 1-G: Powderman

Group 1-H: Landscape and Irrigation Laborer

Group 2: Asphalt Shovelers; Cement Dumpers; Choke-setter and Rigger (clearing work); Concrete Chipping; Driller's Helper, Chuck Tender, Outside Nipper; Guinea Chaser (Stakeman); High Pressure Nozzleman-hydraulic monitor (over 100# pressure) excluding levee work; Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Sloper; All pneumatic, gas and electric tools not listed in Group 1

Group 3: Asphalt Ironers, rakers and hand rollers; Barko and similar type tampers; Buggymobile; Chainsaw, Faller, Logloader and Bucker; Concrete and Magnesite Mixer under 1/2 yard; Concrete Grinder; Concrete Pan Work; Concrete Saw (walking or hand type); Cribbers; Cut Granite Curb Setters; Form Raisers; Header Board; Mortar Mixers (block-brick-masonry); Jackhammer Operator; Jackson and similar type Compactors; Lagging, Sheeting, Whaling, Bracing, Trench-jacking, Hand-guided Lagging Hammer; Magnesite and Mastic Workers (wet or dry); Mechanical Drillers not covered elsewhere; Pavement Breakers; Pipelayers, Caulkers, Bander; Pipewrappers, Kettlemen, Potmen and men applying asphalt, Lay-Kold, Creosote and similar type materials; Post Hole Diggers (hand held-gas, air and electric); Riprap, Stonepaver and Rockslinger, including placing of sacked concrete (wet or dry); Rotary Scarifier; Roto-tiller; Sandblasters; Tank Cleaners; Tree Climbers; Vibra-screed (bull float in connection with Laborers' work); Vibrator; Burning, welding, Signaling and Rigging in connection with Laborers' work; Concrete Pump Machine; Joy Drill Model TWM-2A, Gardner Denver DH-143 and similar type drills; Track Drillers, Diamond Core and Wagon Drillers; Davis Trencher T-66 or similar types; Concrete Laborers (wet or dry), including Bucket Tender for Concrete

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Group 1	$ 8 45	$ 1 05	$ 2 20	75	10
Group 2	8.56	1 05	2 20	.75	10
Group 3	8 73	1.05	2 20	75	10
Group 4	9 00	1 05	2.20	75	10
Group 5	9 31	1 05	2.20	75	10
Group 6	9.96	1.05	2 20	.75	10
Group 7	10.28	1.05	2.20	.75	10
Group 8	10.39	1 05	2.20	.75	.10
Group 9	10.50	1 05	2 20	.75	10
Group 9-A	10.73	1 05	2 20	75	10
Group 10	10.79	1 05	2.20	.75	10
Group 10-A	10.94	1 05	2 20	.75	10
Group 11	11 09	1 05	2 20	75	10
Group 12	11.45	1.05	2 20	75	10
Asphalt Paving Group:					
Asphalt Raker	9 00	1.05	2 25	a	
Asphalt Roller	9 96	1.05	2 25	a	
Asphalt Spreader	10.28	1.05	2.25	a	

FOOTNOTE:

a An employee who has completed two to five years' service shall receive a vacation of one week with pay; each additional year an additional one day vacation with pay; ten or more years, a vacation for two weeks each year; for each year of completed service thereafter to and including fifteen years' service, an addition of one day vacation with pay; fifteen or more years of service, a vacation of three weeks each year with pay.

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Partsman (heavy duty repair shop parts room when needed); Repairman Helper

Group 2: Compressor, electrically, diesel or gas powered etc ; Hydraulic Monitor; Material Loader and/or Conveyor Operator (handling building material); Mixer Box Operator (concrete Plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Oiler; Fireman; Switchman; Brakeman; Deckhand; Tar Pot Fireman; Box Operator (bunker); Locomotive (up to and including 30 tons); Roller (5 tons and under); Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Tugger Hoist, single drum; Rodman and Chainman

Group 4: Boom Truck or Dual Purpose "A" Frame Truck; Dinky Operator; Fork Lift or Lumber Stacker (construction job site); Material Hoist (1 drum); Straddle Truck; Ross Carrier and similar (jobsite)

Group 5: Agri-Cat (mini-cat); Concrete Mixer (up to 2 yards); Concrete Pumps or Pumpcrete Guns; Generators, gasoline or diesel driven (100 K W); Lubrication and Service Engineer (mobile and grease rack); Towermobile; Welding Machine (gasoline or diesel)

Group 6: Combination Loader and Backhoe including Hopto (up to and including 1/2 yard); Concrete Batch Plants (wet or dry); Concrete Saws and/or Grinder (self-propelled unit on streets, highways, airports and canals); Drilling Machinery (not to apply to waterliners, wagon drills or jackhammers); Highline Cableway Signalman; Loader (up to and including 2½ cu yds.); Lull High Lift; Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (large Clary, Johnson Bidwell Bridge Deck or similar types); Mobile Crane Driver; Pavement Breakers; Portable Crushers; Power Jumbo Operator (setting slip forms, etc in tunnels); Rollers (over 5 tons); Self-propelled Compactor (single engine); Slip Form Pumps (power driven hydraulic, electric, air, gas, etc lifting device for concrete forms); Small Rubber-tired Tractors; Trencher (up to and including 6 feet)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 7: Crusher Plant; Dual Drum Mixer; Gradenetter (mechanical or otherwise); Hoist (2 drums); Loader (over 2½ cu yds up to and including 5 cu yds); Mechanical Finishers or Spreader Machine, Asphalt (Barber Greene and similar); Mine or Shaft Hoist; Mixer-mobile (over 5 tons); Pavement Breaker, Truck mounted, with Compressor Combination; Pavement Breaker with Compressor Combination (operates 1 or 2); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Pipe Bending Machine (pipe lines only); Self-propelled Elevating Grade Plane; Slusher Operator; Small Tractor (with boom D-6 or similar); Trencher (over 6 ft); Water Tanker (pulled by Euclids, T-Pulls, DW-10, 20, 21 or similar); Instrument Man

Group 8: Boring Machine; Cast-in-place Pipe Laying Machine; Concrete Batch Plant (multiple units); Combination Loader and Hydraulic Backhoe (over 1/2 yd up to and including 3/4 yd); Conveyor (tunnel); Engineer, Locomotive (over 30 tons up to and including 100 tons); Finishing Machine Operator (airports and highways); Hydraulic Backhoe (over 1/2 yard to and including 3/4 yard); Kolman Loader; Mechanic Trench Shield; Mucking Machine; No-joint Pipe Laying Machine; Portable Crushing and Screening Plants; Saurman type Dragline (under 5 yards); Self-propelled Boom type Lifting Device; Stationary Pipe Wrapping, Cleaning and Bending Machine; Surface Heater and Planer; Tunnel Badger; Tri-batch Paver

Group 9: Boom type Backfilling Machine; Combination Mixer and Compressor (gunite); Do-more Loader and Adams Elegrader; Lull Hi-lift (40' or over); Rubber-tired Earthmoving Equipment (up to 12 cu yds); Wheel Trencher (over 6")

Group 9-A: Dozers; Heavy Duty Repairman or Welder; Push Cats; Scrapers; Self-propelled Compactor with dozer; Sheep Foot; Tractors; Tractors (with boom, larger than D-6 and similar)

Group 10: Chicago Boom; Hoist (3 drums); Koehring Skooper; Loader (over 5 yards up to and including 12 yards); Locomotive (over 100 tons) (single or multiple units); Power Blade Operator; Rubber-tired Earthmoving Equipment (up to and including 35 cu yds , Euclid, T-Pulls, DW-10, 20, 21 and similar); Saurman type Dragline (5 yards or over); Soil Stabilizer (P & H equal); Sub-grader (Gurries or other automatic type); Track-laying type Earthmoving Machine (single engine with tandem scraper); Tractor, Compressor, Drill Combination; Tractor (tandem scraper); Tractors (D-9 or equivalent); Chief of Party

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 10-A: Cranes (not over 25 tons); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (up to and including 1 cu yd.)

Group 11: Automatic Slip Form Paver (concrete or asphalt); Cranes (over 25 tons); DW-10, 20, etc (Tandem); Earthmoving Machine (multiple propulsion power units and two or more scrapers) (up to and including 35 cu yds struck MRC); Highline Cableway; Lift Slab Machine; Loader (over 12 yards); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (over 1 yard and up to 7 yards); Power Blade Operator (16 or over); Pre-stress Wire Wrapping Machine; Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth Moving Machine (with tandem scraper); Tandem Cats; Tower Cranes, Mobile; Trencher (pulling attached shield); Universal, Liebher, Linden and similar types of tower cranes; Wheel Excavator (up to and including 750 cu yds. per hour)

Group 12: Band Wagon (in conjunction with wheel excavator); Derricks; Drill Rigs; Multi-propulsion Earth Moving Machines (2 or more scrapers) (over 35 cu yds "struck" MRC); Power Shovels and Draglines (7 cu yds m.r c and over); Rubber-tired Earthmoving Equipment (over 35 cu. yds , Euclids, T-Pulls, DW-10, 20, 21 and similar); Wheel Excavator (over 750 cu yds)

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: See Below
DECISION NO : IL78-2141 DATE: Date of Publication
Supersedes Decision No IL78-2046, dated March 24, 1978, in 43 FR 12561
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Champaign, Clark Coles, Cumberland, DeWitt, Douglas, Edgar, Macon, Moultrie, Piatt, Shelby & Vermillion

ILL-1111-5

	Basic Hourly Rates	Fringe Benefits Payments			
		H.& W	Pensions	Vacation	Education and/or Appr Tr
CARPENTERS & PILEDRIVERMEN:					
Champaign County, N.E ¼ of Piatt Co , North of US Rt #36 in Douglas Co					
Carpenters	$11 715	45	1 00		08
Piledrivermen	12 215	45	1 00		08
Macon Co., SW ¼ of Piatt Co , North of Rt #133 in Moultrie Co , Moweaqua & North thereof in Shelby County					
Carpenters	11 935	60	65		06
Piledrivermen	12 435	.60	65		06
Cumberland, Coles, Edgar, Clark, Moultrie & Shelby Counties					
Carpenters	12 325	.55	30		.07
Piledrivermen	12 825	55	30		07
Vermillion County					
Carpenters	11 645	.75	80		05
Piledrivermen	12 145	.75	80		.05
DeWitt County					
Carpenters	12 01	40	50		.05
Piledrivermen	12 51	.40	.50		.05
CEMENT MASONS:					
Macon Co , Clinton & South Thereof in DeWitt Co., S. of Monticel Monticello in Piatt Co., N E N E. corner of Moultrie Co; Lovington, Bethany & Moweaqua in Shelby County	11 45	60	475		
Coles & Edgar Counties	12 225				
Vermillion County	11 45		50		
Champaign, Douglas, Clark & Cumberland Counties, Monticello & N Thereof in Piatt County, Remainder of Shelby & Moultrie Counties	12 075	45			.025

DECISION NO. IL78-2141

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ELECTRICIANS:					
Clark & Edgar Counties	$12.10	50	3%+ 50		01
Vermillion County	12 27	50	3%+ 50		25%
Twps of Waynesville, Wilson & Rutledge in DeWitt County	11 95	50	3%+ 55		002
Cumberland, Coles & Douglas Cos , Twps of Bowdie, Burbon, Arcola & Sargent in Moultrie Co; Twps of Lowe, Jonathan Creek, Whitley & E Nelson in Shelby County	12 60	50	3%+ 40		35%
Champaign Co; N ½ of Douglas Co; Twps of Blue Ridge, Sangamon & Monticello in DeWitt County	12 45	50	3%+ 40		3%
Macon Co; Twps of Wapella, Barnett, Clintonia, Harp, DeWitt, Turnabridge, Texas Creek & Nixon in DeWitt Co; Twps of Boose Creek, Willow Branch, Cerro Gordo, Bament & Unity in Piatt Co; Twps of Garret & That portion of Tuscola lying west of the city of Tuscola & the Ill Central Rail road tracks in Douglas Co; Twps of Moweaqua, Penn, Flat, Branch, Pickaway, Todds Point, Rural, Ridge, Okaw, Tower Hill, Rose, Shelbyville, Oconee, Cold Springs, Lakewood, Clarkburg, Herrick, Dry Point & Holland in Shelby Co; Twps of Dora Lovington, Marrowbone & Sullivan at the Ill Masonic Home & Farm in E Nelson in Moultrie County	12 60	50	3%+ 40		35%
IRONWORKERS:					
Champiagn, Coles, Cumberland, Douglas, Edgar, Moultrie, Piatt, Vermillion & E ½ of DeWitt Co , & East of Decatur in Macon County	11 55	.65	1 00		08

DECISION NO. IL78-2141

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
IRONWORKERS: (CONT'D)					
Western ½ of DeWitt Co; W ½ of Shelby Co; Decatur & West thereof in Macon County	$11 75	55	1 05		08
Clark County	11 30	90	2 05		10
LINEMEN:					
Champaign, DeWitt, Douglas, Piatt, Edgar & Shelby Counties; Twps. of E Oakland, Humboldt Morgan, N. Okaw & Seven Hickory in Coles County; Remainder of Moultrie County:					
Linemen	12 39	45	3%		5%
Groundman - Equip Opr Class 1	11 56	45	3%		5%
Groundman Truck Driver:					
W/Winch	8 65	45	3%		5%
WO/Winch	8 24	45	3%		5%
Groundman Class "A"	7 86	45	3%		5%
Vermillion County:					
Linemen & Groundman Equipment Operator	12.12	.50	3%+.30		5%
Groundman Truck Driver:					
W/Winch	9.86	.50	3%+.30		.5%
WO/Winch	9.22	.50	3%+.30		.5%
Groundman	8 73	50	3%+ 30		5%
Cumberland & Clark Counties; Whitley Twp in Moultrie Co; & Remainder of Coles County:					
Linemen & Digging Machine Opr	12 29	45	8%		25%
Groundman Equipment Operator:					
Class 1	10.50	45	8%		25%
Class 2	9 40	.45	8%		25%
Groundman:					
Class A	7 83	45	8%		25%
1st 6 Months	7 49	45	8%		25%
PAINTERS:					
Champaign, Coles & Douglas Cos:					
Brush	11.57	.65	40		04
Bridges	12 57	65	40		04
Macon, Shelby, Moultrie, DeWitt & Piatt Counties:					
Brush	11 00	50	40		
Spray	11 75	50	.40		
Structural over 50' - Radio - TV & Towers	.12 00	50	40		

DECISION NO. IL78-2141

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PAINTERS (CONT'D)					
Vermillion County:					
Brush	$11 80				
Spray	12 80				

DECISION NO. IL78-2141

ILL-IIII-5-LAB

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS					
Champaign County					
Unskilled	$10 80	40	40		.035
Semi-Skilled	11 00	40	40		035
Skilled	11 15	40	40		035
Coles & Cumberland Counties					
Unskilled	10 55	.55	50		035
Semi-Skilled	10 75	55	50		035
Skilled	10 90	55	50		035
Douglas Co; S. ½ of Piatt Co.					
Unskilled	10 50	50	60		035
Semi-Skilled	10 70	.50	60		035
Skilled	10 85	.50	60		035
Clark & Edgar Counties					
Unskilled	10.50	50	60		035
Semi-Skilled	10 70	.50	60		035
Skilled	10 85	.50	60		035
Western ½ of Moultrie County					
Unskilled	10 50	60	40		035
Semi-Skilled	10 70	60	40		.035
Skilled	10 85	60	40		035
Eastern ½ of Moultrie County					
Unskilled	10 50	.50	60		.035
Semi-Skilled	10 70	50	60		.035
Skilled	10 85	50	60		035
Northern ½ of Piatt County					
Unskilled	10.80	40	40		035
Semi-Skilled	11 00	.40	40		035
Skilled	11 15	.40	40		.035

DECISION NO. IL78-2141

ILL-HH-5-LAB

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS (CONT'D)					
Shelby County					
Unskilled	$10 40	60	60		035
Semi-Skilled	10 60	60	60		035
Skilled	10 75	60	60		035
DeWitt County					
Unskilled	10.80	40	40		035
Semi-Skilled	11.00	.40	40		035
Skilled	11 15	.40	40		035
Macon County					
Unskilled	10.50	.60	50		035
Semi-Skilled	10 70	.60	50		035
Skilled	10 85	60	50		035
Vermillion County					
Unskilled	10 20	60	80		035
Semi-Skilled	10 40	60	80		.035
Skilled	10 55	60	80		035

DECISION NO. I178-2141

CLASSIFICATIONS

UNSKILLED LABORERS-Carpenters Tender, Tool Cribmen, Cleaning & Oiling Machinery & Tools, Fireman 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, Piledriver Helpers, Asphalt Plant Helpers, Wrecking Laborers, Fireproofing Laborers, Surveyors & Instrument Men Helpers, Janitors, Unloading & Carrying of Rebars, Caisson Top Man Helper, Mason Tenders, Scaffold Workers, Laborers w/dewatering systems, Plaster Tenders & Tunnel Laborers (Free Air).

SEMI-SKILLED-Handling of Materials treated w/oil, & creosote, Asphalt and/or Foreign Material harmful to skin & clothing handled by any mode or method, Track Laborers, Cement Handlers, Signaling & Spotting of Rigs & Equipment, Chloride Handlers, Wet Concrete Workers, Tunnel Helpers in Free Air, Batch Dumpers, Kettle & Tar Men, Tank Cleaners, Plastic Installers, Motorized Buggies or Motorized Units used for Wet Concrete or Building Materials, Sewer Workers (excluding Pipe Layer & Helper), Vibrator Operators, Mortar Mixer Opr, Cement Silicia, Clay, Fly Ash, Lime & Plaster Handlers (Bulk or Bag), Cofferdam Workers, Work on Concrete Paving, Placing, Cutting & Tying of Reinforcing, Deck Hand, Dredge Hand & Shore Laborers, Bank Men on Floating Plant, Asphalt Workers & Layers with Machine, Grade Checker, Dumpmen & Spotter where Grade is to be established, Power Tools, Chain Saw Operator, Jackhammer & Drill Operators, Air Tamping Hammerman, Caisson Top Man, Gunnite Pot Man, Batterboard Setter, Digging Bell Holes, Driving of Stakes & Setting Stringlines for all Machinery.

SKILLED-Caisson or Tunnel Miners & Muckers, Gunnite Nozzlemen, Welders, Cutters, Burners & Torchmen, Tile or Pipelayers & Helpers, Steel Form Setters-Street & Highway; Concrete Saw Operator, Screenman on Asphalt pavers, Front-End Man on Chip Spreader, Laborers Tending Masons with Hot Materials or/where Foreign Matter or Materials are used, Multiple Concrete Duct-Leadman, Luteman, Curb Asphalt Machine Operator, Ready Mix Scalemen, Permanent Portable or Temporary Plant, Laborers handling Master-Plate or similar Materials, Laser Beam Opr., Concrete Burning Machine Opr., Curing Mach. Opr., Underpinning & Shoring of Buildings, Dynamite Shooter, Climbing & Jackman in Trench & Hydraulic Jackman.

DECISION NO IL78-2141

ILL-1-PEO-1-2-3

Power Equipment Operators:

Champaign, Clark, Coles, Edgar, Cumberland, Vermilion, Moultrie, Douglas

	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

POWER EQUIPMENT OPERATORS:

CLASS I - Master Mechanic

CLASS II - Utility Operator

CLASS III - Power Cranes, Draglines, Derricks, Shovels, Gradalls, Mechanics, Concrete Mixers with Skip, Tournamixer, Two Drum Machine, One Drum Hoists with tower or Boom, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Winch or Hydraulic Boom Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Asphalt Planer, Finishing Machine on Asphalt, Large Rollers on Earth, Rollers on Asphalt Mix, Rose Carriers or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer, Paver Operator, Farm Tractor w/half yard Bucket and/or Backhoe Attachment, Dredging Equipment or Dredge Engineer or Dredge Operator, Central Mix Plant Engineer, CMI or similar type machine, Concrete Pump, Truck or Skid Mounted, Tower Crane, Engine or Rock Crusher Plant, Concrete Plant Engineer, Ditching Machine with dual attachment, Tractor Mounted Loaders, Cherry Picker, Hydro Crane, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machine, Back Filler, Elevating Machine, Power Blade, Drilling Machines, incl. Wall Testing, Caissons, Shaft or any similar type drilling machines, Motor Driven Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, (Head Equipment Greaser), Barber-Greene Loaders, Formless Paver, (Well Point System), Concrete Spreader, Hydra Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Piledriver - Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine, Freezing Operator, Chair Cart - Self-Propelled, Hydra Seader, Straw Blower, Power Sub Grader, Bull Float, Finishing Machine, Self-Propelled Pavement Breaker (Backhoe attached), Lull (or similar type machine), Two Air Compressors, Compressors hooked in Manifold, Overhead Crane, Chip Spreader, Mud Cat, Sull-Air

DECISION NO : IL78-2141

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS: REMAINDER OF 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 pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, clm shell, C N E & similar type autograde fromless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derricks, derrick boats, draglines, earth augeror broing machines, elevating graders engineers on dredge, gravel processing machines, high lift or fork lifts, hoist w two drums or two or more loadlines locomotives (all) mechanics, mortar graders or auto pratrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), organe peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, rose carriers or similar machines, scoops, skimmer, 2 cu yds capacity & under, sheep foot roller (self-propelled) Shovels, skimmer scoops, test hoeldrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lifts 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, wall 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*, mechanics 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 IL78-2141

POWER EQUIPMENT OPERATORS (CONT'D)

CLASS IV - Concrete Mixers without Skips,Rock Crusher, Ditching Machine under 6', Curbing Machine, One Drum Machines without Tower or Boom, Air Tugger, Self Propelled Concrete Saw, Machine Mounted Post Hole Digger, two to four Generators, Water Pumps, or Welding Machines, within 400 feet, Air Compressor 600 cu ft and under, Rollers on Aggregate and Seal Coat Surfaces, Fork Lift, Concrete and Blacktop curb Machine, Farm Tractor with less than half yard Bucket, One Water Pump, Oilers, Air Valves or Steam Valves, One Welding Machine, Truck Jack, Mud Jack, Gunite Machine, House Elevators when used for hoisting Material, Engine Tenders, Fireman, Wagon Drill, Flex Plane, Conveyor, Siphons and Pulsometer, Switchman, Fireman on Pain Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Self-Propelled Power Broom, Striping Machine (motor driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Deck hands, Truck Crane, Oiler Driver, Cement Blimps, Form Grader, Temporary Heat,Throttle Valve, Farm Tractor

DECISION NO IL78-2141-

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 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2, 3 or 4 axle trucks hauling 16 tons or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: See Below
DECISION NO : IL78-2142 DATE: Date of Publication
Supersedes Decision No IL78-2047, dated March 24, 1978 in 43 FR 12566
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler & Scott

ILL-1111-6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CARPENTERS & PILEDRIVERMEN:					
Sangamon County (Illiopolis & Vicinity)	$11.715	45	1 00		08
Logan County	11 15	45	.80		06
Remainder of District #6	11 40	.55	.45		06
CEMENT MASONS:					
Adams & Logan Counties	11 70				
Remainder of District #6	10 95	.45	75		05
ELECTRICIANS:					
Christian County	12 60	50	3%+ 40		35%
Adams, Brown, Pike & Schuyler Counties	11 15	50	3%+.75		1%
Sangamon, Logan, Menard, Cass, Morgan, & Scott Counties; Twps of Lynchburg, Bath, Kilbourne, Crane, Creek, Salt Creek, & Mason in Mason County	12 37	50	3%+ 60		1 of 1%
Remainder of Mason County	12 32	50	3%+ 75		1%
IRONWORKERS:					
Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike Sangamon, Scott Counties Kingston & Vicinity in Adams County; Eastern ½ of Schuyler County	11.75	.55	1.05		08
Remainder of Adams & Schuyler Counties	11 50	55	.90		06
LINE CONSTRUCTION:					
Linemen	12 39	45	3%		.5%
Groundman Equip. Opr Class	11 56	45	3%		5%
Groundman Truck Driver:					
W/Winch	8.65	.45	3%		5%
WO/Winch	8 24	45	3%		5%
Groundman Class "A"	7 86	.45	3%		5%

DECISION NO: IL78-2142

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PAINTERS:					
Sangamon, Cass, Menard, Morgan, Christian, Scott & Logan Cos:					
Brush & Roller	$10 15	55	50		
Spray	10 65	55	50		
Pike County:					
Industrial	11 30	55	35		
Bridges	11 35	55	.35		
Mason County:					
Brush	11 30	55	30		03
Bridge Work & Spray	11 95	55	30		03
Schuyler County:					
Brush	11 30	55	35		
Spray & Structural Steel	11 35	55	.35		
Adams & Brown Counties:					
Brush	8 80				
Spray	9 80				

DECISION NO. IL78-2142

ILL-HH-LAB-6

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr Tr
Adams County:					
Unskilled	$ 9 76	50	60		035
Semi-skilled	9 96	50	60		035
Skilled	10 11	50	60		035
Logan & Menard Cos: (North of Petersburgh):					
Unskilled	9 86	60	40		035
Semi-skilled	10 06	60	40		035
Skilled	10 21	60	40		035
Morgan, Brown, Cass, Mason, Pike, Scott & Schuyler Cos :					
Unskilled	9 81	60	45		035
Semi-skilled	10 01	60	45		035
Skilled	10 61	60	45		035
Christian County:					
Unskilled	10 01	45	40		035
Semi-skilled	10 21	45	40		035
Skilled	10 36	45	40		035
Menard County (Petersburgh & South)					
Unskilled	10 01	35	40		035
Semi-skilled	10 21	35	40		035
Skilled	10 36	35	40		035
Sangamon County:					
Unskilled	10 01	45	40		035
Semi-skilled	10.21	45	40		035
Skilled	10 36	45	40		035

LABORERS:

Unskilled Common Laborers

Semi-skilled Blade Grade Operators; Concrete Saw Operators, Asphalt Saw Oprs; Chain Saw Oprs ; Form Tampers, Sandblasting; Form Setters other than Highway Paving Forms; Rubbing of Concrete; Sewer Tile & Pipe Layers; Shoring & Bracing in Sewer & Tunnels; Hopper men , Power Tool Oprs; Spotters & Dumpmen on Dry Batch Concrete Trucks; Hot Tar & Kettle Men; Puddlers behind Paving Mixers and on walls over ten (10) feet high; Pipe Wrapper; Taper Coater & Torchmen on Pipeline; Stringline men & Batter Board Setters on Sewers Hydraulic Trench Jacks

Skilled Paving Breakers & Air Tampers; Asphalt Rakers; Cement & Rock Dust Handlers; Handling Creosote or Dope Men, Vibrator Men, Cutters & Burners on wrecking Jobs as Tormmen; Concrete Burners; Men Working in caissons below water level; Mixing Machine

DECISION NO IL78-2142

POWER EQUIPMENT OPERATORS:

MASON COUNTY

ILL-20-PEO-2-3

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP 1	$12 22	.45	80		.05
GROUP 2	12 02	.45	80		.05
GROUP 3	11 17	.45	80		.05
GROUP 4	10 90	.45	80		.05
GROUP 5	9 46	.45	80		.05

POWER EQUIPMENT OPERATORS:

Group 1: Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile and crawler and stationary derricks and hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells; locomotive cranes, road pavers - single drum, dual drum and tri batcher, motor patrols and power blades - Dumore, elevating similar types, mechanics central concrete mixing plant operator, blacktop plant operators and plant engineers, grad-all, caisson rigs - requires oiler, skimmerscoopkerhing scooper, dredges (all types) hop-toe-crane type (require oiler), Escalated rate on crane and derricks booms, $ 01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer

Group 2: Asphalt heater and planter combination (used to plant streets), trench machines, pump crete - belt crete - seqeeze crete - screw type pumps and gysum, bulker and pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, $ 25 per hour for each scoop over one scoops (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe - end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tuneluger, rock crusher, automatic cement and gravel batching mobile drills (soil testing) and similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C M I and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-boom, starting engineer on pipeline, F W D and similar types

DECISION NO. IL78-2142

POWER EQUIPMENT OPERATORS: (CONT'D)

Group 3: Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - breck or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors with power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, tract-air (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hoptoo oilers

Group 5: Herman Nelson Heater, Dravo, Warner, Silent glo and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

DECISION NO : IL78-2142

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS: REMAINDER OF 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 pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes; cableways, cherry pickers, clm shell, C N E & similar type autograde fromless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derricks, derrick boats, draglines, earth augeror bfoing machines, elevating graders engineers on dredge, gravel processing machines, high lift or fork lifts, hoist w two drums or two or more loadlines locomotives (all) mechanics, mortar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), organe 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 yds capacity & under, sheep foot roller (self-propelled) Shovels, skimmer scoops, test hoeldrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lifts 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*, mechanics 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 IL78-2142

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 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 distributbres; water pulls; mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a: Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NO: IL78-2145
Supersedes Decision No : IL78-2048, dated March 24, 1978 in 43 FR 12596
DESCIPTION OF WORK: Heavy and Highway Construction

COUNTIES *See Below
DATE: Date of Publication

COUNTIES: Clay; Crawford, Edwards, Effingham, Fayette, Hamilton, Jasper, Jefferson, Lawrence, Marion, Richland, Wabash, Wayne & White

ILL-HH-7

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr Tr
CARPENTERS & PILEDRIVERMEN	10 12	.50	.50		03
CEMENT MASONS:					
Wabash & Lawrence Counties; The Southern Part of Crawford County	10.85	60			
Northern Part of Crawford County	10 35			.50	
Northern part of Fayette County	10:45	40			
Wayne; Hamilton, Marion, Effingham, White, Jefferson, Clay, Jasper, Richland, Edwards & Remainder of Fayette County	10 85	60			
ELECTRICIANS					
Wabash County	13:05	.50	3%		4%
Crawford, Jasper, Lawrence & Richland Counties	12 10	50	3%+ 50		.01
Twps of Bishop, Douglas, Lucas Moccasin, St Francis, Summit & Teutopolis in Effingham Co	12 60	50	3%+ 40		35%
Banner & Liberty Twps in Effingham County; Twp of Hurricane, S. Hurricane; Ramsey, Bowling Green, Cardon, & Louden in Fayette County	12 60	50	3%+ 40		35%
Edwards; Hamilton, Jefferson, Marion; Clay, Wayne & White Cos., Remainder of Effingham & Fayette Counties	12 50	40	13%		1%
IRONWORKERS:					
Crawford, Jasper Cos: N of Olney in Richland Co., Dexter & East thereof in Effingham Co , North of Lawrenceville in Lawrence Co , & Remainder of Clay County	11 30	90	2:05		10
Marion County, Brown & S thereof in Fayette Co., & Mt. Vernon & West thereof in Lawrence County	12 10	55	1 05		
Effingham Co West of Dexter & Avena & North thereof in Fayette County	11 30	90	2 05		10

DECISION NO. IL78-2145

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS	8.70	40	30	-	035
LINEMEN:					
Portion north of Avena, Bear Grove, Sefton & Sharon Twps in Fayette County:					
Linemen	12 39	45	3%		5%
Groundmen Equipment Opr Class 1	11 56	45	3%		5%
Groundmen Truck Driver:					
W/Winch	8 65	.45	3%		5%
WO/Winch	8 24	45	3%		5%
GROundmen Class "A"	7 86	45	3%		.5%
District #7 & Remainder of Fayette County:					
Linemen & Digging Machine Opr	12 29	45	8%		.25%
Groundmen Equipment Opr Class 1	10 50	.45	8%		25%
Groundmen Equipment Opr Class 2	9 40	45	8%		.25%
Groundman:					
Class "A"	7 83	45	8%		25%
1st 6 Months	7 49	45	8%		25%
PAINTERS:					
Clay; Salem & Vic in Marion County:					
Brush	8 00				
Structural Steel	10 00				
Spray	9 25				
Wabash Co: Centralia & Vic in Marion County:					
Brush	8.10				
Spray	9.10				
Jefferson, Wayne, Edwards & Hamilton Counties:					
Brush & Roller	8.45				
Spray	9.00				
Jasper & Effingham Counties:					
Brush	9.80	.45			
Bridges	10.60	.45			

DECISION NO. IL78-2145

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PAINTERS: (CONT'D)					
Richland & Lawrence Counties:					
Industrial	10 60	45			
Spray	11 60	45			
White County:					
Brush	9 65	65	30		
Bridges:					
Brush and Rollers	10 80	65	.30		
Spray	11 80	65	30		
Crawford County:					
Brush	9 80	45	30		
Fayette County:					
Industrial	11 30	55	35		
Bridges	11 35	55	.35		

DECISION NO IL78-2145

ILL-2-PEO-1-2-3

POWER EQUIPMENT OPERATORS: Marion, Jefferson, & Fayette Cos.:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP I	11.52	87	1 51		05
GROUP II	10 19	87	1 51		05
GROUP III	9 54	87	1 51		05
GROUP IV	9 44	87	1 51		05
GROUP V	9.19	87	1 51		05
GROUP VI					
a	13 67	87	1 51		05
b	13 97	87	1.51		05
c:	11:29	:87	1 51		05
d:	11:79	:87	1 51		05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers plant opers, ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't master mechanic, all locomotives; cableways or tower machines, Hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or firemen is not required) Hydraulic 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-dum-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, boats oprs, (under 25'; conveyors) (1); distribution pors, on trucks, siphones or jets (1) winch heads or apparatuses (1); light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc:

GROUP V Oilers

GROUP VI
- a Engineers operating under air pressure
- b Engineers operating in air over 10 lbs pressure
- c Oilers operating under air pressure
- d Oilers operating in air over 10 lbs pressure

DECISION NO. IL78-2145

ILL-17-PEO-1-2-3

POWER EQUIPMENT OPERATORS Hamilton & White Cos :	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App 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 which 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 pumperete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; Rubber-tired; Flex-plane; Gradall; Hi-lift, handblade, power; Hoists, tugger type; Hoist, (2 drums) 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 bull-dozer 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 (1/2 yd or less)

DECISION NO. IL78-2145

POWER EQUIPMENT OPERATORS (Cont'd)

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

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; Heaters, (motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self-propelled

Class 8: Air track drill (one); Belt drag machine, Power boom, Mechanical; Plasterer 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 driven; 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, machanic 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

DECISION NO IL78-2145

ILL-1-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Remainder of Counties:					
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

POWER EQUIPMENT OPERATORS:

CLASS I - Master Mechanic

CLASS II - Utility Operator

CLASS III - Power Cranes, Draglines, Derricks, Shovels, Gradalls, Mechanics, Concrete Mixers with Skip, Tournamixer, Two Drum Machine, One Drum Hoists with tower or Boom, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Winch or Hydraulic Boom Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Asphalt Planer, Finishing Machine on Asphalt, Large Rollers on Earth, Rollers on Asphalt Mix, Ross Carriers or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer, Paver Operator, Farm Tractor w/half yard Bucket and/or Backhoe Attachment, Dredging Equipment or Dredge Engineer or Dredge Operator, Central Mix Plant Engineer, CMI or similar type machine, Concrete Pump, Truck or Skid Mounted, Tower Crane, Engine or Rock Crusher Plant, Concrete Plant Engineer, Ditching Machine with dual attachment, Tractor Mounted Loaders, Cherry Picker, Hydro Crane, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machine, Back Filler, Elevating Machine, Power Blade, Drilling Machines, incl. Well Testing, Caissons, Shaft or any similar type drilling machines, Motor Driven Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, (Head Equipment Greaser), Barber-Greene Loaders, Formless Paver, (Well Point System), Concrete Spreader, Hydra Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Piledriver - Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine, Freezing Operator, Chair Cart - Self-Propelled, Hydra Seeder, Straw Blower, Power Sub Grader, Bull Float, Finishing Machine, Self-Propelled Pavement Breaker (Backhoe attached), Lull (or similar type machine), Two Air Compressors, Compressors hooked in Manifold, Overhead Crane, Chip Spreader, Mud Cat, Sull-Air

DECISION NO IL78-2145

POWER EQUIPMENT OPERATORS (CONT'D)

CLASS IV - Concrete Mixers without Skips, Rock Crusher, Ditching Machine under 6', Curbing Machine, One Drum Machines without Tower or Boom, Air Tugger, Self Propelled Concrete Saw, Machine Mounted Post Hole Digger, two to four Generators, Water Pumps, or Welding Machines, within 400 feet, Air Compressor 600 cu ft and under, Rollers on Aggregate and Seal Coat Surfaces, Fork Lift, Concrete and Blacktop curb Machine, Farm Tractor with less than half yard Bucket, One Water Pump, Oilers, Air Valves or, Steam Valves, One Welding Machine, Truck Jack, Mud Jack, Gunite Machine, House Elevators when used for hoisting Material, Engine Tenders, Fireman, Wagon Drill, Flex Plane, Conveyor, Siphons and Pulsometer, Switchman, Fireman on Pain Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Self-Propelled Power Broom, Striping Machine (motor driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Deck hands, Truck Crane, Oiler Driver, Cement Blimps, Form Grader, Temporary Heat, Throttle Valve, Farm Tractor

DECISION NO. IL78-2145

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 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolift's trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2, 3 or 4 axle trucks hauling 16 tons or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a Per week Per Employee

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Black Hawk
DECISION NO: IA78-4100 DATE: Date of Publication
Supersedes Decision No IA77-4223, dated September 30, 1977 in 42 FR 53002
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$12 07	45	85		10
BOILERMAKERS	12 30	85	1 00		02
BRICKLAYERS AND STONEMASONS	9 79	38	50		
CARPENTERS:					
Carpenters; Piledrivermen	9 09	45	1 25		
Millwrights	9.59	.45	1 25		
CEMENT MASONS	9 05	45	1 00		
ELECTRICIANS:					
Electricians	12 22	45	3%		3/4%
Cable Splicers	12 59	45	3%		3/4%
ELEVATOR CONSTRUCTORS	9 535	495	32	4%+a	02
ELEVATOR CONSTRUCTORS' HELPERS	70% JR	485	32	4%+a	02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50% JR				
IRONWORKERS	12 18				06
LABORERS:					
GROUP 1- Common laborers; Carpenters' helpers; moving; wrecking & demolition	7 60	45	20		
GROUP 2- Mason tenders; hod carriers; machine and air tool operators	7.70	45	20		
GROUP 3- Powderman	7 85	45	20		
LATHERS	7 24	31			
LINE CONSTRUCTION:					
GROUP 1- Cable splicers; Lineman; welder; technicians; all rigs setting assembled "H" fixtures and steel transmission structures	10 12	45	7%	b	3%
GROUP 2-GGroundman; truck driver (without winch); Experienced (not less than 6 months)	6 58	45	7%	b	3%
GROUP 3- Groundman; truck driver (with winch)	6 78	45	7%	b	3%
GROUP 4- Blaster; special equipment operations (hole digging machines, all tractions, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	8 10	45	7%	b	3%
GROUP 5- Groundman- 1st 6 mos	6 57	45	7%	b	3%

DECISION NO IA78-4100

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PAINTERS:					
Brush, roller	$ 9 51		30		03
Tapers	9 62		.30		03
Spray	10 01		30		03
PLASTERERS	9 87	45			
PLUMBERS AND STEAMFITTERS	10.77	.75	96		08
ROOFERS	9 20	1 20			
SHEET METAL WORKERS	10.45	1.25	22		.02
SOFT FLOOR LAYERS	8 68	45	1 00		
SPRINKLER FITTERS	11 93	75	1 05		08
TILE SETTERS	7 01	31		25	
TRUCK DRIVERS:					
Up to 6 tons	7 95	45	75		
Helpers	7 78	45	75		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTE:
a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit Six Paid Holidays: A thru F
b Seven paid holidays - A thru G

PAID HOLIDAYS:
A- New Years's Day; B- Memorial Day; C- Independence Day; D- Labor Day; E- Thanksgiving Day; F- Christmas Day; G- Friday after Thanksgiving

DECISION NO IA78-4100

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 10 16	60	60		05
GROUP 2	9 985	60	60		05
GROUP 3	9 02	60	60		05
GROUP 4	8 465	60	60		05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc ; tower cranes; truck cranes and cherry pickers 12½ ton & over rated capacity; derricks; piledrivers and extractors; caisson rigs; side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; welders; mechanics; locomotive; dredge (levermen)

GROUP 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel and grating); economobiles; plant mixers; farm type tractors (with loaders, backhoes, attachments, etc); scrapers (tournapull, etc); endloaders; dredge (engineer); side boom and winch truck other than Group No 1; motor patrol; bulldozers; push cat; truck cranes and cherry pickers (under 12½ tons); concrete mixers (1 yard and over); ditching machine (8' and over); fork lifts (on steel erection and machinery moving or hoisting above one complete story); concrete pump; dewatering pumps; temporary hoist cage operated; second man on locomotive; vibrating concrete spreader (Gomaco, C-450 or equal)

GROUP 3 - Tractors (under 35 HP) with or without attachments; endloaders (under 35 HP) with or without attachments; air compressors (one or a combination of 250 cfm or more); pumps 3" or over; welding machine 600 amps or combination thereof; conveyors; firemen (boiler); generator (75 KW & over); fork lifts (other than above Group No 2); gunnite machine; self-propelled rollers; stump chippers; self-propelled tampers; air and electric tuggers (other than above); ditching machine under 8"

GROUP 4 - Oilers; mechanical heaters; truck crane drivers; permanent elevators

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Cerro Gordo
DECISION NO : IA78-4101 DATE: Date of Publication
Supersedes Decision No IA77-4224, dated September 30, 1977 in 42 FR 53004
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$ 11 75	89	805		
BOILERMAKERS	12 30	85	1 00		.02
BRICKLAYERS & STONEMASONS	10 64		75		
CARPENTERS:					
Carpenters	8 87		.20		.01
Millwrights; Piledrivermen	9 12		.20		.01
CEMENT MASONS	10 40				
ELECTRICIANS	12 19	.45	3%		3/4%
GLAZIERS	8 05	70	.25	4%	
IRONWORKERS	9 525	.40	745		.025
LABORERS:					
GROUP 1 - Construction laborers; Tenders; Power tools, barco operators; Mortar mixers; Concrete saw; Sand point setter	7 99	.30	.40		
GROUP 2 - Caissons, after 6 ft depth; Dynamite men; Gunniting-nozzle man and backup man; Laborers working on swinging stage work, wood hoist, towers, scaffolds or ladders at a height of 35 ft or over	8 24	.30	40		
GROUP 3 - Laborers working on swinging stage work, wood hoist towers, scaffolds or ladders at a height of 75 ft or over	8 49	30	.40		
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; Lineman; Welders; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	10 12	45	7%	a	1/2%
GROUP 2 - Groundman; Truck driver (without winch); Experienced (not less than 6 months)	6 58	45	7%	a	1/2%
GROUP 3 - Groundman; Truck driver (with winch)	6 78	.45	7%	a	1/2%

DECISION NO IA78-4101

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION (CONT'D):					
GROUP 4 - Blaster; Special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	$ 8 10	45	7%	a	1/2%
GROUP 5 - Groundman-1st 6 mos	5 57	45	7%	a	1/2%
PAINTERS:					
Brush	9 75		.50		
Tapers	9 85		50		
Spray	10 25		50		
PLASTERERS	9.00				
PLUMBERS & STEAMFITTERS	11 50	65	55		04
ROOFERS	8 52				
SHEET METAL WORKERS	9 92	1 00	.66		.06
SOFT FLOOR LAYERS	8 87		.20		.01
SPRINKLER FITTERS	11 93	75	1 05		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTE
a-Seven Paid Holidays - A thru G

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

DECISION NO. IA78-4101

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 10 16	60	60		.05
GROUP 2	9 985	60	60		.05
GROUP 3	9 02	60	60		.05
GROUP 4	8 465	60	60		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers 12½ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman)

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Econoomobiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No 1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (under 12½ ton); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

GROUP 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with ot without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric (other than above); Ditching machine under 8"

GROUP 4 - Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators

SUPERSEDEAS DECISION

STATE: Iowa
DECISION NO : IA78-4102
COUNTY: Clinton
DATE: Date of Publication
Supersedes Decision No IA77-4225, dated September 30, 1977 in 42 FR 53006
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

BUILDING, WATER TREATMENT PLANTS & SEWAGE DUSPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$12 07	45	.85		.10
BOILERMAKERS	12 30	85	1.00		.02
BRICKLAYERS & STONEMASONS	11 10		.65		
CARPENTERS:					
Carpenters	9 95	60	90		.04
Piledrivermen	10.35	60	90		04
Millwrights	12 00	45	.85		.20
CEMENT MASONS	9 35		65		
ELECTRICIANS:					
Electricians	10 95	45	5.5%		.03
Cable splicers	11 15	50	3%+ 50		1%
GLAZIERS	10 59	70	1 00		02
IRONWORKERS	11.22	.50	.375		07
LABORERS:					
GROUP 1 - Common laborers	8 93	30	60		
GROUP 2 - Operator on air or power tools; mortar mixer man; any work 35 ft high or over; cement dumper, puddlers or vibrator man and men working with concrete pump hose; ditch work 8 ft below ground level; any man working with creosote materials	9 18	.30	60		
GROUP 3 - Cutting torch burner; caisson & cofferdam workers	9 23	30	.60		
MARBLE SETTERS	10 30	40	.70		
PAINTERS:					
Brush	10 27	55	85		.18
Spray; Structural steel	10 77	55	85		.18
PLASTERERS	11 10		.65		
PLUMBERS & STEAMFITTERS	10.31	.60	60		.10
ROOFERS	11.85		60		
SHEET METAL WORKERS	10 66	.45	44		.10
SOFT FLOOR LAYERS	9 40	45	.70		04
SPRINKLER FITTERS	11 93	75	1 05		.08
TERRAZZO WORKERS	10 30	40	.70		
TILE SETTERS	10 30	40	.70		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

DECISION NO IA78-4102

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS:					
GROUP 1	$ 9 45	40	50		.08
GROUP 2	8.05	.40	.50		.08
GROUP 3	7.00	.40	.50		.08

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - All hoists or steel erecting equipment; Crane, Shovel, Clamshell, Dragline, Backhoe, Derricks, Tower Crane, Cable Way, Concrete Spreader (servicing 2 pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator; Dipper Dredge Craneman, Dual Purpose Truck (boom or winch); Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (2 operators required); Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (2 drums); Hot Paint Wrapping Machine, Cleaning & Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Mucking Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists; Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman & Drier, Concrete Pump, Concrete Spreader (servicing 1 paver); Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneaupull & similar machines, DW-10, Hyster Winch & similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix & Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement & Gravel Batch Plants (1 stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-Propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine & Float, Self-Propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screed Operator, Apsco Spreader or similar machine, Slusher, Forklift (over 6000 lbs cap or working at heights above 28 ft), Concrete Conveyors

GROUP 2 - Asphalt Booster, Fireman & Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power attachments, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work; Self-Propelled Roller or Compactor (other than provided for above), Pump Operator (more than 1 well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 lbs or less capacity), Gypsum Pump, Conveyor over 20 HP, Fuller-Kenyon Cement Pump or similar machines; Air Compressor (275 CFM or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement & Gravel Batch Plants (2 or 3 stop set-up), Small Rubber-tired Tractors (not including backhoes or endloaders), Self-Propelled Curing Machine

GROUP 3 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Des Moines
DECISION NO : IA78-4103 DATE: Date of Publication
Supersedes Decision No IA77-4226, dated September 30, 1977 in 42 FR 53007
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$ 12 07	45	85		.10
BOILERMAKERS	12 30	85	1.00		.02
BRICKLAYERS & STONEMASONS	12 30		20		
CARPENTERS:					
Carpenters	10.70	.75	90		.04
Millwrights & piledrivermen	11 40	75	90		.04
CEMENT MASONS	11 15				
ELECTRICIANS	12 45	55	3%		3/4%
GLAZIERS	10 59	70	1.00		02
IRONWORKERS	11.50	55	.90		06
LABORERS:					
GROUP 1 - Common laborers; Signal man; Wrecking deck hand	8 77	.30			
GROUP 2 - Plaster tender; Mortar mixer; Mason tender; Stone & marble setter tender; Drill operator; Jackhammer man; Air tamper; Air spade (electric or pneumatic); Spraying equipment & all mechanically operated tools; Excavation work over 6 ft. deep below ground level or basement level	8 93	.30			
GROUP 3 - Tile layers (sewers)	9 03	.30			
GROUP 4 - Gunniting & sandblasting	9 14	.30			
GROUP 5 - Tunnel & sewer mucker & miner over 6 ft. deep; Caisson worker & drill operator in tunnel & caisson; Powdermen	9 24	.30			
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; Lineman; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	9.32	.45	7%	a	1/2%
GROUP 2 - Groundman; Truck driver (without winch); Experienced (not less than 6 mos.)	6.06	.45	7%	a	1/2%
GROUP 3 - Groundman; Truck driver (with winch)	6.24	.45	7%	a	1/2%

DECISION NO IA78-4103

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION (CONT'D):					
GROUP 4 - Blaster; Special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	$ 7 46	.45	7%	a	1/2%
GROUP 5 - Groundman-1st 6 mos.	5.73	45	7%	a	1/2%
PAINTERS:					
GROUP 1 - Brush	9 70		25		
GROUP 2 - Rollers	9.80		.25		
GROUP 3 - Sign	10 20		.25		
GROUP 4 - Structural steel over 25 ft from the ground or floor; bridges, water towers & stage work	10 40		25		
GROUP 5 - Spray gun & sandblasting	10 70		25		
PLASTERERS	10 78				
PLUMBERS & STEAMFITTERS	12 05	50	1 35		.05
ROOFERS	10 12				
SHEET METAL WORKERS	11 03	55	95		12
SOFT FLOOR LAYERS	9 98	.60	.85		.04
SPRINKLER FITTERS	11 93	75	1 05		.08
TRUCK DRIVERS:					
GROUP 1 - Warehouseman; Helpers; Teamsters; Mechanic helpers; Greasers; Single axle flat beds & dump trucks; Pulling air compressors & welding machines; Batch trucks 2-34E batches or less; Chip spreader	8.02	13.50p/h			
GROUP 2 - Cheater axle; Tandems; 6 wheel trucks; Semi-trailers; Carryall; Winch; Mixers; Batch over 2-34E	8.23	13.50p/h			
GROUP 3 - Track trucks; Euclid type truck; Oil distributors; Front & rear; All types of dumpsters; Pavement breakers	8.33	13.50p/h			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE:
a - Seven Paid Holidays A thru G

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

DECISION NO IA78-4103

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 9 45	40	50		.08
GROUP 2	8.05	.40	50		08
GROUP 3	7.00	.40	50		.08

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONA

GROUP 1 - All hoists or steel erecting equipment; Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing 2 pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Hipper Dredge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (2 operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (2 drums), Hot Paint Wrapping Machine, Cleaning & Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Mucking Machine; Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists; Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing 1 paver), Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, Lelourneaupull and similar machines, DW-10, Hyster Winch & similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix & Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement and Gravel Batch Plants (1 stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-propelled, Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine & Float, Self-propelled Sheepsfoot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screen Operator, Apsco Spreader or similar machine, Slusher, Forklift (over 6000 lbs capacity or working at heights above 28 ft.), Concrete Conveyors

GROUP 2 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power attachment, Dope Pot (agitating Motor), Dope Chop Machine, Distributor (Back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than 1 well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 lbs or less capacity), Gypsum Pump, Conveyor over 20 HP, Fuller Kenyon Cement Pump or similar machines; Air Compressor (275 CFM or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement & Gravel Batch Plants (2 or 3 stop set-up), Small Rubber-tired Tractors (not including backhoes or endloaders), Self-propelled curing machine

GROUP 3 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Dubuque
DECISION NO : IA78-4104 DATE: Date of Publication
Supersedes Decision No IA77-4227, dated September 30, 1977 in 42 FR 53009
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$12 07	45	85		.10
BOILERMAKERS	12 30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	9 56	45	25		
CARPENTERS:					
Carpenters	10 18		.37		$35 00 p/yr
Piledrivermen	10 58		37		35 00 p/yr
Millwrights	10 68		37		35 00 p/yr
CEMENT MASONS	9 93				
ELECTRICIANS	11 50	.65	3%+ 35		3/4%
ELEVATOR CONSTRUCTORS	9.535	.495	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	495	32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10 59	.70	1.00		.02
IRONWORKERS:					
Southeast portion	11.22	.50	375		.07
Remainder of County	10 565				.02
LABORERS:					
GROUP 1 - Common laborers	8 33	.30	30		
GROUP 2 - All air operated tools; Bricklayers' helpers & tenders; Caisson workers; Carpenters' helpers; Handling & cleaning of all steel floor pans & wall forms; Mortar mixers; Plasterers' helpers & tenders; Tile setters (4"-6"-8")	8.43	30	30		
GROUP 3 - Tile setters (10" and up)	8,58	.30	30		
LATHERS	10 00				
MARBLE SETTERS	9 31	45	.25		
PAINTERS:					
Brush or roller epoxy; Paperhanging; Tapers	8,95		.30		
High work and steel; spraying	9,50		.30		
PLASTERERS	10 00				
PLUMBERS & STEAMFITTERS	11 22	65	55		.08

DECISION NO IA78-4104

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ROOFERS	$ 9 55		.20		
SHEET METAL WORKERS	11 13	55	95		12
SPRINKLER FITTERS	11 93	75	1 05		.08
TERRAZZO WORKERS	9.31	.45	.25		
TILE SETTERS	9.31	.45	.25		
TRUCK DRIVERS:					
Single axle	5.24	9.50p/w			
Tandem axle; Tractor trailers; winches	5.39	9.50p/w			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTE:
a - Employer contributed 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays A thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. IA78-4104

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 9 56	.50	.50		.05
GROUP 2	9 435	.50	.50		.05
GROUP 3	8 59	.50	.50		.05
GROUP 4	8 265	.50	.50		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman)
GROUP 2 - 1 and 2 drum hoist; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push Cat; Truck Cranes and cherry pickers (under 12½ ton); Concrete Mixers (1 yard and over); Ditching machines (6" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)
GROUP 3 - Tractor (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"
GROUP 4 - Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Johnson
DECISION NO : IA78-4105 DATE: Date of Publication
Supersedes Decision No IA77-4228, dated September 30, 1977 in 42 FR 53011
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$12 07	45	85		.10
BOILERMAKERS	12 30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	11 89		.55		
CARPENTERS:					
Carpenters; Soft floor layers	9 70	45	45		.08
Piledrivermen	10 05	45	.45		.08
Millwrights	10 39	.45	.45		.08
CEMENT MASONS	10 78	45			
ELECTRICIANS	11.97	.65	3%+.50		3/4%
ELEVATOR CONSTRUCTORS	9.535	.495	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR				
GLAZIERS	10 59	70	1.00		.02
IRONWORKERS	12 18				06
LABORERS:					
GROUP 1 - Common laborers	5.72	.30	.25		
GROUP 2 - Mason mortar mixers	5.92	.30	.25		
GROUP 3 - All jack & chipping hammers; All water & sewer tile layers; Chain saw; Cutting torches; Power buggies; Rock drills; Tampers; Vibrators; Well point work	6.02	.30	.25		
LATHERS	10.86				
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; Lineman; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	10 12	45	7%	b	1/2%
GROUP 2 - Groundman; Truck driver (without winch); Experienced (not less than 6 mos.)	6 58	.45	7%	b	1/2%
GROUP 3 - Groundman; Truck driver (with winch)	6 78	45	7%	b	1/2%

DECISION NO. IA78-4105

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION (CONT'D):					
GROUP 4 - Blaster; Special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	$ 8 10	.45	7%	b	1/2%
GROUP 5 - Groundman-1st 6 mos.	5 57	.45	7%	b	1/2%
PAINTERS:					
Brush & rollers	9.18				
Paperhangers	9 43				
Sandblasting; Spray painting	9.83				
PLASTERERS	10.31				
PLUMBERS & STEAMFITTERS	11 39	50	61		.10
ROOFERS	7.70				
SHEET METAL WORKERS	12 20		.55		.01
SPRINKLER FITTERS	11 93	75	1 05		.08
TRUCK DRIVERS	4.63				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
TILE SETTER	10 71		55		

FOOTNOTES
a - Employer contributed 4% of the basic hourly rate for over 5 years' service and 2% of the basic hourly rate for 6 months to 5 years' of service as Vacation Pay Credit. Six Paid Holidays A thru F
b - Seven Paid Holidays A thru G

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

DECISION NO IA78-4105

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 10 16	60	60		.05
GROUP 2	9 985	60	60		.05
GROUP 3	9 02	$60	.60		.05
GROUP 4	8 465	60	60		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors, caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman)

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No 1; Motor patrol; Bulldozers; Push Cat; Truck cranes and cherry pickers (under 12½ ton); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

GROUP 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 CFH or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"

GROUP 4 - Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Linn
DECISION NO : IA78-4106 DATE: Date of Publication
Supersedes Decision No IA77-4229, dated September 30, 1978 in 42 FR 53013
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$11 55	40	.60		.10
BOILERMAKERS	12 30	85	1.00		.02
BRICKLAYERS & STONEMASONS	11 89		55		
CARPENTERS:					
Carpenters	9 70	.45	.45		.08
Millwrights	10 39	.45	.45		.08
Piledrivermen	10 05	45	45		.08
CEMENT MASONS	10 78	45			
ELECTRICIANS	11 97	65	3%+.50		3/4%
ELEVATOR CONSTRUCTORS	9.535	495	32	4%+a	02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	495	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR				
GLAZIERS	10 59	70	1.00		02
IRONWORKERS	12 18				06
LABORERS:					
GROUP 1 - Common laborers	8 185	.30	.67		
GROUP 2 - All water service, mortar mixers; Sewer tile layers	8 535	30	67		
GROUP 3 - Air, electric or gasoline powered jackhammers, chipping hammers; Machine rock drills; Power driven buggies; Tampers; Vibrators; Well point work	8.535	30	67		
LATHERS	10 86				
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; Lineman; Welder; Technician; All rigs setting assembled "H" fixtures and steel transmission structures	10 12	45	7%	b	1/2%
GROUP 2 - Groundmen; Truck driver (without winch); Experienced (not less than 6 months	6 58	.45	7%	b	1/2%
GROUP 3 - Groundman; Truck driver (with winch)	6 78	.45	7%	b	1/2%

DECISION NO. IA78-4106

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION (CONT'D):					
GROUP 4 - Blaster; Special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	$ 8 10	.45	7%	b	1/2%
GROUP 5 - Groundman-1st 6 mos.	5.57	.45	7%	b	1/2%
PAINTERS:					
Brush & rollers	9.18				
Paperhangers	9.43				
Sandblasting; Spraying	9.83				
PLASTERERS	10.31				
PLUMBERS & STEAMFITTERS	11 39	50	61		.10
ROOFERS	7.70				
SHEET METAL WORKERS	12 20		55		.01
SOFT FLOOR LAYERS	9.70	45	.45		.08
SPRINKLER FITTERS	11 93	75	1 05		.08
TRUCK DRIVERS	5.64				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					
TILE SETTERS	10 71		55		

FOOTNOTES

a - Employer contributes 4% of basic hourly rate for over 5 years' service; 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit Six Paid Holidays A thru F

b - Paid Holidays A thru G

PAID HOLIDAYS

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

DECISION NO IA78-4106

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 10 16	60	60		.05
GROUP 2	9 985	60	60		.05
GROUP 3	9 02	60	60		.05
GROUP 4	8 465	60	60		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower Cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman)

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc); Scrapers (tournapull, etc); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push Cat; Truck cranes and cherry pickers (under 12½ ton); Concrete Mixers (1 yard & over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

GROUP 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW & over); Fork lifts (other than above Group No 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"

GROUP 4 - Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators

STATE: Iowa COUNTY: Polk
DECISION NO : IA78-4107 DATE: Date of Publication
Supersedeas Decision No IA77-4230, dated September 30, 1977 in 42 FR 53015
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	11 75	84	.805		.02
BOILERMAKERS	12 30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	11 275	.80	75		
CARPENTERS:					
Carpenters	10.18	60	75		08
Millwrights; Piledriverman	10 53	.60	75		08
CEMENT MASONS	10 56		.80		.04
ELECTRICIANS	12 53	.40	3%+.80		3/4%
ELEVATOR CONSTRUCTORS	10.31	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9 12	70	.25	4.35%+c	.005
IRONWORKERS	10 675	61	92		.03
LABORERS:					
GROUP 1 - General laborers	8 73	.30	765		05
GROUP 2 - Mortar mixers; motor buggies, when pouring concrete; power tool operators (air tools, concrete vibrator, gunnite nozzlemen, electric drills & hammers)	8 83	.30	765		05
GROUP 3 - Plasterers' tenders	8 855	.30	765		05
GROUP 4 - Powderman	8 88	.30	.765		05
GROUP 5 - Air tool, power tampers & other similar self-powered tools weighing 50 lbs. & over	8 93	.30	.765		05
GROUP 6 - All tunnel work	8.43	.30	.635		
GROUP 7 - Paving breakers weighing 50 lbs. and over	9.03	.30	765		05
LATHERS	11.435				
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; Linemen; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	10 12	.45	7%	b	1/2%
GROUP 2 - Groundman; Truck driver (without winch); Experienced (not less than 6 mos.)	6 50	.45	7%	b	1/2%

DECISION NO. IA78-4107

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION:					
GROUP 3 - Groundman; Truck driver (with winch)	$ 6 78	.45	7%	b	1/2%
GROUP 4 - Blaster; Special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	8 10	.45	7%	b	1/2%
GROUP 5 - Groundman-1st 6 mos.	5 57	.45	7%	b	1/2%
MARBLE SETTERS	11 69				
PAINTERS:					
GROUP 1 - Brush, roller, dry-wall finisher	10 80		.40		.03
GROUP 2 - Spray; Structural steel; Sandblasting; Swing stage	11 30		.40		.03
GROUP 3 - Paperhangers	11 05		.40		.03
GROUP 4 - Stack; Tower work over 100 ft.	11.90		.40		.03
PLASTERERS	9.975				
PLUMBERS & STEAMFITTERS	11 40	60	.85		.10
ROOFERS	8.93	60	.35		
SHEET METAL WORKERS	11 23	1 00	88		.13
SOFT FLOOR LAYERS	9 93	60	.75		08
SPRINKLER FITTERS	11 93	75	1 05		.08
TERRAZZO WORKERS	11.69				
TILE SETTERS	11.69				
TRUCK DRIVERS	5.91				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

DECISION NO IA78-4107

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FOOTNOTES					
a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit Six Paid Holidays A thru F					
b - Seven Paid Holidays A thru G					
PAID HOLIDAYS					
A-New Years' Day; B-Memorial Day C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving					

DECISION NO IA78-4107

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS:					
GROUP 1	$10 16	60	60		.05
GROUP 2	9 985	60	60		.05
GROUP 3	9 02	60	60		.05
GROUP 4	8 465	60	60		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower crane; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman)

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc); Scrapers (tournapull,etc); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 12½ ton); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

GROUP 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW & over); Fork lifts (other than above Group No 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"

GROUP 4 - Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators

SUPERSEDEAS DECISION

STATE: Iowa
DECISION NO : IA78-4108
COUNTY: Pottawattamie
DATE: Date of Publication
Supersedes Decision No IA77-4231, dated September 30, 1977 in 42 FR 53017
DESCRIPTION OF WORK: Building Construction in entire County (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$12 62	.40	51		03
BOILERMAKERS	12 30	85	1 00		02
BRICKLAYERS; Stonemasons	11 20	67	40		05
CARPENTERS:					
Carpenters	10 14	50	50	1 00	03
Piledrivermen	10 265	50	50	1 00	03
Millwrights	10 39	50	50	1 00	03
CEMENT MASONS	9 82	50	40		
DRYWALL TAPERS & FINISHERS	10 34	55		50	04
ELECTRICIANS	12 38	68	18+ 65		06
ELEVATOR CONSTRUCTORS	10.99	545	35	4%+a	02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	545	35	4%+a	02
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR				
GLAZIERS	10 55	55	35		01
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8 88	50	55	1 00	05
LABORERS:					
Common laborers	7 17	50	40		05
Mason Tenders; mortar mixers	7.315	50	40		05
Pipelayers	7 45	50	40		.05
Plasterers' tenders	7.485	50	40		05
LINE CONSTRUCTION:					
Cable Splicers; Lineman; welders; Technicians; all rigs setting assembled "H" fixtures & steel transmission structures	10 12	45	7%	b	½%
Groundman; truck driver (without winch); experienced (not less than 6 months)	6.58	.45	7%	b	½%
Groundman; truck driver (with winch)	6 78	45	7%	b	½%
Blaster; Special equipment operator (hole digging machines, all tractors, transmission lines equipment other than assembled "H" fixtures)	8 10	45	7%	b	½%
Groundman - 1st 6 months	5.57	.45	7%	b	½%

DECISION NO. IA78-4108 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PAINTERS:					
Brush; Paperhangers	8.55		25		
Highwork; spray; stage; structural steel	9 10		25		
PLASTERERS	9 68	50	40		
PLUMBERS	11 74	70	85		.10
ROOFERS:					
Slate; Tile	9 98	15	20		01
Composition	9 68	15	20		01
SHEET METAL WORKERS	11 74	50			07
SPRINKLER FITTERS	11 93	75	1 05		08
STEAMFITTERS	11 99	60	75		15
TERRAZZO WORKERS; TILE SETTERS; MARBLE SETTERS	9 45		25		
TERRAZZO, TILE AND MARBLE SETTERS FINISHERS	8 11				
TRUCK DRIVERS:					
Single axle	8 025	50	40		
Tandem axle	8 10	50	40		
Trailer; lowboys	8 225	50	.40		
Lumber carriers	8 40	50	40		

FOOTNOTES:

a Employer contributes 4% basic hourly rate for over 5 years service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit Six paid holidays - A thru F

b Seven paid holidays - A thru G

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Group 1	10 16	60	60		05
Group 2	9 985	60	60		05
Group 3	9 02	60	60		05
Group 4	8 465	60	60		05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc ,; tower crane; truck cranes and cherry pickers over 15 ton rated capacity; derricks; piledrivers and extractors; caisson rigs; side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; welders; mechanics; locomotive; dredge (levermen)

Group 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel or grating); economobiles; plant mixers; farm type tractors (with loaders, backhoes, attachments, etc); scrapers (tournapull, etc); endloaders; dredge (engineer); side boom and winch truck other than Group No 1; motor patrol; bulldozers; push cat; truck cranes and cherry pickers (15 tons and under); concrete mixers (1 yard and over); ditching machine (8' and over); fork lifts (on steel erection and machinery moving or hoisting above one complete story); concrete pump; dewatering pumps; temporary hoist cage operated; second man on locomotive

Group 3 - Tractors (under 35 HP) with or without attachments; endloaders (under 35 HP) with or without attachments; air compressors (over 125 CFM); Pumps 3" or over; welding machines 600 amps or combination thereof; conveyors; firemen (boiler); generator (75 K W and over); fork lifts (other than above Group No 2); gunnite machine; self-propelled rollers; stump chippers; self propelled tampers; air and electric tuggers (other than above); ditching machine under 8"

Group 4 - Oilers; mechanical heaters; truck crane drivers; permanent elevators

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Scott
DECISION NO : IA78-4109 DATE: Date of Publication
Supersedes Decision No IA77-4232, dated September 30, 1977 in 41 FR 53019
DESCRIPTION OF WORK: Building Const including construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment or supplies; all construction of such structures; the installatio nof utilities and equipment both above & below ground level; all excavation & foundatins; site preparation & incidential paving & utilities (exclude 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 07	45	85		10
BOILERMAKERS	12 30	85	1 00		02
BRICKLAYERS & STONEMASONS	11,10	35	50		03
CARPENTERS	9,71	45	60		04
CEMENT MASONS	9 52	50	60		
ELECTRICIANS	11,69	55	7 5%		03
Cable splicer	12,69	55	7 5%		03
ELEVATOR CONSTRUCTORS	10,87	495	32	4%+a	02
GLAZIERS	10,59	70	1 00		02
IRONWORKERS	11,22	50	375		07
LABORERS:					
GROUP 1	9,72	40	1,00		,035
GROUP 2	9,97	40	1,00		035
GROUP 3	10,22	40	1 00		035
MARBLE SETTERS	10,30	40	,70		
MILLWRIGHTS	12,00	45	,85		,20
PAINTERS - brush, roller	10,27	55	85		18
spray, Struc steel	10,77	55	85		18
PILEDRIVERMEN	9,96	45	60		04
PLASTERERS	10,90				
PLUMBERS & STEAMFITTERS	11,75	.61	60		10
POWER EQUIPMENT OPERATORS					
GROUP 1	11.80	,65	70		08
GROUP 2	10,40	65	70		08
GROUP 3	9 35	65	70		08
ROOFERS	11,85		60		
SHEET METAL WORKERS	10,66	45	44		10
SOFT FLOOR LAYERS	9,71	45	60		04
SPRINKLER FITTERS	11 93	75	1 05		08
TERRAZZO WORKERS	10,55	35	50		
TILE SETTERS	10,55	35	50		
TRUCK DRIVERS:					
GROUP 1	6,35	35	10 00 p/w		
GROUP 2	6,55	,35	10 00 p/w		
GROUP 3	6,75	35	10 00 p/w		
GROUP 4	6,95	35	10 00 p/w		

WELDERS: receive rate prescribed for craft performing operation to which welding is incidential

FOOTNOTE:

a-Employer contributes 4% of basic hourly rate for over 5 years service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit Also 6 paid holidays - New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Carpenter tenders, common laborers, mason tenders

GROUP 2 - Concrete saw, pipelayers, plumbers laborers, power tools (barco-vibrator-mortar mixers-dynamite handlers-burner on dismantling work to be junked), prime movers, sand points

GROUP 3 - Caissons after 6' depth, dynamite men, tunnel miners

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Hoists or steel erecting equip ; crane, shovel, clamshell, dragline, backhoe, derrick, tower crane, cableway, concrete spreader, asphalt spreader, asphalt mix plant, dipper dredge, dipper dredge crane, dual purpose truck(boom or winch), leverman or Eng (hydraulic dredge), mechanic, paving mixer w/tower att., pile driver, boom tractor, mixing plane, trenching mach over 40 H.P., building hoist (2 drums), hot paint wrapping mach , cleaning & priming mach , backfiller (throw bucket), locomotive, welder, tow or push boat, concrete paver, seaman trav-l-plant or similar mach., CMI autograder, slip form paver, caisson augering mach , asphalt heater-planer unit, hydraulic cranes, mine hoists, loader (athey,barber-green, euclid or hough), asphalt pug mill, fireman, drier, concrete pump, bulldozer, endloader, log chippers or similar mach,, elevating rader, group equip. greaser, LeTourneapull & similar mach , DW-10, Hyster winch & similar mach , motor patrol, power blade, push cat, tractor pulling elevating grader or power blade, tractor operating scoop or grader, tractor w/power att , roller on asphalt or black top, 1 drum hoist, Jaeger mix & place mach., pipe bending mach., flexplane or similar mach., auto. curbing mach , auto. cement & gravel batch plant (1 stop set-up), seaman pulvi-mixer or similar mach , blaststhler, self-Prop rotary drill or similar mach work boat, comb concrete finishing mach & float, self-prop sheep foot roller (used in conj. w/a grading spread, asphalt spreader screed, Apsco spreader or similar mach , slusher, forklift (over 6000 lbs cap. or above 20'), concrete conveyors

GROUP 2 - Asphalt roostor, fireman & pump at asphalt plant, mud jack, underground boring mach concrete finishing mach., form grader w/roller on earth, mixers 93 bag to 16E), Power op bull float, tractor w/o power att., dope pot agitating motor, dope chop mach., distributor (back end), straddle carrier, portable mach fireman, hydro-hammer, power winch on paving work, self-prop roller or compactor (other than above), pump op. more than 1 well point pump, portable crusher, trench mach. under 40 H.P., power subgrader on forms, forklifts 6000 lbs or less cap., gypsum pump, conveyor over 20 HP, Fuller Kenyon cement pump or similar mach., Air compressor 275 cfm or over, truck crane or similar mach , light plant, mixers 1-2 bags, power batching mach.(cement auger or conveyor), boiler eng or fireman, water pump, mech. broom, auto cement & gravel batch plant 2-3 step set-up, small rubber tired tractor, self- propelled curing machine.

GROUP 3 - Oiler, mechanics helper, mechanical heater other than steam boiler, bolt machine, small outboard motor boat, engine driven welding machine

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP 1 - 4 wheel trucks, dumpcrete, accopmobiles 5 c.y. & under or under 7½ T., mixer trucks 3 d.y. & under, air compressors & welding mach,, batch trucks 2-3¼ catches or less, driver helpers, mechanics helpers, greasers, dumpsters, pallet type fork lift, pilot truck

GROUP 2 - 4 wheel trucks over 5 c.y.or 7½ T. 6-wheel trucks. Koehring or similar dumpsters. track trucks. euclids tournapulls. hupbottom dumps. tournatrailers. tournarockers or similar equip. when used for trans.,under 9 c.y. or 13½ T., tandems & semi-trailer service trucks, mixer trucks over c.y. 3 including 6½ c.y., fork lift, 4-wheel A-frame trucks used for trans., 4-wheel winch trucks, pavement breakers, batch trucksover 2-4 3¼E batches

GROUP 3 - heavy equip. over 9 c.y. or 13½ T.- trucks licensed for 50,000 lbs to & incl 18 c.y. or 24 T. - track trucks - semitrailer water trucks - euclids - hug-bottom dumps-tournatrailers-tournarockers-tractor trailers-tandem A-frames-tandem winch trucks-hydro lift trucks or similar equip. used for trans., mixers over 6½ c.y., batch trucks over 4-3¼E batches, single axle lowboy trailers, 6-wheel pole trailers, 2 man oil distributors

GROUP 4 - heavy equipment over 9 c.y. or 24 T. such as Koehring dumpsters- track trucks- euclids -hug-bottom dumps-tournapulls tournarockers or similar equip. used for trans., 1 man oil distributors, pole trailers over 6 wheels, water pulls, lowboy trailers, tandem axle or more no weight limitation, dict 1 & heavy equipment mechanics

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Story

DECISION NO : IA78-4110 DATE: Date of Publication

Supersedes Decision No IA77-4233, dated September 30, 1977 in 42 FR 53020

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$11 75	84	805		
BOILERMAKERS	12 30	85	1 00		02
BRICKLAYERS & STONEMASONS	10 17		60		
CARPENTERS:					
Carpenters; piledrivermen	9 88		75		
Millwrights	9 80		50		
CEMENT MASONS	10 56		80		04
ELECTRICIANS	11 73	40	3%+ 70		3/4%
ELEVATOR CONSTRUCTORS	10.31	.545	.35	4%+a	02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	545	35	4%+a	02
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR				
GLAZIERS	8 81	45	25	4 35%	005
IRONWORKERS	9 525	.40	.745		.025
LABORERS:					
GROUP 1 - Common laborers	7.21	30	.05		
GROUP 2 - Mortar, plaster & grout mixers; jackhammer; paving breaker; rock drill; vibrator opr ; motor buggy opr while pouring concrete	7 36	.30	05		
GROUP 3 - Planterers' tenders	7.41	30	.05		
GROUP 4 - Concrete saw man	7 46	.30	05		
GROUP 5 - Sandblaster	7 56	30	05		
GROUP 6 - Digging of or work within a shaft entering into natural underground cavities or caverns and work within the said shaft or caverns	7.71	.30	05		
LATHERS	9.975				
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; linemen; welder; technicians; all rigs setting assembled "H" fixtures and steel transmission structures	10 12	45	7%	b	½%
GROUP 2 - Groundman; truck driver (without winch); experienced (not less than 6 months)	6 58	.45	7%	b	½%

NOTICES

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION (CONT'd)					
GROUP 3 - Groundman; truck driver (with winch)	6 78	45	7%	b	½%
GROUP 4 - Blaster; special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	8 10	45	7%	b	½%
GROUP 5 - Groundman-1st 6 mos	5 57	45	7%	b	½%
MARBLE, TILE, TERRAZZO FINISHERS	9 16				
PAINTERS:					
GROUP 1 - Brush; roller; dry-wall finisher	10 80		40		03
GROUP 2 - Paperhangers	11 05		40		03
GROUP 3 - Spray; structural steel; sandblasting	11 30		40		03
GROUP 4 - Work over 100 ft ; stack	11 90		40		03
PLASTERERS	9 975				
PLUMBERS & STEAMFITTERS	11 55	55	75		10
ROOFERS	8 93	60	35		
SHEET METAL WORKERS	11 23	1 00	88		13
SOFT FLOOR LAYERS	9 035	30	50		04
SPRINKLER FITTERS	11 93	75	1 05		08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTES
a - Employer contributes 4% of the basic hourly rate for 5 years' service and 2% of the basic hourly rate for 6 mos to 5 years of service as Vacation Pay Credit Six Paid Holidays A thru F
b - Seven Paid Holidays A thru G
PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS					
GROUP 1	10 16	60	60		05
GROUP 2	9 985	60	60		05
GROUP 3	9 02	60	60		05
GROUP 4	8 465	60	60		05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes including those being used as backhoe, dragline, clamshell, etc ; tower cranes; truck cranes and cherry pickers 12½ ton & over rated capacity; derricks; piledrivers and extractors; caisson rigs ;side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; welders; mechanics; locomotive; dredge (levermen)
GROUP 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel or grating); Economobiles; plant mixer; farm type tractors (with loaders, backhoes, attachments, etc); scrapers (tournapull, etc); endloaders; dredge (engineer); side boom and winch truck other than Group No 1; Motor patrol; bulldozers; push cat; truck cranes and cherry pickers (under 12½ ton); concrete mixers (1 yard and over); ditching machine (8" and over); fork lifts (on steel erection and machinery moving or hoisting above one complete story); concrete pump; dewatering pump; temporary hoist cage operated; second man on locomotive; vibrating concrete spreader (gomaco, C-450 or equal)
GROUP 3 - Tractors (under 35 HP) with or without attachments; endloaders (under 35 HP) with or without attachments; air compressors (one or a combination of 250 CFM or more); pumps 3" or over; welding machines 600 amps or combination thereof; conveyors; firemen (boiler); generator (75 KW and over); fork lifts (other than above Group No 2); gunnite machine; self-propelled rollers; stump chippers; self-propelled tampers; air and electric tuggers (other than above); Ditching machine under 8"
GROUP 4 - Oilers, mechanical heaters; truck crane drivers; permanent elevators

SUPERSEDEAS DECISION

STATE: Iowa
COUNTY: Webster
DECISION NO.: IA78-4111
DATE: Date of Publication
Supersedes Decision No IA77-4234, dated September 30, 1977 in 42 FR 53022
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$11.75	84	805		
BOILERMAKERS	12 30	85	1 00		.02
BRICKLAYERS & STONEMASONS	10 27		40		
CARPENTERS:					
Carpenters; piledrivermen	9 60				
Millwrights	9 85				
CEMENT MASONS	6 50				
ELECTRICIANS	11 20	40	3%		3/4%
ELEVATOR CONSTRUCTORS	10 31	545	35	4%+a	02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	545	35	4%+a	02
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR				
IRONWORKERS	9 525	40	745		025
LABORERS:					
GROUP 1 - Common Laborers	5 95		30		
GROUP 2 - Mortar mixer	6 15		30		
GROUP 3 - Machine & air tool op	6 20		30		
LATHERS	9 975				
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; line man; welder; technicians; all rigs setting assembled "H" fixtures and steel transmission structures	10 12	45	7%	b	½%
GROUP 2 - Groundman; truck driver (without winch); experienced (not less than 6 mos)	6 58	45	7%	b	½%
GROUP 3 - Groundman; truck driver (with winch)	6 78	45	7%	b	½%
GROUP 4 - Blaster; special equipment opr. (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	8.10	.45	7%	b	½%
GROUP 5 - Groundman-1st 6 mos.	5.57	45	7%	b	½%
PAINTERS:					
GROUP 1 - Brush, drywall finishers; rollers	10 80		.40		.03
GROUP 2 - Paperhangers	11 05		.40		.03
GROUP 3 - Spray	11 30		.40		.03

DECISION NO IA78-4111 Page 2

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PLUMBERS & STEAMFITTERS	11 55	55	75		10
ROOFERS	6 75				
SHEET METAL WORKERS	11 23	1 00	88		.13
SPRINKLER FITTERS	11 93	75	1 05		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTES
a - Employer contributes 4% of the basic hourly rate for over 5 years service and 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit Six Paid Holidays A thru F.
b - Seven Paid Holidays A thru G

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

POWER EQUIPMENT OPERATORS					
GROUP 1	10 12	60	.60		05
GROUP 2	9 985	60	.60		.05
GROUP 3	9.02	.60	.60		.05
GROUP 4	8 465	.60	.60		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes including those being used as backhoe, dragline, clamshell, etc ; tower cranes; truck cranes and cherry pickers 12½ ton & over rated capacity; derricks; piledrivers and extractors; caisson rigs ;side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; welders; mechanics; locomotive; dredge (levermen)

GROUP 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel or grating); Economobiles; plant mixer; farm type tractors (with loaders, backhoes, attachments, etc); scrapers (tournapull, etc); endloaders; dredge (engineer); side boom and winch truck other than Group No 1; Motor patrol; bulldozers; push cat; truck cranes and cherry pickers (under 12½ ton); concrete mixers (1 yard and over); ditching machine (8" and over); fork lifts (on steel erection and machinery moving or hoisting above one complete story); concrete pump; dewatering pump; temporary hoist cage operated; second man on locomotive; vibrating concrete spreader (gomaco, C-450 or equal)

GROUP 3 - Tractors (under 35 HP) with or without attachments; endloaders (under 35 HP) with or without attachments; air compressors (one or a combination of 250 CFM or more); pumps 3" or over; welding machines 600 amps or combination thereof; conveyors; firemen (boiler); generator (75 KW and over); fork lifts (other than above Group No 2); gunnite machine; self-propelled rollers; stump chippers; self-propelled tampers; air and electric tuggers (other than above); Ditching machine under 8"

GROUP 4 - Oilers, mechanical heaters; truck crane drivers; permanent elevators

STATE: Iowa COUNTY: Woodbury
DECISION NO : IA78-4112 DATE: Date of Publication
Supersedes Decision No IA77-4235 dated September 30, 1977 in 41 FR 53024
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	$11 40	50	1 00		
BOILERMAKERS	12 30	85	1 00		02
BRICKLAYERS & STONEMASONS	11 45		40		02
CARPENTERS:					
Carpenters	9 60	72	27		025
Millwrights; piledrivermen	10 10	72	27		025
CEMENT MASONS	10 435				
ELECTRICIANS:					
Within 15 mile radius of Sioux City and all electrical contracts over $300,000	12 01	50	3%+ 60		3/4%
All contracts $300,000 and under outside 15 mile radius of Sioux City	5 50	50	3%+ 60		3/4%
ELEVATOR CONSTRUCTORS	8 84	495	32	4%+a	02
ELEVATOR CONSTRUCTORS HELPERS	70%JR	495	32	4%+a	02
ELEVATOR CONSTRUCTORS HELPERS (PROB)	50%JR				
GLAZIERS	6 95				
IRONWORKERS	10 62	62	45		045
LABORERS:					
GROUP 1 - Common laborers	7 435	66	365	50	
GROUP 2 - Mortar mixer; plasterers' mixers; air tool operators; mechanical tampers; concrete saw; gunnite nozzle; chain saw; wrecking torch; sandpot and blasting	7 585	66	365	50	
LATHERS	9 20				01
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; lineman; welder; technicians; all rigs setting assembled "H" fixtures and steel transmission structures	10 12	45	7%	b	½%
GROUP 2 - Groundman; truck drive (without winch); experienced (not less than 6 months)	6 58	45	7%	b	½%
GROUP 3 - Groundman; truck drive (with winch)	6 78	45	7%	b	½%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION CONT'D					
GROUP 4 - Blaster; special equipment operations (hole digging machine, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	$ 8 10	45	7%	b	½%
GROUP 5 - Groundman-1st 6 mos	5 57	45	7%	b	½%
MARBLE SETTERS	10 63		40		01
PAINTERS:					
GROUP 1 - Brush	9 87	77	50		
GROUP 2 - Spray; all swing work; all work higher than 40 ft - scaffolds, jacks, ladders, etc pressure roller, sandblasting; structural steel over 25 ft	10 33	77	50		
PLASTERERS	8 50				
PLUMBERS & STEAMFITTERS	11 52	74	80		10
ROOFERS:					
Roofers	8 71				
Kettlemen	8 47				
SHEET METAL WORKERS	10 79	50	55		04
SPRINKLER FITTERS	11 93	75	1 05		08
TERRAZZO WORKERS	10 83		40		01
TILE SETTERS	7 20				
TRUCK DRIVERS	5 49	.37	20		02
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTE:

a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit; six paid Holidays A thru F

b - Seven Paid Holidays A thru G

PAID HOLIDAYS

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS					
GROUP 1	9 785	60	60		05
GROUP 2	9 605	60	60		05
GROUP 3	8 665	60	60		05
GROUP 4	8 09	60	60		05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes including those being used as backhoe, dragline, clamshell, etc ; tower cranes; truck cranes and cherry pickers 12½ ton & over rated capacity; derricks; piledrivers and extractors; caisson rigs ;side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; welders; mechanics; locomotive; dredge (leverman)

GROUP 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel or grating); Economobiles; plant mixer; farm type tractors (with loaders, backhoes, attachments, etc.); scrapers (tournapull, etc); endloaders; dredge (engineer); side boom and winch truck other than Group No 1; Motor patrol; bulldozers; push cat; truck cranes and cherry pickers (under 12½ ton); concrete mixers (1 yard and over); ditching machine (8" and over); fork lifts (on steel erection and machinery moving or hoisting above one complete story); concrete pump; dewatering pump; temporary hoist cage operated; second man on locomotive; vibrating concrete spreader (gomaco, C-450 or equal)

GROUP 3 - Tractors (under 35 HP) with or without attachments; endloaders (under 35 HP) with or without attachments; air compressors (one or a combination of 250 CFM or more); pumps 3" or over; welding machines 600 amps or combination thereof; conveyors; firemen (boiler); generator (75 KW and over); fork lifts (other than above Group No 2); gunnite machine; self-propelled rollers; stump chippers; self-propelled tampers; air and electric tuggers (other than above); Ditching machine under 8"

GROUP 4 - Oilers, mechanical heaters; truck crane drivers; permanent elevators

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ONONDAGA
DECISION NO : NY78-3094 DATE: DATE OF PUBLICATION
Supersedes Decision No NY78-3035 dated April 14, 1978, in 43 FR 16083
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	$12 78	90	43		06
Boilermakers	11 80	1 05	10%		02
Bricklayers and stone masons	10 59	75	1 06		01
Carpenters, (Building)	10 32	85	1 20		05
Carpenters, (Heavy and Highway)	9 22	75	1 10	a	025
Cement masons, (Building)	10 45	80	1 00		
Cement masons, (Heavy & Highway)	9 60	80	1 00	b	
Electricians:					
Elbridge and Skaneateles Twps:	12 65	90	3%+ 55		15
Remainder of County:					
Electricians	12 70	77	3%+ 95		05
Cable Splicers	13 55	77	3%+ 95		05
Elevator constructors	11 78	745	56	c+d	025
Elevator constructors' helpers	8 25	745	56	c+d	025
Elevator constructors' helpers (probationary)	5 99				
Glaziers	10 00	80			01
Ironworkers:					
Structural, ornamental, machinery mover, reinforcing and rigger	10 86	77	92		15
Sheeter	11 11	77	.92		.15
Sheeter, bucker-up	10.98	.77	.92		.15
Laborers, (Building):					
Laborers	8 45	75	1 15		
Mason tenders	8 55	75	1 15		
Scaffold builders	8 55	75	1 15		
Lathers	10 86	75			.01
Lead burners	10.75	40	25	e	01
Marble, tile and terrazzo workers	9 62	75	1.06		
Marble, tile, terrazzo finishers	8 61	75	1 06		
Millwrights and piledrivers	10 33	1 18	1 06		05
Painters:					
Boatswain chair	10 77	80	88		05
Bridge	11 22	.80	88		05
Swing	10 67	80	88		05
Brush and roller, wallcovering	10 02	.80	88		05
Structural steel	10 62	.80	88		05
Sandblasting	10 72	.80	88		05
Spray, epoxy application	10 52	80	88		05
Taping	10 12	80	88		05

DECISION NO NY78-3094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Plumbers	$11 43	1 17	87		25
Roofers	11 60	1 00	1 35		
Sheet metal workers	10 655	60	80		07
Soft floor layers	10.32	85	1 20		.05
Sprinkler fitters	12 31	75	1 05		08
Steamfitters	11 495	90	80		025
Truck drivers: (Building)					
Truck drivers	9 60	60	75		
Mechanics	9 80	.60	75		
Euclids	9 85	60	75		
Welders - Receive rate prescribed for craft performing operation to which welding is incidental					

DECISION NO NY78-3094

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: C and D

b Holidays: A through F, provided employee works the day before and the day after the holiday

c Holidays: A through F, day after Thanksgiving

d Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit

e Holidays: A through F; Washington's Birthday; Christmas Eve, and Good Friday providing employee has worked 30 full days during the 90 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday

DECISION NO NY78-3094

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CLASS A	$ 7 89	.75	1 15	a	
CLASS B	8 09	75	1 15	a	
CLASS C	8 29	75	1 15	a	
CLASS D	8 49	75	1 15	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a Paid Holidays: A through F, provided the employee has worked the day before and after the holiday

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helpers, flagmen, outboard and hand boats

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op on asphalt paver, water pump op (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op , asphalt raker, powderman

CLASS D
Blasters, form setter, stone or granite curb setters

DECISION NO NY78-3094 Line Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Electricial Overhead and Underground Distribution Work:					
Lineman and Technicians	$10 50	1 00	3%+ 75	a	3½%
Cable Splicers	13 70	1 00	3%+ 75	a	3½%
Groundman Digging Machine Operator and Groundman Dynamiteman	9 45	1 00	3%+ 75	a	3½%
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver (tractor trailer units)	8 40	1 00	3%+ 75	a	3½%
Groundman Truck Driver, Driver-Mechanic, Groundman (experienced)	7 825	1 00	3%+ 75	a	3½%
All Overhead Transmission Line Work and Lighting For Athletic Fields:					
Lineman and Technicians	11 85	1 00	3%+ 75	a	3½%
Groundman Digging Machine Operator, Groundman Dynamiteman	10 665	1 00	3%+ 75	a	3½%
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver (tractor trailer unit)	9 48	1 00	3%+ 75	a	3½%
Groundman Truck Driver, Driver-Mechanic, Groundman (experienced)	8 8875	1.00	3%+ 75	a	3½%
All Pipe Type Cable Installations:					
Lineman and Groundman Equipment Operator	12 45	1 00	3%+ 75	a	3½%
Cable Splicer	13 695	1 00	3%+ 75	a	3½%
Groundman Truck Driver, Groundman (experienced)	9 3375	1 00	3%+ 75	a	3½%

DECISION NO NY78-3094	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION (CONT'D):					
Sub-station, switching structures (when not part of the line), traffic signals, street lighting and electricial, telephone or CATV commercial work:					
Linemen and technicians	$12.45	1 00	3%+ 75	a	3½%
Cable splicers	13 695	1 00	3%+ 75	a	3½%
Groundman mobile equipment operator, mechanic 1st class, groundman truck driver (tractor-trailer unit)	9 96	1 00	3%+ 75	a	3½%
Groundman truck driver, driver-mechanic, groundman (experienced	9 3375	1 00	3%+ 75	a	3½%
Groundman dynamiteman, groundman digging machine operator	11 205	1 00	3%+ 75	a	3½%
Telephone and other communication systems, both overhead and underground:					
Linemen and installer repairmen	8 34	40	3%+ 25	a	1%
Splicers	8 89	40	3%+.25	a	1%
Groundman digging machine operator	7 73	40	3%+.25	a	1%
Groundman	5 72	40	3%+ 25	a	1%
Groundman truck driver	6 82	40	3%+ 25	a	1%
Groundman dynamiteman	6.60	40	3%+.25	a	1%

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day F-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a Paid Holidays: A through E, Washington's Birthday, Good Friday and Election Day for President of the United States and Governor of New York State, provided the employee works the day before and after the holiday

DECISION NO NY78-3094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Class 1	$11.78	1 05	75	a	15
Class 2	11 18	1 05	75	a	15
Class 3	11 18	1 05	75	a	15
Class 4	12 47	1 05	75	a	15
Class 5	12 28	1 05	75	a	15
Class 6	13 78	1 05	75	a	15
Class 7	12 78	1 05	75	a	15
Class 8	12 28	1 05	75	a	15

FOOTNOTE:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, providing employee has worked 5 consecutive working days before and the working day after the holiday

POWER EQUIPMENT OPERATORS: Building Construction

Class 1: Asphalt and blacktop roll Automated concrete spreader (CMI or equivalent); Automated fine grade hine (CMI); Backhoe; Belt placer; Blacktop spreader (such as Barber Greene and Blawknox); Blacktop Plant (automated); Blast or rotary drill (truck or cat mounted); Boom truck; Cableway; Caisson auger; Carry-all-scraper-self loading; Central Mix plant (automated); Cherry picker over five (5) ton capacity; Compressors; Pump; Generator or welding machine (when used in a battery of not more than four (4); Crane, Crusher-Rock; Derrick; Diesel power unit; Dragline; Dredge; Dual drum paver; Elevating grader (self-propelled or towed); Elevator hoist - two cage; Excavator - all purpose - hydraulically operated; Fork lift (factory rating 15 ft or more); Front end loader (4 c.y and over); Gradall; Grader (power); Head tower (Saur mon or equal); Hoist (2 or 3 drums); Locomotive; Maintenance engineer; Maintenance welder; Mine hoist; Mucking machine or mole; Overhead crane fixed permanent; Pile driver; Quarry Master or equivalent; Refrigeration equipment - for soil stabilization; Shovel; Side boom; Slip form paver; Straddle buggy (Hoss carrier, Timber carrier) Tractor drawn belt type loader (Euclid loader); Trenching machine (digging capacity of over 4 ft. depth); Truck crane operator; Tunnel shovel; Vibro or sonic hammer controls (when not mounted in proximity to the rig operator)

DECISION NO NY78-3094

POWER EQUIPMENT OPERATORS (Cont'd)
Building Construction

Class 2: "A" Frame truck; Blacktop plant (non-automatic); Boring machine; Bulldozer; Cage hoist; Carry-all scraper; Central mix plant (non-automated); Cherry picker five (5) tons and under; Compressor (315 c f and over); Concrete paver (single drum over 16S); Concrete pump; Core boring machine; Drill rigs-tractor mounted; Elevator - as a material hoist; Fork lift (factory rating less than 15 ft); Front end loader (under 4 cu yds); Gunnite machine; High pressure boiler (15 lbs and over); Hoist (one drum); Hydraulic breaking hammer (Drop hammer); Kolman plant loader (screening gravel); Maintenance grease man; Mixer for stabilized base - self-propelled (seaman mixer); Monorail machine; Parapet concrete or pavement grinder; post hole digger (truck or tractor mounted); Power sweeper (Wayne or similar); Pump 4" and over; Pump-crete or squeeze-crete; Road widener (front end of grader or self-propelled); Shell winder (motorized); Snorkel (overhead arms); Roller; Trenching machine (digging capacity of 4 ft or less); Tugger hoist; vibro tamp; Wall drill; Well point system (submersible pumps when used in lieu of well-point system); Winch (motor driven); Winch cat; Winch truck

Class 3: Compressor (under 315 cu ft); Concrete paver or mixer (under 16S); Concrete pavement spreaders and finishers (not automated); Conveyor (over 12 ft); Electric submersible pump (4" and over); Farm tractor with or without accessories; Fine grade machine (not automated); Fireman; Form tamper; Generator (2,500 watts and over); Hydraulic pump; Mechanical heaters - more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacture's rating); Mulching machine; Oiler; Power driven welding machine - 300 amp and over (other than all electric); One welding machine under 300 amp will not require an engineer unless in a battery); Power heaterman (hay drier) Pump (under 4"); Revinius widner (road widener); Steam cleaner or Jenny; Tractor with or without towed accessories, post driver (truck or tractor mounted)

Class 4: Master Mechanic

Class 5: Tower Crane

Class 6: Crane or Derrick with a boom length over 300 ft including jib

Class 7: Crane or Derrick with a boom length over 150 ft including jib, and on a piledriver with leads or boom length of over 100 ft

Class 8: Quad 9 bulldozer or multibowl scraper

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
GROUP I	$10 73	1 05	1 05	a	15
GROUP II	10 37	1 05	1 05	a	15
GROUP III	9 36	1 05	1 05	a	15
GROUP IV	8 46	1 05	1 05	a	15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a Paid Holidays: A through F, providing the employee works the day before and the dat after the holiday

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all-purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c y and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C F M combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c y), hi-pressure - boiler (15 lobs and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D

Group III - A-frame truck, compressors (4 not to exceed 2000 C F M combined capacity or 3 or less with more than 1200 C F M but not to exceed 2000 C F M), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C F M combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates 1	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CLASS 1	$8 74	60	75	a	
CLASS 2	8 79	60	75	a	
CLASS 3	8 84	60	75	a	
CLASS 4	8 99	60	75	a	
CLASS 5	9 14	60	75	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a Paid Holidays: A through f, provided the employee has worked the working day before and after the holiday

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser

CLASS 2
Tandems, batch trucks, mechanics and dispatcher

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier

CLASS 5
Off- highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: * See Below
DECISION NUMBER: OH78-2152 DATE: Date of Publication
Supersedes Decision No : OH78-2056, dated May 12, 1978 in 43 FR 20673
DESCRIPTION OF WORK: Building Construction (Does not include family homes & garden type apartments up to and including 4 stories)

*ADAMS, BROWN, BUTLER, CHAMPAIGN, CLARK, CLERMONT, CLINTON, DARKE, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, GALLIA, GEAUGA, GREENE, HAMILTON, HIGHLAND, LAWRENCE, LICKING, MADISON, MEIGS, MIAMI, MONTGOMERY, MUSKINGUM, PERRY, PICKAWAY, PIKE, PREBLE, ROSS, SCIOTO, SHELBY, UNION, AND WARREN

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS:					
Adams, Brown, Butler (excluding Middletown & vic), Clermont, Hamilton, Highland, & Warren (excluding Twps of Clear Creek, Franklin, Massie, Turtle Creek, & Wayne) Cos	$13 16	75	1 00		02
Butler (Middletown & Vic.), Champaign, Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, Shelby, & Warren (Twps of Clear Creek, Franklin, Massie, Turtle Creek, & Wayne) Cos.	11 47	75	1 00		02
Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Muskingum, Perry, Pickaway, Ross & Union Cos.	13 07	60	1,15		02
Gallia, Lawrence, Meigs, Pike, & Scioto Cos.	13 10	50	,70		03
Geauga County	14 78				
BOILERMAKERS:					
Darke, Delaware, Shelby & Union Cos.	13 575	1 075	1 00		.03
Geauga Co.	12 68	.90	1 20		03
Remaining Counties	10.70	1 05	1 10	1 50	02
BRICKLAYERS; Caulkers; Cleaners; Marble setters; Pointers; Stonemasons; Terrazzo workers; & Tile setters:					
Brown, Butler, Clermont, Hamilton, Preble (Twps. of Dixon, Israel, Lanier, Somers, & Gratis), & Warren Cos.:					
Bricklayers; Caulkers; Cleaners; Pointers; & Stonemasons	12 845	.65	35		.02
Marble setters	11.985	.65	35		
Terrazzo workers & Tile setters	11.935	.65	35		
Champaign, Clark & Logan Cos.:					
Bricklayers; Caulkers; Cleaners; Pointers; Stonemasons	9 87	.85	.75		.03
Marble setters; Terrazzo workers & Tile setters	9.81	85	.35		
Clinton & Highland Cos.	9.25				
Darke, Miami, & Shelby Cos	10.63	.85	75		.03
Delaware, Franklin, Madison, Pickaway, & Union Cos :					

NOTICES

DECISION NO. OH78-2152

BRICKLAYERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Bricklayers; Stonemasons	$11 44	80	1 00		03
Rubble work	10 24	40	80		01
Marble setters; Terrazzo workers & Tile setters	11 70				
Fairfield & Perry Cos	10 15	60	90		10
Fayette, Pike & Ross Cos :					
Bricklayers; Caulkers; Cleaners; Pointers; & Stonemasons	12 20				
Gallia & Meigs Cos	12 05	50			
Geauga County	13 02	60	1 00		
Greene, Montgomery, & Preble (Rem of Co), Cos :					
Bricklayers; Caulkers; Cleaners; Pointers; & Stonemasons	11 08	85	75		03
Marble setters; Terrazzo workers; & Tile setters	9 81	85	35		
Lawrence County	11 50		50		05
Licking & Muskingum Cos	10 70	60	90		10
CARPENTERS; Millwrights; Piledrivermen; & Soft floor layers:					
Adams, Fayette, Gallia, Highland, Lawrence, Meigs, Pike, Ross, & Scioto Cos :					
Carpenters; Soft floor layers	9 24	55	1 00		03
Piledrivermen	9 53	55	1 00		03
Millwrights	10 79	40	37		03
Brown, Butler, Clermont, Clinton, Hamilton & Warren Cos :					
Carpenters; Piledrivermen	12 20	60	.65		075
Millwrights	12 09	55	1 10		10
Soft floor layers	10 25	60	65		05
Champaign, Clark, Delaware, Fairfield, Franklin, Licking, Madison, Muskingum, Perry, Pickaway, & Union Cos :					
Carpenters	10 79	58	85		04
Millwrights	11 44	58	85		04
Piledrivermen	11 44	58	85		04
Soft floor layers	10 79	58	85		04
Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos :					
Carpenters; Piledrivermen	10 95	80	1 10		07
Millwrights	10 86	80	1.00		07
Soft floor layers	9 80	80	80		07

DECISION NO. OH78-2152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Geauga Co :					
Carpenters; Soft floor layers	12 87	85	1 25		03
Millwrights	12 60	85	1 52		03
Piledrivermen	12 10	77	1 25		03
CEMENT MASONS:					
Adams, Lawrence (excluding Fayette, Union, & Rome Twps), Pike, & Scioto Cos	12 52		60		
Brown, Butler, Clermont, Hamilton & Warren Cos	12 08	80	.95		20
Champaign, Clark, Darke, Greene, Miami Montgomery, Preble, & Shelby Cos	10 53	60	60		.07
Clinton & Highland Cos.	9 25				
Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Muskingum, Pickaway, Ross, & Union Cos	10 50	60	60		05
Geauga Co	13 02	60	1 00		
Lawrence Co (Fayette, Union & Rome Twps)	11 50		50		.05
ELECTRICIANS:					
Adams, Pike (S. part), & Scioto Cos	11 45	50	3%+ 50	1 00	.04
Brown, Clermont & Hamilton Cos :					
Up to & incl 18 mi. radius from Hamilton Co court House	12 50	70	3%+ 60		½%
18 to 21 mi radius from Hamilton Co Court House	12 80	70	3%+ 60		½%
21 to 25 mi radius from Hamilton Co Court House	12.90	70	3%+ 60		½%
Over 25 mi radius from Hamilton Co Court House	13 05	70	3%+ 60		½%
Butler, & Warren (Twps of Deer-Field, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union, & Washington) Cos :					
W of Interstate #75:					
Electricians	12 65	45	3%+ 75		½%
Cable Splicers	13 15	45	3%+.75		½%
E of Interstate #75:					
Electricians	13 20	45	3%+ 75		½%
Cable Splicers	13 70	45	3%+ 75		½%

DECISION NO. 0178-2152

ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Champaign, Clark, & Madison (Twps of Paint, Pike, Somerford, Stokes, & Union) Cos.	11 14	45	3%+ 85		04
Clinton, Darke, Greene, Miami, Montgomery, Preble, & Warren (Rem. of Co) Cos :					
Electrical communications installers within 11 mi radius of 3rd & Main Street, Dayton	12 03	75	3%+1 00		5%
Electrical communications installers beyond 11 mi radius of 3rd & Main Street, Dayton	12 26	75	3%+1 00		5%
Delaware, Fairfield, Franklin, Madison (E portion), Pickaway (N. & central portions), & Union Cos.	12 18	38	3%+1 00		06
Fayette, Highland, Pickaway (S part), Pike (N part), & Ross Cos.	12 35	40	3%		02
Gallia Co	12 27	50	3%+.80	1 00	04
Geauga Co (Bainbridge, Chester, & Russell Twps)	13 75	.55	3%+ 48		02
Geauga Co (Auburn, Middlefield, Parkman, & Troy Twps)	13 39	60	7%		.7%
Geauga Co (Rem of Co)	13 13	70	3%+ 70		.3%
Lawrence Co	11.82	.50	3%+ 80	1 00	04
Licking Co	11 40	40	3%+ 60		03
Meigs Co	11 15	.50	3%+ 80	1 25	.04
Muskingum & Perry Cos.	11 40	40	3%+ 60		.03
Shelby Co	12 21	45	3%+ 37		04
ELEVATOR CONSTRUCTORS:					
Adams, Brown, Butler, Clermont, Clinton, Darke, Hamilton, Highland, Miami, Preble, & Warren Cos :					
Elevator Constructors	11.70	.745	.56	a+b	.035
Helpers	70%JR	.745	.56	a+b	.035
Helpers (Prob)	50%JR				
Champaign, Clark, Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Muskingum, Perry, Pickaway, Ross, Shelby & Union Cos :					
Elevator constructors	$11 705	745	56	a+b	035
Helpers	70%JR	745	56	a+b	035
Helpers (Prob)	50%JR				
Gallia & Meigs Cos :					
Elevator Constructors	11 465	745	56	a+b	035
Helpers	70%JR	745	56	a+b	035
Helpers (Prob)	50%JR				
Geauga Co :					
Elevator constructors	12 79	745	56	a+b	035
Helpers	70%JR	745	56	a+b	035
Helpers (Prob)	50%JR				
Greene & Montgomery Cos :					
Elevator Constructors	11 78	745	56	a+b	035
Helpers	70%JR	745	56	a+b	035
Helpers (Prob)	50%JR				
Lawrence, Pike, & Scioto Cos :					
Elevator Constructors	11 465	745	56	a+b	035
Helpers	70%JR	745	56	a+b	035
Helpers (Prob)	50%JR				
GLAZIERS:					
Lawrence, & Scioto Cos	10 60		70		
Adams, Brown, Butler (Hamilton & Vic), Clermont, Clinton (Southern part), Hamilton, Highland (Part), & Warren (Lebanon & south) Cos	12 10		60		01
Champaign, Butler (excluding Hamilton & Vic), Clark, Clinton (Northern Part), Darke, Fayette (Eastern Part), Greene, Highland (Part), Miami, Montgomery, Preble, Shelby (Southern Part), & Warren (North of Lebanon) Cos	10 53		70		01
Delaware, Fairfield, Franklin, Licking, Madison, Muskingum, Perry, Pickaway, Pike, Ross, & Union Cos	11 22		57		005
Geauga Co	13.68	55	.65		.01
IRONWORKERS:					
Adams (Part), Gallia, Lawrence, Pike (Part), & Scioto Cos.:					
To 10 mi. from Union Hall in Ashland, Kentucky	11 27	.90	1 05		.01

DECISION NO. OH78-2152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
10 to 15 mi from Union Hall in Ashland, Kentucky	$11 42	90	1 05		01
15 to 20 mi from Union Hall in Ashland, Kentucky	11.52	90	1 05		01
20 mi & over from Union Hall in Ashland, Kentucky	11.62	.90	1.05		.01
Adams (Part), Brown, Butler (S ½ of Co), Clermont, Hamilton & Warren (S. ½ of Co.) Cos :					
Ornamental; Structural	12 33	90	1 20		03
Reinforcing	11 53	90	2 00		02
Butler (N ½ of Co.), Champaign (W. 2/3 of Co), Clark (W 3/4), Clinton, Darke, Fayette (Part), Greene, Highland (W 4/5), Miami, Montgomery, Preble, Shelby, & Warren (N. ½) Cos.:					
Within 15 mi. radius of Local Union #290 Office	10 96	90	1 25		04
Beyond 15 mi. radius of Local Union #290 Office	11 11	90	1 25		04
Champaign (Rem of Co), Clark (E ½), Fayette (Part), Highland (E 1/5), Muskingum, Perry, Pike (Part), & Ross Cos	11 55	.90	1 95		05
Delaware, Fairfield, Licking, Madison, Pickaway, & Union Cos.	11 45	90	1 95		05
Franklin Co	11 30	90	1 95		05
Geauga Co	12 72	1 05	1.30		03
Meigs Co	11.67	75	.85		.01
LATHERS:					
Butler, Champaign, Clinton, Darke, Fayette, Greene, Miami, Montgomery, Preble, Shelby, & Warren (N ½) Cos	11 69		40		01
Clark, Delaware, Fairfield, Franklin, Licking, Madison, Muskingum, Perry, Pickaway, Ross, & Union Cos	11 60		40		01
Clermont, Hamilton, Highland, & Warren (S ½) Cos	13 32		.25		025
Geauga Co.	13 38		1 50		01
Lawrence Co	11 725		.10		

DECISION NO. OH78-2152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
LINE CONSTRUCTION:					
Adams, Gallia, Lawrence, Meigs, Pike (Twps of Camp Creek, Marion, Newton, Scioto, Sunfish & Union), & Scioto Cos :					
Linemen	$12 73	.50	3%+ 50	1 00	½%
Operators: All mechanized equipment	10.18	50	3%+ 50	1 00	½%
Cable splicers; Linemen welder	14.00	50	3%+ 50	1 00	½%
Groundmen	8 27	50	3%+ 50	1 00	½%
Brown, Clermont, & Hamilton Cos.:					
Linemen up to & incl. 18 mi. radius from Hamilton Co Court House, Cincinnati	12 50	70	3%+ 60		½%
Linemen over 18 to & incl 21 mi. radius from Hamilton Co Court House, Cincinnati	12 80	70	3%+ 60		½%
Linemen over 21 to & incl. 25 mi. radius from Hamilton Co Court House, Cincinnati	12 90	70	3%+ 60		½%
Linemen over 25 mi radius from Hamilton Co. Court House, Cincinnati	13 05	70	3%+ 60		½%
Butler & Warren (Twps. of Deerfield, Hamilton, Harlem, Massie, Salem, Turtle Creek, Union & Washington Twps) Cos :					
E. of Interstate 75:					
Linemen	13 20	45	3%+ 75		½%
Cable splicers	13 70	45	3%+ 75		½%
Groundmen:					
0-1 yr	6 33	.45	3%+ 75		½%
1-2 yrs	7 59	.45	3%+ 75		½%
Over 2 yrs	8 86	45	3%+ 75		½%
W. of Interstate 75:					
Equipment ops ; Linemen	12 65	45	3%+ 75		½%
Cable splicers	13 15	45	3%+ 75		½%
Groundmen:					
0-1 yr	6 05	45	3%+ 75		½%
1-2 yrs:	7 26	45	3%+ 75		½%
Over 2 yrs	8 47	45	3%+ 75		½%

DECISION NO. OH78-2152

LINE CONSTRUCTION (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Champaign, Clark, Fairfield, Geauga (Bainbridge, Russell, & Chester Twps) Cos.:					
Linemen; Cable splicers; Equipment operators	$13.11	50	3%		1%
Groundmen:					
0 - 6 months	6 33	.50	3%		1%
6 - 12 months	6 71	.50	3%		1%
12 - 18 months	7 13	.50	3%		1%
18 months & over	7 52	.50	3%		1%
Clinton, Darke, Greene, Miami, Montgomery, Preble & Warren (Twps. of Wayne, Clear Creek, & Franklin) Cos.:					
Linemen; Cable splicers	12.03	.75	3%+1.00		1%
Operators:					
Hole digging equipment; Crane; Hydraulic lift or bucket	12 03	.75	3%+1 00		1%
Line truck with winch or pole & steel handling	9.02	.75	3%+1 00		1%
Non-specialized truck & misc. equipment	7.22	.75	3%+1.00		1%
Groundman-Truck Driver:					
0-1 yr 's experience	6.62	.75	3%+1.00		1%
Over 1 yr.'s experience	7 22	.75	3%+1.00		1%
Delaware, Franklin, Madison, Pickaway (Twps. of Circleville, Darby, Harrison, Jackson, Madison, Monroe, Muhlenberg, Scioto, Walnut, & Washington), & Union Cos.					
Cable splicers; Linemen; Equipment operators	13.11	.50	3%		1%
Groundmen:					
Beginning	6.17	.50	3%		1%
After 6 months	6.57	.50	3%		1%
After 12 months	7.02	.50	3%		1%
After 18 months	7.44	.50	3%		1%

DECISION NO. OH78-2152

LINE CONSTRUCTION (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Fayette, Highland, Pickaway (Deer Creek, Perry, Pickaway, Salt Creek, & Wayne Twps), Pike (excluding Camp Creek, Marion, Newton, Scioto, Sunfish & Union Twps), & Ross Cos :					
Equipment ops ; Linemen	$10.95	28	3%		1%
Truck Drivers	6 47	28	3%		1%
Groundman	6.17	28	3%		1%
Geauga (Auburn, Middlefield, Parkman, & Troy Twps):					
Linemen; Cable splicers; Operator pole digging equipment	14.07	.45	3%		1%
Groundmen 1st 6 mos.	7 035	.45	3%		1%
Groundmen 2nd 6 mos.	8 44	.45	3%		1%
Groundmen 2nd yr	9.85	45	3%		1%
Groundmen 3rd yr	10 55	.45	3%		1%
Groundmen over 3 yrs	11.26	45	3%		1%
Geauga (Rem. of Co.):					
Linemen; Cable splicers; Equipment operators	12.68	70	3%+.70		1%
Truck drivers	9.02	.70	3%+ 70		1%
Groundmen more than 2 yrs ' experience	8 37	.70	3%+ 70		1%
Groundmen less than 2 yrs ' experience	7 08	.70	3%+.70		1%
Licking, Muskingum, & Perry Cos.					
Linemen; Cable splicers; Equipment operators	12.13	.50	3%		1%
Groundmen:					
Beginning	6.17	.50	3%		1%
After 6 mos.	6 57	.50	3%		1%
After 12 mos	7 02	.50	3%		1%
After 18 mos	7 44	.50	3%		1%
Shelby Co :					
Linemen	12.53	.50	3%		1%
Groundmen; Truck drivers	8.11	.50	3%		1%
Equipment operators	11 28	.50	3%		1%

DECISION NO. OH78-2152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS; & TILE SETTERS' FINISHERS:					
Adams, Brown, Butler, Clermont, Fayette, Gallia, Hamilton, Highland, Lawrence, Meigs, Pike, Ross, Scioto, & Warren Cos :					
Marble setters' finishers	$10 885				
Marble sanders; Polishers; stockmen; Waxers; & Sawyers	11.05				
Terrazzo Workers' finishers; & grinders	10 835				
Terrazzo base grinders (While operating base grinding machine)	11 255				
Tile setters' finishers	10 785				
Champaign, Clark, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.	8 34				
Delaware, Fairfield, Franklin, Madison, Pickaway, & Union Cos :					
Marble setters' finishers; Terrazzo workers' finishers; & Tile setters' finishers	9.35				
Terrazzo base grinders	9 70				
Terrazzo floor grinders	9 50				
Geauga Co.:					
Marble setters' finishers	11 76		1 50		
Terrazzo workers' finishers	12 62		1 20		
Tile setters' finishers	12 29		1 50		
PAINTERS:					
Adams, Highland, Pike, & Scioto Cos.:					
Brush; Paperhangers; tapers; Wall covering, washing; Exterior buildings under 40'	11 55		50		
Rollers; floor sanding; Power tools	12 05		50		
Sandblasting; Steamcleaning; & Burning	12 55		50		
Brown, Clermont, & Hamilton Cos.:					
Commercial:					
Brush	12 35		25		25 00p/yr
Spray	12 75		25		25.00p/yr

DECISION NO. OH78-2152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PAINTERS: (CONT'D)					
Industrial:					
Brush	$12 50		25		
Spray	12.90		25		
Butler & Warren Cos.:					
Commercial:					
Brush	10 58				
Spray	11.08				
Industrial:					
Brush	10.73				
Spray	11.23				
Clinton, Darke, Greene, Miami, Montgomery, & Preble Cos :					
Brush; Roller	11 97		60		05
Scaffold; Structural steel; & Swing stage	12.37		60		05
Sandblasting; Spray; & Steam-cleaning	12 47		60		05
Spackling & finishing; & Taping	12 32		60		05
Steeple jackwork	12 72		60		05
Delaware, Fairfield, Fayette, Franklin, Madison, Pickaway, & Union Cos :					
Brush; Paperhangers; Rollers; & Wall Washing	10.84	65	65		02
Spray	11 34	65	65		02
Structural steel; & Swing Stage	11.14	65	65		02
Sandblasting; Steamcleaning; & Water tanks	11 54	65	65		02
Drywall tapers & finishers	11 24	65	65		02
Gallia, Lawrence, & Meigs Cos :					
Brush; Roller	8 50			d	
Drywall taping; Paperhangers; & Wall Washers	9 05			d	
Spray	9.55			d	
Open Structural steel	9 25			d	

55190

DECISION NO. OH78-2152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PAINTERS (CONT'd)					
Licking, Muskingum, & Perry Cos					
Brush; Paperhangers	8 00				
Spray	8 45				
Ross County:					
Brush; Roller; & Taping	9.25				
Structural Steel	9.50				
Sandblast & Spray	10 00				
Shelby Co.:					
Brush; Roller; Drywall Taping	9 35	73	50		03
Wallcovering; Swing stage; Safety belts; Spiders; Cherry pickers - brush or rollers;	9 60	.73	50		03
Spray; Sandblasting; Steam-cleaning; Mitts; High pressure water cleaning & blow down	9 85	73	50		03
Stilts & automatic drywall tools	10 10	73	50		03
Petroleum storage tanks (over 30' high) brush, rollers	9.75	.73	.50		03
Structural steel (open skeleton) - brush or rollers	9.65	73	.50		03
Elevated water tanks & stacks - brush, roller or spray	10 85	73	50		03

DECISION NO. OH78-2152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PLASTERERS:					
Adams, Lawrence (except Twps of Fayette, Union, & Rome), Pike & Scioto Cos	$12 52		60		
Brown, Butler, Clermont, Hamilton, & Warren Cos	12 845		75		02
Champaign, Clark, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos	12 10				
Clinton and Highland Cos	9 25				
Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Muskingum, Perry, Pickaway, Ross and Union Cos.	11 09	60	30		02
Gallia & Meigs cos.	12 05	50			
Geauga County	13 02	60	1 00		
Lawrence Co. (Twps of Fayette, Union & Rome Twps.)	11 50		50		05
PLUMBERS; Steamfitters:					
Adams, Gallia, Highland, Lawrence, Pike, & Scioto Cos.:					
Within 10 mi. radius of Portsmouth	12 47	55	75		
10 - 20 mi. radius of Portsmouth	12 72	55	75		
20 - 35 mi radius of Portsmouth	12.82	55	75		
Over 35 mi radius of Portsmouth	13 07	55	.75		
Brown, Clermont, Hamilton, & Warren (N. of Rte #63 excl Lebanon & S. Lebanon) Cos:					
Plumbers; Gas Fitters	12 82	1.05	1.20		05
Pipefitters; Steamfitters	13.09	1.00	1.325		.08
Butler Co (N ½)	12.35	.60	1.00		.05
Butler (S ½) & Warren (S of Rte #63 incl. Lebanon & S Lebanon) Cos.	13.12	.80	1 10		.02
Champaign, Clark, Greene (Twps of Cedarville, Ross, Jefferson, Cesar Creek, & New Jasper), & Madison (W. of Rte #38 incl. city of London) Cos	12 40	83	85		.04
Clinton, Darke, Fayette, Greene (excl. Twps of Miami, Cedarville, Ross, Jefferson, Ceasar Creek, & New Jasper), Miami, Montgomery & Preble Cos	12 46	80	1.03		.03

DECISION NO. OH78-2152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PLUMBERS; Steamfitters: (Cont'd)					
Delaware, Fairfield, Franklin, Licking, Madison (E of Rte #38 not incl city of London), Perry, Pickaway, Ross, & Union Cos	$13.00	93	82		06
Geauga Co:					
Pipefitters	12 45	1 22	1 30		05
Plumbers	12 88	90	1 10		02
Meigs Co	11 73	52	60		045
Muskingum Co	12 60	45	60		08
Shelby Co	12 80	50	75		05
ROOFERS:					
Adams, Gallia, Lawrence, Meigs, Muskingum, Pike & Scioto Cos	11 55		50		
Brown, Butler, Clermont, Hamilton, Highland, & Warren Cos :					
Roofers	13 32		85		01
Pitch	13 92		85		01
Champaign, Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Perry, Pickaway, Ross, & Union Cos	11 795	60	65		01
Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos :					
Slate, Tile, & Asbestos	11 72	80	50		
Composition, Damp & Waterproof Workers	11 50	80	50		
Geauga Co	14 03	25	50		
SHEET METAL WORKERS:					
Adams, Delaware, Fairfield, Fayette, Franklin, Gallia, Lawrence, Licking, Madison, Meigs, Muskingum, Perry, Pickaway, Pike, Ross, Scioto, & Union Cos	11 31	78+e	1 12		.15
Brown, Clermont, Hamilton, & Highland Cos	11 935	1 00	81		04
Butler, Champaign, Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, Shelby, & Warren Cos	11 70	80+f	1 05		16
Geauga Co	12 85	60	1 33		04

DECISION NO. OH78-2152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
SPRINKLER FITTERS:					
Geauga Co	12 45	1 22	1 30		05
Remainder of Counties	12 75	75	1 05		08

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:
a 7 paid holidays: A through F, & Day after Thanksgiving
b Employer contributes 8% of regular hourly rate to v :ation pay credit for employee who has worked in business more than ears Employer contributes 6% of regular hourly rate to vacation credit for employee who has worked in business less than 5 yea s
c 9 paid holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing employee who has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday
d 6 paid holidays: A,C,E,F, Decoration Day & Veterans' Day
e 3% of gross earnings to SASMI
f 3% of gross earnings to SASMI

LABORERS:					
Adams, Gallia, Highland, Lawrence, Meigs, Pike, & Scioto Cos :					
Common laborers; Signalmen	7 77	65	55		10
Sheeting & Shoring men	7 87	65	55		10
Bottom men; Carpenters' tenders; Mason tenders; Mortar mixers; Plasterers' tenders; & Sewer pipe layers	7 92	65	55		10
Air & machine driven tool op ; Asphalt rakers & smoothers; Burning & cutting torches; Chain saws; & Powered concrete buggies; Hand spikers	8 02	65	55		10
Gunnite machine op ; Gunnite nozzlemen; Powdermen & blasters	8 34	65	55		10
Brown, Clermont, Clinton, & Hamilton Cos :					
GROUP 1	10 50	70	70		10
GROUP 2	10 60	70	70		10
GROUP 3	10 65	70	70		10
GROUP 4	10 70	70	70		10
GROUP 5	10 85	70	70		10
GROUP 6	11 00	70	70		10
GROUP 7	11 25	70	70		10
GROUP 8	9 97	70	70		10
GROUP 9	10 12	70	70		10

DECISION NO. OH78-2152

LABORERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr.

GROUP 1: Common laborers; Cement Masons' helpers; Hand operated mechanical mule; Mechanical sweeper; Signal man
GROUP 2: Bottom man; Pipelayer
GROUP 3: Burning torch operator; Jackhammer; Mechanical & air tamper operator; Mechanical concrete buggies; Power operated mechanical mule; Concrete pump hose man; Vibrator man
GROUP 4: Plasterers' tender; Mason tender; Stone Mason tender; Bottom jackhammer man
GROUP 5: Plaster mixer pump operator
GROUP 6: Tunnel laborer
GROUP 7: Gunnite nozzle operator
GROUP 8: Demolition Construction - Wrecking laborers
GROUP 9: Demolition Construction - Jackhammer man; Burner; & wall man

Butler & Warren Cos :					
Common laborers	9 79	70	70		10
Asphalt rakers; Tampers; Smoothers hand air pump; Hand air tamper chisel; Vibrator power tamper op.	9 89	70	70		10
Gunnite operators; Sandblasters; Concrete pumps & hose man	10.14	.70	.70		10
Mason tenders; Mortar mixers; & scaffold builders	10 12	70	70		10
Champaign, Clark, & Logan Cos.:					
Laborers general; Carpenters' tenders; Flagman; & Signalmen	7 95	70	70		.10
Plasterers' tenders; Mason Tenders; Mortar mixers	8.35	.70	70		.10
Air and Machine driven tool ops.; Jackhammer; Darko & chain saw; Sewer pipe layer; Bottom man; Wagon drill; Hand Spikers; Asphalt raker & tamper; Power concrete & buggies; Gunnite machine op. & nozzle man	8 20	.70	.70		.10
Miners & muckers for tunnel & caisson; Powdermen & blaster	8.45	70	.70		.10
Darke, Greene, Miami, Montgomery, & Preble Cos :					
Unskilled	8.79	70	70		.10
All machine & Power driven tools; Power buggies; Vibrators; Chipping hammers, & railroad spikers					

DECISION NO. OH78-2152

LABORERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
by hand; Swinging scaffold over 15'	$ 8 94	70	.70		10
Jackhammer; Air drill; Sand blaster; Sewer pipe layers; Man-hole builders, & bottom men	8 99	70	70		10
Caisson work; Scaffold with power tools	9 04	70	70		.10
Torch man on wrecking	9 09	70	70		.10
Caisson work with jackhammer	9.24	.70	.70		.10
Gunnite op.; Wagon drill op.; & blaster-powderman	9 29	70	70		10
Tenders to bricklayers & masons	9 42	70	70		10
Tenders to lathers & plasterers	9 46	70	.70		10
Delaware Co :					
Building & Construction laborers; Signalman; Flagman; Tool crib-man; Carpenter tender; Finisher tender; Concrete handler; Utility construction laborers; Guardrail erectors	8 96	70	70		10
Bottom man; Scaffold builders; Tunnel laborers; Pipelayers; Air & power driven tools; Burner on demolition work; Swinging scaffold; Mucker; Caisson work; Cofferdam worker; Powder men & dynamite blasters; Creosote worker; Mortar mixer tenders; Plasterers' tenders; Hod carrier; Laser beam set up men	9 16	.70	70		.10
Gunnite op.	9 56	.70	70		10
Fairfield, Fayette, Franklin, Madison, Pickaway, & Union Cos.:					
Common laborers; Carpenter tenders; Pouring of all concrete; Cleaning debris; Cleaning of all material; General clean up; Landscape Sod layers; Salamander; Flagmen; Wire mesh handlers or setters; Loading & unloading all trucks; Handling & conveying all material; Washing of all					

DECISION NO. OH78-2152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS (CONT'D)					
windows; A man on bucket pouring concrete; Conveyor belt	8.54	70	70		10
Brick tender; Stone mason tender; Plasterers' tenders; Mortar mixers & Operator; Cement mason tender; All scaffold builders (swinging scaffolds); Jackhammer op ; Air or electrical pneumatic tool op ; Power driven tools; Power buggy op ; Power wheelbarrow ops ; Asphalt & blacktop rakers; Wall wrecker & bar man on demolition; Sand & vacuum cleaning ; Gunnite nozzle man; Wagon & churn drill ops ; Concrete saw op & brush feeders on pulverizers; Pipelayers; Bottom man; Laser gun, Burners; Sandblasting of concrete; Vibrator man; Signal man; Caisson bottom man; & Forklift op	8 79	,70	70		10
Geauga Co :					
Laborers; Equipment replacing wheelbarrow & concrete buggy	10 52	1 37	1 40		
Power driven tools & vibrators; Sewer & Utilities laborers; Fine brick tenders	10 67	1 37	1 40		
Jackhammer; Acetylene burner mucker	10 72	1 37	1 40		
Swinging scaffold; Mason tender handling carbon block & bottom block material; Air track & Wagon drill	10 77	1 37	1 40		
Gunnite op ; Blasters & Shooters; Caisson; Well; Cylinder; Cofferdams; Mine workers w/o air;	10 84	1 37	1 40		
Topman on free standing radial stack	11 02	1 37	1 40		
Acid brick tenders	10 92	1 37	1 40		

DECISION NO. OH78-2152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS: (CONT'D)					
Licking Co :					
Brick tender; Stonemason tender; Plasterer tender; Mortar mixer & operator; Cement mason tender; All scaffold builders; Swinging scaffolds; Jackhammer ops ; Air or electrical pneumatic tool ops ; Power driven tools; Power buggy ops ; Fork lift ops ; Power wheelbarrow ops ; Asphalt & blacktop rakers; Wall wrecker & bar man on demolition; Sandblasting; Welders on demolitions; Gunnite nozzle man; Wagon & churn drill ops ; Concrete saw ops ; Brush feeders on pulverizers; Pipe layers; Bottom man; Laser gun; Burners; Sandblasting of concrete; Vibrator man	8 49	55	40		05
Common laborers; Carpenter tender; Pouring of all concrete; Cleaning of all material; General clean-up incl vacuum cleaning; Landscape; Sod layers; All portable heaters; Loading & unloading all trucks; Handling & Conveying all materials; Washing of all windows; A man on bucket pouring concrete; Conveyor belt; Water pumps up to & incl 4" intake	8 27	55	40		05
Muskingum & Perry Cos :					
Planters (landscape); Tree Trimmers; Plumbers' helpers; Carpenters' tender; Building & construction laborers	8 72	70	70		10
Air & machine driven tool ops ; Asphalt plant aggremeter ops ; Asphalt plant mixer men; Brick slingers; Car pushers & tunnel laborers; Caulkers; Yarners & Wrenchmen; Cement handlers; Concrete puddlers (behind mixers); Curb cutters & setters;					

DECISION NO. 01178-2152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS: (CONT'D) Hand spikers ops ; Jackhammer ops ; Muckers; Mason tenders; Mortar mixers; Pipe layers; Proportioning plant ops ; Pump men (under 4"); Road form setters; Sewer bottom men; stone mason tenders; Sheeting & Shoring men; Vibrator op ; Plasterers' tenders; Cutting with burning torches; Dumpmen (batch trucks)	$ 8 82	70	.70		10
Brick droppers; Lock tenders; Powdermen or blasters	8 97	70	70		10
Ross Co : Brick tenders; Stonemasons' tenders; Plasterers' tenders; Mortar mixer & ops ; Cement masons' tenders; All scaffold builders (Swinging scaffolds), Jackhammer ops.; Air or electrical pneumatic tool ops ; Power driven tools; Power buggy ops ; Fork lift ops ; Power wheelbarrow ops ; Asphalt & blacktop rakers; Wall wrecker & bar man on demolition; Sandblasting; Welders on demolition; Gunnite nozzle man; Wagon & churn drill ops ; Concrete saw ops ; Brush feeders on pulverizers; Pipe layers; Bottom man; Laser gun; Burners; Sandblasting of concrete; Vibrator man; Carpenters' tenders	8 56	70	70		10
Common laborers; Pouring of all concrete; Cleaning debris; Clean-up incl. vacuum cleaning; Landscape; Sod layers; Loading & unloading all trucks; Handling & conveying all materials; Washing of all windows; A man on bucket pouring concrete; Conveyor belt; All water pumps up to & incl. 3" intake	8.36	.70	.70		.10

DECISION NO. 01178-2152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS: (CONT'D) Shelby Co : Building laborers; Laser beam; Power wheelbarrow or Power buggy	$8 15	70	70		10
Vibrators; spikers by hand (Railroad); Cement finishers helpers	8 30	70	70		10
All machine driven tools (gas, electric, air); Asphalt rakers; Caisson; Cofferdam; Demolition; Packers; Pot tenders; Pump man under 4" discharge; Tampers; Torchman; Tunnel	8 30	70	70		10
Blaster helper; Cylinder, shaft; Jackhammer; Man-hole builders; Mason tenders; Mortar mixers; Plasterers' tenders; Sewer bottom man; Sewer pipelayer; Sewer, water conduit, gas, oil, pipeline, except mainlines; & Wagon drill helper	8 45	70	70		10
Blaster-Powderman; Gunnite ops ; Muckers & miners (Tunnel & caisson) free air; Sandblasters; & Wagon drill/operator	8 45	.70	70		10

DECISION NO. OH78-2152

POWER EQUIPMENT OPERATORS	Geauga Co	Remaining Cos	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP A	13 17	12.61	66	1 00		11
GROUP B	13 02	12 45	66	1 00		11
GROUP C	12.67	12 09	66	1 00		11
GROUP D	11 89	11.31	66	1 00		11
GROUP E	11 57	10.98	66	1 00		.11
GROUP F	9 64	9 03	66	1 00		.11

GROUP A: A-frame; All rotary drills used on caisson work for foundations & sub-structure work; Boiler operator or compressor operator (when compressor or boiler is mounted on crane; piggyback Op); Boom trucks; Cableways; Cherry pickers; Combination concrete mixer & tower; Concrete pumps; Cranes; Derricks; Draglines; Elevating grader or Euclid loader; Floating equipment; Gradalls; Helicopter op hoisting building materials) Helicopter winch operator hoisting builders material; Hoes; Hoisting engines (2 or more drums); Lift slab or panel jack operators; Locomotives; Maintenance engineer (mechanic or welder); Mixer paving (multiple drum); Mobile concrete pumps w/boom; Panelboard (all types on site); Piledriver; Power shovels; Side booms; Slip form pavers; Straddle carriers (building construction on site); Trench machines(over 24" wide)

GROUP B: Asphalt paver; Bulldozer; CMI type equipment; End loaders; Kohlman type loaders (dirt loading); Mucking machines; Power grader; Power scoops; Power scrapers; Push cats

GROUP C: Air compressor (pressurizing shafts or tunnels); All asphalt rollers; Fork lifts; Hoist (1 drum); House elevators; Man lift; Power boilers (over 15 lbs , pressure);Pump op installing or operating well points or other type of dewatering system; Pumps (4" & over discharge); Submersible pumps (4" & over discharge); Trenchers (24" & under)

GROUP D: Compressors on building construction; Conveyors (building material); Gunnite machines; Mixers (cap more than 1 bag); Mixers (1 bag cap side 1 loaders); Post driver; Post hole digger; Pavement breaker (hydraulic or cable); Road widening trencher; Rollers; Welding op

GROUP E: Backfillers & tampers; Batch plant; Bar & joint installing machine; Bullfloats; Burlap & curing machines; Cleftplanes; Concrete spreading machines; Crushers; Drum fireman (asphalt); Farm type tractor (pulling attachments); Finishing machines; Form trenchers; High pressure pumps (over ½' discharge); Hydro seeders; Self-propelled power spreaders; Self-propelled sub-grader; Tire repairmen; Tractors pulling sheep foot roller or grader; Vibratory compactors (with integral power)

GROUP F: Oiler; Helper; Signalma ; Light plant operator; Power driven heaters (oil fired); Power boiler (less than 15 lbs. pressure); Pumps (under 4" discharge); Submersible pumps (under 4" discharge)

DECISION NO. OH78-2152

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Adams, Brown, Highland, Lawrence (W of Coal Grove & W of St Rt #75), Pike, Ross, & Scioto Cos :					
Jeep; Station Wagons; Pickups; Fuel trucks; Dumps to & incl 2 tons; Bus drivers (incl all equipment used for hauling men & materials)	8 96	21 50a			
Dumps over 2 tons; Tandems; Semi-tractor; Lowboys; Fork lifts (incl mason Tending work); Euclids	9 88	21 50a			
Butler Co (N ½):					
Tandem axle trucks; Tandem axle dump trucks; Winch trucks; Fork lifts; Truck warehouse men	9 54	25 00b	28 00a		
Single axle trucks; Jeeps; Pickups	9 39	25 00b	28 00a		
Euclid trucks; Mechanics	9 84	25 00b	28 00a		
Lowboys & drags	9 80	25 00b	28 00a		
Semi combination & combination of hauling units	9.64	25.00b	28 00a		
Clinton, Darke, Greene, Miami, Champaign, Montgomery, & Preble Cos :					
Straight flat & dump truck; Winch truck	6 23	21 50a	8 00a	c&e	
Ready mix dump crete	6 29	21 50a	8 00a	c&e	
Tandem truck & tractor trailer combination	6 34	21 50a	8 00a	c&e	
Euclid to 12 yds	6 40	21 50a	8 00a	c&e	
Euclid over 12 yds	6 76	21 50a	8 00a	c&e	
Delaware, Fayette, Franklin Madison, & Pickaway cos.:					
Dump & straight	9 21	25 00a			
Tandem & semi-farm tractor	9 31	25 00a			
Lowboy	9 41	25 00a			

DECISION NO. OH78-2152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
TRUCK DRIVERS (CONT'D)					
Gallia, Lawrence (E of Ohio St. Rte 875), & Meigs Cos :					
Truck helpers; pickups; Station wagons; Panel trucks; Yardmen; Warehousemen; Flatbody material truck (straight job); Greasers; Washers; Tiremen; Gas pump attendants; Dump trucks (up to 5 cubic yards)	$ 9 84	93 17d	60 67d	1 00	
Tank trucks (straight)	9 94	93 17d	60 67d	1 00	
Dump trucks (5 cu yds. & over); Semi-dump trucks; Semi-trailers (whether flat, rack or pole & hauled or pushed by truck or tractors); Agitator or mixer trucks (up to 5 cu yds); Tank truck (semi)	10 09	93 17d	60 67d	1.00	
Low boy trailers; Winch trucks; Fork trucks; Distributor trucks (front end & back end); Truck crane; Monorail truck	10 14	93 17d	60 67d	1 00	
Material checker & receiver	10 19	93 17d	60 67d	1 00	
Agitator or mixer truck (5 cu yds & over)	10 24	93 17d	60 67d	1 00	
Mechanic's helper	10 19	93 17d	60 67d	1 00	
Mechanic	10 49	93 17d	60 67d	1 00	
Tri-axle dump trucks; Hydraulic lift tailgate truck & farm type tractors; End dumpsters; Turnarockers; Ross carriers; Athey wagon or similar equipment; A-frame; Hydrolift; Dual purpose trucks	10 49	93 17d	60 67d	1.00	

FOOTNOTES:
a. per week per employee
b. per week per employee providing employee has been on payroll at least 30 days
c. 1 yr's employment - 1 wk's paid vacation; 7 yrs' employment - 2 wks' paid vacation providing the employee has been on payroll for 8 months during the previous 12 month period.
d. per month per employee
e. an employee who has been on the payroll 30 days or more & has worked his last scheduled workday within 7 calendar days before his next scheduled workday within 7 calendar days after New Yr's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, & Christmas Day shall receive 8 hrs pay for said holidays

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: *SEE BELOW
DECISION NUMBER: OH78-2156 DATE: Date of Publication
Supersedes Decision No : OH78-2006, dated February 24, 1978 in 43 FR 7915
DESCRIPTION OF WORK: Building Construction (Does not include single family homes and garden type apartments up to & including 4 stories)

* ALLEN, AUGLAIZE, CRAWFORD, DEFIANCE, ERIE, HANCOCK, HARDIN, HENRY, HURON, KNOX, LOGAN, MARION, MERCER, MORROW, OTTAWA, PAULDING, PUTNAM, RICHLAND, SANDUSKY, SENECA, VAN WERT, WILLIAMS, WOOD, & WYANDOT

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS:					
Allen, Defiance, Mercer, Paulding, Van Wert, & Williams Cos	$12 60	55	1 25		
Auglaize, & Logan Cos	11 47	75	1 00		02
Crawford, Hardin, Knox, Marion, & Morrow Cos	13 07	60	1 15		.02
Erie (W½), Hancock, Henry, Ottawa, Putnam, Sandusky, Seneca, Wood, & Wyandot Cos	13 13	50	1 30		04
Erie (E ½), & Huron Cos	14 78				
Richland Co	12 135	55	80		02
BOILERMAKERS	13 575	1 075	1 00		03
BRICKLAYERS; Marble Setters; Stonemasons; Terrazzo Workers; & Tile Setters:					
Allen, Auglaize, Mercer, & Van Wert Cos	11 62		45		02
Crawford, Hardin, Marion, Morrow, Richland, Wyandot (except Twps of Crawford, Ridge, Richland, & Tymochtee) Cos	11 48	60	1 00		02
Defiance, Henry (except Twps of Monroe, Barlo, Liberty, Washington, Richfield, Marion, & Damascus & that part of Harrison outside city limits of city of Napoleon), Paulding, Putnam, & Williams Cos : Bricklayers; Marble Setters; & Stonemasons	11 22	1.06	50		
Erie, Hancock, Huron, Ottawa, Sandusky, Seneca, Wood, (Perry & Bloom Twps), Wyandot (Tymochtee Crawford, Ridge, & Richland Twps), & Island of Lake Erie North of Sandusky	11 84	60	.80		.01

DECISION NO. OH78-2156

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Henry (Twps. of Washington, Damascus, Richfield, Bartlo, Liberty, Harrison, Monroe, & Marion), & Wood (Twps of Perrysburg, Ross, Lake, Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson, & Grand Rapids):					
Bricklayers; Marble Setters; Stonemasons	12 425	1 06	1 30		01
Knox Co	10 70	60	90		10
Logan Co	9 87	85	75		03
CARPENTERS:					
Allen, Auglaize, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos	10 79	58	.85		04
Crawford, Erie, Hancock (Fostoria), Huron, Ottawa, Richland, Sandusky, Seneca, & Wood (Fostoria) Cos	11 59	85	1 00	a	06
Defiance, Henry, Paulding, & Williams Cos.	12 26	1 06	.75		
Hancock & Wood Cos. (excluding Fostoria)	12 99	1 06	75		05
CEMENT MASONS:					
Allen, Auglaize, Hardin, Logan, & Mercer, Van Wert Cos	11 60	60			05
Crawford, Marion, Morrow, Richland, & Wyandot Cos	10 80	60			
Defiance, Paulding & Williams Cos	11 90	60			
Erie, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Twps), & Wyandot (Twps of Tymochtee, Crawford, Ridge, & Richland), & Island of Lake Erie North of Sandusky	11 84	.60	80		01
Hancock, Henry, Putnam, & Wood (except Perry & Bloom Twps) Cos	14 14	60			.02
Knox Co	10 50	60	.60		.05

DECISION NO. OH78-2156

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ELECTRICIANS:					
Allen, Auglaize, Hardin, Logan, Mercer, Van Wert, & Wyandot (Twps. of Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge, & Salem) Cos	12 21	45	3%+ 37		04
Crawford, Huron (Twps of Richmond, New Haven, Ripley, & Greenwich), Knox (Twps of Liberty, Clinton, Union, Howard, Monroe, Middlesburg, Morris, Wayne, Berlin, Pike, Brown, & Jefferson), Marion, Morrow, Richland, & Wyandot (Twps of Sycamore, Crane, Eden, Pitt, & Antrim) Cos	12 30	45	3%+ 50		1%
Defiance, Hancock, Henry, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos	13 80	65	3%+ 55		1%
Erie, & Huron (Twps of Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarksfield, Norwick, Greenfield, Fairfield, Fitchville, & New London) Cos	12 70	73	3%		.1%
Knox (Twps of Jackson, Clay, Morgan, Miller, Milford, Hilliard, Butler, Harrison, Pleasant, & College) Co	11 40	40	3%+ 60		03
ELEVATOR CONSTRUCTORS:					
Allen, Auglaize, Defiance, Mercer, Paulding, Putnam, Van Wert, & Williams Cos :					
Elevator constructors	10 91	.745	56	b+c	035
Helpers	70%JR	745	56	b+c	035
Helpers (Prob)	50%JR				
Crawford, Hardin, Knox, Logan, Marion, Morrow, & Richland Cos :					
Elevator constructors	11 705	745	56	b+c	.035
Helpers	70%JR	745	56	b+c	035
Helpers (Prob)	50%JR				

DECISION NO. 01178-2156

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Erie & Huron Cos :					
Elevator constructors	$ 12 79	745	56	b+c	.035
Helpers	70%JR	745	56	b+c	035
Helpers (Prob.)	50%JR				
Hancock, Henry, Ottawa, Sandusky, Seneca, Wood, & Wyandot Cos :					
Elevator constructors	12 355	745	56	b+c	035
Helpers	70%JR	745	56	b+c	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Allen, Auglaize, Crawford, Hancock, Hardin, Mercer, Putnam, Van Wert, & Wyandot Cos	9 10		60		
Defiance, Henry, Ottawa, Sandusky, Seneca, Williams, & Wood Cos	11 825	55	1,00		01
Erie, & Huron Cos	13,68	55	,65		01
IRONWORKERS:					
Allen, Auglaize, Logan (W 2/3), & Mercer Cos.:					
Within 15 mi radius of Local Union #290	10 96	90	1 25		04
Beyond 15 mi. radius of Local Union #290	11 11	90	1,25		.04
Crawford, Hardin, Knox, Logan (Rem of Co), Marion, Morrow, & Wyandot Cos.	11 55	90	1 95		05
Defiance, Paulding, Putnam, Van Wert, & Williams Cos.	11 80	,90	1,45		.02
Erie, & Huron Cos.	12 72	1 05	1 30		03
Hancock, Henry, Ottawa, Sandusky, Seneca, & Wood Cos.	12 86	1 06	1 22		05
Richland Co :					
Ornamental; Reinforcing; & Structural	11 68	,80	,95		,05
Shafter-roof	12 16	80	95		05
Shafter-side	11 93	,80	,95		,05
Bucker-up	11 75	80	95		05

DECISION NO -01178-2156

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LATHERS:					
Auglaize, Logan, & Mercer Cos	11 69		40		01
Crawford, Knox, Logan, Marion, Morrow, & Wyandot Cos	11 60		.40		.01
Defiance, Hancock, Ottawa, Paulding, Sandusky, Seneca, Williams, & Wood Cos.	13 05	1 06	10		01
Erie, & Huron Cos.	13 30				01
Terrazzo workers' Finishers; & Tile setters' Finishers:					
Allen, Defiance, Hancock, Henry, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos	11.00	1 06	40	50	
Auglaize, Hardin, Logan, & Mercer Cos.	8 34				
Erie, Huron, & Richland Cos :					
Marble setters' Finishers	11 76		1 50		
Terrazzo workers Finishers	12 62		1.20		
Tile setters' Finishers	12,29		1 50		
MILLWRIGHTS:					
Allen, Auglaize, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos	11,44	.58	.85		.04
Crawford, Huron, & Richland Cos,	11 59	85	1 00	a	06
Defiance, Erie (W of B & O RR Tracks), Hancock, Henry, Ottawa, Paulding, Sandusky, Seneca, Williams, & Wood Cos.	12,99	1 06	75		.05
Erie (E of B & O RR Tracks)	12 60	85	1 52		03
PAINTERS:					
Allen, Auglaize, Defiance, Hardin, Mercer, Paulding, Putnam, Van Wert, & Williams Cos :					
Brush; Drywall taping; & R ll	9 35	73	.50		03
Wall covering; Swing ta; s; Safety belt.; Spray & mast pickers - brush or roll r.	9,60	.73	.50		.03

DECISION NO OH78-2156

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Sandblasting; Spray; Steam-cleaning; Mitts; High pressure water cleaning; Blow down	$ 9 85	73	50		03
Stilts & automatic drywall tools	10 10	73	50		03
Petroleum storage tanks (over 30 ft high) brush, rollers	9 75	73	50		03
Structural steel (open skeleton) - brush or roller	9 65	73	50		03
Elevated water tanks & stacks - brush, roller or spray	10 85	73	50		03
Crawford, Marion, Morrow, & Richland Cos :					
Brush; Roller; Washer & cleaner	9 30		50		
Drywall; Paperhangers; Wall coverer; Pot tender	10 05		50		
Structural steel tanks & towers; Hazardous materials incl epoxy or any 2 component materials	9 80		50		
Spray; Riggers & helpers on scaffold over 30 ft above base level	10 05		50		
Sign & pictorial	10 15		50		
Sandblaster cleaner	10 45		50		
Erie, Hancock, Huron, Sandusky, Seneca, & Wyandot Cos :					
Old Commercial					
Brush; Roller; Wash; Clean	9 40	50	70		$50 00p/
Drywall; Paperhanging; 30' to 60'	9 65	50	70		50 00p/
60' or over	10 50	50	70		50 00p/
Sandblasting; Spray; Swing stage; Boatswain chair; Needle beam	9 90	50	70		50 00p/
Hazardous work & material; Stacks, tanks, Towers over 40' in ht.	10 40	50	70		50 00p/
New Commercial					
Brush; Roller; Wash; Clean	10 15	50	70		50 00p/
Drywall; Paperhanging	10 40	50	70		50 00p/
Structural steel; 30' to 60'	10 60	50	70		50 00p/
60' & over	11 00	50	70		50 00p/
Sandblast; Spray; Swing stage; Needlebeam; Boatswain chair	10 65	50	70		50 00p/
Hazardous work & material; Stacks, tanks, & towers over 40' in ht	11 15	50	70		50 00p/

DECISION NO OH78-2156

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Henry, Ottawa, & Wood Cos :					
Brush; Paperhangers; Drywall tapers & finishers	$11 28	1.06	1 10		
Sandblasting; Spray; Pressure cleaning	11 83	1 06	1 10		
Knox Co :					
Brush; Paperhangers	8 00				
Spray	8 45				
PILEDRIVERMEN:					
Allen, Auglaize, Hardin, Knox, Logan, Marion, Mercer, Morrow Putnam, Van Wert, & Wyandot Cos	11 44	58	85		04
Crawford, Huron, & Richland Cos	11 59	85	1 00	a	06
Defiance, Erie (W of B & O RR Tracks), Hancock, Henry, Ottawa Paulding, Sandusky, Seneca, Williams, & Wood Cos	12 99	1 06	75		05
Erie (E. of B & O RR Tracks)	12 10	7/7	1 25		03
PLASTERERS:					
Allen, Auglaize, Hardin, Knox, Logan, Mercer, & Van Wert Cos	11 09	60	30		02
Crawford, Marion, Morrow, Richland, & Wyandot (excluding Tymochtee, Crawford, Ridge, & Richland Twps) Cos	10 95				
Defiance, Hancock, Henry, Paulding, Williams, & Wood (excluding Perry & Bloom Twps) Cos	13 80	60			01
Erie, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Twps), Wyandot (Tymochtee, Crawford, Ridge, & Richland Twps), & Island of Lake Erie N of Sandusky	11 84	60	80		01

DECISION NO OH78-2156

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PLUMBERS; Steamfitters:					
Allen, Auglaize, Hardin, Mercer, & Van Wert Cos.	12 80	.50	75		.05
Crawford, Erie, Huron, Knox, Morrow, Richland, & Wyandot Cos	13 23	60	88		05
Defiance, Hancock, Henry, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos	13 63	80	85		09
Logan Co.	12 40	83	85		04
Marion Co	13 00	93	82		06
ROOFERS:					
Allen, Auglaize, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos	11 795	60	65		01
Crawford, & Richland Cos	11 18	73	55		.02
Defiance, Hancock, Henry, Paulding, Williams, & Wood Cos	12 63	1 06	1 00		02
Erie, Huron, Ottawa, Sandusky, & Seneca Cos.	14 03	25	50		
SHEET METAL WORKERS:					
Allen, Auglaize, Hardin, Logan, Mercer, Van Wert, & Wyandot Cos	11 70	80+d	1 05		16
Crawford, & Richland Cos	10 91	61	84		05
Defiance, Hancock, Henry, Ottawa, Paulding, Putnam, Seneca, Williams, & Wood Cos	12 655	1.06	1.36		045
Erie, Huron, & Sandusky Cos	13 00	85	88		.04
Knox, Marion, & Morrow Cos	11 31	78+d	1 12		.15
SOFT FLOOR LAYERS:					
Allen, Auglaize, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos.	10.79	58	85		.04
Crawford, Erie, Hancock (Fostoria), Huron, Ottawa, Richland, Sandusky, Seneca, & Wood (Fostoria) Cos	11 59	85	1 00	a	06
Defiance, Hancock (excluding Fostoria), Henry, Paulding, Williams, & Wood (excluding Fostoria) Cos.	11.32	1 06	.75		.04

DECISION NO OH78-2156

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
SPRINKLER FITTERS	12 75	75	1 05		08

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:
a 2 paid holidays: B & D
b 7 paid holidays: A through F, & Day after Thanksgiving
c 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
d 3% of gross earnings to SASMI

DECISION NO OH78-2 56

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS:					
Allen, Auglaize, Mercer, Pauldin, Putnam, & Van Wert Cos :					
Building laborers; Laser beam; Power wheelbarrow or power buggy	$8 15	70	70		10
Vibrators; Spikers by hand (Railroad); Cement finishers' helpers; All machine driven tools (gas, electric, air); Asphalt rakers; Caisson; Cofferdam; Demolition; Packers; Pot tenders; Pump man under 4" discharge; Tamper; Torch man; & tunnel	8 30	70	70		10
Blaster helper; Cylinder, shaft; Jackhammer; Man-hole builders; Mason tenders; Mortar mixers; Plasterers' tenders; Sewer bottom man; Sewer pipelayer; Sewer, water conduit, gas, oil, pipeline, except mainlines; & wagon drill helper	8 45	70	70		10
Blaster-powder man; Gunite ops; Muckers & miners (tunnel & caisson) free air; Sandblasters; & wagon drill/operator	8 45	70	70		10
Crawford, Knox, Morrow, & Richland Cos :					
General laborer; Carpenter tender; Concrete handler	8 96	70	70		10
Mason & Plasterers' tenders; Air & power driven tools; Pipelayer; Dynamite blaster; Mortar mixer & formsetter	9 16	70	70		10
Gunnite operator	9 56	70	70		10

DECISION NO OH78-2156

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Defiance, Henry, & Williams Cos					
Unskilled laborers; Cement finishers' helpers; Carpenters helpers; Carpenters' tenders	$ 9 27	70	70		10
Mason tenders; Gunite pot man	9 39	70	70		10
All power driven tools & buggies, burners, torchmen & nozzle man for concrete pump	9 42	70	70		10
Plasterers' tenders	9 445	70	70		10
Nozzle operator for gunite work	9 92	70	70		10
Bellman; Bottom man; & Brick expeditor	9 505	70	70		10
Erie, Huron, Ottawa, & Sandusky Cos :					
Building & construction laborers; Signalman; Flagman; Tool cribman; Carpenter tenders; Finisher tenders; Concrete handler; Utility construction laborer; Guardrail erectors	10 11	70	70		10
Bottom men; Scaffold; Tunnel laborers; Pipelayers; Air & power driven tools burner on demolition work; Swinging scaffold; Mucker; Caisson workers; Cofferdam worker; Power men & dynamite blasters; Creosote workers; Mortar mixers; Form setter; Mason tenders; Plasterers' tenders; Hod carrier; Laser beam set up man	10 31	70	70		10
Gunnite operator	10 71	70	70		10
Hancock, Hardin, Marion, Seneca, & Wyandot Cos :					
Building & construction laborers; Signalman; Flagman; Tool cribman; Carpenter tenders; Finisher tenders; Concrete handler; Utility construction laborer; Guardrail erectors	8 96	70	70		10

DECISION NO 0H78-2156

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Bottom men; Scaffold builders; Tunnel laborers; Pipelayers; Air & power driven tools; Burner on demolition work; Swinging scaffold; Mucker; Caisson work; Cofferdam worker; Powder men & dynamite blasters; Creosote workers; Mortar mixers tenders; Plasterers' tenders; Hod carriers; Laser beam set up men	9 16	70	70		10
Gunnite operators	9 56	70	70		10
Logan Co :					
Laborers, general; Carpenters' helpers	7 60	55	40		05
Plasterers' tenders; Mason tenders; Mortar mixers; Air & machine driven tools ops ; Jackhammer; Barko & chain saw; Wagon drill; Hand spikers; Power concrete & buggies; Gunnite machine ops & nozzle man; Sewer pipe layer; Bottom man; Asphalt raker & tamper	7 85	55	40		05
Powderman & blaster	8 10	55	40		05
Wood Co.:					
Unskilled laborers	10 86	70	70		11
Mason tenders	10 99	70	70		11
Mortar mixers; Gunnite pot men	11 06	70	70		11
All power driven tools & buggies	11 015	70	70		11
Pipelayers	11 115	70	70		11
Plasterers' Tenders	10 88	70	70		11

DECISION NO 0H78-2156

POWER EQUIPMENT OPERATORS

	ZONE I	ZONE II	ZONE III	Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP A	$12 89	$12 61	$13 17	66	1 00		11
GROUP B	12 73	12 45	13 02	66	1 00		11
GROUP C	12 38	12 09	12 67	66	1 00		11
GROUP D	11 57	11 31	11 89	66	1 00		11
GROUP E	11 24	10 98	11 57	66	1 00		11
GROUP F	9 28	9 03	9 64	66	1 00		11

ZONE I: Allen, Defiance, Hancock, Hardin, Henry, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Van Wert, Williams, & Wood Counties
ZONE II: Auglaize, Crawford, Knox, Logan, Marion, Mercer, Morrow, & Wyandot Counties
ZONE III: Erie & Huron Counties

GROUP A - A-frames, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggy-back operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip forms pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat

DECISION NO OH78-2156

POWER EQUIPMENT OPERATORS (CONT'D):

GROUP B - Asphalt paver, bulldozer, C M I type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat

GROUP C - Air compressor (pressure ring shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), Submersible pumps (4" and over discharge), trenchers 24" and under

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers, (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher rollers, welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach, crushers, deck hands, drum fireman (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 4" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)

GROUP F - Oiler, helpers, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs pressure, pumps under 4" discharge, submerisble pumps under 4" discharge

DECISION NO. OH78-2156

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION:					
Allen, Auglaize, Hardin, Logan, Mercer, Van Wert, & Wyandot (Twps of Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge, & Salem) Cos:					
Linemen	$12 53	50	3%		½%
Groundman; Truck drivers	8 11	50	3%		½%
Equipment operators	11 28	50	3%		½%
Crawford, Huron (Twps. of Richmond, New Haven, Ripley, & Greenwich), Knox (Twps of Liberty, Clinton, Union, Howard Monroe, Middlesburg, Morris, Wayne, Berlin, Pike, Brown, & Jefferson), Marion, Morrow, Richland, & Wyandot (Twps of Sycamore, Crane, Eden, Pitt, & Antrim) Cos.:					
Linemen; Equipment operators	12 30	45	3%+ 50		½%
Line truck drivers	8 00	.45	3%+.50		½%
Groundman	7 38	.45	3%+ 50		½%
Defiance, Hancock, Henry, Ottawa Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos:					
Linemen	14 26	50	3%	a	½%
Technicians	13 76	50	3%	a	½%
Cable splicers	14 51	50	3%	a	½%
Operator Class 1	11 36	50	3%	a	½%
Operator Class 2	10 01	.50	3%	a	½%
Groundman:					
Driver 1st 6 mos	7 16	50	3%	a	½%
Driver 2nd 6 mos,	7 77	50	3%	a	½%
Driver 3rd 6 mos	8 58	50	3%	a	½%
Erie, Huron (Twps of Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson Hartland, Clarksfield, Norwick, Greenfield, Fairfield, Fitchville, & New London) Cos.:					
Linemen; Equipment operators; Cable splicers	12 70	73	3%		½%
Backhoe; truck driver groundmen; Digging groundman	6 985	73	3%		½%

DECISION NO 0H78-2156

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Advanced truck driver (winch) groundman; Advanced groundman (over 2 years' experience)	$ 8 255	73	3%		½%
Knox Co (Rem of Co):					
Linemen; Equipment operators; Cable splicers	12 13	50	3%		½%
Groundmen:					
Beginning	6 17	50	3%		½%
After 6 mos	6 57	50	3%		½%
After 12 mos	7 02	50	3%		½%
After 18 mos	7 44	50	3%		½%

FOOTNOTE:
a 10 paid holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Day after Thanksgiving Day; Christmas Eve; & New Year's Eve

SUPERSEDEAS DECISION

STATE: Ohio COUNTIES: Statewide
DECISION NO: 0H78-2157 DATE: Date of Publication
Supersedes Decision No 0H78-2059, dated May 5, 1978 in 43 FR 19562
DESCRIPTION OF WORK: Heavy and Highway Construction

BRICKLAYERS & STONE MASONS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ALLEN, AUGLAIZE, MERCER & VAN WERT COS	$11 62		45		02
ASHLAND, CRAWFORD, HARDIN, HOLMES, MARION, MORROW, RICHLAND, & WAYNE (except Twps of Milton & Chippewa) Cos & WYANDOT Co. (except Twps of Crawford, Richland, Ridge & Tymochtee)					
Bricklayers	11 48	60	1 00		02
Sewer Bricklayers	11 48	60	1 00		02
ASHTABULA COUNTY					
Bricklayers	11 21	95	70		
Sewer Bricklayers	11 46	95	70		
ATHENS COUNTY	11 75	60	60		05
BROWN, BUTLER, CLERMONT, HAMILTON, PREBLE (Twps of Dixon, Gratis, Israel, Lanier, & Somers), & WARREN COS	12 845	65	35		02
CARROLL, STARK & TUSCARAWAS Cos , MAHONING Co (Twp of Smith), COLUMBIANA Co (Townships of Butler, Hanover, Knox & West)	11.44	95	70		01
CHAMPAIGN, CLARK & LOGAN COS	9 87	85	.75		03
CLINTON & HIGHLAND COS	9 25				
COLUMBIANA CO , (Twps of Center, Elk Run, Fairfield, Middletown, New Waterford, Perry, Salem & Unity), MAHONING CO (except Smith Twp:)	11 49	75	1 00		02

DECISION NO. OH78-2157

BRICKLAYERS & STONEMASONS (CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
COLUMBIANA County (Twps of E Liverpool, Franklin, Madison, St Clair, Washington, Wayne & Yellow Creek), JEFFERSON Co (Twps. of Buch, Creek & Saline)	$11 15	60	50		
COSHOCTON, GUERNSEY, KNOX, LICKING, MORGAN, MUSKINGUM Counties	10 70	60	90		10
CUYAHOGA Co & MEDINA Co (except the Twps. of Chatham, Wadsworth, Guilford, Westfield, Sharon, Lafayette, Harrisville, Homer, Litchfield & Spencer)	12 65	1.05	1 20		01
DARKE, MIAMI, & SHELBY Cos	10 63	85	75		03
DEFIANCE, PAULDING, PUTNAM & WILLIAMS Cos , FULTON Co (except Twps of Amboy, Fulton & Swan Creek), HENRY CO (except Twps of Barlo, Damascus; Liberty, Marion, Monroe, Richfield, Washington & that part of Harrison outside City limits of Napolean)	11 22	1 06	50		
DELAWARE, FRANKLIN, MADISON, PICKAWAY & UNION COS Bricklayers	11 44	80	1 00		03
ERIE, HANCOCK & HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.) WYANDOT (Tymochtee, Crawford, Ridge, & Richland Twps.) & ISLAND OF LAKE ERIE North of SANDUSKY Cos	11 84	60	80		01
FAIRFIELD, HOCKING & PERRY Cos	10 15	60	90		10
FAYETTE, ROSS & PIKE COS	12 20				
GALLIA & MEIGS Cos	12 05	50			
GEAUGA & LAKE Cos.	13 02	60	1 00		
GREENE & MONTGOMERY Cos & the Remainder of PREBLE CO	11 08	85	75		03

DECISION NO. OH78-2157

BRICKLAYERS & STONEMASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
NOBLE Co (Twps of Beaver, Buffalo, Marion, Seneca & Wayne)	$10 33	60	50		02
HARRISON Co & the Remainder of JEFFERSON Co.	11 33	50			02
JACKSON & VINTON Cos	12 05				05
LAWRENCE County	11 50		50		05
LORAIN Co & MEDINA Co (Chatham, Harrisville, Homer, Litchfield, & Spencer Twps)	12 85		60	e	01
LUCAS Co , the remainder of HENRY, FULTON & WOOD Cos.	12 425	1 06	1 30		01
MEDINA (Remainder of Co.,) PORTAGE, SUMMIT & WAYNE COS (Twps of Milton & Chippewa) Bricklayers	12.31	.88	.55		.02
TRUMBULL COUNTY	11.99	.75	.50		.02
WASHINGTON Co., & the remainder of NOBLE CO	11 30	50			04
FOOTNOTE: e. 2 paid holidays: Independence Day & Labor Day					
CARPENTERS & PILEDRIVERMEN					
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS					
Carpenters	10.95	55	1.00		03
Piledrivermen	11.24	55	1.00		03
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT COS					
Carpenters	10 79	58	85		04
Piledriverman	11 44	58	85		04

DECISION NO. OH78-2157

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
CARPENTERS & PILEDRIVERMEN (CONT'D)					
ASHLAND, CRAWFORD, HURON, LORAIN and RICHLAND Counties					
Carpenters	$11 59	85	1 00	a	.06
Piledrivermen	11 59	85	1 00	a	06
ERIE (East of B & O Rail Road Tracks)					
Carpenters	11 59	85	1 00	a	06
Piledrivermen	12 10	77	1 25		03
ERIE (West of B & O Rail Road Tracks), OTTAWA, SANDUSKY and SENECA Counties and City of Fostoria in WOOD and HANCOCK Counties					
Carpenters	11 59	.85	1.00	a	.06
Piledrivermen	12 99	1 06	75		05
ASHTABULA, CUYAHOGA, GEAUGA and LAKE Counties					
Carpenters	12.87	85	1.25		03
Piledrivermen	12 10	.77	1 25		03
ATHENS, HOCKING, VINTON and WASHINGTON Counties					
Carpenters	10 82	55	85		04
Piledrivermen	11.47	55	85		04
BELMONT and MONROE Counties					
Carpenters	11.07	.50	.75		03
Piledrivermen	11.82	.50	.50		.03
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON and WARREN Counties					
Carpenters	12 55	60	65		075
Piledrivermen	12.55	.60	.65		075
CARROLL, STARK, TUSCARAWAS and WAYNE Counties					
Carpenters	11.08	.55	60		02
Piledrivermen	10 76	50	50		.02
COLUMBIANA, HARRISON & JEFFERSON Counties					
Carpenters	10 75	92	95		02
Piledrivermen	11 85	5 5%	10%		.5%

DECISION NO. OH78-2157

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CARPENTERS & PILEDRIVERMEN (CONT'D)					
DARKE, GREENE, MIAMI, MONTGOMERY PREBLE and SHELBY Counties					
Carpenters	$10 95	80	1 10		07
Piledrivermen	10 95	80	1 10		07
DEFIANCE, HENRY, PAULDING and WILLIAMS COUNTIES					
Carpenters	12 26	1 06	75		
Piledrivermen	12 99	1 06	75		05
FULTON, HANCOCK, LUCAS and WOOD COUNTIES, excluding the City of Fostoria in HANCOCK and WOOD COUNTIES					
Carpenters; Piledrivermen	12 99	1 06	75		05
MAHONING and TRUMBULL COUNTIES					
Carpenters	10 74	1,17	1 10		05
Piledrivermen	11,53	1 17	1 10		05
MEDINA, PORTAGE and SUMMIT COUNTIES					
Carpenters	12 20	50	90		02
Piledrivermen	12 10	.77	1 25		03
FOOTNOTE: a. 2 Paid Holidays: Memorial Day and Independence Day					
CEMENT MASONS:					
CUYAHOGA, FULTON, GEAUGA, HANCOCK, HENRY, LAKE, LORAIN, LUCAS, PUTNAM, and WOOD COUNTIES	12 03	60	.30		02
ASHTABULA, BROWN, BUTLER, CLERMONT, COLUMBIANA, DEFIANCE, ERIE, HAMILTON, HIGHLAND, HURON, MAHONING, MEDINA, OTTAWA, PAULDING, PORTAGE, SANDUSKY, SENECA, STARK, SUMMIT, TRUMBULL, WARREN and WILLIAMS	11 38	60	30		02
REMAINING COUNTIES	10 83	60	.30		02
ELECTRICIANS:					
ADAMS AND SCIOTO COUNTIES, JACKSON COUNTY (All but Coal, Jackson, Liberty, Milton and Washington Twps), PIKE County (Twps of Camp Creek, Marion, Newton, Scioto, Sunfish and Union)	11 45	50	3%+.50	1.00	04

DECISION NO. OH78-2157

ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, & VAN WERT COS & WYANDOT Co (West of Crane, Pitt, & Tymochtee Twps)	$12 21	45	3%+ 37		04
ASHLAND CRAWFORD, MARION, MORROW & RICHLAND Cos , WYANDOT CO (Remainder of County) KNOX Co (North ½ including Clinton, Howard, Liberty, Monroe & Union Twps), & HURON CO (Twps of Greenwich, New Haven, Richmond & Ripley	12 30	45	3%+ 50		1%
ASHTABULA Co (all but Colebrook Orwell, Wayne, Williamsfield & Windsor Twps)	13 05	90	3%+ 85		2%
ATHENS, MEIGS, MONROE, NOBLE & WASHINGTON Cos , & VINTON CO (East of Clinton, Elk & Swan Twps)	11 15	50	3%+ 80	1 25	04
BELMONT Co	11 30	50	3%+ 35	1 00	04
BROWN, CLERMONT & HAMILTON COUNTIES					
Within 18 Mi of Hamilton County Court House	12 50	70	3%+ 60		½%
From 18 to 21 Miles	12.80	70	3%+ 60		½%
From 21 to 25 Miles	12 90	70	3%+ 60		½%
Over 25 Miles	13.05	70	3%+ 60		½%
BUTLER County & WARREN CO excluding Clear Creek, franklin & Wayne Twps):					
West of Interstate 75	12 65	45	3%+ 75		½%
East of Interstate 75	13 20	45	3%+ 75		½%
CHAMPAIGN & CLARK Cos & MADISON CO (Twps of Paint, Pike, Somerford, Stokes & Union)	11 14	45	3%+ 85		04

DECISIO: NO. OH78-?157

ELECTRICIANS (CONT'D)	Basic Hourly Rates,	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS & WARREN CO (Rem of Co)					
Within 11 Mi Radius of 3rd & Main Streets, Dayton	$12 03	75	3%+1 00		,5%
Beyond 11 Mi Radius	12 26	75	3%+1 00		5%
COLUMBIANA Co (except twps of Butler, Fairfield, Knox, Perry, Salem & Unity)	11 90	95	3%+ 48		07
COSHOCTON Co , KNOX (Jackson, Clay, Morgan, Miller, Milford, Hilliard, Butler, Harrison, Pleasant, & College Twps), LICKING CO , TUSCARAWAS CO (S½ incl Twps of Auburn, Clay, Rush, York Salem, Jefferson, Oxford, Washington, Perry, & Bucks)	11 40	40	3%+ 60		03
CUYAHOGA CO , LORAIN CO (Twp of Columbia), & GEAUGA Co (Twps of Bainbridge, Chester & Russell)	13 75	55	3%+ 48		02
DEFIANCE, FULTON, HANCOCK HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD COS	13 80	65	3%+ 55		1%
DELAWARE, FAIRFIELD, FRANKLIN & UNION COS , MADISON (Rem of Co) & PICKAWAY CO (Excl Deer Creek Perry, Pickaway, Salt Creek & Wayne Twps)	12 18	38	3%+1 00		06
ERIE CO , HURON CO (Rem of Co)	12 70	73	3%		1%
FAYETTE, HIGHLAND, HOCKING, & ROSS COS & JACKSON CO (Rem of Co), PICKAWAY, PIKE & VINTON COS	12 35	40	3%		02
GALLIA CO	12 27	50	3%+ 80	1 00	04

DECISION NO. OH78-2157

ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
COS	$11 40	40	3%+ 60		03
HARRISON & JEFFERSON COUNTIES & CARROLL County (South of Fox, Harrison, Rose and Washington Twps)	12 95	6%	9%	8%	½%
HOLMES & STARK Counties, the remainder of CARROLL and TUSCARAWAS Counties, COLUMBIANA County (Knox Twp), MAHONING County (Smith twp) and WAYNE County (south of Baughman, Chester, Green and Wayne Twps.)	11 90	40	3%+ 40		3%
LAKE COUNTY & GEAUGA Co (all but Auburn, Bainbridge, Chester, Middlefield, Parkman, Russell, & Troy Twps.)	13 13	70	3%+ 70		3%
LAWRENCE COUNTY	11 82	50	3%+ 80	1.00	04
LORAIN County (remainder of Co) and MEDINA County (Twps of Litchfield and Liverpool)	12 95	60	3%+ 80		1%
MAHONING County (excluding Milton and Smith Twps), TRUMBULL Co. (Twps of Hubbard and Liberty) and COLUMBIANA COUNTY (Twps of Butler, Fairfield, Perry, Salem and Unity)	13 03	.59	7%		3%
SUMMIT County, the remainder of MEDINA & WAYNE Counties & PORTAGE County (excluding Twps of Charlestom, Edinburg, Freedom, Hiram, Palmyra, Paris and Windham)	12 38	74	3%+ 65		2%
MORGAN COUNTY	11 15	50	3%+ 80	1 25	04
ASHTABULA (Remainder of County), Remainder of PORTAGE And TRUMBULL Counties, GEAUGA County (Twps of Auburn, Middlefield, Parkman and Troy), and MAHONING County (Twp of Milton).	13 39	.60	7%		.7%

DECISION NO. OH78-2157

IRONWORKERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ADAMS (Part), BROWN, CLERMONT & HAMILTON Cos & the South half of BUTLER & WARREN Cos Structural & Ornamental	$12 33	90	1 20		03
Reinforcing	11 53	90	2 00		02
ALLEN, AUGLAIZE, CLINTON, DARKE, GREENE, MERCER, MIAMI, MONTGOMERY, PREBLE & SHELBY COS , The North ½ of BUTLER & WARREN Cos the West 2/3 of CHAMPAIGN & LOGAN COS , The West 3/4 of CLARK CO & the West 4/5 HIGHLAND CO., Dayton Metropolitan Area	10 96	90	1 25		04
Outside Dayton Metro area	11 11	90	1 25		04
ASHLAND, CARROLL, COSHOCTON, HOLMES, RICHLAND, STARK, TUSCARAWAS & WAYNE COS	11 68	80	95		05
CUYAHOGA, ERIE, GEAUGA, HURON, LAKE, LORAIN, MEDINA & SUMMIT, Cos., & ASHTABULA CO (except The N/E ¼), PORTAGE CO. (except the Ravenna Ordnance Depot)	12 72	1 05	1 30		03
ASHTABULA (Remainder of Co)	11.59	1 86	1 01		15
ATHENS, MEIGS, MORGAN, NOBLE & WASHINGTON COS	11 67	75	85		01
BELMONT, GUERNSEY, HARRISON, JEFFERSON & MONROE COS	11 93	80	95		03
COLUMBIANA, MAHONING & TRUMBULL COS & The Ravenna Ordnance Depot in PORTAGE CO.	12.03	40	1 30		07
CRAWFORD, FAYETTE, HARDIN, HOCKING, JACKSON (N ½ of Co), KNOX, MARION, MORROW, MUSKINGUM, PERRY, PIKE (Pt), ROSS, VINTON, WYANDOT, & The rem. of CHAMPAIGN, CLARK, HIGHLAND & LOGAN COS	11 55	90	1 95		.05
DELAWARE, FAIRFIELD, LICKING, MADISON, PICKAWAY & UNION COS	11 45	.90	1 95		.05
FRANKLIN CO	11 30	90	1.95		.05
DEFIANCE, PAULDING, PUTNAM, VAN WERT & WILLIAMS COS	11.80	.90	1.15		.02
FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, SANDUSKY, SENECA, & WOOD COS.	12 06	1.06	1 22		.05

DECISION NO. OH78-2157

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GALLIA, LAWRENCE, SCIOTO, ADAMS (Pt), JACKSON (S ½ of Co), & PIKE (Pt) COS :					
10 mi from Union Hall in Ashland, Kentucky	11 27	90	1 05		01
10 to 15 mi from Union Hall	11 42	90	1 05		01
15 to 20 mi from Union Hall	11 52	90	1 05		01
20 mi & over from Union Hall	11 62	90	1 05		01
LINEMEN					
ADAMS, ATHENS, GALLIA, LAWRENCE, MEIGS, & SCIOTO Cos , JACKSON Co (except Coal, Jackson, Liberty, Milton & Washington Twps), PIKE CO (Twps of Camp Creek, Marion, Newton, Scioto, sunfish & Union), & VINTON Co (East of Clinton, Elk, & Swan Twps)	12 73	50	3%+ 50	1 00	½%
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, VAN WERT & WYANDOT Co (Remainder of Co)	12 53	50	3%		½%
ASHLAND, CRAWFORD, MARION, MORROW, & RICHLAND Cos , HURON Co (Twps of Greenwich, New Haven, Richmond, & Ripley), KNOX Co (North Half including the Twps of Clinton, Howard, Liberty, Monroe, & Union), & WYANDOT CO (East Half including the Twps of crane, Pitt & Tymochtee)	12 30	45	3%+ 50		½%
ASHTABULA Co except the Twps of Colebrook, Orwell, Wayne, Williamsfield, & Windsor	13 05	90	3%+ 85		½%
BELMONT CO	11 30	50	3%+ 35	1 00	½%
BROWN, CLERMONT & HAMILTON COS Within 18 Mi of Hamilton County Court House	12 50	70	3%+ 60		5%
From 18 to 21 Miles	12 80	70	3%+ 60		5%
From 21 to 25 Miles	12 90	70	3%+ 60		5%
Over 25 Miles	13 05	70	3%+ 60		5%

DECISION NO. OH78-2157

LINEMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
BUTLER CO & WARREN CO (except Twps. of Clear Creek, Franklin, & Wayne):					
West of Interstate 75	$12 65	45	3%+ 75		½%
East of Interstate 75	13.20	45	3%+ 75		½%
CHAMPAIGN, CLARK, CUYAHOGA, FAIRFIELD, GEAUGA (Bainbridge, Russell & Chester Twps), LORAIN (Columbia Twp), MEDINA (Litchfield & Liverpool Twps), MONROE MORGAN, NOBLE, & WASHINGTON COS	13 11	50	3%		½%
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS & WARREN CO (Rem of Co)	12 03	75	3%+1 00		½%
COLUMBIANA CO except the Twps of Butler, Knox, Fairfield, Perry, Salem & Unity	11 03	8%	7%		½%
COSHOCTON, GUERNSEY, KNOX (Twps of Butler, Clay, College, Harrison, Hilliar, Jackson, Milford, Miller, Morgan, & Pleasant), LICKING, MUSKINGUM, PERRY, & TUSCARAWAS COS	12 13	50	3%		½%
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKI, SENECA, WILLIAMS & WOOD COS	14 26	50	3%	b	½%
DELAWARE, FRANKLIN, MADISON, PICKAWAY (Twps of Circleville, Darby, Harrison, Jackson, Madison, Monroe, Muhlenberg, Scioto, Walnut & Washington), & UNION COS	13 11	50	3%		½%
ERIE CO & HURON CO (Rem of Co)	12 70	73	3%		½%
FAYETTE, HIGHLAND, HOCKING & ROSS COS. & the remainder of JACKSON, PICKAWAY, PIKE, & VINTON COS	10 95	28	3%		½%

DECISION NO. 01178-2157

LINEMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
HARRISON, & JEFFERSON COS & CARROLL CO (South of Fox, Harrison, Rose & Washington Twps)	12 95	6%	9%	8%	½%
HOLMES & STARK COS., CARROLL (Remainder of Co), COLUMBIANA Co (Knox Twp), MAHONING (Smith Twp), & WAYNE CO (South of Bauchman, Chester, Green & Wayne Twps)	11 90	40	3%+ 40		½%
LAKE CO & GEAUGA CO (except the Twps of Auburn, Bainbridge, Chester, Middlefield, Parkman, Russell & Troy)	12 88	70	3%+ 70		½%
LORAIN CO (except Columbia Twp.)	12 95	.60	3%+ 80		½%
MAHONING (excluding Smith Twp) & TRUMBULL COS , ASHTABULA CO (Remainder of Co), COLUMBIANA CO (Twps of Butler, Fairfield, Perry, Salem & Unity), GEAUGA CO (Townships of Auburn, Middlefield, Parkman, & Troy) & PORTAGE CO (Twps of Charlestown, Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris & Windham)	14 07	45	3%		½%
SUMMIT CO & the remainder of MEDINA, PORTAGE & WAYNE COS	12 38	74	3%+ 65		½%
FOOTNOTE: b 10 paid holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Christmas Eve; New Year's Eve & Day after Thanksgiving Day					
PAINTERS					
ADAMS, HIGHLAND, JACKSON, PIKE, & SCIOTO COS.					
Brush	12 55		50		
Spray	13 55		50		

DECISION NO. 01178-2157

PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ALLEN, AUGLAIZE, DEFIANCE, HARDIN, MERCER, PAULDING, PUTNAM, SHELBY, VAN WERT And WILLIAMS Counties	$10 10	73	50		.03
ASHLAND, CRAWFORD, MARION, MORROW, & RICHLAND Counties					
Brush	9 30		50		
Structural Steel	9 80		50		
Spray	10 05		50		
ATHENS & HOCKING Counties:					
Brush	11 58				
Spray	12 08				
BELMONT, JEFFERSON, & HARRISON COS	10 05	50	40		
BROWN, CLERMONT & HAMILTON Cos					
Brush	12 50		25		25 00p/yr
Spray	12 90		25		25 00p/yr
BUTLER & WARREN Counties					
Brush	10.73				
Spray	11 23				
CARROLL, HOLMES, STARK, TUSCARAWAS & WAYNE Counties					
Brush	10 61	.93	60		02
Spray	11 14	93	60		02
Structural Steel	11 32	93	60		02
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY & PREBLE COUNTIES					
Brush	11 97		60		05
Structural Steel	12 37		60		05
Spray	12 47		60		05
COSHOCTON:					
Brush	8 10				
Roller	8 10				
Spray; Sandblasting	8 60				
Sandblasting pot tend	7 60				

DECISION NO. OH78-2157

PAINTERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASHTABULA, CUYAHOGA, GEAUGA, & LAKE COUNTIES, LORAIN (North East Part) and PORTAGE & SUMMIT Counties (North of the Ohio Turnpike):					
Brush	$12 21	67	1 00		05
Bridge and open steel; closed steel over 55'	12 91	67	1 00		05
Closed steel belo 55'; Spray	12 61	67	1 00		05
DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, MADISON, PICKAWAY And UNION Counties					
Brush	10 84	65	65		02
Structural Steel	11 14	65	65		02
Spray	11 34	65	65		02
ERIE, HANCOCK, HURON, SANDUSKY, SENECA and WYANDOT Counties					
Brush	10,15	,50	,70		50 00 p/yr
Structural Steel and Bridges	10 60	50	70		50 00 p/yr
FULTON, HENRY, LUCAS, OTTAWA and WOOD Counties					
Brush	11 28	1 06	1 10		
Spray	11,83	1,06	1 10		
Structural Steel	11 53	1 06	1 10		
GALLIA, LAWRENCE, MEIGS, and VINTON Counties					
Brush; Spray	10 00			c	
Sandblasting; Waterblasting	10 30			c	
GUERNSEY County					
Brush; Roller; Sandblasting & Steamcleaning	9 50				
KNOX, LICKING, MUSKINGUM and PERRY COUNTIES:					
Sandblasting; Steel; Bridge	8,50				
Spray	8,95				
LORAIN COUNTY (Remainder of Co)					
Brush	11 35			d	
Spray; Sandblasting	11 85			d	
Roller	11,60			d	

DECISION NO. OH78-2157

PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
COLUMBIANA, MAHONIN & TRUMBULL COS and the Ravenna Ordnance Depot in PORTAGE County					
Brush	$11 45	75	1 00		
Spray	12 15	75	1 00		
ROSS COUNTY					
Brush	10 50				
Spray	10 75				
FOOTNOTES: c 6 paid holidays: Decoration Day; July 4th; Thanksgiving Day; Christmas Day; New Year's Day; & Veteran's Day					
d 2 paid holidays: Labor Day and July 4th					
PLUMBERS & STEAMFITTERS:					
ADAMS, ATHENS, GALLIA, HIGHLAND, JACKSON, LAWRENCE, PIKE, SCIOTO, & VINTON COS	12 47	55	75		
ALLEN, AUGLAIZE, HARDIN, MERCER SHELBY & VAN WERT COS	12 80	50	75		05
ASHLAND, CRAWFORD, ERIE, HURON, KNOX, LORAIN, MORROW, RICHLAND & WYANDOT COS .	13 23	60	88		05
ASHTABULA, CUYAHOGA, GEAUGA & LAKE COS , MEDINA CO N of RT 18 & Smith Rd & SUMMIT CO N of Rt 303					
Plumbers	12 88	90	1 10		02
Pipefitters	12 45	1 22	1 30		05
BELMONT CO & MONROE CO South of RT 78	11 20	40	9%	10%	05
BROWN, CLERMONT, HAMILTON & WARREN COS					
Plumbers; Gas Fitters	12,82	1 05	1 20		05
Steamfitters; Pipefitters	13 00	1 00	1 325		08

DECISION NO. OH78-2157

PLUMBERS & STEAMFITTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
BUTLER Co North Half	$12 35	60	1 00		05
BUTLER Co South Half	13 12	80	1 10		02
CARROLL Co (except Twps of Ross, Monroe, Union, Lee, Orange, Perry & London), STARK & WAYNE COS	12,12	30	70	e	05
CARROLL (Twps of Ross, Monroe, Union, Lee, Orange, Perry & London) COSHOCTON, GUERNSEY, HOLMES, MORGAN (South of State Route #78 & from McConnelsville West on State route #37 to the Perry Co line), MUSKINGUM, NOBLE, & TUSCARAWAS Cos	12 60	.45	60		08
CHAMPAIGN, CLARK & LOGAN COS, GREENE Co (Twps of Cedarville, Ceasar Creek, New Jasper, Jefferson, & Ross), MADISON Co (West of Rt 38 including the City of London)	12 40	83	85		04
CLINTON, DARKE, FAYETTE, MIAMI, MONTGOMERY, PREBLE & GREENE Co (Remainder of Co)	12 46	80	1 05		03
COLUMBIANA (excluding Washington & Yellow Creek Twps & Liverpool Twp. Secs 35 & 36 - West of County Rd #427), MAHONING Cos & TRUMBULL Co (Hubbard & Liberty Twps Youngstown Municipal Airport & the Filtration Plant of the Mahoning Valley Sanitary District	12 29	1 37	50		03
COLUMBIANA (Washington & Yellow Creek Twps, & Liverpool Twp Secs 35 & 36 West of County Rd #427), Harrison & Jefferson Cos	12 61	.50	8%	8%	12

DECISION NO. OH78-2157

PLUMBING & STEAMFITTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD Cos	$13 63	80	85		09
DELAWARE, FAIRFIELD, FRANKLIN, HOCKING, LICKING, MARION, PERRY, PICKAWAY, ROSS & UNION Cos & MADISON (remainder of Co)	13 00	93	82		06
MEIGS, MONROE (Rem of Co), MORGAN (Remainder of Co), & WASHINGTON COS	11 73	52	60		045
PORTAGE Co & the remainder of MEDINA & SUMMIT Cos	12 15	85	1 00		05
TRUMBULL CO (Remainder of Co)	12 60	97	90		03
HARRISON AND JEFFERSON Cos	12 61	50	8%	8%	12

FOOTNOTE:
e One paid holiday: Labor Day providing employee has worked 5 consecutive days before and after the holiday

DECISION NO. 0H78-2157

LABORERS

	ZONE 1	ZONE 2	ZONE 3
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$10 23	9 35	8 92
GROUP II	10 355	9 475	9 045
GROUP III	10 43	9 55	9 12
GROUP IV	10 58	9 70	9 27
GROUP V	10 80	10 00	9 57

FRINGE BENEFITS FOR ALL ZONES AND CLASSIFICATIONS
$1.70 - Health & Welfare
.70 - Pension
10 - Education and/or Apprentice Training

GROUP I - Laborers (construction); plant laborers or yardmen; right-of-way laborers; landscape laborer; utility man or handyman; joint setter; flagman; carpenter helper; waterproofing laborer; slurry seal; seal coating surface treatment or road mix laborer; asphalt laborer; Dump man (batch trucks); Sign installer; Guardrail & fence installers; mesh handlers & placers; concrete curing applicator; scaffold erector, Riprap laborer & grouter; grade checker
GROUP II - Asphalt raker; concrete puddler; kettle man (pipeline); machine driven tools; mason tender; mortar mixer; sheeting & shoring man; surface grinder man; power buggy or power wheelbarrow
GROUP III - form setter; bottom man; Welder helper (pipeline); concrete saw man; cutting with burning torch; pipelayer; hand spiker (railroad); car pusher (without air); underground man (working in sewer & waterline, cleaning; repairing & reconditioning); Tunnel laborer (without air) and caisson; cofferdam (below 25 feet deep); air track & wagon drill
GROUP IV - blaster; Powder man; muckers; wrencher (mechanical joints & utility pipeline); yarner; top lander
GROUP V - Curb setter & cutter; miner without air; concrete crew in tunnels; utility pipeline tapper; gunnite nozzle man; waterline caulker

ZONE DEFINITIONS

Zone 1 - Cuyahoga, Geauga & Lake Cos
Zone 2 - Ashtabula, Erie, Huron, Lorain, Lucas, Mahoning, Medina, Ottawa, Portage, Stark, Summit, Trumbull & Wood Cos
Zone 3 - Remainder of Counties

DECISION NO. 0H78-2157

POWER EQUIPMENT OPERATORS
ZONE 1 - Columbiana, Mahoning & Trumbull Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	Education and/or Appr Tr
CLASS I	12 01	65	80		14
CLASS II	11 32	65	80		14
CLASS III	10 68	65	80		14
CLASS IV	10 27	65	80		14
CLASS V	10 17	65	80		14
CLASS VI	12 28	65	80		14

CLASS I - Asphalt planer heater; Austin western & similar type; Backhoe; Batch plant-central mix; Batch plant-portable concrete; berm builder-automatic; Backfiller w/drag attachments; Boat derrick; Boat-tug; boring mach attached to tractor; bullclam; Bulldozer; C M I road builder & similar types; Cable placer & layer; carrier-straddle; Carryall - scraper or scoop; Chicago boom; Compactor w/blade attached; Concrete spreader finisher comb , crane; Crane-stationary or climbing; crane-electric overhead; Crane-side boom; Crane truck; Crane-tower; Derrick-boom; Derrick-car; Diggers-wheel (not trencher or road widener); Double nine; drag line; dredge; drill-Kenny or similar type; electromatic; Fork lift; frankie pile; Gradall; Grader-power; Gurry; Gurry-self-propelled; High lift; Hoist-monorail; Hoist-stationary & mobile tractor; Hoist-2 or 3; Jackall; Jumbo mach ; Kocal or Kuhlman; land-seagoing vehicle; Loader - Elevating; Loader-front end; Locomotive; Mechanic as welder; Metro clip harvester w/boom; Mucking mach ; paver-asphalt finishing mach,; Paver - road concrete; Paver-slipform; Place crete mach; Post driver; Power driven hydraulic pumps & jacks; pump crete machine; Regulator-ballast; Reigs-drilling; shovels; Spikemaster; stonecrusher; Tie puller & Loader; Tie tamper; tractor-double boom; tractor w/attachments; Trucks-boom; truck-tire-assigned to job; Trench mach ; Tunnel machine (Mark 21 Java or similar); Whiley
CLASS II - Asphalt plant; bending machine; Boring mach ; Chip harvester w/o boom; cleaning mach -pipeline type; Coating Mach-pipeline type; Concrete belt placer; concrete finisher; concrete planer or asphalt; Concrete spreader; Elevator; fork lift walk behind; form line mach ; Grease truck op ; Grout pump; gunnite mach,; Huck bolting Mach ; Hydraulic scaffold; paving breaker; Pipe dream; Pot firemen; Power broom; Refrigeration plant; Saegen derrick; seeding Mach ; self-propelled mobile vibrator compactor or roller; Hoist-single drum; Soil Stabilizer (pump type); Spray cure Mach -Self propelled; straw blower mach ; Sub-grader; Tube Finisher or broom C M I or similar type; Tugger Hoist

DECISION NO. 0H78-2157

POWER EQUIPMENT OPERATORS
ZONE 1 - Columbiana, Mahoning & Trumbull Counties (Cont'd)

CLASS III - batch plant-job related; boiler op.; Compressor (125 CFM or over); Curb builder (self-propelled); Generator-steam; Jack-hydraulic driven; Mixer-concrete; Mulching Mach ; Pin puller; Pulverizer; Pump; Road finishing mach (pulltype); roller; Saw-concrete-self-propelled; signal man; spray cure mach -motor powered; Spreader (side driver shoulder attachment); tractor; Trencher-form; Water Blaster
Class IV - Brake man; compressor under 125 CFM; Conveyor; Conveyor 12 feet or under other than servicing bricklayers; deck hand; Drill wagon; Fireman; Generator sets; heaters-portable power (2 to 5); Helper-mechanic, Jacks Hydraulic (railroad); Ladavator; Roller (walk behind 1 ton or over); Steam jenny; Syphons; Vibrator-gasoline; Welding machines (2) (Fuel burning)
CLASS V - Oiler
CLASS VI - Rigs-pile driving or caisson type

DECISION NO. 0H78-2157

POWER EQUIPMENT OPERATORS	ZONE 2 Basic Hourly Rates	ZONE 3 Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr Tr
CLASS A	12 78	12 04	66	1 00		15
CLASS B	12 68	11 92	66	1 00		15
CLASS C	11 64	10 88	66	1 00		15
CLASS D	11 17	10 45	66	1 00		.15
CLASS E	9 23	8 34	66	1 00		15

CLASS A - Air compressor on steel erection; Asphalt plant engineer (Cleveland District Only); Boiler Op , compressor or generator when mounted on rig; Cableway; corbination concrete mixer & tower; Concrete plants (over 4 yds cap); Concrete purps; Cranes (all types incl A frames, boom trucks, cherry pickers); Derricks; Draglines; Dredge (dipper clam or suction); Elevation grader or euclid loader; Floating equipment (all types); Helicopter crew (hoist or winch); hoes (all types); Hoisting engines (including shaft & tunnel work); Industrial type tractor; Jet engineer dryer (D8 or D9) diesel tractor; Locomotives (standard guage); Maintenance Op Class A; Mixer (paving single or double drum); Mucking mach ; Multiple scraper; piledriving mach (all types); power shovel; Quad 9 (double pusher); Refrigerating mach (Freezer operation); Rotary drill on caisson work; slip form paver; Tower derricks; Tree shredder; Trench mach (over 24" wide); Truck mounted concrete purp; Tug boat; tunnel mach and/or mining machine; Wheel excavator
CLASS B - Asphalt paver; Automatic subgrader mach self propelled (CMI type); Boring mach Op (more than 48"); Bulldozers; Endloader; Kolman Loader (production type dirt); Lead grease man; Maintenance Op , Class B (in Zone 2 Portage & Summit Cos only); Power grader; Power scraper; Push Cat; Trench mach (24" wide & under)
CLASS C - Air compressor on tunnel work (low pressure); asphalt plant engineer (in Zone 2 Portage & Summit Cos only); Locomotive (narrow guage); Concrete mixers (more than 1 bag cap); Mixers (1 bag cap - side loader); Power boiler over 15 lb pressure; Pump op installing & operating well points; Pumps (4" & over discharge); Rollers (asphalt); Utility op (small equipment); Welding mach & generators

DECISION NO. OH78-2157

POWER EQUIPMENT OPERATOR (CONT'D)

CLASS D - Back fillers; Bar (joint & mesh installing mach); Batch Plant; Boring mach Op (48" o less); Bull floats; Burlap & curing mach ; Compressor (portable, sewer, hvy & hwy); Concrete plant (4 yd & under cap); concrete saw (multiple); Conveyors (hwy); Crusher,deckhand; drill highway (w integral power); Farm type tractors w/attachs (hwy); Finishing Mach ; Fireman (floating equipment, all types); fork lift (Hwy); form Trenchers; Hydro hammer; Hydro seeder; Pavement breaker; Plant mixers; Post driver; Post Hole digger (power auger); Power brush burner; Power form handling Equip ; Road widening trencher; Rollers (brick, grade, macadam); self- propelled power spreader ; self-propelled power subgrader; Steam fireman; Tractor (pulling sheepfoot roller or grader); vibratory compactor w/integral power

CLASS E - Drum fireman (asphalt plant); Helpers; Inboard-outboard, motor boat-launch; Oil heaters (asphalt plant); Oilers; Power driven heaters; Pumps (under 4" discharge); Signalmen; Tire repairmen

ZONE DEFINITIONS

ZONE 2 - Ashtabula, Cuyahoga, Erie, Geauga, Lake, Lorain, Medina, Portage & Summit Counties

ZONE 3 - Remainder of Counties

DECISION NO. OH78-2157

TRUCK DRIVERS
ZONE I - CUYAHOGA, LAKE & GEAUGA COUNTIES

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CLASS I	8 70	26 00a	26 00a	b&c	
CLASS II	8 85	26 00a	26 00a	b&c	
CLASS III	9 20	26 00a	26 00a	b&c	
CLASS IV	9 20	26 00a	26 00a	b&c	

CLASS I - Straight & dumps (including asphalt); Warehousemen; Straight fuel
CLASS II - Semi fuel; semi pole drivers (hauling steel pipe); & semi tractor drivers
CLASS III - Ready-mix; agitator or bulk concrete drivers; dry batch truck
CLASS IV - Euclids; darts; tank asphalt spreaders; low boys; carry-all driver; tournarockers; hi-lifts; fork lifts; extra long trailers & semi pole trailers except when hauling steel pipe; double hook-up tractor trailers including team track & railroad siding; semi tractor & tri-axle trailer; tandem tractor, Tandem trailer & tri-axle trailer; tag along trailer, expandable trailers, loads (requiring road permits)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a Per week per employee

b One week's paid vacation for one year of service; two weeks for five years; three weeks for ten years & four weeks for seventeen years

c Seven paid holidays: A through F plus National Election Day

DECISION NO. OH78-157

TRUCK DRIVERS ZONE II - Remainder of the State	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CLASS I	$9 12	25 00a	9 00a		05
CLASS II	9 17	25 00a	9 00a		05
CLASS III	9 22	25 00a	9 00a		05
CLASS IV	9 32	25 00a	9 00a		05
CLASS V	9 42	25 00a	9 00a		05
CLASS VI	9 59	25 00a	9 00a		05

CLASS I 4 wheel service truck; 4 wheel dump trucks; batch trucks; oil distributors; asphalt distributors
CLASS II Tandems
CLASS III Semi tractor trucks; pole trailers; fuel trucks
CLASS IV - All trucks five axle & over
CLASS V - Asphalt oiler spraybar man when operated from cab
CLASS VI - Euclid wagons; Euclid end dumps; low boys; heavy duty equipment over 12 cu yds capacity when used exclusively for transportation; truck mechanics

FOOTNOTE:
a Per week Per employee

STATE: TENNESSEE

COUNTIES: ANDERSON, CAMPBELL, HAMILTON, JEFFERSON, KNOX, & ROANE

DECISION NUMBER: TN73-1077
DATE: DATE OF PUBLICATION
Supersedes Decision No. TN78 1060, dated July 7, 1978, in 43 FR 29466
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
Air conditioning & Heating mechanics	$ 4 75				
Bricklayers	7 39				
Carpenters & Soft floor layers	5 47				
Cement masons	6 00				
Electricians	4 65				
Ironworkers	8 34				
Insulation installers	5 25				
Laborers:					
Unskilled	3.38				
Mortar mixers	3 58				
Concrete rubbers	3.58				
Asphalt rakers	3 97				
Mason tenders	4 00				
Painters	7 75	1.0	1.0		03
Plumbers & Pipefitters	6 00				
Roofers	4 81				
Sheet metal workers	4 75				
Truck drivers:					
Single axle	3 38				
Tander	3.38				
Tri axle	3.38				
Welders - Rate for craft					
POWER EQUIPMENT OPERATORS:					
Asphalt paver	5 25				
Backhoe	5 50				
Bob-cat	4 50				
Brush/farm tractor	3 92				
Bulldozer	6 00				
Crane	6 42				
Curb machine	4 00				
Distributor	4 46				
Fork lift	4 35				
Front end loader	6 97				
High lift	5.59				
Motor grader/patrol	5 51				
Roller - asphalt/steel	4.50				
Scraper - pan	4.63				

STATE: Virginia COUNTY: Campbell County
DECISION NO : VA78-3096 DATE: Date of Publication
Supersedes Decision No VA75-3095 dated September 19, 1975 in 40 FR 43416
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
Acoustical Ceiling Mechanic	5 00				
Bricklayer	8 00				
Carpenter	5 00				
Drywall Finisher	7 25				
Drywall Hanger	6 50				
Electrician	5 00				
Elevator Constructor	8 64	895	69	a & b	03
Glazier	4 50				
Heating and Air Conditioning Mechanic	5 75				
Ironworkers, Structural	7 21				
Laborers	3 56				
Lather	8 25				
Painter, Brush	4 88				
Pipefitter	6 04				
Plasterer	8 25				
Plumber	5 26				
Roofer	4 92				
Sheet Metal Worker	6 16				
Soft Floor Layer	5 00				
Sprinkler Fitter	9 93	75	1 05		08
Tile Setter	6 45				
Tile Setter Finishers	3 50				
Truck Drivers	3 50				
POWER EQUIPMENT OPERATORS:					
Backhoe	4 50				
Bulldozer	4 25				
Crane	5 90				
Distributor	4 25				
Forklift	4 52				
Grader	4 40				
Loader	4 50				
Paver	4 35				
Roller	3 94				
Stone Spreader	3 58				

FOOTNOTES:

a Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

b Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years' service as vacation pay credit

Federal Register

FRIDAY, NOVEMBER 24, 1978
PART IV

SMALL BUSINESS ADMINISTRATION

FIELD OFFICES

Delegation of Authority to Conduct Program Activities; Republication

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30, Rev. 15]

FIELD OFFICES

Delegation of Authority To Conduct Program Activities; Republication

This republication of Delegation of Authority No. 30, Revision 15, is done as a matter of reader convenience combining the various amendments and corrections made to this document since it was published March 12, 1975 (40 FR 11657). The amendments and corrections appear in 41 FR 8240; 41 FR 16234, 17829, 28049, 36702, 47610, 50883; 42 FR 56990, 59153, 60619, 61347, 62243; 43 FR 55, 1577, 6667, 10998, 13651, 22261, 36152, 45662, and 46914.

Delegation of Authority No. 30, Revision 15, combining the various amendments and corrections since March 12, 1975, is set forth below:

HAROLD A. THEISTE,
Acting Associate Administrator for Operations.

DELEGATIONS OF AUTHORITY TO CONDUCT PROGRAM ACTIVITIES IN FIELD OFFICES

Pursuant to authority vested in me by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended, the following authority is hereby delegated to the Associate Administrator for Operations together with further authority to delegate, amend, modify, or revoke any authority delegated to field positions hereinafter set forth:

PREFACE

The policies, rules, procedures and other requirements, as well as citations to the statutes, governing the programs for which this delegation of authority is issued, are contained in various parts of the Regulations of the Small Business Administration, Chapter I of Title 13 of the Code of Federal Regulations, as amended from time to time in the FEDERAL REGISTER.

PART I—FINANCING PROGRAM

SECTION A—*Loan Approval Authority.*

1. *Business and Handicapped Assistance Loans (Small Business Act) (SBAct).* a. To approve or decline direct and immediate participation section 7(a) business loans and 7(h) handicapped assistance loans, and guaranty handicapped assistance loans, not exceeding the following amounts (SBA share):

	Approve	Decline
(1) Regional director	$350,000	$350,000
(2) Assistant regional director, for F&I	350,000	350,000
(3) District director	350,000	350,000
(4) Assistant district director for F&I	350,000	350,000
(5) Chief, financing division, D/O	350,000	350,000
(6) Supervisory loan specialist, financing division, D/O	250,000	350,000
(7) Branch manager, except Fairbanks, B/O	250,000	350,000
(8) Assistant branch manager for F&I, Biloxi branch office and Springfield B/O only	250,000	350,000
(9) Branch manager, Fairbanks B/O only	150,000	150,000

b. *Guaranty Loans 7(a) business loans only:*

	Approve	Decline
(1) Regional director	$500,000	$500,000
(2) Assistant regional director for F&I	500,000	500,000
(3) District director	500,000	500,000
(4) Assistant district director for F&I	350,000	500,000
(5) Chief, financing division, D/O	350,000	500,000
(6) Supervisory loan specialist, financing division, F/O	250,000	500,000
(7) Branch manager, except Fairbanks, B/O	250,000	500,000
(8) Assistant branch manager for F&I, Biloxi branch office and Springfield B/O only	250,000	500,000
(9) Branch manager, Fairbanks B/O only	150,000	150,000

2. *Economic Opportunity Loans (EOL) (SBAct).* To approve or decline Section 7(i) economic opportunity direct, immediate participation, and guaranty loans not to exceed $100,000 (SBA Share):

a. Regional Director.
b. Assistant Regional Director for F&I.
c. District Director.
d. Assistant District Director for F&I.
e. Chief, Financing Division, D/O.
f. Supervisory Loan Specialist, Financing Division, D/O.
g. Branch Manager.
h. Assistant Branch Manager for F&I Biloxi Branch Office and Springfield B/O only.

3. *Product Disaster and Economic Injury Disaster Loans (SBAct).* To decline section 7(b)(4) product disaster and section 7(b)(2) economic injury disaster loans in connection with "natural disaster" declarations made by the Secretary of Agriculture in any amount and to approve such loans up to the following amounts (SBA share):

a. *Direct and Immediate Participation Loans:*

	Approve
(1) Regional director	$500,000
(2) Assistant regional director for F&I	500,000
(3) District director	500,000
(4) Assistant district director for F&I	500,000
(5) Chief, financing division, D/O	500,000
(6) Supervisory loan specialist, financing division, D/O	300,000
(7) Branch manager, except Fairbanks branch office	300,000
(8) Assistant branch manager for F&I, Biloxi branch office and Springfield B/O only	300,000
(9) Branch manager, Fairbanks B/O only	150,000

b. *Guaranty Loans:* (In addition to direct and immediate participation authority):

	Approve
(1) Regional director	$1,000,000
(2) Assistant regional director for F&I	1,000,000
(3) District director	1,000,000
(4) Assistant district director for F&I	500,000
(5) Chief, financing division, D/O	500,000
(6) Supervisory loan specialist, financing division, D/O	500,000
(7) Branch manager, except Fairbanks branch office	500,000
(8) Assistant branch manager for F&I, Biloxi branch office and Springfield B/O only	500,000
(9) Branch manager, Fairbanks B/O	150,000

4. *Sections 7(b)(3), 7(b)(5), 7(b)(6), 7(b)(7), 7(b)(8) and 7(g) Loans (SBAct).* To decline section 7(b)(3) displaced business loans, 7(b)(5) regulatory disaster loans (including coal mine health and safety, consumer protection—meat, eggs, poultry—, and occupational safety and health, etc.) 7(b)(6) strategic arms limitation economic injury loans, 7(b)(7) base closing economic injury loans, 7(b)(8) emergency energy shortage economic injury loans, and 7(g) water pollution loans in any amount and to approve such loans up to the following amounts (SBA share):

a. *Direct and Immediate Participation Loans:*

	Approve
(1) Regional director	$500,000
(2) Assistant regional director for F&I	500,000
(3) District director	500,000
(4) Assistant district director for F&I	500,000
(5) Chief, financing division, D/O	500,000
(6) Supervisory loan specialist, financing division, D/O	300,000
(7) Branch manager, except Fairbanks branch office	300,000
(8) Assistant branch manager for F&I, Biloxi branch office and Springfield B/O only	300,000
(9) Branch manager, Fairbanks B/O only	150,000

b. *Guaranty Loans:* (In addition to direct and immediate participation authority):

	Approve
(1) Regional director	$1,000,000
(2) Assistant regional director for F&I	1,000,000
(3) District director	1,000,000
(4) Assistant district director for F&I	500,000
(5) Chief, financing division, D/O	500,000
(6) Supervisory loan specialist, financing division, D/O	500,000
(7) Branch manager, except Fairbanks branch office	500,000
(8) Assistant branch manager for F&I, Biloxi branch office only and Springfield B/O only	500,000
(9) Branch manager, Fairbanks B/O only	150,000

5. *Economic Dislocation Loans (SBAct).* To decline economic dislocation direct, immediate participation or guaranty loans in connection with such designations in any amount and to approve such direct, immediate participation or guaranty loans up to the following amounts (total loan, SBA and participant's share combined):

(a) Regional director	$100,000
(b) Assistant regional director for finance and investment	100,000
(c) District director	100,000
(d) Assistant district director for finance and investment	100,000
(e) Chief, financing division, D/O	100,000
(f) Supervisory loan specialist, financing division D/O	100,000
(g) Branch manager	100,000
(h) Assistant branch manager for finance and investment, Biloxi branch office and Springfield B/O only	100,000

SECTION B—*Other Financing Authority* for all types of loans contained in Section A above:

1. *Loan Participation Agreements.* To enter into individual and blanket loan participation agreements with lenders:

a. Regional Director.

b. Assistant Regional Director for F&I.

c. District Director.

d. Assistant District Director for F&I.

e. Chief, Financing Division, D/O.

f. Branch Manager.

g. Assistant Branch Manager for F&I Biloxi Branch Office and Springfield B/O only.

2. *Loan Authorizations.*

a. To execute written authorizations:

(1) Regional Director.
(2) Assistant Regional Director for F&I.
(3) District Director.
(4) Assistant District Director for F&I.
(5) Chief, Financing Division, D-O
(6) Supervisory Loan Specialist, Financing Division, D/O
(7) Branch Manager
(8) Assistant Branch Manager for F&I Biloxi Branch Office and Springfield B/O only

b. To cancel, reinstate, modify, and amend authorizations;

(1) Regional Director
(2) Assistant Regional Director for F&I
(3) District Director
(4) Assistant District Director for F&I
(5) Chief, Financing Division, D/O (on fully undisbursed loans)
(6) Supervisory Loan Specialist, Financing Division, D/O (on fully undisbursed loans)
(7) Branch Manager
(8) Assistant Branch Manager for F&I Biloxi Branch Office and Springfield B/O only

3. *Disbursement Period Extension.* To extend disbursement periods:

a. Without limitation:

(1) Regional Director
(2) Assistant Regional Director for F&I
(3) District Director
(4) Assistant District Director for F&I
(5) Chief, Financing Division, D/O (on fully undisbursed loans)
(6) Branch Manager
(7) Assistant Branch Manager for F&I Biloxi Branch Office and Springfield B/O only

b. For a cumulative total not to exceed six (6) months:

(1) Supervisory Loan Specialist, Financing Division, D/O (on fully undisbursed loans)

4. *Service Charges.* To approve service charges by participating lenders not to exceed two (2) percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing:

(a) Regional Director
(b) Assistant Regional Director for F&I
(c) District Director
(d) Assistant District Director for F&I
(e) Chief, Financing Division, D/O (on fully undisbursed loans)
(f) Supervisory Loan Specialist, D/O (on fully undisbursed loans)
(g) Branch Manager
(h) Assistant Branch Manager for F&I Biloxi Branch Office and Springfied B/O only

PART II—DISASTER PROGRAM

NOTE: The loan approval authority in Part II refers to the total indebtedness of an applicant for a disaster loan (regardless of the number of structures damaged) for each separate disaster.

SECTION A—*Disaster Loan Authority.*

1. *Direct and Immediate Participation 7(b)(1) Physical Disaster Loans (SBAct).* a. To decline direct and immediate participation 7(b)(1) physical disaster loans in any amount and to approve such loans not exceeding the following amounts (SBA share):

(1) *Home Loans.* $50,000 for repair, restoration, or replacement of a home; $10,000 for repair, restoration, or replacement of household contents or personal property; or $55,000 for a single disaster home loan, plus $50,000 for refinancing prior liens:

(a) Regional Director
(b) Assistant Regional Director for F&I
(c) District Director
(d) Assistant District Director for F&I
(e) Disaster Branch Manager
(f) Supervisory Loan Specialist, Financing Division, D/O
(g) Supervisory Loan Specialist, Disaster Office
(h) Branch Manager
(i) Assistant Branch Manager for F&I Biloxi Branch Office and Springfield B/O only

(2) *Business Loans:* Including repair, restoration, or replacement of all real or personal property and refinancing as follows:

(a) Regional Director	500,000
(b) Assistant Regional Director for F&I	500,000
(c) District Director	500,000
(d) Assistant District Director for F&I	500,000
(e) Disaster Branch Manager	500,000
(f) Supervisory Loan Specialist, Financing Division, D/O	300,000
(g) Supervisory Loan Specialist, Disaster Office	300,000
(h) Branch Manager, except Fairbanks Branch Office	500,000
(i) Assistant Branch Manager for F&I Biloxi Branch Office and Springfield B/O only	500,000
(j) Branch Manager, Fairbanks B/O only	150,000

2. *Guaranteed Physical Disaster Loans 7(b)(1) (SBAct).* To decline section 7(b)(1) physical disaster guaranteed loans in any amount and to approve such loans in addition to direct and immediate participation authority not exceeding the following amounts (SBA share):

	Home loans	Business loans
a. Regional director	$200,000	$1,000,000
b. Assistant regional director for F&I	200,000	1,000,000
c. District director	200,000	1,000,000
d. Assistant district director for F&I	100,000	500,000
e. Disaster branch manager	100,000	500,000
f. Supervisory loan specialist, financing	100,000	500,000
g. Supervisory loan specialist, disaster office	100,000	500,000
h. Branch manager, except Fairbanks	100,000	500,000
i. Assistant branch manager for F&I, Biloxi branch office and Springfield B/O only	100,000	500,000
j. Branch manager, Fairbanks B/O only	100,000	150,000

3. *Direct and Immediate Participation Economic Injury Disaster Loans (SBAct).* To decline direct and immediate participation section 7(b)(2) economic injury disaster loans (in connection with a physical disaster declaration by the Administrator, or a "major disaster" declaration by the President) in any amount and to approve such loans, not exceeding the following amounts (SBA share):

	Business loans
(a) Regional Director	$500,000
(b) Assistant Regional Director for F&I	500,000
(c) District Director	500,000
(d) Assistant District Director for F&I	300,000
(e) Disaster Branch Manager	300,000
(f) Supervisory Loan Specialist, Financing Division, D/O	200,000
(g) Supervisory Loan Specialist, Disaster Office	200,000
(h) Branch Manager, except Fairbanks Branch Office	300,000
(i) Assistant Branch Manager for F&I Biloxi Branch Office and Springfield B/O only	300,000
(j) Branch Manager, Fairbanks B/O only	150,000

4. *Guaranteed Economic Injury Disaster Loans (SBAct).* To decline Section 7(b)(2) Economic Injury guaranteed disaster loans (in connection with a physical disaster declaration by the Administrator, or a "major disaster" declared by the President) in any amount and to approve such loans, in addition to the direct and immediate participation authority, not exceeding the following amounts (SBA share).

(a) Regional Director	1,000,000
(b) Assistant Regional Director for F&I	1,000,000
(c) District Director	1,000,000
(d) Assistant District Director for F&I	500,000
(e) Disaster Branch Manager	500,000
(f) Supervisory Loan Specialist Financing Division, D O	500,000
(g) Supervisory Loan Specialist, Disaster Office	500,000
(h) Branch Manager except Fairbanks Branch Office	500,000
(i) Assistant Branch Manager for F&I Biloxi Branch Office and Springfield B O only	500,000
(j) Branch Manager Fairbanks B O only	150,000

5. *Processing Representative.* To appoint as a processing representative any bank in the disaster area:

a. Regional Director
b. Assistant Regional Director for F&I
c. District Director
d. Disaster Branch Manager
e. Branch Manager
f. Assistant Branch Manager for F&I, Biloxi Branch Office and Springfield B/O only

6. *Late Filing.* To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired:

a. Regional Director—only

7. *Disaster Loan Authorizations*

a. To execute written authorizations:

(1) Regional Director
(2) Assistant Regional Director for F&I
(3) District Director
(4) Assistant District Director for F&I
(5) Chief, Financing Division, D/O
(6) Branch Manager
(7) Assistant Branch Manager for F&I, Biloxi Branch Office and Springfield B/O only
(8) Disaster Branch Manager

b. To cancel, reinstate, modify, and amend authorizations:

(1) Regional Director
(2) Assistant Regional Director for F&I
(3) District Director
(4) Assistant District Director for F&I
(5) Chief, Financing Division, D/O (on fully undisbursed loans)
(6) Supervisory Loan Specialist, Financing Division, D/O (on fully undisbursed loans)
(7) Branch Manager
(8) Assistant Branch Manager for F&I Biloxi Branch Office and Springfield B/O only
(9) Disaster Branch Manager
(10) Supervisory Loan Specialist, Disaster Office

8. *Disbursement Period Extension on Disaster Loans.* To extend disbursement periods:

a. Without limitation:

(1) Regional Director
(2) Assistant Regional Director for F&I
(3) District Director
(4) Assistant District Director for F&I
(5) Chief, Financing Division, D/O (on fully undisbursed loans)
(6) Branch Manager
(7) Disaster Branch Manager
(8) Assistant Branch Manager for F&I Biloxi Branch Office and Springfield B/O only

b. For a cumulative total not to exceed six (6) months:

(1) Supervisory Loan Specialist, Financing Division, D/O (on fully undisbursed loans)

SECTION B—*Administrative Authority.* 1. *Establishment of Disaster Field Offices.* a. To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when justified; and

b. to Obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space:

(1) Regional Director
(2) Assistant Regional Director for F&I
(3) Assistant Regional Director for Administration
(4) District Director
(5) Assistant District Director for F&I
(6) Disaster Branch Manager

2. *Purchase and Contract Authority.* a. *Rental of Motor Vehicles and Garage Space.* To rent motor vehicles necessary for the use of disaster branch office personnel and garage space for the storage of such vehicles when not furnished by this Administration:

(1) Regional Director
(2) Assistant Regional Director for F&I
(3) Assistant Regional Director for Administration
(4) District Director
(5) Assistant District Director for F&I
(6) Disaster Branch Manager

b. *Office Supplies and Equipment.* To purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in sections 257 (a) and (b) of that Chapter:

(1) Regional Director
(2) Assistant Regional Director for F&I
(3) Assistant Regional Director for Administration
(4) District Director
(5) Assistant District Director for F&I
(6) Disaster Branch Manager

c. *Credit Bureau Services.* To contract for local credit bureau services pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in sections 257 (a) and (b) of that Chapter:

(1) Regional Director
(2) Assistant Regional Director for F&I
(3) Assistant Regional Director for Administration
(4) District Director
(5) Assistant District Director for F&I
(6) Disaster Branch Manager

PART III—COMMUNITY ECONOMIC DEVELOPMENT (CED) PROGRAM

SECTION A—*Section 501 and 502 Loan Approval Authority (SBAct).*

1. *Section 501 State Development Company Loans.* To approve or decline section 501 State development company loans not exceeding the following amounts (SBA share).

a. Regional director	Unlimited
With concurrence in at least one prior recommendation:	
b. Assistant regional director for F&I	$750,000
c. District director	750,000
d. Assistant district director for F&I	750,000
e. Chief, CED division, D/O	750,000
f. Chief, financing division, D/O	750,000

2. *Section 502 Local Development Company Loans (SBI Act).* To approve or decline section 502 local development company loans not exceeding the following amounts (SBA share) for each small business concern being assisted, within the project cost limitations shown below:

NOTE.—Project cost applies to the cumulative CED assistance to a small business concern and its affiliates and not to the additional assistance on which the action is being taken.

a. Unlimited project cost:	
(1) Regional Director	$300,000
b. Overall project cost not exceeding $1,000,000:	
(1) Assistant regional director for F&I	500,000
(2) District director	500,000
(3) Assistant district director for F&I	500,000
c. Overall project cost not exceeding $700,000:	
(1) Chief, CED division, D/O	500,000
(2) Chief, financing division, D/O	500,000

SECTION B—*Other 501 and 502 Authority.*

1. *Participation Agreements.* To enter into participation agreements with lenders:

a. Regional Director
b. Assistant Regional Director for F&I
c. District Director
d. Assistant District Director for F&I
e. Chief, CED Division, D/O
f. Chief, Financing Division, D/O

2. *Loan Authorizations.*

a. To execute written loan authorizations:

(1) Regional Director
(2) Assistant Regional Director for F&I
(3) District Director
(4) Assistant District Director for F&I
(5) Chief, CED Division, D/O
(6) Chief, Financing Division, D/O

b. To cancel, reinstate, modify, and amend authorizations:

(1) Regional Director

(2) Assistant Regional Director for F&I
(3) District Director
(4) Assistant District Director for F&I
(5) Chief, CED Division, D/O (before initial disbursement)
(6) Chief, Financing Division, D/O (before initial disbursement)

3. *Disbursement Period Extension.* To extend disbursement periods:

a. Regional Director
b. Assistant Regional Director for F&I
c. District Director
d. Assistant District Director for F&I
e. Chief, CED Division, D/O (on wholly undisbursed loans)
f. Chief, Financing Division, D/O (on wholly undisbursed loans)

SECTION C—*Lease Guarantee.* 1. *Approval Authority.* To approve or decline applications and issue commitment letters for the direct guarantee of rents not to exceed the following amounts:

a. Regional director	$1,000,000
b. Assistant regional director for F&I	500,000
c. District Director	500,000
d. Assistant district director for F&I	500,000

2. *Commitment Letters.* To modify commitment letters:

a. Regional Director
b. Assistant Regional Director for F&I
c. Regional Counsel
d. District Director
e. Assistant District Director for F&I
f. Chief, CED Division, D/O
g. District Counsel

SECTION D—*Surety Guarantee.* 1. To guarantee sureties against portion of losses resulting from the breach of bid, payment, or performance bonds on contracts, not to exceed $500,000

a. Regional Director
b. Assistant Regional Director for F&I
c. Surety Bond Guarantee Officer, R/O
d. District Director, Philadelphia, San Francisco, New York, Baltimore and Region IV District Offices only
e. Assistant District Director for F&I, Philadelphia, San Francisco, Baltimore and Region IV District Offices only
f. Chief, CED Division, San Francisco, New York, and Region IV District Offices only
g. Chief, Financing Division, Philadelphia D/O
h. Senior Surety Bond Guaranty Specialist, Philadelphia and San Francisco D/O's only.

SECTION E—*EDA Loan Authority.* 1. *EDA Loan Disbursement Authority.* To disburse EDA loans, as directed by EDA:

a. Regional Director
b. Assistant Regional Director for F&I
c. Regional Counsel
d. District Director
e. Assistant District Director for F&I
f. Chief, CED Division, D/O
g. District Counsel

PART IV—PORTFOLIO MANAGEMENT (PM) PROGRAM

SECTION A—*Portfolio Management, Servicing, Collection, and Liquidation Authority.*

1. To take all necessary action in connection with the administration, servicing, collection, and liquidation of all SBA loans (and EDA loans in liquidation when and as authorized by EDA) and lease guarantees, *exclusive of matters in liquidation,* and to do and perform, and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate these granted powers.

Except:

a. *To compromise or sell* any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereof;

b. *To deny liability* of the small Business Administration under the terms of a participation or guaranty agreement or a lease guarantee;

c. *To authorize suit* for recovery from a participating institution under any alleged violation of a participation or guaranty agreement; or

d. *To accept a lump sum settlement or to purchase property* under the lease guarantee:

(1) Regional Director
(2) Assistant Regional Director of F&I
(3) District Director
(4) Assistant District Director of F&I
(5) Branch Manager (full service branches only)
(6) Chief, Portfolio Management Division, D/O
(7) Supervisory Loan Specialist, Portfolio Management Division, D/O
(8) Supervisory Loan Specialist, Liquidation Section, D/O
(9) Assistant Branch Manager for F&I, Biloxi, Branch Office and Springfield Branch Office only
(10) Chief, PM Division, Biloxi Branch Office

2. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all SBA loans (and EDA loans in liquidation when as authorized by EDA) and lease guarantees, *exclusive of matters in litigation;* and to do and perform, and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate these granted powers.

Except:

a. *To compromise or sell* any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon;

b. *To deny liability* of the Small Business Administration under the terms of a participation or guaranty agreement or a lease guarantee;

c. To initiate suit for recovery from a participating institution under any alleged violation of a participation or guaranty;

d. *To authorize the liquidation of a loan* (except Disaster Home Loans) or to cancel authority to liquidate; or

e. *To accept a lump sum settlement or to purchase property* under the lease guaranty:

(1) Branch Manager (limited servicing branches)
(2) Chief, Portfolio Management Division, B/O (full servicing branches)
(3) Supervisory Loan Specialist, Portfolio Management Division, B/O, (full servicing branches)

3. *Other Portfolio Management Authority.*

a. To take *only* the following actions on loans in a current status:

(1) Approve editorial modifications in loan authorizations;
(2) Extend disbursement periods on loans partially undisbursed;
(3) Release of cash surrender value or dividends to pay premiums due on assigned policy;
(4) Extend initial principal payment dates or adjust interest payment dates;
(5) Release of equipment (or hazard insurance checks) where the total value being released does not exceed $500.

(a) Loan Specialist, Portfolio Management Division, D/O or B/O
(b) Loan Specialist, Liquidation Section, D/O or B/O

PART V—CLAIMS REVIEW COMMITTEE

Section A—*Authority to Compromise Claims.*

1. *District Claims Review Committee.* This committee shall consist of three incumbents (or those officially acting in their behalf) in the following order of position classification. The first member available in this order shall serve as chairman.

Liquidation Chief (for liquidation Supervisor)
PM Chief (or PM Supervisor)
District Counsel
FD Chief (or FD supervisor)

However, the District Director may, at his option, establish an alternative committee membership consisting of the Assistant District Director for Finance and Investment, acting as chairman, District Counsel and the Assistant District Director for Management Assistance or those officially acting in their behalf. Authority is delegated to take final action on:

a. Claims not in excess of $50,000 (excluding interest) upon unanimous vote of the Committee.

b. Claims in excess of $50,000 when the amount offered represents the full principal balance due thereby forgiving only the interest upon unanimous vote of the Committee.

c. Settlement offers on claims of any size may be declined upon majority vote of the committee.

2. *Regional Claims Review Committee.* This committee shall consist of Assistant Regional Director for Finance and Investment (chaiman); Assistant Regional Director for Management Assistance; and Regional Counsel or those officially acting in their behalf. Authority is delegated to take final action on:

a. Claims not in excess of $50,000 (excluding interest) upon majority vote of the Committee.

b. Claims in excess of $50,000 but not exceeding $150,000 (excluding interest) upon unanimous vote of the Committee.

c. Settlement offers on claims of any size may be declined upon majority vote of the Committee.

PART VI—PROCUREMENT ASSISTANCE PROGRAM (PA)

SECTION A—*Certificate of Competency Approval Authority.*

1. With the exception of re-referred cases, to approve applications for Certificates of Competency up to but not exceeding $500,000 bid value received from small business concerns located within the Geographical jurisdiction:

a. Regional Director
b. Assistant Regional Director for Procurement Assistance
c. District Directors, New York and Newark, D/O's only (not exceeding $100,000).
d. Assistant District Director for Procurement Assistance, New York and Newark, D/O's (not exceeding $100,000).

2. To deny an applicant for a Certificate of Competency when an adverse determination as to capacity or credit is concurred in:

a. Regional Director
b. Assistant Regional Director for Procurement Assistance
c. District Directors New York and Newark DO's only (not exceeding $100,000)
d. Assistant District Director for Procurement Assistance New York and Newark DO's only (not exceeding $100,000)

SECTION B—*Section 8(a) Contracting Authority (SBAct).*

1. To enter into contracts such as, but not limited to, supplies, services, construction, and concessions on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration, and agreeing to the terms and conditions of such contracts up to the following amounts:

a. Regional director	Unlimited
b. Assistant regional director for PA	Do.
c. Chief, office of business development, region III, R/O only	$100,000
d. Contract specialist, region X, R/O only	250,000
e. District director, Washington, Richmond, and Philadelphia, D/O's only	Unlimited
f. District directors, New York, Newark, and Chicago, D/O's only	350,000
g. District directors, region IX and Anchorage, Portland, and Seattle, D/O's only	500,000
h. Deputy district director, Washington, D/O	Unlimited
i. Assistant District directors for PA, San Francisco and Los Angeles, D/O's only	100,000
j. Assistant district director for PA, New York and Newark, D/O's only	350,000
k. Contract specialist, Anchorage, D/O only	250,000

2. To arrange for the performance of such contracts as stated in paragraph 1 above by negotiating or otherwise letting subcontracts to small business concerns or others. Contracts shall not exceed the following amounts:

a. Regional director	Unlimited
b. Assistant regional director for PA	Do.
c. Chief, office of business development, region III, R/O only	$100,000
d. Contract specialist, region X, R/O only	250,000
e. District director, Washington, St. Louis, Richmond, and Philadelphia, D/O's only	Unlimited
f. District directors, New York, Newark, and Chicago, D/O's only	350,000
g. District directors, Region IX, Anchorage, Portland, and Seattle, D/O's only.	500,000
h. Deputy district director, Washington, D/O	Unlimited
i. Assistant district director for PA, San Francisco and Los Angeles, D/O's only	100,000
j. Contract specialist, Anchorage, D/O	250,000
k. Business development specialist, St. Louis, D/O only	Unlimited

3. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract to be let by any such officer, such contract not to exceed the following amount:

a. Regional director	Unlimited
b. Assistant regional director for PA	Do.
c. Chief, business development, region III, R/O only	Do.
d. Contract specialist, region X, R/O only	$250,000
e. District director, Washington, Philadelphia, Richmond, and St. Louis, D/O's only	Unlimited
f. District directors, New York, Newark, and Chicago, D/O's only	350,000
g. District directors, region IX, D/O's; Seattle, Portland, and Anchorage, D/O's	500,000
h. Deputy district director, Washington, D/O	Unlimited
i. Assistant district director for PA, region IX	500,000
j. Assistant district director for PA, New York and Newark, D/O's	350,000
k. Contract specialist, Anchorage, D/O only	250,000
l. Business development specialist, St. Louis, D/O	Unlimited

PART VII—MANAGEMENT ASSISTANCE PROGRAM

SECTION A—*Call Contracts Authority.*

1. *Administration and Management of Call Contracts.* To take all necessary actions in connection with the administration and management of contracts awarded under the authority granted in Section 7(j) of the Small Business Act, as amended, (formerly under Section 406 of the Economic Opportunity Act of 1964) except changes, amendments, or termination of the contract.

a. Regional Director
b. Assistant Regional Director for Management Assistance
c. District Director
d. Assistant District Director for Management Assistance

PART VIII—LEGAL SERVICES

SECTION A—*Authority to Conduct Litigation Activities.*

1. To conduct all litigation activities, including SBIC and Economic Development Administration matters, as assigned, and to take all action necessary in connection with matters in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers.

EXCEPT:

a. *To compromise or sell* any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon;

b. *To deny liability* of the Small Business Administration under the terms of a participation or guaranty agreement (including lease guarantees); or

c. *To authorize suit* for recovery from a participating institution under any alleged violation of a participation or guaranty agreement; or

d. *To accept a lump sum settlement or to purchase property* under the lease guarantee:

(1) Regional Director
(2) Regional Counsel
(3) Attorney, Regional Office
(4) District Counsel
(5) Attorney, District Office
(6) Branch Counsel
(7) Attorney, Branch Office

SECTION B—*Loan Closing Authority.*

1. To close and disburse approved SBA loans and to close EDA loans, as authorized:

a. Regional Director
b. Regional Counsel
c. Attorney, Regional Office
d. District Counsel
e. Attorney, District Office
f. Branch Counsel
g. Attorney, Branch Office

2. To approve, when requested, in advance of disbursements, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization:

a. Regional Director
b. Regional Counsel
c. Attorney, Regional Office
d. District Counsel

e. Attorney, District Office
f. Branch Counsel
g. Attorney, Branch Office

3. To approve or disapprove fees charged by borrowers' counsel:

a. Regional Director
b. Regional Counsel
c. Attorney, Regional Office
d. District Director
e. District Counsel
f. Attorney, District Office
g. Branch Manager
h. Branch Counsel
i. Attorney, Branch Office

PART IX—ELIGIBILITY AND SIZE DETERMINATIONS

SECTION A—*Eligibility Determinations.*

1. *Eligibility Determination Authority.* In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance under *any program of* the Agency: *EXCEPT the SBIC program.*

a. Regional Director
b. All officials having the authority and assigned responsibility to take final action on the assistance requested.

SECTION B—*Size Determinations.*

1. *Size Determination Authority.* In accordance with Small Business Administration Small Business Size Standards Regulations, to make initial size determinations of applicants for assistance under *any* program of the Agency:

a. Regional Director.
b. All other officials having authority and assigned responsibility to take final action on the assistance requested. *EXCEPT* the SBIC procurement and sales activities.

2. *Size Determinations for Government Procurement and Sales.* In accordance with Small Business Administration Small Business Size Standards Regulations, to make size determinations for government procurement and sales activities.

a. Regional Director
b. Assistant Regional Director for PA
c. District Director, EXCEPT Region X.

PART X—ADMINISTRATIVE

SECTION A—*Authority to Purchase, Rent, or Contract for Equipment, Service, and Supplies.*

1. *Purchase Reproductions of Loans Documents.* To purchase reproductions of loan documents, chargeable to the revolving fund requested by U.S. Attorneys in foreclosure cases:

a. Regional Director
b. Assistant Regional Director for Administration
c. District Director
d. Branch Manager

2. *Office Supplies and Equipment.* To purchase office supplies and equipment and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that Chapter:

a. Regional Director
b. Assistant Regional Director for Administration
c. District Director
d. Branch Manager

3. *Contract for Services.* To contract for services for the agency not exceeding the monetary amount of $2,500 pursuant to Chapter 4 of Title 41, United States Code, subject to the limitations contained in section 257 (a) and (b) of that Chapter:

a. Regional Director
b. Assistant Regional Director for Administration.

4. *Rental of Motor Vehicles.* To rent motor vehicles when not furnished by this Administration:

a. Regional Director
b. Assistant Regional Director for Administration
c. District Director
d. Branch Manager

5. *Rental of Conference Space.* To rent temporarily SBA conference space located within the respective geographical jurisdiction.

a. Regional Director

6. *Use of Seal of the Small Business Administration.* To certify true copies of any books, records, papers, or other documents on file with the Small Business Administration; to certify extracts from such material; to certify the nonexistence of records on file; and to cause the Seal of the Small Business Administration to be affixed to all such certification.

a. Regional Director
b. District Director
c. Branch Manager

PART XI—REDELEGATION AUTHORITY

SECTION A—Redelgation.

1. The Associate Administrator for Operations may amend, modify, or revoke specific authorities delegated to field positions within the limitations of this document.

2. The Administrator shall approve delegations expanding the scope of any delegation herein.

3. The authority delegated herein may be exercised by any SBA employee designated as acting in a position designated herein.

4. Regional directors, district directors, and branch managers may withhold or limit authorities delegated to those positions prescribed in this document for a period not to exceed six months. Information relating to these temporary exceptions will be maintained and available for examination in their respective field offices.

[FR Doc. 78-33011 Filed 11-22-78; 8:45 am]

FRIDAY, NOVEMBER 24, 1978
PART V

DEPARTMENT OF ENERGY

■

AUTOMOTIVE PROPULSION RESEARCH AND DEVELOPMENT

Review and Certification of Grants, Cooperative Agreements, Contracts, and Projects

Federal Register

[6450-01-M]

Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY

PART 473—AUTOMOTIVE PROPULSION RESEARCH AND DEVELOPMENT

Review and Certification of Grants, Cooperative Agreements, Contracts, and Projects

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy hereby issues a final rule to implement section 304(f) of the Department of Energy Act of 1978—Civilian Applications. This Act confers authority on the Secretary of Energy to expend Federal funds in order to accelerate the development of certain advanced automobile propulsion system alternatives to the existing internal combustion engine. Today's final rule prescribes procedures, standards, and criteria for review and certification of new grants, contracts, cooperative agreements, Department of Energy projects, or other agency projects to be funded under the Act with the object of insuring that they supplement rather than supplant, duplicate, displace, or lessen research and development activities in the private sector.

EFFECTIVE DATE: November 20, 1978.

FOR FURTHER INFORMATION CONTACT:

George M. Thur, Office of Conservation and Solar Applications, Department of Energy, 20 Massachusetts Avenue NW., Washington, D.C. 20545, 202-376-4675.

SUPPLEMENTARY INFORMATION:

A. Background

On July 24, 1978, the Department of Energy (DOE) published a notice of proposed rulemaking under section 304(f) of the Department of Energy Act of 1978—Civilian Applications (Act), which requires issuance of administrative regulations setting forth procedures, standards, and criteria to insure that all new grants, contracts, cooperative agreements, DOE projects, and other agency projects do not supplant, duplicate, lessen, or displace research and development efforts in the private sector for advanced automotive propulsion systems. 43 FR 31929 (July 24, 1978). A scheduled public hearing was canceled because the DOE did not receive any requests to speak. However, three sets of comments were filed which raised a number of issues and resulted in some alterations of the proposed regulations.

B. Discussion of Comments

RELATIONSHIP OF PART 473 AND GENERAL FINANCIAL ASSISTANCE AND PROCUREMENT REGULATIONS

One commenter pointed out that although the proposed § 473.1 clearly stated that the new procedures, standards, and criteria of part 473 were in addition to the procedures and requirements of general DOE financial assistance and procurement regulations, the section did not similarly recognize that part 473 is also in addition to the general financial assistance and procurement regulations of other Federal agencies which would apply to research and development funded by them under the Act. The commenters suggested a revision to the concluding sentence of § 473.1 which, as proposed, read as follows: "Insofar as grants, cooperative agreements, and contracts are concerned, these regulations provide procedures and requirements that are in addition to those generally applicable *under the DOE assistance regulations of 10 CFR Chapter 10 and the DOE procurement regulations of 41 CFR Chapter 9.*" (Emphasis added.) In substance, the commenter suggested that the underscored prepositional phrase be revised to read "under the assistance and procurement regulations of DOE, or the agency awarding the grant or contract."

Today's final regulations contain two revisions in reaction to this comment. First, § 473.1 is promulgated with a redrafted concluding sentence stating that the final regulations are in addition to the procedures and requirements generally applicable "under the assistance and procurement regulations of the Federal agency funding research and development under the Act." The second change is to § 473.11(a) and was prompted by a general review of the proposed regulations to determine whether the comment with respect to § 473.1 was applicable to other parts of the rule. Paragraph 473.11(a), as proposed, would have required an unsolicited proposal for a grant, cooperative agreement, or contract under the Act to include items of information required by § 473.10 together with the information to be submitted under the "Guide for the Submission of Research Proposals from Educational Institutions" or the "Guide for Submission of Research and Development Proposals by Individuals and Organizations," as applicable. These guides are DOE documents and apply only to unsolicited proposals filed with the DOE. In order not to exclude other agencies' procedures and requirements inappropriately in certain circumstances, the DOE today promulgates a revised version of § 473.11(a) which states that the items of information required by § 473.10 are to be included with the proposal document filed under the assistance or procurement regulations of the DOE or other Federal agency which would fund the proposed research and development under the Act.

DIRECT NOTIFICATION OF PROPOSED RESEARCH AND DEVELOPMENT TO THE AUTOMOTIVE INDUSTRY

Two commenters urged that members of the automotive industry should be notified *directly* of proposed research and development and be asked specifically for a statement of objections, if any, on the ground of noncompliance with the standards and criteria of § 473.30. One of these commenters went so far as to suggest circulation of a voluntary questionnaire to the industry. Section 473.20 of the proposed regulations provided only for *constructive* notification by public notice in the Commerce Business Daily consisting of a statement describing the proposed research and development and inviting submission within 30 days of written objections with supporting information. The DOE declines to provide for direct notice because it is of the view that the proposed § 473.20 would provide adequate notice to the automotive industry, and further, that an additional direct notice to a specified few would be an unnecessary expense.

DEFINITION OF "RESEARCH AND DEVELOPMENT"

Two commenters made observations which implicitly raised the need for a definition of the term "research and development" in the definitions given in § 473.2. One of the commenters suggested that the proposed regulations were unclear as to whether activities such as project planning and evaluative testing would be part of a research and development project. Another commenter cited an introductory statement in the preamble to the proposed rule which noted that the Congress did not intend to fund production engineering activities, and suggested that the regulation ought to distinguish between "research and development" and "product development."

In response to these comments and for the purpose of clarification, today's final regulations contain a definition of the term "research and development" which provides as follows: "'Research and development' means activities constituting a project to create an advanced automobile pro-

pulsion system and does not mean activities involving technology transfer to mass production, evaluative testing, preliminary planning for a DOE or an agency project, or program administration and management."

PEER REVIEW PANELS

Responding to the DOE's tentative decision not to charter an advisory committee to participate in making determinations under the regulations, one commenter urged consideration of a provision for peer review panels, and contended that such a panel would provide special expertise and outside input missing in the Interagency Review Panel, which was the advisory mechanism set forth in the proposed regulations. The preamble to the proposed regulations explained that the DOE did not elect to propose an advisory committee out of concern for potential conflicts of interest.

Having reviewed its previously expressed position on the question of outside participation in the judgmental process in light of this comment, the DOE has decided to adhere to its decision to limit the role of persons outside the Government to providing information. The DOE is of the view that the mechanism provided in the regulations for public notice and opportunity to comment is adequate for the purpose of obtaining the expert input of persons in the private sector. Additional reasons for not accepting this commenter's suggestion are continuing concern over the possible conflicts of interest and a desire for a single procedure which will not cause undue delay.

APPLICANT'S INFORMATION ON TARGET DATE FOR MASS PRODUCTION

Criticism from one commenter was directed at paragraphs (e)(1) and (e)(2) of § 473.10, which would require an applicant for financial assistance to provide to the extent possible a target date for mass production and an assurance that that date is unlikely to be reached in the absence of such assistance. The commenter thought that these two related items of information assumed an unrealistic capability on the part of applicants to predict research outcomes and the impact of Federal funding on the time period for achieving commercialization. The commenter concluded with the thought that the information provided in an attempt to comply would yield little benefit and might well be misleading. The commenter suggested substitute language which would require "the likely target time period when production decisions regarding mass production of the advanced automobile propulsion system can be considered," and "an indication" that that time period is likely to be delayed unless the applicant receives a grant, cooperative agreement, or contract.

The DOE has reconsidered the criticized paragraphs of § 473.10 and agrees that this section should be oriented toward the likely time period necessary to develop a system suitable for commencement of production engineering necessary for technology transfer to mass production rather than a time period which includes all steps necessary to complete technology transfer for mass production. The DOE acknowledges that at least the latter is too uncertain to predict, and further, is of the view that the former is a more appropriate time period since it is the actual focus of the automotive propulsion research and development program. The DOE, however, does not agree that an "indication" by the applicant of the likely impact of Federal financial assistance is enough. The DOE believes that an applicant should be able to gage the likely impact of not receiving financial assistance on its timetable for developing an advanced automobile propulsion system suitable for production engineering. In addition, the DOE has decided that, in preference to the commenter's suggested language, it would be better to condense and rephrase § 473.10(e) to capture the essence of the commenter's criticism by capitalizing on the new definition of "research and development" which excludes steps involving technology transfer to mass production such as creation of production prototypes. As revised and promulgated today, § 473.10(e) requires that the applicant "provide to the extent possible (1) an assurance that the time period for completing research and development of the advanced automobile propulsion system is likely to be shorter as a result of a grant, cooperative agreement, or contract; and (2) the estimated delay, if any, which is likely to occur if the application for a grant, cooperative agreement, or contract is denied."

Due to the revision of § 473.10(e), it became necessary to make a complementary conforming change to § 473.30(d) which, as proposed, would permit certification if, among other things, the research and development to be funded "results in an earlier, realistic target date for mass production consistent with appropriate research and development techniques than would otherwise be chosen." In substitution, the DOE promulgates a version of § 473.30(d) providing for certification if, among other things, the research and development to be conducted "is likely to produce an advanced automobile propulsion system suitable for steps toward technology transfer to mass production in a shorter time period than would otherwise occur."

APPLICANT'S INFORMATION ON RESEARCH AND DEVELOPMENT BUDGET

Section 473.10 also came in for criticism because, in paragraph (d), it required an applicant to provide either an assurance that the amount to be expanded on research and development will exceed the amount expended for that purpose the previous year by the amount of the financial assistance sought, or information showing that any decrease does not represent a lessening of research and development efforts. A commenter argued that it is unrealistic to assume that the level of effort will always increase, and suggested language which reduces § 473.10(d) to a simple assurance that funds to be expended during the annual funding period will exceed the amount that would otherwise be expended in the absence of financial assistance.

The language offered by the commenter is unacceptable because theoretically it would allow a recipient of Federal financial assistance to reduce its expenditure level drastically and rely almost totally on Federal funds. The DOE has, however, concluded that any implication in the proposal of a requirement for an assurance of constantly increasing effort as measured by a purely budgetary test is inappropriate. Accordingly, the DOE today promulgates a revised version calling for an assurance that expenditures during the initial annual funding period (the first year of Federal assistance for any particular project) will exceed the previous year's budget by at least the amount of the Federal funding. The DOE is also requiring that the accelerated level of effort (not necessarily measured in dollar terms) during the initial period of a particular project will be maintained in any future annual funding period of the project. The proposed § 473.10(c)(2) allowing an applicant to explain decreases in expenditures has been eliminated because the DOE believes there can be no acceptable explanation for such a decrease in the initial annual funding period which would be consistent with the purposes of the Act.

TECHNICAL OR CONFORMING CHANGES

In addition to the foregoing, the DOE has made two editorial changes of a technical or conforming nature which are noteworthy.

First, the qualifying words "in the case of an unsolicited proposal" were deleted from § 473.22(b). This deletion eliminates an internal inconsistency in the proposed rule between §§ 473.11 and 473.22. The former governs submission of applicant's information required to gage the effect of the Federal financial assistance sought on an applicant's research and development

project. It calls for submission by applicants filing an unsolicited proposal or responding to a solicitation. Section 473.22 deals with initial review by a manager, and as proposed with the deleted phrases, provided for consideration of information submitted in an unsolicited proposal without regard for cases where the applicant submitted information in responding to a solicitation. The deletion conforms § 473.22 to § 473.11, and as promulgated today, the former provides for consideration of information submitted in both solicited and unsolicited proposals.

The other change is the addition of the term "cooperative agreement" in § 473.24(b)(2) which, conforms that provision to the rest of the rule and reflects the DOE's determination to provide for the likely impact of the Federal Grant and Cooperative Agreement Act of 1977, 41 U.S.C. 501 et seq. (1970) as implemented by interpretative guidelines issued by the Office of Management and Budget. See 43 FR 36860 (August 18, 1978).

C. Final Regulations

The regulations are adopted as proposed except for the modifications described above and minor clarifying and conforming modifications.

(Department of Energy Act of 1978—Civilian Applications, Pub. L. 95-238; Department of Energy Organization Act, Pub. L. 95-91.)

In consideration of the foregoing, chapter II of Title 10, Code of Federal Regulations, is amended by establishing a new part 473 as set forth below, effective November 20, 1978:

Issued in Washington, D.C.; dated November 20, 1978.

Omi Walden,
Assistant Secretary, Conservation and Solar Applications.

PART 473—AUTOMOTIVE PROPULSION RESEARCH AND DEVELOPMENT

Review and Certification of Grants, Cooperative Agreements, Contracts, and Projects

Sec.
473.1 Purpose and scope.
473.2 Definitions.
473.10 Required information from applicant.
473.11 Submission of applicant's information.
473.12-473.19 [Reserved]
473.20 Public notice and opportunity to object.
473.21 Supplemental information and rebuttal.
473.22 Initial review by manager.
473.23 Interagency review panel.
473.24 Final action and certification by manager.
473.25 Reviewability of certification.
473.26-473.29 [Reserved]
473.30 Standards and criteria.

Authority: Department of Energy Act of 1978—Civilian Applications, Pub. L. 95-238; Department of Energy Organization Act, Pub. L. 95-91.

Review and Certification of Grants, Cooperative Agreements, Contracts, and Projects

§ 473.1 Purpose and scope.

These regulations implement section 304(f) of the Department of Energy Act of 1978—Civilian Applications, and apply to each new contract, grant, cooperative agreement, Department of Energy project, or other agency project funded or to be funded under the authority of that Act. 15 U.S.C. 2703(f) (1970). These regulations do not apply to subcontractors, or to contracts, grants, cooperative agreements, Department of Energy projects, or other agency projects entered into, made, or formally approved and initiated prior to February 25, 1978, or with respect to any renewal or extension thereof. Insofar as grants, cooperative agreements, and contracts are concerned, these regulations provide procedures and requirements that are in addition to those generally applicable under the assistance and procurement regulations of the Federal agency funding research and development under the Act.

§ 473.2 Definitions.

For purpose of these regulations—

"Act" means the Department of Energy Act of 1978—Civilian Applications. Pub. L. 95-238, 92 Stat. 47.

"Advanced automobile propulsion system" means an energy conversion system, including engine and drivetrain, which utilizes advanced technology and is suitable for use in an advanced automobile.

"Agency project" means research and development under the Act by employees of a Federal agency furnishing assistance at the request of the DOE.

"Annual funding period" means the Federal fiscal year during which a grant, cooperative agreement, or contract is funded by an appropriation under the Act.

"Applicant" means any private laboratory, university, nonprofit organization, industrial organization, private agency, institution, organization, corporation, partnership, individual, or public agency other than a Federal agency.

"DOE project" means research and development under the Act by employees of the DOE.

"Federal agency" means an executive agency as defined by 5 U.S.C. 105 (1970).

"Manager" means the Federal program official who requests grant agreements, cooperative agreements, or contracts to be negotiated or who authorizes a DOE or agency project to begin.

"Notice of availability" means a notice published in the Commerce Business Daily advertising the availability of a formal solicitation document to be issued for the purpose of inviting and setting guidelines for submission of proposals for research and development grants, cooperative agreements, or contracts.

"Research and development" means activities constituting a project to create an advanced automobile propulsion system and does not mean activities involving technology transfer to mass production, evaluative testing, preliminary planning for a DOE or an agency project, or program administration and managment.

"Solicitation" means a formal, written request for proposals to perform research and development under a grant, cooperative agreement, or contract, typically including evaluation criteria and a statement of the work to be done.

§ 473.10 Required information from applicant.

In accordance with applicable procedures of § 473.11 any applicant for a grant, cooperative agreement, or contract under the Act to support research and development activities of an advanced automobile propulsion system shall—

(a) State whether the activities will initiate or continue research and development of an advanced automobile propulsion system;

(b) State, insofar as the applicant has information, whether and to what extent the activities to be supported are technically the same as activities conducted previously or to be conducted during the annual funding period by any person for research and development of a substantially similar advanced automobile propulsion system;

(c) Justify research and development activities on an advanced automobile propulsion system abandoned by any person because of a lack of mass production potential by presenting information showing a significant intervening technological advance, promising conceptual innovation, or other special consideration;

(d) Provide—

(1) An assurance that the amount of funds to be expended for research and development of advanced automobile propulsion systems during the initial annual funding period will exceed the amount of funds expended, if any, during the previous year for the same purpose by at least the amount of the grant, cooperative agreement, or contract being sought; and

(2) An assurance that the level of research and development effort on advanced automobile propulsion systems in the initial annual funding period will not be decreased in future annual funding periods.

(e) Provide to the extent possible—

(1) An assurance that the time period for completing research and development of the advanced automobile propulsion is likely to be shorter as a result of a grant, cooperative agreement, or contract; and

(2) The estimated delay, if any, which is likely to occur if the application for a grant, cooperative agreement, or contract is denied.

§ 473.11 Submission of applicant's information.

(a) An applicant submitting an unsolicited proposal to conduct research and development to be funded by a grant, cooperative agreement, or contract under the Act shall include the information required under § 473.10 in the unsolicited proposal document filed under the assistance or procurement regulations of the DOE or other Federal agency which funds the proposed research and development under the Act.

(b) In responding to a solicitation for a proposal to conduct research and development funded by a grant, cooperative agreement, or contract under the Act, the applicant shall include the information required under § 473.10 in the proposal.

(c) Information submitted under § 473.10 of these regulations shall be certified in writing as complete and accurate by the applicant, and if the applicant is not an individual, the chief executive officer of the applicant or his authorized designee shall sign the certification.

§§ 473.12–473.19 [Reserved]

§ 473.20 Public notice and opportunity to object.

(a) In compliance with paragraph (b) of this section and unless provisions of paragraph (c) of this section apply, the manager shall cause to be published in the Commerce Business Daily a statement describing the unsolicited proposal, solicitation, DOE project, or agency project, as appropriate, inviting any interested person to submit a written objection, with supporting information at an appropriate address on or before 30 days from the date of publication, if the person believes that the research and development to be performed does not comply with standards and criteria of § 473.30.

(b) Except as paragraph (c) of this section applies, the manager shall comply with the requirements of paragraph (a) of this section—

(1) Upon receipt of an unsolicited proposal from an applicant;

(2) In any notice of availability of a solicitation;

(3) Prior to beginning a DOE project; or

(4) Prior to beginning an agency project.

(c) Without publishing a notice under paragraph (a) of this section, the manager may reject an unsolicited proposal that does not comply with these regulations or any other generally applicable requirements.

§ 473.21 Supplemental information and rebuttal.

The manager may request additional information from an applicant or any interested person who files an objection under § 473.20.

§ 473.22 Initial review by manager.

(a) Upon expiration of the time for filing information under these regulations, the manager shall—

(1) Review the proposed research and development to be performed under grant, under cooperative agreement, under contract, as a DOE project, or as an agency project and any other pertinent information received under these regulations or otherwise available; and

(2) Initially determine whether the research and development reviewed under paragraph (a)(1) of this section complies with the standards and criteria of § 473.30.

(b) A manager who makes a negative determination under paragraph (a)(2) of this section shall inform the applicant and any interested person who objected of the decision in writing with a brief statement of supporting reasons.

(c) A manager who initially determines that research and development reviewed under this section complies with the standards and criteria of § 473.30 shall cause an interagency review panel to be convened under § 473.23.

§ 473.23 Interagency review panel.

(a) The interagency review panel shall consist of—

(1) A head designated by the Federal agency that employs the manager;

(2) A representative of the DOE if the manager is not an employee of the DOE; and

(3) A representative of any other Federal agency deemed appropriate by the Federal agency that employs the manager.

(b) The interagency review panel shall—

(1) Review the research and development to be performed and consider the information presented by the applicant, in the case of a grant, cooperative agreement, or contract, and by any interested person who filed a statement of objection;

(2) Make a recommendation with a supporting statement of findings to the manager as to whether the research and development to be performed complies with the standards and criteria of § 473.30; and

(3) Operate by majority vote with the head of the panel casting the decisive vote in the event of a tie.

§ 473.24 Final action and certification by manager.

(a) Upon consideration of the recommendation of the interagency review panel and other pertinent information, the manager—

(1) Shall determine whether the research and development to be performed complies with the standards and criteria of § 473.30;

(2) Shall obtain the concurrence of the DOE if the manager is not an employee of the DOE;

(3) Shall, in the event of a negative determination under this section, advise the applicant, in the case of a grant, cooperative agreement, or contract, and any interested person who filed a statement of objection; and

(4) Shall, in the event of an affirmative determination under this section, prepare a certification—

(i) Explaining the determination;

(ii) Discussing any allegedly related or comparable industrial research and development considered and deemed to be an inadequate basis for not certifying the grant or contract;

(iii) Discussing issues regarding cost sharing and patent rights related to the standards and criteria of § 473.30 of these regulations; and

(iv) Discussing any other relevant issue.

(b) After complying with paragraph (a) of this section, the manager shall sign the certification and distribute copies to the applicant, if any, and any interested person who filed a statement of objections—

(1) Immediately in the case of a DOE or agency project; and

(2) After the agreement has been negotiated in the case of a grant, cooperative agreement, or contract.

§ 473.25 Reviewability of certification.

Any certification issued under these rules is—

(a) Subject to disclosure under 5 U.S.C. 552 (1970) and section 17 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, 42 U.S.C. 5918 (1970);

(b) Subject neither to judicial review nor to the provisions of 5 U.S.C. 551–559 (1970), except as provided under paragraph (a) of this section; and

(c) Available to the Committee on Science and Technology of the House of Representatives and the Committee

on Energy and Natural Resources of the Senate.

§§ 473.26–473.29 [Reserved]

§ 473.30 Standards and criteria.

Research and development to be performed under a grant, under a cooperative agreement, under a contract, as a DOE project, or as an agency project under the Act may be certified under these regulations only if the research and development to be conducted—

(a) Supplements the automotive propulsion system research and development efforts of industry or any other private researcher;

(b) Is not duplicative of efforts previously abandoned by private researchers unless there has been an intervening technological advance, promising conceptual innovation, or justified by other special consideration;

(c) Would not be performed during the annual funding period but for the availability of the Federal funding being sought;

(d) Is likely to produce an advanced automobile propulsion system suitable for steps toward technology transfer to mass production in a shorter time period than would otherwise occur;

(e) Is not technologically the same as efforts by any person conducted previously or to be conducted during the annual funding period regarding a substantially similar advanced automobile propulsion system; and

(f) Is not likely to result in a decrease in the level of private resources expended on advanced automotive research and development by substituting Federal funds without justification.

[FR Doc. 78-33014 Filed 11-21-78; 8:45 am]